

PROFESSIONAL RULES

Minnesota Rules of Professional Conduct

Adopted June 13, 1985

Effective September 1, 1985

With amendments received through August 1, 2007

TABLE OF HEADNOTES

CLIENT-LAWYER RELATIONSHIP

1.15 Safekeeping Property

TEXT OF RULES

CLIENT-LAWYER RELATIONSHIP

[For text of 1.1 to 1.14, see M.S. 2006, Volume 15]

Rule 1.15 Safekeeping Property

(a) All funds of clients or third persons held by a lawyer or law firm in connection with a representation shall be deposited in one or more identifiable trust accounts as set forth in paragraphs (d) through (g) and as defined in paragraph (o). No funds belonging to the lawyer or law firm shall be deposited therein except as follows:

(1) funds of the lawyer or law firm reasonably sufficient to pay service charges may be deposited therein;

(2) funds belonging in part to a client or third person and in part presently or potentially to the lawyer or law firm must be deposited therein.

(b) A lawyer must withdraw earned fees and any other funds belonging to the lawyer or the law firm from the trust account within a reasonable time after the fees have been earned or entitlement to the funds has been established and the lawyer must provide the client or third person with: (i) written notice of the time, amount, and purpose of the withdrawal; and (ii) an accounting of the client's or third person's funds in the trust account. If the right of the lawyer or law firm to receive funds from the account is disputed by the client or third person claiming entitlement to the funds, the disputed portion shall not be withdrawn until the dispute is finally resolved. If the right of the lawyer or law firm to receive funds from the account is disputed within a reasonable time after the funds have been withdrawn, the disputed portion must be restored to the account until the dispute is resolved.

(c) A lawyer shall:

(1) promptly notify a client or third person of the receipt of the client's or third person's funds, securities, or other properties;

(2) identify and label securities and properties of a client or third person promptly upon receipt and place them in a safe deposit box or other place of safekeeping as soon as practicable;

(3) maintain complete records of all funds, securities, and other properties of a client or third person coming into the possession of the lawyer and render appropriate accounts to the client or third person regarding them;

(4) promptly pay or deliver to the client or third person as requested the funds, securities, or other properties in the possession of the lawyer which the client or third person is entitled to receive; and

(5) deposit all fees in advance of the legal services being performed into a trust account and withdraw the fees as earned, unless the lawyer and the client have entered into a written agreement pursuant to Rule 1.5(b).

(d) Each trust account referred to in paragraph (a) shall be an account in an eligible financial institution selected by a lawyer in the exercise of ordinary prudence.

(e) A lawyer who receives client or third person funds shall maintain a pooled trust account ("IOLTA account") for deposit of funds that are nominal in amount or expected to be held for a short period of time.

(f) All client or third person funds shall be deposited in the account specified in paragraph (e) unless they are deposited in a:

(1) separate trust account for the particular third person, client, or client's matter on which the earnings, net of any transaction costs, will be paid to the client or third person; or

(2) pooled trust account with subaccounting which will provide for computation of earnings accrued on each client's or third person's funds and the payment thereof, net of any transaction costs, to the client.

(g) In determining whether to use the account specified in paragraph (e) or an account specified in paragraph (f), a lawyer shall take into consideration the following factors:

(1) the amount of earnings which the funds would accrue during the period they are expected to be deposited;

(2) the cost of establishing and administering the account, including the cost of the lawyer's services;

(3) the capability of financial institutions described in paragraph (d) to calculate and pay earnings to individual clients.

Only funds that could not accrue earnings for the client, net of the costs described in subparagraph (2) above, may be placed or retained in the account specified in paragraph (e).

(h) Every lawyer engaged in private practice of law shall maintain or cause to be maintained on a current basis, books and records sufficient to demonstrate income derived from, and expenses related to, the lawyer's private practice of law, and to establish compliance with paragraphs (a) through (f). Equivalent books and records demonstrating the same information in an easily accessible manner and in substantially the same detail are acceptable. The books and records shall be preserved for at least six years following the end of the taxable year to which they relate or, as to books and records relating to funds or property of clients or third persons, for at least six years after completion of the employment to which they relate.

