



# Supreme Court of Wisconsin

BOARD OF BAR EXAMINERS  
110 EAST MAIN STREET, SUITE 715  
MADISON, WI 53703-3328  
TELEPHONE: (608) 266-9760  
FAX: (608) 266-1196  
bbe@wicourts.gov

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AUG 07 2019

JACQUELYNN B. ROTHSTEIN  
DIRECTOR

CLERK OF SUPREME COURT  
OF WISCONSIN

August 7, 2019

Chief Justice Patience D. Roggensack  
Justice Ann Walsh Bradley  
Justice Annette Kingsland Ziegler  
Justice Rebecca G. Bradley  
Justice Daniel Kelly  
Justice Rebecca F. Dallet  
Justice Brian Hagedorn  
16 East, State Capitol  
P.O. Box 1688  
Madison, WI 53701-1688

Dear Chief Justice and Justices:

Enclosed for the Court's review are two proposed changes to the BBE's appendices, specifically to BA 6.02 and CLE 3.015.

Following the Court's March 8, 2018 Order to the BBE, the Board convened a subcommittee charged with reexamining its rules and procedures, including the questions on the Applicant Questionnaire and Affidavit, to ensure compliance with the Americans with Disabilities Act. At the Board's July 2018 meeting, the subcommittee presented its recommendations. Among those recommendations was a proposal to amend BA 6.02, which the full Board voted in favor of adopting.

The current provision does not contain a specific reference to *conduct* as it relates to mental or emotional impairments, or to drug or alcohol dependency. This change is intended to limit inquiries into the problematic conduct rather than into the impairment or dependency itself.

The second amendment involves changes to CLE 3.015, which are intended to clarify the requirements necessary for reactivation. These changes conform to existing practice and are intended to help lawyers better understand what continuing legal education requirements are required in order to become reactivated. The Board is also in support of this change.

Only approved CLE activities that were completed during or after the last reporting period may be used to satisfy the 30 hour requirement. And only CLE activities that were completed during or after the last two reporting periods may be used to satisfy the 60 hour requirement. These

**Board:** Judith G. McMullen, Chairperson, Milwaukee; Marc A. Hammer, Vice Chairperson, Green Bay; Samuel Christensen, Racine; Patrick Delmore, Madison; Blake J. Duren, Reedsburg; Timothy D. Edwards, Madison; Jesus G. Q. Garza, Madison; Kevin Kelly, Madison; Steven Levine, Madison; Kyle J. Sargent, Appleton; Sally M. Younger, Madison

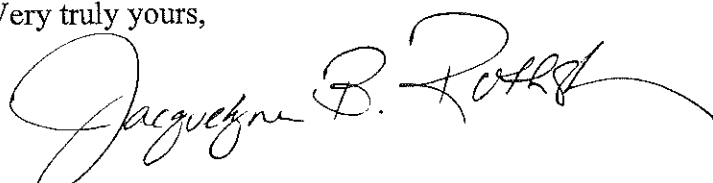
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requirements are no greater than they would have been if the lawyer had not been in inactive status or had not voluntarily resigned from the State Bar.

We propose publishing these intended changes in the State Bar of Wisconsin's *Inside Track* to seek comment from interested parties. Comments received would be considered at the next scheduled Board meeting. The proposed changes would then take effect December 1, 2019.

We trust this process meets with the Court's approval. Please contact me if I may provide further information or assistance.

Very truly yours,

A handwritten signature in black ink that reads "Jacquelynn B. Rothstein". The signature is fluid and cursive, with the first name being the most prominent.

Jacquelynn B. Rothstein  
Director

Enclosures

cc: Sheila Reiff, Clerk of the Supreme Court and Court of Appeals  
Julie Anne Rich, Supreme Court Commissioner

**BA 6.02 Relevant Conduct or Condition.** The revelation or discovery of any of the following should be treated as cause for further inquiry before the Board decides whether the applicant possesses the character and fitness to practice law:

- (a) unlawful conduct
- (b) academic misconduct
- (c) false statements by the applicant, including concealment or nondisclosure
- (d) acts involving dishonesty or misrepresentation
- (e) abuse of legal process
- (f) neglect of financial responsibilities
- (g) neglect of professional obligations
- (h) violation of an order of a court
- (i) evidence of conduct due to mental or emotional impairments substantial enough to affect the applicant's ability to practice law
- (j) evidence of conduct due to drug or alcohol dependency
- (k) denial of admission to the bar in another jurisdiction on character and fitness grounds
- (l) disciplinary action by a lawyer disciplinary agency or other professional disciplinary agency of any jurisdiction

**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 and who have not complied with the last reporting period~~, must complete 30 hours of CLE (including 3 ethics hours) prior to resuming active status. Only approved CLE activities that were completed during or after the last reporting period may be used to satisfy the 30 hour requirement.

**(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 and who have not complied with the last two reporting periods~~, must complete 60 hours of CLE (including 3 ethics hours) prior to resuming active status. Only approved CLE activities that were completed during or after the last two reporting periods may be used to satisfy the 60 hour requirement.

**(3)** Except as found in SCR 31.05 (5) (d) and CLE 7.005, 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 or had not been voluntarily resigned from the State Bar.