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# Supreme Court of Wisconsin

BOARD OF BAR EXAMINERS  
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January 26, 2021

Chief Justice Patience D. Roggensack  
Justice Ann Walsh Bradley  
Justice Annette Kingsland Ziegler  
Justice Rebecca G. Bradley  
Justice Rebecca F. Dallet  
Justice Brian Hagedorn  
Justice Jill J. Karofsky  
16 East, State Capitol  
P.O. Box 1688  
Madison, WI 53701-1688

Dear Chief Justice and Justices:

The Board of Bar Examiners writes in response to Rule Petition 20-06 (In the Matter of Modification of the Emeritus Status, Penalties for Late Payment of Dues and Fees, Technical Corrections, and Continuing Education Requirements). At its meeting on January 22, 2021, the Board had an opportunity to review and consider Rule Petition 20-06. After considerable discussion, the Board voted not to support the proposed rule changes to the emeritus status. The Board further voted to oppose any modifications to the existing CLE requirements for all classifications of bar members.

Since 1975, the emeritus provision has been administered without incident. Attorneys age seventy (70) and older may elect that status. In that status, they may continue to practice law but are not required to take and report CLE courses. Emeritus members pay a nominal fee to the State Bar (\$20 to the client protection fund). It is easy and straightforward to administer.

Under the State Bar's proposal, a new classification system with multiple tiers would be created. Four tiers would exist: Existing emeritus (who would be grandfathered in), New emeritus, Senior active, and Active. A chart illustrating the tiers is included below.

Tracking the requirements for each category would require the BBE's CLE reporting system to undergo significant programming changes, which will take time and be costly. Each category would have different CLE requirements, ranging from none to 30, making it confusing and difficult to track.

**Board:** Marc A. Hammer, Chairperson, Green Bay; Blake J. Duren, Vice Chairperson, Reedsburg; Daniel D. Blinka, Milwaukee; Samuel Christensen, Racine; Patrick Delmore, Madison; Timothy D. Edwards, Madison; Jesus G. Q. Garza, Madison; Kevin Kelly, Madison; Kyle J. Sargent, Appleton

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Some attorneys could provide legal services without having to complete any CLE credits. For example, “new emeritus” members could not practice law but could provide pro bono services, without having to complete any CLE credits. Meanwhile “senior active” attorneys would have to take fifteen CLE credits and could practice without any restrictions, while those aged 70-75 would need to take thirty CLE credits to fully practice.

Whether providing legal services for free or for a fee, it is internally inconsistent to require aged-based CLE for one group but not for other ones. It creates a new and cumbersome tiered classification system which would be both difficult to administer and internally inconsistent. Any change to the existing system should be equitable and consistent, with a uniform “trigger” date for both the emeritus status and CLE requirements.

While the Board is cognizant of the changing demographics of the State Bar and the potential need for it to address its present and future fiscal needs, modifying the existing CLE structure in order to achieve that goal is both inappropriate and ill conceived. The Board therefore urges the Court to leave the existing CLE structure intact. Kindly contact me if I may provide further information or assistance. Thank you.

<i>Status</i>	<i>CLE Requirements</i>	<i>Practice Restrictions</i>
Existing emeritus 70+	None	None-can actively practice law
New emeritus 70+	None	<u>No</u> legal practice is permitted except for pro bono cases
Senior active 75+	15 CLEs/2years	None-can actively practice law
Active Up to 75	30 CLEs/2 years	None-can actively practice law

Very truly yours,

/s/

Jacquelynn B. Rothstein  
Director

cc: Julie Rich