SCR CHAPTER 40

ADMISSION TO THE BAR

JUDICIAL COUNCIL COMMITTEE'S NOTE, 1979: The following rules govern admissions to the state bar of Wisconsin. SCR 40.02 and 40.03 are sections 757.28 and 757.282 of the 1977 Wisconsin Statutes. SCR 40.01 and 40.04 to 40.14 were originally adopted by the supreme court on June 3, 1940, effective June 3, 1940. They were amended on January 11, 1960; March 8, 1966; December 5, 1968; May 3, 1971, and May 24, 1971. The rules were originally numbered I to XIII and have been clarified and numbered SCR 40.01 and 40.04 to 40.14 for uniformity and convenience. Former rule XII relating to exemption to these rules has been repealed as it was applicable to applicants for admission to the bar by examination who received an acceptable law degree by 1971. SCR 40.15 was derived from section 757.29(1), 1977 stats. SCR 40.16 was derived from several rules pertaining to fees.

SCR 40.01 Definitions; list of law schools.

(1) In this chapter, unless the context otherwise requires:

(a) "Board" means the board of bar examiners.

(b) "Clerk" means the clerk of the supreme court.

(c) "Electronic application system" means a web-based system established by the board of bar examiners through which individuals may electronically file an original or amended application under this chapter.

(d) "Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with an electronically-filed application that can be executed or adopted by the applicant with the intent to sign the application under oath or affirmation.

(2) The board shall maintain a record of all law schools which are approved by the American bar association, together with the date of such approval, and those which are not so approved. The record shall constitute an official record of the supreme court and proof of the fact that the law schools therein stated as approved by the American bar association were so approved at the times therein stated.

SCR 40.02 Qualifications generally.

A person who meets all of the following qualifications shall be admitted to practice law in this state by order of the supreme court:

(1) Has attained the age of majority under the law of this state.

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

(3) Satisfies the character and fitness requirements set forth in SCR 40.06.

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

(5) Subscribes the roll of attorneys maintained by the clerk of the supreme court or has his or her name entered thereon by the clerk.

SCR 40.03 Legal competence requirement: Diploma privilege. An applicant who has been awarded a first professional degree in law from a law school in this state that is fully, not provisionally, approved by the American bar association shall satisfy the legal competence requirement by presenting to the clerk certification of the board showing:

(1) Satisfactory completion of legal studies leading to the first professional degree in law. The law school shall certify to the board satisfactory completion of not less than 84 semester credits earned by the applicant for purposes of the degree awarded.

(2) Satisfactory completion of study in mandatory and elective subject matter areas. The law school shall certify to the board satisfactory completion of not less than 60 semester credits in the mandatory and elective subject matter areas as provided in (a) and (b). All semester credits so certified shall have been earned in regular law school courses having as their primary and direct purpose the study of rules and principles of substantive and procedural law as they may arise in the courts and administrative agencies of the United States and this state.

(a) Elective subject matter areas; 60-credit rule.

Not less than 60 semester credits shall have been earned in regular law school courses in the subject matter areas generally known as: Administrative law, appellate practice and procedure, commercial transactions, conflict of laws, constitutional law, contracts, corporations, creditors' rights, criminal law and procedure, damages, domestic relations, equity, evidence, future interests, insurance, jurisdiction of courts, legislation, labor law, ethics and legal responsibilities of the profession, partnership, personal property, pleading and practice, public utilities, quasi-contracts, real property,

taxation, torts, trade regulation, trusts, and wills and estates. The 60-credit subject matter requirement may be satisfied by combinations of the curricular offerings in each approved law school in this state.

(b) Mandatory subject matter areas; 30-credit rule.

Not less than 30 of the 60 semester credits shall have been earned in regular law school courses in each of the following subject matter areas: constitutional law, contracts, criminal law and procedure, evidence, jurisdiction of courts, ethics and legal responsibilities of the legal profession, pleading and practice, real property, torts, and wills and estates.

(c) Law school certification of subject matter content of curricular offerings.

