

FILE NO. C1-81-1206  
STATE OF MINNESOTA  
IN SUPREME COURT

OFFICE OF  
APPELLATE COURTS

FEB 12 1996

**FILED**

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In Re Petition of the Lawyers  
Professional Responsibility  
Board for Amendment of Rules  
Relating to Registration of  
Attorneys.  
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**PETITION**

TO: THE SUPREME COURT OF THE STATE OF MINNESOTA:

The Lawyers Professional Responsibility Board hereby petitions the Court to adopt, effective with payments due on and after July 1, 1996, the following amendments to Rule 2, Rules for Registration of Attorneys:

**RULE 2. REGISTRATION FEE**

In order to defray the expenses of examinations and investigation for admission to the bar and disciplinary proceedings, over and above the amount paid by applicants for such admission, with exception hereinafter enumerated, each attorney admitted to practice law in this state and those members of the judiciary who are required to be admitted to practice as a prerequisite to holding office shall hereinafter annually pay to the clerk of the appellate courts a registration fee in the sum of ~~One Hundred Forty-two Dollars (\$142.00)~~ One Hundred Sixty-two Dollars (\$162.00) or in such lesser sum as the court may annually hereinafter determine.

Such fee, or portion thereof, shall be paid on or before the first day of January, April, July, or October of each year as requested by the clerk of the appellate courts.

All sums so received shall be allocated as follows:

\$15.00 to the State Board of Law Examiners

\$7.00 to the State Board of Continuing Legal Education

~~\$100.00~~ \$120.00 to the Lawyers Professional Responsibility Board

\$20.00 to the Minnesota Client Security Fund.

The following attorneys and judges shall pay annual registration fee of ~~Forty-two Dollars (\$42.00)~~ Forty-six Dollars (\$46.00):

(a) Any attorney or judge whose permanent residence is outside the State of Minnesota and who does not practice law within the state;

(b) Any attorney who has not been admitted to practice for more than three years;

(c) Any attorney while on duty in the armed forces of the United States.

The ~~Forty-two Dollars (\$42.00)~~ Forty-six Dollars (\$46.00) so received shall be allocated as follows:

\$15.00 to the State Board of Law Examiners

\$7.00 to the State Board of Continuing Legal Education

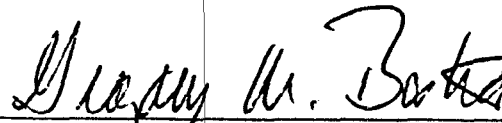
~~\$20.00~~ \$24.00 to the Lawyers Professional Responsibility Board.

Any attorney who is retired from any gainful employment or permanently disabled, or who files annually with the clerk of the appellate courts an affidavit that he or she is so retired or disabled and not engaged in the practice of law, shall be placed in a fee-exempt category and shall remain in good standing. An attorney claiming retired or permanently disabled status who subsequently resumes active practice of law shall promptly file notice of such change of status with the clerk of the appellate courts and pay the annual registration fee.

Any judge who is retired from any gainful employment or permanently disabled, who no longer serves on the bench or practices law, and who files annually with the clerk of the appellate courts that he

or she is so retired or disabled and no engaged in the practice of law, shall be placed in a fee-exempt category and shall remain in good standing. A judge claiming retired or permanently disabled status who subsequently resumes service on the bench or the active practice of law shall promptly file notice of such change of status with the clerk of the appellate courts and pay the annual registration fee.

Dated: February 12, 1996.



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GREGORY M. BISTRAM, CHAIR  
LAWYERS PROFESSIONAL  
RESPONSIBILITY BOARD  
Attorney No. 8503  
25 Constitution Avenue, Suite 105  
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STATE OF MINNESOTA  
IN SUPREME COURT  
FILE NO. C5-84-2139

OFFICE OF  
APPELLATE COURTS

MAR 15 1996

**FILED**

PETITION

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In Re Petition of the Board of  
Law Examiners for Amendment  
of Rules Relating to Registration  
of Attorneys

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TO: THE SUPREME COURT OF THE STATE OF MINNESOTA:

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Such fee, or portion thereof, shall be paid on or before the first day of January, April, July, or October of each year as requested by the clerk of the appellate courts.

All sums so received shall be allocated as follows:

~~\$15.00~~ \$25.00 to the State Board of Law Examiners

\$7.00 to the State Board of Continuing Legal Education

\$100.00 to the Lawyers Professional Responsibility Board

\$20 to the Minnesota Client Security Fund.

The following attorneys and judges shall pay annual registration fee of ~~Forty-two Dollars (\$42.00)~~ Fifty-two Dollars (\$52.00):

(a) Any attorney or judge whose permanent residence is outside the State of Minnesota and who does not practice law within the state;

(b) Any attorney who has not been admitted to practice for more than three years;

(c) Any attorney while on duty in the armed forces of the United States.

The ~~Forty-two Dollars (\$42.00)~~ Fifty-two Dollars (\$52.00) so received shall be allocated as follows:

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\$7.00 to the State Board of Continuing Legal Education

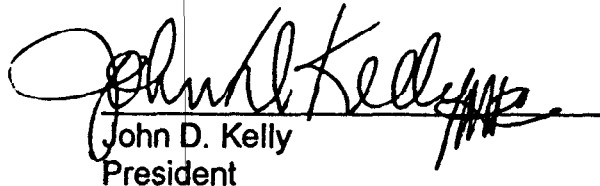
\$20.00 to the Lawyers Professional Responsibility Board

Any attorney who is retired from any gainful employment or permanently disabled, or who files annually with the clerk of the appellate courts an affidavit that he or she is so retired or disabled and not engaged in the practice of law, shall be placed in a fee-exempt category and shall remain in good standing. An attorney claiming retired or permanently disabled status who subsequently resumes active practice of the law shall promptly file notice of such change of status with the clerk of the appellate courts and pay the annual registration fee.

Any judge who is retired from any gainful employment or permanently disabled, who no longer serves on the bench or practices law, and who files

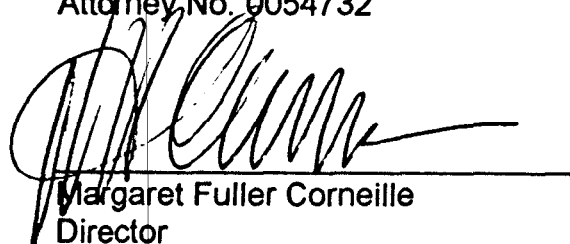
annually with the clerk of the appellate courts that he or she is so retired or disabled and not engaged in the practice of law, shall be placed in a fee-exempt category and shall remain in good standing. A judge claiming retired or permanently disabled status who subsequently resumes service on the bench or the active practice of law shall promptly file notice of such change of status with the clerk of appellate courts and pay the annual registration fee.

Dated: March 14 1996.



John D. Kelly  
President

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STATE OF MINNESOTA

IN SUPREME COURT

FILE NO. C5-84-2139

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In Re Petition of the Board of  
Law Examiners for Amendment  
to Rules Relating to Registration  
of Attorneys

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**STATEMENT IN SUPPORT  
OF PETITION OF STATE  
BOARD OF LAW EXAMINERS**

INTRODUCTION

The Minnesota Board of Law Examiners petitions the Minnesota Supreme Court to increase that portion of the Attorney Registration Fee allocated to the Board of Law Examiners, from \$15.00 to \$25.00 per attorney.

Prior to 1962, Bar application fees funded the costs of operating the Board's office. In 1962, the Attorney Registration Fee was instituted and \$7.00 of that fee was allocated to the Board of Law Examiners. Increases in bar application fees were made periodically from the 1960's through the 1980's to offset increases in the Board's operating costs. In 1987, the Bar Examiners' portion of the Attorney Registration Fee was increased from \$7 to \$15 per attorney. This increase was expected to be adequate until at least FY90.

In 1988, the Board adopted a policy providing that in the future, increases in revenue would be sought alternately by increasing the Bar application fee and

then by requesting increases in the Attorney Registration Fee. In 1990, the application fees paid by recent law school graduates and out-of-state attorneys were raised by \$100. This increase afforded the Board adequate income until this time.

### BOARD FUNCTIONS

The Minnesota Board of Law Examiners performs two functions: the administration and grading of the Minnesota State Bar Examination and the investigation of Bar applicants in order to certify their good character and fitness for admission. The number of applicants to the Bar has not increased significantly over the past ten years. For example, in 1987 a total of 985 applicants to the bar were tested or admitted on motion; in 1995 the total number tested and admitted on motion was 1,142. However, the board's cost of administration has increased steadily because of inflationary increases in staff salaries, increased costs of exam administration, an increase in the cost of investigating and determining the greater number of character and fitness issues presented by applicants and increased costs associated with special testing accommodations for disabled applicants.

### STAFFING

The Board of Law Examiners shares staff, quarters and resources with two other Boards of the Supreme Court -- the Board of Continuing Legal Education (CLE) and the Board of Legal Certification (BLC). Eleven full-time staff positions are funded by the three Boards. One of these staff positions is entirely dedicated to the CLE Board. Five of these positions are entirely dedicated to the Board of Law Examiners. Five of the positions are divided between two or three of the Boards. An additional half-time clerical staff position was created in 1995 to assist with the workload. No other new staff positions will be created with



additional revenues sought from this fee increase. Neither the CLE Board nor the Legal Certification Board anticipates asking for an increase in revenue from the Attorney Registration Fee.

The Director's salary and the salaries of several other staff persons are apportioned among these three Boards. Expenses directly attributable to the Board of Law Examiners activities are charged to the Board. Expenses which cannot be directly attributed to any one Board are allocated among the Boards according to the following formula which roughly reflects the proportion of personnel devoted to each Board:

Board of Law Examiners	75%
Board of Continuing Legal Education	20%
Board of Legal Certification	5%

### EXPENSES

Attached as "A" is a summary of the Board of Law Examiners' actual and projected expenditures by expense category for the period FY94 through FY98. Staff salaries are the largest single expenditure category, increasing each year through merit and cost-of-living raises and increases in employee benefits. The footnote at this item contains the percentage of salaries allocated to the Board of Law Examiners.

An increase in the cost of the line item "rents and leases" from \$53,163 in 1994 to \$106,261 in 1996 is another factor in the need for additional revenue. Increases are due to the Board's move to the Judicial Center in November of 1994, as well as increases in the cost of leasing the bar exam site. Although occupying space in the Judicial Center is more costly in the short run, the Board

expects a number of benefits to flow from being in the Judicial Center. Cost savings will result from having access to large capacity copying and mailing equipment in the Judicial Center, having access to hearing rooms and rooms for special testing accommodations, being linked to the Judicial Center's local area network, and having accessibility to the accounting and personnel staff who support the Board's administrative functions.

A new expense in the Board's budget is an assessment for state indirect costs levied by the State Department of Finance. A charge of \$12,866 has been added to the projected expenditures for FY96. This charge is expected to increase by 8% annually through FY98 and by an unknown amount thereafter. Although legislation has been introduced in the State legislature exempting the Board from these charges, the expense is budgeted in the event that the legislation is not passed.

#### INCOME

Attached as "B" is an expense and revenue summary based upon receipts from bar application fees as well as from the current \$15 Board of Law Examiners' portion of the Attorney Registration Fee.

