

5010 Buffalo Trail
Madison, WI 53705
February 11, 2013

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

Re: 13-02, Petition to create SCR 40.145: Fee Waiver for Qualified Veterans

Dear Justices of the Court,

On January 30, 2013 the Board of Bar Examiners (BBE) submitted to the Court a petition to create SCR 40.145 as follows:

SECTION 1. SCR 40.145 is created to read:

SCR 40.145 Fee Waiver for Qualified Veterans. (1) To be eligible for a fee waiver, an applicant shall be applying for an initial credential under SCR 40.03, 40.04, or 40.05 and shall be all of the following:

(a) An individual. (b) A resident of this state. (c) A veteran, as defined in s. 45.01 (12) (a) to (f), Wis. Stats., or one of the following:

1. A member of a reserve component of the U.S. armed forces or of the national guard, as defined in 32 USC 101 (3), who has served under honorable conditions for at least one year beginning on the member's date of enlistment in a reserve component of the U.S. armed forces or in the national guard.

2. A person who was discharged from a reserve component of the U.S. armed forces or from the national guard, as defined in 32 USC 101 (3), if that discharge was an honorable discharge or a general discharge under honorable conditions.

(2) Individuals who meet the criteria under 40.145 (1) and request a waiver of their fees as found in SCR 40.14 (3) (c), (d), or (g) shall be granted a waiver of those fees.

(3) Individuals who meet the criteria under 40.145 (1) and request a fee waiver of SCR 40.14 (a) shall have \$210 waived.

This proposed rule waives all BBE fees for initial application to practice law in Wisconsin for qualified veterans – except the fee for the bar examination. I believe this exception is a significant defect in the proposed rule, and I am writing individually to respectfully request that the Court set a schedule for written comments on the proposed rule and a date for a hearing. This will allow members of the bar, veterans, veterans groups, and interested legislators the opportunity for input.

I believe that the bar examination fee should be included in the veteran's application fee waiver because: 1. The bar examination fee is a necessary fee for a license to practice law in this state. Without payment of the fee, an applicant cannot be licensed. 2. The fee for the bar examination is not unlike the fee for the character and fitness examination (SCR 40.14(3)(g)), which is waived in the BBE's proposed rule. Both fees are fees for examinations – one for an examination of the applicant's knowledge of the law, one for an examination of the applicant's character and fitness. If the fee for one examination is waived, the fee for both examinations should be waived. 3. Waiver of the bar exam fee would involve minimal cost. Based on State Bar figures, I would estimate the cost to be a maximum of \$3,600 annually, or 18 cents per State Bar member ($\$240 \times 15 = \$3,600 / 20,000 = \$0.18$). This is a minimal cost to recognize and honor the sacrifices which veterans have made. 4. The BBE's proposed rule would waive all application fees for veteran bar admission applicants seeking admission via diploma privilege and proof of practice elsewhere – but only 56 per cent of fees for veteran applicants seeking admission via bar exam. To be fair, all fees should be waived for all qualified veterans, regardless of method of entry to the bar.

Unfortunately, the language of the BBE'S proposed rule was not presented for comment to either the State Bar Board of Bar Examiners Review Committee (BBERC) or the State Bar Board of Governors (BOG) before it was filed with the Court. At its meeting of February 6, 2013 the BBERC voted without dissent (one member abstained from voting) in favor of asking the BOG to propose that the fee for bar examination be included with the other fees waived in the BBE's proposed fee waiver rule. But in the BOG's usual schedule of considering items, it could be more than four months before there is final BOG action on this matter.

Inclusion of waiver of the fee for the bar examination might be accomplished by dropping sub. (3) from the BBE's proposed rule and by amending sub. (2) as follows:

(2) Individuals who meet the criteria under 40.145 (1) and request a waiver of their fees as found in SCR 40.14 (3) (a), (c), (d), or (g) shall be granted a waiver of those fees.

If the Court wishes to act on the proposed rule without undue delay so veterans will have its immediate benefit, the Court could, on its own motion, amend and approve the proposed rule as suggested above, and no written comments or hearing would be necessary.

Thank you for your consideration.

Sincerely,

/s/ Steven Levine

Steven Levine
608 661-4427
steven.levine@charter.net

cc: BBE