

5010 Buffalo Trail  
Madison, WI 53705  
August 2, 2010

Supreme Court of Wisconsin  
P.O. Box 1688  
Madison, WI 53703-1688

Re: Petition to Amend or Repeal SCR 40.03      09-09

Dear Chief Justice Abrahamson and Justices of the Court:

On September 30, 2010, the Court will hold a public hearing on the petition to extend the diploma privilege to graduates of all ABA-approved law schools or to repeal the privilege entirely. This letter expands on the original memorandum submitted with the petition.

The petition requests the Court to extend the diploma privilege to graduates of all ABA-approved law schools for a ten-year trial period to see if it can work. No permanent change is requested at this time. Rather, the petition asks for a test period to see if holding all Wisconsin bar applicants to the standards of the diploma privilege can work for graduates of out-of-state law schools as it has for UW and Marquette law school graduates. If the trial proves successful, the Court may wish to make the change permanent. If not, the Court can choose another path.

The important point is that the only way to see whether applying the diploma privilege standards to all law school graduates will work is to do a test. At the September 30<sup>th</sup> hearing, presenters on both sides may argue that such an extension of the diploma privilege will or will not work. But all such arguments will be speculation only. The only way to determine for sure whether such an extension of the diploma privilege to graduates of all ABA-approved law schools will work is to test it—the scientific method. Petitioners hope the Court’s mind is open to the idea of such a test.

Petitioners envision the extension of the diploma privilege to graduates of out-of-state law schools as requiring the same standards as must be met by UW and Marquette law school graduates. First, the Wisconsin bar applicant must have graduated from an ABA-approved law school. SCR 40.03 (intro). Second, the applicant would be required to meet the same credit and course requirements as are presently contained in SCR 40.03(1) and (2), which may require rulemaking by the Board of Bar Examiners (BBE) concerning certification of those course and credit requirements. Third, character and fitness would continue to be determined by the BBE under SCR 40.06.

Extending the diploma privilege requirements to graduates of all ABA-approved law schools has the benefit of relieving these graduates of a substantial financial, time, family, stress, and employment burden – a significant improvement in peoples’ lives. I hope the court will be open to this test to see if it can work.

Sincerely,

*/s/ Attorney Steven Levine*

Attorney Steven Levine

P.S. Attorney Ralph Johnson of Janesville has requested that his name be added to the list of petitioners.