These income projections are based on the Board's expectation that between 1,100 and 1,200 applications for admission will be received in coming years as they have been in the past. Approximately 85% of the Board's applications come from recent law school graduates who are charged \$300. The balance of application income is derived from attorneys admitted in other jurisdictions who seek admission in Minnesota. This group is charged \$625 for the application. Income from attorney registration fees is projected to increase based upon a net increase of 500 Minnesota attorneys per year. This has been the rate of

increase for the past eight to ten years. These numbers are expected to continue at this rate.

At current spending levels, the Board will have a carry forward balance at the end of FY97 which represents approximately 57% of FY98's anticipated expenses. Although this amount may appear to be adequate, it is not because most of the Board of Law Examiners' application revenues are received in the fourth quarter of every fiscal year due to the filing deadlines for the July Bar. As a result, in order to support cash flow needs earlier in the fiscal year, a year-end balance totaling approximately 75% of the next year's budgeted expenses must be carried forward each year. At current expense levels, the Board will experience a budget deficit by the year 2000.

Attached as "C" is a chart showing revenue and expenses based upon an assumption that the requested \$10 increase in the Attorney Registration Fee is granted effective July 1, 1996. The added revenue will create a 79% carry forward balance at the end of FY97, and such balances will continue to be adequate through the end of FY00. If additional revenue is needed at that time the Board again will consider increasing the application fees.

### CONCLUSION

An increase of \$10 in the annual Attorney Registration Fee is needed effective July 1, 1996 in order to maintain the present level of services provided by the Board of Law Examiners. Increased costs due to inflation, increased rental charges, increased costs of providing special testing accommodations, and the increased costs associated with the broader scope of the character and fitness investigation are all factors which require the Board to seek this increase at this time.

For these reasons, the Board of Law Examiners respectfully requests that the Minnesota Supreme Court grant its Petition for amendment to the Rules for Registration of Attorneys as described in the Board's Petition.

Dated: March 14, 1996.

Respectfully submitted



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President

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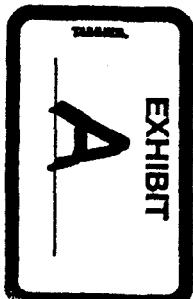
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**STATE OF MINNESOTA - BOARD OF LAW EXAMINERS**

**EXPENDITURES FY94 THROUGH FY98**

		FY94 ACTUALS	FY95 ACTUALS	FY96 ESTIMATED	FY97 PROPOSED	FY98 PROPOSED
1.	Total Salaries and Employee Benefits	\$341,538	\$339,398	399,019 <sup>1</sup>	411,971	441,344
2.	Rents/Leases	53,163	79,956	106,297 <sup>2</sup>	114,801	123,985
3.	Repairs/Maintenance & Miscellaneous	7,617	3,419	5,114 <sup>4</sup>	4,714	5,039
4.	Printing/Binding	25,966	23,577	26,000 <sup>5</sup>	27,040	28,122
5.	Professional/Technical Services	145,759	177,507	179,708 <sup>3</sup>	194,084	209,611
6.	Data Processing/Computer System	4,894	2,486	14,000 <sup>6</sup>	2,585	2,689
7.	Purchased Services	30,904	33,081	34,404 <sup>5</sup>	35,780	37,212
8.	Communications	14,416	14,960	16,157 <sup>4</sup>	17,449	18,845
9.	Travel In-State	1,820	2,949	3,050	3,172	3,299
10.	Fees/Other Fixed Charges	1,479	2,544	2,646 <sup>5</sup>	2,752	2,862
11.	Supplies/Materials	13,766	24,868	19,519 <sup>7</sup>	17,180	17,867
12.	Capital Equipment	3,001	8,941	6,101 <sup>7</sup>	3,246	3,376
13.	Refunds	10,070	7,825	10,500	10,500	10,500
14.	Attorney Registration Fee-Office Related charges	15,680	16,679	17,680 <sup>8</sup>	18,741	19,865
15.	State Overhead Charges			12,866	13,895	15,007
16.	<b>GRAND TOTAL</b>	<b>\$670,073</b>	<b>\$738,190</b>	<b>\$853,061</b>	<b>\$877,911</b>	<b>\$939,620</b>



- <sup>1</sup> Portions of certain salaries are allocated to the Board of Law Examiners as follows: 75% Director; 70% Administrative Assistant; 90% Receptionist; 5% CLE Assistant; and 50% Office Assistant. Increases in this line item are in part due to the exam proctor charges now being reflected as salaries which were reported previously as Professional/Technical Services. Also, the Office Assistant position was added in FY96, with 50% of salary associated costs being charged to the Board of Law Examiners.
- <sup>2</sup> Although an increase of only 1.7% in FY97 is projected per Real Estate Management, rental costs increased 100% between 1994 and 1996. Increases of 8% are anticipated thereafter.
- <sup>3</sup> Salaries for bar exam Proctors were reported as Professional/Technical Services prior to FY96 and will now be reported as salaries
- <sup>4</sup> Repairs & Maintenance and Communications, include an expected 8% increase
- <sup>5</sup> Printing & Binding, Purchased Services, and Fees and Other Fixed Charges include an expected 4% increase
- <sup>6</sup> Data Processing and Computer Systems dollars include an anticipated one-time expenditure of approximately \$7,000 for revisions to BLE computer system and the cost of new computer software
- <sup>7</sup> Supplies and Materials and Capital Equipment costs in FY95 were higher due to move-related expenses.
- <sup>8</sup> This item includes the Board's portion of expenses associated with the operation of the Attorney Registration office. These costs are anticipated to increase by 6%.

**BOARD OF LAW EXAMINERS  
REVENUE AND EXPENSE SUMMARY  
BASED ON CURRENT ATTORNEY REGISTRATION FEES OF \$15.00**

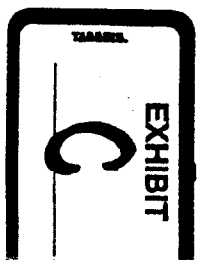
	1997	1998	1999	2000	2001	2002	2003
Anticipated Number of Attorneys	20,659	21,159	21,659	22,159	22,659	23,159	23,659
Estimated Balance Forward	632,977	532,137	377,988	165,347	-111,425	-466,120	-905,645
<u>Anticipated Income</u>							
Attorney Registration Fees - \$15	309,885	317,385	324,885	332,385	339,885	347,385	354,885
Late Fees & Fines	37,186	38,086	38,986	39,886	40,786	41,686	42,586
<u>Other Income - Application Fees</u>	430,000	430,000	430,000	430,000	430,000	430,000	430,000
<u>Total Anticipated Income</u>	777,071	785,471	793,871	802,271	810,671	819,071	827,471
<u>Total Available Funds</u>	1,410,048	1,317,608	1,171,859	967,618	699,246	352,951	-78,174
<u>Total Anticipated Expenditures</u>	877,911	939,620	1,006,512	1,079,043	1,165,366	1,258,596	1,359,283
<u>Estimated Balance Out</u>	532,137	377,988	165,347	-111,425	-466,120	-905,645	-1,437,458
<u>% of Anticipated Expenditures for Next FY</u>	57%	38%	15%	-10%	-37%	-67%	



1. BECAUSE APPLICATION REVENUES ARE RECEIVED IN THE FOURTH QUARTER, APPROXIMATELY 75% OF INCOME IS NEEDED TO CARRYOVER INTO THE NEXT FISCAL YEAR.

**BOARD OF LAW EXAMINERS  
REVENUE AND EXPENSE SUMMARY  
BASED ON ATTORNEY REGISTRATION FEES OF \$25.00  
(An Increase of \$10.00)**

	1997	1998	1999	2000	2001	2002	2003
Anticipated Number of Attorneys	20,659	21,159	21,659	22,159	22,659	23,159	23,659
Estimated Balance Forward	632,977	738,727	796,168	800,117	744,935	616,830	408,895
<u>Anticipated Income</u>							
Attorney Registration Fees - \$25	516,475	528,975	541,475	553,975	566,475	578,975	591,475
Late Fees & Fines	37,186	38,086	38,986	39,886	40,786	41,686	42,586
<u>Other Income - Application Fees</u>	430,000	430,000	430,000	430,000	430,000	430,000	430,000
<u>Total Anticipated Income</u>	983,661	997,061	1,010,461	1,023,861	1,037,261	1,050,661	1,064,061
<u>Total Available Funds</u>	1,616,638	1,735,788	1,806,629	1,823,978	1,782,196	1,667,491	1,472,956
<u>Total Anticipated Expenditures</u>	877,911	939,620	1,006,512	1,079,043	1,165,366	1,258,596	1,359,283
<u>Estimated Balance Out</u>	738,727	796,168	800,117	744,935	616,830	408,895	113,672
<u>% of Anticipated Expenditures for Next FY</u>	79%	79%	74%	64%	49%	30%	



BECAUSE APPLICATION REVENUES ARE RECEIVED IN THE FOURTH QUARTER, APPROXIMATELY 75% OF INCOME IS NEEDED TO CARRYOVER INTO THE NEXT FISCAL YEAR.



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In Re Amendment of the Rules on  
Lawyers Professional Responsibility.  
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**PETITION OF THE LAWYERS  
PROFESSIONAL RESPONSIBILITY  
BOARD TO AMEND THE RULES ON  
LAWYERS PROFESSIONAL  
RESPONSIBILITY**

Petitioner, Lawyers Professional Responsibility Board (LPRB), respectfully petitions this Honorable Court to amend the Rules on Lawyers Professional Responsibility by: (1) increasing the costs imposed pursuant to Rule 24(a) from \$750 to \$900; and (2) adding a new Rule 30. In support of this petition, the LPRB would show the following:

1. Petitioner LPRB is a Board appointed by this Court to oversee the lawyer discipline system.
2. This Honorable Court has the exclusive and inherent power and duty to administer justice and to adopt rules of practice and procedure before the courts of this state and to establish standards for regulating the legal profession. This power has been expressly recognized by the Legislature. *See* Minn. Stat. § 480.05 (1992).
3. This Honorable Court has adopted the Rules on Lawyers Professional Responsibility for the administration of the system for professional responsibility in Minnesota.

Rule 24: Costs and Disbursements

5. At its March 1995 meeting the LPRB, directed its Rules Committee to consider whether an increase in Rule 24, RLPR, costs was warranted. Rule 24 costs were last increased July 1, 1987, from \$500 to \$750.

6. Over the past nine years, collection of costs and disbursements pursuant to Rule 24 has constituted one to three percent of the budget of the Office of the Director of Lawyers Professional Responsibility.

7. At its September 1995 meeting the LPRB determined that an increase in Rule 24 costs was necessary and appropriate. The \$150 proposed increase represents a twenty percent increase which is the same percentage increase being requested for the discipline system through increased attorney registration fees. A petition for a \$20 increase in attorney registration fees is being filed simultaneously with this petition.

8. The LPRB respectfully recommends and requests this Court to amend Rule 24(a), Rules on Lawyers Professional Responsibility, as follows:

(a) Costs. Unless this Court orders otherwise or specifies a higher amount, the prevailing party in any disciplinary proceeding decided by this Court shall recover costs in the amount of ~~\$750.~~ \$900.

Rule 30: Administrative Suspension

9. In January 1995 the LPRB began considering the appropriate response to reports from county support agencies pursuant to Minn. Stat. § 518.551(12)(b) (amended August 1, 1994) that attorneys were in arrears in payment of child support or maintenance. Prior to August 1, 1994, the statute only authorized reports to the LPRB by the courts.

10. During the 1995 legislative session the Legislature amended Minn. Stat. § 518.551(12) to provide for substantial due process before county support agencies made a report of support defalcation to the LPRB. A copy of the statutory provisions are attached as Exhibit 1.

