



Supreme Court of Wisconsin
Attn: Carrie Janto, Deputy Clerk
P.O. Box 1688
Madison, WI 53701

Re: Supreme Court Rule Petition 11-08, In the matter of the petition to amend Supreme Court Rule 40.02(2) and to create Supreme Court Rules 40-055 and 40.14(3)(i) relating to the legal competence requirements of graduates of law schools in other nations; fees.

Dear Ms. Janto:

As Dean of the University of Wisconsin Law School, I received notice of Rule Petition 11-08, filed by the Board of Bar Examiners, concerning the eligibility of foreign law graduates to sit for the Wisconsin Bar Examination. This is a matter of great interest to the Law School because we offer graduate legal education to students who have received their initial legal education abroad, and a number of those students now take bar exams in the United States, primarily in New York.

We strongly support the general thrust of Rule Petition 11-08 because we believe it desirable for properly qualified foreign law graduates to have the opportunity to sit for the Wisconsin Bar Exam. We would like to propose minor amendments to the text provided by the Board of Bar Examiners, however, which we believe will improve the framework they propose. We have attached hereto a marked-up version of the Board of Bar Examiners draft text, but will also summarize here the changes we suggest.

- Bar Membership in Home Jurisdiction (SCR 40.055(4)(b)): We request that the requirement that an applicant have a license to practice law be replaced by the requirement that the applicant be eligible to sit for the bar exam in his or her home jurisdiction. We believe this is in accordance with the rule in New York.
- Engagement in Practice of Law (SCR 40.055 (4)(c)): We request that the requirement that an applicant have been substantially engaged in the practice of law prior to filing an application to take the Wisconsin bar examination be eliminated. A substantial number of the semester hours of credit required by the Law School's LL.M. program, as set forth in Rule Petition 11-08, focus on values and ethical duties of the US legal profession; legal research and writing; and distinctive aspects of the US legal system and fundamental principles of US law. We believe the courses which satisfy these requirements provide the LL.M. students with a knowledge of US law and the US legal system equivalent to that which regular J.D. students must demonstrate, as provided in current Supreme Court rules, in order to sit for the Wisconsin Bar Exam. This would also be in accordance with the rule in New York.

Margaret Raymond

Fred W. & Vi Miller Dean and Professor of Law

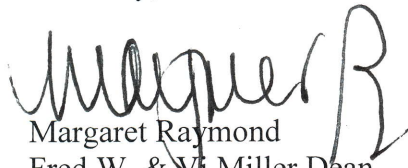
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- Summer Course Hours (SCR 40.055(c)(3)): We request that the maximum of summer semester credit hours be increased from four to six. This would increase the flexibility of the LL.M. program, as most courses offered in the Law School entitle students to three semester hours of credit.
- Course Sites (SCR 40.055(c)(5)): The Law School offers a program pursuant to which courses are taught by UW law faculty at selected foreign partner universities. These courses are the same courses taught at the UW campus. This program allows students to take up to 49% of the required credits at such universities, while receiving the same LL.M. degree as the students who complete all of the coursework on the UW campus. The admissions standards for this program are identical to those for the program taking place exclusively at the UW campus. We therefore request that the court reserve the discretion to waive or modify (SCR 40.055(c)(5)) with respect to students who receive their LL.M. degree through such programs and wish to sit for the Wisconsin Bar Exam.

We look forward to addressing the Court's concerns and questions regarding Supreme Court Rule Petition 11-08 at the public hearing scheduled for May 16, 2012. Thank you for your consideration.

Sincerely,



Margaret Raymond
Fred W. & Vi Miller Dean
Professor of Law

attachment:

cc: (Supreme Court members)
(BBE)

In the Matter of the Petition to
Amend SCR 40.02(2) and to Create Supreme Court Rule
SCR 40.055 and 40.14 (3) (i)
Relating to the Legal Competence Requirements
Of Graduates of Law Schools in Other Nations; Fees.

PETITION

To: Chief Justice Shirley Abrahamson
Justice Ann Walsh Bradley
Justice N. Patrick Crooks
Justice David T. Prosser, Jr.
Justice Patience D. Roggensack
Justice Annette Kingsland Ziegler
Justice Michael J. Gablemen
16 East State Capitol
Madison, WI 53701

The Board of Bar Examiners, by its director Jacquelynn B. Rothstein, hereby petitions the Supreme Court of Wisconsin for an order to amend SCR 40.02 (2) and to create ss. SCR 40.055 and SCR 40.14 (3) (i) as follows:

TEXT OF RULE

SECTION 1. SCR 40.02 (2) is amended to read:

SCR 40.02 (2) Satisfies the legal competence requirements by diploma privilege (SCR 40.03), bar examination (SCR 40.04 or SCR 40.055) or proof of practice elsewhere (SCR 40.05).

