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- 1 (12) "Qualified pro bono program" means:  
2 (a) a pro bono program operated by a nonprofit legal services organization that  
3 receives funding from the Wisconsin Trust Account Foundation;  
4 (b) a pro bono program operated by a Wisconsin law school;  
5 (c) a pro bono program existing on the date that this rule is adopted that is  
6 operated by a Wisconsin bar association; or  
7 (d) a program approved by the board as a qualified pro bono program.  
8

9 **SCR 31.02 Attendance requirement.**

- 10 (1) A lawyer shall attend a minimum of 30 hours of approved CLE during  
11 each reporting period.  
12 (2) A lawyer shall attend a minimum of 3 of the 30 hours required under sub.  
13 (1) on the subject of legal ethics and professional responsibility in every reporting  
14 period.  
15 (3) A lawyer may attend a maximum of six (6) hours of the 30 hours required  
16 under sub. (1) on subjects designed to enhance a lawyer's awareness and  
17 understanding of substance abuse/dependence disorders, mental illness, stress  
18 management, and work/life balance relating to the practice of law.  
19 (4) A lawyer may attend a maximum of six (6) hours of the 30 hours required  
20 under sub. (1) on the subject of law practice management, which may include topics  
21 such as client communications, trust accounting, record keeping, applications of  
22 technology, and other subjects essential to the practice of law. Courses or portions of  
23 courses dealing primarily with profit enhancement or marketing of services will be  
24 denied credit.  
25 (5) A lawyer may not claim credit for attending the same course more than  
26 one time during a reporting cycle.  
27

28 **SCR 31.03 Reporting requirement.**

- 29 (1) A lawyer shall file a written report under oath or affirmation on designated  
30 CLE Form 1 with the board on or before the February 1 following the last day of the  
31 reporting period. The written report shall establish compliance with the attendance  
32 requirement of SCR 31.02.  
33 (2) A lawyer who has not satisfied SCR 31.02 and completed the reporting  
34 requirement under sub. (1) by the close of business on the February 1 following the  
35 last day of the reporting period shall be assessed a late fee of \$100.  
36 (3) Lawyers may satisfy the reporting requirements of sub. (1) through the  
37 electronic CLE reporting system. Reports filed electronically must include the  
38 reporting lawyer's electronic signature, by which the lawyer avers under oath or  
39 affirmation that the information contained in the report is true.  
40 (4) Electronically-filed reports are deemed filed when they are submitted to  
41 the electronic CLE reporting system, except that a late-filed report is deemed filed  
42 upon receipt of payment of the late fee.  
43

44 **SCR 31.04 Exemptions.**

1 (1) A lawyer is exempt from the attendance and reporting requirements of this  
2 chapter in the year of his or her admission to the practice of law in Wisconsin.

3 (2) A lawyer who does not engage in the practice of law in Wisconsin at any  
4 time during the reporting period is exempt from the attendance requirement of SCR  
5 31.02 but shall comply with the reporting requirement of SCR 31.03.

6 (3) A lawyer whose practice is principally in another jurisdiction that has  
7 mandatory CLE requirements and who is current in meeting those requirements is  
8 exempt from the attendance requirement of SCR 31.02, but shall comply with the  
9 reporting requirement of SCR 31.03.

10  
11 **SCR 31.05 Approved hours.**

12 (1) Activities that are approved by the board either before or after the close of  
13 the reporting period may be used to satisfy the requirement of SCR 31.02. Lawyers  
14 claiming credit for activities that are not already approved must seek approval on a  
15 CLE Form 2 filed contemporaneously with their CLE Form 1.

16 (2)(a) Up to 15 hours of CLE reported on CLE Form 1 may be carried forward  
17 to the next reporting period if all of the following conditions are met:

18 1. The hours that are to be carried forward reflect attendance during the  
19 reporting period covered by the CLE Form 1.

20 2. These hours reflect attendance at courses that are approved by the board  
21 either before or after the close of the reporting period. Lawyers claiming credit for  
22 activities that are not already approved must seek approval on a CLE Form 2 filed  
23 contemporaneously with their CLE Form 1.

24 3. Repealed.

25 (b) Repealed.

