

SUPREME COURT OF WISCONSIN

No. 08-08

In the matter of creation of Supreme Court Rule
40.056 Authorizing Registered Legal
Consultants.

FILED

MAR 27, 2009

David R. Schanker
Clerk of Supreme Court
Madison, WI

On April 1, 2008, the Board of Bar Examiners (BBE) by its director, John E. Kosobucki, filed a petition asking the court to create Supreme Court Rule (SCR) 40.056 authorizing registered legal consultants. A public hearing was conducted on February 9, 2009. BBE Vice Chair James Huston presented the petition to the court. Attorney Steve Levine and Mr. Kosobucki also appeared in support of the petition. The Board of Administrative Oversight also supported the petition. The State Bar of Wisconsin opposed the petition. The court discussed the petition at the ensuing open administrative conference.

The court was favorably disposed to the petition. However, the court voted to return the petition to the BBE for further research and development of certain issues. These issues include how the BBE would conduct character and fitness evaluations of foreign attorneys; how the BBE would evaluate the academic credentials of foreign attorneys; the likely costs associated with application and administration of this rule; and the scope of practice of a licensed legal consultant vis-a-vis

their home jurisdiction. The court also directed the BBE to conduct a review of other states' rules permitting foreign licensure, specifically considering the requirements that applicants in other states must submit to qualify as a registered foreign consultant, whether applicants in other states must maintain liability insurance, and provisions governing recertification or renewal of a foreign consultant's license.

The majority of the court indicated it was inclined to retain the requirement in the proposed rule that a foreign legal consultant must maintain an office in Wisconsin and must have practiced a minimum of five years before licensure. The majority of the court was inclined to reject the proposed minimum age requirement of 26 years and the so-called "reciprocity" requirement.

The court directs the BBE to develop administrative procedures to implement this proposed rule, including the form of application that will be utilized by applicants who seek to be certified as a registered legal consultant.

The court recommends the BBE consult with the State Bar of Wisconsin to develop terminology to describe the role of registered legal consultants that is consistent with the rules governing State Bar membership.

The court directs the BBE to return this petition to the court in a timely manner.

IT IS ORDERED that this petition is returned to the Board of Bar Examiners for further development as set forth herein.

Dated at Madison, Wisconsin, this 27th day of March, 2009.

BY THE COURT:

David R. Schanker
Clerk of Supreme Court