(i) Every lawyer subject to paragraph (h) shall certify, in connection with the annual renewal of the lawyer's registration and in such form as the Clerk of the Appellate Court may prescribe, that the lawyer or the lawyer's law firm maintains books and records as required by paragraph (h). The Lawyers Professional Responsibility Board shall publish annually the books and records required by paragraph (h).

(j) Lawyer trust accounts, including IOLTA accounts, shall be maintained only in eligible financial institutions approved by the Office of Lawyers Professional Responsibility. Every check, draft, electronic transfer, or other withdrawal instrument or authorization shall be personally signed or, in the case of electronic, telephone, or wire transfer, directed by one or more lawyers authorized by the law firm.

(k) A financial institution, to be approved as a depository for lawyer trust accounts, must file with the Office of Lawyers Professional Responsibility an agreement, in a form provided by the Office, to report to the Office in the event any properly payable instrument is presented against a lawyer trust account containing insufficient funds, irrespective of whether the instrument is honored. The Lawyers Professional Responsibility Board shall establish rules governing approval and termination of approved status for financial institutions, and shall annually publish a list of approved financial institutions. No trust account shall be maintained in any financial institution that does not agree to make such reports. Any such agreement shall apply to all branches of the financial institution and shall not be canceled except upon three days' notice in writing to the Office.

(l) The overdraft notification agreement shall provide that all reports made by the financial institution shall be in the following format:

(1) in the case of a dishonored instrument, the report shall be identical to the overdraft notice customarily forwarded to the depositor, and should include a copy of the dishonored instrument, if such a copy is normally provided to depositors;

(2) in the case of an instrument that is presented against insufficient funds but which instrument is honored, the report shall identify the financial institution, the lawyer or law firm, the account number, the date of presentation for payment and the date paid, as well as the amount of overdraft created thereby.

Such reports shall be made simultaneously with, and within the time provided by law for notice of dishonor, if any. If an instrument presented against insufficient funds is honored, then the report shall be made within five banking days of the date of presentation for payment against insufficient funds.

(m) Every lawyer practicing or admitted to practice in this jurisdiction shall, as a condition thereof, be conclusively deemed to have consented to the reporting and production requirements mandated by this rule.

(n) Nothing herein shall preclude a financial institution from charging a particular lawyer or law firm for the reasonable cost of producing the report and records required by this rule.

(o) DEFINITIONS

“Trust account” is an account denominated as such in which a lawyer or law firm holds funds on behalf of a client or third person(s) and is: (1) an interest-bearing checking account; (2) a money market account with or tied to check-writing; (3) a sweep account, which is a money market fund or daily overnight financial institution repurchase agreement invested solely in or fully collateralized by U.S. Government Securities; or (4) an open-end money market fund solely invested in or fully collateralized by U.S. Government Securities. An open-end money market fund must hold itself out as a money market fund as defined by applicable federal statutes and regulations under the Investment Act of 1940, and, at the time of the investment, have total assets of at least \$250,000,000. “U.S. Government Securities” refers to U.S. Treasury obligations and obligations issued or guaranteed as to principal and interest by the United States or any agency or instrumentality thereof. A daily overnight financial institution repurchase agreement may be established only with an institution that is deemed to be “well capitalized” or “adequately capitalized” as defined by applicable federal statutes and regulations.

“IOLTA account” is a pooled trust account in an eligible financial institution that has agreed to:

(1) remit the earnings accruing on this account, net of any allowable reasonable fees, monthly to the Lawyer Trust Account Board (LTAB) established by the Minnesota Supreme Court;

(2) transmit with each remittance a report on a form approved by the LTAB that shall identify each lawyer or law firm for whom the remittance is sent, the amount of remittance attributable to each IOLTA account, the rate and type of earnings applied, the amount of earnings accrued, the amount and type of fees deducted, if any, and the average account balance for the period in which the report is made; and

(3) transmit to the depositing lawyer or law firm a report in accordance with normal procedures for reporting to its depositors.

An approved eligible financial institution must pay no less on IOLTA accounts than (i) the highest earnings rate generally available from the institution to its non-IOLTA customers on each IOLTA account that meets the same minimum balance or other eligibility qualifications, or (ii) 80 percent of the Federal Funds Target Rate on all its IOLTA accounts. The rate to be paid shall be fixed on the first day of each month, subject to rate changes during the month reflected in normal month-end calculations. Accrued earnings and fees shall be calculated in accordance with the eligible financial institution’s standard practice, but institutions may elect to pay a higher earnings rate and may elect to waive any fees on IOLTA accounts. A financial institution may choose to pay the higher sweep or money market account rates on a qualifying IOLTA checking account.