11. At its March and June 1995 meetings, the LPRB considered possible rule changes to address these reports through the imposition of professional discipline under the Minnesota Rules of Professional Conduct. The LPRB directed its Rules Committee to draft a proposed rule which would be fair and efficient and would hold

attorneys accountable for payment of support to at least the same degree as other licensees.

12. In September 1995 the LPRB considered the rule proposed herein and respectfully recommends and requests this Court to amend the Rules on Lawyers Professional Responsibility to add a new Rule 30 as follows:

Rule 30, Rules on Lawyers Professional Responsibility

(a) Upon receipt of a district court order or a report from an Administrative Law Judge or public authority pursuant to Minn. Stat. § 518.551(12) finding that a licensed Minnesota attorney is in arrears in payment of maintenance or child support and has not entered into or is not in compliance with an approved payment agreement for such support, the Director's Office shall serve and file with the Supreme Court a motion requesting the administrative suspension of the attorney until such time as the attorney has paid the arrearages or entered into or is in compliance with an approved payment plan. The Court shall suspend the lawyer or take such action as it deems appropriate.

(b) Any attorney administratively suspended under this rule shall not practice law or hold himself or herself out as authorized to practice law until reinstated pursuant to paragraph (c). The attorney shall, within 10 days of receipt of an order of administrative suspension, send written notice of the suspension to all clients, adverse counsel and courts before whom matters are pending and shall file an affidavit of compliance with this provision with the Director's Office.

(c) An attorney administratively suspended under this rule may be reinstated by filing an affidavit with supporting documentation averring that he or she is no longer in arrears in payment of maintenance or child support or that he or she has entered into and is in compliance with an approved payment agreement for payment of such support. Within 15 days of the filing of such an affidavit the Director's Office shall verify the accuracy of the attorney's affidavit and file a proposed order for reinstatement of the attorney requesting an expedited disposition.

(d) Nothing in this rule precludes disciplinary proceedings, if the attorney's conduct also violates the Minnesota Rules of Professional Conduct.

Based upon the foregoing, the Lawyers Professional Responsibility Board respectfully requests this Honorable Court to implement the rules proposed in paragraphs 8 and 12 above.

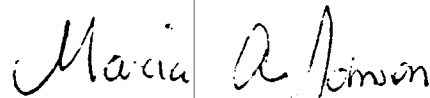
Dated: February 12, 1996.



GREGORY M. BISTRAM, CHAIR  
LAWYERS PROFESSIONAL  
RESPONSIBILITY BOARD

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and



MARCIA A. JOHNSON  
DIRECTOR OF THE OFFICE OF LAWYERS  
PROFESSIONAL RESPONSIBILITY  
Attorney No. 182333

Subd. 12. Occupational license suspension. (a) Upon motion of an obligee, if the court finds that the obligor is or may be licensed by a licensing board listed in section 214.01 or other state agency or board that issues an occupational license and the obligor is in arrears in court-ordered child support or maintenance payments or both in an amount equal to or greater than three times the obligor's total monthly support and maintenance payments and is not in compliance with a written payment agreement regarding both current support and arrearages approved by the court, an administrative law judge, or the public authority, the administrative law judge, or the court shall direct the licensing board or other licensing agency to suspend the license under section 214.101. The court's order must be stayed for 90 days in order to allow the obligor to execute a written payment agreement regarding both current support and arrearages. The payment agreement must be approved by either the court or the public authority responsible for child support enforcement. If the obligor has not executed or is not in compliance with a written payment agreement regarding both current support and arrearages after the 90 days expires, the court's order becomes effective. If the obligor is a licensed attorney, the court shall report the matter to the lawyers professional responsibility board for appropriate action in accordance with the rules of professional conduct. The remedy under this subdivision is in addition to any other enforcement remedy available to the court.

(b) If a public authority responsible for child support enforcement finds that the obligor is or may be licensed by a licensing board listed in section 214.01 or other state agency or board that issues an occupational license and the obligor is in arrears in court-ordered child support or maintenance payments or both in an amount equal to or greater than three times the obligor's total monthly support and maintenance payments and is not in compliance with a written payment agreement regarding both current support and arrearages approved by the court, an administrative law judge, or the public authority, the court, an administrative law judge, or the public authority shall direct the licensing board or other licensing agency to suspend the license under section 214.101. If the obligor is a licensed attorney, the public authority may report the matter to the lawyers professional responsibility board for appropriate action in accordance with the rules of professional conduct. The remedy under this subdivision is in addition to any other enforcement remedy available to the public authority.

(c) At least 90 days before notifying a licensing authority or the lawyers professional responsibility board under paragraph (b), the public authority shall mail a written notice to the license holder addressed to the license holder's last known address that the public authority intends to seek license suspension under this subdivision and that the license holder must request a hearing within 30 days in order to contest the suspension. If the license holder makes a written request for a hearing within 30 days of the date of the notice, either a court hearing or a contested administrative proceeding must be held under section 518.5511, subdivision 4. Notwithstanding any law to the contrary, the license holder must be served with 14 days' notice in writing specifying the time and place of the hearing and the allegations against the license holder. The notice may be served personally or by mail. If the public authority does not receive a request for a hearing within 30 days of the date of the notice, and the obligor does not execute a written payment agreement regarding both current support and arrearages approved by the court, an administrative law judge or the public authority within 90 days of the date of the notice, the public authority shall direct the licensing board or other licensing agency to suspend the obligor's license under paragraph (b), or shall report the matter to the lawyers professional responsibility board.

(d) The administrative law judge, on behalf of the public authority, or the court shall notify the lawyers professional responsibility board for appropriate action in accordance with the rules of professional responsibility conduct or order the licensing board or licensing agency to suspend the license if the judge finds that:

- (1) the person is licensed by a licensing board or other state agency that issues an occupational license;
- (2) the person has not made full payment of arrearages found to be due by the public authority; and
- (3) the person has not executed or is not in compliance with a payment plan approved by the court, an administrative law judge, or the public authority.

(e) Within 15 days of the date on which the obligor either makes full payment of arrearages found to be due by the court or public authority or executes and initiates good faith compliance with a written payment plan approved by the court, an administrative law judge, or the public authority, the court, an administrative law judge, or the public authority responsible for child support enforcement shall notify the licensing board or licensing agency or the lawyers professional responsibility board that the obligor is no longer ineligible for license issuance, reinstatement, or renewal under this subdivision.

Subd. 4. Contested administrative proceeding. (a) All counties shall participate in the contested administrative process established in this section as designated in a statewide implementation plan to be set forth by the commissioner of human services. No county shall be required to participate in the contested administrative process until after the county has been trained. The contested administrative process shall be in operation in all counties no later than July 1, 1998, with the exception of Hennepin county which shall have a pilot program in operation no later than July 1, 1996.

The Hennepin county pilot program shall be jointly planned, implemented, and evaluated by the department of human services, the office of administrative hearings, the fourth judicial district court, and Hennepin county. The pilot program shall provide that one-half of the case load use the contested administrative process. The pilot program shall include an evaluation which shall be conducted after one year of program operation. A preliminary evaluation report shall be submitted by the commissioner to the legislature by March 1, 1997. A final evaluation report shall be submitted by the commissioner to the legislature by January 15, 1998. The pilot program shall continue pending final decision by the legislature, or until the commissioner determines that the pilot program shall discontinue and that Hennepin county shall not participate in the contested administrative process.

In counties designated by the commissioner, contested hearings required under this section shall be scheduled before administrative law judges, and shall be conducted in accordance with the provisions under this section. In counties not designated by the commissioner, contested hearings shall be conducted in district court in accordance with the rules of civil procedure and the rules of family court.

(b) An administrative law judge may conduct hearings and approve a stipulation reached on a contempt motion brought by the public authority. Any stipulation that involves a finding of contempt and a jail sentence, whether stayed or imposed, shall require the review and signature of a district court judge.

(c) A party, witness, or attorney may appear or testify by telephone, audiovisual means, or other electronic means, at the discretion of the administrative law judge.

(d) Before implementing the process in a county, the chief administrative law judge, the commissioner of human services, the director of the county human services agency, the county attorney, the county court administrator, and the county sheriff shall jointly establish procedures, and the county shall provide hearing facilities for implementing this process in the county. A contested administrative hearing shall be conducted in a courtroom, if one is available, or a conference or meeting room with at least two exits and of sufficient size to permit adequate physical separation of the parties. The court administrator shall, to the extent practical, provide administrative support for the contested hearing. Security personnel shall either be present during the administrative hearings, or be available to respond to a request for emergency assistance.

(e) The contested administrative hearings shall be conducted under the rules of the office of administrative hearings, Minnesota Rules, parts 1400.5275, 1400.5500, 1400.6000 to 1400.6400, 1400.6600 to 1400.7000, 1400.7100 to 1400.7500, 1400.7700, 1400.7800, and 1400.8100, as adopted by the chief administrative law judge. For matters not initiated under subdivision 2, documents from the moving party shall be served and filed at least 21 days prior to the hearing and the opposing party shall serve and file documents raising new issues at least ten days prior to the hearing. In all contested administrative proceedings, the administrative law judge may limit the extent and timing of discovery. Except as provided under this section, other aspects of the case, including, but not limited to, discovery, shall be conducted under the rules of family court, the rules of civil procedure, and chapter 518.

(f) Pursuant to a contested administrative hearing, the administrative law judge shall make findings of fact, conclusions, and a final decision and issue an order. Orders issued by an administrative law judge may be enforceable by the contempt powers of the district courts.

(g) At the time the matter is scheduled for a contested hearing, the public authority shall file in the district court copies of all relevant documents sent to or received from the parties, in addition to the documents filed under subdivision 2, paragraph (e). For matters scheduled for a contested hearing which were not initiated under subdivision 2, the public authority shall obtain any income information available to the public authority through the department of economic security and serve this information on all parties and file the information with the court at least five days prior to the hearing.

(h) The decision and order of the administrative law judge is appealable to the court of appeals in the same manner as a decision of the district court.

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In Re Petition of the Lawyers  
Professional Responsibility  
Board for Amendment of Rules  
Relating to Registration of Attorneys  
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STATEMENT IN SUPPORT  
OF PETITION OF LAWYERS  
PROFESSIONAL  
RESPONSIBILITY BOARD

### I. INTRODUCTION

The Lawyers Professional Responsibility Board has filed a petition requesting the Minnesota Supreme Court to increase the portion of the annual registration fee payable to the Lawyers Professional Responsibility Board from \$100.00 to \$120.00 for most attorneys, and to increase the sum for other attorneys from \$20.00 to \$24.00. It is expected that no further fee increases would be necessary for four to five years. Importantly, the Minnesota State Bar Association recognizes the need for the increase and supports the Lawyers Board petition. The matter was presented to the MSBA Executive Committee, the Board of Governors and the House of Delegates at or before the mid-year meeting. Attached is a chart on Attorney Registration Fee History and Projections (A. 1).

The normal annual budgeting process is being accelerated this year because of the clear need to increase the amount of the annual attorney registration fee for Lawyers Board use by July 1, 1996. A time line is attached at A. 2. The need for the fee increase is explained as follows.

The need for a fee increase at this time was predicted when the Board last petitioned for an increase in 1992. In its statement in support, the Board projected "that no further fee increases would be necessary for at least four or five years." The requested fee increase is now occasioned by inflation, increased costs associated with the move to the Minnesota Judicial Center in December 1994, and increased costs

associated with increasing demand for services provided by the Director's Office. The increase would serve only to maintain the current services at the increasing level of demand. It does not include any additional attorneys for the Director's Office.

