

DEC 17 2025

STATE OF WISCONSIN

IN SUPREME COURT

OF WISCONSIN

IN THE PETITION TO REPEAL AND RECREATE SCR 40.04 AND TO AMEND SCR 40.14
Relating to the Wisconsin Bar Examination

MEMORANDUM

The petitioner, the Wisconsin Board of Bar Examiners (BBE), seeks to repeal and recreate SCR 40.04 and to amend SCR 40.14 relating to the Wisconsin Bar Examination.

Over the past year, the Board of Bar Examiners has been engaged in an evaluation of the Wisconsin bar examination. By letter dated October 1, 2025, the Board recommended to the Court that it adopt the Uniform Bar Examination (UBE) beginning in July of 2026, and further recommended to the Court that those who pass the UBE in Wisconsin or are otherwise eligible to transfer a UBE score, be required to complete a Wisconsin law and practice component for admission. The Wisconsin component would require applicants to view a specific number of on-line courses from a list approved by the Board of Bar Examiners, but based on the requirements for the diploma privilege as found in Chapter 40 of the Supreme Court Rules as well as other vital areas of law practice (*e.g.*, family law). The courses would be taken online, without requiring any form of test on the programming. It is anticipated that various providers, including the State Bar of Wisconsin, will develop programs that directly address the needs of the applicants (*e.g.*, Introduction to Wisconsin Real Estate Practice)

At the Court's request, the Board asked that the Wisconsin law school deans provide their individual comments or concerns about the proposal. Both of the Deans responded favorably to the proposal and did not note any concerns about it. Also at the Court's request, the Board contacted the State Bar of Wisconsin to determine its willingness to offer the proposed educational programming. Jill Rothstein, the Executive Director of the State Bar of Wisconsin, expressed her willingness to provide the proposed educational programming.

The Uniform Bar Examination (UBE) consists of three components including the Multistate Essay Examination, the Multistate performance Test, and the Multistate Bar Examination.

To reiterate, beginning in July of 2026, Wisconsin would begin administering the UBE and require a Wisconsin law and practice educational component for admission. The Wisconsin educational component would require applicants to view thirty (30) hours of on-line courses that would be made available through the State Bar of Wisconsin or other Board approved providers. It would include subjects based on the requirements for the diploma privilege as found in Chapter 40 of the Supreme Court Rules.

Also in July of 2026, Wisconsin would begin accepting UBE scores from other jurisdictions with a three year "look back" term. The Wisconsin educational component would be required for admission in connection with any UBE eligible transferred score.

The BBE proposes that the rule changes become effective in connection with the July 2026 bar examination and is not seeking a public hearing, but has no objection if the Court wishes to schedule one. Admittedly, this is an ambitious timeline. There is little room in which to provide

notice of these changes to applicants, to secure the details of the Wisconsin law and practice component, or to make the necessary programming changes with CCAP. Alternatively, the rule changes could become effective in connection with the February 2027 bar exam.

The rules would therefore be amended as follows:

Section 40.04 (2) would be repealed and recreated. In July of 2026, the Board would begin administering the Uniform Bar Examination (UBE), which is comprised of six Multistate Essay Examination (MEE) questions, two Multistate Performance Test (MPT) questions, and the Multistate Bar Examination (MBE). The UBE is produced by the National Board of Bar Examiners. In July of 2028, the Board would begin administering the successor UBE exam, currently known as the “NextGen” exam.

Under §40.04 (9), the Board would begin accepting eligible UBE transfer scores in July of 2026, provided the applicant received a scaled score of 260 or higher earned in another jurisdiction and that the score is certified as a UBE score by the National Conference of Bar Examiners. Those applicants would need to complete an application for admission within 36 months of the date of the qualifying examination being used as the basis for the admission.

Section 40.04 (10) provides that prior to being admitted via UBE or an eligible UBE transferred score, applicants would be required to complete the Wisconsin law and practice component. The Wisconsin law and practice educational component would be comprised of subject matter areas based on the requirements of the diploma privilege as found in SCR 40.03 as well as vital practice areas, such as family law. The courses would be available online. The Board will approve a list of courses that comply with the requirements and from which an applicant will choose. The list will be reviewed annually.

Section 40.14 (3) (a) increases the bar examination fee to \$950. The fee was last increased in 2007. With the increased costs of the examination, exam site, special accommodations, graders, and other related expenses, this amount is anticipated to be sufficient to cover those expenses.

Section 40.14 (3) (j) creates the fee for those applicants who transfer their UBE scores. These applicants will need to undergo a full character and fitness investigation. The \$850 transfer fee is notably lower than that charged by the surrounding jurisdictions.

SCR 40.04 (2) Scope of Examination

Commencing in July 2026, the board shall administer the Uniform Bar Examination (UBE) prepared by the National Conference of Bar Examiners. Commencing in July 2028, the board shall administer the successor to the UBE prepared by the National Conference of Bar Examiners.

SCR 40.04 (9) Eligibility for Admission by transferred UBE Score

Commencing in July 2026, an applicant may be eligible for admission provided the applicant has received a scaled score of 260 or higher earned in another jurisdiction on the UBE and the score is certified as a UBE score by the National Conference of Bar Examiners. The applicant shall submit evidence of the score and a complete application for admission to the Board within 36 months of the date of the qualifying examination being used as the basis for the admission.

SCR 40.04 (10) Wisconsin Law and Practice Educational Component

Before being admitted to the practice of law in Wisconsin by UBE examination or by transferred UBE score, an applicant shall successfully complete 30 hours of the Wisconsin law and practice educational component. The Wisconsin law and practice educational component shall be comprised of subject matter areas based on the requirements of the diploma privilege as found in SCR 40.03 and approved by the board. The board shall review any such programming annually.

SCR 40.14 (3) (a) Application; fees

Bar examination fee \$950

SCR 40.14 (3) (j) Application; fees

Fee for admission by transferred UBE score \$850