Administrative Cost d Fees Survey 2011

State; Number of Active Lawyers*	Does State have a mandatory bar association?	If a lawyer is disciplined, is s/he responsible for any costs and/or expenses of the proceeding?	Are there specific fee structures in place for different types of sanctions or cases?	How much does your jurisdiction collect in costs/expenses or other fees, penalties or discipline assessments on an annual basis?	What percentage of your annual budget does these collected costs/expenses or fees, penalties or discipline related assessments account for?
Alabama; 17,715		Yes. Actual costs can be assessed**	All public discipline orders- $750**		
Alaska; 3,006	Yes	Fees and costs, including attorney's fees, may be assessed under Bar Rule 16 in the discretion of the Disciplinary Board and the Sup. Ct.	No specific fee structures	Varies. Since the Bar usually doesn't see these amounts unless a lawyer seeks reinstatement, it is more common that the Bar sees no recoveries in a given year.	2010 expenditures were $787,169, so any recovery is a miniscule portion of expenditures.
Arizona; 16,198	Yes	Yes. Costs include court reporter expenses and transcripts, charges for bank records and investigator costs	Yes. Based on point at which matter terminates: ADPCC imposed orders- $600; Settled with consent agreement without contested hearing- $1,200; After default in answering formal complaint- $2,000; After contested hearing with no appeal- $4,000; After appeal to Supreme Court- $6,000.	Approximately $125,000	Approximately 2.3%
Arkansas; 8,523		Yes. If prevail after hearing and sanction is issued can ask for actual expenses but not attorney's fees**	Any case in which a non-public or public sanction is issued- a minimum $50**		
California; 169,411	Yes	Only if the discipline imposed is a public reproval or greater is the member directed to pay costs under B & P Code section 6068-10. Costs: transcripts and fees paid to court reporter; all expenses which would qualify as taxable costs recoverable in civil proceedings; charges determined to be "reasonable costs" of investigation, hearing and review the amounts of which shall serve to defray the costs, other than fees for the services of attorneys or experts, of the State Bar in the preparation or hearing of the disciplinary proceeding...	Monetary Sanctions under California Business & Professional Code 6086.13: Suspension, Disbarment = discretional $5,000 per violation, with a maximum $50,000. Costs associated with disciplinary matters, effective January 2011. Costs vary depending on stage at which the matter settles, examples: Default = $4,060; Prior to filing of a Notice of Disciplinary Charges = $2,797; Before trial but after Pretrial Statement is filed or a one-day trial = $6,779; Multi-day trial = $15,287; Probation revocation = $2,191. Additional charges, as appropriate: $892 for each investigation matter over one; transcript costs, $125 for each resignation (added to other applicable costs).	Receipt of costs imposed: $670,000=2009; $1,177,000=2010. Increase due to augmented collection efforts. These numbers, in part, represent collection of costs for discipline imposed, but not collected, in previous years.	Percentage is still very small in comparison to annual budget
Colorado; 23,198	No	Yes; all costs of the proceeding after filing a formal complaint. Any actual expense related to the underlying case.	Administrative Fee for all discipline or diversion matters = $91	Fiscal year 2010-$61,000	1.50%
Connecticut; 36,908	No	Court rules provide for the imposition of costs following a court hearing	No	$0	N/A
District of Columbia; 67,896	Yes	No	No fees are charged to Respondents	N/A	None
Delaware; 3,123	No	Yes. Costs of audits; transcripts of hearings and depositions; expert fees; service of documents	No	Information not compiled	None

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Administrative Costs and Fees Survey 2011