Upon the request of the supreme court, the dean of each such law school shall file with the clerk a certified statement setting forth the courses taught in the law school which satisfy the requirements for a first professional degree in law, together with a statement of the percentage of time devoted in each course to the subject matter of the areas of law specified in this rule.

SCR 40.04 Legal competence requirement: Bar examination.

(1) An applicant who has been awarded a first professional degree in law from one of the following shall satisfy the legal competence requirement by presenting to the clerk certification of the board that the applicant has passed an examination administered by the board covering all or part of the subject matter areas of law specified in SCR 40.03(2)(a):

(a) A law school that is fully or provisionally approved by the American bar association at the time of the applicant's graduation.

(b) A law school whose graduates are eligible to take the bar examination of the state, territory or District of Columbia in which the law school is located, provided the applicant has passed the bar examination of and has been admitted to practice in that or another state, territory or the District of Columbia.

(2) The board shall administer an examination consisting of the Multistate Bar Examination developed by the National Conference of Bar Examiners, an essay examination developed by the board and such other elements as the board may deem appropriate for the assessment of lawyer competence.

(3) An applicant shall file all application materials and fees with

the board by the December 1 preceding the February examination and by the May 1 preceding the July examination except that, on payment of a late fee, application materials and fees shall be filed by the January 1 preceding the February examination and by the June 1 preceding the July examination.

(4) The board, in its discretion, may permit an applicant who has not yet been awarded a first professional degree in law to take the examination if it is reasonably anticipated that the applicant will receive that degree within 60 days after the examination.

(5) Repealed.

(6) The board shall provide to each applicant prior to the examination a list of topics taken from the areas of law specified in SCR 40.03(2)(a) from which the essay portion of the examination will be drawn.

(7) The board shall establish the passing score for the bar examination in advance of each examination and shall advise each applicant of the score so established.

(8) An unsuccessful examinee who files a written request with the board within 90 days of mailing of notice by the board of failure of the examination shall be entitled to inspect the examinee's essay examination paper.

SCR 40.05 Legal competence requirement: Proof of practice.

(1) An applicant shall satisfy the legal competence requirement by presenting to the clerk certification of the board that the applicant has provided all of the following:

(a) Proof of admission to practice law by a court of last resort in any other state or territory or the District of Columbia.

(b) Proof that the applicant has been substantially engaged in the practice of law in a state or territory, the federal government or the District of Columbia for 3 years within the last 5 years prior to filing application for admission. A lawyer may satisfy this requirement by proof of practice in more than a single jurisdiction and under more than one provision of this rule.

(c) Repealed.

(1m) Repealed.

(2) Legal service as corporate counsel or legal service as a trust officer, or lawfully before the courts or administrative agencies of a state or territory, the federal government or the District of Columbia, if conducted in compliance with the rules where the applicant was

admitted to practice law, is the practice of law for the purposes of this section.

(2m) Legal service as corporate counsel in Wisconsin under SCR 10.03(4)(f) is the practice of law for the purposes of sub. (1)(b). Provided a timely registration is filed, all such service conducted prior to filing the registration may be counted for purposes of sub. (1)(b).

(3) The following activities, whether or not conducted in a state or territory, the federal government or the District of Columbia where the applicant was admitted to practice law, may be deemed to be the practice of law for the purposes of sub. (1)(b):

(a) Service as a judge of a court of record of the United States, any state or territory or the District of Columbia.

(b) Legal service with any local or state government or with the federal government.

(c) Legal service in the armed forces of the United States.

(d) Teaching in any law school approved by the American bar association.

(4) An applicant who has failed the Wisconsin bar examination shall not be eligible for admission on proof of practice elsewhere.

(6) Repealed.

SCR 40.06 Requirement as to character and fitness to practice law.

(1) An applicant for bar admission shall establish good moral character and fitness to practice law. The purpose of this requirement is to limit admission to those applicants found to have the qualities of character and fitness needed to assure to a reasonable degree of certainty the integrity and the competence of services performed for clients and the maintenance of high standards in the administration of justice.

(2) Repealed.

