

SUPREME COURT OF WISCONSIN

No. 11-06

In the matter of the petition to amend Supreme
Court Rule 31.05.

FILED

MAR 2, 2012

A. John Voelker
Acting Clerk of Supreme
Court
Madison, WI

On July 29, 2011, Attorney Richard J. Opie and 12 other State Bar members filed a petition asking this court to amend Supreme Court Rule (SCR) 31.05 ("Approved hours") to allow teaching "a legal specialty course in a paralegal program approved by the American Bar Association" to satisfy the requirements of SCR 31.02.

On September 15, 2011, the court made a preliminary determination in open administrative conference that no public hearing was needed for this petition. The court scheduled this rule petition for discussion at an administrative conference on November 7, 2011, and sought public comment on the petition.

The Board of Bar Examiners (BBE) filed the only response to the petition. It is the BBE's position that there are other procedural mechanisms in place to review requests for continuing legal education (CLE) credits and therefore, the proposed amendment to SCR 31.05 is not necessary. The BBE said attorneys interested in seeking the approval sought in this petition can submit their requests to the BBE for its consideration under SCR 31.07(2)(f). The BBE reviews the individual submissions and makes a determination as to whether the

activity should be approved for CLE credit. The BBE stated the existing provisions provide an adequate means by which attorneys can seek approval for CLE activities not specifically delineated within the current rules. The petitioners responded, maintaining that a rule change would be a more efficient procedure.

At open administrative conference on November 7, 2011, the court discussed the petition, the BBE's comments, and the petitioners' response. The court voted unanimously to deny the petition without a public hearing because adequate procedures exist for submitting requests for CLE credit that are not specifically delineated within the current rules. Pursuant to SCR 31.07(2)(f), an attorney can seek approval for CLE activities that are not specifically delineated within the current rules to the BBE for its consideration. The BBE reviews such requests on a case-by-case basis. This procedure is preferable to having attorneys petition the court for what would effectively become individualized CLE course approval and might trigger multiple rule petitions filed by lawyers who provide legal instruction to nonlawyers that might warrant CLE credit.

The court explicitly stated that it took no position on the merits of the petitioners' request for CLE credit for teaching a legal specialty course in a paralegal program approved by the American Bar Association.

Therefore, IT IS ORDERED that the petition is denied.

Dated at Madison, Wisconsin, this 2nd day of March, 2012.

BY THE COURT:

A. John Voelker
Acting Clerk of Supreme Court

