



INFORMATION PAPER

TO: Attorney Regulation Advisory Committee

SUBJECT: Schedule of Administrative Expenses assessed in Lawyer Discipline, Disability and Reinstatement cases.

PURPOSE: On May 4, 2011, the Supreme Court issued Administrative Order No. 2011-44 establishing the Attorney Regulation Advisory Committee and the appointment of members. As the first order of business, the Committee is to consider the current administrative expenses assessed in lawyer discipline cases and the philosophical basis for setting and assessing these expenses. The Committee shall recommend an expense schedule to the Supreme Court by December 31, 2011. This information paper provides a comprehensive overview of the history and background regarding the current cost structure.

BACKGROUND: In 1998, the State Bar of Arizona's Discipline Oversight Committee ("DOC") considered adopting a schedule of administrative expenses to be imposed in lawyer discipline cases. The Supreme Court rules did not specify any amount to be assessed and it was unknown whether the Board had ever exercised any role in determining amounts to be assessed. At the time, the State Bar's Lawyer Regulation department assessed \$150 as an overall fee plus an additional \$130 per discipline file. It appears that consideration of this issue was the result of Chief Bar Counsel reporting to the DOC on comments from membership that disciplined attorneys should pay a greater share of the costs of the system and that a cost system should be adopted that assessed costs based on the point where a proceeding terminates.

The model for this concept was a new system adopted by the State Bar of California. In February 1996, the Executive Director of the California Bar appointed a Task Force to review their system of cost assessments and recovery to ensure that the Bar was collecting the costs in accord with its current expenses. The California Task Force considered whether an appropriate formula would be to assess costs on an actual costs basis. Under that model, the Bar would determine the actual time spent on a specific case and assess costs based on the actual salary and overhead costs. The Task Force concluded that such a procedure would be operationally unworkable as a cumbersome and time-consuming process coupled with the concern that such a procedure may be the catalyst for unnecessary litigation.

The California Task Force used a three-step process for the costs model. It included a random review of cases resulting in discipline. The review covered a statistically

significant number of cases. The cases varied in the nature of the disciplinary proceeding and analyzed the tasks typically performed in the various types of disciplinary cases. The Task Force conducted various studies on how long specific tasks took to complete and then hired a firm to review their methodology, examine their data and calculate an appropriate component for overhead, ultimately creating the final formula that was proposed and adopted by their Board. Under the proposed formula, the amount of costs was dependent upon four factors: the stage at which the matter was completed; the type of proceeding involved; the number of complaints involved; and the amount of out-of-pocket costs incurred. The result was a cost assessment model that California believed accurately and fairly reflected the recoverable costs incurred by the Bar in disciplinary proceedings and could be readily updated in the future to reflect changes in salary and overhead costs.

Based on the California model, in 1998, the Chief Bar Counsel for the State Bar of Arizona proposed to the DOC that it recommend to the Board of Governors a similar model. The DOC was presented with a proposed assessment based on the factors utilized by California. The philosophy of creating an administrative cost structure based on the termination point of the case had a great deal of legitimacy. The work that is required in cases resulting in informal sanction or sanctions after a formal proceeding could be roughly calculated. Therefore an administrative fee structure that included items such as bar counsel time, staff time, paralegals and assistants, postage, telephone costs and general office overhead would form the basis for the administrative fee imposed. The proposal offered a low, moderate and high assessment for the various termination points of a discipline case. Although the DOC minutes do not reflect the specific discussion, it is clear that discussion occurred because the DOC ultimately selected and recommended to the Board some low, some moderate and some high assessments. In February 1999, the Board voted unanimously to adopt the proposal. That schedule is attached hereto as Exhibit A. That schedule was implemented and remained unchanged until November 2008.

In mid-2008, the DOC again considered the fee structure that was adopted in 1999. With the assistance of the Chief Financial Officer, Tom Johnson, the DOC examined the increase in personnel and other related costs. In 1998, the cost of operating Lawyer Regulation was \$1,368,808 compared to budgeted expenses for 2008 of \$2,912,501, an increase of \$1,543,693 or 112.8%. Based on the increased costs over the decade between 1998 and 2008, it was reasonable to propose that all identified fees be increased. DOC recommended to the Board that the fees be increased by 100% based on the factors that had been used to determine costs in 1998, as well as on the increase in the budgetary cost for Lawyer Regulation.

On November 21, 2008, the Board approved an increase in the assessment schedule. On December 18, 2008, the President of the State Bar sent a letter to Chief Justice McGregor asking the Court to adopt the new fee schedule. The Board's view, which was that disciplined lawyers, rather than the general bar membership, should bear a greater responsibility for the costs and expenses incurred in the operation of the regulatory system, a philosophy previously expressed by the Court, was set forth in that letter:

By shifting some of the financial burden of disciplinary procedures to those who are directly responsible for the costs, we insure the ability of the State Bar to continue its efforts in this area without having to ask the State Bar's members to further subsidize the Bar's disciplinary efforts. Not only is the assessment of costs against an attorney who committed misconduct a more equitable means of financing the disciplinary process, but the imposition of costs and expenses serves the additional function of deterring other lawyers from engaging in unprofessional conduct. Moreover, as with restitution, we consider the imposition of costs and fees to be part of the rehabilitative process of our disciplinary proceeding. *In re Shannon*, 179 Ariz. 52, 79, 876 P.2d 548, 577 (1994) (footnote and citation omitted).

