

The Student Bar Association at the University of Wisconsin Law School

975 Bascom Mall, Madison, WI 53703

November 23, 2020

Clerk of the Wisconsin Supreme Court
Attn: Deputy Clerk-Rules Petitions
PO Box 1688
Madison, WI 53701

FILED
NOV 30 2020
**CLERK OF SUPREME COURT
OF WISCONSIN**

Re: Rule Petition 20-04, relating to the proposed changes to SCR Chapter 50

Dear Honorable Justices of the Supreme Court,

The Student Bar Association of the University of Wisconsin Law School writes in support of the Wisconsin Access to Justice Commission’s proposed revision to SCR 50, commonly known as the Student Practice Rule. The revision would increase access to affordable legal services for individuals in need, support a more equitable and diverse membership in the Wisconsin Bar, and improve the experiential education of clinical law students.

As an organization dedicated to representing the needs of the University of Wisconsin Law School’s student body, the Student Bar Association is in regular communication with faculty, staff, clinical directors, and our students themselves. Apparent from our conversations with these colleagues is the need for more diversity and opportunity for experiential learning throughout the state. The proposed revision accomplishes just that. As will be noted below, proposed revision would grant our legal clinic participants greater access to the hands-on experience needed to competently serve our neighbors and to prepare for post-graduate practice. Further, the proposed revision would greatly expand the diversity of opportunities for out-of-state lawyers to join our legal community. The Student Bar Association is determined to optimize the law school experience for our constituents while guiding a new generation of Wisconsin lawyers into practice. We believe that supporting, and passing, the proposed revision is another important step in fulfilling our mission.

First, the revision would allow for the creation of more experiential learning opportunities for current law school students. The revision would allow clinical law students to practice law under supervision of a licensed attorney after completing credits for one year of law school. The current rule requires clinical law school students to have completed credits for 1.5 years of law school, which prohibits enrolled clinical students from fully engaging for 2/3rds of their learning experience. The change will allow interested students more, and richer educational opportunities. In 2014, the ABA mandated that all students graduating in 2019 and beyond and take at least 6 credits of experiential learning courses. Fifteen states have adopted a rule allowing clinical law students to practice under supervision after one year of law school, with positive results for students. Wisconsin’s neighboring state of Minnesota adopted the rule in 1982. Clinical faculty at University of Minnesota and Mitchell Hamline School of Law have never experienced issues with certified student attorneys and believe that the rule contributes to the strength of the law schools’ clinical programs. We believe that adopting a similar rule in

Wisconsin would put our state in alignment with these other jurisdictions while greatly increasing student confidence and proficiency.

We also support the proposed revision to SCR 50 because it would increase access to affordable legal services for individuals in need. A great deal of the Student Bar Association's mission is to provide resources to student groups on campus who help give back to our community through legal services, community action responses, and educational advocacy. Assisting our fellow Wisconsinites is at the forefront of the Student Bar Association's priority list, and we believe that supporting this rule revision would help serve this goal. The new rule would allow law school graduates from all states to practice in Wisconsin at government, non-profit, or pro bono entities, under supervision of a licensed attorney for up to 12 months after their graduation from law school while they study for and take the Wisconsin bar exam. The increased amount of legal services would be provided at no extra cost to the community. Allowing a supervision period for out-of-state law school graduates studying for the Wisconsin bar exam will increase the pool of attorneys who can live and work in Wisconsin. These new law school graduates will increase the volume and quality of services provided to underserved individuals that are currently unable to access legal services.

Finally, the proposed revision to SCR 50 would ultimately increase diversity of the Wisconsin bar. Heightened diversity in the legal profession benefits all members of our community. We would gain different perspectives on complex issues of legal interpretation and would attract talent to our legal community that would otherwise be dissuaded from participation. Further, increasing diversity in our legal community would strengthen our base of possible mentors for current and future law students who share similar lived experiences. The proposed revision extends the opportunity to begin serving the Wisconsin community immediately after graduation to all law school graduates, which is currently only afforded to Wisconsin law school graduates. The diversity of Wisconsin is not currently reflected in our bar, and specifically not in the government and public interest sectors of practice. The proposed amendment would provide new law school graduates from throughout the country a pathway to practice law in Wisconsin that does not currently exist. These new graduates would have a positive impact on the Wisconsin economy. Attorneys who begin their careers in Wisconsin are more likely to put down roots and embrace Wisconsin.

For the reasons stated above the Student Bar Association at the University of Wisconsin Law School invites the Justices to consider the revision to SCR 50. The revision increases access to legal services, invites students from across the country to begin their legal careers in Wisconsin, and offers law schools the opportunity to expand and improve experiential learning programs. Thank you for your consideration of this matter.

Sincerely,

The Student Bar Association at the University of Wisconsin Law School