

SEP 30 2026

STATE OF WISCONSIN

CLERK OF SUPREME COURT
OF WISCONSIN

IN SUPREME COURT

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

MEMORANDUM

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

Commencing in July 2028, the Board of Bar Examiners will begin administering the successor to the Uniform Bar Exam (UBE), which is prepared by the National Conference of Bar Examiners (NCBE) and known as the “NextGen” exam.

Beginning in July 2026, the NCBE began a phased roll-out of the NextGen exam. The first administration of the NextGen Exam occurred within the following jurisdictions: Connecticut, Idaho, Maryland, Missouri, Oregon, and Washington. It was also administered in Guam, the Northern Mariana Islands, Palau, and the Virgin Islands.

The NCBE has advised that the scores for the NextGen exam will be recorded on a scale of between 500 and 750. The NCBE recommends that jurisdictions select a passing score in the range between 610 and 620. See Nat’l Conf. Bar Exam’rs, Guidance Brief on the Recommended NextGen UBE Passing Score Range 1 (2025). Multiple factors influenced the NCBE’s recommended score range, including a concordance study, a standard-setting study, and an outcome analysis. *Id.* Following the inaugural administration of the NextGen exam, the NCBE reported that the national mean score was 640.6, while the national median score was 640. They further reported that performance patterns across examinee populations, including pass rates, were generally consistent with patterns historically observed in bar exam performance, including the expected differences between first-time and repeat examinees. According to the NCBE, the results provide initial evidence supporting the recommended 610–620 passing-score range, but much more information about scoring will be learned as additional jurisdictions and examinees transition to NextGen.

Wisconsin is currently one of more than forty (40) jurisdictions that administer the Uniform Bar Examination (UBE). Under the existing UBE system, scores attained in any UBE jurisdiction that meet the passing score requirement of 260 in Wisconsin may be transferred here and accepted as a qualifying one, even if the score does not qualify in the jurisdiction in which the applicant sat for the UBE. This system will continue until the UBE exam sunsets and the scores are no longer current under SCR §40.04 (9).

Additional data, anticipated later this year as well as next year, will provide further guidance for score setting. The Board is therefore not yet ready to make a recommendation as to the passing score for the NextGen exam. However, the Board recognizes the importance of maintaining score portability and is proposing, in the meantime, its intention to accept NextGen transfer scores that meet or exceed 620, the top of the NCBE’s recommended score range. This interim proposal will allow the Board adequate time to review and analyze the data so that it may develop and submit a recommendation to the Court regarding the passing score for the NextGen exam. In March of this year, the Minnesota Supreme Court adopted a similar approach. This

interim approach should not be construed as an indication that the Board intends to recommend 620 as Wisconsin's passing score. Rather, it is solely intended to allow the Board sufficient time to reach a thorough and reasoned decision regarding Wisconsin's passing score for the NextGen exam.

Furthermore, and in connection with the adoption of the UBE in Wisconsin, in March of 2026 this Court ordered that applicants may be eligible for admission provided they receive an eligible UBE passing score from another jurisdiction. However, before being admitted to the practice of law in Wisconsin either by UBE examination or by an eligible UBE transfer score, applicants must successfully complete twenty-one (21) hours of the Wisconsin law and practice educational component. The Wisconsin law and practice educational component must be completed no later than twelve (12) months after receiving a passing UBE score or within twelve (12) months of filing an application for admission via an eligible UBE transfer score. The Wisconsin law and practice component is comprised of subject matter areas based on the requirements of the diploma privilege as found in SCR §40.03 and approved by the Board.

Similarly, the Board proposes that the Wisconsin law and educational practice component be required for those who pass the NextGen exam in Wisconsin and also for those seeking to transfer their eligible NextGen scores.

The Board is also recommending an increase to the bar examination fee. There are five main categories of costs associated with the bar examination. They include the following: (1) venue fees; (2) file review/character and fitness investigations; (3) NCBE test fees; (4) personnel; and (5) supplies/miscellaneous. The last time the bar examination fees were increased was nearly twenty years ago, in 2007. The overall cost for the February and July bar examinations is estimated to be nearly \$130,000, with the largest expense attributable to the venues, that is, the sites at which the examinations are held. The total cost of the venues in 2026 was in excess of \$38,000.

