

CHAPTER SCR 31 APPENDIX

RULES OF THE BOARD OF BAR EXAMINERS

Note: SCR Chapter 31 Appendix was adopted December 12, 1986, by the Board of Attorneys Professional Competence; amended July 8, 1988; December 9, 1988; March 23, 1990; September 21, 1990; March 22, 1991; December 12, 1991; May 14, 1992; May 3, 1994; August 25, 1994; August 17, 2004; December 3, 2008; May 1, 2009; September 23, 2011; September 20, 2013.

DEFINITIONS

CLE 1.01 The year of an attorney's admission to the State Bar of Wisconsin shall be the year carried on the computer records of the State Bar unless the lawyer notifies the Board in writing prior to the end of his or her first reporting period that the State Bar data is incorrect and attaches supporting documentation.

History: Bd. of Bar Examiners Order, dated 2–27–09, eff. 5–1–09.

CLE 1.02 Except for repeated on–demand programs, the minimum number of persons attending a course shall be two attendees and one moderator. Fewer than that number, and the course shall be deemed to be self–study and shall not be approved for CLE credit.

History: Bd. of Bar Examiners Order, eff. 8–17–04, 274 Wis. 2d xiii; Sup. Ct. Order No. 08–04, 2008 WI 127, filed and eff. 12–3–08; Bd. of Bar Examiners Order, dated 2–27–09, eff. 5–1–09.

REPORTING REQUIREMENTS

CLE 3.01 The classification of State Bar of Wisconsin membership on the February 1 immediately following the end of the lawyer's reporting period will govern whether a report will be required. The Board will grant lawyers who change to inactive status after February 1 according to State Bar records a deferment of the 30 hours then due on receipt of a written request that is accompanied by the late fee then due and the written statement of the State Bar that the lawyer has in fact already converted his or her membership to inactive status. A request will be considered timely if received at the Board office by the close of business on the date that the lawyer's suspension is to go into effect pursuant to SCR 31.10 (1); that is, the filing date established by that rule.

History: Sup. Ct. Order, 187 Wis. 2d xv (1994); Bd. of Bar Examiners Order, dated 2–27–09, eff. 5–1–09.

CLE 3.015 (1) Lawyers who have been in inactive status for less than 2 years, or have been voluntarily resigned from the State Bar for less than 2 years, must complete 30 hours of CLE (including 3 ethics hours) prior to resuming active status.

(2) Lawyers who have been in inactive status for more than 2 years, or have been voluntarily resigned from the State Bar for more than 2 years, must complete 60 hours of CLE (including 3 ethics hours) prior to resuming active status.

(3) Lawyers may satisfy the requirements of the above subsections if they demonstrate to the board that, during the entire time they were in inactive status, (i) they were admitted to the practice of law in another jurisdiction that had mandatory continuing legal education requirements, and (ii) they were current in meeting those requirements.

(4) Lawyers who resume active status must also satisfy the requirements of SCR 31.02 for the reporting period in which they are reactivated.

(5) CLE requirements under this section shall not be greater than they would have been if the lawyer had not been in inactive status.

History: Bd. of Bar Examiners Order, dated 2–27–09, eff. 5–1–09.

CLE 3.02 (1) No late fee will be assessed against lawyers who complete their reporting and attendance requirements by the February 1 following the end of their reporting period.

(2) Lawyers who have been served with the notice of noncompliance set out in SCR 31.10 (1) may avoid the automatic suspension therein described if, within 60 days after service, they (a) complete their reporting and attendance requirements and (b) pay the late fee.

History: Bd. of Bar Examiners Order, dated 2–27–09, eff. 5–1–09.

CLE 3.03 Where CLE Form 1 appears in SCR Chapter 31, it shall also include written amendments of a CLE Form 1 previously filed for the same reporting period. Such amendments are subject to the same deadlines as the CLE Form 1.

History: Sup. Ct. Order, 187 Wis. 2d xv (1994).

EXEMPTIONS

CLE 4.01 Although a lawyer is exempt from attendance or reporting in the calendar year during which his or her admission falls, the lawyer may report on the CLE Form 1 due at the end of the first full two–year reporting period any approved hours up to a maximum of 15 that were attended between the date of admission and the end of the calendar year in which his or her admission to the practice of law occurred. Hours carried in under this provision may not be used to satisfy the legal ethics and professional responsibility requirement in accordance with SCR 31.05 (2) (c).

