

SUPREME COURT OF WISCONSIN

No. 12-02

In the matter of the petition requesting information pursuant to Supreme Court Rule 40.12, and to create Supreme Court Rule 30.03 and repeal Supreme Court Rule 40.12, requiring the Board of Bar Examiners to abide by the state Open Records and Open Meetings Laws.

FILED

JUL 5, 2012

Diane M. Fremgen
Clerk of Supreme Court
Madison, WI

On January 11, 2012, Attorney Steven Levine filed a petition with the Wisconsin Supreme Court. The petition requested that, pursuant to Supreme Court Rule (SCR) 40.12, the court order the Board of Bar Examiners to provide Attorney Levine with the names and addresses of those persons who sat for the July 2011 Wisconsin bar examination. In addition, the petition asked the court to repeal SCR 40.12 (Confidentiality) and to create SCR 30.03 to require the Board of Bar Examiners to abide by and be subject to Wisconsin's Public Records Law and Open Meetings Law.

The court conducted a public hearing on the petition on Wednesday, May 16, 2012. Attorney Steven Levine presented the petition to the court. Board of Bar Examiners Director Jacquelynn Rothstein also appeared to discuss the procedural history giving rise to the petition.

At its ensuing open administrative conference, the court discussed the petition and the various issues it presents. The court then agreed to deny the petitioner's request for the names and addresses of those persons who sat for the July 2011 Wisconsin bar

examination and agreed to deny the request to repeal SCR 40.12 and create a new SCR 30.03 to require the Board of Bar Examiners to abide by and be subject to Wisconsin's Public Records Law and Open Meetings Law. A majority of the court also voted to follow its normal practice and not publish the order denying the petition.

The Chief Justice and Justice Bradley indicated they concurred with the court's decision to deny the petition but both would recommend future discussion of the policies and procedures used by the Board of Bar Examiners in response to records requests and meeting notices as well as future consideration to the application of the principles set forth in Wisconsin's Public Records Law and Open Meetings Law to court agencies. In addition, unlike their colleagues, the Chief Justice and Justice Bradley would provide notice of the issuance of this order 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, as well as publication in the official state case law reporter, Wisconsin Reports.

IT IS ORDERED that the petition is denied.

Dated at Madison, Wisconsin, this 5th day of July, 2012.

BY THE COURT:

Diane M. Fremgen
Clerk of Supreme Court

