



Board of Bar Examiners

2023

Annual Report

Annual Report of the Board of Bar Examiners

2023

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 2023. 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 2023 was as follows:

Prof. Daniel Blinka	Milwaukee	Chairperson
Atty. Linda S. Isnard	Cedarburg	Vice Chairperson
Atty. Brian Anderson	Green Bay	
Mr. Samuel Christensen	Racine	
Atty. Timothy D. Edwards	Fort Atkinson	
Assoc. Dean Kevin Kelly	Sun Prairie	
Hon. Scott Needham	Hudson	
Atty. Kyle J. Sargent	Appleton	
Mr. Peter Sorce	Germantown	
Mr. Travis Stein	Cottage Grove	
Atty. Megan Stelljes	Madison	

The Board held eight meetings in 2023. In addition to attendance at its meetings, the majority of attorney Board members grade the Wisconsin bar exams.

STAFFING OF THE BOARD

In 2023 the full time staff of the Board included the following:

Atty. Jacquelynn B. Rothstein	Executive Director & General Counsel
Ms. April Ashley	Bar Application Manager (Diploma Privilege)
Mr. John Baggot	Program Assistant
Mr. Ben Converse	Bar Application Manager (Bar Exam)
Ms. Alex Hebda	CLE Records Manager
Ms. Julie Halverson	CLE Records Manager (Until 8/23)
Ms. Tammy McMillen	CLE Records Manager
Mr. Stuart Moeser	Character and Fitness Investigator/Proof of Practice Manager



FUNDING SOURCES AND EXPENDITURES

The mandatory continuing legal education requirement was self-funded in fiscal year 2023 by an annual assessment of lawyers on active and inactive status as of July 1, 2022, 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

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.).

FUNDING SOURCES AND EXPENDITURES

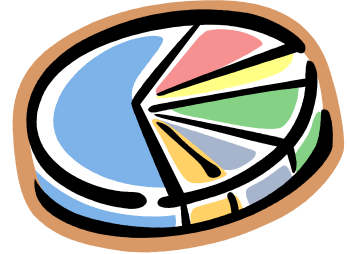
Revenues and expenses shown are for Fiscal Year 2023.

Revenues

Licensing Activity	\$515,845.00
Education	<u>234,288.00</u>
Total 2023 Revenues	\$750,133.00

Expenditures

Permanent Salaries	\$352,610.00
LTE Salaries	7,062.00
Fringe Benefits	160,142.00
Supplies, Services, and Capital	<u>323,361.00</u>
Total 2023 Expenditures	\$843,175.00



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 four hundred seventy-one (6,655) lawyers who have been suspended for non-compliance with the mandatory continuing legal education requirements. At the end of 2023 calendar year, there were three thousand three hundred eighty-five (3,386) attorneys who remained suspended.

Reporting Cycles	2018-19	2019-20	2020-21	2021-22	2022-23
Lawyers required to report CLE compliance	8885	8609	8813	8601	8980

Issues	2019 (2017-2018 reporting cycle)	2020 (2018-2019 reporting cycle)	2021 (2019-2020 reporting cycle)	2022 (2020-2021 reporting cycle)	2023 (2021-2022 reporting cycle)
Attorneys suspended for non-compliance	229	202	200	189	184
Reinstated (Includes attorneys who were suspended in prior years and deceased)	110	89	89	106	83



CLE Course Information

In 2023, 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-two (32) organizations.

Totals	2019	2020	2021	2022	2023*
Courses Approved	9604	9147	9874	9559	10899
CLE Activities provided in Wisconsin	2049	2251	9405	1100	1156
Repeated On-Demand courses	1350	2005	2324	2512	2704
Live Webcasts offered	4134	6034	6842	5897	6178
National Teleconferences offered	1536	1358	903	643	442
Approved for Ethics (EPR)	3938	3751	3653	3572	3802

(*as of the data collection date for the 2023 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	2019	2020	2021	2022	2023*
GAL - Minors	48	54	78	93	50
GAL - Adult	12	6	11	24	16
GAL - Family	48	54	78	93	50

(*as of the data collection date for the 2023 Annual Report)

