



*Board of Bar Examiners*

2014

Annual Report

# Annual Report of The Board of Bar Examiners

# 2014

Calendar Year

## INTRODUCTION

Pursuant to Supreme Court Rule (SCR) 30.01 (2), the Board of Bar Examiners (BBE) is filing this annual report on its activities during the calendar year 2014. The BBE has general supervisory authority over SCR Chapter 31, Continuing Legal Education, and Chapter 40, Admission to the Bar. The BBE's mandate is to protect the people of Wisconsin by assuring that only capable and competent applicants who meet the character and fitness requirements are admitted to the practice of law in the state, and that attorneys licensed in the state maintain their legal competence through continuing legal education.

## MEMBERSHIP AND STAFFING OF THE BOARD

The Board of Bar Examiners has general supervisory authority over the administration of admission to the bar by examination and on proof of practice, conducts character and fitness investigations of all candidates for admission including those seeking admission by diploma privilege, and supervises and monitors attorneys' compliance with the Wisconsin mandatory continuing legal education requirement.

The membership of the Board in 2014 was as follows:

Hon. Charles P. Dykman	Monona	Chairperson
Atty. Mark R. Fremgen	Madison	Vice-Chairperson
Prof. Steven M. Barkan	Madison	
Mr. James A. Cotter	Appleton	
Ms. Patricia Evans	Madison	
Atty. Kimberly Haas	Mosinee	
Prof. Judith G. McMullen	Brookfield	
Atty. Richard B. Moriarity	Madison	
Hon. Kenneth Kutz	Siren	
Atty. W. Craig Olafsson	Wausau	
Ms. Bonnie L. Schwid	Mequon	Membership until 3/2014

The Board met seven times in Madison. The December meeting included a joint meeting with the Court at which policy matters of common concern were discussed. Additionally, the attorney members of the Board graded two bar examinations.

In 2014 the full time staff of the Board included the following:

Atty. Jacquelynn B. Rothstein	Director
Mr. John Baggot	Program Assistant (Began 11/2014)
Ms. Jenifer Cole	CLE Records Manager (Until 2/2014) Bar Application Manager (Diploma Privilege) (Began 3/2014)
Ms. Dianne Dillman	Bar Application Manager (Bar Exam) (Until 9/2014)
Ms. Julie Halverson	Program Assistant (Until 2/2014) CLE Records Manager (Began 3/2014)
Mr. Ben Hopkins	Character and Fitness Investigator/Proof of Practice Manager (Until 3/2014)
Mr. Steven Lustig	Character and Fitness Investigator/Proof of Practice Manager (Began 08/2014)
Ms. Tammy McMillen	CLE Records Manager
Ms. Lori Wessel	Bar Application Manager (Bar Exam) (Began 10/2014)

### **FUNDING SOURCES AND EXPENDITURES**

The mandatory continuing legal education requirement was self-funded in fiscal year 2014 by an annual assessment of lawyers on active and inactive status as of July 1, 2014, per State Bar of Wisconsin records, who paid \$11.00 and \$5.50, respectively. The bar admission portion of the Board's responsibilities are also entirely self-funded.

#### **Other fees were as follows:**

Wisconsin Bar Examination (WBE): \$450

Application via foreign schooled applicant: \$850

Application for admission on Proof of Practice Elsewhere (PPE) (reciprocity): \$850

Diploma Privilege (DP) character and fitness (C&F) certification: \$210

Late filing fee for the WBE and C&F: \$200

Late filing fee for CLE Reporting: \$100

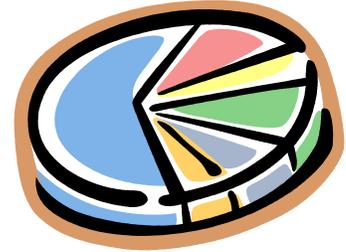
Admission fee for all admittees (regardless of mode of admission): \$100

Reinstatement/Readmission fee: \$200

Name change: \$25

In addition, the Board realized revenue from late filing fees and reinstatement fees authorized by the court, and from miscellaneous fees (copying, duplicate admission certificates, past examination sales, etc.). Revenues shown are actual revenue. They include all late filing fees and include 2014 fees received in 2013.