It is important to note that all bar exam applicants (including transfer score applicants) undergo both a review of their file as well as a character and fitness investigation. That annual cost is estimated to be \$36,000. The remaining expenses total slightly less than \$57,375, and that includes over \$25,000 for NCBE test fees. To better illustrate these numbers, please see the attached "Bar Examination Costs" chart.

On average, there were 175 people who sat for the Wisconsin bar examination in 2025 and again in 2026. When the total costs of the exam are divided by the number of people who actually sat for it, that amounts to slightly less than \$750 per person. That fee as well as a two and a three percent increase are outlined in the attached graph titled "Estimated Fee Per Applicant."

For comparison, the attached "Surrounding Jurisdiction Fees" graph includes the bar exam and transfer score fees for those states that surround Wisconsin. With the exception of one fee (in Michigan), Wisconsin's current bar exam and transfer fees (\$450) are well below those other jurisdictions.

Based on this analysis, a fee increase is both justified and necessary to ensure that the operational costs for both bar exam and transfer score applicants are adequately covered.

To reiterate, beginning in July of 2028, Wisconsin will begin administering the NextGen exam and will also require the completion of the Wisconsin law and practice educational component for admission. The Wisconsin educational component requires applicants to complete twenty-one (21) hours of on-line courses made available through the State Bar of Wisconsin or other Board approved providers. It includes subjects based on the requirements for the diploma privilege as found in Chapter 40 of the Supreme Court Rules.

On an interim basis beginning with the July 2026 NextGen scores, Wisconsin would begin accepting NextGen scores of 620 or higher from other jurisdictions with a three year “look back” period. Once the final NextGen passing score is set, those who achieve it and wish to transfer their scores, may do so. Those transferring eligible NextGen scores would also need to complete the Wisconsin law and practice educational component for admission.

The BBE is not seeking a public hearing with regard to this petition, but has no objection if the Court wishes to schedule one.

The rules would therefore be amended and created as follows:

Section 40.04 (11) would be created. Under §40.04 (11), the Board would begin accepting eligible NextGen transfer scores starting with the July 2026 exam, provided the applicant received a scaled score of 620 or higher and that score is certified as a NextGen score by the NCBE. 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. Once a passing score is set for the NextGen exam, any eligible score would retroactively apply to the July 2026 administration of the NextGen exam.

Section 40.04 (12) (a) provides that prior to being admitted via the NextGen exam or an eligible NextGen transferred score, applicants would be required to complete the Wisconsin law and practice educational component.

Section 40.04 (12) (b) requires that the Wisconsin law and practice educational component must be completed no later than 12 months after receiving notification of a passing NextGen score or within 12 months of filing an application for admission via an eligible NextGen transfer score.

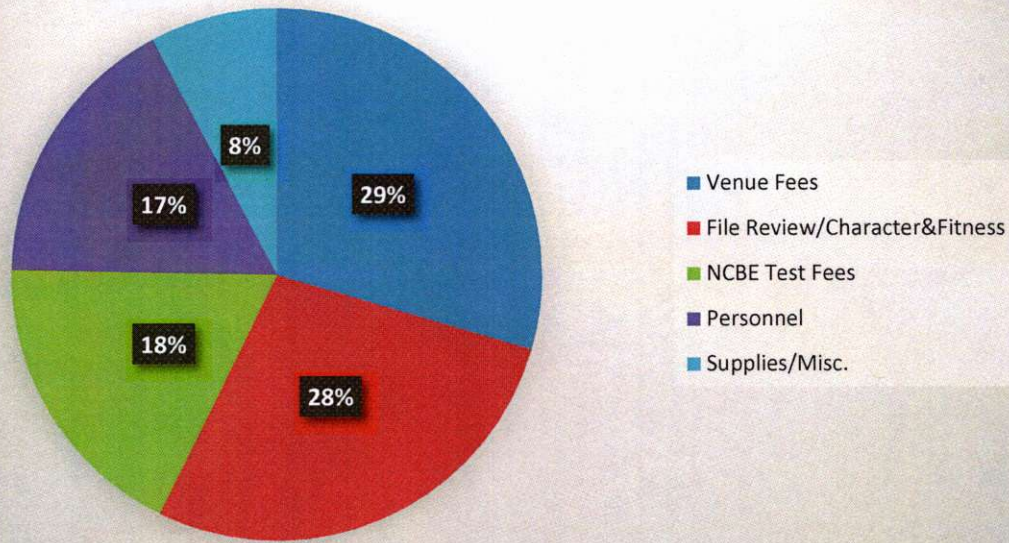
Section 40.04 (12) (c) notes that the Wisconsin law and practice educational component will include subject matter areas based on the requirements of the diploma privilege as found in SCR §40.03 and approved by the Board.

