

Wisconsin is the only state to allow certain applicants admission to the bar by means of a diploma privilege. Specifically, when the University of Wisconsin Law School or Marquette University Law School awards a first professional degree to its students, the student satisfies the state's legal competence requirement—if the student met certain educational standards. In 2007, a graduate of the Oklahoma City University School of Law challenged Wisconsin's diploma privilege under the Dormant Commerce Clause. The parties settled the suit before a court could decide the case on its merits. This note seeks to answer the unanswered question: Do diploma privilege regulations violate the Dormant Commerce Clause? It will consider the evolution of the Dormant Commerce Clause, and previous challenges to diploma privileges or restrictions of legal practice based on residency or origin. It will then consider Wisconsin's diploma privilege in light of the applicable law. This analysis indicates that while diploma privilege regulations are conceptually permissible, Wisconsin's diploma privilege fails to provide a discernible educational benefit that would justify the burden it places on interstate commerce. Further, while Wisconsin could bring its privilege into constitutional conformity, political realities make such a modification unlikely.