

1990

Donald A. Daughtery's Verification of Attorney's Oath

Roger J. Miner

Marilyn L. Graves

VERIFICATION OF
ATTORNEY'S OATH

I certify that pursuant to Wisconsin Supreme Court Rule 40.02(4),
Donald A. Daugherty, Jr. appeared before me on
Name
this date, and that I administered the Attorney's Oath, copy attached, as
set forth in Wisconsin Supreme Court Rule 40.15.

State of New York

Roger J. Miner
Signature of Judge
Roger J. Miner
U.S. Court of Appeals for the Second Cir.
Name of Justice - Typed or Printed

November 21, 1990
Date



Supreme Court of Wisconsin

231 E., State Capitol

P. O. Box 1688

Madison, Wisconsin 53701-1688

Telephone 608-266-1880

Nathan S. Heffernan
Chief Justice
Roland B. Day
Shirley S. Abrahamson
William G. Callow
Donald W. Steinmetz
Louis J. Ceci
William A. Bablitch
Justices

J. Denis Moran
Director of State Courts

Marilyn L. Graves
Clerk

RECEIVED

November 5, 1990

NOV 08 1990

ROGER J. MINER
U.S. CIRCUIT JUDGE
ALBANY, NEW YORK

Honorable Roger J. Miner
U.S. Court of Appeals
2nd Circuit
P.O. Box 858
Albany, NY 12201

Re: Donald A. Daugherty

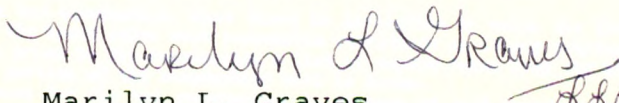
Dear Judge Miner:

It is our understanding that you have agreed to administer the attorney's oath to Mr. Daugherty on November 21, 1990.

Enclosed please find the Verification Statement with the Attorney's Oath attached thereto; and Wisconsin Supreme Court Rule, Chapter 40: Admission to the Bar. Please sign the Verification Statement and return it to us with the attached Oath in the enclosed, self-addressed envelope. We have also enclosed two copies of the Attorney's Oath for the admission ceremony. Please retain a copy for yourself and make sure Mr. Daugherty receives the other copy prior to the ceremony.

The members of the court and I appreciate your cooperation and the time devoted to this matter.

Yours very truly,


Marilyn L. Graves
Clerk of Supreme Court

llb
Enclosures
cc: Donald Daugherty

SCR 40.01 DEFINITIONS; LIST OF LAW SCHOOLS.

- (1) In this chapter, unless the context otherwise requires:
 - (a) "Board" means the board of attorneys professional competence.
 - (b) "Clerk" means the clerk of the supreme court.
- (2) The board shall maintain a record of all law schools which are approved by the American bar association, together with the date of such approval, and those which are not so approved. The record shall constitute an official record of the supreme court and proof of the fact that the law schools therein stated as approved by the American bar association were so approved at the times therein stated.

SCR 40.02 QUALIFICATIONS GENERALLY.

A person who meets all of the following qualifications shall be admitted to practice law in this state by order of the supreme court:

- (1) Has attained the age of majority under the law of this state.
- (2) Satisfies the legal competence requirement by diploma privilege (SCR 40.03), bar examination (SCR 40.04) or proof of practice elsewhere (SCR 40.05).
- (3) Satisfies the character and fitness requirement set forth in SCR 40.06.
- (4) Takes the oath or affirmation prescribed in SCR 40.15 in open court before the supreme court or a justice thereof or before a member of the highest court of another jurisdiction.
- (5) Subscribes the roll of attorneys maintained by the clerk of the supreme court or has his or her name entered thereon by the clerk.

SCR 40.03 LEGAL COMPETENCE REQUIREMENT: DIPLOMA PRIVILEGE.

An applicant who has been awarded a first professional degree in law from a law school in this state approved by the American bar association shall satisfy the legal competence requirement by presenting to the clerk certification of such law school showing:

(1) Satisfactory completion of legal studies leading to the first professional degree in law. The law school shall certify satisfactory completion of not less than 84 semester credits earned by the applicant for purposes of the degree awarded.

(2) Satisfactory completion of study in mandatory and elective subject matter areas. The law school shall certify satisfactory completion of not less than 60 semester credits in the mandatory and elective subject matter areas as provided in (a) and (b). All semester credits so certified shall have been earned in regular law school courses having as their primary and direct purpose the study of rules and principles of substantive and procedural law as they may arise in the courts and administrative agencies of the United States and this state.

(a) Elective subject matter areas; 60-credit rule. Not less than 60 semester credits shall have been earned in regular law school courses in the subject matter areas generally known as: Administrative law, appellate practice and procedure, commercial transactions, conflict of laws, constitutional law, contracts, corporations, creditors' rights, criminal law and procedure, damages, domestic relations, equity, evidence, future interests, insurance, jurisdiction of courts, legislation, labor law, ethics and legal responsibilities of the profession, partnership, personal property, pleading and practice, public utilities, quasi-contracts, real property, taxation, torts, trade regulation, trusts, and wills and estates. The 60-credit subject matter requirement may be satisfied by combinations of the curricular offerings in each approved law school in this state.

