



# Supreme Court of Wisconsin

OFFICE OF COURT COMMISSIONERS

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MADISON, WISCONSIN 53703

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January 3, 2022

Cheryl Furstace Daniels, President  
State Bar of Wisconsin  
P.O. Box 7158  
Madison, WI 53707-7158

Re: Rule Petition 21-07, In the Petition to Amend SCR 40.02 Relating to the Qualifications for Admission

Dear President Daniels:

I am assisting the Wisconsin Supreme Court with its consideration of rule petition 21-07, filed on November 2, 2021 by Jacquelynn B. Rothstein, Executive Director, Board of Bar Examiners (BBE). The rule petition asks the court to amend Supreme Court Rule (SCR) 40.02 to permit qualified individuals for admission to appear remotely, via audio-visual communications technology, in order to take the Attorney's Oath before a justice of the Wisconsin Supreme Court or another court upon request.<sup>1</sup> A copy of the petition can be found on the court's website at <https://www.wicourts.gov/scrules/pending/index.htm>.

The court discussed this petition at a closed conference on December 14, 2021. The court voted to solicit public written comment and specifically invites the State Bar of Wisconsin's comments regarding the petition.

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<sup>1</sup> As a temporary measure the court allowed individuals who were unable to participate in an in-person admission ceremony but who were otherwise qualified for admission to remotely appear via audio-visual communications technology before a justice of the Wisconsin Supreme Court to take the Attorney's Oath. S. Ct. Interim Administrative Order Regarding an Alternative Procedure for Admission to the Bar, issued May 28, 2021. By letter dated October 4, 2021, the BBE sought and received an extension of the court's Interim Administrative Order. See S. Ct. Interim Administrative Order Regarding an Alternative Procedure for Admission to the Bar, issued October 18, 2021 (extending remote admission provision until June 30, 2022). The court directed the BBE that if it concluded that the alternative procedure should become permanent, a rule petition proposing alternative procedures for admission to the bar should be filed.

In particular, the court invites the State Bar to address whether certain language that was part of the court's interim administrative orders should also be included in any order permanently adopting the proposed rule change, as follows:

IT IS FURTHER ORDERED that, as an alternative to participating in an in-person admission ceremony for individuals who are unable to do so, upon receipt of notification from the Board of Bar Examiners that an applicant has been certified for admission, a qualified applicant may request to take the Attorney's Oath remotely via audio-visual communications technology. The applicant shall make such a request by sending an email to the Clerk of the Supreme Court (clerk@wicourts.gov) and shall file the Certificate Address Mailing Form with the Clerk of the Supreme Court. Upon receipt of confirmation of eligibility from the Clerk of the Supreme Court, the qualified applicant may take the oath or affirmation before a justice of the Supreme Court remotely via audio-visual communications technology, provided that the justice administering the Attorney's Oath can see and hear the applicant and can identify the applicant. Upon completion of the Attorney's Oath, the justice administering the oath shall issue an order admitting the applicant to the practice of law in this state, which order shall be filed with the Clerk of the Supreme Court; and

IT IS FURTHER ORDERED that applicants who are admitted under the alternative procedure set forth in this order shall make arrangements with the Clerk of this Court to subscribe the roll of attorneys maintained by the Clerk or to have the applicant's name entered thereon by the Clerk; and

IT IS FURTHER ORDERED that applicants who are admitted under the alternative procedure set forth in this order shall enroll with the State Bar of Wisconsin pursuant to SCR 10.03 (2), and shall pay all applicable bar dues, assessments, and fees, or seek a waiver from the State Bar with respect to those dues, assessments, and fees, within [30 days]<sup>2</sup> of taking the Attorney's Oath and being admitted to the practice of law in this state, as a condition of practicing law in this state.

In addition, would the State Bar support the addition of a Comment to the proposed rule advising applicants that additional procedures related to electing remote or alternative admission are set

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<sup>2</sup> The Interim Rule permitted enrollment within 30 days of admission. Supreme Court Rule 10.03(2) requires enrollment within 10 days of admission. Should the deadlines be consistent? If the court were to adopt a 14-day period of time to enroll, would the State Bar support the corresponding amendment of SCR 10.03(2)?

forth in the court's order amending SCR 40.02 so applicants could consult the order for additional administrative guidance?

The court requests the State Bar of Wisconsin submit a written response to the petition by Thursday, January 20, 2022 with the Clerk of Supreme Court, Attention: Deputy Clerk-Rules, P.O. Box 1688, Madison, WI 53701-1688. If possible, email a Microsoft Word version of your response to *clerk@wicourts.gov*. See comment guidelines at the court's website at <https://www.wicourts.gov/scrules/process.htm>.

If you have specific questions or other comments regarding this matter, please contact me.

Very truly yours,

/s/

Julie Anne Rich

Supreme Court Commissioner

cc: Chief Justice Annette Kingsland Ziegler  
Justice Ann Walsh Bradley  
Justice Patience Drake Roggensack  
Justice Rebecca Grassl Bradley  
Justice Rebecca Frank Dallet  
Justice Brian Hagedorn  
Justice Jill J. Karofsky  
Jacqueline B. Rothstein, Executive Director,  
Board of Bar Examiners