

# SUPREME COURT OF WISCONSIN

No. 08-13

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In the Matter of Creation of Supreme Court Rule  
40.075 Relating to Conditional Admission to the  
Bar.

**FILED**

**AUG 3, 2009**

David R. Schanker  
Clerk of Supreme Court  
Madison, WI

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On May 1, 2008, the Board of Bar Examiners (BBE) filed a petition requesting this court create a supreme court rule pertaining to conditional admission to the bar. The proposed new rule would allow applicants with issues such as substance abuse problems, mental health conditions, financial management difficulties, or criminal history, to be admitted conditionally to the State Bar of Wisconsin (State Bar) under terms and conditions established by the BBE.

Written comments were received regarding this petition from State Bar President Diane Diel on behalf of the State Bar, Attorney Steven Levine, Attorney William Weigel, and Attorney Daniel L. Shneidman. The State Bar advised the court it opposed the petition solely because the petition submitted to the court did not contain a provision that would ensure the confidentiality of a conditional admission.

A public hearing was conducted on March 9, 2009. That day, the Office of Lawyer Regulation (OLR) filed a letter advising the court the Board of Administrative Oversight had voted to

oppose the petition because the monitoring program for conditional admission has not yet been established. The OLR and the State Bar have filed a joint rule petition proposing such a monitoring program. See Rule No. 08-28, In the Matter of the Petition for Lawyer Support and Monitoring and Procedures for Referrals from the Office of Lawyer Regulation, filed December 29, 2008, by Keith Sellen, OLR Director, and Diane Diel, State Bar President.

The court discussed the petition at the ensuing open administrative conference. First, the court decided to discuss the petition notwithstanding the pending petition to establish a monitoring program. The court then considered the proposal and discussed the ABA Model Rule on Conditional Admission to Practice Law as well as Minnesota's conditional admission rule, Minnesota Rule Bar Admission 16. The court discussed whether conditional admission should be confidential and concluded that confidentiality is appropriate because the public is adequately protected by oversight mechanisms in the proposed rule. The court also discussed various other aspects of the proposed rule. However, after further consideration, the court has decided to hold this matter pending consideration of the monitoring program petition (No. 08-28, In the Matter of the Petition for Lawyer Support and Monitoring and Procedures for Referrals from the Office of Lawyer Regulation). Therefore,

IT IS ORDERED that the petition for creating a supreme court rule pertaining to conditional admission to the bar is held in abeyance and will be considered along with the petition

currently pending before this court in Rule No. 08-28, In the Matter of the Petition for Lawyer Support and Monitoring and Procedures for Referrals from the Office of Lawyer Regulation, which will be scheduled for hearing and open administrative conference at a date to be determined in the fall of 2009.

IT IS FURTHER ORDERED that notice of the issuance of this order be given by a single publication of a copy of this order in the official state newspaper and in an official publication of the State Bar of Wisconsin.

Dated at Madison, Wisconsin, this 3rd day of August, 2009.

BY THE COURT:

David R. Schanker  
Clerk of Supreme Court

