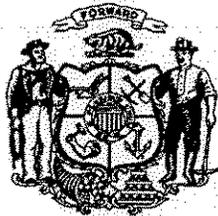


THE STATE OF WISCONSIN

SENATE CHAIR
BRIAN BURKE

316-S Capitol
P.O. Box 7882
Madison, WI 53707-7882
Phone: (608) 266-8535



ASSEMBLY CHAIR
JOHN GARD

315-N Capitol
P.O. Box 8952
Madison, WI 53708-8952
Phone: (608) 266-2343

JOINT COMMITTEE ON FINANCE

September 1, 1999

Secretary Mark Bugher
Department of Administration
101 E. Wilson Street, 10th Floor
Madison, WI 53702

Dear Secretary Bugher:

We are writing to inform you that the Joint Committee on Finance has reviewed your request, received August 12, 1999, pursuant to s. 16.515/16.505(2), Stats., pertaining to a request from the Supreme Court.

No objections have been raised to this request. Therefore, the request is approved.

Sincerely,

Handwritten signature of Brian Burke in black ink.

BRIAN BURKE
Senate Chair

Handwritten signature of John G. Gard in black ink.

JOHN G. GARD
Assembly Chair

BB:JG:dh

cc: Members, Joint Committee on Finance
J. Denis Moran, Director of State Courts
Robert Lang, Legislative Fiscal Bureau
Vicky LaBelle, Department of Administration

THE STATE OF WISCONSIN

SENATE CHAIR
BRIAN BURKE

316-S Capitol
P.O. Box 7882
Madison, WI 53707-7882
Phone: (608) 266-8535



ASSEMBLY CHAIR
JOHN GARD

315-N Capitol
P.O. Box 8952
Madison, WI 53708-8952
Phone: (608) 266-2343

JOINT COMMITTEE ON FINANCE

MEMORANDUM

To: Members
Joint Committee on Finance

From: Senator Brian Burke
Representative John Gard

Re: 14-Day Passive Review Approval

Date: August 12, 1999

Attached is a copy of a request from the Department of Administration, received on August 12, 1999, pursuant to s. 16.505(2), Stats., pertaining to a request from the Supreme Court.

Please review the materials and notify **Senator Burke** or **Representative Gard**, no later than **Tuesday, August 31, 1999**, if you have any questions about the request or if you would like to meet formally to consider it.

Also, please contact us if you need further information.

Attachment

BB:JG:lj

STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
101 East Wilson Street, Madison, Wisconsin

TOMMY G. THOMPSON
GOVERNOR
MARK D. BUGHER
SECRETARY



Office of the Secretary
Post Office Box 7864
Madison, WI 53707-7864
Voice (608) 266-1741
Fax (608) 267-3842
TTY (608) 267-9629

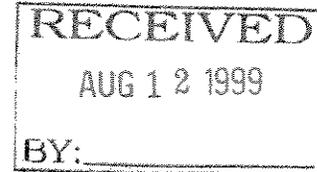
Date: August 12, 1999

To: The Honorable Brian Burke, Co-Chair
Joint Committee on Finance

The Honorable John Gard, Co-Chair
Joint Committee on Finance

From: Mark D. Bugher, Secretary
Department of Administration

Subject: S. 16.515/16.505(2) Request(s)



Enclosed are request(s) that have been approved by this department under the authority granted in s. 16.515 and s. 16.505(2). The explanation for each request is included in the attached materials. Listed below is a summary of each item:

<u>AGENCY</u>	<u>DESCRIPTION</u>	<u>1999-2000</u>		<u>2000-01</u>	
		<u>AMOUNT</u>	<u>FTE</u>	<u>AMOUNT</u>	<u>FTE</u>
Supreme Court 20.680(3)(g)	Board of bar examiners		0.5 *		0.5 *

* Increase position authority by 0.5 FTE to be funded by State Bar fee increase.

As provided in s. 16.515, the requests will be approved on September 2, 1999, unless we are notified prior to that time that the Joint Committee on Finance wishes to meet in formal session about any of the requests.

Please contact Vicky LaBelle at 266-1072, or the analyst who reviewed the request in the Division of Executive Budget and Finance, if you have any additional questions.

Attachments

Date: August 10, 1999

To: Mark D. Bugher, Secretary
Department of Administration

From: Brett Coomber, Budget Analyst
State Budget Office



Subject: s.16.505 request for appropriation s. 20.680(3)(g), numeric appropriation 331, Board of Bar Examiners.

REQUEST:

The Director of State Courts, on behalf of the Supreme Court, requests a permanent increase in position authority of 0.5 FTE to appropriation s.20.680(3)(g) Board of Bar Examiners (BBE). The additional position authority is needed to increase the Course Approval Coordinator position from half time to full-time in order to manage course approval workload more effectively.