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Florida; 73,181	Yes	Costs-Taxable: investigative costs, including travel and out-of-pocket expenses, court reporters' fees; copy costs; telephone charges; fees for translation services; witness expenses, including travel and out-of-pocket; referee travel and out-of-pocket expenses; counsel travel and out-of-pocket expenses, including of the respondent if acting as counsel.	No specific fee structures. No penalties. Fees assessed at discretion of referee, including assessing the respondent's costs against the bar when the bar is unsuccessful in the prosecution of a particular matter and there was no justifiable issue of either law or fact raised by the bar. Administrative fee in the amount of $1250 when costs are assessed in favor of the bar.	$740,000	.76% of lawyer regulation budget
Georgia; 31,315	Yes	No; do not seek reimbursement of costs	N/A	N/A	N/A
Hawaii; 4,772		Actual costs**	No administrative fees**		
Idaho; 4,253	Yes	Yes. Primary costs are transcript and reporting fees and hearing committee member expenses	Not for discipline. Reinstatements assessed $1500, with any unused portion returned to attorney	$15,000	Very little; negligible
Illinois; 84,777	No	Yes. Out-of-pocket costs of investigation and prosecution up to $1000 and may seek excess costs from the Court by petition, which if granted would allow for recovery of more or all of the defined costs. Costs include witness fees; duplication of documents necessary to the prosecution of the case; travel expenses of witnesses; bank charges for producing records; expenses incurred in the physical or mental examination of a respondent attorney; fees of expert witnesses; and court reporting services.	No	Annual cost recovery varies annually, but typically approaches $100,000 each year	Less than 1%
Indiana; 17,187		Actual costs**	All public discipline orders- $100**		
Iowa; 8,777	No	Yes. Costs include those expenses normally taxed as costs in state civil actions, such as court reporter, transcription costs, and service of process. Fees and other expenses include the reasonable attorney fees and reasonable expenses of expert witnesses plus court costs.	No	Averaging just under $8000/yr in the last two fiscal years	Less than 1%
Kansas; 10,750		***			
Kentucky; 16,330	Yes	Yes. Costs: out-of-pocket such as mileage, copy costs, transcripts, air travel, if applicable, meals during hearings.	Fees are collected for filing reinstatement or restoration cases. Otherwise, the Board rejected a fee structure proposal 3 years ago.	Not much is collected. $22,164 in 09-10. This is at best unreliable as an income source. In reality these are often uncollectable	Not much. .4% in 2010
Louisiana; 20,857	Yes	Yes. Costs: Out-of-pocket expenditures such as court reporter fees, investigator fees for travel, costs of securing bank records, etc.	Yes. The Court has imposed presumptive costs which escalate with the severity of the sanction. Fees: Admonition- $250; Public Reprimand- $1,000; Suspension- $1,500; Disbarment- $2,000; Consent prior to formal charges- $1,000; Consent after formal charges- $1,500	Annual costs recovery varies annually but averages approximately $125,000	Approximately 2.5-3% of the annual budget which is approximately $4,850,000

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Maine; 5,037	No	Yes. Payment of all actual disciplinary expenses incurred by the Board of Overseers; the requisite rule, however, does not authorize such repayment orders in matters that conclude at the Grievance Commission level.	No specific fee structures. There are no disciplinary "fees" imposed	N/A	N/A
Maryland; 34,589	No	Yes. Costs include transcript costs pursuant to MD Rule 16-761 are taxed and included in the order as a judgment	No specific fee structure or special assessments with the exception of reinstatement cases which require payment of $200 to the AGC and $50 to the Court of Appeals.	$37,000 in fy10; $28,000 in fy09	1-2 percent
Massachusetts; 53,004	No	Yes. Rule permits court, at its discretion, to direct payment of costs incurred in connection with the processing of a disciplinary proceeding and information as well as costs incurred by bar counsel and the Board of Overseers in attempting to gain information in connection with the processing of a complaint against the lawyer. No effort is made to collect costs.	No specific fee structure except for the required $500 cost deposit on petitions for reinstatements. The Board doesn't attempt to collect the excess costs on reinstatements but does refund the $500 if the petition is withdrawn.	Unknown how much is collected for reinstatement petitions. Otherwise, little or nothing is collected	Negligible
Michigan; 38,807	Yes	Yes, actual expenses incurred plus the basic administrative cost of either $750 or $1500	Yes. Actual expenses assessed in all orders of discipline and orders granting or denying reinstatement. Basic administrative cost of $750 for cases resolved by stipulation for consent to discipline. All other contested cases- $1,500. Reinstatement petitions $750 if discipline imposed was less than 3 years; $1,500 if discipline was 3 years to disbarment.	2 yr average (09-10): $174,051 (includes pro hac vice fees collected by AGC, $61,000/yr)	3.70%
Minnesota; 23,178	No	Yes. Prevailing party in any disciplinary proceeding or revocation of conditional admission proceeding recovers costs in the amount of $900	No specific fee structure; all public disciplined lawyers are assessed the same $900 in costs; disbursements (expenses) will vary depending on how extensive the litigation, but not by type of case. Disbursements incurred prior to filing public petition are not recoverable (e.g., a sworn statement taken during investigation stage)	Calendar year 2010: $18,918	Less than 1%
Mississippi; 8,523		***			
Missouri; 29,320	Yes	Yes. Costs taxed in same manner as costs in civil proceedings. In addition, fees are imposed in amounts depending upon the nature of the discipline imposed.	Yes. Reprimand- $750.00; Suspension- $1,000; Disbarment- $2,000. Application for reinstatement- $500 (in addition to any unpaid disciplinary costs)	$35,000 for discipline and reinstatement fees; $45,000 for MCLE late fees	3.50%
Montana; 3,477		***			
Nebraska; 6,586		Actual costs such as fees for the referee and court reporter**	No fee structure**		