(b) Mandatory subject matter areas; 30-credit rule. Not less than 30 of the 60 semester credits shall have been earned in regular law school courses in each of the following subject matter areas: Constitutional law, contracts, criminal law and procedure, evidence, jurisdiction of courts, ethics and legal responsibilities of the legal profession, pleading and practice, real property, torts, and wills and estates.

(c) Law school certification of subject matter content of curricular offerings. Upon the request of the supreme court, the dean of each such law school shall file with the clerk a certified statement setting forth the courses taught in the law school which satisfy the requirements for a first professional degree in law, together with a statement of the percentage of time devoted in each course to the subject matter of the areas of law specified in this rule.

SCR 40.04 LEGAL COMPETENCE REQUIREMENT: BAR EXAMINATION.

(1) An applicant who within 5 years of making application has been awarded a first professional degree in law from a law school approved by the American bar association at the time of the applicant's graduation shall satisfy the legal competence requirement by presenting to the clerk certification of the board that the applicant has passed an examination administered by the board covering all or part of the subject matter areas of law specified in SCR 40.03(2)(a).

(2) The board shall administer an examination consisting of the Multistate Bar Examination developed by the National Conference of Bar Examiners, an essay examination developed by the board and such other elements the board may deem appropriate for the assessment of lawyer competence.

(3) An applicant shall file all application materials and fees with the board not less than 60 days before the examination except that, on payment of a late fee, application materials and fees shall be filed not less than 30 days before the examination.

(4) The board, in its discretion, may permit an applicant who has not yet been awarded a first professional degree in law to take the examination if it is reasonably anticipated that the applicant will receive that degree within 60 days after the examination.

(5) An applicant who has failed the Wisconsin bar examination three times is ineligible to write the Wisconsin bar examination unless special permission is given by the board under such reasonable conditions as it may require.

(6) The board shall provide to each applicant prior to the examination a list of topics taken from the areas of law specified in SCR 40.03(2)(a) from which the essay portion of the examination will be drawn.

(7) The board shall establish the passing score for the bar examination in advance of each examination and shall advise each applicant of the score so established.

(8) An unsuccessful examinee who files a written request with the board within 90 days of mailing of notice by the board of failure of the examination shall be entitled to inspect the examinee's essay examination paper.

SCR 40.05 LEGAL COMPETENCE REQUIREMENT: PROOF OF PRACTICE ELSEWHERE.

(1) An applicant shall satisfy the legal competence requirement by presenting to the clerk certification of the board that the applicant has provided all of the following:

(a) Proof of admission to practice law by a court of last resort in any other state or territory or the District of Columbia.

(b) Proof that the applicant has been primarily engaged in the active practice of law in the courts of the United States or another state or territory or the District of Columbia for 3 years within the last 5 years prior to filing application for admission.

(c) If any state, territory or the District of Columbia practice in which is proposed to satisfy the requirement of sub. (b) has, as of the date of the filing of the application, requirements for bar admission in that jurisdiction on the basis of practice in Wisconsin other than those set forth in subs. (a) and (b), proof that the applicant has satisfied those requirements of that state, territory or the District of Columbia.

(2) Legal service as corporate counsel or trust officer, if conducted in a state where the applicant was admitted to practice law, may be deemed to be the practice of law for purposes of sub. (1)(b) and (c).

(3) The following activities, whether or not conducted in a state where the applicant was admitted to practice law, may be deemed to be the practice of law for purposes of sub. (1)(b) and (c):

(a) Service as a judge of a court of record of the United States, any state or territory or the District of Columbia.

(b) Legal service with any local or state government or with the federal government.

(c) Legal service in the armed forces of the United States.

(d) Teaching in any law school approved by the American bar association.

(4) An applicant who has failed the Wisconsin bar examination shall not be eligible for admission on proof of practice elsewhere.

(5) An applicant who proposes to satisfy the requirement of this rule by practice in a jurisdiction which does not grant bar admission to attorneys licensed in Wisconsin on the basis of practice in Wisconsin shall not be eligible for admission on proof of practice elsewhere.

SCR 40.06 REQUIREMENT AS TO CHARACTER AND FITNESS TO PRACTICE LAW.

(1) An applicant for bar admission shall establish good moral character and fitness to practice law. The purpose of this requirement is to limit admission to those applicants found to have the qualities of character and fitness needed to assure to a reasonable degree of certainty the integrity and the competence of services performed for clients and the maintenance of high standards in the administration of justice.

(2) An applicant for admission pursuant to SCR 40.03 shall establish to the satisfaction of the dean of the law school conferring the first professional degree in law that the applicant satisfies the requirement set forth in sub. (1). The dean shall certify to the supreme court the character and fitness of qualifying applicants.

