
In the Matter of the Petition for Amendment to Supreme Court Rules (SCR) 31.10 and 31.11, Relating to Notices Of Noncompliance with Continuing Legal Education (CLE) Requirements and Reinstatement

PETITION

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

Filed with the Clerk of Court David R. Schanker
Clerk of Supreme Court Office
110 East Main Street, Suite #215
Madison, Wisconsin 53703

The Board of Bar Examiners, by its director John E. Kosobucki, petitions the Supreme Court of Wisconsin for orders amending Supreme Court Rules 31.10(1) and 31.11(1)(b), relating to the notices given when lawyers are automatically suspended for noncompliance with CLE requirements, and when lawyers are reinstated after automatic suspensions. If the Court grants these orders, the affected sections will read as follows:

SCR 31.10 Noncompliance.

(1) If a lawyer fails to comply with the attendance requirement of SCR 31.02, fails to comply with the reporting requirement of SCR 31.03(1), or fails to pay the late fee under SCR 31.03(2), the board shall serve a notice of noncompliance on the lawyer. This notice shall advise the lawyer that the lawyer's state bar membership of the lawyer shall be automatically suspended for failing to file evidence of compliance or to pay the late fee within 60 days after service of the notice. The board shall certify the names of all lawyers so suspended under this rule to the clerk of the supreme court and to each judge of a court of record in this state, to all court of appeals and circuit court judges and to all circuit court commissioners appointed under SCR 75.02(1) in this state, and to the executive director of the State Bar. A lawyer shall not engage in the practice of law in Wisconsin while his or her state bar membership is suspended under this rule.

(2) * * * *

SCR 31.11 Reinstatement.

(1) Suspension of less than 3 consecutive years.

(a) * * * *

(b) Within 60 days after service of a petition for reinstatement, the board shall make a determination regarding compliance. If the board determines that the lawyer is in compliance with all requirements under this chapter, it shall reinstate the lawyer's membership in the state bar. The board shall certify the names of all lawyers so reinstated to the clerk of the supreme court, to all court of appeals and circuit court judges and to all circuit court commissioners appointed under SCR 75.02(1) in this state, and to the executive director of the State Bar.

JUSTIFICATION

Under the present SCR 31.10 and 31.11, in about March of each year, the BBE notifies lawyers who have not complied with their CLE requirements that they will be automatically suspended from the practice of law if they do not come into compliance within sixty days. Sixty days later, the board transmits a list of the lawyers who have been automatically suspended to the clerk of the Supreme Court and each judge of a court of record. Later, the board sends to the clerk of the Supreme Court a list of the lawyers who are reinstated within three years of their automatic suspension.

The proposed amendment to SCR 31.10(1) would widen the distribution of the notice of automatic suspension to include the state bar and court commissioners appointed under SCR 75.02(1), i.e., commissioners who perform limited judicial or quasi-judicial duties under the direction of the chief judge and the judges of the circuit. Section 75.02(1) commissioners regularly preside over court proceedings and, therefore, need notice of lawyers' automatic suspensions for the same reasons that circuit court judges do. Notice to the state bar will allow the bar to keep its Internet directory of Wisconsin lawyers up-to-date.

The proposed amendment to SCR 31.11 (1)(b) would widen the distribution of the notices of reinstatement to include judges on the court of appeals, circuit court judges, court commissioners appointed under SCR 75.02(1) and the state bar. Fairness requires notices of reinstatement to be circulated as widely as the corresponding notices of automatic suspensions.

Dated this 31st day of March, 2008.

Respectfully submitted,

// Original Signed //

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