



Board of Bar Examiners

2022

Annual Report

Annual Report of the Board of Bar Examiners

2022

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 2022. 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 upon proof of practice. It conducts character and fitness investigations of all candidates for admission including those seeking admission by diploma privilege. The BBE also supervises and monitors attorneys' compliance with the Wisconsin mandatory continuing legal education requirement.

The membership of the Board in 2022 was as follows:

Atty. Jesus GQ Garza	Madison	Chairperson
Prof. Daniel Blinka	Milwaukee	Vice Chairperson
Mr. Samuel Christensen	Racine	
Atty. Timothy D. Edwards	Madison	
Atty. Linda S. Isnard	Cedarburg	
Assoc. Dean Kevin Kelly	Sun Prairie	
Hon. Scott Needham	Hudson	
Atty. Kyle J. Sargent	Appleton	
Mr. Peter Sorce	Germantown	
Mr. Travis Stein	Cottage Grove	
Atty. Megan Stelljes	Madison	

The Board held eight meetings in 2022. In addition to attendance at its meetings, the majority of attorney Board members grade the Wisconsin bar exams.

STAFFING OF THE BOARD

In 2022 the full time staff of the Board included the following:

Atty. Jacquelynn B. Rothstein	Executive Director & General Counsel
Ms. April Ashley	Bar Application Manager (Bar Exam)
Mr. John Baggot	Program Assistant
Ms. Dianne Dillman	Bar Application Manager (Diploma Privilege); Retired in 11/2022
Ms. Julie Halverson	CLE Records Manager
Ms. Tammy McMillen	CLE Records Manager
Mr. Daniel Pionke	Character and Fitness Investigator/Proof of Practice Manager Retired in 4/2022



FUNDING SOURCES AND EXPENDITURES

The mandatory continuing legal education requirement was self-funded in fiscal year 2022 by an annual assessment of lawyers on active and inactive status as of July 1, 2022, 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

Reinstatement/Readmission fee: \$200

FUNDING SOURCES AND EXPENDITURES

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 and expenses shown are anticipated.

Revenues

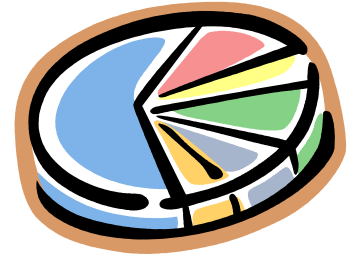
Licensing Activity	\$504,569.00
Education	<u>234,897.00</u>

<u>Total 2022 Revenues</u>	\$738,726.00
-----------------------------------	---------------------

Expenditures

Permanent Salaries	\$385,684.00
LTE Salaries	000.00
Fringe Benefits	183,738.00
Supplies, Services, and Capital	<u>225,227.00</u>

<u>Total 2022 Expenditures</u>	\$794,649.00
---------------------------------------	---------------------



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. The rules further 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.

Beginning with the 2016-17 reporting cycle, all attorneys are now required to electronically file their CLE report using the e-filing program. Additionally, effective July 1, 2017, two new categories of CLE may be used. Those include “Lawyer Awareness and Understanding” and “Law Practice Management.” Each category is limited to six (6) credits per reporting period. Also, as of July 1, 2017, attorneys may report an additional five (5) hours of “on demand” credits for a total of fifteen (15). Attorneys are also eligible to earn up to six (6) credits for providing legal services to qualified *pro bono* programs.

MANDATORY CONTINUING LEGAL EDUCATION (continued)

CLE Compliance

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 following a notice of non-compliance. Since its inception in 1977, there have been six thousand four hundred seventy-one (6,471) lawyers who have been suspended for non-compliance with the mandatory continuing legal education requirements. At the end of 2022 calendar year, there were three thousand two hundred eighty-five (3,285) attorneys who remained suspended.

Reporting Cycles	2017-18	2018-19	2019-20	2020-21	2021-22
Lawyers required to report CLE compliance	8694	8885	8609	8813	8601

Issues	2018 (2016-2017 reporting cycle)	2019 (2017-2018 reporting cycle)	2020 (2018-2019 reporting cycle)	2021 (2019-2020 reporting cycle)	2022 (2020-2021 reporting cycle)
Attorneys suspended for non-compliance	230	229	202	200	189
Reinstated (Includes attorneys who were suspended in prior years and deceased)	111	110	89	89	106



CLE Course Information

In 2022, 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 thirty-three (33) organizations.

