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In the Matter of  
Diversity, Equity, Inclusion and Access  
Training for Continuing Legal Education Credits

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MEMORANDUM IN  
SUPPORT  
22 - 01

The President of the State Bar of Wisconsin (the “State Bar”), on behalf of its Board of Governors, respectfully petitions the Wisconsin Supreme Court (the ‘Court’) seeking additions to SCR 31.02. Section 1 to recognize a new continuing legal education (CLE) credit type, the Diversity, Equity, Inclusion, and Access (DEIA) credit. We bring this to the Court in recognition of the legal profession’s collective obligation to promote equal justice. Recent and repeated events have shined a spotlight on the systemic injustices and inequities that are present in our institutions, including the legal system. Attorneys take an oath (SCR 40.15) to support the U.S. and Wisconsin constitutions and their shared promise of individual freedom and equal protection under the law. Learning about the biases that hamper an attorney’s ability fairly assess another individual in both the legal employment setting and in the delivery of legal services, working to understand the effects of bias in negatively impacting the delivery of legal services, recognizing when it is happening, and finding ways to eliminate it, are integral to upholding that oath.

Diversity by gender, racial makeup, religion, age, disability, and cultural and sexual identity, is acknowledged openly in today’s US and Wisconsin society. In tandem, the makeup of the legal profession is also changing, as more and more diverse individuals choose to become attorneys. Having more diverse attorneys within all legal employment settings assists in the availability of attorneys better able to understand the needs of a diverse public and meet those needs in delivering legal services. DEIA education, involving hiring, promoting, and maintaining this diversity within any legal organization through access and inclusion, is vital for keeping these organizations dynamic and able to deliver legal services competently and ethically in a changing world.

Most importantly, DEIA training is vital for attorneys to gain knowledge of individual and cultural differences and turn this knowledge into usable skills for serving a diverse community, thereby improving the quality of legal services. Through continuing legal education, attorneys will gain understanding of how bias can impact decisions and interactions. Assisting attorneys in being intentional and deliberative in recognizing their own biases, and addressing them when dealing with colleagues, clients, and the public in general, helps lawyers better deliver legal services competently and ethically. In addition, such training for the community of attorneys, as a whole, may assist in combatting bias issues that are often perceived or present in the adversarial legal process. A community of attorneys well prepared to address the presence or perception of bias in the justice system enhances confidence in the legal system.

Therefore, these diversity, equity, inclusion, and access topics should be recognized as continuing legal education in Wisconsin, as already recognized in numerous States around the U.S. The State Bar is asking the Court to allow DEIA credit hours to be used to fulfill the requirement of SCR 31.02 (1).

The ABA Model Rule for Minimum Continuing Legal Education and Comments recommends recognizing DEIA content as CLE. They go so far as to recommend requiring 1 credit hour every three years. This petition seeks only to create the credit type and allow attorneys to attend as much training in this area as they feel they need as was studied and recommended by the State Bar's Committee on Continuing Legal Education. The State Bar of Wisconsin sees this as necessary to acknowledge DEIA as a real and important continuing legal education topic for study. This acknowledgement by the Wisconsin Supreme Court will also create incentives for attorneys to attend DEIA courses, in order to reach the goal of improving the quality of legal services, by better serving the rapidly-growing diverse public with our more diverse lawyer population.

Respectfully submitted this 22nd day of March, 2022

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President                      President-Elect                      Past President

State Bar of Wisconsin, 5302 Eastpark Blvd., Madison, WI 53718