



Board of Bar Examiners

2021

Annual Report

Annual Report of the Board of Bar Examiners

2021

Calendar Year

INTRODUCTION

Pursuant to Supreme Court Rule (SCR) 30.01 (2), the Board of Bar Examiners (BBE) is filing this annual report on its activities during the calendar year 2021. The BBE has general supervisory authority over SCR Chapter 31, Continuing Legal Education, and Chapter 40, Admission to the Bar. The BBE's mandate is to protect the people of Wisconsin by assuring that only capable and competent applicants who meet the character and fitness requirements are admitted to the practice of law in the state, and that attorneys licensed in the state maintain their legal competence through continuing legal education.

MEMBERSHIP AND STAFFING OF THE BOARD

The Board of Bar Examiners has general supervisory authority over the administration of admission to the bar by examination and upon proof of practice. It conducts character and fitness investigations of all candidates for admission including those seeking admission by diploma privilege. The BBE also supervises and monitors attorneys' compliance with the Wisconsin mandatory continuing legal education requirement.

The membership of the Board in 2021 was as follows:

Hon. Marc A. Hammer	Green Bay	Chairperson
Atty. Blake J. Duren	Madison	Vice Chairperson
Prof. Daniel Blinka	Milwaukee	
Mr. Samuel Christensen	Racine	
Patrick Delmore, Ph.D.	Madison	
Atty. Timothy D. Edwards	Madison	
Atty. Jesus GQ Garza	Madison	
Atty. Linda S. Isnard	Mequon	
Assoc. Dean Kevin Kelly	Sun Prairie	
Atty. Kyle J. Sargent	Appleton	
Mr. Travis Stein	Cottage Grove	

The Board held eight meetings in 2021. In addition to attendance at its meetings, the majority of attorney Board members grade the Wisconsin bar exams.

STAFFING OF THE BOARD

In 2021 the full time staff of the Board included the following:

Atty. Jacquelynn B. Rothstein	Director
Ms. April Ashley	Bar Application Manager (Bar Exam)
Mr. John Baggot	Program Assistant
Ms. Dianne Dillman	Bar Application Manager (Diploma Privilege)
Ms. Julie Halverson	CLE Records Manager
Ms. Tammy McMillen	CLE Records Manager
Mr. Daniel Pionke	Character and Fitness Investigator/Proof of Practice Manager



FUNDING SOURCES AND EXPENDITURES

The mandatory continuing legal education requirement was self-funded in fiscal year 2021 by an annual assessment of lawyers on active and inactive status as of July 1, 2021, per State Bar of Wisconsin records, who paid \$11.00 and \$5.50, respectively. The bar admission portion of the Board's responsibilities are also entirely self-funded.

Other fees were as follows:

Wisconsin Bar Examination (WBE): \$450

Application via foreign schooled applicant: \$850

Application for admission on Proof of Practice Elsewhere (PPE) (reciprocity): \$850

Diploma Privilege (DP) character and fitness (C&F) certification: \$210

Late filing fee for the WBE and C&F: \$200

Late filing fee for CLE Reporting: \$100

Reinstatement/Readmission fee: \$200

FUNDING SOURCES AND EXPENDITURES

In addition, the Board realized revenue from late filing fees and reinstatement fees authorized by the court, and from miscellaneous fees (copying, duplicate admission certificates, past examination sales, etc.). Revenues shown are anticipated.

Revenues

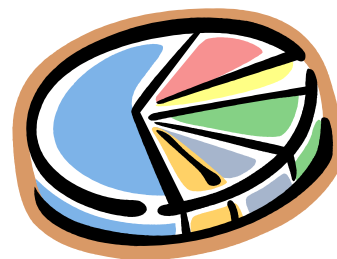
Licensing Activity	\$516,700.00
Education	<u>249,400.00</u>

Total 2021 Revenues **\$777,217.00**

Expenditures

Permanent Salaries	\$391,200.00
LTE Salaries	11,000.00
Fringe Benefits	194,000.00
Supplies, Services, and Capital	<u>260,600.00</u>

Total 2021 Expenditures **\$856,800.00**



MANDATORY CONTINUING LEGAL EDUCATION

Reporting Requirements

Chapter 31 of the Supreme Court Rules mandates that all active attorneys attend a minimum of thirty (30) hours of approved continuing legal education (CLE) every two years. The Supreme Court Rules also mandate that a minimum of three of the thirty hours must be Ethics and Professional Responsibility (EPR) credits. The rules further provide that attorneys who did not engage in the practice of law during the reporting period are exempt from the attendance requirement but must comply with the reporting requirement. Additionally, on January 11, 2008, the Supreme Court issued an Order adopting a “pure comity” rule which became effective for the CLE reporting period ending December 31, 2008. Under the “comity” rule (SCR 31.04 (3)), “A lawyer whose practice is principally in another jurisdiction that has mandatory continuing legal education requirements and who is current in meeting those requirements is exempt from the attendance requirement of SCR 31.02, but shall comply with the reporting requirement of SCR 31.03.”

