SUPREME COURT OF WISCONSIN

IN RE THE MATTER OF THE MODIFICATION OF SUPREME COURT RULE 40.03 DUE TO COVID-19 PANDEMIC

FILED

JUN 1, 2020

Sheila T. Reiff
Clerk of Supreme Court
Madison, WI

On April 17, 2020 Paige Papandrea, Corissa Pennow, and Tommy Hansfield ("the Petitioners") filed an "Emergency Request for Modification of Supreme Court Rule (SCR) 40.03 Due to COVID-19." The petitioners anticipated that the July 2020 Wisconsin bar examination might be postponed because of the COVID-19 pandemic. They asked the court to approve a mechanism whereby recent qualified law school graduates from law schools outside of Wisconsin may be fully admitted to the practice of law in Wisconsin after completing 360 hours of supervised work and after taking certain state law education requirements.[1] Under the proposed procedure, applicants would not take a bar exam.

On April 20, 2020, the court sent a letter directing the Board of Bar Examiners (BBE) to file a response and invited a response from the deans of the Wisconsin law schools and from the State Bar of Wisconsin. Director Jacquelynn B. Rothstein, BBE; Dean Margaret Raymond,

[1] Wisconsin is unique in that qualified graduates of Wisconsin's two law schools may be admitted pursuant to Supreme Court Rule 40.03 (Legal Competence Requirement; Diploma privilege). Applicants who have been licensed to practice law in other jurisdictions and have practiced law for a sufficient period of time may be admitted pursuant to SCR 40.05 (Legal Competence Requirement; Proof of Practice).

However, many applicants to the Wisconsin bar must take and pass a bar examination to satisfy the "legal competence" requirement which is a prerequisite to admission to the practice of law in Wisconsin. SCR 40.04. These applicants include: recent law school graduates from law schools outside Wisconsin; bar applicants who have failed a bar exam; bar applicants who are admitted to practice law in another jurisdiction but cannot satisfy the "proof of practice" requirements for admission under SCR 40.05; and certain graduates of law schools from other nations, SCR 40.055.

University of Wisconsin Law School; Dean Joseph Kearney, Marquette University Law School; and President Jill M. Kastner, State Bar of Wisconsin, all filed responses, generally expressing certain concerns about the petition, as drafted. The petitioners filed a reply on April 29, 2020.

On May 28, 2020, this court determined that Wisconsin's July bar examination will proceed, as scheduled. Accordingly, we dismiss this petition as moot. Therefore,

IT IS ORDERED that because the court has determined that the Wisconsin Bar Examination will proceed as scheduled on July 28-29, 2020, the Emergency Request for Modification of Supreme Court Rule 40.03 Due to COVID-19 Pandemic is dismissed as moot.