SECTION 2. SCR 40.055 is created to read:

SCR 40.055 Legal competence requirement: Graduates of Law Schools in Other Nations. Notwithstanding SCR 40.04 (1), an individual who has received a law degree in a country other than the United States may apply to take the Wisconsin bar examination, provided the applicant meets all of the requirements as found in subs. (1)-(3), or in sub. (4):

(1) Holds a first professional degree in law from a jurisdiction whose jurisprudence is based on the principles of English common law and from a school or schools each of which, throughout the period of the applicant's study, was recognized by a competent accrediting agency in such country as qualified and approved.

(2) Has a license to practice law from a common-law jurisdiction and is in good standing in that jurisdiction.

(3) Has been substantially engaged in the practice of law in a common law jurisdiction for at least three of the last ten years prior to filing an application to take the Wisconsin bar examination.

(4) An individual who has received a ~~legal~~ law degree in a country other than the United States but does not meet the criteria as set forth in subs. (1)-(3) may apply to take the Wisconsin bar examination provided the applicant meets all of the following requirements:

(a) Holds a first professional degree in law from a school or schools each of which, throughout the period of the applicant's study, was recognized by a competent accrediting agency in such country as qualified and approved.

(b) Is eligible to sit for the licensing examination for the bar in their country of citizenship or other country in which they received their law degree. ~~Has a license to practice law from a foreign jurisdiction and is in good standing in that jurisdiction.~~

~~(c) Has been substantially engaged in the practice of law for at least three of the last ten years prior to filing an application to take the Wisconsin bar examination.~~

(~~c~~) Has completed a master's degree in law (LL.M.) that meets all of the following requirements:-

1. The LL.M program shall consist of a minimum of 24 semester hours of credit (or the equivalent thereof, if the law school offering such program is on an academic schedule other than a conventional semester system) which, except as otherwise permitted herein, shall be in classroom courses at the law school in substantive and procedural law and professional skills. No credit shall be allowed for correspondence courses, on-line courses, courses offered on DVD or other media, or other distance learning courses.

2. A minimum of 700 minutes of instruction time, exclusive of examination time, must be required for the granting of one semester of credit.

3. The program shall include a period of instruction consisting of no fewer than two semesters of at least 13 calendar weeks each, or the equivalent thereof, exclusive of reading periods, examinations and breaks, and shall not be completed exclusively during summer semesters, but a maximum of sixfour semester hours of credit may be earned in courses completed during summer semesters.

4. The program shall be completed within 24 months of matriculation.

5. All coursework for the program shall be completed at the campus of a law school in the United States whose graduates qualify to take the Wisconsin bar examination under SCR 40.04 (1) (a), unless a waiver of this requirement is approved by the court.

6. The program completed by an applicant shall include all of the following:

- a. A minimum of two semester hours of credit in the values and ethical responsibilities of the United States legal profession and its members
- b. A minimum of two semester hours of credit in legal research, writing and analysis, which may not be satisfied by a research and writing requirement in a substantive law course.
- c. A minimum of two semester hours of credit in American legal studies, the American legal system or a similar course designed to introduce students to distinctive aspects and/or fundamental principles of United States law, which may be satisfied by a course in United States constitutional law or United States or state civil procedure.
- d. A minimum of six semester hours of credit in any of the subjects included in SCR 40.03 (2) (a) or (b).

7. The program completed by an applicant may include:

- a. A maximum of four semester hours of credit in clinical courses, provided (i) the clinical course includes a classroom instructional component in order to insure contemporaneous discussion, review and evaluation of the clinical experience; (ii) the clinical work is done under the direct supervision of a member of the law school faculty or instructional staff whose primary professional employment is with the law school; and (iii) the time and effort required and anticipated educational benefit are commensurate with the credit awarded.
- b. A maximum of six semester hours of credit in other courses related to legal training taught by members of the faculty of the law school or of the university with which the law school is affiliated, or taught by members of the faculty of any university or college with which the law school offers a joint degree program, provided such courses must be completed at the campus of such university or college in the United States.

(5) Applicants shall submit proofs and documentation that the board may require. Documents must be in English or must be accompanied by a translation into English prepared and certified by a neutral translator.

(6) An applicant shall file all application materials and fees with the board by ~~January 15~~ August 1 to be eligible for the February bar examination, and by ~~June 15~~ January 1 to be eligible for the July bar examination.

(7) Notwithstanding s. SCR 40.14 (3) (i), the board may add a surcharge in individual cases if it finds that extraordinary costs have been or will be incurred in its investigation of the applicant's qualifications.

SECTION 3. SCR 40.14 (3) (i) is created to read:

SCR 40.14 (3) (i) Fee for admission for graduates (SCR Rule Petition 08-09) of law schools in other nations ... \$850

| Dated this ~~18th~~-27th day of ~~November~~April, ~~2011~~2012.

Respectfully submitted,

Jacquelynn B. Rothstein
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