CLE Course Denials

CLE course approval was denied in one hundred seventy-one (171) 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 one hundred thirty-seven (137) 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:	2019	2020	2021	2022	2023
Reinstatements (under SCR Chapter 40) (CLE and/or Dues Suspension exceeding 3+ Years)	25	9	17	13	20
Chapter 31 reinstatements (following a CLE suspension of less than three (3) years)	102	97	107	94	70
Readmission following voluntary resignation from the bar and inactive 10+ years	7	13	12	22	20
Name changes	60	73	67	49	83

ADMISSION TO THE PRACTICE OF LAW



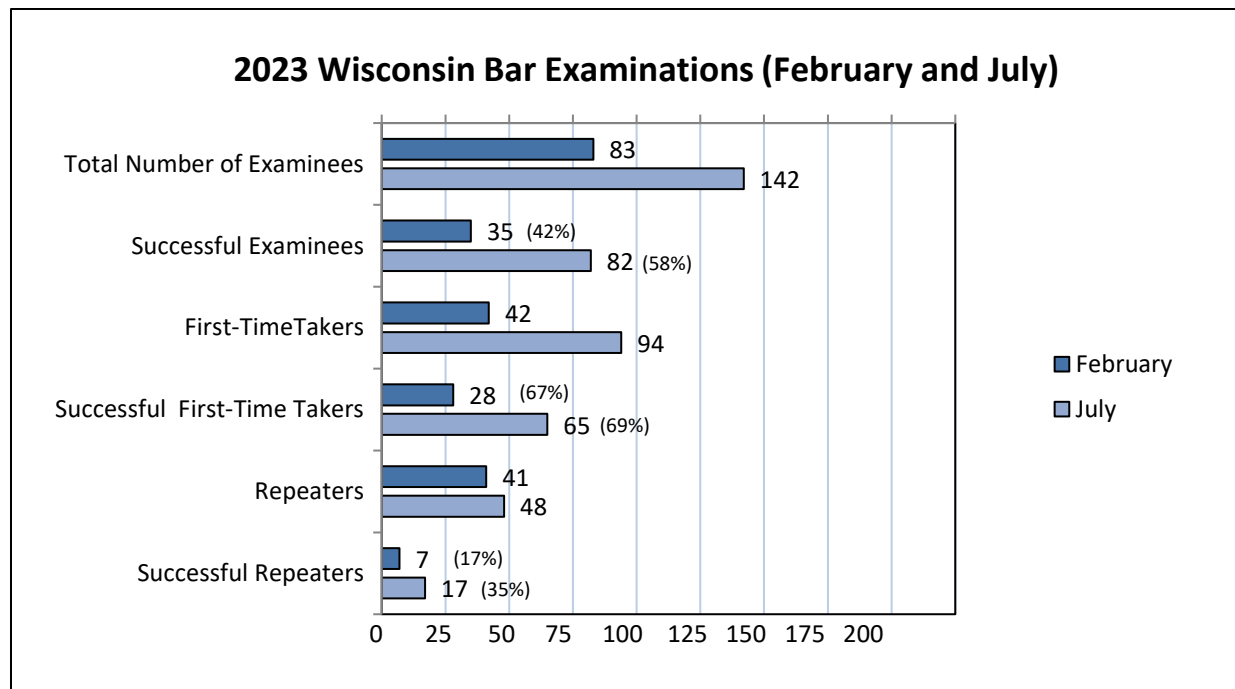
Diploma Privilege

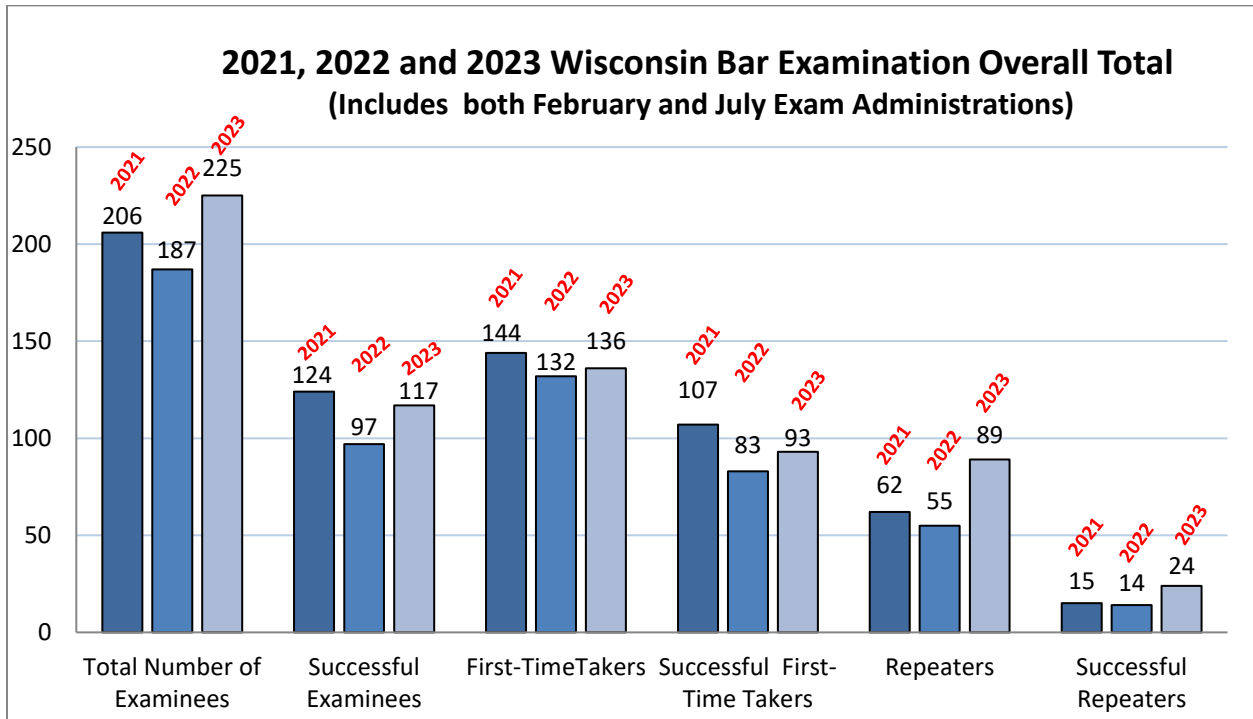
In 2023, the Board received four hundred twenty (420) applications for character and fitness certifications from prospective graduates of the University of Wisconsin and Marquette University law schools under SCR 40.03 and 40.06. This represents a decrease of twenty-two (22) applications from the previous year. Three hundred ninety (390) were admitted to the Wisconsin Supreme Court in 2023, which may include those who graduated in prior years but who were not admitted until 2023.

One diploma privilege application was withdrawn in 2023. 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 two (2) applicant whose file was closed for failing to be sworn in within a year of certification as required by SCR 40.09 (1).

