



STATE BAR OF WISCONSIN
Leaders in the Law. Advocates for Justice.®

August 16, 2022

Clerk of the Wisconsin Supreme Court
110 East Main Street, Suite 215
P.O. Box 1688
Madison, WI 53701-1688

RE: Petition 22-01 DEIA CLE

Dear Honorable Justices,

The State Bar of Wisconsin (SBW) writes to address responses by the Board of Bar Examiners (BBE) and Legal Action of Wisconsin, Inc. (LAW) to Rule Petition 22-01. The State Bar appreciates the thorough and thoughtful input.

First, as to the proposal from the Board of Bar Examiners to modify the definition. The proposed language is substantially similar to that provided by the State Bar. The term “within the legal system” is included in the original proposal in petition 22-01, while also enumerating categories of educational opportunities within the definition. The more narrow definition leaves open questions regarding whether a solid recognition of bias, without mention of a legal practice, would qualify for credit. As noted in the memorandum in support of the petition, “Assisting attorneys in being intentional and deliberative in recognizing their own biases, and addressing them when dealing with colleagues, clients, and the public in general, helps lawyers better deliver legal services competently and ethically.” Thus, the State Bar prefers enumerating categories in the original definition. However, the State Bar also acknowledges that this is a relatively new area of education and would welcome this first step in approving courses related to DEIA training and appreciates the BBE’s willingness to accept the coursework.

As to limitations on this and other types of credit already included in Ch. 31, the State Bar continues to believe that the individual attorney is in the best position to determine the subject of continuing education necessary to improve their skills and practice. For example, a long-time government attorney moving to private practice may be best served in taking more than six credits over a two year period of practice management. Another example is an attorney

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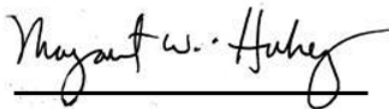
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moving to a new area with a substantial Native American or Hmong community who, if not a member of or unfamiliar with these communities, would be able to better serve clients after learning more about these cultures. Should the Court determine that a limit is appropriate, the State Bar asks that the limit for this and other “specialty categories” be set at least at 7.5, corresponding with a traditional one-day CLE seminar.

Finally, the State Bar appreciates and welcomes the letter of support from Legal Action of Wisconsin (LAW). LAW has been a leader in understanding the challenges presented by the diverse, and too often, marginalized litigants facing the legal system. We commend LAW for taking strong steps to implement their own training opportunities. As to the proposal for mandatory credit requirements, the State Bar is not requesting that in its petition.

Again, the State Bar appreciates the BBE’s suggestions on this important matter and looks forward to working with them to develop and implement DEIA education for Wisconsin’s attorneys.

Respectfully submitted this 16th day of August, 2022



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Cc: Director Jacquelynn B. Rothstein, Board of Bar Examiners
Attys. Jennifer L. Johnson and Monica L. Cail, Legal Action of Wisconsin