On February 25, 2009, the Supreme Court issued Administrative Order 2009-26, citing to *Shannon* and adopting the fees increase as proposed by the Board. The order is attached hereto as Exhibit B. Shortly thereafter, counsel for respondent lawyers expressed concerns regarding the increase. In November 2010 a memo from a group of respondent's counsel was sent to the Board articulating the concerns. The memo is attached hereto as Exhibit C. This information was conveyed to the Court as well. On January 31, 2011, the Court issued Administrative Order 2011-17 to accommodate the new procedural rules that were effective January 1, 2011. That order did not in any way change the substance of the fee schedule in effect. The Court has now directed the Attorney Regulation Advisory Committee to consider this issue and make recommendations to the Court.

CONSIDERATIONS: There are many factors that may be analyzed to determine whether the current cost model employed by the State Bar is a fair and effective model. It has been suggested that the Committee review the cost models used by other states; the actual costs incurred in cases resulting both in informal discipline and those that are litigated through the formal disciplinary process; and the views of the membership concerning who should bear the costs of operating and maintaining the lawyer regulatory system.

JURISDICTIONAL DIFFERENCES: In consideration of the issue of the cost structure, bar staff made inquiries to all 50 states and asked a comprehensive set of questions concerning costs assessed in disciplinary cases; administrative cost structures; whether the jurisdiction was or was not a mandatory bar; how regulation was funded and what percentage of the budget was recovered through assessments collected in lawyer discipline cases. All but nine jurisdictions responded to the inquiry. Attached as Exhibit D is a chart referencing all jurisdictions that responded to the inquiry.

Review of the chart demonstrates vast differences in how jurisdictions deal with costs or fees associated with lawyer discipline. Many states indicate that they only assess costs, but the definition of costs sometimes includes actual attorney's fees in addition to other standard out of pocket costs. Three states can impose fines in addition to collecting costs. Seven states assess actual attorney's fees in lawyer discipline cases. Sixteen states, like Arizona, have a an administrative fee structure or a flat administrative fee structure along with the opportunity to recover costs and twenty states only recover costs. The

responses demonstrate that there are many methods being used to assess costs and fees through the disciplinary process.

ACTUAL COSTS: The current administrative schedule applies to various types of cases. Most often the assessments are related to those cases that result in a sanction imposed by the Attorney Discipline Probable Cause Committee or as a result of a consent, default or contested hearing through the formal disciplinary process. As part of the evaluation process, it is useful to consider the actual costs involved in the processing of cases.

In determining the actual costs, several senior bar counsel evaluated each type of case and produced a list of minimum required tasks involved in the investigation and prosecution of each. Once the list of tasks was set bar counsel discussed an average amount of time necessary to complete each task and assigned that amount accordingly. Attached as Exhibit E are model billing schedules for each of the four types of cases which are subject to the assessment of administrative fees: a case resulting in a sanction ordered by the Attorney Discipline Probable Cause Committee; a consent agreement; a default case; and, a case going through a contested hearing. The billing schedules reflect the minimum number of required tasks associated with each type of case. The billing schedules do not reflect any time for research, interviews, general correspondence, or telephone calls. Often times many more tasks are required for each but for purposes of this process it seemed most appropriate to use a billing schedule that reflected the absolute minimum number of tasks required for each type of case. In addition, each task reflects an extremely conservative estimate of the time necessary for completion of the task. In each instance, the model billing schedules are for a basic case and do not account for the complexity of the case or the volume.

The model billing schedules show a minimum number of hours for each case type. To complete the costs analysis, it was necessary to determine an hourly rate for bar counsel.¹ Customarily a lawyer will include the cost for secretarial support and overhead as part of the lawyer's hourly fee. The average hourly cost per bar counsel was \$85.76 and the average cost for legal secretaries was \$38.99 for a total average hourly rate of \$124.75. The chart below uses the various figures to demonstrate the range of costs involved with each type of case versus the administrative fee currently assessed.

¹ Using salaries, benefits and overhead costs, the State Bar's Chief Financial Officer calculated a per employee amount which is represented.

