

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

IN RE:

Lapse of Appropriations on October 1, 2025

Misc. No.: 25-601

**ORDER**

Pursuant to Volume 13, Chapter 2, § 230.50 of the *Guide to Judiciary Policy*, this court adopts the Operations Plan Under a Lapse in Appropriations (Attachment 1) after the judiciary has exhausted funds from fees and no-year appropriations.

It is SO ORDERED.

Dated this 15th day of October, 2025.



---

George L. Russell III, Chief Judge  
United States District Court

# UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND



## OPERATIONS PLAN UNDER A LAPSE IN APPROPRIATIONS

OCTOBER 2025

## I. Purpose

This Plan describes the operations of the United States District Court for the District of Maryland in the event of a shutdown due to a lapse in appropriations. This Court is directly involved in the judicial process, and under the Constitution and laws of the United States, it is always open to exercise the judicial power of the United States. Thus, the Court must continue, even in the absence of funding by Congress, to receive new cases, and hear and dispose of pending cases. Activities will, however, be limited as nearly as practical to those functions necessary and essential to continue the resolution of pending cases.

## II. Authorities

Under the Anti-Deficiency Act, (31 U.S.C. § 1341, et seq.), in the event of a lapse in appropriations, the Judiciary is required to limit its activities only to recognized exceptions to that Act. Pursuant to the *Guide to Judiciary Policy*, the only obligations, including staff salary obligations, that may be incurred must fall generally into these categories:

- Activities necessary to support the exercise of the Article III judicial power, i.e., the resolution of cases in which there is a constitutional or statutory grant of jurisdiction;
- Emergency activities necessary for the safety of human life and the protection of property; and
- Activities otherwise authorized by law, either expressly or by necessary implication, including: (1) items guaranteed by the Constitution; (2) activities funded with available no-year appropriations; (3) entitlement programs; and (4) minimal activities needed for orderly shutdown of other official functions.

## III. Implementation

Once the Court is notified by the Administrative Office of the United States Courts that the Judiciary can no longer sustain paid operations,<sup>1</sup> the Chief Judge and Clerk shall initiate an orderly shutdown of non-excepted activities. This Plan will be evaluated on a weekly basis for the duration of any lapse in appropriations to ensure sufficient staff are excepted to perform all essential activities to support the exercise of Article III judicial power.

## IV. Travel

Staff and Judges may travel only to perform excepted activities (e.g., case-related travel). All travel must be approved by the Clerk of Court. Staff performing excepted activities may use government travel cards- centrally billed accounts as well as individually billed accounts if on official travel. Travel reimbursements will be delayed until Congress enacts legislation funding judiciary operations.

---

<sup>1</sup> The Administrative Office refers to this as Phase II.

## V. Contractual Services

The types of contractual services that would need to continue for the Court and the Clerk's Office to perform excepted activities includes, but is not limited to, contracting for court reporter services, contracting for court interpreters, and IT Contract Services to maintain operations. Performance under any funded contract supporting excepted activities, as well as those supporting non-excepted activities, may continue during a lapse in appropriations. New contracts options must be deferred unless they are required to perform an excepted activity, and then only to the minimum extent necessary to perform that excepted activity.

## VI. Salary and Leave

Employees will not receive regular salary payments. Once Congress enacts an appropriation ending the appropriations lapse, all employees will be paid for all hours worked at the earliest date possible. See: 31 U.S.C. § 1341(c)(2).

As the Clerk's Office is currently operating at a reduced level of onboard staff below 90%, it will likely not be possible to complete and support excepted activities without all staff. Nevertheless, to the extent that any team is not supporting excepted activities, periodic furloughs will be identified and implemented by position type and duties, rather than by identifying individual employees for long term furloughs. During a workday that an employee who is not situationally furloughed, employees who are unable to perform their duties may request to be furloughed *only* by explicit permission of the Clerk of Court. Should a staff member who performs excepted duties choose not to be on the list of employees who are situationally furloughed, that staff member may opt to use sick leave on a day when they are not able to perform their excepted functions due to illness.

Furloughed employees (i.e., not performing excepted activities) are not permitted to work or volunteer to perform non-excepted activities for the judiciary during the Phase 2 shutdown.

## VII. Petit and Grand Jurors

The Administrative Office has advised that despite the *Guide to Judiciary Policy* Vol 13, Ch.2 § 230.50.40(d)(1)(A)(i)-(iii)(Certification and Dist Disbursement of JIFMS Payments)), directing that juror payments will not be made until Congress enacts legislation funding judiciary operations, the judiciary has identified "no year funds" and will make jury payments during Phase II.

## VIII. Chambers Staff

Chambers staff, including judicial assistants and term and career law clerks for all district and magistrate judges, perform activities directly in support of the exercise of Article III judicial power. Accordingly, each judge shall determine the extent to which chambers staff should be excepted from furlough. The work of all excepted chambers staff shall be limited to those essential functions directly in support of Article III judicial power. During the lapse of funding, chambers interns will not be onboarded. It is within the discretion of each individual judge whether the interns are performing excepted work and should remain actively working in chambers.

## IX. Clerk's Office

Although most activities performed by employees of the Clerk's Office are essential in supporting the exercise of Article III judicial power, staffing will be reduced during the lapse in appropriations to a level required only to perform case-related functions. Activities such as archiving, training, and some clerical duties will be suspended.

### A. Executive Team

The executive team consists of the Clerk of Court, the Chief Deputy, Clerk's Executive Assistant, and Attorney Advisor. The excepted activities performed by the executive team include, but are not limited to: administration and supervision of excepted staff; preparation of court orders; communication and coordination with other court agencies in furtherance of the court operations; and authorizing emergency purchases or valid excepted payments.