Totals	2018	2019	2020	2021	2022*
Courses Approved	10190	9604	9147	9874	9559
CLE Activities provided in Wisconsin	2368	2049	2251	9405	1100
Repeated On-Demand courses	2118	1350	2005	2324	2512
Live Webcasts offered	4010	4134	6034	6842	5897
National Teleconferences offered	1334	1536	1358	903	643
Approved for Ethics (EPR)	4177	3938	3751	3653	3572

(*as of the data collection date for the 2022 Annual Report)

MANDATORY CONTINUING LEGAL EDUCATION (continued)

GAL Course Approvals

The Board also approves Guardian Ad Litem (GAL) courses under Chapters 35 and 36 of the Supreme Court Rules.

Guardian Ad Litem Course Approvals	2018	2019	2020	2021	2022*
GAL - Minors	29	48	54	78	93
GAL - Adult	7	12	6	11	24
GAL - Family	36	48	54	78	93

(*as of the data collection date for the 2022 Annual Report)

CLE Course Denials

CLE course approval was denied in one hundred seventy-one (171) 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 thirty-seven (137) 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

The Board also carried out the following actions:	2018	2019	2020	2021	2022
Reinstatements (under SCR Chapter 40) (CLE and/or Dues Suspension exceeding 3+ Years)	23	25	9	17	13
Chapter 31 reinstatements (following a CLE suspension of less than three (3) years)	73	102	97	107	94
Readmission following voluntary resignation from the bar	10	7	13	12	22
Name changes	90	60	73	67	49

ADMISSION TO THE PRACTICE OF LAW



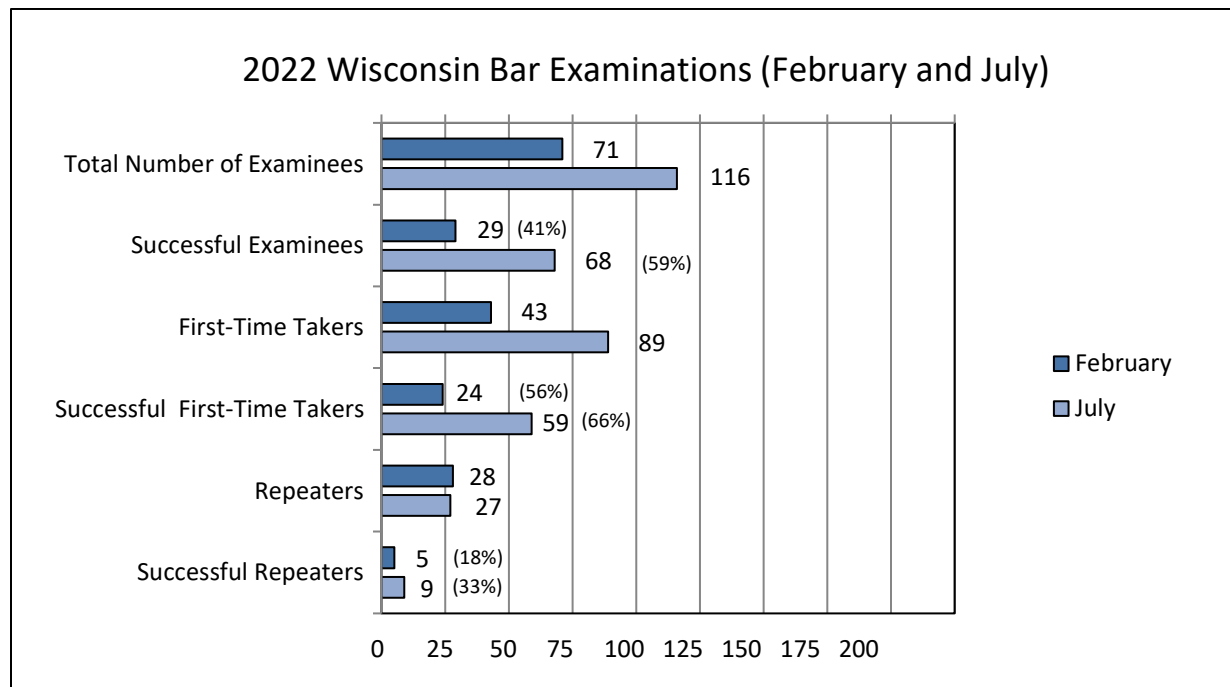
Diploma Privilege

In 2022, the Board received four hundred forty-two (442) 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 increase of nineteen (19) applications from the previous year. Four hundred (400) were admitted to the Wisconsin Supreme Court in 2022, which may include those who graduated in prior years but who were not admitted until 2022.