Section 40.14 (3) (a) increases the bar examination fee to \$750. The bar examination fee was last increased in 2007. With the advent of the NextGen exam, new pricing will take effect. The proposed fee is reflective of the actual costs associated with those seeking admission via the bar examination. Given the costs of the examination, the exam site, personnel, file review, and other related expenses, this amount is intended to be sufficient to cover them. This fee is also less than what the surrounding states charge for their bar examination fees.

Section 40.14 (3) (j) creates the fee for those applicants who transfer their NextGen scores. These applicants will need to undergo a full character and fitness investigation. The \$450

transfer fee is notably lower than that charged by the surrounding jurisdictions but is also intended to cover the costs associated with these applications.

Bar Examination Costs (February & July)



Venue Fees* \$38,300.00

- Testing Rooms
- Power cording
- Set up charges

File Review/Character & Fitness** \$36,000.00

- Application Reviews
- C&F Investigations

NCBE Test Fees*** \$25,375.00

- NextGen Exam fee for 175 test takers

Personnel* \$22,000.00

- Contract Proctors
- Graders

Supplies/Misc. \$10,000.00

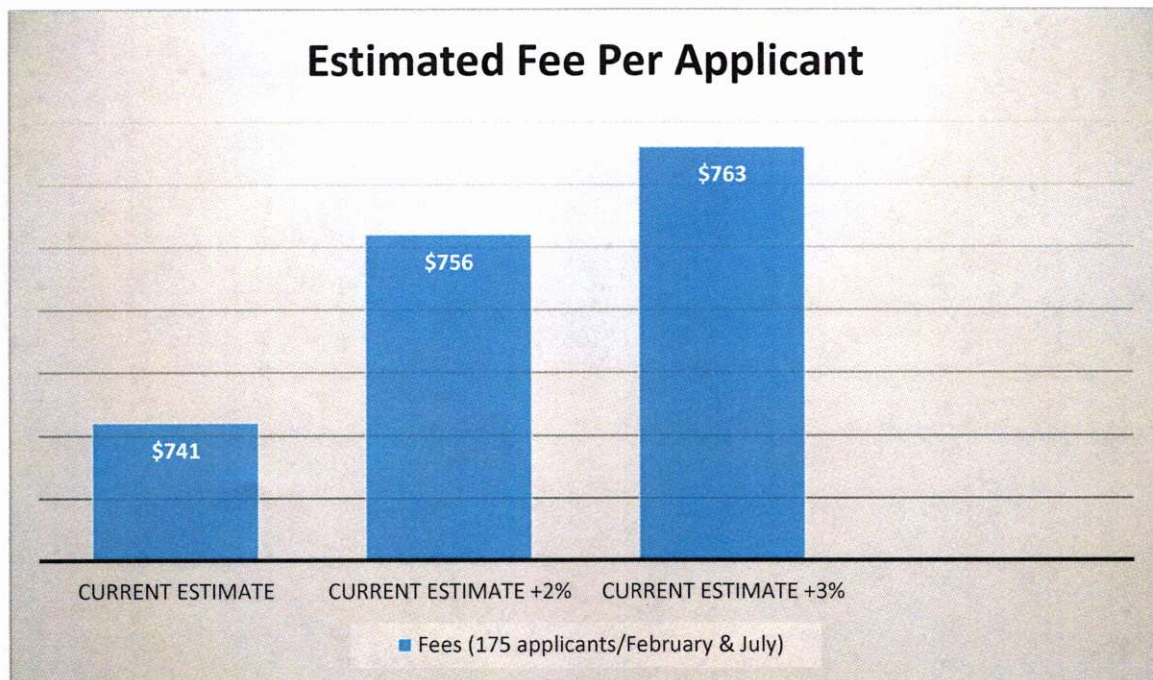
- Catering
- Transportation
- Special Accommodation Reviews
- Bar Exam Materials
- Staffing

