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In the Matter of the Petition for Amendment to Supreme Court Rules (SCR) 31.13(2), Relating to the Manner Of Filing Documents Relating to Continuing Legal Education (CLE) Requirements

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PETITION

To: Chief Justice Shirley S. Abrahamson  
Justice Ann Walsh Bradley  
Justice N. Patrick Crooks  
Justice David Prosser, Jr.  
Justice Patience D. Roggensack  
Justice Louis B. Butler  
Justice Annette Kingsland Ziegler

Filed with the Clerk of Court David R. Schanker  
Clerk of Supreme Court Office  
110 East Main Street, Suite #215  
Madison, Wisconsin 53703

The Board of Bar Examiners, by its director John E. Kosobucki, petitions the Supreme Court of Wisconsin for an order amending Supreme Court Rule 31.13(2), relating to the manner in which CLE reports and other documents relating to CLE requirements may be filed. If the Court grants these orders, SCR 31.13(2) will read as follows:

**SCR 31.13 Service; filing**

(1) \* \* \* \*

(2) ~~Filing of a report form or a petition is effective on the date the form or petition is received at the office of the board during regular business hours.~~ A report or other communication to the board under this chapter is timely filed if it, together with the applicable fees, is received at the board's office within the time specified for filing; or if sent to the board through the United States Postal Service by first-class mail (including express or priority mail), postage prepaid, and bears a postmark, other than a commercial postage meter label, showing that the communication was mailed on or before the last day for filing ; or if delivered on or before the last day for filing to a third-party commercial carrier for the board within three (3) calendar days.

JUSTIFICATION

Under the present rule, a CLE report or other CLE-related document is not deemed timely unless it arrives at the board's offices during regular business hours on or before the deadline day. Applicants who rely on first class mail cannot be sure their timely mailed documents will arrive in time. If they want to be sure, they must incur the greater cost of hand delivery or a courier service.

The proposed amendment is patterned on the rule for filing briefs in the United States Supreme Court. It gives applicants more control over their transmissions, better assuring them that they will not incur the costs associated with an untimely filing. (By a separate petition, the board is asking the Court to make a similar change in the manner of filing applications for admission to the bar.)

Dated this 31<sup>st</sup> day of March, 2008.

Respectfully submitted,

// Original signed //

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