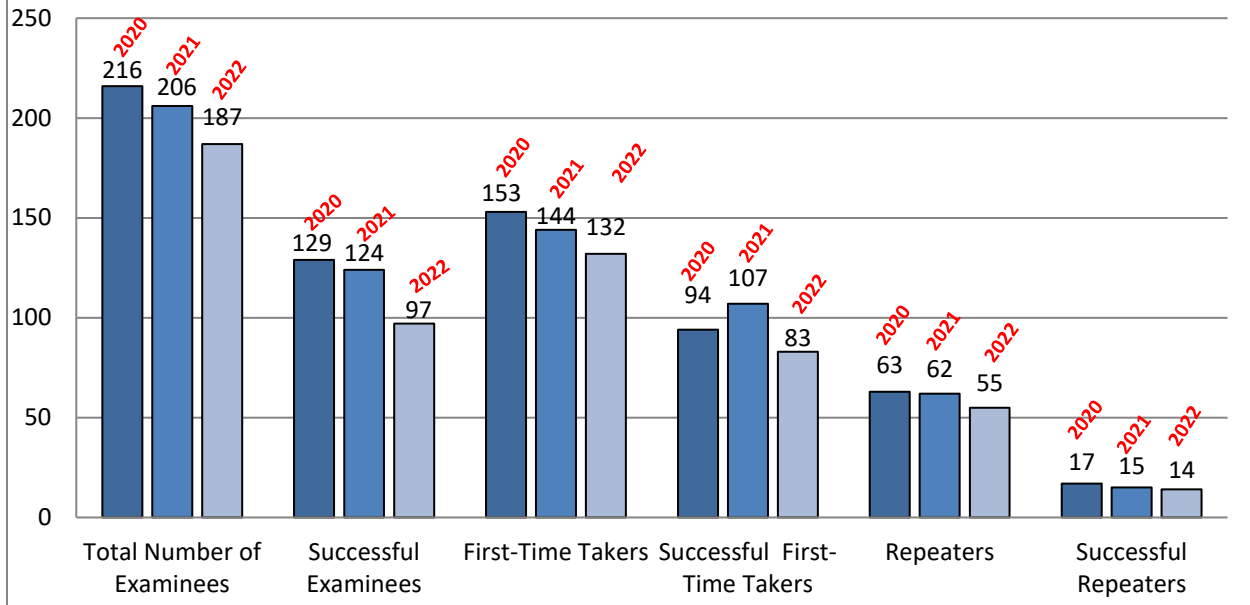
One diploma privilege application was withdrawn in 2022. However, there were seven (7) applicants who failed to complete their files within one year after filing as required under BA 6.06 (SCR Chapter 40 Appendix). Additionally, there was one (1) applicant whose file was closed for failing to be sworn in within a year of certification as required by SCR 40.09 (1).

Wisconsin Bar Exam

The Board administered two bar examinations in 2022 to a total of one hundred eighty-seven (187) applicants. This represents a decrease from two hundred sixteen (216) applicants in the previous year. Statistical information is as follows:



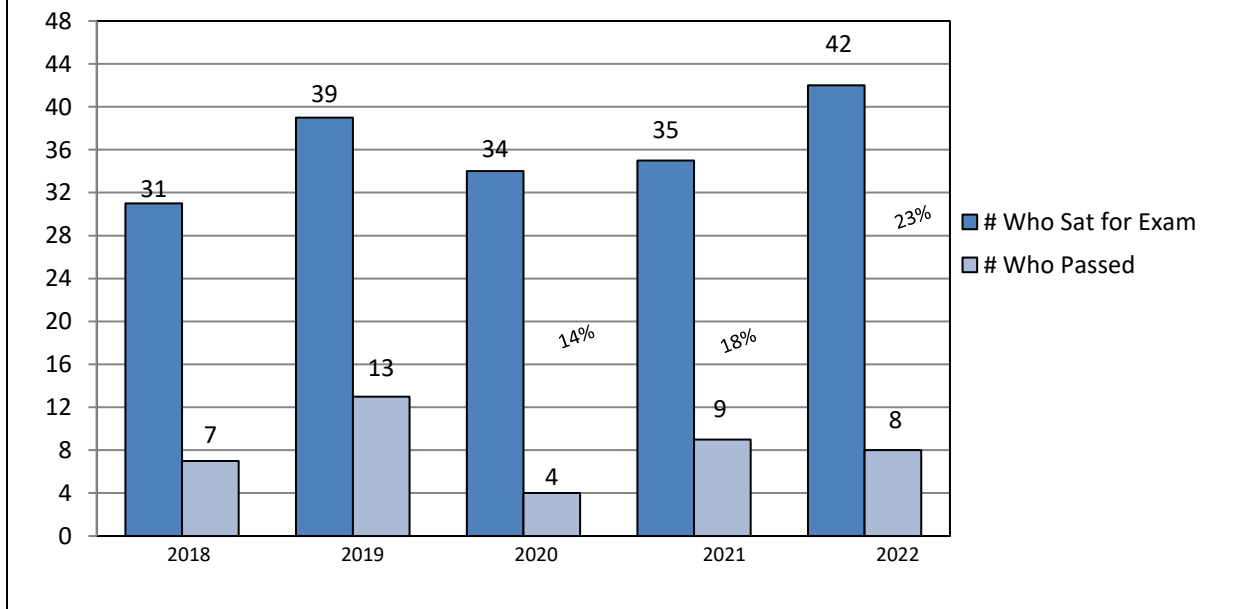
**2020, 2021 and 2022 Wisconsin Bar Examination Overall Total
(Includes both February and July Exam Administrations)**



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

In February 2022, eighteen (18) foreign schooled graduates sat for the exam and two (2) of them passed. In July 2022, twenty-four (24) foreign schooled graduates sat for the exam and six (6) passed.

**2018, 2019, 2020, 2021 and 2022 Foreign Schooled Examinees
(includes both February and July Exam Administration)**



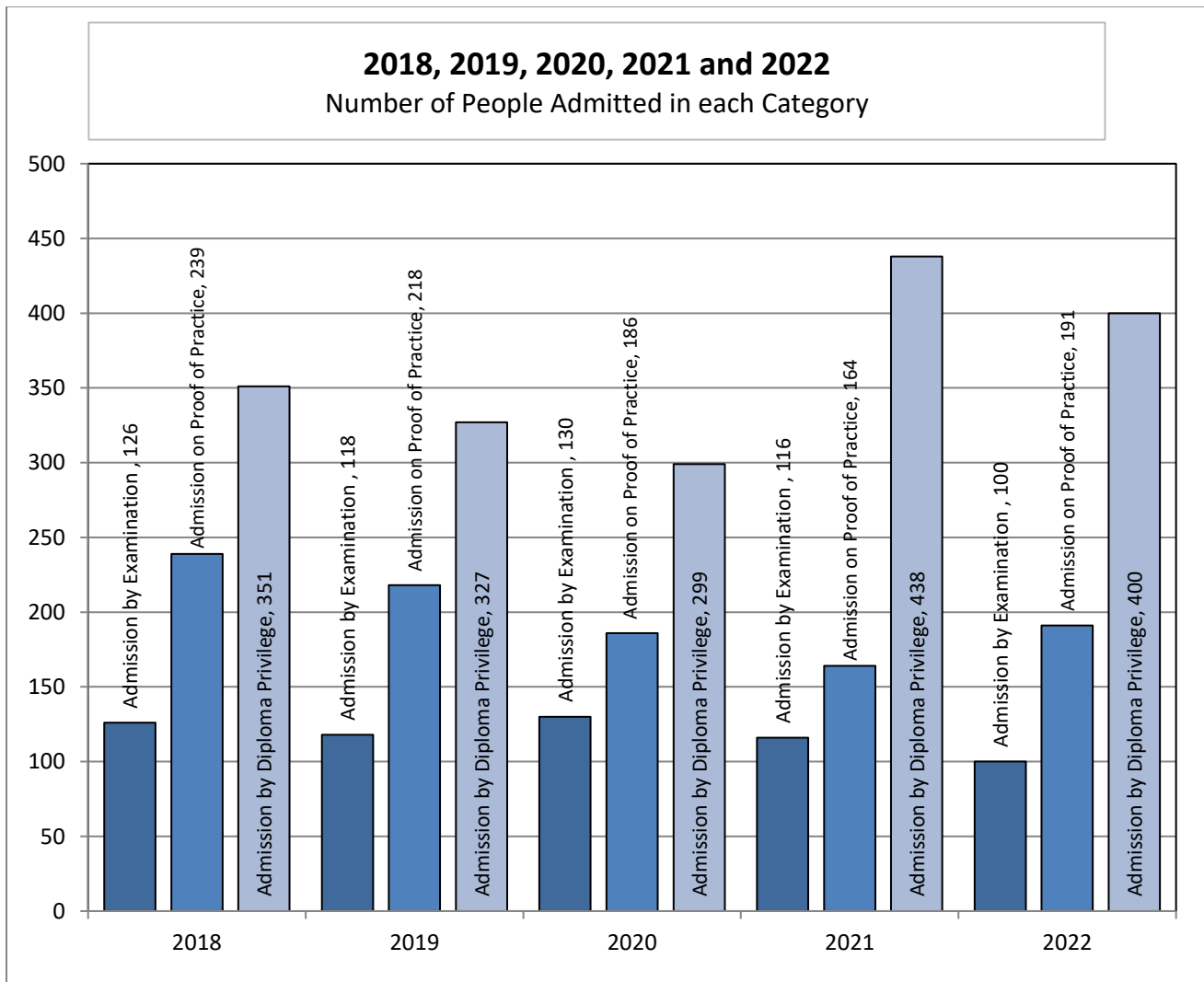
ADMISSION TO THE PRACTICE OF LAW (continued)