<b><u>Revenues</u></b>	
Licensing Activity	\$528,807.00
Education	<u>322,883.00</u>
<b><u>Total CY 2014 Revenues</u></b>	<b>\$851,690.00</b>
<b><u>Expenditures</u></b>	
Permanent Salaries	\$305,977.00
LTE Salaries	25,015.00
Fringe Benefits	113,872.00
Supplies, Services, and Capital	<u>210,150.00</u>
<b><u>Total CY 2014 Expenditures</u></b>	<b>\$655,014.00</b>



## **MANDATORY CONTINUING LEGAL EDUCATION**

### **Reporting Requirements**

Chapter 31 of the Supreme Court Rules mandates that all active attorneys attend a minimum of thirty (30) hours of approved continuing legal education (CLE) every two years. The Supreme Court Rules also mandate that a minimum of three of the thirty hours must be Ethics and Professional Responsibility (EPR) credits. They also provide that attorneys who did not engage in the practice of law during the reporting period are exempt from the attendance requirement but must comply with the reporting requirement. Additionally, on January 11, 2008, the Supreme Court issued an Order adopting a “pure comity” rule which became effective for the CLE reporting period ending December 31, 2008. Under the “comity” rule (SCR 31.04 (3), “A lawyer whose practice is principally in another jurisdiction that has mandatory continuing legal education requirements and who is current in meeting those requirements is exempt from the attendance requirement of SCR 31.02, but shall comply with the reporting requirement of SCR 31.03.”

The BBE and the Consolidated Courts Automation Program office (CCAP) collaborated on the development of an electronic CLE reporting program which was first offered in 2008. The goal of the e-filing program is to make the reporting process easier for attorneys and the BBE staff. Approximately eighty-seven (87%) percent of the attorneys required to report in the 2012-2013 cycle used the electronic program.

Pursuant to the Wisconsin Supreme Court Rules, attorneys who are not in compliance with the mandatory CLE attendance and reporting requirements are suspended from the practice of law

## MANDATORY CONTINUING LEGAL EDUCATION (continued)

following a notice of non-compliance. Of the 4,791 lawyers who have been suspended for non-compliance with the mandatory continuing legal education requirements since the inception of the program in 1977, 2,401 remained suspended at the end of calendar year 2014.

### CLE Compliance

Reporting Cycles	2010-2011	2011-2012	2012-2013	2013-2014
Lawyers required to report CLE compliance	8761	8612	9002	8771

Issues	2011 (2009-2010 reporting cycle)	2012 (2010-2011 reporting cycle)	2013 (2011-2012 reporting cycle)	2014 (2012-2013 reporting cycle)
Attorneys suspended for non-compliance	206	162	173	207
Reinstated (Includes attorneys who were suspended in prior years)	79	85	79	70

### CLE Course Information

In 2014, lawyers again had a wide range of educational activities from which to choose in order to meet their mandatory requirements. Besides live programs, other modes of course presentation included video replays, live webcasts, national teleconferences, and repeated “on-demand” online courses. General Program Approval (GPA), the annual institutional approval available to some CLE sponsors, was extended to 37 organizations.

Totals	2011	2012	2013	2014*
Courses Approved	7617	8706	7879	7471
CLE Activities provided in Wisconsin	2552	2504	2306	2159
Repeated On-Demand courses	199	508	662	691
Live Webcasts offered	2109	2607	2648	2767
National Teleconferences offered	1986	2315	1512	1368
Approved for Ethics (EPR)	2156	2199	2819	3439

Guardian Ad Litem Course Approvals	2011	2012	2013	2014*
GAL - Minors	39	43	42	27
GAL - Adult	7	12	8	9
GAL - Family	29	43	44	27

The Board approves *Guardian Ad Litem* (GAL) courses under Supreme Court Rules, Chapters 35 and 36.