Hourly Rate for Bar Counsel Only

Type of Case	Hours Charged	Total Cost	Administrative Fee
Sanction imposed by ADPCC	10.9 @ \$85.76	\$934.78	\$600.00
Consent Agreement	35.3 @ \$85.76	\$3,027.33	\$1,200.00
Default Case	24.8 @ \$85.76	\$2,126.85	\$2,000.00
Contested Hearing No Appeal	68.5 @ \$85.76	\$5,874.56	\$4,000.00
Contested Hearing through Appeal	98.1 @ \$85.76	\$8,413.05	\$6,000.00

Hourly Rate with Combined Bar Counsel and Legal Secretary

Type of Case	Hours Charged	Total Cost	Administrative Fee
Sanction imposed by ADPCC	10.9 @ \$124.75	\$1,359.78	\$600.00
Consent Agreement	35.3 @ 124.75	\$4,403.68	\$1,200.00
Default Case	24.8 @ \$124.75	\$3,093.80	\$2,000.00
Contested Hearing No Appeal	68.5 @ \$124.75	\$8,545.38	\$4,000.00
Contested Hearing through Appeal	98.1 @ \$124.75	\$12,237.98	\$6,000.00

Using only the most basic case with the minimum number of tasks at a conservative estimate of the time necessary to perform those tasks, the actual cost when using either hourly rate would demonstrate that the actual costs are much higher than the administrative fees currently assessed.²

² When considering actual costs versus the administrative fee, it could be useful to evaluate respondent counsel's billing with respect to the various types of cases to better assess the cost of defense in relation to the costs assessed to disciplined lawyers pursuant to the administrative fee schedule. It would also provide another source to demonstrate the time necessary to process the various types of cases. The Committee may want to consider whether this would present a more comprehensive picture of the fairness or inequity of the current fee schedule.

MEMBERSHIP SURVEY: In early 2011, the State Bar, with the aid of a consultant, created a membership survey to query members on many different aspects of the Bar. Pursuant to a request from the Court, the member survey included three questions related to member views about the existing cost structure in lawyer disciplinary matters. Only two of the three questions were directly related to the issue of the cost structure and the responsibility of those lawyers being sanctioned to bear those costs. The two questions were as follows:

1. In 2010, the median assessed fee in formal disciplinary cases was \$2,028. Based on this information, to what extent should attorneys who are disciplined under the system pay the costs and expenses for investigating and prosecuting their unethical violations? The possible answers were pay nothing, pay less, pay the same, pay more, pay substantially more or no opinion.
2. The current cost structure in a formal disciplinary case where misconduct is found is as follows: A lawyer will be assessed \$1,200 for a consent agreement for discipline; \$4,000 after a contested hearing with no appeal; \$6,000 for a contested hearing and appeal to the Supreme Court. Is the current cost structure too low, fair, and too high or no opinion.

The survey was sent to 21,457 members. About 20% of the membership or 4,019 members participated in the survey. Only 2,907 members answered question one. In response to question one, 35.4% responded that lawyers should pay the same; 13.5% thought lawyers should pay more and another 9.1% thought that lawyers should pay substantially more. In total, 58% of members thought that lawyers should pay the same or more than is currently assessed; 13.7% thought that lawyers should pay less or nothing at all; 28.2% of members who answered the question responded by checking that they had no opinion.

About the same number of members, 2,893 answered question two. In response to question two, 35.4% of the members thought that the current cost structure was fair; another 9.4% thought it was too low; 25.1% thought that the current cost structure was too high; and 30.1% of the members who answered the question responded by checking that they had no opinion. Overall, 44.8% of members thought the existing structure was fair or too low.

The results showed that the majority of members responding believe that the current cost structure is fair and that disciplined lawyers should pay the same or more.

OTHER CONSIDERATIONS: Based on the existing fee structure, for the year ending December 31, 2010, the State Bar collected \$125,913 in Judgment Receipts which represented 2.3% of the total cost (including overhead) to administer the Lawyer Regulation process. The State Bar has not raised member dues since 2005 and as part of the State Bar's Five-Year Vision, a stated objective is to maintain bar dues at current levels through 2014.

CONCERNS: In their letter to the Board (Exhibit C), Respondent Counsel cited two main concerns: the cost structure is so costly that lawyers are forced to accept discipline because they cannot afford to exercise their rights pursuant to the rules, thereby making the fees punitive in nature and that the current fee schedule inappropriately includes significant components other than “costs,” contrary to “well-established ABA policy.” Current Schedule of Costs is attached as Exhibit B.

With the Court’s philosophy as a backdrop, the issue can be evaluated by reviewing the models used in other jurisdictions, the actual cost to process cases, and the views of the membership. The Committee will have to consider this issue with that as the setting.

Additionally, Respondent’s counsel referenced the ABA Model Rules for Lawyer Disciplinary Enforcement (MRDE). In 1989, the ABA House of Delegates adopted the MRDE. The MRDE offers a proposed system of lawyer regulation and includes in Rule 10 the imposition of costs as part of any order imposing discipline. Costs are set out in the rule as the cost of the investigation, service of process, witness fees and court reporter’s services. The commentary to Rule 10 also includes that sanctioned lawyers should be required to reimburse the agency for all costs of the proceedings, other than attorney’s fees. The argument followed that because the administrative fee structure in Arizona included bar counsel time that it is an “attorney fee” that is not *recommended* by the MDRE.

