



January 26, 2026

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Clerk of Supreme Court  
Attention: Deputy Clerk-Rules  
P.O. Box 1688  
Madison, WI 53701-1688

**CLERK OF SUPREME COURT  
OF WISCONSIN**

**Re: Rule Petition 25-04, In the Matter of Repealing and Creating SCR 40.04(2), Creating SCR 40.04(2m) and SCR 40.04(9), Amending SCR 40.14(3)(a), and Creating SCR 40.14(3)(j) Relating to the Wisconsin Bar Examination**

To the Honorable Justices of the Supreme Court:

I write on behalf of the Office of the State Public Defender (SPD) to express our strong support for Petition 25-04, filed by the Board of Bar Examiners (BBE). The adoption of the Uniform Bar Examination (UBE) and the implementation of a transferred score policy are critical steps toward addressing the workforce crisis currently facing Wisconsin's legal system.

**1. Addressing the Attorney Shortage through Portability** Wisconsin is facing a significant shortage of criminal defense attorneys. Our ability to provide constitutionally mandated representation relies on a robust pipeline of qualified lawyers. Currently, the requirement that out-of-state attorneys sit for the full Wisconsin bar examination acts as a substantial barrier to recruitment.

The SPD frequently identifies talented candidates from neighboring jurisdictions—such as Minnesota and Illinois—who are eager to serve in Wisconsin but are deterred by the delay and burden of re-examination. By accepting transferred UBE scores, as proposed in SCR 40.04(9), Wisconsin will immediately expand its recruitment pool. This change will allow us to hire qualified attorneys who have already demonstrated their competence in other UBE jurisdictions, getting them into Wisconsin courtrooms faster where they are desperately needed.

**2. Support for the 260 Cut Score** We specifically support the Board's recommendation of a scaled passing score of 260. This score places Wisconsin in a competitive position relative to other jurisdictions (such as Minnesota, Alabama, and Missouri) that utilize the UBE.

In the public interest sector, we compete nationally for talent. Setting the cut score at 260 ensures that we do not arbitrarily exclude capable advocates who have already proven their ability to practice law in other states. It strikes the right balance between ensuring competence and maintaining a diverse, accessible profession.

**3. Urgency of Implementation** The Petition notes that a July 2026 implementation is "ambitious" and suggests February 2027 as an alternative. Given the severity of the attorney shortage, the SPD urges the Court to adhere to the **July 2026** effective date. Every month of delay in implementing these rules is a month where potential recruits may choose other states with more portable credentials. The "faster the better" approach is necessary to stabilize the workforce in our criminal justice system.

**4. Educational Component** We take no issue with the proposed 30-hour Wisconsin law educational component. We view this as a reasonable method to ensure that attorneys transferring their scores are familiar with local procedure without the prohibitive hurdle of a full bar exam. The SPD would be happy to provide content or classes that would meet this need.

Additionally, we respectfully recommend that the Court consider waiving this requirement for any applicant who completed an internship during law school under the Supreme Court student practice rules with a Wisconsin law firm or any entity that qualifies for the Wisconsin State Bar Government Lawyer Division. Practical experience gained in these settings provides the necessary exposure to Wisconsin procedure that this component intends to ensure.

**Conclusion** The SPD fully supports Petition 25-04. These changes are essential to modernizing Wisconsin's bar admission process and will directly aid our agency in recruiting the counsel necessary to fulfill our constitutional mission. We respectfully request that the Court grant the petition with an effective date of July 2026.

Respectfully submitted,



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cc: Jacquelynn B. Rothstein, Executive Director, Board of Bar Examiners