

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):

(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 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) 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.

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

1. The program shall consist of a minimum of 24 semester hours of credit (or the equivalent thereof, if the law school 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 four 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).

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 August 1 to be eligible for the February bar examination and by 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 day of November, 2011.

Respectfully submitted,

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Board of Bar Examiners
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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 SCR 40.055) or 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 40.055 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):

(1) Holds a first professional degree in law from a jurisdiction whose jurisprudence is based on the principles of English common law.

(2) 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.

(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 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 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.

(b) 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.

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

1. The program shall consist of a minimum of 24 semester hours of credit (or the equivalent thereof, if the law school 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 four 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).

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 August 1 to be eligible for the February bar examination and by January 1 to be eligible for the July bar examination.

(7) Notwithstanding s. SCR 4014 (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.

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
(i) <u>Fee for admission for graduates of law schools in other nations</u>	<u>\$850</u>