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November 1, 2011

Ms. Susan Gray
Office of Court Commissioners
110 E. Main Street
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Madison, WI 53703

Dear Ms. Gray:

I have reviewed the response from Attorney Richard J. Opie in which he responded to the Board of Bar Examiner's letter of October 17, 2011, regarding Supreme Court Rule Petition 11-06, which proposes to amend SCR 31.05 to allow continuing legal education credit (CLE) for teaching a legal specialty course in a paralegal program approved by the American Bar Association.

In his response, Mr. Opie suggests that it would be easier to promulgate a supreme court rule allowing this type of teaching credit, rather than have the court review individual requests to approve them. Perhaps a bit of clarification regarding the CLE approval process is in order. The Board of Bar Examiners, an agency of the Wisconsin Supreme Court, is charged with reviewing and approving requests for continuing legal education credit. Although the particular category referenced in Mr. Opie's petition is not specifically approved for CLE credit under the existing supreme court rules, an attorney interested in seeking such approval can submit a request to the Board for its consideration under SCR 31.07 (2) (f).

Upon receipt of such a request, the BBE reviews the submission and makes a determination as to whether the activity should be approved for continuing legal education credit. That approach is far more preferable than having attorneys petition the court to create a new type of CLE category each time someone fails to find an approved one in the existing rules.

In an effort to avoid burdening the court with such petitions, the existing provisions provide an adequate means by which attorneys can seek approval for continuing legal education activities that are not specifically delineated within the current rules. Given that there are effective administrative procedures already in place to review such requests, the proposed amendment to SCR 31.05 is not necessary.

Please let me know if I can provide any additional information or be of further assistance regarding this matter.

Very truly yours,

Jacquelynn B. Rothstein
Director