(3) An applicant shall establish to the satisfaction of the board that the applicant satisfies the requirement set forth in sub. (1). The board shall certify to the supreme court the character and fitness of qualifying applicants. The board shall decline to certify the character and fitness of an applicant who knowingly makes a materially false statement of material fact or who fails to disclose a fact necessary to correct a misapprehension known by the applicant to have arisen in connection with his or her application.

(3m) An applicant for admission under SCR 40.03 shall file an

application for a character and fitness certification with the board by a date specified by the board.

(4) The board shall not certify an applicant while an attorney disciplinary matter against the applicant is pending or the applicant is certified by the department of workforce development as delinquent in making court-ordered payments of support or failing to comply with a subpoena or warrant, as those terms are defined in SCR 11.04(1). If an applicant's license to practice law in another jurisdiction is suspended or revoked for reasons related to professional responsibility at the time the application is filed or at any time that the application is pending, the suspension or revocation is a sufficient basis for denial of certification.

(5) The dean of a law school in this state shall have a continuing duty to report to the board any information reflecting adversely upon the character and fitness to practice law of an applicant for bar admission under SCR 40.03.

SCR 40.07 Proof of qualifications.

The burden of proof shall be on the applicant to establish qualifications under SCR 40.02. Refusal of an applicant to furnish available information or to answer questions relating to the applicant's qualifications shall be deemed a sufficient basis for denial of the certification for admission.

SCR 40.075 Conditional bar admission.

(1) Eligibility. An applicant whose record shows conduct that may otherwise warrant denial may consent to be admitted subject to certain terms and conditions set forth in a conditional admission agreement. Only an applicant whose record of conduct demonstrates documented ongoing recovery and an ability to meet the competence and character and fitness requirements set forth in SCR 40.02 may be considered for conditional admission.

(2) Conditions. The board may impose any reasonable conditions upon an applicant that will address the applicant's individual circumstances and the board's concern regarding the performance of essential responsibilities to a client or the public, including but not limited to any of the following:

(a) Professional medical, psychological or other treatment.

(b) Prohibiting or limiting the use of alcohol or other drugs.

(c) Random alcohol or other drug testing.

(d) Supervision.

(e) Periodic reporting by the applicant.

(f) Financial, business, or law office management counseling or supervision including inspection of records.

(g) Any other condition tailored to meet the circumstances of the applicant.

(3) Written agreement; Non-acceptance; Hearing. The terms of a conditional bar admission shall be incorporated in a written agreement signed by the applicant and approved by the board. If the applicant does not accept conditional bar admission, the board shall decide whether to certify or deny unconditional bar admission and advise the applicant of its decision. Prior to issuing its final decision, the board shall notify the applicant of its intent to deny unconditional admission. Within 30 days of receiving the board's notice of intent to deny unconditional admission, the applicant may challenge the determination by filing a written request for a hearing pursuant to SCR 40.08.

(4) Monitoring. If supervision is to be a condition of the conditional admission agreement, the board may designate itself, the state bar of Wisconsin, an appropriate person, a state bar lawyer assistance program or any combination thereof, as the supervising party. The board and the supervising party may exchange relevant information about the applicant as set forth in the conditional admission agreement.

(5) Costs. All costs of conditional bar admission, including monitoring, shall be borne by the applicant.

(6) Duration of Conditional Admission.

(a) The initial period of conditional bar admission may be up to 60 months. At the end of that period, conditional admission may be extended by the board in writing for good cause, but not to exceed one additional year. At the end of the initial period of conditional bar admission, or any extension thereof, the board shall either permit the conditional admission agreement to expire and certify the applicant for unconditional admission or advise the applicant in writing that it will issue an intent to deny admission letter. In the event of the issuance of an intent to deny letter, the provisions of SCR 40.08 shall apply.

(b) The board shall review an applicant's conditional admission annually.

(c) The board may consider early release from conditional admission.

(7) Failure. Failure of a conditionally admitted lawyer to fulfill the terms of a conditional admission agreement may result in a modification, extension, or revocation of the agreement, or such other action as may be appropriate, including notice to the office of lawyer regulation.

(8) Grievance. Notwithstanding sub. (6), when a grievance is filed with the office of lawyer regulation against a conditionally admitted applicant, the board may extend the conditional admission until disposition of the grievance and any resulting complaint and appeal.

