2020 WI 30

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. 20-01

In the matter of the temporary amendment of SCRs 31.02 and 31.05 relating to the continuing legal education requirements:

On-demand CLE programming in response to COVID-19

FILED

MAR 17, 2020

Sheila T. Reiff
Clerk of Supreme Court
Madison, WI

The Wisconsin Supreme Court recognizes that the public health emergency relating to COVID-19 may impact lawyers' ability to complete mandatory continuing legal education (CLE) required by SCR 31.02 in order to remain eligible to practice law in Wisconsin.[1] Many CLE seminars have been cancelled or postponed and many lawyers may need to self-isolate or avoid public gatherings because of the risk of acquiring and/or transmitting the virus. In an effort to mitigate the impact of these measures on a lawyer's eligibility to practice law, the Wisconsin Supreme Court has, at the request of the State Bar of Wisconsin, elected to temporarily increase the number of credits from on-demand programs

[1] SCR 31.02 provides that a "lawyer shall attend a minimum of 30 hours of approved CLE during each reporting period." SCR 31.02(1). The mandatory ethics requirement provides that "[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." SCR 31.02(2).

that lawyers may use to satisfy the requirements of SCR 31.02. See SCR 31.12(2) (authorizing the board of bar examiners (board) to waive attendance and reporting requirements where to do otherwise would work an injustice).

Under current rule no more than 15 credits may be claimed for repeated on-demand programs during a lawyer's CLE reporting period. SCR 31.01(6m).[2] For purposes of reinstatement, readmission, or reactivation, no more than 50 percent of the lawyer's CLE may come from on-demand programs. SCR 31.05(5)(a).

IT IS ORDERED that effective the date of this order and until December 31, 2020, for the continuing legal education reporting period ending December 31, 2020 (even-year reporters), lawyers may, in their discretion, claim additional CLE credit from repeated on-demand programs, up to 30 credits. Repeated on-demand courses that will be claimed in excess of the usual 15 credit hour limit must be completed on or before December 31, 2020. Because of the importance and time sensitive nature of instruction on the subject of legal ethics and professional responsibility, these courses are to be completed with live on-online programming or in-person courses; repeated on-demand programs may not be used to satisfy the mandatory 3 legal ethics and professional responsibility credit hours.

IT IS FURTHER ORDERED that lawyers who have failed to demonstrate compliance with CLE reporting requirements for the reporting period ending December 31, 2019 (odd-year reporters) may use repeated on-

[2] "Repeated on-demand program" means an on-line program delivered over the Internet, consisting of a program previously approved by the board.

demand programs to satisfy deficiencies in their credit hours. This does not include the mandatory 3 hours required on the subject of legal ethics and professional responsibility which are to be completed using live on-line programming or in-person courses, and does not waive the late fee imposed for late reporting under SCR 31.03(2).

IT IS FURTHER ORDERED that lawyers required to satisfy CLE requirements as a prerequisite to reinstatement, readmission, or reactivation may satisfy 100 percent of their required CLE using on-demand programs for petitions, provided that make up credit requirements are completed on or before December 31, 2020. This does not include the mandatory 3 hours required on the subject of legal ethics and professional responsibility, which are to be completed using live on-line programming or in-person courses.

IT IS FURTHER ORDERED that any lawyer whose license to practice law may be suspended because the lawyer is unable to complete legal ethics and professional responsibility credits, either in person or live on-online, may file a request for a waiver with the board under SCR 31.12.

IT IS FURTHER ORDERED that because this temporary measure is effective immediately, there may be a delay before the board's electronic filing system can accept late-filed electronic reports documenting attendance of on-demand courses in excess of the usual 15 credit rule. In this event, lawyers are directed to submit a statement of their request for continuing legal education credit in writing, together with documentation of the on-demand course(s) for which credit is claimed, and the late fee. Per SCR 31.03(4), a late filed report is

deemed filed upon the board's receipt of payment of the late fee, for which payment may be made electronically.

IT IS FURTHER ORDERED that notice of the above amendments be given by a single publication of a copy of this order in the official publications designated in SCR 80.01, including the official publishers' online databases, and on the Wisconsin court system's web site. The State Bar of Wisconsin shall provide notice of this order.

Dated at Madison, Wisconsin, this 17th day of March, 2020.

BY THE COURT:

Sheila T. Reiff
Clerk of Supreme Court