The BBE and the Consolidated Courts Automation Program office (CCAP) collaborated on the development of an electronic CLE reporting program which was first offered in 2008.

Beginning with the 2016-17 reporting cycle, all attorneys are now required to electronically file their CLE report using the e-filing program. Additionally, effective July 1, 2017, two new categories of CLE may be used. Those include “Lawyer Awareness and Understanding” and “Law Practice Management.” Each category is limited to six (6) credits per reporting period. Also, as of July 1, 2017, attorneys may report an additional five (5) hours of “on demand” credits for a total of fifteen (15). Attorneys are also eligible to earn up to six (6) credits for providing legal services to qualified *pro bono* programs.

MANDATORY CONTINUING LEGAL EDUCATION (continued)

CLE Compliance

Pursuant to the Wisconsin Supreme Court Rules, attorneys who are not in compliance with the mandatory CLE attendance and reporting requirements are suspended from the practice of law following a notice of non-compliance. Since its inception in 1977, there have been six thousand two hundred eighty-two (6,282) lawyers who have been suspended for non-compliance with the mandatory continuing legal education requirements. At the end of 2021 calendar year, there were three thousand two hundred two (3,202) attorneys who remained suspended.

Reporting Cycles	2016-17	2017-18	2018-19	2019-20	2020-21
Lawyers required to report CLE compliance	9043	8694	8885	8609	8813

Issues	2017 (2015-2016 reporting cycle)	2018 (2016-2017 reporting cycle)	2019 (2017-2018 reporting cycle)	2020 (2018-2019 reporting cycle)	2021 (2020-2021 reporting cycle)
Attorneys suspended for non-compliance	222	230	229	202	200
Reinstated (Includes attorneys who were suspended in prior years and deceased)	85	111	110	89	89



CLE Course Information

In 2021, lawyers again had a wide range of educational activities from which to choose in order to meet their mandatory requirements. Besides live programs, other modes of course presentation included video replays, live webcasts, national teleconferences, and repeated “on-demand” online courses. General Program Approval (GPA), the annual institutional approval available to some CLE sponsors, was extended to thirty-three (33) organizations.

Totals	2017	2018	2019	2020	2021*
Courses Approved	8857	10190	9604	9147	9874
CLE Activities provided in Wisconsin	2515	2368	2049	2251	9405
Repeated On-Demand courses	1579	2118	1350	2005	2324
Live Webcasts offered	3841	4010	4134	6034	6842
National Teleconferences offered	1441	1334	1536	1358	903
Approved for Ethics (EPR)	4124	4177	3938	3751	3653

(*as of the data collection date for the 2021 Annual Report)

MANDATORY CONTINUING LEGAL EDUCATION (continued)

GAL Course Approvals

The Board also approves Guardian Ad Litem (GAL) courses under Chapters 35 and 36 of the Supreme Court Rules.

Guardian Ad Litem Course Approvals	2017	2018	2019	2020	2021*
GAL - Minors	74	29	48	54	78
GAL - Adult	18	7	12	6	11
GAL - Family	74	36	48	54	78

(*as of the data collection date for the 2021 Annual Report)

CLE Course Denials

CLE course approval was denied in one hundred thirty-nine (139) cases. The main reason for CLE course denials was for courses pertaining to marketing, advertising, “rain-making,” profitability, and similar types of courses which were deemed not to be related specifically to improving attorneys’ professional competence as attorneys as required by the Supreme Court Rules, but could apply to any business entity. EPR approval was denied for approximately two hundred thirteen (213) courses. The principal reason for denial of approval was the failure to have a continuous hour of EPR as required by SCR 31.07 (5) or not meeting the objective of increasing an attendee’s professional competence as an attorney as required by SCR 31.07 (2) (a) or (b).



