

**United States District Court**  
NORTHERN DISTRICT OF TEXAS

CHAMBERS OF  
**SIDNEY A. FITZWATER**  
CHIEF JUDGE

January 30, 2008

TO THE BAR OF THE NORTHERN DISTRICT OF TEXAS:

The court's Non-Appropriated Fund Committee has adopted a Portrait Policy, among the principal purposes of which are to preserve court history and honor the dedicated public service of its judges through a systematic plan for painting and displaying their portraits.<sup>1</sup> Since approximately 1981, there has been no organized effort to secure and display oil-on-canvas portraits of the district judges of this court. This is a substantial hiatus. Although portraits have occasionally been presented to a handful of our retiring judges, our court as a whole lags behind what other courts have accomplished.

As you may know, our court has a Non-Appropriated Fund that is "used for the joint benefit of the bench and bar in the administration of justice." Misc. Order No. 16 at 7. The Fund is composed of part of the fee charged each attorney who seeks admission to practice in this court, and interest earned on all such fees collected. The Fund does not receive any taxpayer dollars. It is maintained by the Clerk of Court as Custodian/Trustee, and is administered by an Advisory Committee that consists of three judges, two attorneys, and the Clerk of Court.<sup>2</sup> One of the approved uses of non-appropriated funds is for "establishment of a Judicial Portrait fund." Misc. Order No. 16 at 9. We have learned through our research that some courts use their non-appropriated funds to pay for publicly displayed judicial portraits.

Unfortunately, oil-on-canvas portraits — the kind that have the most historical value and are typically hung in federal courthouses — can be quite expensive. Some of the most talented artists who have experience painting judicial portraits now charge

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<sup>1</sup>A copy of the Policy can be found on our court website.

<sup>2</sup>You can find a copy of the Plan for administration of the Fund on our court website under Miscellaneous Order No. 16.

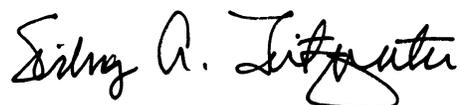
as much as \$30,000 or more, plus travel expenses. Despite the worthiness of this project, the Non-Appropriated Fund Committee is sensitive to the costs. We have therefore undertaken the necessary research to confirm that the expense guidelines we have approved are appropriate for a court of our location and size. Yet while we are sensitive to the costs of this project, we are equally convinced that, if it is done, it must be done right. This means that portraits should be painted by artists who have proven, relevant talent, and that substantial expenditures from the Non-Appropriated Fund will periodically be required.

Our Committee wants the bar to be informed about why we have adopted the Portrait Policy, why we think our approach is appropriate, and why we believe the expenses involved are justified. But we also want to take this opportunity to solicit your suggestions concerning ways that the Fund can accomplish all facets of its worthy purpose of "joint[ly] benefit[ing] . . . the bench and bar in the administration of justice." You can submit your ideas to Karen Mitchell, Clerk of Court, who serves as the Fund's Custodian/Trustee.

When you make your suggestions, we ask that you keep in mind that there are limits on the types of expenditures the Fund can make. "Non-Appropriated Funds may not be used to supplement appropriated funds or to pay for materials or services available from statutory appropriations." Misc. Order No. 16 at 7. This means that if Congress has appropriated funds for a particular purpose, the money in the Non-Appropriated Fund cannot be used for the same purpose. So, for example, we cannot use the Fund to pay for electronic courtrooms or public computer terminals. This restriction on expenditures is necessitated by the requirements of federal law, and, frankly, it severely restricts expenditures for many worthy projects. Nevertheless, the Plan lists several permissible uses. See *id.* at 7-9. And recently, the Non-Appropriated Fund Committee has approved use of non-appropriated funds for attorney CLE training, wireless Internet access services, billing software for attorneys who take appointments in criminal cases, and a court history project. The Committee will also make decisions in the near future about furnishing an attorney lounge/workroom that is near completion in the Fort Worth division. A lounge/workroom is also planned for the Dallas division. We know that the capable members of our bar are aware of other needs that should be given serious consideration.

If you have questions about the Non-Appropriated Fund — and especially about the new Portrait Policy — please do not hesitate to contact the Non-Appropriated Fund Committee by writing in care of Karen Mitchell. Because we encourage candid feedback, she will honor requests for confidentiality and will not disclose your identity to other committee members.

Respectfully,

A handwritten signature in black ink that reads "Sidney A. Fitzwater". The signature is written in a cursive style with a large, stylized initial 'S'.

Sidney A. Fitzwater  
Chief Judge