

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. 07-08

**In the matter of Amendment to Supreme Court
Rule SCR 31.04 Relating to Creation of a Comity
Rule for Continuing Legal Education**

FILED**JAN 11, 2008**

David R. Schanker
Clerk of Supreme Court
Madison, WI

On June 18, 2007, the Board of Bar Examiners (BBE) filed a petition proposing to amend SCR 31.04 to create a subparagraph (3) relating to comity for non-resident Wisconsin-licensed attorneys who meet the continuing legal education requirements of their home jurisdiction. A public hearing was held on November 27, 2007. John Kosobucki, Director of the BBE, presented the petition. Other appearances were made by James Huston, Chair, BBE Rules Committee; Thomas J. Basting, Sr., President, State Bar of Wisconsin; Attorney Steven Levine; and four non-resident members of the Wisconsin State Bar: Attorney Donna M. Jones of Atlanta, Ga.; Attorney Paul E. Conrad of Washington, D.C.; Attorney Wendy D. Calvert of Chicago, Ill.; and Attorney Jon Erik Kingstad of Oakdale, Minn.

At the ensuing open administrative conference, the court voted to deny the petition as presented and to request that

interested persons submit arguments supporting or opposing a "pure comity" rule rather than a "conditional comity" rule regarding the proposed CLE exemption. The court requested these arguments by December 7, 2007, for discussion at its open administrative conference on Monday, December 10, 2007. On December 6, 2007, the Board of Bar Examiners, by its director, John E. Kosobucki, submitted a letter indicating that it had voted to make no further comment. On December 7, 2007, the State Bar of Wisconsin, by its president, Thomas J. Basting, Sr., submitted a letter and memorandum supporting a "pure comity" rule.

At the open administrative conference on December 10, 2007, the court voted to adopt a "pure comity" version of the proposed amendment, which will be in effect for the CLE reporting period ending December 31, 2008. Accordingly, effective the date of this order, Supreme Court Rule 31.04(3) is created to read:

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.

IT IS ORDERED that SCR 31.04(3), as created by this order, shall first apply to those lawyers who have a continuing legal education reporting period ending December 31, 2008.

IT IS FURTHER ORDERED that notice of this amendment of Supreme Court Rule 31.04 be given by a single publication of a

copy of this order in the official state newspaper and in an official publication of the State Bar of Wisconsin.

Dated at Madison, Wisconsin, this 11th day of January, 2008.

BY THE COURT:

David R. Schanker
Clerk of Supreme Court