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Nevada; 6,585	Yes	Yes. Costs may be assessed in full or in part, including reporter's and investigator fees, bar counsel and staff salaries, witness experts, service costs, publication costs, and any other fees or costs deemed reasonable by the panel and attributable to the proceeding.	No specific fee structure. Fines: Letters of Reprimand can include fines up to $1,000 or restitution. Formal discipline can include fine or restitution, with the average amount of penalties being $800-$1,200. Reinstatement petitions require prepayment of $1000 to cover anticipated costs (which rarely does with any balance being refunded; deficit billed	Average $30,000/year	Less than 1%
New Hampshire; 4,809	Yes.	Yes. All expenses incurred in investigation and enforcement of discipline may be assessed: out-of-pocket costs and expenses including, but not limited to, outside counsel, if necessary; forensic accountant; depositions; hearing transcripts; expert witnesses; copying and publication. A final assessment has the force and effect of a civil judgment against the attorney. Court may increase the assessment to include taxable costs or other expenses incurred in the resolution or enforcement of any assessment, including attorney's fees payable to counsel retained to resolve or recover the assessment.	No fee structure in place. Monetary assessments are deemed to be monetary sanctions.	Has averaged about $20,000/year the past few years	Not quite 2%
New Jersey; 68,431		Yes. Actual costs**	Discipline by Consent- $650; Reciprocal Discipline- $1,000; All other discipline orders- $1,500**		
New Mexico; 6,413	Yes.	Yes. Costs: all expenditures by the Disciplinary Board in disciplinary proceedings including depositions, exhibits, transcripts, witness fees and hearing committee expenses.	No fee structure in place. Reinstatement fees= $1,500 paid upon application following disbarment or suspension.	Varies	Estimated at less than 2%
New York; 180,378 (total departments/ districts)		***			
North Carolina; 13,744	Yes.	Yes. Costs and expenses as permitted in any civil action including court reporter expenses, witness expenses, and expert witness fees.	Administrative Fees-determined on whether matter is contested or uncontested: $350 in each case in which the Grievance Committee imposes discipline or in which the Grievance Committee refers a case to the Disciplinary Hearing Commission for trial; $1,500 for each day or portion of a day in which the Disciplinary Hearing Commission hears a contested disciplinary or disability case; $750 for each uncontested case in which an order of discipline or disability is entered by the Disciplinary Hearing Commission.	Recovered in: 2009= $12,185; 2010= $26,775	None. Budget does not count on recovering any costs, expenses or fees. The amount recovered has always been negligible. The Council just adopted the previously noted schedule of fees effective for cases commenced after August 1, 2010. Expect to collect considerable more administrative fees in 2011 than have ever been collected before

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North Dakota; 2,052	Yes	Yes. Costs and expenses of the proceedings, including out-of-pocket costs of disciplinary counsel's office, including disciplinary counsel's attorney time at $75 per hour, and costs of hearing panel members.	No fee structure	Annual Cost recovery varies.	Collected costs/expenses do not go back to budget but rather are applied to the State's general fund
Ohio; 42,684	Yes	Yes. Costs and expenses incurred by the Board or panels including the costs of holding the hearing, costs associated with retaining an expert, and costs for board members spending the night on multiple hearing days.	No specific fee structure	Not available.	None known. Funds provided from attorney registration fees and Sup. Ct. collects the costs
Oklahoma; 16,438	Yes	Yes. Costs incurred in investigation and prosecution, i.e. transcripts, publication, subpoena fees, witness fees.	No	Averages $8,000-$10,000	Approximately 1%
Oregon; 14,070	Yes	Yes, if awarded by the court. Costs include service, filing and witness fees, transcripts per page copying costs for exhibits and appellate briefs.	No fee structure	Around $25,000	Less than 2%
Pennsylvania; 61,124	No	Yes. Taxable expenses under Rule include but not limited to court reporter fees and transcript costs; fees and expenses of expert and other witnesses; costs of serving subpoenas, pleadings and briefs; charges by banks and other institutions for production of statements, check and other records in response to subpoena or otherwise; cost of reproducing documents introduced and offered as evidence at hearings; and costs of reproducing pleadings and briefs.	No. Every case resulting in discipline, except a summary informal admonition, and every reinstatement proceeding is assessed a $250 administrative fee.	Costs and expenses collected for 2010: $120,074	Budget for 2010= $9,872,848; Approximately 1.5 %
Rhode Island; 4,930	Yes	No	No	None	Budget is 100% supported by the payment of attorney registration fees
South Carolina; 10,748	Yes	Yes. Costs, expenses of investigation and prosecution of disciplinary cases. Costs are assessed based on the overall expenses. Generally, costs are ordered as part of sanction in cases where formal proceedings (hearings) are required, although there are occasions where costs are assessed in cases resolved by agreement/consent	No specific fee structure. Fines are assessed in discipline cases, not disability but there are no set amounts based on the nature of the sanction. Court has discretion to impose whatever amount it sees fit. There is no set "administrative cost" or "administrative fee" charged in discipline cases.	Do not maintain that information	Unknown. The disciplinary operation does not have a separate budget. Operating costs are part of the overall judicial department budget. Costs assessed are paid to the department. Fines imposed are paid back to the state's general fund, not to the department, in accordance with state law.
South Dakota; 2,361	Yes	Yes. Costs include mileage, meals, court reporter fees, hotel rooms, telephone and copying fees and hourly charges for board counsel.	No fee structure.	If collectible, approximately $5,000, but in about 1/3 of the cases expenses are not recouped. The Board bears the expense until the case goes to the Sup. Ct. and discipline is imposed. Only about one case is litigated over a period of 12-18 months. If looking at disbarment, most attorneys resign so the expenses are not collectible.	Approximately .5-1% of the $60,000-$70,000 Disciplinary Board budget.

