

SUPREME COURT OF WISCONSIN

NOTICE

This order is subject to further editing and modification. The final version will appear in the bound volume of the official reports.

No. 19-20

**In the Matter of Amending Supreme
Court Rule 31, Pertaining to Continuing
Legal Education (CLE)**

FILED**FEB 12, 2020**

Sheila T. Reiff
Clerk of Supreme Court
Madison, WI

On October 3, 2019, Gretchen Viney, Distinguished Clinical Professor, University of Wisconsin Law School, filed a rule petition asking the court to amend Supreme Court Rule (SCR) 31.05(3) pertaining to continuing legal education (CLE). The petition seeks an amendment to ensure that a guest presenter in a law school course shall receive two hours of continuing legal education credit for each hour of class presentation. The petition states that it was prompted by a recent change in the Board of Bar Examiners' (BBE) manner of interpreting SCR 31.05(3) with respect to guest lecturers in the University of Wisconsin Law School's Lawyering Skills Course. The petition states that the BBE has allowed double credits for these instructors since the inception of mandatory CLE in 1977. The petition states that in September 2019, for the first time, the BBE informed the petitioner that it would not approve the guest instructors' application for double credits.

The court discussed the rule petition on October 15, 2019 and requested the BBE file a response to the petition.

On October 30, 2019, BBE Director Jacquelynn Rothstein filed a letter with the court, stating that the BBE reviewed the rule petition at its regularly scheduled meeting on October 25, 2019. Essentially, the BBE acknowledges the past practice of approving double credit for these instructors, but believes that as written, the rule does not provide for double credit.¹ The BBE told Professor Viney that it would grant the two hours of continuing legal education credit for the 2019-2020 academic terms but thereafter would cease to award the double credit. After discussion, the BBE states that it now agrees that the court should amend SCR 31.05(3) and recommends the court do so in a manner that would extend double credit to all those who teach in approved settings. This proposal is consistent with an alternative proposal offered by Professor Viney in her memorandum submitted in support of her petition.

The court has determined that the proposed change to SCR 31.05(3) will clarify the rule and will have positive consequences for the recruitment and retention of guest faculty, who serve an important role in the training and education of future lawyers.² Therefore,

IT IS ORDERED that, effective January 1, 2021, Supreme Court Rule 31.05(3) is amended to read:

¹ The petitioner disagrees with the BBE's interpretation of SCR 31.05.

² The BBE and the Wisconsin Consolidated Court Automation Programs (CCAP) should collaborate to undertake any required administrative and computer programming changes needed to implement this amendment.

(3) Teaching an approved continuing legal or judicial education activity or teaching a course, or teaching as guest presenter in a course, in a law school approved by the American bar association may be used to satisfy the requirement of SCR 31.02. The board shall award 2 hours for each hour of presentation. ~~of the approved continuing legal or judicial education activity and one hour for each hour of presentation for teaching a course in a law school.~~

IT IS FURTHER ORDERED that notice of the above amendments be given by a single publication of a copy of this order in the official publications designated in SCR 80.01, including the official publishers' online databases, and on the Wisconsin court system's website. The State Bar of Wisconsin shall provide notice of this order.

Dated at Madison, Wisconsin, this 12th day of February, 2020.

BY THE COURT:

Sheila T. Reiff
Clerk of Supreme Court