“Allowable reasonable fees” for IOLTA accounts are per check charges, per deposit charges, sweep fees, and similar charges assessed against comparable accounts by the eligible financial institution. All other fees are the responsibility of, and may be charged to, the lawyer maintaining the IOLTA account. Fees or charges in excess of the earnings accrued on the account for any month or quarter shall not be taken from earnings accrued on other IOLTA ac-

counts or from the principal of the account. Eligible financial institutions may elect to waive any or all fees on IOLTA accounts.

“Eligible financial institution” for trust accounts is a bank or savings and loan association authorized by federal or state law to do business in Minnesota, the deposits of which are insured by an agency of the federal government, or is an open-end investment company registered with the Securities and Exchange Commission authorized by federal or state law to do business in Minnesota.

“Properly payable” refers to an instrument which, if presented in the normal course of business, is in a form requiring payment under the laws of this jurisdiction.

“Notice of dishonor” refers to the notice which an eligible financial institution is required to give, under the laws of this jurisdiction, upon presentation of an instrument that the institution dishonors.

(Amended effective January 1, 1990; amended effective for all lawyer conduct occurring on or after August 1, 1999; amended effective October 1, 2005; amended effective July 1, 2007.)

[For text of 1.16 to Appendix 1, see M.S. 2006, Volume 15]

Rules for Admission to the Bar

Effective August 18, 1998

With amendments received through August 1, 2007

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TEXT OF RULES

[For text of Rule 1, see M.S. 2006, Volume 15]

Rule 3. State Board of Law Examiners

A. Composition. The Board shall consist of nine members, including a president. Seven of the members shall be lawyers having their principal office in this state and two shall be non-lawyer public members, each appointed by the Court for a term of three years or until a successor is appointed and qualifies. With the exception of the president, Board members may serve no more than three successive three-year terms. The president shall be appointed by the Court and shall serve as president, at the pleasure of the Court, for no more than six years. The terms of office may be staggered by the Court by any method it deems appropriate. The Board shall select a secretary from among its members.

B. Authority. The Board is authorized:

(1) Subject to the approval of the Court, to employ a director on a full-time or part-time basis, to prescribe duties, and to fix compensation;

(2) To secure examination questions and other testing instruments that the Board finds valid and reliable in measuring the competence of applicants to practice law, and to pay reasonable compensation for them;

(3) To employ examination graders;

(4) To establish a minimum passing score for the examinations;

(5) To conduct investigations of applicants' backgrounds as may be reasonably related to fitness to practice or eligibility under the Rules, and to require applicants to pay the costs of the investigations;

(6) To recommend to the Court the admission and licensure of applicants to practice law in Minnesota;

(7) To administer these Rules and adopt policies and procedures consistent with these Rules;

(8) To delegate to its president and director authority to make necessary determinations to implement the Board's policies and procedures and these Rules;

(9) To prepare and disseminate information to prospective applicants and the public about procedures and standards for admission to practice law in this state.

C. Board Meetings and Quorum. Board meetings are open to the public except when the Board is considering the following:

(1) Examination materials;

(2) Any information concerning an applicant, potential applicant, or conditionally admitted lawyer;

(3) Personnel matters;

(4) Any information that is confidential or private under Rule 14;

(5) Legal advice from its counsel.

Board members may attend meetings in person or, in extraordinary circumstances, by conference call. A quorum of the Board shall be a majority of its sitting members. Minutes of the public portions of Board meetings are available upon request from the Board office.

(Amended effective September 1, 2004; amended effective July 1, 2007.)

Rule 4. General Requirements for Admission

A. Eligibility for Admission. The applicant has the burden to prove eligibility for admission by providing satisfactory evidence of the following:

- (1) Age of at least 18 years;
- (2) Good character and fitness as defined by these Rules;
- (3) Graduation with a J.D. or LL.B. degree from a law school that is provisionally or fully approved by the American Bar Association;
- (4) Passing score on a written examination or qualification under Rules 7A, 7B, 8, 9, or 10;
- (5) A scaled score of 85 or higher on the Multistate Professional Responsibility Examination (MPRE); and
- (6) Not currently suspended or disbarred from the practice of law in another jurisdiction.