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Tennessee; 19,622	No	Yes. Costs of proceedings include court reporter's expenses for appearances and transcription of all hearings and depositions; expenses of the hearing panel in the hearing and the hourly charges of disciplinary counsel in investigating and prosecuting the matter.	No specific fee structure	Varies from year to year	Less than 5%
Texas; 86,075	Yes	Yes. Pursuant to rule a sanction may include payment of reasonable attorneys' fees and all direct expenses associated with the proceedings and provides guidance on the relevant factors to be considered in determining the reasonableness of the attorneys' fees.	No specific fee structure	$300,000+/-	4%, approximately
Utah; 7,866	Yes	Yes. As a matter of practice costs include attorneys' fees.	No specific fee structure	Do not know, but expect very little	Unknow but expect very little
Vermont; 2,200	No	Not in discipline cases.	Costs and expenses can only be sought in (a) reinstatement cases; and (b) cases where the respondent is charged with violating the term of his/her disciplinary probation	$0	$0
Virginia; 28,240	Yes	Yes. Costs include reasonable costs paid to outside experts or consultants; reasonable travel and out-of-pocket expenses for witnesses; court reporter and transcript fees; electronic and telephone conferencing and recording costs, if such procedures are requested by respondent; copying, mailing, and required publication costs	Administrative charges: Cases resolved at a Subcommittee level= $500. District Committee case= $750. Board or Circuit Court case= $1,000	Not much.	
Washington; 27,795	Yes	Yes. Costs: all monetary obligations, except attorneys' fees, reasonably and necessarily incurred by the WSB in the complete performance and duties under the Rules of Enforcement of Lawyer Conduct, whether incurred before or after the filing of a formal complaint against a lawyer. Expenses, including a reasonable charge for attorney fees and administrative costs. are assessed depending on how far the litigation proceeds. ELC 13.9(c) Expenses assessed under this rule may equal the actual expenses incurred by the Association, but in any case cannot be less that the specified amounts.	Yes. Admonition= $750; Matter becomes final without review by the Board= $1,500; Matter that becomes final following Board review, without appeal to the Supreme Court= $2,000; Matter appealed to the Supreme Court or in which the Court accepts discretionary review but not requiring briefing= $2,500; Matter appealed to the Supreme Court or in which the Supreme Court accepts discretionary review in which briefing is required= $3,000	Number varies from year to year. FY2010= $49,192	1.1%; Total discipline expenses FY 2010= $4,572,179. Total costs collected from respondent lawyers FY 2010= $49,192
West Virginia; 6,380	Yes.	Yes, costs of the disciplinary proceeding, but rule is discretionary.	No	In 2010 ODC collected $6,436.39 in costs	N/A

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Wisconsin; 23,591	Yes	Yes. Costs: compensation and necessary expense of referees; fees and expenses of counsel for the office of lawyer regulation; service of process; certified coies of records of any publice office; postage; telephoning; adverse examinations and depositions and copies; expert witness fees; witness fees and expenses; compensation and reasonable expenses of experts and investigators employed on a contractual basis; and any other costs and fees authorized by statute. The supreme court may enter a judgment for costs in a disciplinary proceeding where misconduct is found, a medical incapacity proceeding in which the court finds a medical incapacity, or a reinstatement proceeding. Costs are determined case by case based upon costs incurred and application of the supreme court's policy.	No specific fee structure.	Approximately $200,000 for this year	This year: 7%; normally between 5% and 7%
Wyoming; 2,341	Yes	Yes, may pay costs for prosecuting the matter	See Disciplinary Code for the Wyoming State Bar, Section 26(e)	Approximately $7,000 to $9,000 per year	1%
Nova Scotia, Canada	Yes	A hearing panel had discretion with regard to costs. A member may be ordered to repay all or a portion of the costs, and may be ordered to repay a lump sum or in installments.	No. A panel has the discretion to order a fine, which is an amount not to exceed $20,000, to be paid to the Lawyer's Fund for Client Compensation	Less than $50,000 collected (small jurisdiction of approximately 1700 lawyers)	1-2%

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