



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

J.B. VAN HOLLEN
ATTORNEY GENERAL

Raymond P. Taffora
Deputy Attorney General

17 W. Main Street
P.O. Box 7857
Madison, WI 53707-7857
www.doj.state.wi.us

Charlotte Gibson
Assistant Attorney General
gibsoncj@doj.state.wi.us
608/266-7656
FAX 608/267-8906

April 20, 2010

David R. Schanker
Clerk of Supreme Court
110 E. Main St., Ste. 215
P.O. Box 1688
Madison, WI 53701-1688

Re: *WMS v. Morgan*
Case No. 2009AP00728

Dear Mr. Schanker:

This letter clarifies two points that arose during oral arguments on April 16, 2010.

The Court asked for a citation to the statutory authority under which state accounts borrow money from one another and pay interest on that amount. That authority is Wis. Stat. § 20.002(11)(c).

Also, a question arose about the legality of legislative transfers out of court-ordered or court-supervised funds. The fund referred to involved a one-time \$50 assessment made pursuant to a supreme court rule. While such a transfer would not be a taking of private property, it might well raise separation of powers concerns. *Rubin v. State*, 194 Wis. 207, 214-15, 216 N.W. 513 (1927) ("This power on the part of the courts [to supervise and discipline attorneys] is not based upon legislative action. It inheres in the nature and constitution of judicial tribunals.").

Sincerely,

Charlotte Gibson
Assistant Attorney General
State Bar #1038845

CG:lf

c: Thomas M. Pyper
Anne B. Kearney
Sean Lanphier
Michael B. Van Sicklen
Peter L. Gardon
D. James Weis

