

MINUTES of the Open Session

Of

The Board of Bar Examiners

Friday, September 25, 2009
Best Western Hotel
Marinette, Wisconsin

1. **Roll Call**

Board Chair Morrison opened the Open Session of the meeting of the Board of Bar Examiners (BBE) at 9:00 a.m. Board members present were Vice-Chair Huston, Past Board Chair Constantine and Members Blinka, Boykoff, Cotter, Baker, Pray, and Dykman. Excused were Members Dykstra, and Hoskins. A quorum was present. Also present was Director of State Courts A. John Voelker.

2. **Adoption of Agenda**

Chair Morrison requested approval of the Agenda. Agenda was approved.

3. **Approval of Minutes**

a. **Open Session Minutes**

Chair Morrison asked for approval of the Minutes from the July 31, 2009 meeting. Motion to approve passed.

4. **Director's Report**

5. **Consideration of Mandatory Continuing Legal Education**

A. **Ruling on E-filing**

Mr. Voelker reported that the Supreme Court approved the petition allowing e-signatures for CLE reporting. This change will eliminate the need for attorneys to file a hard copy signature page which was required during the last reporting period.

B. **CLE/GPA Report**

Professor Blinka gave an overview of a memo he prepared regarding proposed changes to the CLE and the expanded use of GPA. Recommendations included in his report included 1) taking full advantage of GPA status, 2) extending GPA status of county Bar Associations, 3) developing an electronic registration system for GPA/CLE providers, 4) eliminating the need for GPA providers to provide list of attendees, 5) move toward an audit model for regulating GPA providers 6) identifying sanctions for violations of GPA requirements, and 7) using surveys as part of the audit model.

After some discussion, including Mr. Voelker's observations about the current CLE process, the Board endorsed moving in a direction consistent with Professor Blinka's outline. Mr. Voelker and Professor Blinka agreed to work together to move in this direction.

C. McConnell, David B. – Request to Expunge CLE Suspension

The board approved expunging Attorney McConnell's suspension.

D. Course Approval for Criminal Jury Instructions Committee

The board approved the provision of 3 hours of CLE for work on the Criminal Jury Instructions Committee.

E. 08-09 Filing Instructions Draft

Vice-Chair Huston identified a variety of changes he would suggest for the filing instructions. He agreed that he would forward his suggestions electronically to Mr. Voelker.

6. **Admission via Wisconsin Bar Examination**

A. July 2009 Exam Statistics

Vice-Chair Huston provided an overview of the statistics from the July 2009 bar exam, including the 91% passing rate and issues related to the statistics. The issues were outlined in a memo Vice-Chair Huston provided board members. The data presented as part of this discussion had not been collected in the past. The information suggests that the calibration process may be effective, but more information is necessary to be entirely comfortable with the calibration process. One additional issue that Vice-Chair Huston raised was shifting from a five point scale to a six point scale. He felt that a larger scale would assist in better distinguishing the scores.

B. Bar Exam Committee Report

Vice Chair Huston led a discussion on the recommendation of the BBE Bar Exam Committee that a public hearing be completed at the October 30 meeting on the following issues:

- establishing a policy on the minimum passing score, and
- whether candidates for the Wisconsin Bar should be required to pass the Multistate Professional Responsibility Exam and its passing score.

After some discussion on what would be gained from a public hearing and how the information might be used, the board decided to delay a decision on a public hearing until after the October 30th Board meeting.

C. Selling of Past Exam Questions

Chairperson Morrison and Vice-Chair Huston outlined an issue that arose recently on the issue of selling past exams. In reviewing past approaches, Vice-Chair Huston reported that staff will provide a packet of past exams for \$25, not including any NCBE exams.

7. **Diploma Privilege Character & Fitness Certification**

A. **Wisconsin State Journal Article – Info Only**

The article was included in the packet. Chairperson Morrison noted that a trial date for the diploma privilege litigation has been set for August 2010.

8. **Motion to Enter Closed Session pursuant to Wis. Stats. 19.85(1)(b) and (f)**

To consider licensing matters and financial, medical and personal histories relating thereto, and pursuant to s. 19.856 (1)(g), Wisconsin Statutes, to confer with legal counsel concerning strategy with respect to litigation.

The Chair then asked for a motion to go into Closed Session. The motion passed unanimously, and the Board went into closed session.

9. **Adjournment**

Motion to adjourn approved.

Respectfully Submitted,

A. John Voelker
Director of State courts