MISCELLANEOUS ACTIONS

The Board also carried out the following actions:	2017	2018	2019	2020	2021
Reinstatements (under SCR Chapter 40) (CLE and/or Dues Suspension exceeding 3+ Years)	24	23	25	9	17
Chapter 31 reinstatements (following a CLE suspension of less than three (3) years)	79	73	102	97	107
Readmission following voluntary resignation from the bar	11	10	7	13	12
Name changes	114	90	60	73	67

ADMISSION TO THE PRACTICE OF LAW



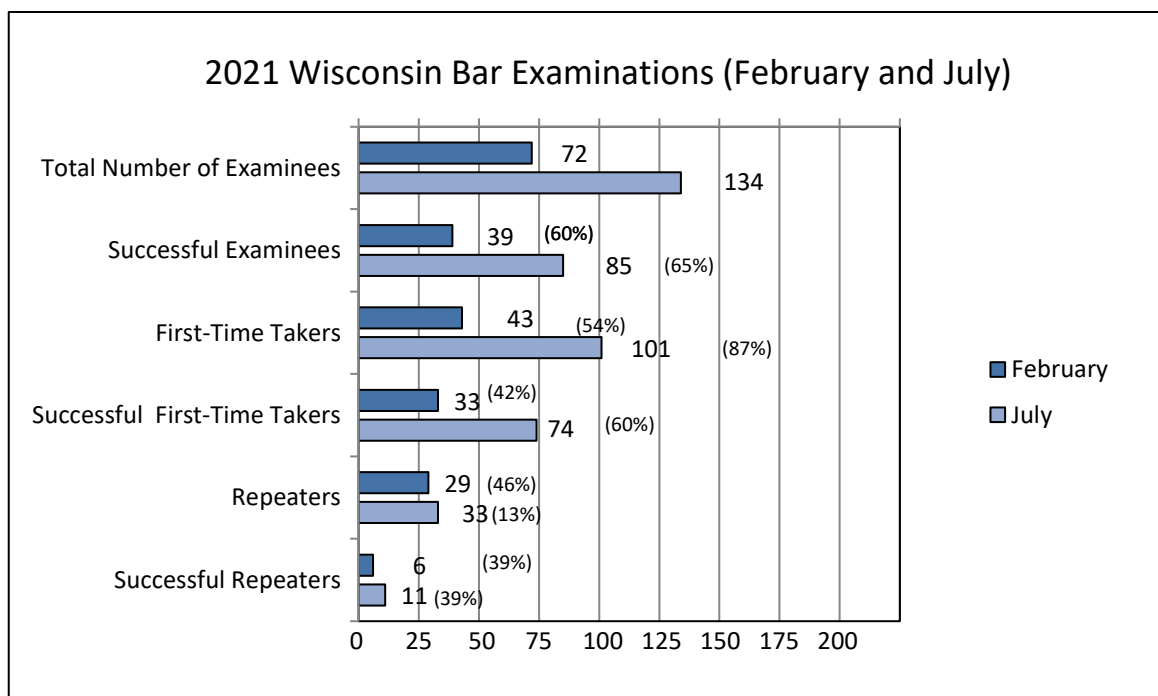
Diploma Privilege

In 2021, the Board received four hundred twenty-three (423) applications for character and fitness certifications from prospective graduates of the University of Wisconsin and Marquette University law schools under SCR 40.03 and 40.06. This represents a decrease of four (4) applications from the previous year. Four Hundred thirty-eight (438) were admitted to the Wisconsin Supreme Court in 2021, which may include those who graduated in prior years but who were not admitted until 2021.