B. Residency. Prior to admission an applicant must be a resident of this state, maintain an office in this state, or designate the Clerk of the Appellate Courts as agent for the service of process for all purposes.

C. Application for Admission. To be accepted as complete, an application must be submitted on a form prescribed by the Board together with the following:

- (1) A fee in an amount prescribed by Rule 12;
- (2) A notarized authorization for release of information form;
- (3) For applicants seeking admission by examination, a passport-style photo;
- (4) Two notarized affidavits of good character from persons who have known the applicant for at least one year and who:
 - (a) Are unrelated to the applicant by blood or marriage and not living in the same household; and
 - (b) Were not fellow law students during the applicant's enrollment;
- (5) The notarized affidavits of good character must address the following:
 - (a) The duration of time and circumstances under which the affiant has known the applicant;
 - (b) Details respecting the applicant's character and general reputation; and
 - (c) Other information bearing on the applicant's character and fitness to practice law.

D. Evidence of Graduation (Conferral of Degree). At least 30 days prior to the examination, each applicant shall file, or cause to be filed, an original document from the applicant's law school, signed by the dean or other authorized person stating:

- (1) That the law school has conferred a J.D. or LL.B. degree upon the applicant; or
- (2) That the applicant has completed all coursework 30 days prior to the examination for which the applicant has applied, fulfilled all requirements for conferral of degree, and will be awarded a J.D. or LL.B. degree within 120 days following the examination. An applicant filing evidence of conferral of degree pursuant to Rule 4D(2) shall cause to be filed a certified transcript verifying the award of the degree within 120 days following the examination.

E. Additional Filing When Admitted Elsewhere. An applicant who has been admitted to practice in another jurisdiction shall also file or cause to be filed at the time of the application:

- (1) An authentic copy of the application for admission to the bar from the bar admissions authority in each jurisdiction in which the applicant was previously admitted to the practice of law;
- (2) An authentic document showing the date of admission to the bar in each other jurisdiction;
- (3) An authentic document from the proper authority in each jurisdiction stating that the applicant is in good standing; and

(4) An authentic document from the proper authority in each jurisdiction indicating whether the applicant is the subject of any pending complaint or charge of misconduct.

F. Applicants Without MPRE Score. An applicant may file an application without having taken the MPRE. However, the applicant shall not be admitted until he or she has submitted evidence of an MPRE scaled score of 85 or higher. Such applicants must be admitted within 12 months of the date of a written notice from the Board or the application will be considered to have been withdrawn.

G. Repeat Examinee. An applicant who has been unsuccessful on a prior Minnesota Bar Examination may reapply by submitting:

- (1) A new application for admission pursuant to Rule 4C;
- (2) The proper fee under Rule 12;
- (3) A notarized authorization for release of information on a form prescribed by the Board;
- (4) A passport-style photo; and
- (5) If the original application is more than two years old, new affidavits as described in Rule 4C(4) of these Rules.

H. Incomplete Application. An application determined to be incomplete shall be returned to the applicant.

I. Withdrawal of Application. An applicant may withdraw the application by notifying the Board in writing at any time prior to the issuance of an adverse determination.

J. Required Cooperation.

(1) An applicant has the duty to cooperate with the Board and the director by timely complying with requests, including requests to:

- (a) Provide complete information, documents, and signed authorizations for release of information;
- (b) Obtain reports or other information necessary for the Board to properly evaluate the applicant's fitness to practice;
- (c) Appear for interviews to determine eligibility for admission or facilitate the background investigation.

(2) An applicant shall not discourage a person from providing information to the Board or retaliate against a person for providing information to the Board;

(3) If the Board determines that an applicant has breached the duty to cooperate, the Board may deem the application withdrawn, may deny an opportunity to test, or may deny admission.

(Amended effective March 14, 2000; amended effective September 1, 2004; amended effective July 1, 2007.)

