

In the Matter of the Petition to Amend
Supreme Court Rule SCR 40.01 and 40.14
Relating to Application for Bar Admission

MEMORANDUM

The petitioner, the Wisconsin Board of Bar Examiners, seeks to amend Supreme Court Rules 40.01 and 40.14 regarding definitions and applications to the supreme court for admission to the bar with the goal of permitting the electronic submission of those applications. Currently, the Board accepts applications that are in a “fillable PDF” format. Under the existing system, applicants can “fill in” the form on the BBE’s webpage, but cannot electronically save the “filled” document; they can only print it. Once the application has been “filled in,” applicants submit it by mail or in person to the BBE. BBE staff then manually inputs the information from the “filled” application form into the BBE database.

Before the electronic application can be implemented, however, an electronic application system must be created, which will include the development of an electronic signature mechanism. The BBE and CCAP have had preliminary discussions about the key components that are essential to this system. The BBE anticipates that CCAP will soon begin the process of creating an on-line, electronic application that will automatically populate the BBE database with the applicant’s information, rather than having staff manually add it. The on-line system will also have an electronic signature feature. Consequently, this petition proposes creating definitions for an “electronic application system” and for an “electronic signature.” The petition also proposes that an electronic signature is required for all those seeking to file an on-line application with the Board.

The existing rules would therefore be amended as follows:

SCR 40.01 (1) (c) would define “electronic application system” to mean a web-based system established by the board of bar examiners through which individuals may electronically submit documents required under this chapter.

SCR 40.01 (1) (d) would define “electronic signature” to mean an electronic sound, symbol, or process attached to or logically associated with an electronically-filed application that can be executed or adopted by the applicant with the intent to sign the application under oath or affirmation.

SCR 40.14 (2) (d) would permit applications to be submitted through the electronic application system to the board within the time specified for filing. Applications filed electronically would be required to include the applicant’s electronic signature, by which the applicant avers under oath or affirmation that the information contained in the application is true and correct.

SCR 40.14 (2) (e) would also permit applications to be submitted through the electronic application system to the board within the time specified for filing. However, this provision allows applicants the option of paying the applicable fees in person or by mail.

Attached for the court’s review is the full rule, inclusive of the proposed new text.