In the traditional sense, attorney fees represent the hourly rate, set within a range that represents the customary fees for the community, considering other factors such as the experience of the lawyer, reputation in the community and the particular skills and abilities to perform the service. Those fees represent the actual cost to the client based on the time in providing the service. The administrative fee structure that currently exists does not include “attorney’s fees.” Bar counsel time is listed as one item in the overall administrative fee along with paralegal time, legal assistant time, secretaries, typists, file clerks, messengers, postage charges, telephone charges, normal office supplies and office overhead. Bar counsel time is not assessed based on the specific factors used to establish the attorney’s fee nor does it represent the lawyer’s time in performing a service. The administrative fee represents a nominal amount based on the actual time expended on cases.³

³ The MDRE is certainly a useful tool and many aspects of the recommended lawyer disciplinary structure have been accepted in Arizona. Notably, many have not been adopted such as the recommendation that the system of lawyer regulation be controlled and managed exclusively by the state’s highest court and not by a state bar association, that an admonition remain private, a decision the Court rejected in 1996 when making all sanctions public, or that the system requires a fee dispute arbitration system that is *mandatory* for all lawyers.

CONCLUSION: The court has directed that the Attorney Regulation Advisory Committee is to consider the current administrative expenses assessed in lawyer discipline, disability, and reinstatement cases and the philosophical basis for setting and assessing those expenses and recommend an expense schedule to the Supreme Court by December 31, 2011.

EXHIBIT A



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TO: Board of Governors FROM: John Berry DATE: February 15, 1999 RE: Discipline Oversight Committee

At the request of Nick Wallwork, Chair of the Discipline Oversight Committee, I am reporting on the actions taken by the committee at its February 10, 1999 teleconference:

- Received an update on the implementation of the Attorney/Consumer Assistance Program (A/CAP), which will act as the "central intake" office for discipline matters.
- Received an update on the implementation of the first Ethics School.
- In response to comments from membership that disciplined attorneys should pay a greater share of the costs of the system, recommended that the current system for the assessment of costs be replaced with a system that assesses costs based on the point where a proceeding terminates. Following a review of various options (attached), the committee unanimously approved the following schedule of costs:

<u>Point where matter terminates</u>	<u>Recommended assessment</u>
After panelist imposes informal reprimand (before formal complaint filed)	\$300 per reprimand
Matter settled with consent agreement without contested hearing	\$600 *
After default in answering formal complaint	\$1,000 *
After contested hearing with no appeal	\$2,000 *
After Commission appeal with no court review	\$3,000 *
After Court review	\$4,000 *
Consents to disbarment	same assessment dependent on when consent filed
Interim suspensions	\$600 *

AGENDA ITEM 3.c.

Reciprocal discipline proceedings-
Uncontested
Contested

\$600 *
same schedule as for formal
proceedings

Transfer to disability

\$600

Summary suspension

\$600

* the amount is a cost assessment for up to 5 files (complainants) per proceeding. If files/complainants exceed 5, the assessment shall increase by 20% for each additional file where a violation is admitted or proven.

Please let me know if I can provide any further information.

EXHIBIT B

After contested hearing with no appeal	\$4,000*
After Commission appeal with no Court review	\$6,000*
After Court review	\$8,000*
Consent to disbarment	Assessment is based on the stage at which the consent is filed (see above)
Interim suspension	\$1,200*
Reciprocal discipline proceedings	
Uncontested	\$1,200*
Contested	Same schedule as for formal proceedings (see above)
Transfer to disability	\$1,200
Summary suspension	\$1,200

¹ General administrative expenses include, but are not limited to, the following types of expenses incurred or payable by the State Bar of Arizona: administrative time expended by staff bar counsel, paralegals, legal assistants, secretaries, typists, file clerks and messengers; postage charges, telephone costs, normal office supplies, and other expenses normally attributed to office overhead. General administrative expenses do not include such things as travel expenses of State Bar employees, investigator's time, deposition or hearing transcripts, or supplies or items purchased specifically for a particular case. In addition to an assessment of general administrative expenses, probable cause panelists, hearing officers, the Disciplinary Commission, and this Court may, pursuant to Rule 54(b) and Rule 60 (b) of the Rules of the Supreme Court and this Court's holding in *In re Shannon*, 179 Ariz. 52, 876 P.2d 548 (1994), assess costs and expenses not part of the general administrative expenses (which is the current practice).

*This amount is the assessment for the general administrative expenses for up to five charges/complainants per proceeding. If the number of charges/complainants exceeds five, the assessment for the general administrative expenses shall increase by 20% for each additional charge/complainant where a violation is admitted or proven.

IT IS FURTHER ORDERED that in any matter where the State Bar appeals the order of the probable cause panelist, hearing officer, or Disciplinary Commission and where the State Bar does not prevail on appeal, the assessed general administrative expenses shall be based on the cost schedule that would have been imposed if there had been no appeal.

IT IS FURTHER ORDERED that the State Bar shall continue to appropriate and disburse, in accordance with Rule 31 of the Arizona Rules of the Supreme Court, funds collected from general administrative expenses, as well as other costs and expenses, imposed in lawyer disciplinary proceedings.

