

IN THE PETITION TO AMEND SCR 40.02
Relating to Admission Requirements

MEMORANDUM

The petitioner, the Wisconsin Board of Bar Examiners (BBE), seeks to amend SCR 40.02 relating to admission requirements.

By letter dated October 4, 2021, the Board of Bar Examiners sought an extension of the Court's Interim Order issued on May 28, 2021, regarding an alternative procedure for admission to the Wisconsin bar during the Covid-19 Pandemic. More specifically, the BBE sought to extend the provision that allows individuals who are unable to participate in an in-person admission ceremony but who are otherwise qualified for admission to remotely appear via audio-visual communications technology before a justice of the Wisconsin Supreme Court to take the Attorney's oath. By Order dated October 18, 2021, the Court extended that provision until June 20, 2022, and ordered that a rule petition regarding alternative procedures for admission to the bar be filed.

Given the ongoing pandemic, many eligible admittees may have legitimate and varied reasons for being unable to appear in-person for an admission ceremony and would instead be well served by the remote option. A variety of impediments including, for instance, economic hardship, lack of child care, or an ongoing need to self-isolate or avoid public gatherings because of the risk of acquiring and/or transmitting the Covid-19 virus provide a compelling basis to add this as a permanent option for admission.

These and other impediments could easily be accommodated or alleviated by having a "remote" provision permanently incorporated into SCR 40.02. At its meeting on October 22, 2021, the Board of Bar Examiners unanimously supported the permanent inclusion of this provision to SCR 40.02. To maximize the admissions options for qualified individuals, the BBE also supported keeping the existing provision intact which permits in-person alternatives for administering the oath before certain designated persons.

The BBE proposes that the rule changes take effect July 1, 2022, as the Court's interim order is scheduled to expire on June 30, 2022. Since the Court has the supervisory authority over the practice of law in Wisconsin, no public hearing is being requested.

The rule would therefore be amended as follows:

Section 40.02 (4) would be amended to permit qualified individuals who are unable to appear at an in-person admission ceremony to be sworn-in remotely by a justice (or justices) via remote audio-visual technology. The existing provision permitting qualified individuals to take the oath in-person before authorized personnel would remain intact thereby providing maximum flexibility for those needing to be sworn-in.