

## CHAPTER SCR 31

### CONTINUING LEGAL EDUCATION

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**Note:** SCR Chapter 31 was adopted November 21, 1975, eff. January 1, 1977; amended November 18, 1977; December 11, 1979; July 1, 1986; May 10, 1988; January 1, 1989; October 17, 1990; January 1, 1991; February 1, 1991; October 24, 1991; December 10, 1992; May 3, 1994; November 17, 1994; November 18, 1994; November 14, 2001; April 1, 2002; January 29, 2007; January 11, 2008; December 3, 2008; January 6, 2009; June 1, 2009; September 10, 2009; June 14, 2013; January 1, 2017; July 1, 2017.

#### SCR 31.01 Definitions. In this chapter:

- (1) “Board” means the board of bar examiners.
- (1m) “CLE” means continuing legal education.
- (2) “Committee” means a panel comprising at least 3 members of the board.
- (4) “Hour” means a period of approved continuing legal education consisting of not less than 50 minutes.
- (5) “Inactive member” means an inactive member of the state bar under SCR 10.03 (3) and the bylaws of the state bar.
- (6) “Lawyer” means an active member of the state bar under SCR 10.03 (3) and the bylaws of the state bar and includes an active member under suspension other than a person under a form of suspension that will terminate only on order of the court or a person suspended pursuant to SCR 31.10 (1).
- (6m) “Repeated on-demand program” means an on-line program delivered over the Internet, consisting of a program previously approved by the board.
- (7) “Reporting period” means the two-year period ending December 31 during which a lawyer must satisfy the Wisconsin continuing legal education requirement of SCR 31.02. The reporting period for a lawyer is determined by the year of his or her admission to the practice of law in Wisconsin. The reporting period for a lawyer admitted in an even-numbered year shall end on December 31 of each even-numbered year; the reporting period for a lawyer admitted in an odd-numbered year shall end on December 31 of each odd-numbered year.
- (8) “State bar” means the state bar of Wisconsin.
- (9) “Electronic CLE reporting system” means a web-based system established by the board of bar examiners through which lawyers may electronically file an original or amended report of their CLE compliance.
- (10) “Electronic signature” means an electronic sound, symbol, or process attached to or logically associated with an electronically-filed CLE report that can be executed or adopted by the reporting lawyer with the intent to sign the document under oath or affirmation.
- (11) “Pro Bono legal services” means direct legal services provided without fee or expectation of fee to persons of limited means through a qualified pro bono program or pursuant to an appointment by a state or federal court.
- (12) “Qualified pro bono program” means:
  - (a) A pro bono program operated by a nonprofit legal services organization that receives funding from the Wisconsin Trust Account Foundation;
  - (b) A pro bono program operated by a Wisconsin law school;

(c) A pro bono program existing on the date that this rule is adopted that is operated by a Wisconsin bar association; or

(d) A program approved by the board as a qualified pro bono program.

**History:** Sup. Ct. Order No. 94-15, 188 Wis. 2d xv (1994); Sup. Ct. Order No. 05-09, 2007 WI 14, 293 Wis. 2d clxxxvii; Sup. Ct. Order No. 08-04, 2008 WI 127, filed and eff. 12-3-08; Sup. Ct. Order No. 08-23, 2009 WI 93, 317 Wis. 2d xiii; Sup. Ct. Order No. 15-05, 2016 WI 77, filed 7-21-16, eff. 1-1-17.

**SCR 31.02 Attendance requirement. (1)** A lawyer shall attend a minimum of 30 hours of approved CLE during each reporting period.

(2) A lawyer shall attend a minimum of 3 of the 30 hours required under sub. (1) on the subject of legal ethics and professional responsibility in every reporting period.

(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.

**History:** Sup. Ct. Order No. 94-15, 188 Wis. 2d xv (1994); Sup. Ct. Order No. 08-04, 2008 WI 127, filed and eff. 12-3-08; Sup. Ct. Order No. 16-06, 2017 WI 23, filed 3-20-17, eff. 7-1-17.