IT IS FURTHER ORDERED that all formal disciplinary complaints filed prior to this Order or panelist imposed orders of discipline issued prior to this Order shall use the previous schedule of general administrative expenses approved by the Board of Governors of the State Bar of Arizona in February of 1999.

Dated this 25th day of February, 2009.

FOR THE COURT:

RUTH V. MCGREGOR
Chief Justice

EXHIBIT C

TO: Board of Governors

FROM: Ralph Adams, Jim Belanger, Karen Clark, Steve Friedman, Nancy Greenlee, Mark Harrison, Denise Quinterri, Scott Rhodes, Mark Rubin, Lynda Shely, and Don Wilson

RE: Costs of Disciplinary Proceedings

DATE: November 24, 2010

We are a group of respondents' counsel who regularly represent lawyers charged with disciplinary violations. We submit this memo to raise for reconsideration by the Board the issue of the "costs" currently assessed against respondents in discipline cases.¹

In 2009, the Board recommended that the costs imposed on respondents in disciplinary matters be doubled. Thus, by way of example, the cost for an informal sanction was increased from \$300 to \$600. For those lawyers who exercise their due process rights to petition the Supreme Court for review, if the Court accepts review and imposes a disciplinary sanction (including an informal reprimand), the respondent is assessed "costs" of \$8,000 (*plus* the costs of transcripts, bar investigators, service of process). When these increases were adopted, no specific, fact-based rationale was provided to justify the increases.

The cost structure in discipline cases in Arizona has risen to the point where respondents are increasingly forced to accept disciplinary sanctions simply because they cannot afford to pay the costs associated with a contested formal hearing. Attached to this memo as Exhibit A is a table showing the costs of discipline in other states. A review of the attached chart shows that the costs imposed on respondents in the discipline process in Arizona are the highest in the country. We believe that costs currently imposed upon respondent lawyers in Arizona have become punitive in nature and inappropriately include significant components other than "costs".

The costs currently imposed on respondents in Arizona are contrary to established ABA policy. Section 6.14 of *Professional Discipline for Lawyers and Judges*, adopted by the ABA House of Delegates in February, 1979 states: "Fines should not be imposed upon respondents." The comments to Section 6.14 state:

Fines are punitive and criminal in nature and should be avoided. The use of fines in discipline or disability matters might be deemed to imply that the proceedings

¹ "Costs" currently imposed on respondents in Arizona currently include significant components – most notably the fees incurred by staff bar counsel -- that are not considered "costs" in any other legal context.

are criminal and require proof beyond a reasonable doubt, trial by jury and other standards of criminal due process. See Section 1.2².

More recently and more significant, The *Model Rules for Lawyer Disciplinary Enforcement*³, provide:

“Rule 10. Sanctions.

A. Types of sanctions. Misconduct shall be grounds for one or more of the following sanctions:

* * *

(7) Upon order of the court or the board, or upon stipulation, assessment of the *costs* of the proceedings, including the costs of investigations, service of process, witness fees, and a court reporter’s services, in any case where discipline is imposed or there is a transfer to disability inactive status (emphasis added).

The *Commentary* to this section provides, *inter alia*

Whenever a respondent is found to have engaged in misconduct warranting the imposition of discipline, he or she should be required to reimburse the agency for the costs of the proceedings, *other than attorney fees* (emphasis added).

It is obvious that the present cost structure, which improperly includes attorneys fees incurred by staff bar counsel, is punitive in nature, undermines the due process rights of respondents, and is contrary to well-established ABA policy.

We have been informed that under the new disciplinary system that takes effect in January 2011, the current cost structure will remain – with the only change being that it will cost \$6,000 to appeal to the Supreme Court (this is the current cost to appeal to the Disciplinary Commission, a body which will no longer exist under the new rules).

We recognize that lawyer regulation is an expensive process. However, State Bar of Arizona membership dues are among the highest in the country and were significantly raised not long ago for the express purpose of providing additional funding for lawyer discipline. Lawyer regulation is a mandatory function of the State Bar, presumably *shared by all members* through the payment of bar dues. Excessive costs imposed in the

² Section 1.2 provides: “Lawyers discipline and disability proceedings are *sui generis*, and rules of procedure for civil, criminal, and administrative proceedings do not automatically apply.” It is worth noting that the late James Duke Cameron, former Chief Justice of the Supreme Court of Arizona, co-chaired the ABA Committee that developed and recommended these standards.

³ The Model Rules for Disciplinary Enforcement were adopted by the ABA House of Delegates on August 8, 1989, and were amended in 1993, 1996, 1999 and 2002.

discipline process should be not viewed as a source of revenue. More to the point, costs imposed as part of a discipline sanction should be limited to costs as defined in Rule 10(A)(7) of the *Model Rules of Lawyer Disciplinary Enforcement* and cannot be so excessive that lawyers are effectively precluded from defending themselves simply because they cannot afford the process. The lawyers who receive discipline have been paying and will continue to pay for the process for the rest of their careers through their annual bar dues and in other tangible and intangible ways as well. We understand that some increase in the costs imposed might have been justified to account for inflation but it is apparent that the doubling of costs was not justified. Therefore, we are submitting this memo with the request that the Board of Governors reconsider the issue as soon as practicable. We will offer specific, alternative proposals pertinent to the reformation of the costs appropriate in the discipline process before this matter is scheduled for consideration and discussion by the Board.

