

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. 21-02

**In the Matter of Modification of the
Process by which Members Qualify for
Transfer from Inactive to Active Status**

FILED

DEC 17, 2021

Sheila T. Reiff
Clerk of Supreme Court
Madison, WI

On June 8, 2021 the State Bar of Wisconsin's then-President Kathleen A. Brost, then-President-Elect Cheryl F. Daniels, and Past President Jill Kastner, filed this rule petition, asking the court to amend Supreme Court Rule (SCR) 31.06 relating to continuing legal education (CLE) requirements for the transfer from inactive to active membership status.

Consistent with standard practice, the court voted to solicit written comment and specifically voted to ask the Board of Bar Examiners (BBE) to respond to the petition. Letters were sent to interested persons and the BBE on July 14, 2021. The BBE responded on August 5, 2021. No other comments were received. The petitioners filed a response to the BBE's comments on August 23, 2021.

The court discussed the petition at a closed administrative conference and voted to grant the petition as modified.

IT IS ORDERED that, effective January 1, 2022, the Board of Bar Examiners is directed to repeal Supreme Court Rule Chapter 31, Appendix, Rules of the Board of Bar Examiners, CLE 3.015;

IT IS FURTHER ORDERED that Supreme Court Rule 31.06 is repealed and recreated to read:

SCR 31.06 Attendance and reporting requirements for persons upon reactivation, readmission, or reinstatement.

(1) The board shall determine the attendance and reporting requirements for a person who seeks readmission following voluntary resignation from the state bar, or reinstatement from a license suspension that will terminate only on order of the court, or license revocation.

(2) Lawyers who have been in inactive status or have voluntarily resigned from the State Bar 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, except lawyers qualified for Senior Active status who have not complied with the last reporting period must complete 15 hours of CLE (including 3 ethics hours). Only approved CLE activities that were completed during or after the last reporting period may be used to satisfy the 30 or 15 hour requirement referenced above.

(3) Lawyers who have been in inactive status or have voluntarily resigned from the State Bar 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, except lawyers qualified for Senior Active status who have not complied with the last two reporting periods must complete 30 hours of CLE (including 3 ethics hours). Only

approved CLE activities that were completed during or after the last two reporting periods may be used to satisfy the 60 or 30 hour requirement referenced above.

(4) An inactive member, whose practice is principally in another jurisdiction that has mandatory CLE requirements, satisfies the attendance and reporting requirements if the inactive member provides a certificate of good standing or other proof of eligibility to practice law in the principal jurisdiction.

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

(6) 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 voluntarily resigned from the State Bar.

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 December, 2021.

BY THE COURT:

Sheila T. Reiff
Clerk of Supreme Court