26 (c) CLE programs approved by the board for legal ethics and professional  
27 responsibility may not be carried forward under this subsection for the purpose of  
28 fulfilling the legal ethics and professional responsibility requirement of SCR 31.02(2)  
29 but may be carried forward under par. (a).

30 (3) Teaching an approved continuing legal or judicial education activity or  
31 teaching a course in a law school approved by the American bar association may be  
32 used to satisfy the requirement of SCR 31.02. The board shall award 2 hours for each  
33 hour of presentation of the approved continuing legal or judicial education activity  
34 and one hour for each hour of presentation for teaching a course in a law school.

35 (4) Participation in an educational activity approved by the judicial education  
36 committee may be used to satisfy the requirement of SCR 31.02.

37 (5)(a) A repeated on-demand program may be used to satisfy the requirement  
38 of SCR 31.02, if all of the following conditions are met:

39 1. The repeated on-demand program is approved prior to being claimed for  
40 credit by a lawyer on CLE Form 1, and the lawyer must take the on-demand program  
41 no later than December 31 of the year after the year in which approval was given.

42 2. Sponsors of the approved on-demand on-line program must maintain a  
43 roster verifying the attendance of all attorneys logged-in and paying for the program  
44 and provide the roster to the board if requested.

1 (b) No more than 15.0 credits may be claimed for repeated on-demand  
2 programs during a lawyer's reporting period.

3 (c) No legal ethics and professional responsibility credit is allowed for a  
4 repeated on-demand program.

5 (d) For reinstatement, readmission, or reactivation, no more than 50 percent  
6 of a lawyer's CLE may come from repeated on demand programs.

7 (6) Each hour of service on the office of lawyer regulation preliminary review  
8 committee, special preliminary review panel, district committee or as an office of  
9 lawyer regulation special investigator may be used to satisfy the requirements of SCR  
10 31.02, to a maximum of 3.0 hours of legal ethics and professional responsibility credit  
11 per reporting period, provided that the office of lawyer regulation maintains a roster  
12 verifying service and provides the roster to the board if requested.

13 (7) One (1.0) hour of Wisconsin continuing legal education credit may be  
14 claimed for every five (5.0) hours of pro bono legal services as defined in this chapter  
15 to satisfy the requirements of SCR 31.02, up to a maximum of six (6.0) credits per  
16 reporting period. Pro bono legal services credit may not be used for reinstatement,  
17 readmission, or reactivation.

18  
19 **SCR 31.06 Attendance and reporting requirements for persons upon**  
20 **reactivation or reinstatement.**

21 The board shall determine the attendance and reporting requirements for a  
22 person who seeks to change from inactive to active membership in the state bar or for  
23 a person who seeks reinstatement following voluntary resignation from the state bar,  
24 license suspension that will terminate only on order of the court, or license revocation.

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26  
27 **SCR 31.07 Standards for approval of CLE activities.**

28 (1) The board shall designate the number of hours applicable to the  
29 requirement of SCR 31.02 for each approved CLE activity.

30 (2) The following standards shall govern the approval of CLE activities by  
31 the board:

32 (a) The primary objective of any CLE activity shall be either to increase the  
33 attendee's professional competence as a lawyer or to fulfill their professional  
34 responsibility to provide pro bono legal services.

35 (b) The CLE activity shall deal primarily with matters related to the practice  
36 of law, professional responsibility or ethical obligations of lawyers.

37 (c) Except for repeated on-demand programs, a mechanically or  
38 electronically recorded activity will be approved only if a qualified instructor is  
39 available to comment and answer questions.

40 (d) CLE materials shall be prepared by and activities shall be conducted by  
41 an individual or group qualified by practical or academic experience.

42 (e) CLE activities shall be accompanied by thorough, well-organized and  
43 readable written materials which are available to attendees at the time of presentation  
44 unless otherwise permitted by the board.

1 (f) The board may grant approval of an activity to an individual lawyer,  
2 although the activity itself does not satisfy SCR 31.07(2)(a) and (b), where the lawyer  
3 demonstrates to the satisfaction of the board the manner in which the activity increases  
4 his or her competence as a lawyer.

