

PETITION REQUESTING INFORMATION PURSUANT TO SCR 40.12

AND

12-02

PETITION TO CREATE SCR 30.03 AND TO REPEAL SCR 40.12,
REQUIRING THE BOARD OF BAR EXAMINERS TO ABIDE BY
THE STATE OPEN RECORDS AND OPEN MEETINGS LAWS

HEARING PRESENTATION OUTLINE OF PETITIONER STEVEN LEVINE: REQUEST
FOR INFORMATION UNDER SCR 40.12.

1. SCR 40.12 ALLOWS EITHER THE BOARD OF BAR EXAMINERS OR THE SUPREME COURT TO DISCLOSE MATERIALS CONTAINED IN APPLICATION FILES TO “OTHER PERSONS OR AGENCIES.” ASSUMING THAT THE NAMES AND EMAIL ADDRESSES OF BAR ADMISSION APPLICANTS ARE INCLUDED IN THE TERM “APPLICATION FILES,” THERE IS NO REASON WHY THE COURT SHOULD DENY PETITIONER THIS INFORMATION.
2. NAMES AND EMAIL ADDRESSES ARE NOT THE KIND OF SENSITIVE, VERY-PRIVATE INFORMATION (LIKE A CRIMINAL RECORD), THE DISCLOSURE OF WHICH WOULD CONSTITUTE AN INVASION OF PRIVACY.
3. THE PURPOSE FOR WHICH PETITIONER’S REQUEST IS MADE IS LEGITIMATE AND REASONABLE: TO SURVEY BAR APPLICANTS AS TO THEIR EVALUATION OF THE BAR EXAM AND ENTIRE ADMISSION PROCESS, AND TO ORGANIZE BAR APPLICANTS INTO AN ADVOCACY GROUP TO PROTECT THE INTERESTS OF BAR APPLICANTS.

REQUEST TO ABOLISH SCR 40.12 AND CREATE SCR 30.03, APPLYING THE OPEN RECORDS AND OPEN MEETINGS LAWS TO THE BOARD OF BAR EXAMINERS (BBE).

1. THE OPEN RECORDS AND OPEN MEETINGS LAWS APPLY TO ALL STATE AGENCIES. THE PURPOSE OF THE LAWS IS TO INFORM THE PUBLIC OF WHAT ITS GOVERNMENTAL OFFICIALS ARE DOING AND PROVIDE PUBLIC OVERSIGHT OF GOVERNMENTAL OFFICIALS. THE COURT HAS STATED THAT THESE LAWS ARE ESSENTIAL PILLARS OF DEMOCRACY. THEIR PURPOSES ARE NO LESS APPLICABLE TO THE BBE THAN TO ANY OTHER STATE AGENCY.
2. THE OPEN RECORDS AND OPEN MEETINGS LAWS APPLY TO ALL OTHER PROFESSIONAL REGULATORY BODIES IN WISCONSIN. THE BOARDS WHICH

REGULATE ELECTRICIANS, PLUMBERS, PHARMACISTS, NURSES, ENGINEERS AND CPAS ALL MUST ABIDE BY THESE LAWS. IF THESE AGENCIES ARE ABLE TO FUNCTION WELL WITHIN THE REQUIREMENTS OF THESE LAWS, THERE IS NO REASON WHY THE BBE SHOULD NOT BE ABLE TO DO SO.

3. WHEN APPLYING THESE LAWS TO VARIOUS STATE AND LOCAL AGENCIES, THIS COURT HAS PRAISED THEM AND RECOGNIZED THEIR ESSENTIAL ROLE IN DEMOCRATIC GOVERNMENT. TO DENY THEIR APPLICATION TO THE BBE WOULD APPEAR BOTH INCONSISTANT AND ELITIST -- INCONSISTANT IN STATING THAT THESE LAWS WHICH ARE ESSENTIAL TO DEMOCRACY WITH RESPECT TO ALL OTHER STATE AGENCIES SOMEHOW LOSE THEIR ESSENTIALNESS WITH RESPECT TO A JUDICIAL BRANCH AGENCY, THE BBE; ELITIST IN THE SENSE THAT LAWS WHICH ARE APPLICABLE TO ALL OTHER REGULATORY BOARDS HAVE NO PURPOSE WITH RESPECT TO THE BOARD THAT REGULATES LAWYERS.