



# Supreme Court of Wisconsin

BOARD OF BAR EXAMINERS  
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JACQUELYNN B. ROTHSTEIN  
DIRECTOR

October 30, 2019

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

Dear Chief Justice and Justices:

At the Court's request, the Board of Bar Examiners reviewed Rule Petition 19-20, In the Matter of Amending Supreme Court Rule 31, Pertaining to Continuing Legal Education, at its regularly scheduled meeting on October 25, 2019.

The petition proposes amendments to SCR 31.05 (3), which would permit a guest presenter in a law school course to receive two hours of continuing legal education for each hour of class presentation. It is the Board's understanding that this petition was filed in response to a request to approve "double credit" for attorneys who participate in the University of Wisconsin Law School's "Lawyering Skills Class."

Under the direction of the BBE's prior executive director, there was an apparent agreement under which attorneys who participated in the "Lawyering Skills Class" received double credit for their time. After BBE staff denied double credit to the "Lawyering Skills Class," Attorney Viney appealed that denial. At its September 2019 meeting, the full Board reviewed the request to approve the course for double credit. Following its review, the Board voted to continue approving the course for double credit through 2020. Thereafter, the participants, like all others who teach in an ABA approved law school, would only be eligible to receive one credit hour for each hour of teaching as the rule requires. The Board believed that such an extension would allow ample time for guest presenters to be notified about the reduction in credit hours and would also provide sufficient opportunity to find replacement presenters if needed.

**Board:** Judith G. McMullen, Chairperson, Milwaukee; Marc A. Hammer, Vice Chairperson, Green Bay; Samuel Christensen, Racine; Patrick Deimore, Madison; Blake J. Duren, Reedsburg; Timothy D. Edwards, Madison; Jesus G. Q. Garza, Madison; Kevin Kelly, Madison; Steven Levine, Madison; Kyle J. Sargent, Appleton; Sally M. Younger, Madison

The Board has since had the opportunity to review Rule Petition 19-20. Board members engaged in considerable discussion and debate about it. Thereafter and by a vote of 8-2, the Board recommends that the Court amend SCR 31.05 (3) as follows:

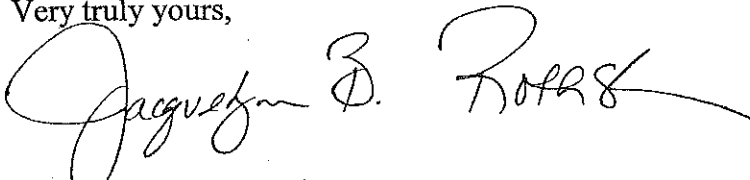
Teaching an approved continuing legal or judicial education activity or teaching a course in a law school approved by the American bar association may be used to satisfy the requirement of SCR 31.02. The board shall award 2 hours for each hour of presentation of the approved continuing legal or judicial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

This proposal would ensure that all attorneys who act as teachers for continuing legal education programs, judicial education programs, or for courses in ABA-approved law schools (including guest presenters in those courses) would receive "double credit" for their teaching. In so doing, credit distinctions would be eliminated and "double credit" would be extended uniformly to those who teach in approved settings. The Board believes that this is a more even-handed approach and therefore urges its adoption.

While this amendment to the proposed petition was supported by the majority of the Board, the minority believed that the Board's original rationale, that is, keeping the existing language intact and not extending additional credit to guest presenters beyond 2020, was preferable to the proposed amendment.

Please contact me should additional questions about this proposed amendment arise or if further clarification about it is needed.

Very truly yours,



Jacquelyn B. Rothstein  
Director

cc: Sheila Reiff, Clerk of the Supreme Court and Court of Appeals  
Julie Anne Rich, Supreme Court Commissioner  
Gretchen Viney, Professor-University of Wisconsin Law School