### B. Administration

The administration section of the Clerk's Office includes Finance, Procurement, Information Technology, Human Resources, and Space and Facilities.

#### 1. Finance

The Finance Department performs several excepted activities essential to supporting the exercise of Article III judicial power, including: maintaining and disbursing funds from the Court's registry pursuant to court order; collecting restitution payments; making routine bank deposits; processing and receiving court fees (filing fees, pro hac vice fees, etc.); issuing case-related payments and disbarments; and conducting monthly financial reporting, as required by AO guidance. Payments not qualifying as excepted activity include payments to CJA panel attorneys, CJA-related providers, grand and petit jurors for attendance fees and travel-related allowances, contract court reporters and interpreters, commercial vendors for goods and services procured, unclaimed funds payees, judiciary personnel for travel-related or miscellaneous reimbursements, and attorney admissions fund commercial accounts.

## 2. Procurement

The Procurement Department performs several excepted activities essential to supporting the exercise of Article III power, including: serving as vault custodians; reconciling receipting at the end of each day; recording obligations incurred for interpreters and jury-related matters; performing credit card purchasing in support of excepted functions; and maintenance of postage meters for issuing case-related mail.

## 3. Information Technology

The Information Technology Department performs several excepted activities essential to supporting the exercise of Article III power, including, but not limited to: providing courtroom IT support; providing help-desk support for excepted employees performing excepted activities; emergency support for website and COOP activities; NSS support; support for excepted court software applications necessary to support Article III power (Outlook, CM/ECF, eVoucher, JIFMS, HRMIS, Pay.gov, etc.); breakdown and setup of courtrooms for excepted activities; and mobile support for excepted employees performing excepted activities (telework, travel support, device support, etc.).

## 4. Human Resources

The Human Resources Department performs several excepted activities essential to supporting the exercise of Article III power, including, but not limited to: recruiting and hiring for vacant excepted positions performing excepted duties; placing employees on and off of furlough status; and maintaining time and attendance records for furloughed and excepted staff.

## 5. Space and Facilities and Administrative Support

The Space and Facilities and Administrative Support departments perform several essential activities required to support the exercise of Article III power. These excepted activities include, but are not limited to: COOP (Continuity of Operations Plan) activities to include public, media, and staff telephonic notifications in the event of hazardous weather closings or delays; monitoring and assigning parking at facilities for excepted employees; and responding to emergency facility needs impacting excepted activities. Current and ongoing major construction projects that have already been funded may continue. New RWAs and modifications to RWAs may only be issued for work necessary to perform excepted activities, including RWAs for overtime utilities. The amount obligated on an RWA or modification must be limited to amounts necessary to perform the minimal level of work for an excepted activity.

## C. Operations

The operations section of the Clerk's Office includes Case Administration, Courtroom Services, Jury, and Attorney Services. These job functions include maintaining accurate and timely court dockets, providing support to judges in court, electronically recording proceedings, assembling jurors, processing warrants, hiring interpreters, preparing judgments and orders, and providing required statistical data.

### 1. Case Administration

The Case Administration Department provides critical support to the exercise of Article III judicial power. The excepted duties and activities of this section include, but are not limited to: maintain accurate and timely court dockets; docketing and distributing court orders; receiving, scanning, and docketing all paper filings; providing required statistical data; mail processing, maintaining internal controls, and providing front-counter support to attorneys and members of the public.

### 2. Courtroom Services

The Courtroom Services Department performs several duties necessary to support the exercise of Article III power, including, but not limited to: providing support and assistance to judges in court proceedings; electronically recording judicial proceedings when a court reporter is not present; processing warrant applications; hiring interpreters for court proceedings; and preparing judgments and orders.

### 3. Jury

The duties and activities performed by the Jury Department necessary to the exercise of Article III judicial power include, but are not limited to: identifying, screening, and assembling jurors for court proceedings; recording payment obligations to jurors; and facilitating emergency expenses for jurors.

### 4. Attorney Services

The duties and activities performed by Attorney Services Department essential to the exercise of Article III judicial power include, but are not limited to: processing bar admission applications; processing pro hac vice admission applications; providing technical support for attorneys electronically filing documents; and procuring court-appointed attorneys for representation.

## X. Court Reporters

The Court currently maintains nine court reporters on staff. Court reporters are critical to the exercise of Article III judicial power by maintaining an accurate record of court proceedings.

## XI. CJA Activities

The CJA department includes the CJA Coordinating Attorney and the CJA Technician. Excepted CJA staff activities and judicial activities include appointing CJA panel attorneys as authorized by 18 U.S.C. § 3006A for eligible persons, authorizing expert and other services, as appropriate. The Court will continue to accept CJA vouchers submitted by panel attorneys, experts, service providers, and court reporters, including those for any other eligible CJA expenses. CJA vouchers will not be processed for disbursement during the lapse in appropriations. Once funding is available, the submitted vouchers will be reviewed by the court and approved as appropriate for payment consistent with procedures. CJA vouchers will not be reduced based on the status of the judiciary's appropriations or because of a shutdown. The Federal Defender Program staff and CJA court-appointed counsel will continue to provide defense services during a shutdown as needed. Functions that are not related to excepted activities may not be performed.

## XII. Staff Attorneys

The staff attorney office primarily performs activities directly in support of the exercise of Article III judicial power. As such, the Chief Judge shall determine to extent to which each member of the staff attorney office shall be excepted from furlough.