Rule 5. Standards for Admission

A. Essential Eligibility Requirements. Applicants must meet the following essential eligibility requirements for the practice of law:

- (1) The ability to be honest and candid with clients, lawyers, courts, the Board, and others;
- (2) The ability to reason, recall complex factual information, and integrate that information with complex legal theories;
- (3) The ability to communicate with clients, lawyers, courts, and others with a high degree of organization and clarity;
- (4) The ability to use good judgment on behalf of clients and in conducting one's professional business;
- (5) The ability to conduct oneself with respect for and in accordance with the law;
- (6) The ability to avoid acts which exhibit disregard for the rights or welfare of others;
- (7) The ability to comply with the requirements of the Rules of Professional Conduct, applicable state, local, and federal laws, regulations, statutes, and any applicable order of a court or tribunal;

(8) The ability to act diligently and reliably in fulfilling one's obligations to clients, lawyers, courts, and others;

(9) The ability to use honesty and good judgment in financial dealings on behalf of oneself, clients, and others; and

(10) The ability to comply with deadlines and time constraints.

B. Character and Fitness Standards and Investigation.

(1) **Purpose.** The purpose of the character and fitness investigation before admission to the bar is to protect the public and to safeguard the justice system.

(2) **Burden of Proof.** The applicant bears the burden of proving good character and fitness to practice law.

(3) **Relevant Conduct.** The revelation or discovery of any of the following shall be treated as cause for further inquiry before the Board determines whether the applicant possesses the character and fitness to practice law:

(a) Unlawful conduct;

(b) Academic misconduct;

(c) Misconduct in employment;

(d) Acts involving dishonesty, fraud, deceit, or misrepresentation;

(e) Acts which demonstrate disregard for the rights or welfare of others;

(f) Abuse of legal process, including the filing of vexatious or frivolous lawsuits;

(g) Neglect of financial responsibilities;

(h) Neglect of professional obligations;

(i) Violation of an order of a court, including child support orders;

(j) Conduct that evidences current mental or emotional instability that may impair the ability to practice law;

(k) Conduct that evidences current drug or alcohol dependence or abuse that may impair the ability to practice law;

(l) Denial of admission to the bar in another jurisdiction on character and fitness grounds;

(m) Disciplinary action by a lawyer disciplinary agency or other professional disciplinary agency of any jurisdiction;

(n) The making of false statements, including omissions, on bar applications in this state or any other jurisdiction.

(4) **Considerations.** The Board shall determine whether the present character and fitness of an applicant qualifies the applicant for admission. In making this determination, the following factors shall be considered in assigning weight and significance to prior conduct:

(a) The applicant's age at the time of the conduct;

(b) The recency of the conduct;

(c) The reliability of the information concerning the conduct;

(d) The seriousness of the conduct;

(e) The factors underlying the conduct;

(f) The cumulative effect of the conduct or information;

(g) The evidence of rehabilitation as defined in Rule 5B(5);

(h) The applicant's candor in the admissions process; and

(i) The materiality of any omissions or misrepresentations.

(5) **Rehabilitation.** An applicant who affirmatively asserts rehabilitation from past conduct may provide evidence of rehabilitation by submitting one or more of the following:

(a) Evidence that the applicant has acknowledged the conduct was wrong and has accepted responsibility for the conduct;

(b) Evidence of strict compliance with the conditions of any disciplinary, judicial, administrative, or other order, where applicable;

(c) Evidence of lack of malice toward those whose duty compelled bringing disciplinary, judicial, administrative, or other proceedings against applicant;

(d) Evidence of cooperation with the Board's investigation;

(e) Evidence that the applicant intends to conform future conduct to standards of good character and fitness for legal practice;

(f) Evidence of restitution of funds or property, where applicable;

(g) Evidence of positive social contributions through employment, community service, or civic service;

(h) Evidence that the applicant is not currently engaged in misconduct;

(i) Evidence of a record of recent conduct that demonstrates that the applicant meets the essential eligibility requirements for the practice of law and justifies the trust of clients, adversaries, courts, and the public;

(j) Evidence that the applicant has changed in ways that will reduce the likelihood of recurrence of misconduct; or

(k) Other evidence that supports an assertion of rehabilitation.

(6) Continuing Obligation. The applicant has a continuing obligation to update the application with respect to all matters inquired of on the application. This obligation continues during the pendency of the application, including the period when the matter is on appeal to the Board or the Court.

(7) Determination. A character and fitness determination shall be made with respect to each applicant who is a successful examinee or who is qualified by practice for admission under these Rules. An adverse determination on character and fitness grounds may be appealed under Rule 15.

(8) Advisory Opinions.