History: Sup. Ct. Order, 187 Wis. 2d xv (1994).

APPROVED HOURS

CLE 5.01 Sponsors must provide a method for lawyers who have taken on–line on–demand programs to submit questions, and must provide answers supplied by instructors who are qualified by practical or academic experience within fifteen business days, at no additional cost.

History: Bd. of Bar Examiners Order, dated 2–27–09, eff. 5–1–09.

CLE 5.02 (1) Applications for approval of on–line on–demand programs must be accompanied by

(a) A copy of the on–line on–demand program on DVD;

(b) A statement of the manner in which the sponsor intends to comply with CLE 5.01.

(2) Sponsors with general program approval under SCR 31.08 (3) need not comply with the requirements of sub. (1).

History: Bd. of Bar Examiners Order, dated 2–27–09, eff. 5–1–09.

CLE 5.03 Grading the essay portion of the Wisconsin bar exam may be used to satisfy the requirements of SCR 31.02, up to a maximum of six (6) credits per examination administration. No legal ethics and professional responsibility credits shall be awarded for grading the essay portion of the Wisconsin bar exam.

History: Bd. of Bar Examiners Order, dated and eff. 9–23–11.

ATTENDANCE AND REPORTING REQUIREMENT FOR PERSONS UPON REACTIVATION OR REINSTATEMENT

CLE 6.01 Compliance with CLE make–up requirements shall be a prerequisite to reactivation of membership in the State Bar of Wisconsin.

History: Sup. Ct. Order No. 08–04, 2008 WI 127, filed and eff. 12–3–08.

STANDARDS FOR APPROVAL OF CONTINUING LEGAL EDUCATION ACTIVITIES

CLE 7.005 Except for repeated on–demand programs as defined in SCR 31.01 (6m), self–study courses as defined in CLE 1.02, and courses explicitly disapproved in Wisconsin, courses approved for CLE credit by, and attended in, any other state or territory or the District of Columbia are deemed approved for the same number of hours and for the same purposes in Wisconsin. To take advantage of this section, lawyers must document the out–state approval in connection with filing their CLE Form 1.

History: Bd. of Bar Examiners Order, dated 2–27–09, eff. 5–1–09.

CLE 7.01 The following portions of the program may not be counted for credit: breaks, business meetings, and similar non–academic activities.

History: Sup. Ct. Order, 187 Wis. 2d xv (1994); Bd. of Bar Examiners Order, dated 2–27–09, eff. 5–1–09.

CLE 7.02 Credit hours shall be rounded down to the nearest whole or half hour. Hours of credit shall be determined by the following formula: Total minutes minus nonacademic portions (breaks, business meetings) divided by 50 minutes equal the hours of CLE credit.

History: Sup. Ct. Order, 187 Wis. 2d xv (1994); Bd. of Bar Examiners Order, dated 2–27–09, eff. 5–1–09.

CLE 7.03 Approved hours merely reflect a maximum that may be earned through attendance. Only actual attendance by the lawyer may be used to satisfy the Wisconsin requirement.

CLE 7.04 Credit will not be allowed for any program which in its entirety lasts less than 50 minutes.

History: Sup. Ct. Order, 187 Wis. 2d xv (1994).

CLE 7.06 (1) A published legal writing is defined as material that satisfies all of the following criteria:

(a) It has been published, in print or electronically, in the form of an article, chapter, book, or significant revision;

(b) It was written in whole or in substantial part by the lawyer submitting the request for approval; and

(c) It satisfies the criteria set forth in SCR 31.07(2) (a) and (b) in that its objective is to increase the reader’s professional competence as a lawyer, and in that its content must deal primarily with matters related to the practice of law, professional responsibility or ethical obligations of lawyers.

(2) Published legal writings specifically exclude the following:

(a) Compiling or editing materials written by others;

(b) Contributions to blogs or brief current–awareness entries in newsletters or magazines;

(c) Material that is produced on behalf of or in support of a client, including submissions to a court of law or to an administrative agency;

(d) Authorship of published decisions;

(e) Material appearing in any media, whether print or electronic the published content of which is controlled by the applicant or by the applicant’s firm or employer or that is published by the applicant;

(f) Material appearing in a publication for general circulation or in a publication directed to a non–lawyer audience; and

(g) Materials that are developed and distributed at CLE activities in accordance with SCR 31.07 (2) (e).

