

STATE OF WISCONSIN

:

IN SUPREME COURT

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In the Matter of the Petition for Amendment to  
Supreme Court Rules SCR 31.01 and 31.05 Relating to  
Expanding the Nature of Continuing Legal Education

PETITION

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To: Chief Justice Shirley S. Abrahamson  
Justice Jon P. Wilcox  
Justice Ann Walsh Bradley  
Justice N. Patrick Crooks  
Justice David Prosser, Jr.  
Justice Patience D. Roggensack  
Justice Louis B. Butler

Filed with the Clerk of Court Cornelia G. Clark  
Clerk of Supreme Court Office  
110 East Main Street, #215  
Madison, WI 53703

The Petitioner, Gene R. Rankin, Director of and on behalf of the Board of Bar Examiners of the Supreme Court of Wisconsin, hereby petitions the Supreme Court of Wisconsin for an order that amends Supreme Court Rules SCR 31.01 and 31.05 relating to expanding the nature of continuing legal education (CLE) as follows:

PROPOSED AMENDMENT:

SCR 31.01 Definitions

(9) A "repeated on-demand" program is an on-line program delivered over the Internet, repeating a program previously approved by the board, and given at a time of the attendee's choosing during the same calendar year during which the course was originally approved.

SCR 31.05 Approved hours.

(5) On-line programs which repeat programs previously approved by the board and which are attended on an on-demand basis may be used to satisfy the requirement of SCR 31.02, provided that:

(a) Such repeated on-demand programs are approved prior to being claimed for credit by a lawyer on CLE Form 1; and

(b) A certificate of attendance identifying the course by title and as a repeated on-demand program, submitted by the sponsor of the repeated on-demand program, is attached to a lawyer's CLE Form 1 if credit is to be granted; and

- (c) No more than 10.0 credits may be claimed for such repeated on-demand programs during a lawyer's reporting period.
- (d) No ethics and professional responsibility credit will be allowed for repeated on-demand programs.
- (e) Repeated on-demand programs may not be used for reinstatement, readmission, or reactivation.
- (6) Service on the Office of Lawyer Regulation (OLR) District Committee or as Special Investigator may be used to satisfy the requirement of SCR 31.02, to a maximum of 3.0 hours (to include 3.0 hours of legal ethics and professional responsibility credit) per reporting cycle provided that a certificate of attendance submitted by OLR is attached to a lawyer's CLE Form 1 if credit is to be granted.

## JUSTIFICATIONS

1. The additions to SCR 31.01 and 31.05(5) would enable the use for credit of on-line CLE programs that have heretofore been deemed self-study and, as such, not able to be approved. Such on-line programs are repeats of prior 'live' or real-time programs that can be reviewed by a lawyer at his or her own time rather than at a specified time. To a limited extent they are analogous to video-taped programs, but differ in that video-taped programs now must have a moderator present in order for credit to be granted. On-demand programs represent a close approach to self-study, which is not permitted in Wisconsin (nor most states with mandatory CLE). They are limited to but 1/3 of a lawyer's CLE requirement, require additional documentation, and are not allowed for ethics credit nor for reinstatement, readmission, nor reactivation.

2. The addition to SCR 31.05(6) expands in limited fashion the permitted activities for which CLE credit can be granted, permitting the concentrated work of Office of Lawyer Regulation (OLR) District Committees and Special Investigators to qualify for a limited number of ethics and professional responsibility (EPR) credits per reporting period when accompanied by the appropriate documentation. Members of those Committees and those Special Investigators gain intensive training in the Code of Professional Responsibility in the course of their performance of their duties for many hours more than they are allowed EPR and CLE credit.

Dated this 7th day of December, 2005.

Respectfully submitted

Gene R. Rankin, Director  
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