5 (3) The board may approve published legal writings for use toward the CLE  
6 requirement under rules it may adopt.

7 (4) An activity sponsored by a private law firm, corporate law department or  
8 federal, state or local government agency offered for lawyers connected with it may  
9 be approved if it meets the requirements set forth in sub. (2).

10 (5) The board shall not approve any CLE for legal ethics and professional  
11 responsibility credit unless that education has a minimum component of at least one  
12 continuous hour devoted to legal ethics and professional responsibility.

13  
14 **SCR 31.08 Procedure for approval of CLE activities.**

15 (1) Any person desiring approval of a CLE activity shall submit all  
16 information required by the board.

17 (2) Following the presentation of an approved CLE activity, each sponsor  
18 shall promptly transmit to the board a list of all lawyers in attendance.

19 (3) The board may annually extend approval to a sponsor for all its activities  
20 which conform to SCR 31.07. An organization which desires the general program  
21 approval shall submit all information required by the board.

22 (4) Any person desiring approval of pro bono legal services hours for CLE  
23 credit under SCR 31.02 shall submit all information required by the board.

24  
25 **SCR 31.09 Delegation, determinations and review.**

26 (1) The board may delegate the authority of the board under this chapter to a  
27 committee, to a member or to the staff of the board.

28 (2) The board or its delegate shall, in response to written requests for approval  
29 of courses, waivers, extensions of time or interpretation of this chapter, make a written  
30 response giving appropriate reasons for the determination within a reasonable time.

31 (3) The board may review any action taken under this chapter at the written  
32 request of a lawyer or sponsor adversely affected by the action. Any request for review  
33 shall be made within 60 days after notice of the action taken has been sent by mail to  
34 the lawyer or sponsor.

35  
36 **SCR 31.10 Noncompliance.**

37 (1) If a lawyer fails to comply with the attendance requirement of SCR 31.02,  
38 fails to comply with the reporting requirement of SCR 31.03(1), or fails to pay the late  
39 fee under SCR 31.03(2), the board shall serve a notice of noncompliance on the  
40 lawyer. This notice shall advise the lawyer that the lawyer's state bar membership  
41 shall be automatically suspended for failing to file evidence of compliance or to pay  
42 the late fee within 60 days after service of the notice. The board shall certify the names  
43 of all lawyers so suspended under this rule to the clerk of the supreme court, all  
44 supreme court justices, all court of appeals and circuit court judges, all circuit court

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1 commissioners appointed under SCR 75.02(1) in this state, all circuit court clerks, all  
2 juvenile court clerks, all registers in probate, the executive director of the state bar of  
3 Wisconsin, the Wisconsin State Public Defender's Office, and the clerks of the federal  
4 district courts in Wisconsin. A lawyer shall not engage in the practice of law in  
5 Wisconsin while his or her state bar membership is suspended under this rule.

6 (2) If the board believes that a false report has been filed, the board may refer  
7 the matter to the office of lawyer regulation.  
8

9 **SCR 31.11 Reinstatement.**

10 (1) Suspension of less than 3 consecutive years. (a) A lawyer whose  
11 suspension for noncompliance under SCR 31.10(1) has been for a period of less than  
12 3 consecutive years may file a petition with the board for reinstatement to membership  
13 in the state bar. Payment in the amount of \$100.00 and any applicable late fee shall  
14 accompany the petition.

15 (b) Within 60 days after service of a petition for reinstatement, the board shall  
16 make a determination regarding compliance. If the board determines that the lawyer  
17 is in compliance with all requirements under this chapter, it shall reinstate the lawyer's  
18 membership in the state bar. The board shall certify the names of all lawyers so  
19 reinstated to the clerk of the supreme court, all supreme court justices, all court of  
20 appeals and circuit court judges, all circuit court commissioners appointed under SCR  
21 75.02(1) in this state, all circuit court clerks, all juvenile court clerks, all registers in  
22 probate, the executive director of the state bar of Wisconsin, the Wisconsin State  
23 Public Defender's Office, and the clerks of the federal district courts in Wisconsin.

