

May it please the Court, my name is Robert Miller of the Murphy Desmond S.C. law firm. As our firm's Firm Administrator, one of my duties is to ensure that our firm has processes and procedures in place to enable us to comply with Supreme Court Rules. I am in attendance today to indicate that my firm is in favor of the changes impacting fees in advance especially those providing for acceptance of payment by credit card and eliminating the five day waiting period for depositing earned fees into our business account. These changes will help us to serve our clients in a most efficient and effective manner.



I am also the President-Elect of the Wisconsin Association of Legal Administrators. The Association is the local chapter of an international association of law firm managers and includes members from over 70 state wide law firms of all sizes supporting over 2000 attorneys. I have had the opportunity to discuss the proposed changes with our members and all responses received have indicated support for the current changes being introduced at this hearing in particular the propositions relevant to advanced fees, the five day rule, and credit card fee payments. We believe these changes will benefit our clients.

In addition, we would like to bring to your attention some inconsistencies and areas for future improvements.

Section 20:1.15(b) (4m) of the proposal allows attorneys to put advance fees into their business account. Section 20:1.15(e)(4) h is also recommending that an attorney be allowed to take fee payments via credit card. However it appears to be contradictory in that advance fee payments cannot be taken via credit card and put into the attorney's business account, but must be taken and put in a separate trust account, where the attorney would need to seed funds to cover any amounts that are subsequently charged back by the credit card company due to possible dispute to ensure that the account would not have a negative balance. If the credit card payment could be allowed to go to the attorney's business account, the funds would already be seeded should any chargeback occur, and would not be subjecting lawyers to OLR insufficient fund notifications in the trust account for overdrafts. Attorneys have three days to seed the trust account under these rules. However, under current trust account rules banks must notify OLM immediately of any overdraft situations.

In addition, maintaining a separate trust account for credit card payments, that will have minimal dollars in it as funds would be transferred to a business or operating account, may cause higher monthly banking costs to the firm, additional maintenance as well as another credit card agreement.

I would also like to add the comments of many of our association that these proposals do not go far enough in allowing law firms to keep up with current banking procedures or current client demands that make items such as Internet banking integral parts of the practices we manage. I would like to encourage the ongoing review of these rules to put into practice additional exceptions to SCR 20:1.15(e)(4)c for law firms that can show that internet transactional banking is an integral part of their practice.

I would also like to propose that a member of the Wisconsin Association of Legal Administrators be involved either as a member or support staff to any committee charged with developing the practical applications of suggested changes.

Thank you for your time and allowing us to present our views in support of changes to the trust accounting rules.

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