

SUPREME COURT OF WISCONSIN

NOTICE

This order is subject to further editing and modification. The final version will appear in the bound volume of the official reports.

No. 16-06

**In the matter of the petition to amend
SCRs 31.02 and 31.05 relating to the
continuing legal education requirements**

FILED

MAR 20, 2017

Diane M. Fremgen
Clerk of Supreme Court
Madison, WI

On November 2, 2016, the Wisconsin Board of Bar Examiners (BBE), by its director, Jacquelynn B. Rothstein, filed this rule petition asking the court to expand the scope of acceptable continuing legal education (CLE) topics under SCR 31.02 and to amend SCR 31.05 to increase the number of on-demand credits that a lawyer may use in a CLE reporting cycle and to permit use of some on-demand credits for reinstatement, readmission, or reactivation of a law license.

The court discussed the petition at open rules conference on December 1, 2016 and voted to solicit written comments on the petition before deciding whether to schedule a public hearing. Letters were sent to the interested persons on December 7, 2016. The court received one response, from the State Bar of Wisconsin, supporting the petition. The State Bar's CLE Committee (CLE Committee) suggests that there should be no limit to the number of credits a lawyer may claim from courses based on the new topics for

which CLE credit may be obtained. The BBE responded, indicating it does not support this recommendation.

The court further discussed the petition at open rules conference on March 16, 2017. The court opted not to conduct a public hearing and, after discussion, the majority of the court voted to adopt the petition. The court declined to expand the proposed rule as suggested by the CLE Committee. Therefore,

IT IS ORDERED THAT:

SECTION 1. SCR 31.02 (3), (4), and (5) are created to read:

(3) A lawyer may attend a maximum of six (6) hours of the 30 hours required under sub. (1) on subjects designed to enhance a lawyer's awareness and understanding of substance abuse/dependence disorders, mental illness, stress management, and work/life balance relating to the practice of law.

(4) A lawyer may attend a maximum of six (6) hours of the 30 hours required under sub. (1) on the subject of law practice management, which may include topics such as client communications, trust accounting, record keeping, applications of technology, and other subjects essential to the practice of law. Courses or portions of courses dealing primarily with profit enhancement or marketing of services will be denied credit.

(5) A lawyer may not claim credit for attending the same course more than one time during a reporting cycle.

SECTION 2. SCR 31.05(5) (b) is amended to read:

(b) No more than ~~10~~5.0 credits may be claimed for repeated on-demand programs during a lawyer's reporting period.

SECTION 3. SCR 31.05(5) (d) is amended to read:

(d) ~~Repeated on-demand programs may not be used for~~ For reinstatement, readmission, or reactivation, no more than 50 percent of a lawyer's CLE may come from repeated on demand programs.

IT IS FURTHER ORDERED that the effective date of this order is July 1, 2017.

IT IS FURTHER ORDERED that notice of the above amendments be given by a single publication of a copy of this order in the official publications designated in SCR 80.01, including the official publishers' online databases, and on the Wisconsin court system's web site. The State Bar of Wisconsin shall provide notice of this order.

Dated at Madison, Wisconsin, this 20th day of March, 2017.

BY THE COURT:

Diane M. Fremgen
Clerk of Supreme Court