TOTAL: \$129,675

*Based on 2026 actual costs

**Does not include fringe benefits (*i.e.*, appx. 30% more)

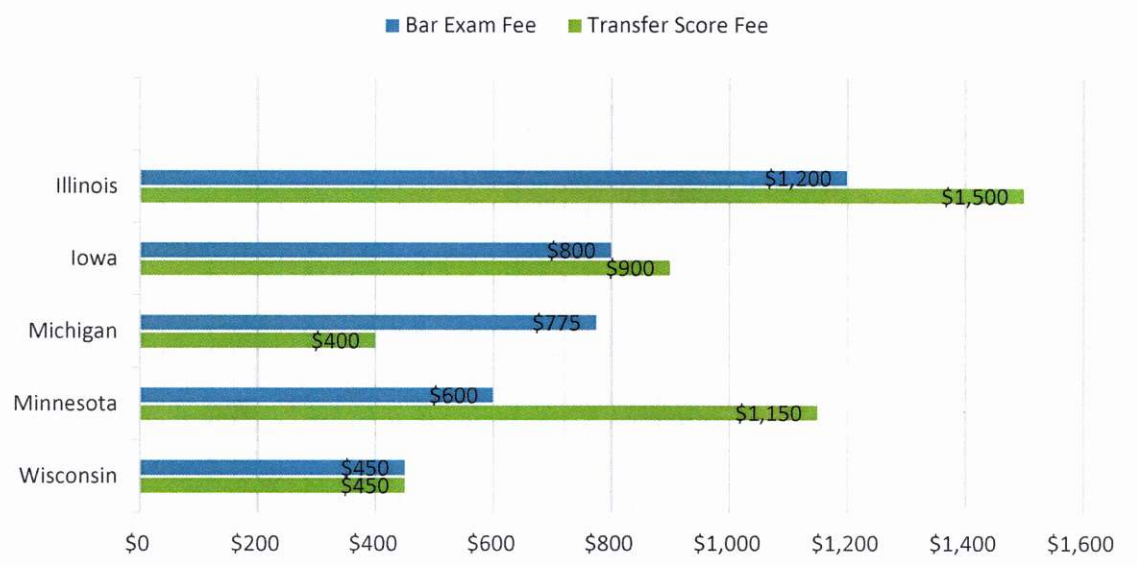
***Actual NCBE test cost (\$145/person)



Applicant Fees
(Cost Estimate ÷ Number of Applicants)

Current Cost	$\$129,675 \div 175$	\$741
Current Cost +2%	$\$132,269 \div 175$	\$756
Current Cost +3%	$\$133,565 \div 175$	\$763

Surrounding Jurisdiction Fees



<u>Jurisdiction</u>	<u>Bar Exam Fee</u>	<u>Transfer Score Fee</u>
Illinois	\$1,200	\$1,500
Iowa	\$800	\$900
Michigan	\$775	\$400
Minnesota	\$600	\$1,150
Wisconsin	\$450	\$450

SCR 40.04 (11)

Commencing in July 2026, an applicant may be eligible for admission provided the applicant has received a scaled score of 620 or higher earned in another jurisdiction on the NextGen and the score is certified as a NextGen 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. When a passing score is set for the NextGen exam, that score will retroactively apply to the July 2026 administration of the NextGen exam.

SCR 40.04 (12)

(a) Before being admitted to the practice of law in Wisconsin by NextGen examination or by transferred NextGen score, an applicant shall successfully complete 21 hours of the Wisconsin law and practice educational component.

(b) The Wisconsin law and practice educational component shall be completed no later than 12 months after receiving notification of a passing NextGen score or within 12 months of filing an application for admission via an eligible NextGen transfer score.

(c) 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.

SCR 40.14 (3) (a)

Bar examination fee \$750

SCR 40.14(3)(j)

Fee for admission by transferred NextGen score \$450