

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN  
GENERAL ORDER 312

DIRECTIVES FOR OPERATIONS IN THE ABSENCE OF APPROPRIATIONS FOR THE DISTRICT COURT AND BANKRUPTCY COURT FOR THE WESTERN DISTRICT OF WISCONSIN.

WHEREAS, (a) the federal judiciary is currently operating without an appropriation by using fees and no-year appropriations;

(b) the Administrative Office of the United States Courts estimates that those funds may expire on or about October 15, 2013, which will require the judiciary to operate under the terms of the Anti-Deficiency Act (31 U.S.C. §§ 1341, 1342) allowing essential work to continue during a lapse in appropriations;

(c) the Guide to Judiciary Policy, Volume 13, Chapter 2, § 220.30.10(c) states that each court shall determine the need for retention of personnel in order to perform the essential work of the judiciary;

(d) the Western District of Wisconsin is already operating with a reduced number of judicial officers, reduced number of staff in the Clerk's Offices and reduced number of staff in the U.S. Probation Office;

(e) all remaining staff are needed to maintain essential work of the judiciary, except for planned leave and other normally expected absences;

(f) the apparent, near-unanimous consensus of Congress and the President being to pay all furloughed staff in any event, resulting in no savings to the government *and* the loss of essential work by those employees furloughed; and

(g) the following order being consistent with other district courts within the Seventh Circuit;

Now, therefore, IT IS HEREBY ORDERED that:

1. This order shall take effect upon the exhaustion of all fees and no-year appropriations and be in effect until superseded by an appropriation, continuing resolution, statute or further order of this court.
2. The court has determined that the remaining District Judges, Magistrates Judges, Bankruptcy Judges, Clerk of the District Court, Clerk of the Bankruptcy Court, Chief of Probation and their staff are essential to the continued resolution of the cases before it.

3. Essential staff must report to work during the absence of the appropriation to ensure the activities necessary to support the exercise of the Article III judicial power, the emergency activities necessary for the safety of human life and protection of property, and the activities authorized by law, either expressly or by necessary implication.
4. All cases shall continue as scheduled unless otherwise notified.
5. All travel, except as approved by the Chief Judge of the District or of the Bankruptcy Court shall be avoided.
6. No new expenditures of funds shall be made without the written approval of the Clerk of the District or of the Bankruptcy Court after determining that funds are available.
7. No new personnel shall be hired without the written approval of the Chief Judge.
8. The General Services Administration and the United States Marshals Service shall maintain all functions necessary for the continued safe use of all courthouses in the Western District of Wisconsin.

Dated this 10th day of October, 2013.

BY THE COURT:

  
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Chief District Judge

  
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Chief Bankruptcy Judge