ASSESSMENT OF ADMINISTRATIVE FEES

JURISDICTION	ADMINISTRATIVE FEES	ADDITIONAL ASSESSMENT FOR ACTUAL COSTS?
Arizona	<p>Panelist imposed orders \$600 (per order imposing informal reprimand, probation, restitution or any other sanction consented by to the respondent lawyer)</p> <p>After appeal to a reviewing panelist (Rule 54(c) appeal) \$1,250*</p> <p>Matter settled w/consent agreement w/o contested hearing \$1,200*</p> <p>After default in answering formal complaint \$2,000*</p> <p>After contested hearing w/no appeal \$4,000*</p> <p>After Commission appeal w/no Court review \$6,000*</p> <p>After Court review \$8,000*</p> <p>Consent to disbarment Based on stage at which consent is filed (see above)</p> <p>Interim Suspension \$1,200*</p> <p>Reciprocal discipline Uncontested \$1,200* Contested Same schedule as for formal proceedings (see above)</p> <p>Transfer to disability \$1,200</p> <p>Summary Suspension \$1,200</p> <p>* This amount is the assessment for the general administrative expenses for up to five charges/complainants per proceeding. If the number of charges/complainants exceeds five, the assessment for the general administrative expenses shall increase by 20% for each additional charge/complainant where a violation is admitted or proven.</p>	Yes
Alabama	All public discipline orders \$750 (when costs are assessed in favor of the Bar)	Yes
California	<p>No Administrative fees</p> <p>However, in a suspension, disbarment or acceptance of a resignation with a disciplinary matter pending, Court may impose a monetary sanction, to be deposited into the Client Security Fund</p> <p>Per violation \$5,000.00 [Not to exceed \$50,000.00]</p>	<p>Yes</p> <p>If exonerated, respondent may move for reimbursement of eligible costs</p>
Colorado	All Orders of Discipline & Reinstatement \$91	Yes
Florida	All public discipline orders \$1,250	Yes
Indiana	All public discipline orders \$100	Yes

JURISDICTION	ADMINISTRATIVE FEES	ADDITIONAL ASSESSMENT FOR ACTUAL COSTS?
Louisiana	Admonition \$250 Discipline by consent \$1,000 Reprimand \$1,000 Suspension \$1,500 Disbarment \$2,000 Permanent resignation - in lieu of disbarment \$1,000	Yes Unchanged
Michigan	Discipline by consent \$750 All other discipline orders \$1,500	Yes
Minnesota	All public discipline orders \$900	Yes (Actual costs may be waived if discipline is by consent)
Missouri	Reprimand \$750 Suspension \$1,000 Disbarment \$2,000 Reinstatement \$500 [Pursuant to recently amended Rule 5.19]	Yes (Actual costs may also be charged in all of these situations)
New Jersey	Discipline by consent \$500 Reciprocal discipline \$750 All other discipline orders \$1,500	Yes (Allowable costs described in Court Rule)
Pennsylvania	Discipline above informal admonitions \$250	Yes
Virginia	Discipline after a hearing \$750 (May be waived if settled without a hearing)	Yes (Witness costs only)
Washington	Admonition \$750 Discipline after a hearing \$1,500 Discipline after Board review \$2,000 Discipline after Supreme Court review - not requiring briefing \$2,500 Discipline after Supreme Court review - requiring briefing \$3,000	Yes (Allowable costs described in Court Rule) Proposed Increase Pending w/Supreme Court \$750 → \$1,000 Admon \$1,500 → \$2,000 Aft hrg \$2,000 → \$2,500 Aft Bd rvw \$2,500 → \$4,000 Sct no brf \$3,000 → \$5,000 Sct w/brf
Wyoming	All discipline \$500	Yes (If awarded by Board or Supreme Court)

NOTE: October 2009 updates are in **BOLD**

EXHIBIT D

Administrative Costs and 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 reprimand 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; 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 = discretionary \$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

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?
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)		***	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.		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
North Carolina; 23,744	Yes	Yes. Costs and expenses as permitted in any civil action including court reporter expenses, witness expenses, and expert witness fees.		Recovered in: 2009= \$12,185; 2010= \$26,775	

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Administrative Costs and Fees Survey 2011

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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	Unknown 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 than 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 copies of records of any public 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 25(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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EXHIBIT E