24 (c) If the board denies a petition for reinstatement, the board shall serve a  
25 notice of denial on the lawyer. After denial, a hearing shall be held by the board only  
26 upon written petition of the lawyer made within 30 days of service of the notice of  
27 denial, which petition for hearing shall be served on the board. The board shall  
28 conduct the hearing within 60 days after service of the petition for hearing and shall  
29 make and serve its findings and recommendations on the lawyer within 60 days after  
30 the close of the hearing, and, if adverse to the lawyer, shall notify the supreme court  
31 of its action. If reinstatement is denied, the findings and recommendations of the board  
32 shall be reviewed by the supreme court only upon written petition by the lawyer filed  
33 within 30 days of the date of the action of the board.

34 (1m) Suspension of 3 or more consecutive years. (a) A lawyer whose  
35 suspension has been for a period of 3 or more consecutive years may file a petition  
36 for reinstatement with the supreme court and serve a copy on the board and the  
37 office of lawyer regulation. Separate payments in the amount of \$200 each shall  
38 be made to the board of bar examiners and the office of lawyer regulation shall  
39 accompany the petition.  
40

41 **COMMENT**

1 Costs regarding the petition for reinstatement under subsection (1m) may  
2 be assessed against the petitioner, as provided in SCR 22.24.<sup>1</sup>  
3

4 (b) Within 90 days after service of the petition, the board shall make a  
5 determination regarding compliance and file its finding with the supreme court.

6 (c) Within 90 days after service of the petition, the director of the office of  
7 lawyer regulation shall investigate the eligibility of the petitioner for reinstatement  
8 and file a response with the supreme court in support of or opposition to the petition.

9 (3) Petition for reinstatement. The petition for reinstatement shall state in  
10 detail the manner in which the lawyer has complied with all requirements under  
11 this chapter. Only verified attendance at sufficient hours of approved CLE  
12 activities for the period of suspension shall be considered full compliance with the  
13 attendance requirements of this chapter.

14 (4) Disciplinary suspension. A lawyer suspended as a result of disciplinary  
15 action following referral under SCR 31.10(2) may petition the supreme court for  
16 reinstatement under SCR 22.28.

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18 **COMMENT**

19 Costs regarding the petition for reinstatement under subsection (4) may be  
20 assessed against the petitioner, as provided in SCR 22.24.<sup>2</sup>  
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22 **SCR 31.12 Extensions and waivers.**

23 (1) The board may extend time deadlines for completion of attendance and  
24 reporting requirements in cases of hardship or for other compelling reasons.

25 (2) The board may waive attendance and reporting requirements where to do  
26 otherwise would work an injustice.

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28 **SCR 31.13 Service; filing.**

29 (1) Service under this chapter means a communication made by certified mail  
30 and is complete upon mailing. Service on a lawyer is sufficient if addressed to the  
31 lawyer's address last listed with the state bar. Service on the board is sufficient if  
32 addressed to the board at its office.

33 (2) A report or other communication to the board under this chapter is timely  
34 filed if any of the following is applicable:

35 (a) The report or other communication, together with the applicable fees, is  
36 received at the board's office within the time specified for filing.

37 (b) The report or other communication, together with the applicable fees, is  
38 sent to the board's office through the United States Postal Service by 1st class mail,  
39 including express or priority mail, postage prepaid, and bears a postmark, other than  
40 a commercial postage meter label, showing that the communication was mailed on or

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<sup>1</sup> Adopted 9/16/19 (Petition 19-06).

<sup>2</sup> Adopted 9/16/19 (Petition 19-06).

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1 before the last day for filing.

2 (c) The report or other communication, together with the applicable fees, is  
3 delivered on or before the last day for filing to a 3rd-party commercial carrier for  
4 delivery to the board's office within 3 calendar days.

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6 **SCR 31.14 Rule-making authority.**

7 The board may promulgate rules to carry out the purposes of this chapter.

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11 Chapter repealed and recreated by S. Ct. Order July 1, 1986, effective January 1, 1987; May  
12 10, 1988; January 1, 1989; October 17, 1990; January 1, 1991; February 1, 1991; October 24, 1991;  
13 December 10, 1992; November 18, 1994; December 3, 2008; January 6, 2009; June 1, 2009;  
14 September 10, 2009; June 14, 2013; July 1, 2017.

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