

IN THE PETITION TO AMEND SCR 31.02 and 31.05
Relating to Continuing Legal Education Requirements

MEMORANDUM

The petitioner, the Wisconsin Board of Bar Examiners (BBE), seeks to amend SCR 31.02 and 31.05 relating to continuing legal education requirements (CLE).

At its meetings, the BBE routinely reviews a select number of CLE course approval requests. In response to those reviews, a subcommittee of the BBE was convened to determine what, if any, changes to Chapter 31 of the Supreme Court Rules were needed. During the past year, the subcommittee met several times and reviewed the types of CLE topics that are permitted in other jurisdictions, including, for instance, law practice management and mental health. Members concluded that expanding the course offerings to include those subjects would be beneficial to attorneys. The subcommittee also considered whether to expand the number of on-line “on demand” CLE credits that an attorney may obtain and concluded that increasing the number of those credits by five was reasonable, especially given the expansion of course providers and offerings that now exist. The subcommittee’s recommendations were presented to the full Board, all of which were unanimously approved.

Under the proposed changes to SCR 31.02, attorneys would be permitted to take up to six (6) hours of credit in courses designed to enhance a lawyer’s awareness and understanding of substance abuse/dependence disorders, mental illness, stress management, and work/life balance relating to the practice of law. The Wisconsin Lawyers Assistance Committee is in support of that change.

Additionally, the proposal would allow lawyers to take up to six (6) hours of credit in the subject of law practice management, which may include topics such as client communications, trust accounting, record keeping, applications of technology, and other subjects essential to the practice of law. However, courses or portions of courses dealing primarily with profit enhancement or marketing of services would be denied credit. The proposal would also prohibit lawyers from claiming credit for attending the same course more than one time during a reporting cycle.

Changes to SCR 31.05 are also proposed. Specifically, the proposal allows an increase in the number of on-demand credits that may be used in a reporting cycle from ten (10) to fifteen (15). Currently, credit from on-demand programs may not be used for purposes of reinstatement, readmission, or reactivation. This proposal would amend SCR 31.05 to allow no more than 50% of a lawyer’s CLE to come from on-demand programs for purposes of reinstatement, readmission, or reactivation.

The BBE requests that the effective date of these changes be July 1, 2017, in order to accommodate the CLE reporting cycles. Since the Court has the supervisory authority over the practice of law in Wisconsin, no public hearing is being requested.

The rules would therefore be amended as follows:

Section 31.02 (3) would be amended to expand the scope of acceptable CLE topics to allow for a broader choice of subject matter, including topics such as substance abuse/dependence disorders, mental illness, stress management, and work/life balance.

Section 31.02 (4) would be amended to allow attorneys to obtain CLE credit in the area of law practice management.

Section 31.02 (5) would be amended to clarify that attorneys cannot claim credit for the same course more than once during a reporting cycle.

Section 31.05 (5) (b) would be amended to increase the number of “on demand” credits that attorneys may obtain from ten (10) to fifteen (15).

Section 31.05 (5) (d) would be amended to allow attorneys to use up to 50% of CLE credits from “on demand” programs for purposes of reinstatement, readmission, or reactivation.