(9) Confidentiality. The fact that an individual is conditionally admitted and the terms of the conditional admission agreement shall be confidential and shall not be disclosed, except to the office of lawyer regulation or in any of the following circumstances:

(a) With the express consent of the person conditionally admitted.

(b) When required as a condition for monitoring as set forth in the conditional admission agreement.

(c) When reasonably necessary to prevent death or substantial bodily harm to the person conditionally admitted or to another.

(d) When reasonably necessary to prevent child abuse or elder abuse.

(e) When reporting is mandated by other law.

(f) When disclosure is ordered by the court.

(g) If the applicant applies for admission to practice law in another jurisdiction, the applicant shall disclose the entry of any conditional admission agreement to the admission authority of that jurisdiction.

(10) Notice to the office of lawyer regulation. The board shall notify the office of lawyer regulation when a conditional admission agreement is approved, modified, extended, revoked, or expires. The board and the office of lawyer regulation may exchange relevant information regarding a conditionally admitted applicant.

(11) Immunity. The director, staff, members of the board, and persons designated by the board to monitor compliance with conditional admission agreements or with conditions imposed on the applicant shall be immune from suit for any conduct in the course of their official duties.

SCR 40.08 Adverse determination.

(1) At Risk Notice. Before declining to certify an applicant's satisfaction of requirements under this chapter, the board shall notify the applicant in writing of the basis for its notice that the application is at risk of being denied. The board's notice shall provide that, except as to failure of the bar examination under SCR 40.04, the applicant may challenge the at risk notice upon filing a written request for a hearing and statement responding to the board's notice. The board's notice shall contain a statement identifying the date of mailing. The board shall serve the notice on the applicant by mail to the last address furnished by the applicant in writing to the board.

(2) Applicant’s Request for Hearing and Response. Within 30 days of the date of mailing of an at risk notice, the applicant may challenge the at risk notice by filing (a) a written request for a hearing and a statement setting forth the grounds on which the board's at risk notice should be reversed, or (b) a written supplement to the record. If the applicant does not request a hearing or file a supplement to the record within 30 days, a subsequent adverse determination by the board becomes final and the applicant may not seek review under sub. (6) or (7).

(3) Scheduling of Hearing. The board shall grant a hearing upon the applicant's timely and written request.

(4) Notice of Hearing. The board shall provide written notice of the hearing at least 30 days prior to the hearing date. The notice shall state the time and place of the hearing and the issues to be considered. The notice shall advise the applicant that he or she may be represented by counsel and present evidence.

(5) Board’s decision on certification of application. The board shall notify the applicant of its decision by mailing a copy to the applicant at the last address furnished by the applicant in writing to the board. The board's decision shall contain a statement identifying the date of mailing. An adverse determination by the board shall include findings of fact and conclusions of law and shall be final, unless the applicant timely files a review under sub. (6) or (7). A decision to certify that the applicant has satisfied the requirements of this chapter by the board does not require findings of fact and conclusions of law.

(6) Review by board. An applicant may seek review of an adverse determination by filing a written request with the board within 30 days of the date of mailing of the adverse determination. A request for review shall be granted only on the basis of a material error of law or fact, or the discovery of new evidence sufficiently strong to reverse the adverse determination. The board shall notify the applicant of its decision by mailing a copy to the applicant at the last address furnished by the applicant in writing to the board. The board’s decision shall contain a statement identifying the date of mailing.

(7) Review by supreme court. An applicant may seek review of an adverse determination by filing a petition for review with the supreme court and serving a copy on the board within 30 days of the date of mailing of the board's adverse determination. However, if the applicant has filed a timely request for review under sub. (6), the

deadline for seeking review by the supreme court shall be within 30 days of the date of mailing of the board's disposition of the applicant's request to review.

SCR 40.09 Deadline for admission.

An applicant who fails to complete all requirements for admission as set forth in SCR 40.02 within the following time periods following certification shall not be admitted to the practice of law:

(1) Applicants who qualify for admission pursuant to SCR 40.03: one year following the date of certification by the board pursuant to SCR 40.03 and 40.06.