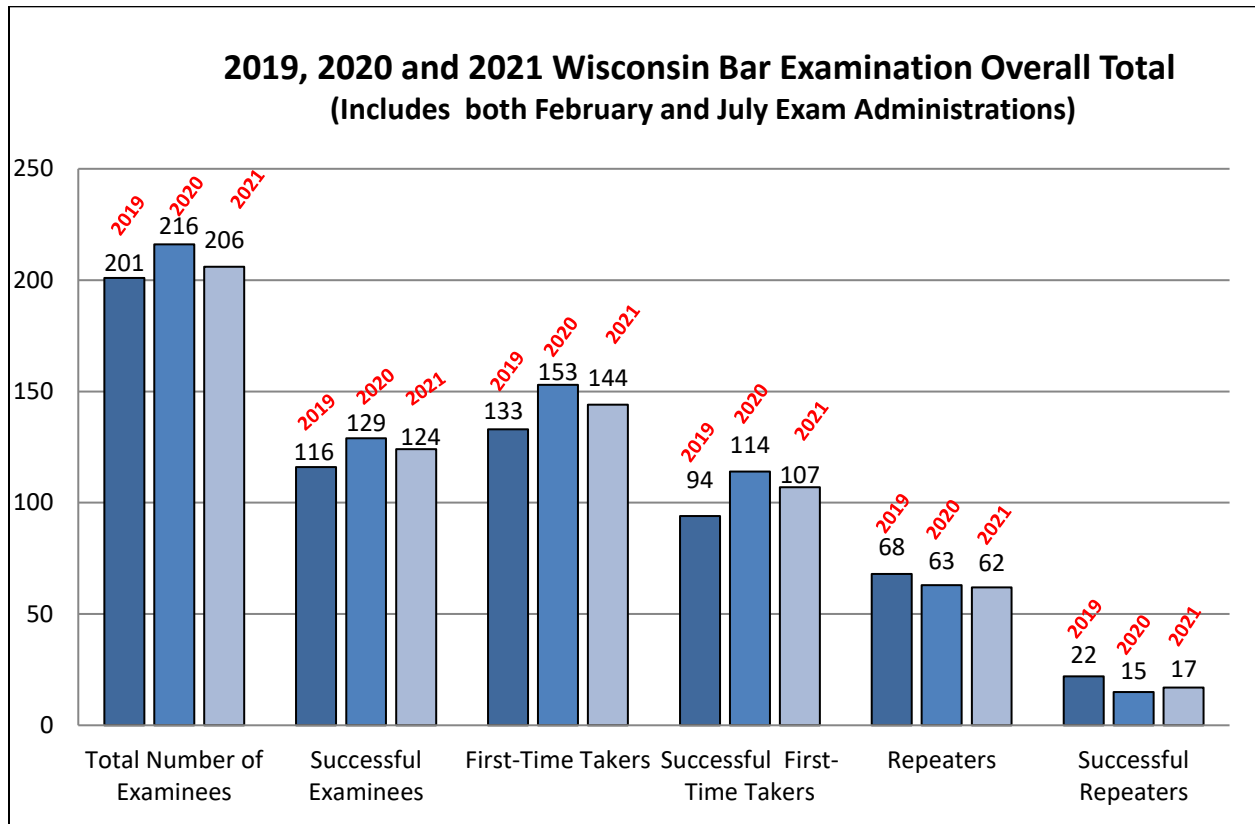
One diploma privilege application was withdrawn in 2021. However, there were five (5) applicants who failed to complete their files within one year after filing as required under BA 6.06 (SCR Chapter 40 Appendix). Additionally, there were zero (0) applicants whose files were closed for failing to be sworn in within a year of certification as required by SCR 40.09 (1). Zero (0) applicant files were closed due to a failure to respond to an offer of conditional admission. One (1) applicant was denied admission by the Board.

Wisconsin Bar Exam

The Board administered two bar examinations in 2021 to a total of two hundred sixteen (206) applicants. This represents a decrease from two hundred sixteen (216) applicants in the previous year. Statistical information is as follows:

