



November 30, 2020

Clerk of the Wisconsin Supreme Court
Attn: Deputy Clerk-Rules Petitions
P.O. Box 1688
Madison, WI 53701
clerk@wicourts.gov

Re: **Rule Petition 20-04, In re Petition to Repeal and Recreate Supreme Court Rule Chapter 50, Regarding the Practical Training of Law Students**

Dear Honorable Justices of the Wisconsin Supreme Court:

As Dean of the University of Wisconsin Law School, I write to support the pending petition to revise Wisconsin's Student Practice Rule. By allowing law students and recent graduates the opportunity to gain practical experience, the revised rule would allow a greater number of future lawyers to gain hands-on experience representing and advocating for clients, while helping meet the legal needs of underserved populations.

At the core of our educational mission is to prepare students to meet the highest standards of skilled and ethical law practice. Experiential learning is a critical part of that preparation. As you know, the ABA Accreditation Standards for Law Schools now require that each law student complete at least six credit of experiential-learning courses. We have invested heavily in our law clinics so that they provide rich and deep opportunities to students for learning the skills and values necessary for successful practice. Many of our clinics extend for an entire year, allowing students the opportunity for hands-on student practice in their final clinic semester in the 2L year. But not all students can take advantage of full-year clinic opportunities. Allowing law students to qualify for supervised-practice opportunities earlier creates the potential for broader and deeper experiential learning for our students, which will help them emerge from law school better prepared to practice.

A number of other states and jurisdictions allow supervised law students to practice earlier in their law school years than the present Wisconsin rule allows. For example, Minnesota's rule allowing all second-year law students access to this important learning experience was passed decades ago. Additionally, some federal agencies or courts allow student practice even earlier. For example, the Executive Office of Immigration Review permits students to appear in court under a professor's supervision as soon as they are enrolled in law school. These more generous practice rules have increased the number of students with trial experience, as well as providing increased access to legal counsel for underserved populations.

Thus, in addition to helping our students gain practical experience sooner, the proposed rule revision will facilitate improved access to justice for those needing affordable legal services. Wisconsin students could participate in student practice after their first year of law school, enlarging the pool of potential legal assistance available.

Daniel Tokaji
Fred W. & Vi Miller Dean and Professor of Law
Office of the Dean • University of Wisconsin Law School
975 Bascom Mall • Madison, WI 53706-1399
608.263.3341 • tokaji@wisc.edu

Supervised law graduates from other states could practice in Wisconsin at government, non-profit, or pro bono entities for up to 12 months after graduation.

Allowing new out-of-state law graduates to contribute to government, non-profit, and pro bono work in Wisconsin would provide additional legal assistance to underserved individuals. The proposed rule also reduces the administrative burdens on law schools, thus freeing up resources to do an even better job of preparing our students for practice and serving those in need of representation.

Finally, the proposed revision can be expected to promote diversity and equity in the Wisconsin bar, by encouraging more students to come here to study and ultimately to practice. The diversity of Wisconsin's citizenry is not fully reflected in the bar, including in the government and public interest sectors. The revised rule provides more students with a pathway and incentive to practice law here in Wisconsin and ultimately to settle in one of our communities. It could serve as a magnet to students and recent graduates from other states, while avoiding the temptation for Wisconsin natives to move to other states where they might otherwise have greater opportunities to gain practical experience.

Accordingly, the University of Wisconsin Law School supports the proposed revision to the student-practice rules to expand educational opportunities for our law students, to increase access to legal services for underserved populations in need of legal services, and to encourage further diversity in our State Bar. Thank you for considering our views.

Respectfully submitted,



Daniel Tokaji
Fred W. & Vi Miller Dean and Professor of Law
University of Wisconsin Law School