(2) Applicants who write the bar examination: one year following the date of certification by the board pursuant to SCR 40.04 and 40.06.

(3) Applicants who qualify for admission pursuant to SCR 40.05: one year following the date of certification by the board pursuant to SCR 40.05 and 40.06.

SCR 40.10 Waiver of requirements.

Except for the requirements under SCR 40.03, the board may waive any of the requirements of this chapter in exceptional cases and for good cause if failure to waive the requirement would be unjust.

SCR 40.11 Rulemaking authority.

The board may promulgate rules necessary to carry out the intent and purpose of this chapter.

SCR 40.12 Confidentiality.

The application files of an applicant and all examination materials are confidential. The supreme court or the board may authorize the release of confidential information to other persons or agencies.

SCR 40.13 Delegation.

The board may delegate its authority under this chapter to a committee, a member or its director.

SCR 40.14 Application; fees.

(1) Application to the supreme court for admission to the bar shall be filed with the board.

(2) An application is timely filed if any of the following is applicable:

(a) The application, together with the applicable fees, is received at the board's office within the time specified for filing.

(b) The application, together with the applicable fees, is sent to

the board's office through the United States Postal Service by 1st class mail, including express or priority mail, postage prepaid, and bears a postmark, other than a commercial postage meter label, showing that the document was mailed on or before the last day for filing.

(c) The application, together with the applicable fees, is delivered on or before the last day for filing to a 3rd-party commercial carrier for delivery to the board's office within 3 calendar days.

(d) The application, together with the applicable fees, is submitted through the electronic application system to the board within the time specified for filing. Applications filed electronically must include the applicant's electronic signature, by which the applicant avers under oath or affirmation that the information contained in the application is true and correct.

(e) The application is submitted through the electronic application system to the board. Applications filed electronically must include the applicant's electronic signature, by which the applicant avers under oath or affirmation that the information contained in the application is true and correct. Both the submission of an application through the electronic application system and the payment of the applicable fees shall be within the time specified for filing.

(3) The following fees are payable to the board:

(a) Bar examination fee	$450
(b) Late fee for bar examination	$200
(c) Fee for application for admission on proof of practice elsewhere	$850
(d) Admission fee	$100
(e) Fee for reinstatement, readmission, late admission on diploma privilege or late enrollment in the bar	$200
(f) Application fee for change of name	$ 25
(g) Fee for a character and fitness investigation under SCR 40.06(3m)	$210
(h) Late fee for a character and fitness investigation under SCR 40.06(3m)	$200

SCR 40.15 Attorney's oath.

The oath or affirmation to be taken to qualify for admission to the practice of law shall be in substantially the following form:

I will support the constitution of the United States and the constitution of the state of Wisconsin;

I will maintain the respect due to courts of justice and judicial officers;

I will not counsel or maintain any suit or proceeding which shall appear to me to be unjust, or any defense, except such as I believe to be honestly debatable under the law of the land;

I will employ, for the purpose of maintaining the causes confided to me, such means only as are consistent with truth and honor, and will never seek to mislead the judge or jury by any artifice or false statement of fact or law;

I will maintain the confidence and preserve inviolate the secrets of my client and will accept no compensation in connection with my client's business except from my client or with my client's knowledge and approval;

I will abstain from all offensive personality and advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which I am charged;

I will never reject, from any consideration personal to myself, the cause of the defenseless or oppressed, or delay any person's cause for lucre or malice. So help me God.

Amended December 29, 1980, and February 17, 1981; July 1, 1986; September 1, 1988; January 1, 1990; January 1, 1991; May 13, 1991; October 21, 1991; May 7, 1992; December 10, 1992; December 16, 1992; June 14, 1993; December 8, 1993, June 1, 1995, June 5, 1995; November 3, 1995; June 4, 1998; July 28, 1998; April 10, 2001; January 1, 2009; June 1, 2009, June 8, 2011; September 22, 2011.

APPENDIX

Rules of the Board of Bar Examiners

LEGAL COMPETENCE REQUIREMENT:
BAR EXAMINATION

BA 4.01
[Repealed.]