(a) A law student may request a written advisory opinion from the Board with respect to his or her character and fitness for admission by filing a completed application for admission, a fee in the amount required under Rule 12L, two notarized affidavits as required by Rule 4C(4), and an authorization for release of information as required by Rule 4C(2).

(b) Advisory opinions will not be binding on the Board.

(Amended effective September 1, 2004; amended effective July 1, 2007.)

Rule 6. Admission by Examination

A. Dates of Examinations. Examinations shall be held the last Tuesday and Wednesday of the months of February and July each year, at a place to be determined by the Board.

B. Timely Filing Deadlines. An application for admission by examination shall be filed in the office of the Board by October 15 for the February examination, or by March 15 for the July examination.

C. Late Filing Deadlines. Late applications will be accepted on or before December 1 for the February examination, or on or before May 1 for the July examination but must be accompanied by the late filing fee pursuant to Rule 12. No applications shall be accepted after the late filing deadline.

D. Denial of Opportunity to Test. An applicant may be denied permission to take an examination:

(1) When the applicant has failed to comply with the requirements of Rule 4C, 4D, or 4J; or

(2) When the Board has determined the applicant has not satisfied the good character and fitness requirement of Rule 4A(2).

E. Scope of Examination. The Minnesota Bar Examination shall consist of six essay questions, the Multistate Bar Examination (MBE), and at least one performance test question.

(1) Essay Questions. The essay questions may include any of the following subjects:

- Business Associations (partnerships, proprietorships, and corporations, including limited liability companies)
- Civil Procedure
- Constitutional Law
- Contracts
- Criminal Law and Procedure
- Ethics and Professional Responsibility
- Evidence
- Family Law
- Federal Individual Income Taxation
- Real Property
- Torts
- Uniform Commercial Code, Art. 1, 2
- Wills, Estates and Trusts.

(2) Performance Test. The performance test shall include one or more questions testing the applicant's ability to perform a lawyering task using legal and factual materials provided.

F. Testing Accommodations. An applicant whose disability requires testing accommodations shall submit with the application a written request pursuant to the Board's testing accommodations policy and shall describe:

- (1) The type of accommodation requested;
- (2) The reasons for the requested accommodation, including medical documentation in a format set forth in the policy referenced above.

The Board shall notify the applicant of its decision. A denial or modification of a request for testing accommodations constitutes an adverse determination of the Board and may be appealed pursuant to Rule 15.

G. Examination Results. The results of the examination shall be released to examinees by regular mail to the address listed in the files of the Board, and successful examination numbers will be posted at the Court, on the Board's website, and at each Minnesota law school. The date of the release shall be announced at the examination.

H. Failing Examination Scores. A failing score on the bar examination is a final decision of the Board and does not afford the applicant the appeal and hearing rights set forth in Rule 15.

I. Stale Examination Scores. A passing score on the Minnesota Bar Examination is valid for 36 months from the date of the examination. Applicants must be admitted within 36 months of the examination.

(Amended effective September 1, 2004; amended effective July 1, 2007.)

Rule 7. Admission Without Examination

A. Eligibility by Practice. An applicant may be eligible for admission without examination if the applicant otherwise qualifies for admission under Rule 4, and provides documentary evidence showing that for at least five of the seven years immediately preceding the application, the applicant was:

- (1) Licensed to practice law;
 - (2) In good standing before the highest court of all jurisdictions where admitted;
- and
- (3) Engaged, as principal occupation, in the active and lawful practice of law as a:
 - (a) Lawyer representing one or more clients;
 - (b) Lawyer in a law firm, professional corporation, or association;

- (c) Judge in a court of record;
- (d) Lawyer for any local or state governmental entity;
- (e) House counsel for a corporation, agency, association, or trust department;
- (f) Lawyer with the federal government or a federal governmental agency including service as a member of the Judge Advocate General's Department of one of the military branches of the United States; and/or

(g) Professor teaching full-time in any approved law school.

To constitute the lawful practice of law, the above activities must have been performed in a jurisdiction in which the applicant is admitted, or performed in a jurisdiction that permits such activity by a lawyer not admitted to practice. Practice falling under (f) or (g) above performed outside a jurisdiction where the applicant is licensed shall be considered the lawful practice of law.