Wisconsin Bar Exam

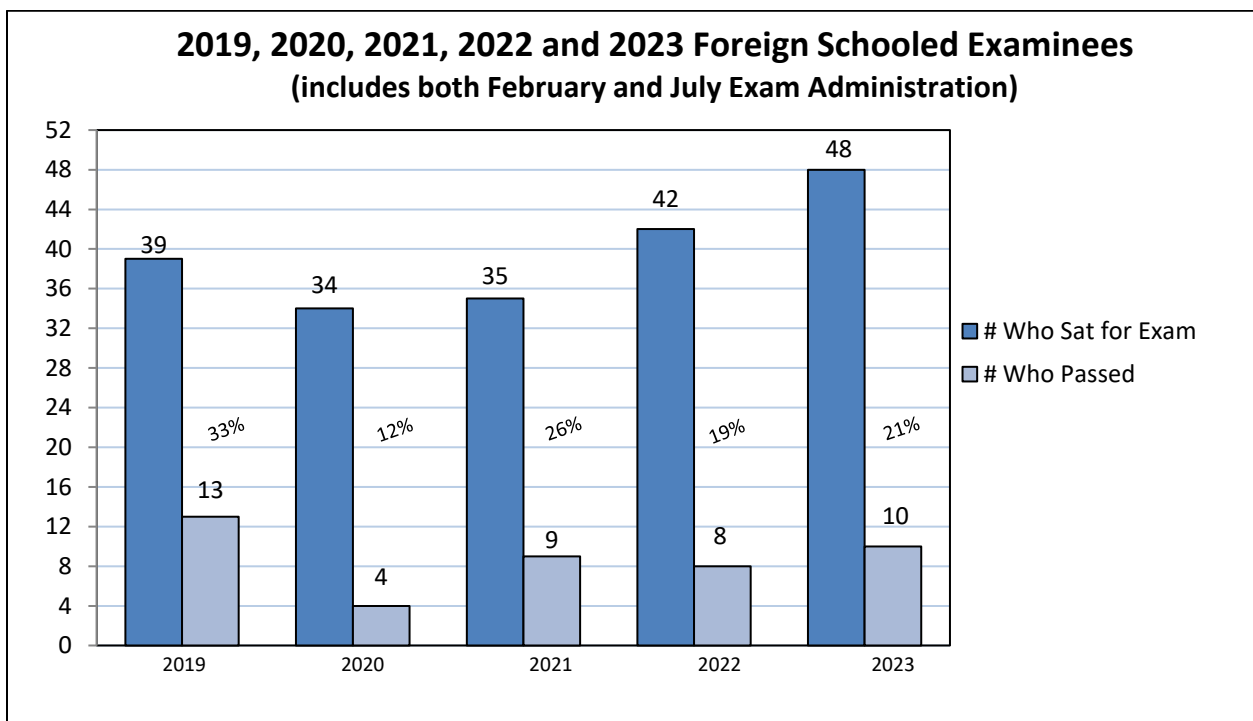
The Board administered two bar examinations in 2023 to a total of two hundred twenty-five (225) applicants. This represents an increase from one hundred eighty-seven (187) applicants in the previous year. Statistical information is as follows:





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

In February 2023, nineteen (19) foreign schooled graduates sat for the exam and two (2) of them passed. In July 2023, twenty-nine (29) foreign schooled graduates sat for the exam and eight (8) passed.



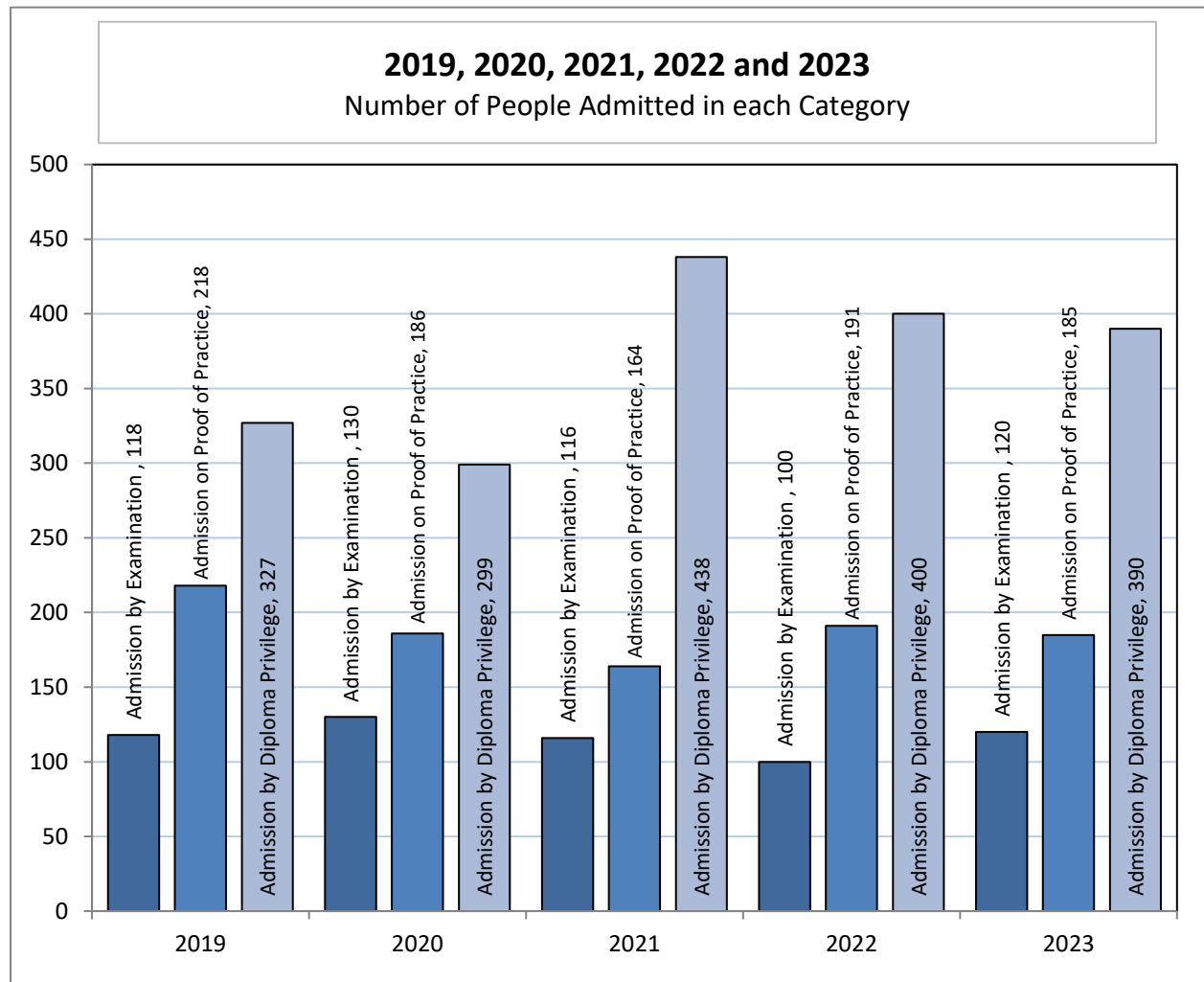
ADMISSION TO THE PRACTICE OF LAW (continued)

