

## CHAPTER SCR 40

### ADMISSION TO THE BAR

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**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 Former rule XII relating to exemption to these rules has been repealed as it was applicable to applicants for admission to the bar by examination who received an acceptable law degree by 1971.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.

**Note:** SCR Chapter 40 was amended December 29, 1980; 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; October 1, 1995; November 3, 1995; June 4, 1998; September 1, 1998, September 1, 2000; April 10, 2001; January 17, 2008; January 1, 2009; June 1, 2009; April 1, 2011; June 8, 2011; September 15, 2011; December 1, 2012; April 19, 2013; July 1, 2017; September 27, 2017.

**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.

**History:** Sup. Ct. Order No. 11-02, 2011 WI 90, 336 Wis. 2d xiii.

**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.

**History:** Sup. Ct. Order No. 95-15, 196 Wis. 2d xv (1995); Sup. Ct. Order No. 11-08, 2012 WI 113, filed 11-1-12, eff. 12-1-12.

**Case Notes:** A candidate for admission to the bar bears the burden of proof to establish the qualifications for admission under this section. In *Matter of Bar Admission of Rippl*, 2002 WI 15, 250 Wis. 2d 519, 639 N.W.2d 553.

A candidate for admission to the bar of this state bears the burden of proof to establish his or her qualifications under SCR 40.02. There is no presumption that an applicant for admission to the Wisconsin bar has the appropriate character and fitness to be admitted and specifically no presumption in favor of finding that an applicant possesses the requisite character and fitness simply because a sister state has already so determined. *Littlejohn v. BBE*, 2003 WI 36, 261 Wis. 2d 183, 661 N.W.2d 183.

**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.

**History:** Sup. Ct. Order No. 95–07, 192 Wis. 2d xix (1995); Sup. Ct. Order No. 11–08, 2012 WI 113, filed 11–1–12, eff. 12–1–12.

**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.

(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.

**History:** Sup. Ct. Order No. 97–09 xix, 218 Wis. 2d (1998); Sup. Ct. Order No. 07–04, 2008 WI 5, filed and eff. 1–17–08.

**Case Notes:** Sub. (7) does not prevent the Board from establishing a separate passing score for the essay portion of the bar examination, in addition to the overall passing score for the entire examination. Bar Admission of Spott, 2000 WI 10, 232 Wis. 2d 673, 605 N.W.2d 553.

An applicant to the bar pursuant to SCR 40.05 may simultaneously maintain an application to sit for the bar exam pursuant to this section. Bar Admission of Helgemo, 2002 WI 57, 253 Wis. 2d 82, 644 N.W.2d 912.

**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, the District of Columbia, or a federally recognized Indian tribe for 3 years within the last 5 years prior to filing application for admis-

sion. 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.

(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, the District of Columbia, or a federally recognized Indian tribe, 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.

(e) Legal service in any federally recognized Indian tribe.

(f) Service as a judge for any federally recognized Indian tribe.

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

**History:** Sup. Ct. Order No. 08–07, 2009 WI 3, 311 Wis. 2d xiii; Sup. Ct. Order No. 16–09, 2017 WI 88, filed and eff. 9–27–17.

**2017 Comment:** Supreme Court Rule 40.05 was amended by S. Ct. Order 16–09, 2017 WI 88 (issued Sep. 27, 2017, eff. Sep. 27, 2017) to broadly include, for purposes of this rule, legal practice associated with federally recognized Indian tribes. The amendment encompasses and is not limited to: counsel employed by a federally recognized Indian tribe; and counsel who are not necessarily employed by a tribe but represent tribal members, practice lawfully before tribal courts, or serve as a judge for a federally recognized Indian tribe.

**NOTE:** Sup. Ct. Order No. 16–09 states that “the Comment above is not adopted, but will be published and may be consulted for guidance in interpreting and applying this rule.”

**Case Notes:** Because Indiana's “foreign license” admission is not based on an applicant's prior out of state practice but on continued practice in Indiana, an applicant is ineligible for admission on the basis of Indiana practice. Bar Admission of Wadsworth, 190 Wis. 2d 576, 527 N.W.2d 311 (1995).

Legal service as corporate counsel does not qualify as the active practice of law unless it is conducted in a state where the applicant is admitted to practice law, or the legal work was the kind of work generally engaged in by attorneys primarily engaged in the active practice of law in the courts of another jurisdiction. Bar Admission of Mostkoff, 2005 WI 33, 279 Wis. 2d 249, 693 N.W.2d 748, 03–2640.

**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 satisfies all of the requirements of subs. (1) or (2):

(1) The applicant 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, and meets all of the following requirements:

(a) The applicant has a license to practice law from a common-law jurisdiction and is in good standing in that jurisdiction.

(b) The applicant 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.

(2) The applicant 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, and the applicant has completed a masters of law degree (L.L.M.) that meets all of the following requirements:

(a) The program consists 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 that, except as otherwise permitted in this rule, 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.

(b) The program requires a minimum of 700 minutes of instruction time, exclusive of examination time, for the granting of one semester hour of credit.

(c) The program includes 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, except that a maximum of six semester hours of credit may be earned in courses completed during summer semesters.