(\*as of the data collection date for the 2014 Annual Report)

## **MANDATORY CONTINUING LEGAL EDUCATION (continued)**

### **CLE Course Denials**

CLE course approval was denied in one hundred seventy-eight (178) cases. The main reason for CLE course denials was for courses pertaining to marketing, advertising, “rain-making,” profitability, and similar types of courses which were deemed not to be related specifically to improving attorneys’ professional competence as attorneys as required by the Supreme Court Rules, but could apply to any business entity. EPR approval was denied for approximately one hundred sixty-two (162) courses. The principal reason for denial of approval was the failure to have a continuous hour of EPR as required by SCR 31.07 (5) or not meeting the objective of increasing an attendee’s professional competence as an attorney as required by SCR 31.07 (2) (a) or (b).

## **MISCELLANEOUS ACTIONS**

<b>The Board also carried out the following actions:</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>
Reinstatements (under SCR Chapter 40)	9	21	25
Chapter 31 reinstatements (following a CLE suspension of less than three (3) years)	81	58	88
Readmission following voluntary resignation from the bar	8	5	11
Name changes	126	97	106

## **ADMISSION TO THE PRACTICE OF LAW**

### **Diploma Privilege**

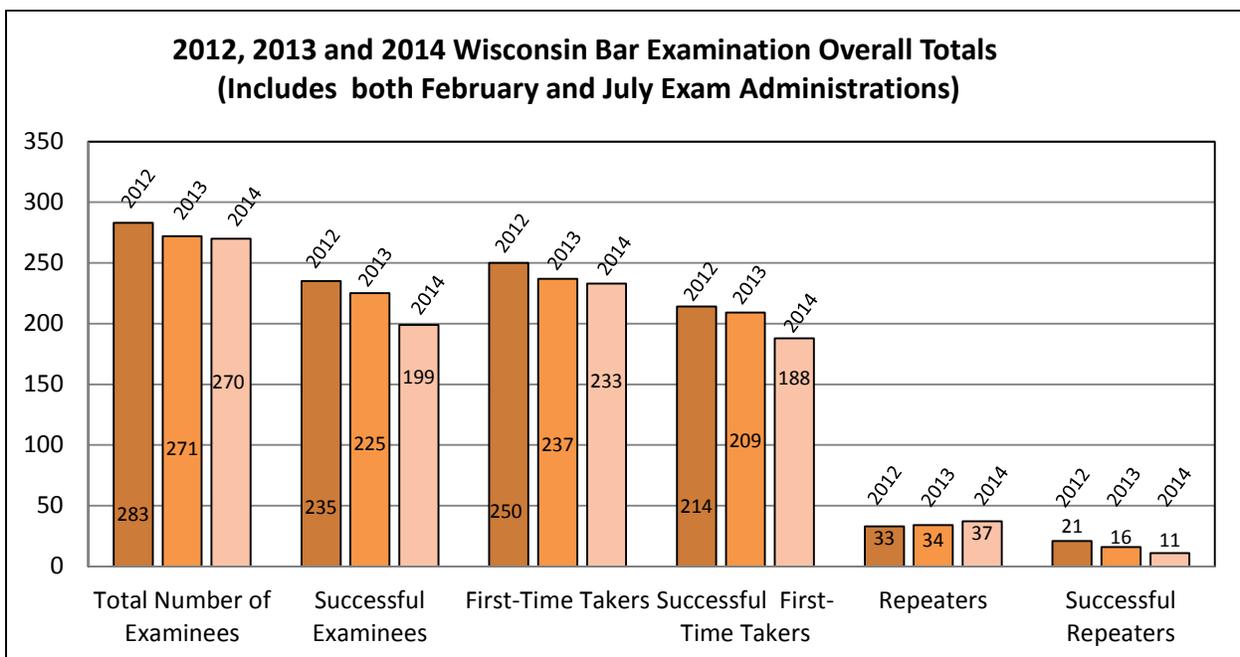
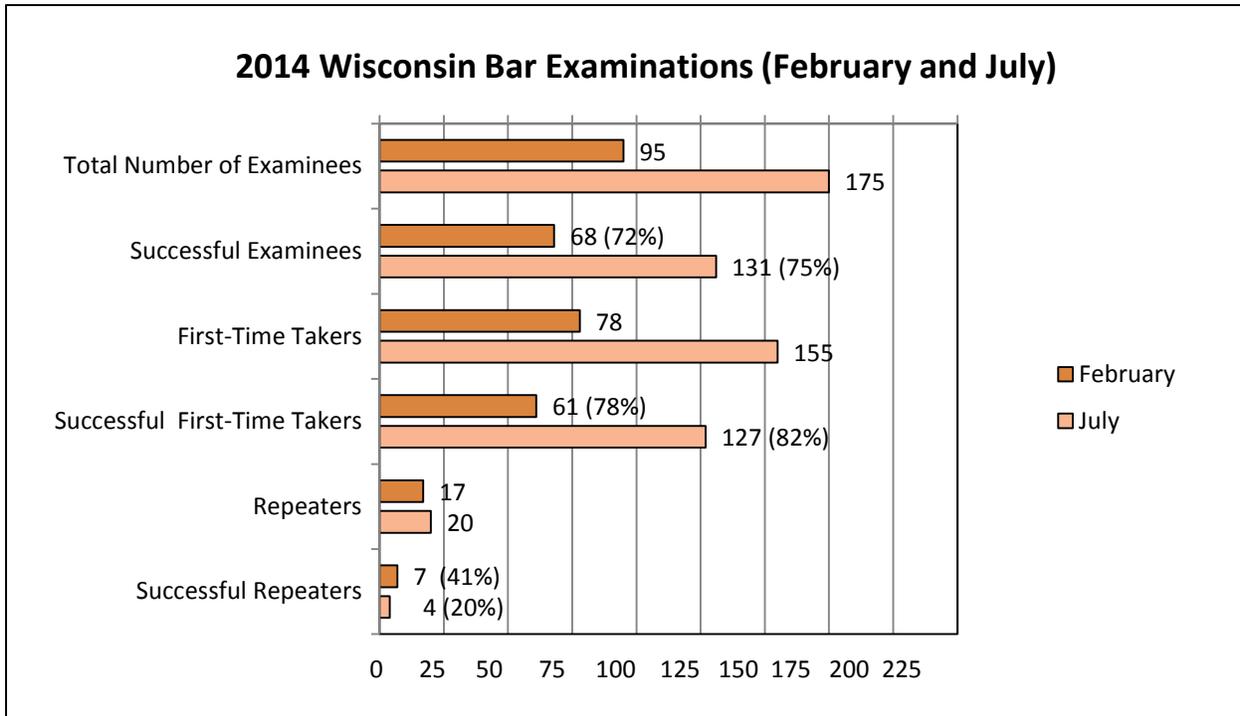
The Board received 378 applications for character and fitness certifications from prospective graduates of the University of Wisconsin and Marquette University law schools under SCR 40.03 and 40.06. This represents an approximate 9% decrease from the 417 applications filed in the previous year. Four hundred seventeen (417) were admitted to the Wisconsin Supreme Court in 2014, which may include those who graduated in prior years but who were not admitted until 2014.

One (1) applicant withdrew his/her application in 2014. Six (6) applicants failed to complete their files within one year after filing as required by Appendix BA 6.06 to Supreme Court Rules (SCR) Chapter 40. Six (6) applicants failed to be sworn in within a year of certification as required by SCR 40.09 (1).