Attached are annual budgets and projections for FY'97 through FY'2001 (A. 3-13). Supreme Court administration recommends a fiscal year balance carry forward of at least 20 percent of annual budget. The carry forward on June 30, 1996, will be only 15 percent of budget. With a \$20 annual increase, effective July 1, 1996, the balance carry forward on June 30, 2001, would be projected to be \$404,893.00, an amount equal to 17 percent of budget. Because projections indicate that expenditures would exceed income thereafter, the carry forward would continue to decline thereafter.

The methods and assumptions used in the projected long term budgeting process are the same as that used in the annual budgeting process. There is, of course, an inherent difficulty in projecting income and expenditures over a four year period, but the process utilized has been remarkably accurate in the past. One continuing variable, when projections are made over a four year period, is the additional number of attorneys each year paying the full registration fee. The projections since FY'92 have assumed that an additional 500 attorneys will each year pay the full registration fee. As the registration fees are the Board's primary source of income, any fluctuation in this number will affect projections.<sup>1</sup> A more immediate variable will include the level at which rent in the Minnesota Judicial Center is maintained. A third variable is whether, and/or at what cost, the Supreme Court Boards will be required, for the first time, to pay the State for "indirect overhead costs."<sup>2</sup>

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<sup>1</sup> A shortfall in the number of paying attorneys in FY'90 resulted in registration income falling well short of projections. Since FY'92, the number of additional attorneys each year was reduced by 200 to the current level of 500.

<sup>2</sup> Pursuant to Minn. Stat. § 16A.127, subd. 8, the Legislature now requires an assessment of state overhead costs against all special funds, including attorney registration fees, used to fund the Judicial Branch Supreme Court Boards. The assessment covers overhead, including centralized personnel, payroll, finance, audit, real estate management and procurement functions provided by the Executive Branch agencies. A bill was recently introduced in the Legislature seeking that all attorney registration fees be considered exempt from this assessment.



Enclosed at A. 14-29 is information from the most recent survey conducted by the ABA on lawyer discipline systems and allocation of dues and fees. While the ABA materials were published in 1995, they are in fact compilations of data from 1991 and 1992. Hence, while these materials are the most up to date available, they are less useful than they could be with more recent data. It is safe to say, however, that Minnesota registration fees, even with the increase, are about average.

## II. INCOME

The Lawyers Board depends almost entirely upon the Supreme Court attorney registration fee as its source of income. The other moneys generated are minimal in nature and are derived from: (1) the Client Security Board, which utilizes the services of an attorney in the Director's Office (one quarter time) and a legal assistant (one quarter time); (2) judgments collected against attorneys publicly disciplined, pursuant to Rule 24, Rules on Lawyers Professional Responsibility; (3) professional corporation fees (\$100.00 for first time registration and \$25.00 thereafter, pursuant to Minn. Stat. § 319A; and (4) miscellaneous funds, such as any profit remaining after the Professional Responsibility Seminar, sale of Panel manuals, etc.

## III. EXPENDITURES

Payroll and rental costs account for approximately 81 - 82 percent of expenditures. Payroll increases for FY'96 are limited to a 2.5 percent COLA, plus merit increases of up to 3 percent. Many employees have reached their salary range maximum and receive no merit increase. Most of these employees receive a "stability payment" equal to about \$400 - \$750. As the footnotes indicate, FY'98 - FY'2000 payroll is projected simply by assuming an overall increase of 8 percent. The requested fee increase does not include any additional attorneys for the Director's Office, but would likely accommodate an additional law clerk or clerical person if necessary.

A significant factor in the necessity of a fee increase at this time is the increased rental costs at the Minnesota Judicial Center. The decision to physically consolidate

various appellate courts and the Supreme Court Boards with the Supreme Court was agreed to by the Legislature and the Supreme Court in 1984. In 1985 the Director's Office was asked to project its staffing needs and space requirements to the year 2010. The actual square footage currently allocated to the Director's Office at the Minnesota Judicial Center, including the courtroom and storage space, is 9,988 square feet, the amount of space projected to be needed in 2010. Rental rates for state buildings are set by the Minnesota Department of Finance. FY'95 rates at the Minnesota Judicial Center were \$21.21 a square foot. FY'96 rates are \$23.13 a square foot. As the footnotes indicate, the projection for FY'97 and thereafter has been made assuming an 8 percent increase.<sup>3</sup>

The Director's Office is in the process of converting its computer system. This project has been anticipated for many years. As the cost is more than the Lawyers Board could budget in any one fiscal year (A. 13), the Board has encumbered or "saved" moneys over the last several years to be dedicated to that project. Most of the money necessary to complete phase 2 of the computer project - the conversion of the data processing function - is already encumbered and is not a significant factor in the need for a fee increase.

#### IV. ALTERNATE PROJECTIONS

Attached at A. 6-8 are projections showing the estimated incomes and balances forward for FY'97 - FY'2000, assuming a \$15 fee increase. These amounts would be insufficient.

#### V. CONCLUSION

An increase of \$20 in the annual registration fee is necessary for the period beginning July 1, 1996. The amount is necessary to ensure that present services can be

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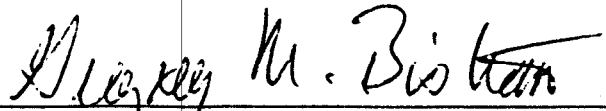
<sup>3</sup> As is clear from A. 9, rental costs have increased significantly since the move to the Minnesota Judicial Center. Importantly, since the Lawyers Board is located in Phase 2 of the Minnesota Judicial Center, which has little experience with what the actual operating costs for the building will be, it is difficult to predict what the increase in rental costs will be in the future. As the footnotes at A.10 indicate, we have projected an increase of 8 percent.

maintained, with the increased costs to the system associated with inflation, increased rental costs and increased demand for services.

For the above reasons, the Lawyers Professional Responsibility Board respectfully requests the Minnesota Supreme Court to grant its petition for amendment of rules relating to registration of attorneys.

Dated: February 12, 1996.

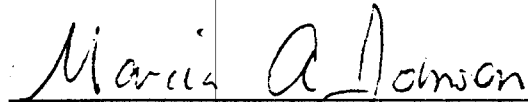
Respectfully submitted,



GREGORY M. BISTRAM, CHAIR  
LAWYERS PROFESSIONAL  
RESPONSIBILITY BOARD

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and



MARCIA A. JOHNSON  
DIRECTOR OF THE OFFICE OF LAWYERS  
PROFESSIONAL RESPONSIBILITY  
Attorney No. 182333

# ATTORNEY REGISTRATION FEE HISTORY AND PROJECTIONS

<u>Fiscal Year</u>	<u>LPRB</u>	<u>Total Fee</u>
FY'85 <sup>1</sup>	\$54/\$11 <sup>2</sup> \$70/\$15	\$66/\$23 <sup>2</sup> \$82/\$27
FY'86 - FY'88	\$70/\$15	\$82/\$27
FY'89 - FY'91	\$80/\$17	\$102/\$39 <sup>3</sup>
FY'92	\$80/\$17	\$122/\$39
FY'93	\$90/\$20	\$132/\$42
FY'94	\$100/\$20	\$142/\$42
FY'95	\$100/\$20	\$142/\$42
FY'96	\$100/\$20	\$142/\$42
FY'97	\$120/\$24 <sup>4</sup>	<sup>5</sup>
FY'98	\$120/\$24	
FY'99	\$120/\$24	
FY'2000	\$120/\$24	

1. FY'85 increase became effective 10/1/84. Other increases effective on July 1.
2. Non-residents, attorneys not admitted to practice for more than three years and attorneys in armed forces pay lower fee.
3. The Client Security Board assessment is not included in fees prior to FY'92. The Client Security Board assessment of \$20.00 effective 7/1/91 is included thereafter.
4. Lawyers Board portion of fee with proposed increase.
5. Total fees may increase by more than the LPRB amounts. Other Supreme Court Boards may also seek additional funding.

## TIME LINE

December 1995	Lawyers Professional Responsibility Board Executive Committee approves budget and fee increase.
December 29, 1995	Paperwork due to MSBA for mid-year meeting.
January 1996	Minnesota State Bar Association (MSBA) Executive Committee approves budget and fee increase.
January 5, 1996	Lawyers Professional Responsibility Board Meeting.
January 1996	File petition for fee increase with Supreme Court.
January 1996	MSBA mid-year meeting. Board of Governors and House of Delegates consider Lawyers Board fee petition.
Mid March to early April 1996	Fee increase information needed by Attorney Registration to allow for programming of fee statements for increase on 7/1.
May 23, 1996	Attorney Registration mails fee statements due 7/1.
July 1, 1996	Fee increase would take effect.

**Revised 2/9/96 Lawyers Professional Responsibility Board****FY'96 Income****Summary**

Balance Forward In 7/1/95	\$314,207
Computer encumbrance to be spent in FY'96 & FY'97	<u>\$156,900</u>
Revised Balance Forward	\$471,107

**Anticipated Income**

Atty Reg Fees: 14,500 @ \$100 =	\$1,450,000	
4,859 @ \$20 =	\$97,180	
800 New Admittees @ \$15	\$12,000	
Late fees and fines	<u>\$30,000</u>	
Total Atty Reg. Receipts		\$1,589,180
Other Income: Client Security Fund*	\$20,706	
Judgments*	\$16,932	
Professional Corporations*	\$26,400	
Miscellaneous*	<u>\$3,089</u>	
Total Other		<u>\$67,127</u>
Total Anticipated Income		<u>\$1,656,307</u>

TOTAL AVAILABLE FUNDS	\$2,127,414
FY'96 ESTIMATED EXPENDITURES	<u>\$1,851,535</u>
(expenditures include \$82,500 encumbrance for computer)	
ESTIMATED BALANCE 6/30/96	<u>\$275,879</u> 15%

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REFLECTS A \$20/\$4 INCREASE EFFECTIVE 7/1/96

**FY'97 Income****Summary**

Estimated Balance Forward In 7/1/96	\$275,879
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**Anticipated Income**

Atty Reg Fees: 15,000 @ \$120 =	\$1,800,000	
4,859 @ \$24 =	\$116,616	
800 New Admittees @ \$15	\$12,000	
Late fees and fines	<u>\$30,000</u>	
Total Atty Reg. Receipts		\$1,958,616
Other Income: Client Security Fund*	\$19,666	
Judgments*	\$14,573	
Professional Corporations*	\$26,942	
Miscellaneous*	<u>\$3,174</u>	
Total Other		<u>\$64,355</u>
Total Anticipated Income		<u>\$2,022,971</u>

TOTAL AVAILABLE FUNDS	\$2,298,850
FY'97 ESTIMATED EXPENDITURES	<u>\$1,892,873</u>
(expenditures include \$74,400 encumbrance for computer)	
ESTIMATED BALANCE 6/30/97	<u>\$405,977</u> 21%