(d) The program is completed within 24 months of enrollment.

(e) Unless otherwise waived by the board, all coursework for the program is completed at the campus of an American bar association approved law school in the United States.

(f) The program completed by an applicant includes all of the following:

1. A minimum of two semester hours of credit in the values and ethical responsibilities of the United States legal profession and its members.

2. 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.

3. 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.

4. A minimum of six semester hours of credit in any of the subjects included in SCR 40.03 (2) (a) or (b).

(g) The program completed by an applicant may include:

1. A maximum of four semester hours of credit in clinical courses, provided all of the following requirements are met:

a. The clinical course includes a classroom instructional component in order to insure contemporaneous discussion, review and evaluation of the clinical experience;

b. 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

c. The time and effort required and anticipated educational benefit are commensurate with the credit awarded.

2. 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.

(3) 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.

(4) 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.

(5) Notwithstanding 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.

**History:** Sup. Ct. Order No. 11-08, 2012 WI 113, filed 11-1-12, eff. 12-1-12.

#### **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.

(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.

**History:** Sup. Ct. Order No. 93-10, 176 Wis. 2d xxi (1993); Sup. Ct. Order No. 93-12; 184 Wis. 2d xiii (1993); Sup. Ct. Order No. 00-05, 2001 WI 37, 242 Wis. 2d xix.

**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.



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(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.** A conditionally admitted lawyer's license to practice law is expressly conditioned upon compliance with the terms of the conditional admission agreement. If the board determines that a conditionally admitted lawyer has failed to fulfill the terms of a conditional admission agreement the board may modify, extend or revoke the conditional admission agreement, or take such other action as may be appropriate, including notice to the office of lawyer regulation.

(7m) **REVOCAION OF CONDITIONAL ADMISSION AGREEMENT.** Upon the board's decision to revoke a conditional admission agreement, the board shall file a motion with the supreme court requesting the court to order the conditionally admitted lawyer to show cause why his or her license to practice law should not be revoked for failure to fulfill the terms of the conditional admission agreement. The conditionally admitted lawyer may file a response to the motion within 20 days after the filing of the board's motion. The court may decide the matter on written submissions without a hearing. The court may, in its discretion, refer the matter to a referee.

(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.

(h) When the court issues an order revoking a conditionally admitted lawyer for failure to fulfill the terms of a conditional admission agreement.

(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.

(12) **REINSTATEMENT.** A conditionally admitted lawyer whose license to practice law is revoked for failure to fulfill the terms of a conditional admission may file a petition for reinstatement under SCR 22.29.

**History:** Sup. Ct. Order No. 08–13, 2011 WI 40, 333 Wis. 2d xiii; Sup. Ct. Order No. 16–03, 2017 WI 25, filed 3–21–17, eff. 7–1–17.

**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.** (a) Within 30 days of the date of mailing of an at risk notice, the applicant may challenge the at risk notice by filing any of the following:

1. A written request for a hearing and a statement setting forth the grounds on which the board's at risk notice should be reversed.

2. A written supplement to the record.

(b) 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. A decision that is 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 a decision that is 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 a decision that is 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.

**History:** Sup. Ct. Order No. 08–11, 2011 WI 14, 331 Wis. 2d xiii.

**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.

**History:** Sup. Ct. Order No. 95–07, 192 Wis. 2d xix (1995).

**SCR 40.10** Except for the requirements of SCR 40.03 and 40.06 (2), the board may waive any of the requirements of this chapter in exceptional cases and for good cause where to do otherwise would be unjust.

**History:** Sup. Ct. Order No. 93–10, 176 Wis. 2d xxi (1993).

**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

(i) Fee for admission for graduates of law schools in other nations .... \$850

**History:** Sup. Ct. Order No. 93–10, 176 Wis. 2d xxi (1993); Sup. Ct. Order No. 98–05, 219 Wis. 2d xv (1998); Sup. Ct. Order No. 00–08, 2000 WI 54, 235 Wis. 2d xiii; Sup. Ct. Order No. 08–14, 2009 WI 20, 312 Wis. 2d xv; Sup. Ct. Order No. 11–02, 2011 WI 90, 336 Wis. 2d xiii; Sup. Ct. Order No. 11–08, 2012 WI 113, filed 11–1–12, eff. 12–1–12.

**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.

**History:** Sup. Ct. Order No. 13–02, 2013 WI 33, filed and eff. 4–19–13.

**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:

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

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

**NOTE: 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;**

**NOTE: 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;**

**NOTE: 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;**

**NOTE: 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;**

**NOTE: 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.**

**NOTE: So help me God.**

**Case Notes:** The "offensive personality" component of the attorney's oath may be violated by conduct that occurs out of court as well as by in-court conduct. The conduct at issue here consisted entirely of letters written by the attorney to a local newspaper that were found to be acidic, argumentative, arrogant, and condescending but did not bring disrepute on the attorney, the legal profession or the courts. No violation was found where the attorney's primary intent in writing the letters was to protect the personal and business reputation of his client. *Lawyer Regulation System v. Williams*, 2005 WI 15, 278 Wis. 2d 237, 692 N.W.2d 633, 02-3327.