BA 4.02
Accommodations. Testing accommodation requests must be received in writing no later than December 1 for the February examination and May 1 for the July examination. The Board may deny requests that are not in writing or that are filed after the deadline.

BA 4.03
(a) The Board authorizes its staff to close any bar examination application that remains incomplete six months following the date on which the letter notifying the applicant of his or her passing score is mailed from the Board office.
(b) Staff closure of a file is appealable to the Board.

LEGAL COMPETENCE REQUIREMENT: PROOF OF PRACTICE

BA 5.01
(a) The Board authorizes its staff to close any application for admission on proof of practice elsewhere that remains incomplete one year following the date the application was filed with the Board.
(b) Staff closure of a file is appealable to the Board.

REQUIREMENT AS TO CHARACTER AND FITNESS TO
PRACTICE LAW

PREAMBLE
These rules are adopted in furtherance of SCR 40.06(1), (3), (3m) and SCR 40.07.

BA 6.01

Standard of Character and Fitness. A lawyer should be one whose record of conduct justifies the trust of clients, adversaries, courts and others with respect to the professional duties owed to them. A record manifesting a deficiency in the honesty, diligence or reliability of an applicant may constitute a basis for denial of admission. The Supreme Court Rules place on the applicant the burden of producing information sufficient to affirmatively demonstrate the character and fitness appropriate for bar admission.

BA 6.02

Relevant Conduct or Condition. The revelation or discovery of any of the following should be treated as cause for further inquiry before the Board decides whether the applicant possesses the character and fitness to practice law:

(a) unlawful conduct

(b) academic misconduct

(c) false statements by the applicant, including concealment or nondisclosure

(d) acts involving dishonesty or misrepresentation

(e) abuse of legal process

(f) neglect of financial responsibilities

(g) neglect of professional obligations

(h) violation of an order of a court

(i) evidence of mental or emotional impairments substantial enough to affect the applicant's ability to practice law

(j) evidence of drug or alcohol dependency

(k) denial of admission to the bar in another jurisdiction on character and fitness grounds

(l) disciplinary action by a lawyer disciplinary agency or other professional disciplinary agency of any jurisdiction

BA 6.03

Use of Information. The Board will determine whether the present character and fitness of an applicant qualifies the applicant for admission. In making this determination through the processes described above, the following factors should be considered in assigning weight and significance to prior conduct:

(a) the applicant's age at the time of the conduct

(b) the recency of the conduct
(c) the reliability of the information concerning the conduct
(d) the seriousness of the conduct
(e) the mitigating or aggravating circumstances
(f) the evidence of rehabilitation
(g) the applicant's candor in the admissions process
(h) the materiality of any omissions or misrepresentations
(i) the number of incidents revealing deficiencies

BA 6.04

Notice of an at-risk application. If the Board determines that an application is at risk of being denied, the Board shall notify the applicant of its determination in writing. The notice shall state the reasons for the possible denial, describe the applicant's right to seek a hearing, advise the applicant of the deadline for requesting a hearing and including a copy of the Board's hearing procedures.

BA 6.045

(a) At the time of mailing of the notice of an at-risk application, the Board shall provide the applicant with copies of all materials that were reviewed by the Board in making its decision. Thereafter, while the application is under review, the applicant may review all materials in the applicant's file during the Board's business hours, and may obtain copies thereof at a cost of no more than twenty-five cents per page.

(b) Materials solicited by the Board before October 1, 2008 under an unconditional promise of confidentiality are not subject to review by the applicant under sub. (a) and will not be considered by the Board.

BA 6.05

Diploma Privilege. An applicant for admission under diploma privilege shall file an application for a character and fitness certification with the Board. The Board shall establish that the applicant has the qualities of character and fitness needed to practice law and, following certification from the dean of competence under SCR 40.03, shall certify to the Supreme Court the qualifying applicants for admission.

BA 6.06

(a) The Board authorizes its staff to close any application for a character and fitness certification that remains incomplete one year following the date the application was filed with the Board.

(b) Staff closure of a file is appealable to the Board.