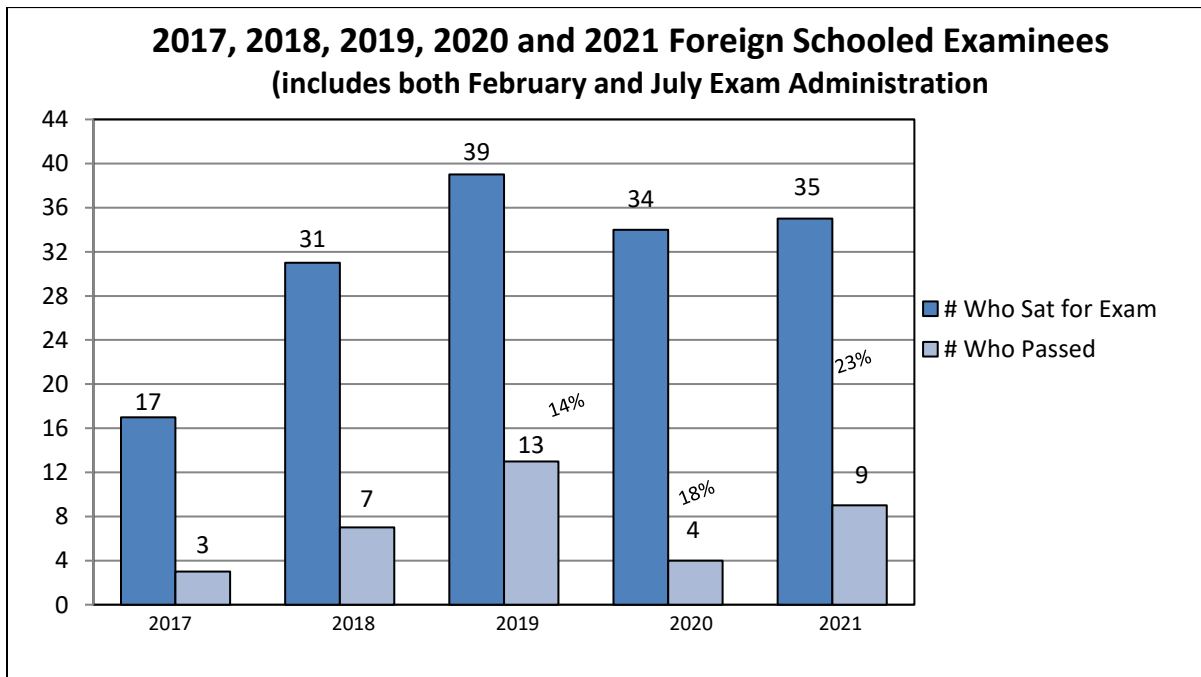


ADMISSION TO THE PRACTICE OF LAW (continued)



Foreign School Examinees (Law Schools outside of the U.S.)

In February 2021, fifteen (15) foreign schooled graduates sat for the exam and five (5) of them passed. In July 2021, twenty (20) foreign schooled graduates sat for the exam and four (4) passed.



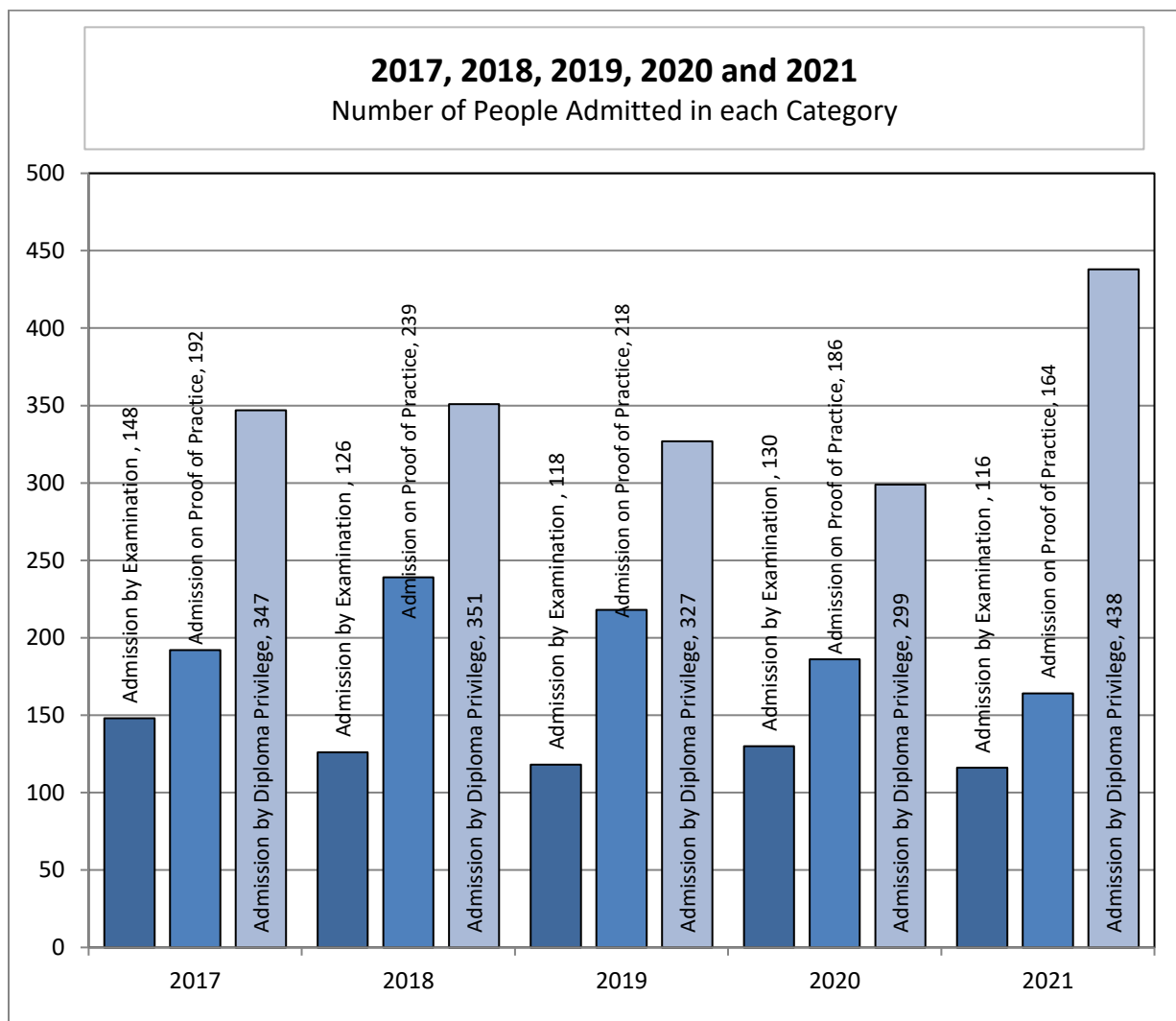
ADMISSION TO THE PRACTICE OF LAW (continued)