B. Eligibility for Admission by Test Score. An applicant may be eligible for admission without examination under Rule 4A(4) if the applicant has received a scaled score of 145 or higher on the MBE taken as a part of and at the same time as the essay or other part of a written bar examination given by another jurisdiction, was successful on that bar examination, and was subsequently admitted in that jurisdiction. The applicant shall submit evidence of the score and a completed application to the Board within 24 months of the date of the qualifying examination being used as the basis for the admission.

C. Transfer of MBE Score. An applicant seeking to transfer a MBE score achieved in another jurisdiction to Minnesota shall submit a written request for transfer to the National Conference of Bar Examiners.

D. MBE Score Advisory. Upon written request, the director will advise an applicant or potential applicant who took and passed a bar examination in another jurisdiction whether or not his or her MBE score satisfies the requirements of Rule 7B. Requests for score advisory shall include the following:

- (1) Complete name and social security number of the examinee; and
- (2) Month, year, and jurisdiction of test administration.

E. No Waiver of Time Requirements. The minimum time requirements and the timely filing requirements of this Rule shall be strictly enforced.

F. Eligibility After Unsuccessful Examination. An applicant may be eligible for admission without examination under this Rule notwithstanding a prior failure on the Minnesota Bar Examination.

(Amended effective March 14, 2000; amended effective September 1, 2004; amended effective July 1, 2007.)

Rule 9. Admission by Temporary House Counsel License

A. Practice by House Counsel. A lawyer licensed in another jurisdiction shall not practice law in Minnesota as house counsel unless he or she is admitted to practice in Minnesota under this Rule, Rule 6 (Admission by Examination), Rule 7 (Admission Without Examination), or Rule 10 (Admission by House Counsel License).

B. Eligibility. A lawyer licensed in another jurisdiction may apply for and be admitted under a temporary house counsel license when the lawyer:

- (1) Is employed in Minnesota as house counsel solely for a single corporation (or its subsidiaries), association, business, or governmental entity whose lawful business consists of activities other than the practice of law or the provision of legal services; and
- (2) Has practiced law, by engaging in one or more of the activities listed in Rule 7A, for at least three of the previous five years; and
- (3) Complies with the eligibility provisions of Rule 4A, with the exception of Rule 4A(5).

The practice of law must have been in the jurisdiction where the applicant is licensed and during the period of licensure unless the applicant, during the qualifying period, was practicing as house counsel for a corporation, agency, association, or trust department.

C. Requirements. In order to qualify for the temporary house counsel license, the applicant shall comply with the requirements of these Rules and file the following with the Board:

(1) An application for license to practice law in Minnesota;

(2) A certificate or certificates from the proper authority in each jurisdiction certifying that the applicant is in good standing and listing any complaint of professional misconduct pending against the applicant;

(3) An affidavit from an officer, director, or general counsel of applicant's employer or parent company employer attesting to the fact that applicant is employed as house counsel solely for said employer, that applicant is an individual of good character, and that the nature of the employment meets the requirements of Rule 9B(1); and

(4) A fee consistent with Rule 12F.

D. Limitation. A license issued pursuant to this Rule authorizes the holder to practice solely for the employer designated in the affidavit required by Rule 9C(3).

E. Issuance of Temporary House Counsel License. In order to facilitate issuance of the temporary license, an expedited character and fitness investigation will be conducted.

F. Duration and Expiration of Temporary License. The temporary license shall expire 12 months from the date of issuance, or sooner, upon the occurrence of any of the following:

(1) Termination of the holder's employment with the employer referenced in Rule 9C(3); or

(2) Admission to practice law in Minnesota pursuant to Rule 6 (Admission by Examination), Rule 7 (Admission Without Examination), or Rule 10 (Admission by House Counsel License); or

(3) Issuance of an adverse determination pursuant to Rule 15A.

After expiration of a temporary house counsel license, the former license holder, unless already admitted to practice law in Minnesota under another of these Rules, shall not practice law in Minnesota or otherwise represent that he or she is admitted to practice law in Minnesota.

G. House Counsel License. An applicant for or holder of a temporary house counsel license who anticipates practicing in Minnesota for more than 12 months should also apply for a house counsel license under Rule 10 or another license under these Rules.

H. Notice of Termination of Employment. A holder of a temporary house counsel license shall notify both the Board and the Lawyer Registration Office in writing within 10 business days of termination of employment with the employer referenced in Rule 9C(3).

