

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

PETITION

---

To: Chief Justice Patience D. Roggensack  
Justice Shirley Abrahamson  
Justice Ann Walsh Bradley  
Justice Annette Kingsland Ziegler  
Justice Michael J. Gableman  
Justice Rebecca G. Bradley  
Justice Daniel Kelly  
16 East State Capitol  
Madison, WI 53701

The Board of Bar Examiners, by its director Jacquelynn B. Rothstein, hereby petitions the Supreme Court of Wisconsin for an order to amend SCR 31.02 and SCR 31.05 as follows:

SECTION 1. The BBE requests that the Court amend SCR 31.02 as follows:

**SCR 31.02 Attendance requirement.**

(1) A lawyer shall attend a minimum of 30 hours of approved CLE during each reporting period.

(2) A lawyer shall attend a minimum of 3 of the 30 hours required under sub. (1) on the subject of legal ethics and professional responsibility in every reporting period.

(3) A lawyer may take up to 6 hours required under sub. (1) for 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.

(4) A lawyer may take up to 6 hours required under sub. (1) on 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. Courses or portions of courses dealing primarily with profit enhancement or marketing of services will be denied credit.

(5) A lawyer may not claim credit for attending the same course more than one time during a reporting cycle.

SECTION 2. The BBE requests that the Court amend SCR 31.05:

**SCR 31.05 Approved hours.**

(1) Activities that are approved by the board either before or after the close of the reporting period may be used to satisfy the requirement of SCR 31.02. Lawyers claiming credit for activities that are not already approved must seek approval on a CLE Form 2 filed contemporaneously with their CLE Form 1.

(2) (a) Up to 15 hours of CLE reported on CLE Form 1 may be carried forward to the next reporting period if all of the following conditions are met:

1. The hours that are to be carried forward reflect attendance during the reporting period covered by the CLE Form 1.

2. These hours reflect attendance at courses that are approved by the board either before or after the close of the reporting period. Lawyers claiming credit for activities that are not already approved must seek approval on a CLE Form 2 filed contemporaneously with their CLE Form 1.

(c) CLE programs approved by the board for legal ethics and professional responsibility may not be carried forward under this subsection for the purpose of fulfilling the legal ethics and professional responsibility requirement of SCR 31.02 (2) but may be carried forward under par. (a).

(3) 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.

(4) Participation in an educational activity approved by the judicial education committee may be used to satisfy the requirement of SCR 31.02.

(5) (a) A repeated on-demand program may be used to satisfy the requirement of SCR 31.02, if all of the following conditions are met:

1. The repeated on-demand program is approved prior to being claimed for credit by a lawyer on CLE Form 1, and the lawyer must take the on-demand program no later than December 31 of the year after the year in which approval was given.

2. Sponsors of the approved on-demand on-line program must maintain a roster verifying the attendance of all attorneys logged-in and paying for the program and provide the roster to the board if requested.

(b) No more than 105.0 credits may be claimed for repeated on-demand programs during a lawyer's reporting period.

(c) No legal ethics and professional responsibility credit is allowed for a repeated on-demand program.

(d) ~~Repeated on-demand programs may not be used~~ For reinstatement, readmission, or reactivation, no more than 50% of a lawyer's CLE may come from repeated on demand programs.

(6) Each hour of service on the office of lawyer regulation preliminary review committee, special preliminary review panel, district committee or as an office of lawyer regulation special investigator may be used to satisfy the requirements of SCR 31.02, to a maximum of 3.0 hours of legal ethics and professional responsibility credit per reporting period, provided that the office of

lawyer regulation maintains a roster verifying service and provides the roster to the board if requested.

Dated this 2<sup>nd</sup> day of November, 2016.

Respectfully submitted,

Jacquelynn B. Rothstein  
State Bar #1019246  
Director  
Board of Bar Examiners  
110 East Main Street  
Suite 715  
Madison, WI 53703  
(608) 266-9760 Telephone  
(608) 266-1196 Facsimile