Proof of Practice Elsewhere

In addition, under SCR 40.05, the Board processed applications for proof of practice elsewhere (previously known as “reciprocity” or “application on foreign license”). In 2021 the Board received one hundred ninety-seven (197) applications, a 5% decrease from the previous year. One hundred seventy-one (171) were certified, while one hundred sixty-four (164) were actually admitted in 2021. There were two (2) applications that were withdrawn. Nineteen (19) files were closed for a variety of reasons including: failing to meet the legal practice requirement; failing to become admitted within a year of certification; failing to complete files within one year; and death.

In House Counsel Registrations

Under SCR 10.03, the Board registered forty-nine (49) attorneys as in-house counsel in 2021.



ADMISSION TO THE PRACTICE OF LAW (continued)

CONDITIONAL ADMISSION

On June 8, 2011, SCR 40.075 went into effect, authorizing conditional admission. Certain exceptions notwithstanding, the fact that an individual is conditionally admitted and the terms of the conditional admission agreement are both confidential. In 2021, four (4) people were offered conditional admission, and all were admitted conditionally. In addition, one (1) person was successfully discharged from conditional admission.

Reasons For Conditional Admission	Number of Attorneys
Financial	0
Alcohol or Other Drug	1
Mental Health	0
Mental Health/Alcohol or Other Drug(s)	3
Conditional Admission in Another State	0
Sex Addiction	0
Non-Disclosure Issues	0
Total Admitted Conditionally	4



DENIAL OF ADMISSION

The Board denies admission to the practice of law in Wisconsin by first notifying the applicant in writing that he or she is at risk of being denied. Applicants are given the basis for the denial and are also provided with the materials upon which the Board based its decision. Applicants are further advised about the timeframe in which to respond and, if desired, to request a hearing. An applicant who is denied admission may petition the Supreme Court for a review of the Board's adverse determination under to SCR 40.08.

OTHER ITEMS

In 2021, the worldwide pandemic continued to affect the BBE's operations. Many of the usual, in-person CLE programs were again cancelled or postponed due to the pandemic. Lawyers continued to self-isolate or avoid public gatherings in order to prevent acquiring or transmitting the virus. In an effort to mitigate the impact of those measures on a lawyer's eligibility to practice law, the Court again issued a temporary Order amending the CLE provisions under SCR Chapter 31 to allow for an increase in the use of on-demand credit hours. CCAP also began the development of an electronic-based CLE course approval program.

In contrast to the July 2020 bar examination which was administered in-person and required extraordinary measures to ensure the safety of all those involved, both the February and July 2021 bar examinations were remotely administered. Examinees took a computer-based test and were able to upload their answers electronically. Although admittees to the bar were able to return to the traditional, in-person swearing in ceremonies, many continued to utilize the remote option, which was again available to them because of a temporary Court Order permitting it.

With the exception of the June Board meeting, all of the other meetings in 2021 were held virtually utilizing ZOOM videoconferencing. Hearings continued to be held before the Board with that same technology.

BBE staff traveled to each of the Wisconsin law schools to review applicant files and to discuss the application process, including questions surrounding the character and fitness investigation, with the third year law students.

While it was again a year in which the pandemic posed a variety of challenges, the BBE staff, Board members, and graders were able to successfully continue our operations nevertheless. Thanks is owed to all who were an integral part in making that happen.

Respectfully submitted,

// Original Signed //

Jacquelynn B. Rothstein, Director
Board of Bar Examiners