**SCR 31.03 Reporting requirement. (1)** A lawyer shall file a written report under oath or affirmation on designated CLE Form 1 with the board on or before the February 1 following the last day of the reporting period. The written report shall establish compliance with the attendance requirement of SCR 31.02.

(2) A lawyer who has not satisfied SCR 31.02 and completed the reporting requirement under sub. (1) by the close of business on the February 1 following the last day of the reporting period shall be assessed a late fee of \$100.

(3) Lawyers may satisfy the reporting requirements of sub. (1) through the electronic CLE reporting system. Reports filed electronically must include the reporting lawyer’s electronic signature, by which the lawyer avers under oath or affirmation that the information contained in the report is true.

(4) Electronically-filed reports are deemed filed when they are submitted to the electronic CLE reporting system, except that a late-filed report is deemed filed upon receipt of payment of the late fee.

**History:** Sup. Ct. Order No. 94-08, 183 Wis. 2d xv (1994); Sup. Ct. Order No. 94-15, 188 Wis. 2d xv (1994); Sup. Ct. Order No. 08-04, 2008 WI 127, filed and eff. 12-3-08; Sup. Ct. Order No. 08-23, 2009 WI 93, 317 Wis. 2d xiii.

**SCR 31.04 Exemptions. (1)** A lawyer is exempt from the attendance and reporting requirements of this chapter in the year of his or her admission to the practice of law in Wisconsin.

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

**(3)** A lawyer whose practice is principally in another jurisdiction that has mandatory CLE 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.

**History:** Sup. Ct. Order No. 94–15, 188 Wis. 2d xv (1994); Sup. Ct. Order No. 07–08, 2008 WI 1, 303 Wis. 2d xvi; Sup. Ct. Order No. 08–04, 2008 WI 127, filed and eff. 12–3–08.

**SCR 31.05 Approved hours. (1)** Activities that are approved by the board either before or after the close of the reporting period may be used to satisfy the requirement of SCR 31.02. Lawyers claiming credit for activities that are not already approved must seek approval on a CLE Form 2 filed contemporaneously with their CLE Form 1.

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

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

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

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

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

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

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

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

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

(b) No more than 15.0 credits may be claimed for repeated on–demand programs during a lawyer’s reporting period.

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

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

**(6)** Each hour of service on the office of lawyer regulation preliminary review committee, special preliminary review panel, district committee or as an office of lawyer regulation special investi-

gator may be used to satisfy the requirements of SCR 31.02, to a maximum of 3.0 hours of legal ethics and professional responsibility credit per reporting period, provided that the office of lawyer regulation maintains a roster verifying service and provides the roster to the board if requested.

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

**History:** Sup. Ct. Order No. 94–08, 183 Wis. 2d xv (1994); Sup. Ct. Order No. 94–15, 188 Wis. 2d xv (1994); Sup. Ct. Order No. 05–09, 2007 WI 14, 293 Wis. 2d clxxviii; Sup. Ct. Order No. 08–04, 2008 WI 127, filed and eff. 12–3–08; Sup. Ct. Order No. 13–01, 2013 WI 50, filed and eff. 6–14–13; Sup. Ct. Order No. 15–05, 2016 WI 77, filed 7–21–16, eff. 1–1–17; Sup. Ct. Order No. 16–06, 2017 WI 23, filed 3–20–17, eff. 7–1–17.

**SCR 31.06 Attendance and reporting requirements for persons upon reactivation or reinstatement.** The board shall determine the attendance and reporting requirements for a person who seeks to change from inactive to active membership in the state bar or for a person who seeks reinstatement following voluntary resignation from the state bar, license suspension that will terminate only on order of the court, or license revocation.

**SCR 31.07 Standards for approval of CLE activities. (1)** The board shall designate the number of hours applicable to the requirement of SCR 31.02 for each approved CLE activity.

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

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

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

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

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

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

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

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

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

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

**History:** Sup. Ct. Order No. 94–15, 188 Wis. 2d xv (1994); Sup. Ct. Order No. 08–04, 2008 WI 127, filed and eff. 12–3–08; Sup. Ct. Order No. 15–05, 2016 WI 77, filed 7–21–16, eff. 1–1–17.