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 2023 the Board received one hundred and ninety-four (194) applications, a 6% decrease from the previous year. One hundred ninety-five (195) were certified, while one hundred eighty-five (185) were actually admitted in 2023. Two (2) applications were withdrawn. Fourteen (14) 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 (40) attorneys as in-house counsel in 2023.



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 2023, one (1) person was admitted conditionally. In addition, three (3) people were successfully discharged from conditional admission. Overall, six (6) attorneys are currently conditionally admitted.

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



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.

DIRECTOR'S NOTES AND OTHER ITEMS

The Board of Bar Examiners welcomed three new staff members in 2023. Benjamin Converse and Stuart Moeser both joined the admissions' team---Mr. Converse as a Bar Application Manager and Mr. Moeser as the Character and Fitness Investigator. Alexandra Hebda also joined the BBE as one of our CLE Records Managers. Operations within the BBE are decidedly smoother since the addition of our new hires and we are delighted to have them on board.

Over the past year, the National Conference of Bar Examiners has continued to develop the NextGen exam, which is intended to replace the existing bar exam currently comprised of three components (the Multistate Performance Exam, the Multistate Essay Exam, and the Multistate Bar Exam). The Board has been studying whether to adopt the NextGen exam but has not yet made a decision largely because several critical components remain unknown including, for instance, its cost, how it will be graded, or who the NCBE's technology partner will be. The Board has also begun considering how to augment the NextGen exam with a Wisconsin-based component.

Both the February and July bar examinations were held in person and went smoothly, with test takers given the option to wear masks as a preventative measure against the transmission of COVID.

BBE staff again traveled to each of the Wisconsin law schools to review applicant files and to discuss the application process, including addressing questions third year law students had surrounding the character and fitness investigations that they all undergo.

Additionally and with regard to continuing legal education, a significant number of course sponsors have been able to register and now use the BBE's electronic-based CLE course approval program, which was initiated towards the tail end of 2022. Refinements to the system have since been made and further corrections are still needed. However, we continue to work with CCAP to improve the program in the hope that it will be universally available for use by the end of 2024.

With the exception of the June meeting, which was held via ZOOM videoconferencing, all other meetings in 2023 were held in-person.

Finally, several Board members and the BBE Director attended conferences sponsored by the National Conference of Bar Examiners (NCBE) and the Council of Bar Admissions Administrators.

As always, thanks is owed to our Board and BBE staff for making 2023 another successful year.

Respectfully submitted,

// Original Signed //

Jacquelynn B. Rothstein,
Executive Director & General Counsel
Board of Bar Examiners-Wisconsin Supreme Court

