

IN THE MATTER OF THE TEMPORARY AMENDMENT OF
SCRs 31.02 AND 31.05 RELATING TO THE CONTINUING
LEGAL EDUCATION REQUIREMENTS: ON-DEMAND CLE
PROGRAMMING IN RESPONSE TO COVID-19

FILED

DEC 1, 2022

Sheila T. Reiff
Clerk of Supreme Court
Madison, WI

You are hereby notified that the Court has issued the following administrative order regarding a request to extend the court's interim administrative order of January 11, 2022, relating to on-demand CLE programming:

On March 17, 2020, at the request of the State Bar of Wisconsin, this Court issued an order pertaining to continuing legal education (CLE) during the COVID-19 pandemic, No. 20-01, In the matter of the temporary amendment of SCRs 31.02 and 31.05 relating to the continuing legal education requirements: On-demand CLE programming in response to COVID-19. S. Ct. Order 20-01, 2020 WI 30 (issued Mar. 17, 2020, eff. Mar. 17, 2020). In that order, the Court temporarily increased the number of credits from repeated on-demand programs that lawyers may use to satisfy the requirements of SCR 31.02. See SCR 31.12(2) (authorizing the board to waive attendance and reporting requirements where to do otherwise would work an injustice).¹ That order expired on December 31, 2020.

On January 26, 2021, the Court extended the temporary amendment of SCRs 31.02 and 31.05,² with minor modifications, relating to the continuing legal education requirements for the 2021 CLE reporting period, retroactive to January 1, 2021.

On January 11, 2022, the Court further extended the temporary amendment of SCRs 31.02 and 31.05, with minor modifications. That order expires on January 31, 2023 and, in part, permits even-year reporting attorneys (attorneys whose continuing legal education reporting period ends on December 31, 2022) to claim additional CLE credits from repeated on-demand programs up to 30 credits and specifies that “[r]epeated on-demand courses that will be claimed in excess of the usual 15 credit hour limit must be completed on or before January 31, 2023.” That order further specifies that “repeated on-demand programs may not be used to satisfy the mandatory 3 legal

¹ "Repeated on-demand program" means “an on-line program delivered over the Internet, consisting of a program previously approved by the board.” SCR 31.01(6m).

² SCR 31.02 provides that a "lawyer shall attend a minimum of 30 hours of approved CLE during each reporting period." SCR 31.02(1). The mandatory ethics requirement provides that "[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." SCR 31.02(2). Generally, no more than 15 credits may be claimed for repeated on-demand programs during a lawyer's CLE reporting period. SCR 31.05(5)(b). For purposes of reinstatement, readmission, or reactivation, no more than 50 percent of the lawyer's CLE may come from repeated on-demand programs. SCR 31.05(5)(d).

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In the matter of the temporary amendment of SCRs 31.02 and 31.05 relating to the continuing legal education requirements: On-demand CLE programming in response to COVID-19

ethics and professional responsibility credit hours,” which must be completed with live on-line programming or in-person courses.

On November 2, 2022, the Board of Bar Examiners requested an extension of the January 11, 2022 interim order to allow odd-year reporting attorneys (those whose reporting period ends on December 31, 2023) to claim repeated on-demand CLE credits up to 30 hours through January 31, 2024, due to ongoing concerns with in-person gatherings.

Having considered the Board of Bar Examiners’ request,

IT IS ORDERED that the request to extend the court’s January 11, 2022 interim order to allow attorneys to claim up to 30 hours of repeated on-demand CLE credits through January 31, 2024 is DENIED;

IT IS FURTHER ORDERED that for the continuing legal education reporting period ending December 31, 2023 (odd-year reporters), attorneys who have obtained in excess of 15 hours of repeated on-demand CLE programming prior to the expiration of this court’s January 11, 2022 interim order (i.e. through January 31, 2023) may use those credit-hours to satisfy their December 31, 2023 reporting obligations. Repeated on-demand programs may not be used to satisfy the mandatory 3 legal ethics and professional responsibility credit hours;

IT IS FURTHER ORDERED that following the expiration of this court’s January 11, 2022 interim order on January 31, 2023, any lawyer whose license to practice law may be suspended due to the lawyer being unable to complete CLE credits (including legal ethics and professional responsibility credits), either through in-person courses or live on-line programming, may file a request for a waiver with the Board of Bar Examiners under SCR 31.12; and

IT IS FURTHER ORDERED that the State Bar of Wisconsin shall take all reasonable steps to notify its members of the contents of this order.