

From: Lisa Roys
To: Julie Rich
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Subject: 17-04 Keller Dues Review Process

Julie:

Below is the answer for the question posed on the *Keller* review process:

There are two provisions within the rules that provide for activities of the Executive Committee. Under 10.06 (2) the Executive Committee can exercise most of the powers of the Board of Governors (BOG) between meetings. Within that section also under 10.06 (2) the committee is charged with preparing the Bar's budget of which the *Keller* dues determination is a part.

The Bar has used the Executive Committee as the first reviewer as a matter of efficiency and part of the budget process and with the trust of the Board of Governors to carry out the responsibility. The process used has been in place and fine-tuned through litigation and modification of the rules for some time. Since the 1980s, the Bar has used a similar process with the Executive Committee for the "legislative activities dues reduction." The process was modified to accommodate the new test as it was announced in *Keller*.

Ultimately, after a review of items to be included has been made by the Executive Committee, that recommendation is then reviewed by the Finance Committee with the fiscal implications attached. The Finance Committee approves the calculation and proposed amount with a full list of items under consideration along with the actual calculations (the math) available for review. The recommendation is sent back to the Executive Committee and on to the Board of Governors, who reviews and officially sets the amount of dues reduction each year. The BOG takes a vote separate from the budget and can modify that amount or the items included at that point. The final amount is then included as part of the State Bar's budget.

This process was most recently reviewed and reaffirmed in 2011 following *Kingstad* when then President Jim Boll appointed a *Keller* process review committee (April 2011 minutes, page 3). One of the items under consideration at the time was whether the Board of Governors should take on the review process as a committee of the whole (Meeting Materials Sept. 2011 Attachment G, page 46). That concept was rejected by the review committee with the recommendations subsequently adopted by the BOG. (September 2011 minutes, page 5.) Through that process additional modifications were adopted that increased disclosure of the process to all members including posting of the contents of the "*Keller* Book" online prior to the Executive Committee meeting and an invitation to the full membership to attend the meeting. Several members have attended in past years.

So, the item review process is completed by the Executive Committee, reviewed by the Finance Committee, with the Board of Governors ultimately reviewing and setting the amount for the following fiscal year.

As an aside, I wanted to make sure there is an understanding of the representation on the Executive Committee. This is a 14 member committee that includes the three presidents, the chair of the Board of Governors who is elected by the Board of Governors, a representative of each of the Government, Young, Senior and Non-resident Lawyers Divisions chosen by their division boards, and six additional members of the Board of Governors chosen by the BOG.

Let me know if there any additional questions.

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