

**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. 13-02

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**In the matter of the Petition to Create Supreme Court Rule 40.145 relating to the Waiver of Fees for Qualified Veterans.**

**FILED****APR 19, 2013**

Diane M. Fremgen  
Clerk of Supreme Court  
Madison, WI

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On January 30, 2013, the Board of Bar Examiners (BBE), by its director, Jacquelynn Rothstein, filed a petition asking the court to create Supreme Court Rule (SCR) 40.145 relating to the waiver of fees for qualified veterans. The BBE filed the petition at the request of this court to implement the legislature's request that this court promulgate a rule waiving the initial admission fee for lawyers admitted to practice. See Wis. Stat. § 751.153.

The court discussed the petition at its open rules conference on February 28, 2013. Prior to the conference, comments were received from Attorney Steven Levine on February 11, 2013, and on February 26, 2013, from the State of Wisconsin Department of Veterans Affairs by its Secretary, John Scocos. Both commenters stated that in addition to the initial admission fee, the BBE should also waive the fee for the bar examination for qualified veterans.

The court discussed the petition and the comments received. The court voted unanimously to adopt the petition as revised to include the waiver of the bar examination fee for qualified veterans. Some members of the court were concerned that public comment was not formally solicited prior to the adoption of the rule. Therefore, the court agreed to solicit public input. Any comments received will be made part of the public record and may be considered by the court at a future open rules conference.

The court agreed that the rule should have an effective date that will include as many qualified veteran applicants as possible. Accordingly, the rule will take effect the date of this order. In addition, all qualified veterans who have an application for admission to the bar pending as of the date of this order, including qualified veterans who have already made payments under SCRs 40.03, 40.04, and 40.05, or who have applied to sit for the July 2013 bar examination, may seek a waiver or reimbursement of their fees as provided in SCR 40.145(2).

IT IS ORDERED, that effective the date of this order, the Supreme Court Rules are amended as follows:

**SECTION 1.** 40.145 of the supreme court rules is created to read:

**SCR 40.145 Fee Waiver for Qualified Veterans. (1)** To be eligible for a fee waiver, an applicant shall be applying for an initial credential under SCR 40.03, 40.04, or 40.05 and shall be all of the following:

- (a) An individual.
- (b) A resident of this state.

(c) A veteran, as defined in s. 45.01 (12) (a) to (f), Wis. Stats., or one of the following:

1. A member of a reserve component of the U.S. armed forces or of the national guard, as defined in 32 U.S.C. § 101 (3), who has served under honorable conditions for at least one year beginning on the member's date of enlistment in a reserve component of the U.S. armed forces or in the national guard.

2. A person who was discharged from a reserve component of the U.S. armed forces or from the national guard, as defined in 32 U.S.C. § 101 (3), if that discharge was an honorable discharge or a general discharge under honorable conditions.

(2) Individuals who meet the criteria under 40.145 (1) and request a waiver of their fees as found in SCR 40.14 (3) (a), (c), (d), or (g) shall be granted a waiver of those fees.

IT IS FURTHER ORDERED that this amendment shall take effect the date of this order. The amendment includes qualified veterans who have, as of the date of this order, a pending application for admission to the bar submitted pursuant to SCRs 40.03 or 40.05 and qualified applicants who have applied to sit for the July 2013 bar examination. SCR 40.04.

IT IS FURTHER ORDERED that notice of this amendment of the Supreme Court Rules 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 19th day of April, 2013.

BY THE COURT:

Diane M. Fremgen  
Clerk of Supreme Court

