

Chapter Bar 1

EXAMINATION OF APPLICANTS FOR ADMISSION TO THE BAR

(Adopted by the Supreme Court, Effective June 3, 1940)

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Bar 1.01 (Rule I) Definitions. In these rules, unless the context otherwise requires, the following words and terms shall have the following meanings:

(1) "BOARD" means the board of State Bar Commissioners.

(2) "COLLEGE" means one of the state teachers' colleges of this state, or a university or college approved by the North Central Association of Colleges, or accredited by the American Council of Education.

(3) "COLLEGE COURSE" means the completion of courses given by a college which meet the requirements of the college for a bachelor's degree.

(4) "DAY LAW SCHOOL" means a full time day law school approved by the Council of Legal Education and Admissions to the Bar of the American Bar Association, and requiring for a degree the equivalent of at least three years of full time work in residence.

(5) "NIGHT LAW SCHOOL" means a law school operating on a part-time or night class basis, and approved by the Council of Legal Education and Admissions to the Bar of the American Bar Association.

(6) "LAW COURSE" means the completion of courses, taken in residence in a day or night law school, which meet the requirements of the law school for an earned degree in law.

(7) The pronoun "he" refers both to male and female applicants.

Bar 1.02 (Rule II) State bar commissioners. (1) All examinations of applicants for admission to the bar of the state of Wisconsin by examination shall be conducted by the board.

(2) In addition to the ex officio secretary, the officers of the board shall be a president and a vice-president, who shall be elected annually.

(3) It shall be the duty of the president to preside at all meetings of the board, to sign all certificates and other papers required by law and by the rules of the board, and to perform such other duties as may, from time to time, be prescribed by the board.

It shall be the duty of the vice-president to perform the duties of the president in his absence.

It shall be the duty of the secretary to receive and file all applications for examination, to keep a record of the proceedings of all meetings of the board, to sign all certificates and other papers required by law or by the board, and to perform such other duties as may from time to time be prescribed by the board.

(4) The meetings of the board for the examination of applicants for admission to the bar shall be held at such times and places as may be fixed by the board.

(5) Every applicant for examination shall present to the board satisfactory proof in such manner and form as the board may prescribe, or deem sufficient, that the applicant possesses all of the qualifications required by these rules.

(6) Proof of compliance with the requirements of these rules offered by the applicant shall not be conclusive upon the board; but it may in any case make such further investigation and may require such other and further proofs as it may deem advisable or expedient.

(7) The board is authorized from time to time to make such rules and regulations as it shall deem necessary or expedient in order to carry out the intent and purpose of these rules.

Bar 1.03 (Rule III) General qualifications of applicants. Every applicant must possess all of the following qualifications:

(1) He shall have attained the age of 21 years prior to the examination which he seeks to take.

(2) He shall be a citizen of the United States.

(3) He shall be a resident of Wisconsin.

(4) He shall be of good moral character.

Bar 1.04 (Rule IV) General educational qualifications of applicants. Every applicant, prior to commencing the study of the law, shall have met one of the following requirements:

(1) He shall have received a bachelor's degree from a college.

(2) He shall have received credit from a college for courses representing the completion of the requirements of the first three years in that college.

(3) He shall have received credit from a college for courses representing the completion of the requirements of the first 2 years in that college. Applicants under this paragraph must meet the requirements of paragraph (4) or of paragraph (5) of section Bar 1.06 (Rule VI).

(4) He shall have satisfactorily passed examinations or a single comprehensive examination in subjects of college credit equivalent to one-half of a college course, and given by the university in whose law school he discharges his requirements as to the study of law. Applicants under this paragraph must meet the requirements of paragraph (5) of section Bar 1.06 (Rule VI).

(a) Every applicant under this paragraph shall obtain permission from the board before taking such examination and shall satisfy the board that he is at least 26 years of age, and that by reason of experience and training he is well equipped successfully to engage in the study of the law.

(b) The object of permitting examinations under this paragraph is to enable mature applicants who for good and sufficient reasons have been unable formally to discharge the requirements for college training, and who have educated themselves by diligent reading and study, to demonstrate the adequacy of such preparation. The rule will in all cases be strictly construed to conform to this purpose.

Bar 1.05 (Rule V) Certificate of college. The applicant shall cause to be furnished a certificate of the college specifying the subjects covered by the examination and the grades received, as to applicants under paragraph (4) of section Bar 1.04 (Rule IV); and as to applicants under paragraphs (1) to (3) of section Bar 1.04 (Rule IV), specifying the courses taken, hours of credit, grades received and the requirements of the college for a bachelor's degree.