**SCR 31.08 Procedure for approval of CLE activities. (1)** Any person desiring approval of a CLE activity shall submit all information required by the board.

**3 Updated 13–14 Wis. Stats.**

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

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

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

**History:** Sup. Ct. Order No. 08–04, 2008 WI 127, filed and eff. 12–3–08; Sup. Ct. Order No. 15–05, 2016 WI 77, filed 7–21–16, eff. 1–1–17.

**SCR 31.09 Delegation, determinations and review. (1)** The board may delegate the authority of the board under this chapter to a committee, to a member or to the staff of the board.

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

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

**History:** Sup. Ct. Order No. 94–15, 188 Wis. 2d xv (1994).

**SCR 31.10 Noncompliance. (1)** If a lawyer fails to comply with the attendance requirement of SCR 31.02, fails to comply with the reporting requirement of SCR 31.03 (1), or fails to pay the late fee under SCR 31.03 (2), the board shall serve a notice of non-compliance on the lawyer. This notice shall advise the lawyer that the lawyer's state bar membership shall be automatically suspended for failing to file evidence of compliance or to pay the late fee within 60 days after service of the notice. The board shall certify the names of all lawyers so suspended under this rule to the clerk of the supreme court, all supreme court justices, all court of appeals and circuit court judges, all circuit court commissioners appointed under SCR 75.02 (1) in this state, all circuit court clerks, all juvenile court clerks, all registers in probate, the executive director of the state bar of Wisconsin, the Wisconsin State Public Defender's Office, and the clerks of the federal district courts in Wisconsin. A lawyer shall not engage in the practice of law in Wisconsin while his or her state bar membership is suspended under this rule.

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

**History:** Sup. Ct. Order No. 94–15, 188 Wis. 2d xv (1994); Sup. Ct. Order No. 01–12, 2001 WI 120, 247 Wis. 2d xxiii; Sup. Ct. Order No. 08–05, 2009 WI 1, 311 Wis. 2d xxiii.

**SCR 31.11 Reinstatement. (1)** SUSPENSION OF LESS THAN 3 CONSECUTIVE YEARS. (a) A lawyer whose suspension for noncompliance under SCR 31.10 (1) has been for a period of less than 3 consecutive years may file a petition with the board for reinstatement to membership in the state bar. Payment in the amount of \$100 and any applicable late fee shall accompany the petition.

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

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

**(1m) SUSPENSION OF 3 OR MORE CONSECUTIVE YEARS.** (a) A lawyer whose suspension has been for a period of 3 or more consecutive years may file a petition for reinstatement with the supreme court and serve a copy on the board and the office of lawyer regulation. Separate payments in the amount of \$200 each shall be made to the board of bar examiners and the office of lawyer regulation shall accompany the petition.

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

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

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

**(4) DISCIPLINARY SUSPENSION.** A lawyer suspended as a result of disciplinary action following referral under SCR 31.10 (2) may petition for reinstatement under SCR 22.28.

**History:** Sup. Ct. Order No. 01–12A, 2002 WI 8, 249 Wis. 2d xxiii; Sup. Ct. Order No. 08–04, 2008 WI 127, filed and eff. 12–3–08; Sup. Ct. Order No. 08–05, 2009 WI 1, 311 Wis. 2d xxiii.

**SCR 31.12 Extensions and waivers. (1)** The board may extend time deadlines for completion of attendance and reporting requirements in cases of hardship or for other compelling reasons.

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

**SCR 31.13 Service; filing. (1)** Service under this chapter means a communication made by certified mail and is complete upon mailing. Service on a lawyer is sufficient if addressed to the lawyer's address last listed with the state bar. Service on the board is sufficient if addressed to the board at its office.

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

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

(b) The report or other communication, together with the applicable fees, is sent to the board's office through the United States Postal Service by 1st 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.

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

**History:** Sup. Ct. Order No. 08–06, 2009 WI 19, 312 Wis. 2d xxiii.

**SCR 31.14 Rule-making authority.** The board may promulgate rules to carry out the purposes of this chapter.