REVENUE SOURCES FOR APPROPRIATION(S):

The source of revenue for the new position will come from an approved increase in the Wisconsin State Bar attorney assessment fee from \$10.50 to \$11.50. The increase will generate \$16,100 in revenue and is sufficient to cover the additional costs associated with the increase in position authority.

The BBE is funded from a continuing program revenue appropriation so there is no need to request an increase in spending authority. The annual salary for 0.5 FTE Course Approval Coordinator is \$14,400. Since this is a request to expand an existing position additional fringe is calculated at 22.8% and there are no additional supplies or permanent property costs. The total annual cost of the expanded position would be \$17,600. The difference between the revenue generated and the annual cost increase will be absorbed by the BBE. It should be noted that the above revenue projection is based on the current membership of the State Bar and that the revenues will likely increase due to an increase in the membership.

BACKGROUND:

Through its rule making authority, the Supreme Court has established the Board of Bar Examiners (BBE) (Chapter 30 of Supreme Court Rules (SCR)) and has given the BBE general supervisory authority over continuing legal education (CLE) and admission to the State Bar. According to chapter 30 of the SCR, the State Bar, through an assessment of its members, shall fund the administration of continuing legal education.

The BBE currently has an authorized position authority of 7.5 FTE. 5.0 FTE are assigned to the bar admission function, while 2.5 FTE administer the continuing education function. 1.0 FTE reviews the continuing legal education reports filed by attorneys for compliance with Supreme Court rule (SCR), while 0.5 FTE reviews the course offerings in accordance with written guidelines and BBE policy.

SCR 31.02 requires that attorneys need to attend a minimum of 30 hours of approved continuing legal education during each reporting period. Attorneys are required to submit reports confirming their satisfaction of CLE requirements to the BBE. The BBE staff then must verify that the courses in the reports satisfy the requirements of SCR 31.02. In addition to the programs offered by the Supreme Court's Office of Judicial Education, there are currently 49 organizations that receive general program approval to sponsor CLE programs. Courses approved on an individual basis have increased from 3,342 in 1997 to 4,726 in 1998. Approximately two percent of the total courses submitted for approval are denied.

ANALYSIS:

The Course Approval Coordinator is responsible for approving courses for the mandatory continuing legal education requirement in the State of Wisconsin. Either the provider or the attorney may seek course approval. Since the number of courses submitted has increased without a corresponding increase in review time, the time it takes for course approval has increased. This delay can result in attorneys with insufficient approved credits being notified too late to correct the deficiency by the end of the reporting period. This will result in additional costs to attorneys in penalty fees; loss of carryover credit to the next reporting period and in extreme cases may result in license suspension.

Existing staff has not been able to absorb the additional workload resulting from the increase in courses submitted for approval. Therefore, to remedy the situation, the BBE, as well as the Supreme Court, have approved increasing the time devoted to this function from 0.5 FTE to 1.0 FTE. In relation to those actions the State Bar has approved an increase in the attorney assessment by \$1. This increase is effective July 1, 1999 and will be earmarked to fund the 0.5 FTE increase in position authority.

RECOMMENDATION:

Approve the request.

cc JJ
BC

Memorandum



STATE OF WISCONSIN
DIRECTOR OF STATE COURTS

DATE: August 2, 1999
TO: Richard G. Chandler, State Budget Director
Department of Administration
FROM: J. Denis Moran, Director of State Courts
Supreme Court of Wisconsin

8-3-99

SUBJECT: Request Under s. 16.505(2), Wis. Statutes for 0.5 FTE Permanent Positions for Appropriation 20.680 (3)(g), Board of Bar Examiners

REQUEST

Under the provisions of s. 16.505(2), Wis. Stats., the Director of State Courts, on behalf of the Supreme Court, requests an ongoing increase in permanent position authority of 0.5 FTE, beginning in 1999-2000 for appropriation 20. 680 (3)(g), Board of Bar Examiners. The additional position authority is needed to increase the Course Approval Coordinator position from half-time to full-time to manage the flow of course approvals more effectively. The Board of Bar Examiners (BBE), the Supreme Court and the Wisconsin State Bar (for assessment purposes) have approved the position increase, and a corresponding assessment increase.

BACKGROUND

According to Article VII of the Wisconsin Constitution, the Supreme Court has superintending and administrative authority over all courts in Wisconsin. As such, it exercises an inherent supervisory power over the practice of law in Wisconsin and also has the power to formulate and carry out the court-system budget. Through its rule-making authority, the Court has established the Board of Bar Examiners (Chapter 30 of Supreme Court Rules [SCR]) and has given BBE general supervisory authority over Continuing Legal Education (SCR Chapter 31) and Admission to the Bar (SCR Chapter 40). According to Chapter 30, administration of continuing legal education shall be funded by the state bar through assessment of its members and administration of the admission to the state bar shall be funded by applicant fees.