**FY'98 Income**

**Summary**

Estimated Balance Forward In 7/1/97		\$405,977	
<b>Anticipated Income</b>			
Atty Reg Fees: 15,500 @ \$120 =	\$1,860,000		
4,859 @ \$24 =	\$116,616		
800 New Admittees @ \$15	\$12,000		
Late fees and fines	<u>\$30,000</u>		
Total Atty Reg. Receipts		\$2,018,616	
Other Income: Client Security Fund	\$19,666		
Judgments	\$14,573		
Professional Corporations	\$26,942		
Miscellaneous	<u>\$3,174</u>		
Total Other		<u>\$64,355</u>	
Total Anticipated Income		<u>\$2,082,971</u>	
<b>TOTAL AVAILABLE FUNDS</b>		<b>\$2,488,948</b>	
<b>FY'98 ESTIMATED EXPENDITURES</b>		<b><u>\$1,929,150</u></b>	
<b>ESTIMATED BALANCE 6/30/98</b>		<b><u>\$559,798</u></b>	<b>29%</b>

**FY'99 Income**

**Summary**

Estimated Balance Forward In 7/1/98		\$559,798	
<b>Anticipated Income</b>			
Atty Reg Fees: 16,000 @ \$120 =	\$1,920,000		
4,859 @ \$24 =	\$116,616		
800 New Admittees @ \$15	\$12,000		
Late fees and fines	<u>\$30,000</u>		
Total Atty Reg. Receipts		\$2,078,616	
Other Income: Client Security Fund	\$19,666		
Judgments	\$14,573		
Professional Corporations	\$26,942		
Miscellaneous	<u>\$3,174</u>		
Total Other		<u>\$64,355</u>	
Total Anticipated Income		<u>\$2,142,971</u>	
<b>TOTAL AVAILABLE FUNDS</b>		<b>\$2,702,769</b>	
<b>FY'99 ESTIMATED EXPENDITURES</b>		<b><u>\$2,083,483</u></b>	
<b>ESTIMATED BALANCE 6/30/99</b>		<b><u>\$619,286</u></b>	<b>30%</b>

**FY'2000 Income  
Summary**

Estimated Balance Forward In 7/1/99		\$619,286	
<b>Anticipated Income</b>			
Atty Reg Fees: 16,500 @ \$120 =	\$1,980,000		
4,859 @ \$24 =	\$116,616		
800 New Admittees @ \$15	\$12,000		
Late fees and fines	<u>\$30,000</u>		
Total Atty Reg. Receipts		\$2,138,616	
Other Income: Client Security Fund	\$19,666		
Judgments	\$14,573		
Professional Corporations	\$26,942		
Miscellaneous	<u>\$3,174</u>		
Total Other		<u>\$64,355</u>	
Total Anticipated Income		<u>\$2,202,971</u>	
TOTAL AVAILABLE FUNDS		\$2,822,257	
FY'2000 ESTIMATED EXPENDITURES		<u>\$2,250,161</u>	
ESTIMATED BALANCE 6/30/2000		<u>\$572,096</u>	25%

**FY'2001 Income  
Summary**

Estimated Balance Forward In 7/1/2000		\$572,096	
<b>Anticipated Income</b>			
Atty Reg Fees: 17,000 @ \$120 =	\$2,040,000		
4,859 @ \$24 =	\$116,616		
800 New Admittees @ \$15	\$12,000		
Late fees and fines	<u>\$30,000</u>		
Total Atty Reg. Receipts		\$2,198,616	
Other Income: Client Security Fund	\$19,666		
Judgments	\$14,573		
Professional Corporations	\$26,942		
Miscellaneous	<u>\$3,174</u>		
Total Other		<u>\$64,355</u>	
Total Anticipated Income		<u>\$2,262,971</u>	
TOTAL AVAILABLE FUNDS		\$2,835,067	
FY'2001 ESTIMATED EXPENDITURES		<u>\$2,430,174</u>	(108% of FY'2000)
ESTIMATED BALANCE 6/30/2001		<u>\$404,893</u>	17%

\*FY'96 and FY'97 CSB, judgments, professional corp. and misc. income based on 3-year average.  
FY'98-FY'2001 same as FY'97



Revised 2/9/96 Lawyers Professional Responsibility Board

FY'96 Income

Summary

Balance Forward In 7/1/95	\$314,207
Computer encumbrance to be spent in FY'96 & FY'97	<u>\$156,900</u>
Revised Balance Forward	\$471,107

Anticipated Income

Atty Reg Fees: 14,500 @ \$100 =	\$1,450,000	
4,859 @ \$20 =	\$97,180	
800 New Admittees @ \$15 =	\$12,000	
Late fees and fines	<u>\$30,000</u>	
Total Atty Reg. Receipts		\$1,589,180
Other Income: Client Security Fund*	\$20,706	
Judgments*	\$16,932	
Professional Corporations*	\$26,400	
Miscellaneous*	<u>\$3,089</u>	
Total Other		<u>\$67,127</u>
Total Anticipated Income		<u>\$1,656,307</u>

TOTAL AVAILABLE FUNDS	\$2,127,414
FY'96 ESTIMATED EXPENDITURES	<u>\$1,851,535</u>
(expenditures include \$82,500 encumbrance for computer)	
ESTIMATED BALANCE 6/30/96	<u>\$275,879</u> 15%

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REFLECTS A \$15/\$3 INCREASE EFFECTIVE 7/1/96

FY'97 Income

Summary

Estimated Balance Forward In 7/1/96	\$275,879
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Anticipated Income

Atty Reg Fees: 15,000 @ \$115 =	\$1,725,000	
4,859 @ \$23 =	\$111,757	
800 New Admittees @ \$15 =	\$12,000	
Late fees and fines	<u>\$30,000</u>	
Total Atty Reg. Receipts		\$1,878,757
Other Income: Client Security Fund*	\$19,666	
Judgments*	\$14,573	
Professional Corporations*	\$26,942	
Miscellaneous*	<u>\$3,174</u>	
Total Other		<u>\$64,355</u>
Total Anticipated Income		<u>\$1,943,112</u>

TOTAL AVAILABLE FUNDS	\$2,218,991
FY'97 ESTIMATED EXPENDITURES	<u>\$1,892,873</u>
(expenditures include \$74,400 encumbrance for computer)	
ESTIMATED BALANCE 6/30/97	<u>\$326,118</u> 17%

**FY'98 Income  
Summary**

Estimated Balance Forward In 7/1/97		\$326,118	
<b>Anticipated Income</b>			
Atty Reg Fees: 15,500 @ \$115 =	\$1,782,500		
4,859 @ \$23 =	\$111,757		
800 New Admittees @ \$15 =	\$12,000		
Late fees and fines	<u>\$30,000</u>		
Total Atty Reg. Receipts		\$1,936,257	
Other Income: Client Security Fund	\$19,666		
Judgments	\$14,573		
Professional Corporations	\$26,942		
Miscellaneous	<u>\$3,174</u>		
Total Other		<u>\$64,355</u>	
Total Anticipated Income		<u>\$2,000,612</u>	
TOTAL AVAILABLE FUNDS		\$2,326,730	
FY'98 ESTIMATED EXPENDITURES		<u>\$1,929,150</u>	
ESTIMATED BALANCE 6/30/98		<u>\$397,580</u>	21%

**FY'99 Income  
Summary**

Estimated Balance Forward In 7/1/98		\$397,580	
<b>Anticipated Income</b>			
Atty Reg Fees: 16,000 @ \$115 =	\$1,840,000		
4,859 @ \$23 =	\$111,757		
800 New Admittees @ \$15 =	\$12,000		
Late fees and fines	<u>\$30,000</u>		
Total Atty Reg. Receipts		\$1,993,757	
Other Income: Client Security Fund	\$19,666		
Judgments	\$14,573		
Professional Corporations	\$26,942		
Miscellaneous	<u>\$3,174</u>		
Total Other		<u>\$64,355</u>	
Total Anticipated Income		<u>\$2,058,112</u>	
TOTAL AVAILABLE FUNDS		\$2,455,692	
FY'99 ESTIMATED EXPENDITURES		<u>\$2,083,483</u>	
ESTIMATED BALANCE 6/30/99		<u>\$372,209</u>	18%

**FY'2000 Income  
Summary**

Estimated Balance Forward In 7/1/99 \$372,209

**Anticipated Income**

Atty Reg Fees: 16,500 @ \$115 =	\$1,897,500	
4,859 @ \$23 =	\$111,757	
800 New Admittees @ \$15 =	\$12,000	
Late fees and fines	<u>\$30,000</u>	
Total Atty Reg. Receipts		\$2,051,257
Other Income: Client Security Fund	\$19,666	
Judgments	\$14,573	
Professional Corporations	\$26,942	
Miscellaneous	<u>\$3,174</u>	
Total Other		<u>\$64,355</u>
Total Anticipated Income		<u>\$2,115,612</u>

TOTAL AVAILABLE FUNDS	\$2,487,821
FY'2000 ESTIMATED EXPENDITURES	<u>\$2,250,161</u>

ESTIMATED BALANCE 6/30/2000	<u>\$237,660</u>	11%
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**FY'2001 Income  
Summary**

Estimated Balance Forward In 7/1/2000 \$237,660

**Anticipated Income**

Atty Reg Fees: 17,000 @ \$115 =	\$1,955,000	
4,859 @ \$23 =	\$111,757	
800 New Admittees @ \$15 =	\$12,000	
Late fees and fines	<u>\$30,000</u>	
Total Atty Reg. Receipts		\$2,108,757
Other Income: Client Security Fund	\$19,666	
Judgments	\$14,573	
Professional Corporations	\$26,942	
Miscellaneous	<u>\$3,174</u>	
Total Other		<u>\$64,355</u>
Total Anticipated Income		<u>\$2,173,112</u>

TOTAL AVAILABLE FUNDS	\$2,410,772
FY'2001 ESTIMATED EXPENDITURES	<u>\$2,430,174</u> (108% of FY'2000)

ESTIMATED BALANCE 6/30/2001	<u>(\$19,402)</u>	-1%
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\*FY'96 and FY'97 CSB, judgments, professional corp. and misc. income based on 3-year average.  
FY'98-FY'2001 same as FY'97

**FY'93 - FY'2000 ACTUAL AND ANTICIPATED EXPENDITURES**

<b>Revised 2/9/95</b>	<b>FY'93 Expend</b>	<b>FY'94 Expend</b>	<b>FY'95 Expend</b>	<b>FY'96 Budget</b>	<b>FY'97 Budget</b>	<b>FY'98 Budget</b>	<b>FY'99 Budget</b>	<b>FY'00 Budget</b>
1. Payroll & Benefits	\$1,019,635	\$1,081,374	\$1,181,346	\$1,272,516	\$1,309,461	\$1,414,218	\$1,527,355	\$1,649,544
2. Rents and Leases	\$92,565	\$90,641	\$159,549	\$231,022	\$249,504	\$269,465	\$291,022	\$314,303
3. Advertising	\$1,468	\$2,903	\$3,407	\$2,405	\$3,196	\$3,451	\$3,727	\$4,025
4. Repair Services	\$11,757	\$11,085	\$5,344	\$12,042	\$13,005	\$14,046	\$15,169	\$16,383
5. Bonds & Insurance	\$1,660	\$1,774	\$2,574	\$2,077	\$2,831	\$3,058	\$3,303	\$3,567
6. Printing & Binding	\$8,806	\$8,228	\$6,351	\$10,934	\$11,809	\$12,753	\$13,774	\$14,876
7. Professional & Tech.	\$13,399	\$12,203	\$20,486	\$14,932	\$17,461	\$18,858	\$20,367	\$21,996
8. Data Processing	\$0	\$0	\$43,097	\$162,500*	\$134,400**	\$30,000	\$32,400	\$34,992
9. Purchased Services	\$11,279	\$13,089	\$16,514	\$48,899	\$51,344	\$55,451	\$59,888	\$64,679
10. Communications	\$22,680	\$20,998	\$25,447	\$25,495	\$26,378	\$28,488	\$30,767	\$33,229
11. Travel In State	\$5,841	\$2,904	\$2,729	\$4,306	\$3,644	\$3,936	\$4,251	\$4,591
12. Travel Out-of-State	\$6,811	\$5,474	\$7,108	\$6,346	\$6,625	\$7,155	\$7,727	\$8,345
13. Fees & Fixed Charges	\$5,240	\$5,104	\$4,663	\$5,462	\$5,330	\$5,757	\$6,217	\$6,714
14. Supplies	\$27,551	\$30,355	\$36,003	\$32,599	\$36,284	\$39,187	\$42,322	\$45,708
15. Furn & Equipment	<u>\$52,364</u>	<u>\$8,717</u>	<u>\$239,824</u>	<u>\$20,000</u>	<u>\$21,600</u>	<u>\$23,328</u>	<u>\$25,194</u>	<u>\$27,210</u>
<b>TOTAL</b>	\$1,281,056	\$1,294,849	\$1,754,442	\$1,851,535	\$1,892,873	\$1,929,150	\$2,083,483	\$2,250,161