FULLY CONTESTED CASE

RATE **124.75**

	<u>WORK</u>	<u>Hrs.</u>	<u>Cum.</u>	<u>Cost</u>	<u>Cum.</u>
1	Review of bar charge	1.0	1.0	124.75	124.75
2	Letter to Complainant - receipt of charge	0.3	1.3	37.43	162.18
3	Letter to Respondent - transmit charge	0.3	1.6	37.43	199.60
4	Letter to Respondent - receipt of response	0.3	1.9	37.43	237.03
5	Letter to Complainant - transmit response	0.3	2.2	37.43	274.45
6	Letter to Complainant - receipt of reply	0.3	2.5	37.43	311.88
7	Letter to Respondent - transmit reply	0.3	2.8	37.43	349.30
8	Review of charge, response, reply, and final response	1.5	4.3	187.13	536.43
9	Follow up letters, phone, and research	1.0	5.3	124.75	661.18
10	Draft Report of Investigation (ROI)	2.0	7.3	249.50	910.68
11	Draft Probable Cause Order (PC Order)	0.3	7.6	37.43	948.10
12	Presentation to Lawyer Regulation attorneys (Pre-PCR)	0.4	8.0	49.90	998.00
13	Letter to Respondent - transmit ROI	0.3	8.3	37.43	1,035.43
14	Letter to Complainant - explain decision	0.3	8.6	37.43	1,072.85
15	Review Respondent's Objections	0.2	8.8	24.95	1,097.80
16	Transmit Respondent/complainant objections to ADPCC	0.3	9.1	37.43	1,135.23
17	Moot court presentation to ADPCC	0.5	9.6	62.38	1,197.60
18	Travel, wait time, and Presentation to ADPCC	2.0	11.6	249.50	1,447.10
19	Letter to Respondent - transmit PC Order	0.3	11.9	37.43	1,484.53
20	Research and draft ART memo	1.0	12.9	124.75	1,609.28
21	Presentation to ART for settlement offer	0.3	13.2	37.43	1,646.70
22	Letter to Respondent - transmit offer for Discipline by Consent	0.5	13.7	62.38	1,709.08
23	Letter to Complainant - advise about PC Order	0.3	14.0	37.43	1,746.50
24	Draft Complaint	3.0	17.0	374.25	2,120.75

25	Draft Disclosure Statement	2.0	19.0	249.50	2,370.25
26	Draft other discovery	2.0	21.0	249.50	2,619.75
27	Receipt and review of hearing officer assignment	0.1	21.1	12.48	2,632.23
28	Receipt and review of answer	0.5	21.6	62.38	2,694.60
29	Phone with opposing counsel/Respondent	0.3	21.9	37.43	2,732.03
30	Prepare and attend pre-hearing conference	0.3	22.2	37.43	2,769.45
31	Receipt and review of pre-trial order	0.3	22.5	37.43	2,806.88
32	Review Respondent's Disclosure Statement	0.5	23.0	62.38	2,869.25
33	Draft settlement memorandum	2.0	25.0	249.50	3,118.75
34	Prepare and attend settlement conference	3.5	28.5	436.63	3,555.38
35	Subpoenas for witnesses (2)	0.6	29.1	74.85	3,630.23
36	Draft pre-hearing statement and transmit	4.5	33.6	561.38	4,191.60
37	Review additions and deletions to pre-hearing statement	0.5	34.1	62.38	4,253.98
38	Finalize pre-hearing statement	1.0	35.1	124.75	4,378.73
39	Case management conference	0.4	35.5	49.90	4,428.63
40	Conference with witnesses in preparation for hearing	3.0	38.5	374.25	4,802.88
41	Preparation for hearing	16.0	54.5	1,996.00	6,798.88
42	Hearing	8.0	62.5	998.00	7,796.88
43	Draft proposed findings of fact and conclusions of law	4.0	66.5	499.00	8,295.88
44	Receipt and review Presiding Disciplinary Judge decision	0.5	67.0	62.38	8,358.25
45	Draft ART memo for appeal consideration	1.0	68.0	124.75	8,483.00
46	Discussion at ART regarding appeal	0.5	68.5	62.38	8,545.38
47	Notice of Appeal	0.3	68.8	37.43	8,582.80
48	Draft Opening Brief/Response	20.0	88.8	2,495.00	11,077.80
49	Review Response/Opening Brief	1.5	90.3	187.13	11,264.93
50	Moot Court for oral argument	0.8	91.1	99.80	11,364.73
51	Prepare for oral argument	5.0	96.1	623.75	11,988.48
52	Miscellaneous work to conclude case	2.0	98.1	249.50	12,237.98

Totals

Hours

98.1

Cost

12,237.98

RATE 124.75

CONSENT

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27	Receipt and review of hearing officer assignment	0.1	21.1	12.48	2,632.23
28	Receipt and review of answer	0.5	21.6	62.38	2,694.60
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34	Prepare and attend settlement conference	3.5	28.5	436.63	3,555.38
35	Draft consent agreement with Respondent input	4.0	32.5	499.00	4,054.38
36	Prepare for consent hearing	1.0	33.5	124.75	4,179.13
37	Consent hearing	1.0	34.5	124.75	4,303.88
38	Receipt and review Presiding Disciplinary Judge decision and order	0.5	35.0	62.38	4,366.25
39	Letter to Complainant - explain decision	0.3	35.3	37.43	4,403.68

Totals

Hours 35.3
Cost 4,403.68

DEFAULT (with no response)