BBE currently has an authorized position authority of 7.5 FTE: of these, 5.0 are assigned to the bar admission function, while 2.5 FTE administer continuing legal education. 1.0 FTE reviews the continuing legal education (CLE) reports filed by attorneys for compliance with Supreme Court Rule, while 0.5 FTE reviews the course offerings in accordance with written guidelines and Board policy.

According to SCR 31.02, during each reporting period, attorneys need to attend a minimum of 30 hours of approved continuing legal education, including a minimum of three hours on the subject of legal ethics and professional responsibility. Published legal writings may also be used to satisfy continuing legal education requirements. In addition, for an attorney to be

appointed as a guardian ad litem, educational requirements set forth in SCR Chapter 35 must be satisfied. Attorneys are required to submit reports confirming their satisfaction of CLE requirements. The BBE staff then must verify that the courses included in the reports satisfy the requirements of SCR 31.02.

Course approvals may be granted to organizations (such as state bars) or for individual courses. In addition to the programs offered by the Supreme Court's Office of Judicial Education, there are currently 49 organizations that receive general program approval to sponsor CLE programs (approximately 4,000 annually). Courses approved on an individual basis have increased from 3,342 in 1997 to 4,726 in 1998. Approximately 2% of the total courses and 20% of the ethics and professional responsibility courses submitted for approval are denied. The trend in 1999 indicates a slight increase over the previous year. About half of the programs are located in Wisconsin.

ANALYSIS

The Course Approval Coordinator is responsible for approving courses for use toward the Wisconsin mandatory continuing legal education requirement. Course approvals may either be sought by the provider or by the attorney as part of the reporting requirement. As the number of courses submitted has increased without a corresponding increase in the hours devoted to reviewing the courses, the time it takes for approval has consequently increased (in particular for courses taken out of state). This delay can result in attorneys with insufficient approved credits being notified too late to make credit up before the end of the reporting period. This will result in additional costs to the attorneys in penalty fees and loss of carryover credit to the next reporting period, and in extreme cases may result in license suspension.

Existing staff has not been able to absorb the additional workload resulting from the increase in courses submitted for approval. Therefore, to remedy this situation, the Board of Bar Examiners, as well as the Supreme Court, have approved increasing the time devoted to this function from 0.5 FTE to 1.0 FTE. The State Bar has also approved an increase in attorney assessment by \$1, effective July 1, 1999, to fund the increased position authority.

Fiscal Effect

BBE is funded from a continuing appropriation, so there is no accompanying request for an increase in expenditure authority. The annual salary for a 0.5 FTE Course Approval Coordinator is \$14,400. Since this request is for the expansion of an existing position, additional fringe benefits are calculated at 22.8% and there are no additional supplies or permanent property costs. Therefore, the 1999-2000 salary and fringe costs for this position, assuming a beginning date of October 1, are \$13,200; the continuing annual cost is \$17,600.

Revenue Source for Appropriation

The sources of revenue deposited in the appropriation under 20.680 (3)(g), Board of Bar Examiners, are a combination of an assessment on each attorney member of the State Bar of Wisconsin, costs realized from late filing fees and reinstatement fees authorized by the Court, and bar admission fees authorized by the Court. The attorney assessment is reviewed annually by the BBE board and approved by the State Bar and the Supreme Court.

In FY 99, the attorney assessment was \$10.50, which generated \$166,087; costs realized from late filing fees and reinstatement fees earned an additional \$34,369; and fees related to admission to the bar generated \$311,693, for a total of \$512,149. BBE had an opening balance of \$55,946 and it is anticipated that funds carried over to FY 2000 will be approximately \$42,500.

The Board of Bar Examiners (BBE), the Supreme Court and the Wisconsin State Bar have approved a \$1 increase in the attorney assessment (to \$11.50), beginning in FY 2000, to fund the additional half-time FTE. In FY 2000, this increase will generate \$16,100, an amount sufficient to cover the additional costs of the position.

SUMMARY

The Director of State Courts, on behalf of the Supreme Court, requests an ongoing increase in permanent position authority of 0.5 FTE, beginning in 1999-2000 for appropriation 20: 680 (3)(g), Board of Bar Examiners. The additional position authority is needed to increase the Course Approval Coordinator position from half-time to full-time to manage the flow of course approvals more effectively. The number of courses submitted for approval has increased dramatically over the past few years. The additional time needed for course approvals has resulted in delays (and added costs) for attorneys who need to satisfy continuing legal education requirements.

The Board of Bar Examiners (BBE), the Supreme Court and the Wisconsin State Bar (for assessment purposes) have approved the position increase, and a corresponding assessment increase to fund the added costs.

Funds are sufficient to support this increase in position authority. Finally, existing staff has not been able absorb the workload resulting from increased requests for course approvals.

If you have additional questions, please contact the Court's Budget Officer, David Suchman, at 267-0702.