\*Includes \$80,000 from FY'96 funds plus \$82,500 of the \$156,900 FY'95 funds carried over

\*\*Includes \$60,000 from FY'97 funds plus \$74,400 from FY'95 funds carried over

## FY'93 - FY'2000 ACTUAL AND ANTICIPATED EXPENDITURES

### FY'97 Footnotes

1. Payroll - See A.12. FY'98 and beyond include 4% COLA and 4% merit increases.
2. Rent - FY'96 Rent at Judicial Center 9988 sq. ft. @ \$23.13 sq. ft. FY'97 assumes 8% increase in rent.
3. Advertising - 110% of 3 year average.
4. Repairs - Misc. Equip Repairs & Service Contracts for Dictaphone, GBC, Xerox, Pitney Bowes, & fax. FY'95 low because new copiers under 1 year warranty. FY'97 is 108% of FY'96. Additional copier purchased for lower level at MJC results in additional cost.
5. Bonds & Insurance - FY'95 increase due to addt'l space. FY'96 underbudgeted. FY'97 is 110% of FY'95.
6. Printing & Binding - Includes monthly billable copies for Xerox, printing of brochures. FY'95 low because no charge on new copiers for 1 year. FY'97 is 108% of FY'96.
7. Prof. & Tech. Services - Includes court reporting, expert witnesses in major litigation and accountants. FY'97 is 110% of 3 year average.
8. Data Processing - Expenses anticipated for analysis and conversion to new computer system. Computer expenditures can be incurred only w/specific S.Ct. approval. Quote received from Macro Group for entire development of new data retention + file tracking systemt is \$261,250. See A.13 ~~Addt'l expenses not in Macro Group proposal include software and training for existing computer system.~~
9. Purchased Services - Includes Board Member expenses, Board meeting expenses, DEC seminar expenses and bank searches. FY'96 large increase due to Supreme Court Assessment.
10. Communications - Includes postage, WATS, telephone, toll-free line. FY'97 is 110% of 3 year average.
11. Travel In-State - Reimbursement of employee travel expenses. FY'93 is high due to Advisory Comm. expenses. FY'97 is 110% of 3 year average.
12. Travel Out-Of-State- FY'97 is 105% of 3 year average.
13. Fees & Fixed Charges - Includes memberships, training expenses and service fees. FY'97 is 105% of 3 year average.

## FY'93 - FY'2000 ACTUAL AND ANTICIPATED EXPENDITURES

14. Supplies - General office supplies and furniture under \$500. FY'97 is 110% of 3 year average expended.

15. Furniture & Equipment -

FY'93 includes \$41,351 for word proc computer hardware, \$3,190 for computer stands, \$6,661 furniture + \$1,162 bookcases

FY'94 includes \$4,372 for new computers and \$4,345 for upgrading office furniture.

FY'95 includes \$51,639 for new copiers, \$18,744 new phone system, \$43,284 Classic Design for new furn for move, \$13,000 elevator at MJC, \$16,984 construction costs, \$87,705 for new computers and \$8,468 new office furnishings.

FY'96 includes \$20,000 for miscellaneous purchases.

FY'97 is 108% of FY'96

### FY'98-FY'2000 Footnotes

All line items are increased by 8% per year except data processing.

Data processing computer project will be complete and \$30,000 figure for FY'98 will allow for maintenance, software and upgrades.

FY'99 and FY'2000 data processing increased by 8%.

**OFFICE OF LAWYERS PROFESSIONAL RESPONSIBILITY FY'97 PAYROLL 2/5/96**

<b>Review Date</b>	<b>Employee Name</b>	<b>7/10/96 Salary</b>	<b>FY'97 Salary</b>	<b>FICA=7.65% MSRS=4.20%</b>	<b>Ins.</b>	<b>FY'97 Total</b>
9/8	Johnson-1	\$76,980	\$79,384	\$9,801	\$5,400	\$94,585
10/6	K. Jorgensen-2	\$70,184	\$71,078	\$9,183	\$5,400	\$85,660
4/27	Hojan-3	\$66,907	\$67,700	\$7,712	\$5,000	\$80,412
1/6	Cole-4	\$66,905	\$67,750	\$7,715	\$5,000	\$80,465
2/12	Shaw-5	\$66,905	\$67,700	\$7,712	\$5,000	\$80,412
5/8	Burns-6	\$60,949	\$61,267	\$7,260	\$5,000	\$73,527
1/4	Burke-7	\$50,640	\$52,217	\$6,188	\$5,000	\$63,405
12/20	Granison-8	\$46,015	\$48,378	\$5,733	\$5,000	\$59,111
6/13	Klausing-9	\$46,008	\$46,048	\$5,457	\$5,000	\$56,504
10/16	Cooperstein-10	\$41,780	\$42,894	\$5,083	\$5,000	\$52,977
7/21	P. Jorgensen-11	\$17,817	\$18,221	\$2,159	\$0	\$20,380
4/24	Welle-12	\$35,635	\$36,092	\$4,277	\$5,000	\$45,369
9/27	McMahon-13	\$34,940	\$36,150	\$4,284	\$2,500	\$42,934
6/19	Drinane-14	\$31,269	\$31,297	\$3,709	\$5,000	\$40,006
1/13	Nelson-15	\$36,829	\$33,622	\$3,984	\$5,000	\$42,606
2/21	Daubenspeck-16	\$42,800	\$43,804	\$5,191	\$5,000	\$53,995
10/19	Trejo-17	\$33,941	\$34,851	\$4,130	\$5,000	\$43,981
2/22	Krueger-18	\$32,551	\$33,352	\$3,952	\$2,500	\$39,804
2/26	Capecchi-19	\$30,988	\$31,786	\$3,767	\$5,000	\$40,553
3/24	Peerman-20	\$29,989	\$30,984	\$3,672	\$5,000	\$39,655
8/16	Jungmann-21	\$26,949	\$27,556	\$3,265	\$2,500	\$33,321
8/1	Hennen-22	\$29,229	\$30,032	\$3,559	\$5,000	\$38,591
7/5	Breidel-23	\$22,041	\$22,880	\$2,711	\$5,000	\$30,591
7/1	Delmonico-24	\$11,021	\$13,540	\$1,604	\$2,500	\$17,645
	Engebretson-25	\$13,663	\$13,663	\$1,619	\$0	\$15,282
<b>Supreme Court Employees</b>						
1/1	*Wicker-26	\$3,099	\$3,179	\$377	\$500	\$4,055
11/9	*Ahlgren-27	\$2,923	\$3,003	\$356	\$500	\$3,859
3/1	*Marchio-28	\$21,070	\$21,614	\$2,561	\$3,400	\$27,576
	Overtime and work comp-29					<u>\$2,200</u>
*OLPR portions of S.Ct. employee salaries						\$1,309,461

## BUDGET

Projected costs for the development and implementation of the Complaint Tracking System, and related equipment and software upgrades are detailed in the following table. These estimates, in particular the application development component, should be considered to be on the high end.

Life cycle costs, including maintenance are highly subjective at this point. Based on experience, however, system changes can be expected at an annual cost of 15-20% of the initial development. Changes during the earlier years might be on the high end of this estimate, as the organization embraces the new system, and discovers additional opportunities to take advantage of new capabilities. The scope and rate of change will also be highly dependent on external forces which influence information management requirements.

<u>COMPONENT</u>	<u>ESTIMATED COST</u>
<b>Equipment</b>	
25 - P75 Desktops (1 @ \$2,750)	\$68,750
1 - P120 Database Server with UPS	\$6,500
1 - P120 File Server with UPS	\$6,500
<b>Software</b>	
1 - Microsoft SQL SERVER for NT	\$1,000
2 - WINDOWS NT 3.5 (1 @ \$700)	\$1,400
1 - POWERBUILDER - Desktop Version	\$500
<b>Project Management (60 days @ \$800)</b>	<b>\$48,000</b>
<b>Applications Development (185 days @ \$600)</b>	<b>\$111,000</b>
<b>Temporary Support during data conversion and supplemental help during implementation (60 days @ \$200 per day)</b>	<b>\$12,000</b>
<b>Technical Support (10 days @ \$560 per day)</b>	<b>\$5,6000</b>
<b>TOTAL</b>	<b>\$261,250</b>



# Survey on Lawyer Discipline Systems 1991-92

A.14

American Bar Association  
Center for Professional Responsibility  
Standing Committee on Professional Discipline

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**CHART V**

**STATE-BY-STATE BUDGET FOR DISCIPLINE, 1992**

SOURCE: Survey on Lawyer Discipline, 1991/92  
ABA Center for Professional Responsibility

<u>STATE</u>	<u>Total Number of Lawyers with Active Licenses</u>	<u>Total Lawyer Discipline Budget (\$)</u>	<u>Budget Allocation Per Lawyer (\$)</u>	<u>Total Discipline Counsel Office Budget (\$)</u>	<u>Total Discipline Board Admin. Budget (\$)</u>	<u>Source of Funding</u>
AL	7,143	664,138	93	NR	NR	100% Bar Association earmarked dues <sup>1</sup>
AK	2,506	472,653	187	NR	NR	100% Bar Association earmarked dues
AZ	9,593	1,129,263	118	NR	NR	97% Bar Association earmarked dues; 3% Recovery of costs
AR	6,450	142,484	22	129,915	12,569	100% Supreme Court General Budget
CA	A.15	37,189,000	292	7,287,000	6,004,000	94% Legislative mandate fees; 6% other <sup>2</sup>
CO		1,465,000	94	1,058,116	406,884 <sup>3</sup>	100% Court assessed earmarked fees
CT	21,940	NR	NR	600,000	NR	100% Legislative appropriation
DE	2,200	200,000	91	200,000	0	100% Court assessed earmarked fees
DC	59,421	1,578,502	27	NR	NR	100% Bar Association earmarked dues
FL	46,453	6,019,988	130	NR	NR	92.6% Bar Association earmarked dues, 7.4% Costs of reimbursements

<sup>1</sup> AL - Funding comes from license and membership dues.

<sup>2</sup> CA - Interest Income, Law Corporation Fees, Sales of Pamphlets, Convention Income, Grants.

<sup>3</sup> CO - Includes all registration clerks.

