

IN THE MATTER TO CREATE ss. SCR 40.145
Relating to the Waiver of Fees for Qualified Veterans

MEMORANDUM

The petitioner, the Wisconsin Board of Bar Examiners (BBE), seeks to create SCR 40.145 relating to the waiver of fees for qualified veterans. This proposal follows a request from the Legislature under Wis. Stat. § 751.153 which states, “The supreme court is requested to promulgate a rule that waives, for an individual who is eligible for the veterans fee waiver program under § 45.44, the initial fee for admission to the state bar or for a license to practice law.”

At its open administrative conference on April 15, 2012, the court raised several questions with respect to this matter and asked that the BBE reply to them. By letter dated July 31, 2012, the BBE filed a response. In it, the BBE concluded that there are three types of admissions: diploma privilege admittees, successful bar examination admittees, and proof of practice admittees. Under SCR 40.14 (3) (d), all three categories are required to pay a \$100.00 admission fee. Separately, at the time they file their application, the following fees are also required under SCR 40.14 (3) (a), (c), and (g): Bar Exam (\$450.00); Proof of Practice (\$850.00); Diploma Privilege (\$210.00).

According to a memo dated May 9, 2012, from the Wisconsin Department of Safety and Professional Services (DSPS), that state agency is waiving both its initial credentialing fees as well as any associated application fees. But, DSPS does not intend to waive the costs or fees related to examinations, training, or temporary credentials. In order to be consistent, the BBE proposes to waive the \$100.00 admission fee for all three categories. It further proposes waiving the application fees for those seeking admission via the Diploma Privilege and for those under the Proof of Practice provision. However, for those seeking admission under the Bar Exam, \$240.00 would not be waived as that portion is considered part of the examination fee.

Based on written correspondence between Lisa M. Roys, the Public Affairs Director at the State Bar of Wisconsin and the BBE, the State Bar does not have any objections to this proposal. Additionally, the State Bar is in the midst of making its own administrative changes to permit certain fee waivers for qualified veterans. At its meeting on January 25, 2013, the Board of Bar Examiners reviewed the attached petition and voted in favor of filing it.

New rules would therefore be created and amended as follows:

Section 40.145 (1) sets forth who is eligible to receive a waiver of fees and defines who a veteran is for purposes of a fee waiver.

Section 40.145 (2) notes that a waiver will be granted for proof of practice application fees, diploma privilege application fees, and the admission fees.

Section 40.145 (3) allows a waiver of \$210 for the bar exam application fee.

Attached for the court’s review is new text.