History: Sup. Ct. Order, 187 Wis. 2d xv (1994); Sup. Ct. Order No. 08–04, 2008 WI 127, filed and eff. 12–3–08; Bd. of Bar Examiners Order, dated and eff. 9–20–13.

CLE 7.07 In order to request approval for a published legal writing, a CLE Form 4 and a copy of the published legal writing must be submitted by its author to the Board.

History: Sup. Ct. Order, 187 Wis. 2d xv (1994).

CLE 7.08 A lawyer may claim his or her actual preparation time up to a maximum of 15 hours for any approved published legal writing.

CLE 7.09 A lawyer may not claim in excess of 15 hours for all approved published legal writings in any one reporting period.

CLE 7.10 The only reporting period in which hours for an approved published legal writing may be claimed is that in which the writing was published.

PROCEDURE FOR APPROVAL OF CONTINUING LEGAL EDUCATION ACTIVITIES

CLE 8.01 Approval may be refused to a sponsor for any course which has previously been falsely advertised as approved by the Board of Bar Examiners.

CLE 8.02 General program sponsorship does not extend to activities in which the sponsor acts as the co–sponsor of an activity. Approval shall be sought by letter from the general program sponsor to the Board.

CLE 8.03 Any sponsor holding general program approval that fails to cooperate with the administrative requirements developed by the Board may have its general program approval revoked by the Board.

History: Bd. of Bar Examiners Order, dated 2–27–09, eff. 5–1–09.

CLE 8.04 CLE Form 2 shall be submitted to the Board to initiate a request for course approval. The Board will accept a uniform national course approval request form at the discretion of its Board.

History: Sup. Ct. Order, 187 Wis. 2d xv (1994); Bd. of Bar Examiners Order, dated 2–27–09, eff. 5–1–09.

CLE 8.05 CLE Form 5, or CLE Form 2, shall be submitted to initiate a request for legal ethics and professional responsibility approval. The Board will accept a uniform national course approval request form at the discretion of its Board.

History: Sup. Ct. Order, 187 Wis. 2d xv (1994); Bd. of Bar Examiners Order, dated 2–27–09, eff. 5–1–09.

CLE 8.06 Program sponsors shall maintain a list of lawyers in attendance for a minimum of four (4) years. Attendance lists may be kept in hardcopy or stored in a retrievable electronic format.

History: Bd. of Bar Examiners Order, dated and eff. 9–23–11.

REINSTATEMENT AFTER SUSPENSION PURSUANT TO SCR 31.11

CLE 11.02 Petitions for reinstatement pursuant to SCR 31.11 (1) (a) must be executed under oath or affirmation.

CLE 11.03 The number of hours required of a lawyer seeking reinstatement is 30 per previous reporting period up to a maximum of 60; in addition, the lawyer will be required to meet the requirement for the reporting period in which his or her reinstatement falls.

History: Bd. of Bar Examiners Order, dated 2–27–09, eff. 5–1–09.

CLE 11.04 The Board will accept the election of the SCR 31.04 (2) exemption, if appropriate, in satisfaction of its requirement for reinstatement only for the reporting period from which the suspension arose; that is, the exemption may not be used toward rein-

statement for any reporting period subsequent to the reporting period from which the suspension arose.

EXTENSIONS AND WAIVERS

CLE 12.01 The Board will consider extensions for completion of attendance and reporting requirements only upon written request.

History: Bd. of Bar Examiners Order, dated 2–27–09, eff. 5–1–09.

SERVICE; FILING

CLE 13.01 The Board will not accept facsimile transmissions in satisfaction of its filing requirements.

BOARD MEETINGS

CLE 14.01 As an agency of the Supreme Court, the Board is not subject to Subchapter V of Chapter 19 of the Wisconsin Statutes, relating to open meetings of governmental bodies. However, the Board posts the dates, locations and agendas of its meetings on its Internet web site and invites the public to attend its meetings. Members of the public are not allowed to attend meetings or parts of meetings that involve confidential matters. Examples of confidential matters include (i) individuals' applications for admission to the Wisconsin bar, (ii) hearings on admission applications and (iii) bar examination questions.

History: Bd. of Bar Examiners Order, dated 2–27–09, eff. 5–1–09.