# CHART V

## STATE-BY-STATE BUDGET FOR DISCIPLINE, 1992

SOURCE: Survey on Lawyer Discipline, 1991/92  
ABA Center for Professional Responsibility

STATE	Total Number of Lawyers with Active Licenses	Total Lawyer Discipline Budget (\$)	Budget Allocation Per Lawyer (\$)	Total Discipline Counsel Office Budget (\$)	Total Discipline Board Admin. Budget (\$)	Source of Funding
GA	19,315	1,458,857	76	NR	NR	100% Bar Dues
HI	3,866	733,350	190	NR	NR	100% Court Assessed earmarked dues
ID	2,500	200,912	80	183,312	17,600	100% Bar Association earmarked dues
IL	61,107	5,840,547	96	5,022,870	817,677 <sup>1</sup>	100% Court Assessed earmarked fees
IN	12,093	611,502	51	NR	NR	100% Court Assessed earmarked fees
IA	7,239	NR	NR	NR	NR	100% Bar Association earmarked dues
KS	9,380	423,727	45	NR	NR	100% Court Assessed earmarked fees
KY	10,480	297,239	28	NR	NR	100% Bar Association earmarked dues
LA	16,052	NR	NR	NR	NR	NR
ME	4,153	445,700	107	445,700	0	93% Court Assessed earmarked fees; 7% other <sup>2</sup>
MD	21,380	1,482,000	69	NR	NR	100% Court Assessed earmarked fees
MA	38,500	3,423,633	89	NR	NR	100% Court Assessed earmarked fees

<sup>1</sup> IL - Total Budget for Registration of Lawyers: \$233,622; Total Budget for Clerk's Office: \$584,055.

<sup>2</sup> ME - Interest - 3%; Contract with Bar Examiners 4%.

CHART V

STATE-BY-STATE BUDGET FOR DISCIPLINE, 1992

SOURCE: Survey on Lawyer Discipline, 1991/92  
ABA Center for Professional Responsibility

<u>STATE</u>	<u>Total Number of Lawyers with Active Licenses</u>	<u>Total Lawyer Discipline Budget (\$)</u>	<u>Budget Allocation Per Lawyer (\$)</u>	<u>Total Discipline Counsel Office Budget (\$)</u>	<u>Total Discipline Board Admin. Budget (\$)</u>	<u>Source of Funding</u>
MI *	NR	NR	NR	NR	NR	
MN	18,778	1,396,050	74	NR	NR	95% Court Assessed earmarked fees; 5% other <sup>4</sup>
MS	4,900	338,750	69	332,250	6,500	100% Bar Association earmarked dues
MO	15,201	998,200	66	895,400 <sup>7</sup>	102,800	100% Court Assessed earmarked fees
MT *	NR	NR	NR	NR	NR	
NE	5,166	229,500	44	229,500	0	100% General Bar Budget
NV	3,500	375,000	107	NR	375,000	100% Bar Association earmarked dues
NH	3,294	362,794	110	0	362,794	100% Court Assessed earmarked fees
NJ	49,890	2,374,606 <sup>8</sup>	48	1,742,477	632,129	100% Court Assessed earmarked fees

\* MN - Other represents Professional Corporation, Judgments.

<sup>7</sup> MO - Percentage of maximum fee, Advisory Committee & Chief Disciplinary Counsel's Office receives \$56 from each annual fee, resident and non resident. Balance goes to MO Bar administered by Board of Governors.

<sup>8</sup> NJ - Additional Expenditures: Random Audit Program - \$388,746; Mandatory Fee Arbitration - \$140,310; Registration of Attorneys - \$152,942.

CHART V

STATE-BY-STATE BUDGET FOR DISCIPLINE, 1992

SOURCE: Survey on Lawyer Discipline, 1991/92  
ABA Center for Professional Responsibility

STATE	Total Number of Lawyers with Active Licenses	Total Lawyer Discipline Budget (\$)	Budget Allocation Per Lawyer (\$)	Total Discipline Counsel Office Budget (\$)	Total Discipline Board Admin. Budget (\$)	Source of Funding
NM	5,201	387,138	74	320,088	67,050	100% Court Assessed earmarked fees
NY (1st Jud. Dept.)	55,000	1,800,000	33	1,800,000	0	100% Legislative appropriation
NY (2nd & 11th Jud. Dist.)	NR	NR	NR	NR	NR	NR
NY (2nd Dept. 9th Jud. Dist.)	10,215	765,994	75	765,994	0	100% Legislative appropriation
NY (3rd Jud. Dept.)	6,628	447,229	68	447,229	0	100% Attorney Registration Dues
NY (4th Jud. Dept.)	9,478	927,971	98	927,971	0	100% Attorney Licensing Fund
NC	13,247	NR	NR	NR	NR	NR
ND	1,672	175,364	105	NR	NR	79% Legislative Appropriation; 21% State Bar Association earmarked dues
OH	40,338	1,317,532	33	880,296	437,236	NR
OK	12,885	717,297	56	NR	NR	100% Bar Association earmarked dues

CHART V

STATE-BY-STATE BUDGET FOR DISCIPLINE, 1992

SOURCE: Survey on Lawyer Discipline, 1991/92  
ABA Center for Professional Responsibility

<u>STATE</u>	<u>Total Number of Lawyers with Active Licenses</u>	<u>Total Lawyer Discipline Budget (\$)</u>	<u>Budget Allocation Per Lawyer (\$)</u>	<u>Total Discipline Counsel Office Budget (\$)</u>	<u>Total Discipline Board Admin. Budget (\$)</u>	<u>Source of Funding</u>
OR	9,653	714,000	74	674,000	40,000	100% Bar Association earmarked dues
PA	50,655	4,611,501	91	NR	NR	100% Court Assessed earmarked fees
RI	4,600	NR	NR	NR	NR	100% Court Assessed earmarked fees
SC	A.19	65,000	10	0	68,000	100% Supreme Court general budget
SD		72,000	47	NR	NR	85% Bar Association earmarked dues; 15% Attorney General's Budget
TN	12,480	983,786	79	968,789	15,000	90% Court Assessed earmarked fees; 10% other <sup>*</sup>
TX	55,319	5,180,262	94	NR	NR	100% Bar Association's General Budget
UT	4,000	500,079	125	500,079	0	100% Bar Association earmarked dues
VT	1,885	152,291	81	146,513	5,778	100% Supreme Court General Budget
VA	18,289	1,600,100	87	1,407,240	192,870	100% Bar Association earmarked dues
WA	NR	NR	NR	NR	NR	NR

<sup>\*</sup> TN - Reimburse- of costs by disciplined attorneys; investment earnings.

# CHART V

## STATE-BY-STATE BUDGET FOR DISCIPLINE, 1992

SOURCE: Survey on Lawyer Discipline, 1991/92  
ABA Center for Professional Responsibility

<u>STATE</u>	<u>Total Number of Lawyers with Active Licenses</u>	<u>Total Lawyer Discipline Budget (\$)</u>	<u>Budget Allocation Per Lawyer (\$)</u>	<u>Total Discipline Counsel Office Budget (\$)</u>	<u>Total Discipline Board Admin. Budget (\$)</u>	<u>Source of Funding</u>
WV	3,900	68,000	17	NR	NR	11% Bar Association earmarked dues; 89% other
WI	17,407	1,058,300	61	NR	NR	100% Bar Association earmarked dues
WY	1,144	93,460	82	NR	NR	100% Bar Association allocation from dues not earmarked

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- MI did not respond to the 1992 Survey.
- MT did not respond to the 1992 Survey.

# CHART VI

## ALLOCATION OF DUES AND FEES IN STATE DISCIPLINARY SYSTEMS, 1991/92

SOURCE: Survey on Lawyer Discipline, 1991/92  
ABA Center for Professional Responsibility

A.21

STATE	Discipline Office Budget Includes:								Annual Dues/Fees (\$)		Percentage of Annual Fees/Dues Allocated to Disciplinary Agency	
	91				92				91	92	91	92
	Salaries	Space	Equip.	Other	Salaries	Space	Equip.	Other				
AL	X	X	X		X	X	X		150	200	49%	41%
AK	X	X	X		X	X	X		310	310	52%	58%
AZ	X	X	X		X	X	X		150/285 <sup>1</sup>	150/295 <sup>2</sup>	40%	39%
AR	X	X	X	X <sup>3</sup>	X	X	X	X <sup>3</sup>	50	50	NR	NR
CA	X		X		X		X		50/190/380/ 410/478 <sup>4</sup>	50/189/379/ 410/478 <sup>4</sup>	75%	75%
CO	X	X	X		X	X	X		0/15/60/90 <sup>5</sup>	25/75/115 <sup>6</sup>	100%	90%
CT	NR				X	X	X		450	450	NR	NR

<sup>1</sup> AZ - 2 years or less/3 years or more.

<sup>2</sup> AZ - 2 years or less/3 years or more. Annual dues are \$285, the extra \$10 is a Client Security Fund assessment.

<sup>3</sup> AR - Includes the retention of outside counsel.

<sup>4</sup> CA - Inactive/half year (July admitses)/less than 1 year/1 to 3 years/More than 3 years.

<sup>5</sup> CO - Over 65 and inactive/inactive/1-3 years/4 or more years.

<sup>6</sup> CT - Inactive/less than 3 years/3 or more years.



# CHART VI

## ALLOCATION OF DUES AND FEES IN STATE DISCIPLINARY SYSTEMS, 1991/92

SOURCE: Survey on Lawyer Discipline, 1991/92  
ABA Center for Professional Responsibility

STATE	Discipline Office Budget Includes:								Annual Dues/Fees (\$)		Percentage of Annual Fees/Dues Allocated to Disciplinary Agency	
	91				92				91	92	91	92
	Salaries	Space	Equip.	Other	Salaries	Space	Equip.	Other				
DE	X	X	X		X	X	X		60/115/205 <sup>7</sup>	60/115/205 <sup>7</sup>	100%	100%
DC	X	X	X		X	X	X		75	95	38.7%	34%
FL	X	X	X	X	X	X	X	X	190	140/190 <sup>8</sup>	55.7%	52.9%
GA	X	X	X	X <sup>9</sup>	X	X	X		135	135	33%	43%
HI	X	X	X		X	X	X	X <sup>10</sup>	100/200 <sup>11</sup>	100/200 <sup>11</sup>	100%	100%
ID *	NR				X	X	X		NR	45/125/250 <sup>12</sup>	NR	34%

<sup>7</sup> DE - 0-5 years/5-10 years/More than 10 years.

<sup>8</sup> FL - Inactive/Not specified.

<sup>9</sup> GA - Includes Costs of Litigation.

<sup>10</sup> HI - Includes Professional services; Investigative and Litigation expenses; Capital expenses.

<sup>11</sup> HI - 4 years or less/5 years or more.

<sup>12</sup> ID - Age 72 or older/1-3 years/more than 3 years.

# CHART VI

## ALLOCATION OF DUES AND FEES IN STATE DISCIPLINARY SYSTEMS, 1991/92

SOURCE: Survey on Lawyer Discipline, 1991/92  
ABA Center for Professional Responsibility

STATE	Discipline Office Budget Includes:								Annual Dues/Fees (\$)		Percentage of Annual Fees/Dues Allocated to Disciplinary Agency	
	91				92				91	92	91	92
	Salaries	Space	Equip.	Other	Salaries	Space	Equip.	Other				
IL	X	X	X		X	X	X		70/140 <sup>13</sup>	70/140 <sup>14</sup>	100%	100%
IN	X	X	X		X	X	X		65	75	100%	80%
IA	NR				X	X	X		0/75/125/175 <sup>15</sup>	175	50%	50%
KS	X	X	X		X	X	X		30/60 <sup>16</sup>	60	100%	100%
KY	X		X		X		X		56/120/175 <sup>17</sup>	56/120/175 <sup>17</sup>	30%	30%
LA	X	X	X		NR				65/145 <sup>18</sup>	NR	100% <sup>19</sup>	NR

<sup>13</sup> IL - More than 1 year and less than 3 years/3 years to age 75.

