

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. 21-07

**In the Petition to Amend SCR 40.02
Relating to the Qualifications
For Admission**

FILED

APR 26, 2022

Sheila T. Reiff
Clerk of Supreme Court
Madison, WI

On November 2, 2021, Jacquelynn B. Rothstein, Executive Director and General Counsel, on behalf of the Board of Bar Examiners (BBE), filed a rule petition asking the court to amend Supreme Court Rule (SCR) 40.02 to enable qualified individuals for admission to the practice of law in Wisconsin to appear remotely, via audio-visual communications technology, in order to take the Attorney's Oath before a justice of the Wisconsin Supreme Court.¹

The court solicited written comments on January 3, 2022 and received a response from the State Bar of Wisconsin, taking no position on the petition, but stating it supports the inclusion of

¹ On May 28, 2021, this court, on its own motion, issued an Administrative Interim Order that allowed individuals who were unable to participate in an in-person admission ceremony but who were otherwise qualified for admission to appear remotely via audio-visual communications technology before a justice of the Wisconsin Supreme Court. On October 4, 2021, the BBE requested an extension of the Administrative Interim Order. On October 18, 2021, the court granted the BBE's request and extended the order until June 30, 2022.

the proposed comment and asking the court to amend SCR 10.03 (2) to create a uniform deadline of fourteen (14) days for completion of enrollment, regardless of the process used for admission.

The court considered the matter, concluded that no public hearing was needed, and voted to grant the petition with the modified, uniform deadline as requested by the State Bar of Wisconsin. Therefore,

IT IS ORDERED that, effective July 1, 2022:

SECTION 1. Supreme Court Rule 10.03 (2) is amended to read:

(2) Enrollment. Every person who becomes licensed to practice law in this state shall enroll in the state bar by registering his or her name and social security number with the association within ~~10~~ 14 days after admission to practice. Every change after enrollment in any member's office address or social security number shall be reported promptly to the state bar. The social security number of a person enrolling in the state bar may not be disclosed to any person or entity except the supreme court and its agencies, or as otherwise provided by supreme court rules.

SECTION 2. Supreme Court Rule 40.02 (4) is amended to read:

(4) (a) Takes the oath or affirmation prescribed in SCR 40.15 in open court before the supreme court or a justice thereof.

(b) For individuals unable to appear at an in-person court ceremony and upon receipt of notification from the Board that an applicant has been certified for admission, a qualified applicant may request to take the oath or affirmation prescribed in SCR 40.15 remotely via audio-visual communications technology before the Wisconsin Supreme Court or a justice thereof. Qualified individuals

may also request that they be permitted to take the oath or affirmation prescribed in SCR 40.15 before a member of the highest court of another jurisdiction or a person authorized by that jurisdiction to administer the attorney's oath for bar admission there or before a judge of the U.S. District Court or Court of Appeals or a justice of the U.S. Supreme Court. Any such requests shall be sent to the Clerk of the Supreme Court.

SECTION 3. A Comment to Supreme Court Rule 40.02 is created to read:

COMMENT

Individuals seeking to take the oath or affirmation prescribed in SCR 40.15 remotely, or before a member of the highest court of another jurisdiction or a person authorized by that jurisdiction to administer the attorney's oath for bar admission there, or before a judge of the U.S. District Court or Court of Appeals or a justice of the U.S. Supreme Court are advised to consult this court's order, In the Petition to Amend SCR 40.02 Relating to the Qualifications For Admission, S. Ct. Order 21-07, 2022 WI 25 (issued April 26, 2022, eff. July 1, 2022);

IT IS FURTHER ORDERED that an individual seeking to take the Attorney's Oath remotely, via audio-visual communications technology, shall make such a request by sending an email to the Clerk of the Supreme Court (clerk@wicourts.gov) and shall file the Certificate Address Mailing Form with the Clerk of the Supreme Court;

IT IS FURTHER ORDERED that upon receipt of confirmation of eligibility from the Clerk of the Supreme Court, the qualified applicant may take the oath or affirmation before a justice of the

Wisconsin Supreme Court remotely, via audio-visual communications technology, provided that the justice administering the Attorney's Oath can see and hear the applicant and can identify the applicant. Upon completion of the Attorney's Oath, the justice administering the oath shall issue an order admitting the applicant to the practice of law in this state, which order shall be filed with the Clerk of the Supreme Court; and

IT IS FURTHER ORDERED that applicants who are admitted under the alternative procedures set forth in this order shall make arrangements with the Clerk of the Supreme Court to subscribe the roll of attorneys maintained by the Clerk of the Supreme Court or to have the applicant's name entered thereon by the Clerk of the Supreme Court;

IT IS FURTHER ORDERED that applicants who are admitted under the alternative procedures set forth in this order shall enroll with the State Bar of Wisconsin pursuant to SCR 10.03 (2), and shall pay all applicable bar dues, assessments, and fees, or seek a waiver from the State Bar of Wisconsin with respect to those dues, assessments, and fees, within 14 days of taking the Attorney's Oath and being admitted to the practice of law in this state, as a condition of practicing law in this state;

IT IS FURTHER ORDERED that the Comment to SCR 40.02 is not adopted, but will be published and may be consulted for guidance in interpreting and applying the rules;

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 26th day of April, 2022.

BY THE COURT:

Sheila T. Reiff
Clerk of Supreme Court