RATE **124.75**

	<u>WORK</u>	<u>Hrs.</u>	<u>Cum.</u>	<u>Cost</u>	<u>Cum.</u>
1	Review of bar charge	1.0	1.0	124.75	124.75
2	Letter to Complainant - receipt of charge	0.3	1.3	37.43	162.18
3	Letter to Respondent - transmit charge	0.3	1.6	37.43	199.60
4	Letter to Respondent - second request for response	0.3	1.9	37.43	237.03
5	Letter to Complainant - no response from Respondent	0.3	2.2	37.43	274.45
6	Follow up letters, phone, and research	1.0	3.2	124.75	399.20
7	Draft Report of Investigation (ROI)	2.0	5.2	249.50	648.70
8	Draft Probable Cause Order (PC Order)	0.3	5.5	37.43	686.13
9	Presentation to Lawyer Regulation attorneys (Pre-PCR)	0.4	5.9	49.90	736.03
10	Letter to Respondent - transmit ROI	0.3	6.2	37.43	773.45
11	Letter to Complainant - explain decision	0.3	6.5	37.43	810.88
12	Moot court for presentation to ADPCC	0.5	7.0	62.38	873.25
13	Travel, wait time, and Presentation to ADPCC	2.0	9.0	249.50	1,122.75
14	Letter to Respondent - transmit PC Order	0.3	9.3	37.43	1,160.18
15	Letter to Complainant - advise about PC Order	0.3	9.6	37.43	1,197.60
16	Draft Complaint	3.0	12.6	374.25	1,571.85
17	Draft Disclosure Statement	2.0	14.6	249.50	1,821.35
18	Receipt and review of hearing officer assignment	0.1	14.7	12.48	1,833.83
19	Prepare and attend pre-hearing conference	0.3	15.0	37.43	1,871.25
20	Receipt and review of pre-trial order	0.3	15.3	37.43	1,908.68
21	Case management conference	0.4	15.7	49.90	1,958.58
22	Preparation for Agg/Mit hearing	3.0	18.7	374.25	2,332.83
23	Agg/Mit Hearing	2.0	20.7	249.50	2,582.33
24	Draft proposed findings and order	3.0	23.7	374.25	2,956.58

25	Receipt and review Presiding Disciplinary Judge decision	0.5	24.2	62.38	3,018.95
26	Letter to Respondent - advise of decision	0.3	24.5	37.43	3,056.38
27	Letter to Complainant - advise of decision	0.3	24.8	37.43	3,093.80

	Totals	Hrs.	Cost
		24.8	3,093.80

BILLING - Sanction imposed by ADPCC with no appeal

RATE **124.75**

SIMPLE

	<u>WORK</u>	<u>Hrs.</u>	<u>Cost</u>
1	Review of bar charge	1.0	124.75
2	Letter to Complainant - receipt of charge	0.3	37.43
3	Letter to Respondent - transmit charge	0.3	37.43
4	Letter to Respondent - receipt of response	0.3	37.43
5	Letter to Complainant - transmit response	0.3	37.43
6	Letter to Complainant - receipt of reply	0.3	37.43
7	Letter to Respondent - transmit reply	0.3	37.43
8	Review of charge, response, reply, and final response	1.5	187.13
9	Follow up letters, phone, and research	1.0	124.75
10	Draft Report of Investigation (ROI)	2.0	249.50
11	Draft Sanction Order	0.5	62.38
12	Presentation to Lawyer Regulation attorneys	0.4	49.90
13	Letter to Respondent - transmit ROI	0.3	37.43
14	Letter to Complainant-explain decision	0.3	37.43
15	Moot court presentation to ADPCC	0.5	62.38
16	Travel, wait time, and Presentation to ADPCC	1.0	124.75
17	Review ADPCC Order	0.3	37.43
12	Transmit ADPCC Order to Respondent	0.3	37.43
		10.9	1,359.78

More Complex

	<u>WORK</u>	<u>Hrs.</u>	<u>Cost</u>
1	Review of bar charge	2.0	249.50
2	Letter to Complainant - receipt of charge	0.3	37.43
3	Letter to Respondent - transmit charge	0.3	37.43
4	Letter to Respondent - receipt of response	0.3	37.43
5	Letter to Complainant - transmit response	0.3	37.43
6	Letter to Complainant - receipt of reply	0.3	37.43
7	Letter to Respondent - transmit reply	0.3	37.43
8	Review of charge, response, reply, and final response	1.5	187.13
9	Follow up letters, phone, and research	2.0	249.50
10	Draft Report of Investigation (ROI)	3.0	374.25

11	Draft Sanction Order	0.5	62.38
12	Presentation to Lawyer Regulation attorneys	0.4	49.90
13	Letter to Respondent - transmit ROI	0.3	37.43
14	Letter to Complainant-explain decision	0.3	37.43
15	Moot court presentation to ADPCC	0.5	62.38
16	Travel, wait time, and Presentation to ADPCC	1.0	124.75
17	Review ADPCC Order	0.3	37.43
12	Transmit ADPCC Order to Respondent	0.3	37.43
		13.9	1,734.03