(3) An applicant for admission pursuant to SCR 40.04 or SCR 40.05 shall establish to the satisfaction of the board that the applicant satisfies the requirement set forth in sub. (1). The board shall certify to the supreme court the character and fitness of qualifying applicants. The board shall decline to certify the character and fitness of an applicant who knowingly makes a materially false statement of material fact or who fails to disclose a fact necessary to correct a misapprehension known by the applicant to have arisen in connection with his or her application.

(4) The board shall not certify an applicant while an attorney disciplinary matter against the applicant is pending.

SCR 40.07 PROOF OF QUALIFICATIONS.

The burden of proof shall be on the applicant to establish qualifications under SCR 40.02. Refusal of an applicant to furnish available information or to answer questions relating to the applicant's qualifications shall be deemed a sufficient basis for denial of certification for admission.

SCR 40.08 ADVERSE DETERMINATION.

(1) Before declining to certify an applicant's satisfaction of requirements under this chapter, the board shall notify the applicant in writing of the basis for its decision and, except as to failure of the bar examination under SCR 40.04, the applicant shall have the opportunity to respond in writing within 20 days of the mailing of notification of the board's decision to the applicant at the last address furnished by the applicant in writing to the board.

(2) The board shall grant a hearing to an applicant only upon a showing that there are facts bearing on the applicant's case that cannot be presented in writing. The board shall not grant a hearing on its decision on waiver under SCR 40.10.

(3) Not less than 30 days prior to the hearing the board shall notify the applicant of the time and place thereof, the issues to be considered and that the applicant may be represented by counsel and present evidence.

(4) If the determination of the board following a hearing is adverse to the applicant, the board shall mail a copy of the board's findings of facts and conclusions of law to the applicant at the last address furnished by the applicant in writing to the board.

(5) A petition to the supreme court for review of an adverse determination of the board under this rule shall be filed with the clerk within 30 days of the date on which written notice thereof was mailed to the applicant.

SCR 40.09 DEADLINE FOR ADMISSION.

An applicant who fails to establish qualifications for admission under SCR 40.02 with the clerk of the supreme court within the following time periods shall not be admitted to the practice of law:

(1) Applicants who are awarded a first professional degree in law after January 1, 1981: one year following the date of certification by the law school pursuant to SCR 40.03 and 40.06.

(2) Applicants who write the bar examination after January 1, 1981: one year following the date of certification by the board pursuant to SCR 40.04 and 40.06.

(3) Applicants who qualify for admission pursuant to SCR 40.05: one year following the date of certification by the board pursuant to SCR 40.05 and 40.06.

SCR 40.10 WAIVER OF REQUIREMENTS.

Except for the requirements of SCR 40.03 and 40.06(2), the board may waive any of the requirements of this chapter in exceptional cases and for good cause where to do otherwise would be unjust.

SCR 40.11 RULEMAKING AUTHORITY.

The board may promulgate rules necessary to carry out the intent and purpose of this chapter.

SCR 40.12 CONFIDENTIALITY.

The application files of an applicant and all examination materials are confidential. The supreme court or the board may authorize the release of confidential information to other persons or agencies.

SCR 40.13 DELEGATION.

The board may delegate its authority under this chapter to a committee, a member or its director.

SCR 40.14 APPLICATION; FEES.

(1) Application to the supreme court for admission to the bar shall be filed with the board.
(2) An application is filed on the date a properly executed application and payment of applicable fees are received at the office of the board during regular business hours.

(3) The following fees are payable to the board:

Bar examination fee	\$300
Late fee for bar examination	\$100
Fee for application for admission on proof of practice elsewhere	\$675
Admission fee	\$ 50
Fee for reinstatement, readmission, late admission on diploma privilege	\$200
or late enrollment in the bar	\$ 25
Application fee for change of name	

Effective September 1, 1988 (except SCR 40.14, January 1, 1990; SCR 40.06(4), October 17, 1990)

SCR 40.15, the Attorney's Oath, has been omitted from this reproduction of SCR Chapter 40.

Attorney's Oath

I do solemnly swear:

I will support the constitution of the United States and the constitution of the state of Wisconsin;

I will maintain the respect due to courts of justice and judicial officers;

I will not counsel or maintain any suit or proceeding which shall appear to me to be unjust, or any defense, except such as I believe to be honestly debatable under the law of the land;

I will employ, for the purpose of maintaining the causes confided to me, such means only as are consistent with truth and honor, and will never seek to mislead the judge or jury by any artifice or false statement of fact or law;

I will maintain the confidence and preserve inviolate the secrets of my client and will accept no compensation in connection with my client's business except from my client or with my client's knowledge and approval;

I will abstain from all offensive personality and advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which I am charged;

I will never reject, from any consideration personal to myself, the cause of the defenseless or oppressed, or delay any person's cause for lucre or malice. So help me God.