WAIVER OF REQUIREMENTS

BA 10.01

The Board may waive any of the requirements of this Appendix in exceptional cases for good cause. An application and the filing fee appropriate to the rule must accompany the request for waiver. One-half of the filing fee will be refunded if the waiver is denied.

APPLICATION; FEES

BA 14.01

Applications and supporting documentation must be submitted in original form. The Board will not accept facsimile transmissions in satisfaction of its filing requirements.

BA 14.02

An application for bar admission, or for a character and fitness certification pursuant to SCR 40.06(3m), will not be filed unless:

(a) It is accompanied by a signed and notarized authorization and release form; and

(b) It is accompanied by the applicable filing fees.

BA 14.025

Handwritten applications will not be accepted.

BA 14.03

Continuing application. Applications are continuing applications during their pendency. Applicants are required to notify the Board in writing of any changes with respect to the information elicited by the application, and each application must be amended to reflect the facts throughout the entire time that the application is pending, including the date on which the applicant is admitted to practice in Wisconsin.

BA 14.04

Application deadline.

(a) Applicants for bar admission on the diploma privilege shall file an application for a character and fitness certification with the Board between the time the student has completed a minimum of 50 credit hours and a predetermined date after the J.D. is conferred (February 1 for December graduates; July 1 for May graduates; October 1 for August graduates).

(b) Notwithstanding subsection (a), applicants otherwise eligible for admission on the diploma privilege may apply by December 31 of the year following their graduation from law school if by that date they document that they have passed a bar examination, and have been admitted to practice, in another US state, territory, or the District of Columbia.

(c) Applicants who miss the filing deadline in subsection (a) may forfeit their chance to be admitted under the diploma privilege.

BA 14.05

Late fees: diploma privilege. A late fee will be assessed to the following applicants for bar admission on the diploma privilege: May graduates who have not filed an application by the preceding December 15; August graduates who have not filed an application by the preceding March 15; and December graduates who have not filed an application by the preceding July 15.

BOARD MEETINGS

BA 15.01

As an agency of the Supreme Court, the Board is not subject to Subchapter V of Chapter 19 of the Wisconsin Statutes, relating to open meetings of governmental bodies. However, the Board posts the dates, locations and agendas of its meetings in its Internet web site and invites the public to attend its meetings. Members of the public are not allowed to attend meetings or parts of meetings that involve confidential matters. Examples of confidential matters include (i) individuals' applications for admission to the Wisconsin bar, (ii) hearings on admission applications and (iii) bar examination questions.

PROCEDURES FOR HEARINGS BEFORE THE BOARD

BA 16.01

Application. These rules govern all hearings before the Board of Bar Examiners.

BA 16.02

Notice of an at-risk application. Before declining to certify an applicant's satisfaction of requirements under this chapter, the board shall notify the applicant in writing of the basis for its determination that the application is at risk of being denied and, except as to failure of the bar examination under SCR 40.04, the applicant shall have the opportunity to respond in writing within thirty days of the mailing of notification of the board's decision to the applicant at the last address furnished by the applicant in writing to the board.

BA 16.03

Hearings. The Board may grant a hearing to any applicant who has received a notice under SCR 40.08(1).

BA 16.04

Request for Hearing. Applicants must make their requests for a hearing in writing within 30 days after the mailing of the notice under SCR 40.08(1).

BA 16.05

Review of records. Applicants who have received a notice under SCR 40.08(1) may, while the application is pending, review, personally or by counsel, all materials in the applicant's files, including any staff recommendations. Upon written request, the Board will transmit copies of these materials to the applicant or the applicant's counsel at a cost not to exceed twenty-five cents per page. Materials solicited by the Board before October 1, 2008 under an unconditional promise of confidentiality are not subject to review by the applicant.

BA 16.06

Pre-hearing conference. Within 30 days after receiving an applicant's Request for Hearing, the Board Chair or the Chair's designee shall confer in_person or by telephone with the applicant or

the applicant's counsel to set a hearing date, clarify the issues, determine whether the applicant will stipulate to any material facts, consider any limitations on the number of witnesses, the length of the hearing and such other matters as may aid the Board in its determination. Promptly after this pre-hearing conference, the Chair or the Chair's designee shall prepare a memorandum for the record which summarizes all actions taken at the conference. The memorandum shall control the subsequent course of action, unless modified at the hearing to prevent manifest injustice.