Bar 1.06 (Rule VI) Requirements as to the study of the law. Every applicant shall have met one of the following requirements:

(1) He shall have received a degree in law from a day law school, or from a night law school.

(2) He shall have attended in residence a day law school, and shall have received credits equal to those required for a degree and shall have been scholastically eligible to take such work for credit, though failing scholastically to receive such degree.

(3) He shall have attended in residence a night law school, and shall have received credits equal to those required for a degree and shall have been scholastically eligible to take such work for credit, though failing scholastically to receive such degree; and such work shall have been taken during a period of not less than 4 years of 32 weeks each.

(4) He shall have attended in residence a day law school offering a 4 year course leading to a degree in law, and shall either have received such degree or have received credits equal to those required for a degree in such course, and shall have been scholastically eligible to take such work for credit although failing scholastically to receive such a degree.

(5) He shall have attended in residence a day law school, taking full time work for a period of not less than 4 years of not less than 32 weeks each, and shall have attained a passing grade in such work. If the applicant was registered as a special student, the certificate of the law school shall show that, whether or not the applicant was scholastically eligible to take such work for credit, he did attend the regular classes in such day law school, took the regular examinations, and attained the required passing marks therein.

Bar 1.07 (Rule VII) Certificate of law school. (1) The applicant shall cause to be furnished a certificate of the day or night law school which he has attended as to his moral character.

(2) In every case the certificate of the day or night law school must show the credits and grades of the applicant, and the requirements of the school for a degree.

(3) The certificate of the day or night law school shall further show that the applicant has completed the required legal study within 5 years immediately preceding the date of his application; except that completion within that period may be waived by the board if the applicant also furnishes a certificate showing his admission to the bar

of any state in the United States having requirements for admission to the bar at the time of his admission substantially equivalent to those prescribed by these rules.

am **Bar 1.08 (Rule VIII) Examination of applicants.** (1) Examinations of applicants by the board shall include written questions and may include optional or alternative questions upon the following subjects:

Constitutional Law
 Contracts
 Corporations
 Criminal Law
 Equity
 Evidence
 Negotiable Instruments
 Personal Property
 Pleading and Practice, including Jurisdiction of Courts
 Probate Law, including Wills, Administration and Descent and Distribution
 Quasi Contracts
 Real Property, including Conveyancing, Mortgages and Other Liens and Servitudes
 Torts
 Trusts

(2) The board may in its discretion give questions, including optional or alternative questions, upon other subjects commonly taught in law schools, and may supplement the written examination by an oral examination.

(3) The board is authorized by rule to prescribe the particular fields of Wisconsin statutory law with which applicants are expected to be familiar.

(4) The examination shall be calculated to test the knowledge of the applicant, giving proper weight to the relative importance of the subjects included.

Bar 1.09 (Rule IX) Grading of examination. (1) Examination papers shall be marked on the basis of 100 for perfect answers, and the passing mark shall be 75.

(2) Each applicant who possesses the qualifications required by these rules, and who has passed the examination shall receive a certificate so showing.

Bar 1.10 (Rule X) Admission to practice. Upon the presentation of said certificate to the supreme court or to one of the justices thereof, at such time or times as the court may designate, the applicant shall be admitted to practice as an attorney in all of the courts of this state.

am **Bar 1.11 (Rule XI) Relating to successive failure.** An applicant who has 3 times failed in the examination shall not thereafter be eligible to write another examination unless special permission is given by the board, conditioned on making such further study and preparation as the board may require.

am **Bar 1.12 (Rule XII) Relating to exemption from these rules.** The following persons are exempted from the additional requirements of sections Bar 1.04 and Bar 1.06 (Rules IV and VI); their qualifications

in respect to general education and study of the law shall meet the requirements of the rules adopted June 21, 1926, as amended:

(1) Applicants who were registered and in attendance at a day law school or night law school on or before October 1, 1940; provided that such applicants complete a law course within 5 years from the effective date of these rules.

(2) Applicants who at the effective date of these rules have fully discharged the requirements of the former rules.

(3) Applicants who at the effective date of these rules shall have complied with the requirements of the former rules in respect to registering for study in a law office, and shall in good faith have commenced the study of law in a law office, and who fully discharge the requirements of the former rules within 5 years from the date of registration.

Bar 1.13 (Rule XIII) Relating to construction of former rules.

(1) It is hereby determined that section V (6) (b) of the former rules, properly construed, requires that the applicant has received credit for courses given by a college equal to one-half of a college course and representing the completion of requirements of the first 2 years in that college.

(2) It is hereby determined that section V (7) (a) and (b) of the former rules, properly construed, requires the completion of the requirements of paragraph (2) or (3), as the case may be of section Bar 1.06 (Rule VI) of these rules.