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 2022 the Board received two hundred six (206) applications, a 14% increase from the previous year. One hundred ninety-four (194) were certified, while one hundred ninety-one (191) were actually admitted in 2022. There was one (1) application that was withdrawn. Twelve (12) files were closed for a variety of reasons including: failing to meet the legal practice requirement; failing to become admitted within a year of certification; failing to complete files within one year; and death.

In House Counsel Registrations

Under SCR 10.03, the Board registered forty-four (44) attorneys as in-house counsel in 2022.



ADMISSION TO THE PRACTICE OF LAW (continued)

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. In 2022, two (2) people were admitted conditionally. In addition, one (1) person was successfully discharged from conditional admission. Overall, nine (9) attorneys are currently conditionally admitted.

Reasons For Conditional Admission	Number of Attorneys
Financial	0
Alcohol or Other Drug	0
Mental Health	0
Mental Health/Alcohol or Other Drug(s)	2
Conditional Admission in Another State	0
Sex Addiction	0
Non-Disclosure Issues	0
Total Admitted Conditionally	2



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. Applicants are further advised 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.

DIRECTOR'S NOTES AND OTHER ITEMS

In 2022, the worldwide pandemic continued to affect the BBE's operations, but to a lesser extent than in the two preceding years. More in-person CLE programming became available, though a significant number of courses continued to be offered through live webcasts or as on-demand programs. In the Spring of 2020, the Court issued a temporary Order amending the CLE provisions under SCR Chapter 31 to allow for an increase in the use of on-demand credit hours, but that Order is set to expire in January of 2023.

Testing of the BBE's electronic-based CLE course approval program also began in 2022. Towards the end of 2022, additional course sponsors were asked to test the system. That additional testing revealed issues for which further corrections are still needed. We continue to work with CCAP to refine the program in the hope that it will be universally available for use in 2023.

Additionally, in-person testing resumed with the February 2022 bar exam, during which we continued to take extra precautionary measures to ensure the health and safety of test takers, proctors, and staff. In-person testing continued with the July 2022 examination.

With the exception of the January and February Board meetings which were held via ZOOM videoconferencing, all other meetings in 2022 were able to be held in-person.

BBE staff again traveled to each of the Wisconsin law schools to review applicant files and to discuss the application process, including addressing questions third year law students had surrounding the character and fitness investigations that they all undergo.

Finally, several Board members and the BBE Director were also able to resume attending conferences sponsored by the National Conference of Bar Examiners and the Council of Bar Admissions Administrators.

As always, thanks is owed to our Board and BBE staff for making 2022 another successful year.

Respectfully submitted,

// Original Signed //

Jacquelynn B. Rothstein,
Executive Director & General Counsel
Wisconsin Supreme Court, Board of Bar Examiners