## ADMISSION TO THE PRACTICE OF LAW (continued)

### Wisconsin Bar Exam

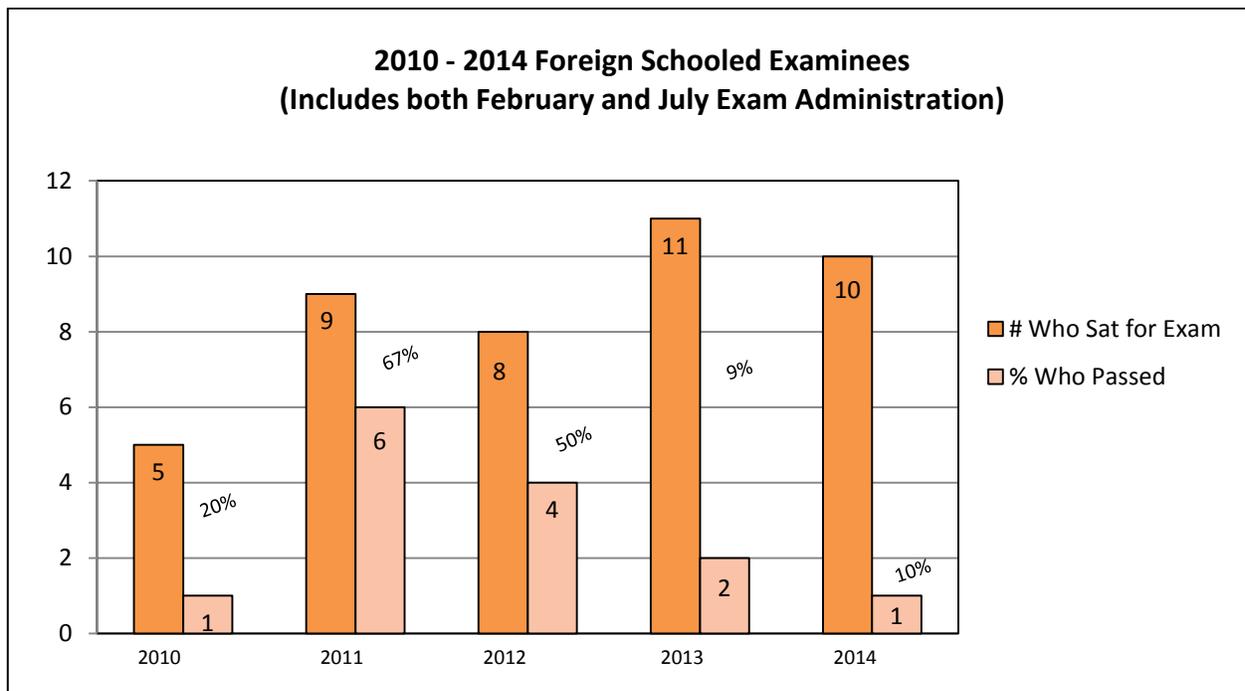
The Board administered two bar examinations in 2014 to a total of 270 applicants. This represents a 1% decrease from the 271 applicants in the previous year. Statistical information is as follows:



## ADMISSION TO THE PRACTICE OF LAW (continued)

### Foreign School Examinees (Law Schools outside of the U.S.)

In February 2014, five (5) foreign schooled graduates sat for the exam and zero (0) passed, a 0% pass rate. In July 2014, five (5) foreign students sat for the exam and one (1) passed, a 20% pass rate.