BA 16.07

Hearing record. The hearing record shall include evidence received or considered, stipulations and admissions, a statement of matters officially noticed, questions and offers of proof, objections and rulings thereon, any proposed findings or decisions and exceptions, and any decision, opinion or report by the Board.

BA 16.08

Counsel. An applicant shall be entitled to be represented by counsel at hearing at the applicant's expense, provided a notice of appearance is filed at or before the hearing.

BA 16.09

Record of proceedings. A stenographic, electronic or other record of oral proceedings shall be made. If the board obtains a transcript of proceedings, it shall, upon request, provide the applicant with a copy at a cost not to exceed twenty-five cents per page.

BA 16.10

Presiding officer. The Board Chair or the Chair's designee shall preside at hearing, and shall rule on motions, objections and any other matters that arise.

BA 16.11

Rules of evidence. The Board is not bound by common law or statutory rules of evidence.

BA 16.12

Hearing record. The applicant and any member of the Board

may move that portions of the applicant's file be received in evidence. All evidence received at the hearing shall be made a part of the hearing record. The applicant shall be afforded adequate opportunity to rebut or offer countervailing evidence.

BA 16.13

Official notice. The Board may take official notice of any generally recognized fact or any established technical or scientific fact, but the applicant shall be notified either before or during the hearing of the facts so noticed, and shall be afforded an opportunity to contest the validity of the official notice.

BA 16.14

Documents. Documentary evidence may be received in the form of copies or excerpts if the original is not readily available.

BA 16.15

Testimony. Witnesses may be heard in person, or their testimony may be received in the form of affidavits or deposition transcripts. As a general practice, examinations and cross-examinations of witnesses shall be made by the members of the Board. Applicants or their counsel may cross-examine adverse witnesses.

BA 16.16

Record may remain open. The Chair or the Chair's designee may allow the record of the hearing to remain open for a limited period of time, which shall be specified, to give the applicant an opportunity to submit additional written materials.

BA 16.17

Determination. The Board shall make its determination by majority vote of the members present and voting, in person or by telephone. The Board may make its determination following the hearing. Otherwise, the Board shall make its determination no later than at the regularly scheduled meeting next following the date set under Rule 16, unless it decided by majority vote to hold the record open for additional written or oral evidence.

BA 16.18

Adverse decision. If the determination is adverse to the applicant, the Board Chair or the Chair's designee shall within thirty days, incorporate the Board's determination in a written decision, which shall include findings of fact and conclusions of law, and shall promptly circulate the decision among all members of the Board. After the decision is circulated, dissenting board members shall have twenty-one days in which to transmit written dissents to the director.

BA 16.19

Transmission of decision. The director shall transmit the Board's decision, together with any written dissents, to the applicant or the applicant's counsel within ten days after completion of the steps set out in Rule 18.

BA 16.20

Reconsideration. Within thirty days after transmission of the Board's decision, the applicant may file a petition for reconsideration, which shall be granted only on the basis of some material error of law, some material error of fact, or the discovery of new evidence sufficiently strong to reverse the adverse determination. The Board shall rule on the petition by majority vote no later than at its next regularly scheduled meeting following the filing of the petition, either by denying the petition or by granting the petition on a schedule which it shall then specify.

[Note: the foregoing Rule 20 will not take effect unless SCR 40.08(5) is amended so the time for appeal does not run while a petition for reconsideration is pending.]

BA 16.21

Confidentiality. The hearing shall be closed and written materials including the board's preliminary and final determinations, shall be confidential and shall be disclosed only to the applicant and the applicant's counsel.

Amended December 12, 1991; December 8, 1994; August 24, 1995; November 3, 1995; January 21, 1997; August 22, 2002; August 17, 2004; April 6, 2005; January 17, 2008; May 1, 2009; March 1, 2011.