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Supreme Court of Wisconsin

BOARD OF BAR EXAMINERS
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September 25, 2024

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CLERK OF SUPREME COURT
OF WISCONSIN

Chief Justice Annette Kingsland Ziegler
Justice Ann Walsh Bradley
Justice Rebecca G. Bradley
Justice Rebecca F. Dallet
Justice Brian K. Hagedorn
Justice Jill J. Karofsky
Justice Janet C. Protasiewicz
16 East, State Capitol
P.O. Box 1688
Madison, WI 53701-1688

Dear Chief Justice and Justices:

The Board of Bar Examiners writes in response to Rule Petition 24-04 (Amending Chapter 31 re CLE Credit for Cultural Competency and Reduction of Bias). At its meeting on September 20, 2024, the Board reviewed Rule Petition 24-04. After a lengthy discussion, the Board voted unanimously to recommend an alternative proposal to the Court, which would permit attorneys to take up to six credits of continuing legal education in the areas of cultural competency and the reduction of bias, but would cap the overall number of specialty credits at twelve (12).

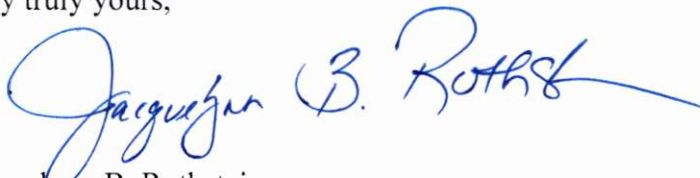
The State Bar's proposed rule would permit up to six (6) continuing legal education credits in subjects related to cultural competency and the reduction of bias. This would create an additional specialty category of CLE under SCR 31.02. Under the existing CLE provisions, there are two specialty categories: law practice management (LPM), and lawyer awareness and understanding (LAU). Attorneys may earn up to six credits in either one of those subject areas, for a maximum of twelve credit hours. With the State Bar's proposed addition to this category, attorneys would be able to take up to eighteen (18) specialty credit hours in non-substantive areas of the law. The Board believes that number is too high and is instead proposing that the number of credit hours in the specialty categories be limited to an overall total of twelve (12).

Board: Daniel D. Blinka, Chairperson, Milwaukee; Linda S. Isnard, Vice Chair, Cedarburg
Brian D. Anderson, Green Bay; Todd Dickey, Green Bay; Diane Fremgen, Madison; Jason Hanson, Madison; Kevin Kelly, Madison
Scott Needham, Hudson; Peter Sorce, Germantown; Travis Stein, Cottage Grove; Megan Stelljes, Madison

The Board's alternative proposal adds the State Bar's subjects of cultural competency and the reduction of bias to the specialty category, while maintaining the existing ones (*i.e.*, LPM and LAU). This option still provides attorneys with the opportunity to take courses in these subject areas, but limits the total number of "specialty" credit hours attorneys could take to twelve (12), which is the current limit.

Any such revisions would necessitate CCAP programming changes to the on-line CLE reporting system and would ideally take effect at the beginning of a reporting cycle. A fully marked copy of the proposed changes as well as a "clean" copy are enclosed for the Court's review. Thank you.

Very truly yours,

A handwritten signature in blue ink that reads "Jacquelyn B. Rothstein". The signature is fluid and cursive, with a long horizontal stroke at the end.

Jacquelyn B. Rothstein
Executive Director & General Counsel

Enclosure

cc: Timothy M. Barber
Ryan M. Billings
Dean R. Dietrich
Lisa Roys
Larry Martin

SCR 31.02 Attendance requirement.

(1) A lawyer shall attend a minimum of 30 hours of approved CLE during each reporting period. A lawyer who is a senior active member shall attend a minimum of 15 hours of approved CLE during each reporting period.

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

(3) A lawyer may attend a maximum of twelve (12) hours required under sub. (1) in the following three subjects, and may not exceed six (6) hours in any single subject:

(a) Subjects 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.

~~(b) (4) A lawyer may attend a maximum of six (6) hours of the hours required under sub. (1) on the s~~Subjects 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.

(c) Subjects of cultural competency and the reduction of bias within the legal system. Cultural competency courses are those designed to improve client communication and legal representation through learning about diverse populations and cultural differences. Reduction of bias courses are those designed to educate attorneys about how to identify and reduce biases against persons based on age, race, gender, gender identity, economic status, veteran status, creed, color, religion, national origin, disability, or sexual orientation within the legal profession and the legal system.

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

SCR 31.02 Attendance requirement.

(1) A lawyer shall attend a minimum of 30 hours of approved CLE during each reporting period. A lawyer who is a senior active member shall attend a minimum of 15 hours of approved CLE during each reporting period.

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

(3) A lawyer may attend a maximum of six (6) hours required under sub. (1) in any one of the following three subjects, not to exceed a total of twelve (12) hours:

(a) Subjects 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.

(b) Subjects 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.

(c) Subjects of cultural competency and the reduction of bias within the legal system. Cultural competency courses are those designed to improve client communication and legal representation through learning about diverse populations and cultural differences. Reduction of bias courses are those designed to educate attorneys about how to identify and reduce biases against persons based on age, race, gender, gender identity, economic status, veteran status, creed, color, religion, national origin, disability, or sexual orientation within the legal profession and the legal system.

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