
In the Matter of the Petition to Create
Supreme Court Rule SCR 40.055
Relating to Admitting Graduates of
Law Schools in Other Nations

PETITION

To: Chief Justice Shirley S. Abrahamson
Justice Ann Walsh Bradley
Justice N. Patrick Crooks
Justice David Prosser, Jr.
Justice Patience D. Roggensack
Justice Louis B. Butler
Justice Annette Kingsland Ziegler

Filed with the Clerk of Court David R. Schanker
Clerk of Supreme Court Office
110 East Main Street, Suite #215
Madison, WI 53703

The Board of Bar Examiners, by its director John E. Kosobucki, hereby petitions the Supreme Court of Wisconsin for an order creating Supreme Court Rule 40.055. The new section would permit graduates of law schools in other nations to take the Wisconsin bar examination and, if successful, to be admitted to the Wisconsin bar. If the Court issues this order, SCR 40.055 will read as follows:

PROPOSED AMENDMENT:

SCR 40.055 ADMISSION OF GRADUATES OF FOREIGN LAW SCHOOLS

Any person who has received his or her legal education and law degree in a country other than the United States of America may apply to take the Wisconsin bar examination and, if successful, to be admitted to the Wisconsin bar upon the following conditions:

- (1) The applicant has been licensed to practice law in the foreign country in which the law degree was conferred or in another foreign country and is in good standing as an attorney or counselor at law (or the equivalent of either) in a country where admitted to practice.
- (2) The applicant has been actively and continuously engaged in the practice of law under one or more of such licenses for at least five of the seven years immediately before making application.

(3) The Board has determined that the quality of the applicant's preliminary, college and legal education, or experience, or the combination of the two, is acceptable for admission to the bar of this state based upon its review and consideration of any matters deemed relevant by the Board including, but not limited to, the jurisprudence of the country in which the applicant received his or her education, training and experience, the curriculum of the law schools attended and the course of studies pursued by the applicant, accreditation of the law schools attended by the applicant by competent accrediting authorities in the foreign country where situated, post-graduate studies and degrees earned by the applicant in the foreign country and in the United States, and the applicant's success on bar examinations in other jurisdictions in this country.

(4) If the Board determines that an applicant's qualifications under section (3) are inadequate, the Board may, in consultation with the applicant, set out a supplemental education program which, if successfully completed by the applicant, will be sufficient to remedy the inadequacies in the applicant's educational record.

(5) The applicant has satisfied the character and fitness requirements set out in SCR 40.06.

(6) Applicants shall submit such proofs and documentation as 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.

(7) The applicant has paid the applicable fees for the bar examination and for the character and fitness investigation. 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.

JUSTIFICATION:

The board recommends creation of SCR 40.055 because Wisconsin is part of the global economy. As economists put it, the world is flat and getting flatter. Twenty-nine states, two U.S. territories and the District of Columbia allow graduates of foreign law schools to be admitted to their bars upon examination.¹

Wisconsin clients' needs for legal services are varied. Some, desiring to do business with overseas firms, need lawyers, or teams of lawyers, who know both the law of the other nation and the law of Wisconsin. Immigrants are likely to adapt more comfortably to the Wisconsin legal system if they can consult lawyers who speak their language and know their mores.

Lawyers admitted under this rule (unlike those admitted under the proposed SCR 40.056) would be fully licensed Wisconsin lawyers, with plenary authority to practice law here.

¹ ***See Comprehensive Guide to Bar Admission Requirements 2007, published by the National Conference of Bar Examiners and the American Bar Association Section of Legal Education and Admissions to the Bar, at 30-31.***

For that reason, the board believes it should exercise greater scrutiny and discretion in considering applications from the graduates of overseas law schools. The proposed rule, adapted from Illinois Supreme Court Rule 715, provides for that more careful consideration.

Broad discretion is necessary because the education in foreign law schools varies broadly. Some nations have systems for approving qualified law schools; some do not. Diplomas and transcripts from some nations are trustworthy, but not all. Some applicants will have a good knowledge of the common law system that undergirds Wisconsin jurisprudence, and some will not. The board believes a mechanical application of explicit standards for foreign applicants would not work, while a rule like this one would well serve Wisconsin consumers of legal services.

Dated this 31st day of March, 2008.

Respectfully submitted,

// Original Signed //

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