<sup>14</sup> IL - Less than 1 year/More than 1 year and less than 3 years/3 years to age 75.

<sup>15</sup> IA - More than 1 year and less than 3 years/3-4 years/5 or more years.

<sup>16</sup> KS - Inactive/Active.

<sup>17</sup> KY - Judges/5 years or less/6 years or more.

<sup>18</sup> LA - 3 years or less (\$40 bar dues; \$25 disciplinary assessment)/More than 3 years (\$100 dues; \$45 disciplinary assessment).

<sup>19</sup> 0% of disciplinary assessment plus \$300,000 from bar dues.

# CHART VI

## ALLOCATION OF DUES AND FEES IN STATE DISCIPLINARY SYSTEMS, 1991/92

SOURCE: Survey on Lawyer Discipline, 1991/92  
ABA Center for Professional Responsibility

STATE	Discipline Office Budget Includes:								Annual Dues/Fees (\$)		Percentage of Annual Fees/Dues Allocated to Disciplinary Agency	
	91				92				91	92	91	92
	Salaries	Space	Equip.	Other	Salaries	Space	Equip.	Other				
ME	X	X	X		X	X	X	X <sup>20</sup>	25/45/145 <sup>21</sup>	25/35/145 <sup>21</sup>	100%	100%
MD	X		X		X		X	X <sup>22</sup>	85	85	76%	76%
MA	X	X	X		X	X	X	X	15/25/85/125 <sup>23</sup>	15/27.50/90/130 <sup>23</sup>	NR	100%
MI *	X	X	X		NR				200	NR	29%	NR
MN	X	X	X		X	X	X		39/122 <sup>24</sup>	42/132 <sup>24</sup>	66%	68%
MS	X	X	X	X	X	X	X		50/110/160 <sup>25</sup>	50/110/160 <sup>26</sup>	NR	39.6%

<sup>20</sup> ME - Includes Travel, Conferences, Library, Insurance.

<sup>21</sup> ME - Over 50 years/less than 3 years/3-49 years.

<sup>22</sup> MD - Includes investigative costs; transcripts; volunteer expenses.

<sup>23</sup> MA - Over 50 years/out-of-state active/less than 5 years/5-50 years

<sup>24</sup> MN - Less than 3 years/3 or more years.

<sup>25</sup> MS - Less than 1 year/1-3 years/3 or more years.

<sup>26</sup> MS - Inactive or less than 1 year/1-3 years/3 or more years.

# CHART VI

## ALLOCATION OF DUES AND FEES IN STATE DISCIPLINARY SYSTEMS, 1991/92

SOURCE: Survey on Lawyer Discipline, 1991/92  
ABA Center for Professional Responsibility

STATE	Discipline Office Budget Includes:								Annual Dues/Fees (\$)		Percentage of Annual Fees/Dues Allocated to Disciplinary Agency	
	91				92				91	92	91	92
	Salaries	Space	Equip.	Other	Salaries	Space	Equip.	Other				
MO	X	X	X		X	X	X		113/123/163 <sup>27</sup>	113/123/163 <sup>27</sup>	34%	34%
MT *	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR
NE	X	X	X		X	X	X		27/41/103/205 <sup>28</sup>	27/41/103/205 <sup>29</sup>	22%	19%
NV	X	X	X		X	X	X		25/75/125/150 <sup>30</sup>	25/75/150/250 <sup>31</sup>	23%	24%
NH	X	X	X		X	X	X		95/105/125/175 <sup>32</sup>	104/114 <sup>33</sup>	NR	100%
NJ	X		X		X		X		0/70/115 <sup>34</sup>	0/90/125 <sup>34</sup>	NR	NR

A.25

<sup>27</sup> MO - Nonresident/Resident w/ 3 years or less/Resident w/ over 3 years.

<sup>28</sup> NE - Inactive/Sr. Active/Jr. Active/Active and Judicial Active.

<sup>29</sup> NE - Inactive/75 years of age and Sr. Active/0-5 years and Junior active/5 or more years active.

<sup>30</sup> NV - Inactive/Judges/5 years or less/5 years or more.

<sup>31</sup> NV - Inactive without service/Inactive with service/5 years or less/5 years or more.

<sup>32</sup> NH - Professional Conduct Committee (PCC) dues less than 5 years/PCC dues 5 years or more/Bar dues less than 5 years/Bar dues 5 years or more.

<sup>33</sup> NH - 1-4 years/5 or more years.

# CHART VI

## ALLOCATION OF DUES AND FEES IN STATE DISCIPLINARY SYSTEMS, 1991/92

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STATE	Discipline Office Budget Includes:								Annual Dues/Fees (\$)		Percentage of Annual Fees/Dues Allocated to Disciplinary Agency	
	91				92				91	92	91	92
	Salaries	Space	Equip.	Other	Salaries	Space	Equip.	Other				
NM	X	X	X	X <sup>35</sup>	X	X	X	X <sup>35</sup>	225	225	22%	30%
NY (1st Jud. Dept.)	X		X		X		X		150	150	25%	25%
NY (2nd & 11th Jud. Dist.)	X		X		X		X		300 Bi-Annual	300 Bi-Annual	0%	NR
NY (9th Jud. Dist.)	X	X	X		X	X	X		300 Bi-Annual	300 Bi-Annual	NR	NR
NY (3rd Jud. Dept.)	X		X		X	X	X		150	150	NR	NR
NY (4th Jud. Dept.)	X	X	X		X	X	X		300 Bi-Annual	300 Bi-Annual	NR	NR
NC	X		X		NR				150	135	56%	NR
ND	X	X	X		X	X	X	X <sup>36</sup>	50/175/200/230 <sup>37</sup>	50/175/200/230 <sup>37</sup>	0%	0%
OH	X	X	X		X	X	X		100 Bi-Annual	100 Bi-Annual	NR	NR

<sup>35</sup> NM - Includes phone, postage staff travel, taxes.

<sup>36</sup> ND - Operations, including hearing costs and expenses.

<sup>37</sup> ND - Admitted after Sept. 1 (paying for remainder of same year)/1 year or less/1-5 years/5 years or more.

# CHART VI

## ALLOCATION OF DUES AND FEES IN STATE DISCIPLINARY SYSTEMS, 1991/92

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ABA Center for Professional Responsibility

STATE	Discipline Office Budget Includes:								Annual Dues/Fees (\$)		Percentage of Annual Fees/Dues Allocated to Disciplinary Agency	
	91	91	91	91	92	92	92	92	91	92	91	92
	Salaries	Space	Equip.	Other	Salaries	Space	Equip.	Other				
OK	X	X	X		X	X	X		0/88/175 <sup>38</sup>	0/88/175 <sup>38</sup>	25%	21%
OR	X	X	X	X <sup>39</sup>	X	X	X	X <sup>39</sup>	25/226/290 <sup>40</sup>	25/262/326	11% <sup>41</sup>	12% <sup>42</sup>
PA	X	X	X		X	X	X	X <sup>43</sup>	125	125	84%	84%
RI	X	X	X	X <sup>44</sup>	X	X	X		175	290/375 <sup>45</sup>	100%	100%
SC	X		X		X		X		80/150 <sup>46</sup>	70/140 <sup>47</sup>	0%	0%

<sup>38</sup> OK - 0-1 years practice, over 70 years old/1-3 years/4 or more years.

<sup>39</sup> OR - Includes court reporters, litigation expenses, witness fees, board expenses, overhead.

<sup>40</sup> OR - Greater than 50 years in practice/less than 2/all other.

<sup>41</sup> OR - 11% of total bar budget, but only 45% of budget revenue comes from dues.

<sup>42</sup> OR - 12% of total bar budget, but only 45% of budget revenue comes from dues.

<sup>43</sup> PA - Includes witness fees, expert testimony, library upkeep, conservator costs, travel.

<sup>44</sup> RI - Includes outside contract obligations, i.e., steno, expert witness.

<sup>45</sup> RI - Less than 5 years/more than 5 years.

<sup>46</sup> SC - Less than 5 years/more than 5 years. (Both include a \$10 Client Security Assessment).

<sup>47</sup> SC - Less than 5 years/more than 5 years.

# CHART VI

## ALLOCATION OF DUES AND FEES IN STATE DISCIPLINARY SYSTEMS, 1991/92

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STATE	Discipline Office Budget Includes:								Annual Dues/Fees (\$)		Percentage of Annual Fees/Dues Allocated to Disciplinary Agency	
	91				92				91	92	91	92
	Salaries	Space	Equip.	Other	Salaries	Space	Equip.	Other				
SD	X		X		NR	NR	NR		125/250 <sup>48</sup>	NR	1%	NR
TN	X	X	X	X <sup>49</sup>	X	X	X	X <sup>49</sup>	70	70	99%	99%
TX *	NR				X	X	X		NR	68/148/235 <sup>50</sup>	NR	NR
UT	X	X	X		X	X	X	X <sup>51</sup>	350	0/190/350 <sup>52</sup>	25%	25%
VA	X	X	X		X	X	X		NR	NR	45%	46%
VT	X	X	X		X		X		75	100 Bi-Annual	NR	0%
WA	X	X	X		X	X	X		115/195 <sup>53</sup>	115/195 <sup>53</sup>	20%	24%

<sup>48</sup> SD - Less than 5 years/5 or more years.

<sup>49</sup> TN - Includes travel, experts, audit, court reporting.

<sup>50</sup> TX - 1-3 years/3-5 years/5 or more years.

<sup>51</sup> UT - Includes mortgage interest and building overhead.

<sup>52</sup> UT - 50 years in practice/1-3 years/3 or more years.

<sup>53</sup> WA - 2 years or less/more than 2 years.

# CHART VI

## ALLOCATION OF DUES AND FEES IN STATE DISCIPLINARY SYSTEMS, 1991/92

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STATE	Discipline Office Budget Includes:								Annual Dues/Fees (\$)		Percentage of Annual Fees/Dues Allocated to Disciplinary Agency	
	91				92				91	92	91	92
	Salaries	Space	Equip.	Other	Salaries	Space	Equip.	Other				
WV	NR				NR				75/100/150/175 <sup>34</sup>	75/100/150/175 <sup>34</sup>	NR	11%
WI	X	X	X		X	X	X		132/249 <sup>35</sup>	132/249 <sup>35</sup>	30%	31%
WY	X	X <sup>36</sup>	X <sup>37</sup>		X	X <sup>36</sup>	X <sup>37</sup>		113/225 <sup>38</sup>	113/225 <sup>38</sup>	23%	23%

\* ID did not respond in 1991.

\* MI did not respond in 1992.

\* MT did not respond in 1991 or 1992.

\* TX did not respond in 1991.

<sup>34</sup> WV - 1 year/2-3 years/4-5 years/6 years or more.

<sup>35</sup> WI - 1-3 years/4 years or more.

<sup>36</sup> WY - Not functionally allocated; provided free of cost.

<sup>37</sup> WY - Not completely allocated; don't pay for leases and most equipment.

<sup>38</sup> WY - 5 years or less/6 years or more.