### Proof of Practice Elsewhere

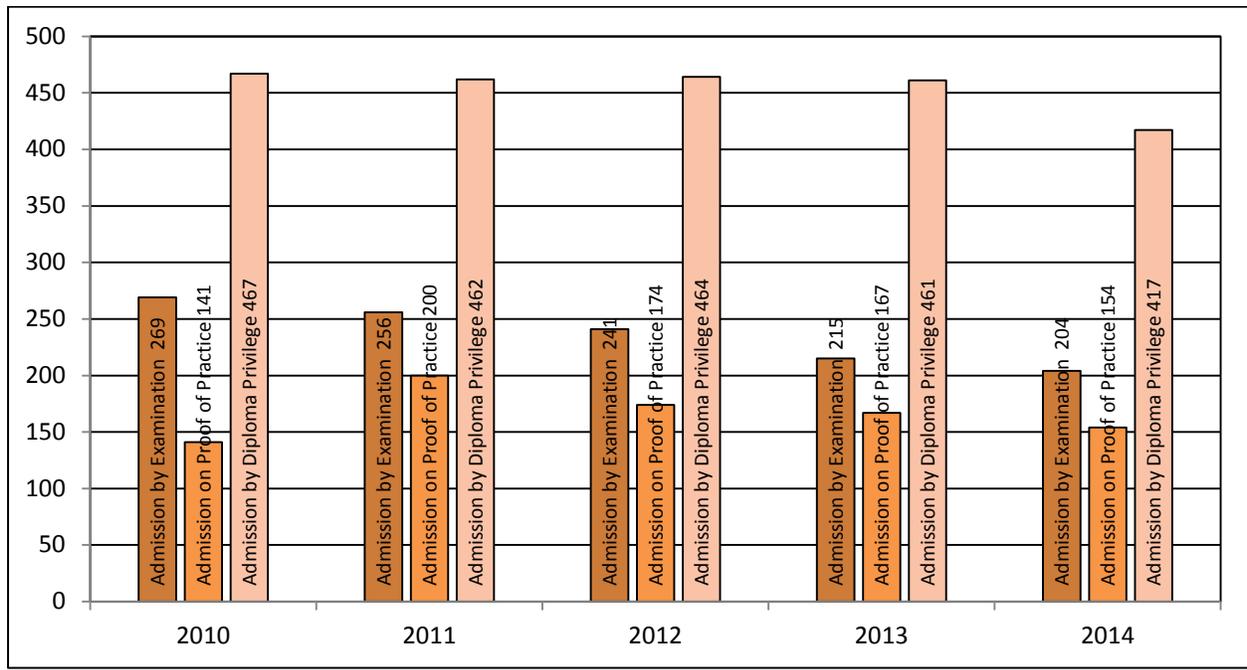
In addition, under SCR 40.05, the Board processed applications for proof of practice elsewhere (previously known as “reciprocity” or “application on foreign license”). In 2014 the Board received one hundred and ninety-nine (199) applications, a 5% increase from the previous year. One hundred and sixty (160) applicants were certified for admission in 2014, although some were from applications received in the previous year. One hundred fifty-four (154) applicants were admitted in 2014. There was one (1) application that was withdrawn. Thirteen (13) files were closed; two (2) applicants were ineligible and eleven (11) failed to complete their files.

## ADMISSION TO THE PRACTICE OF LAW (continued)

### In House Counsel Registrations

Under SCR 10.03, the Board registered fifty (50) attorneys as in-house counsel in 2014 (including some from the prior year). Fifty-two (52) applications were filed.

Number of People Admitted in each Category  
(Exam, Proof of Practice, Diploma Privilege)



## DENIAL OF ADMISSION

The Board denies admission to the practice of law in Wisconsin by first notifying the applicant in writing that he or she is at risk of being denied. Applicants are given the basis for the denial and are also provided with the materials upon which the Board based its decision. The applicant is also notified about the timeframe in which to respond and, if desired, to request a hearing. An applicant who is denied admission may petition the Supreme Court for a review of the Board's adverse determination under to SCR 40.08.

## CONDITIONAL ADMISSION

On June 8, 2011, SCR 40.075 went into effect, authorizing conditional admission. Certain exceptions notwithstanding, the fact that an individual is conditionally admitted and the terms of the conditional admission agreement are both confidential. Eight (8) people were extended conditional admission in 2014. At the conclusion of 2014, a total of eight (8) people had been conditionally admitted.

There were three (3) people who were successfully discharged from conditional admission in 2014.

Reasons For Conditional Admission	Number of Attorneys
Financial	0
Alcohol or Other Drug	5
Mental Health	1
Mental Health/Alcohol or Other Drug	1
Conditional Admission in Another State	0
Sex Addiction	0
Non-Disclosure Issues	0
<b>TOTAL</b>	<b>7</b>

## OTHER ACTIVITIES

Board staff visited the law schools at Marquette University and at the University of Wisconsin to discuss the Character and Fitness application process with third year law students and to review applicant files. Staff also assisted with the swearing-in ceremonies at the Supreme Court for successful bar exam applicants and graduates of both Wisconsin law schools. Additionally, the Director attended conferences sponsored by the National Conference of Bar Examiners (NCBE) and the Council of Bar Admissions Administrators (CBAA). Several Board members also attended the conferences.

Respectfully submitted,

// Original Signed //



Jacquelynn B. Rothstein, Director  
Board of Bar Examiners