I. Credit for Admission Without Examination. Time in the practice of law under the temporary house counsel license may be counted toward eligibility for admission without examination under Rule 7A.

J. Professional Conduct and Responsibility. A lawyer licensed under this Rule shall abide by and be subject to all laws and rules governing lawyers admitted to the practice of law in this state.

(Amended effective September 1, 2004; amended effective July 1, 2007.)

Rule 10. Admission by House Counsel License

A. Practice by House Counsel. A lawyer licensed in another jurisdiction shall not practice law in Minnesota as house counsel unless he or she is admitted to practice in Minnesota under this Rule, Rule 6 (Admission by Examination), Rule 7 (Admission Without Examination), or Rule 9 (Admission by Temporary House Counsel License).

B. Eligibility and Requirements. A lawyer licensed in another jurisdiction or the holder of a temporary house counsel license issued pursuant to Rule 9B and 9C, who intends to practice in Minnesota for more than 12 months, may apply for a house counsel license upon submission of evidence of:

(1) Compliance with eligibility and other requirements set forth in Rule 9; and

(2) A scaled score of 85 or higher on the Multistate Professional Responsibility Examination.

C. Limitation. A license issued pursuant to this Rule authorizes the holder to practice solely for the employer designated in the Rule 9C(3) affidavit.

D. Expiration of House Counsel License. The house counsel license shall expire upon termination of the holder's employment with the employer referenced in Rule 9C(3). After a house counsel license expires, the former license holder, unless already admitted to practice law in Minnesota under another of these Rules, shall not practice law in Minnesota or otherwise represent that he or she is admitted to practice law in Minnesota.

E. Notice of Termination of Employment. A house counsel license holder shall notify both the Board and the Lawyer Registration Office in writing within 10 business days of termination of employment with the employer referenced in Rule 9C(3).

F. Re-Issuance of House Counsel License. At the director's discretion, a house counsel license that has expired due to termination of holder's employment may be re-issued for the remainder of the period specified in Rule 9F if re-issuance is requested within 90 days of the expiration of the license, provided that the other requirements of this Rule are met at the time of the request for re-issuance. The fee for re-issuance shall be consistent with Rule 12M.

G. Credit for Admission Without Examination. Time in the practice of law under the house counsel license may be counted toward eligibility for admission without examination under Rule 7A.

H. Professional Conduct and Responsibility. A lawyer licensed under this Rule shall abide by and be subject to all laws and rules governing lawyers admitted to the practice of law in this state.

(Added effective September 1, 2004; amended effective July 1, 2007.)

Rule 11. License for Foreign Legal Consultants

A. Eligibility. A person who is admitted to practice in a foreign country as a lawyer or counselor at law may apply for, and, at the discretion of the Board, may obtain a license to render services as a foreign legal consultant in this state, without examination, subject to the limitations set forth in this Rule.

B. Requirements. In order to qualify for the license the applicant must:

- (1) Have been admitted to practice in a foreign country as a lawyer or counselor at law or the equivalent;
- (2) As principal occupation, have been engaged in the practice of law of that country for at least five of the seven years immediately preceding the application;
- (3) Be in current good standing as a lawyer or counselor at law or the equivalent in that country, and have remained in good standing throughout the period of his or her practice;
- (4) Possess the good character and fitness required for admission to practice in this state;
- (5) Have been awarded a post-secondary degree in law;
- (6) Intend to practice as a foreign legal consultant in this state; and
- (7) Maintain an office in this state for the purpose of practicing as a foreign legal consultant.

C. Applications. In order to qualify for the foreign legal consultant license, an applicant must file with the Board the following documents, together with duly authenticated English translations, if the documents are not in English:

(1) A sworn and notarized typewritten Application for Foreign Legal Consultant License;

(2) An authentic certificate from the authority having final jurisdiction over professional discipline in the foreign country in which the applicant is admitted to practice, which shall be accompanied by the official seal, if any, of such authority, and which shall certify:

(a) The authority's jurisdiction in such matters;

(b) The applicant's admission to practice in the foreign country, the date of admission, and the applicant's good standing as a lawyer or counselor at law or the equivalent in that jurisdiction;

(3) An authentic document from the authority having final jurisdiction over professional discipline in any foreign country or jurisdiction in which the applicant has been licensed as a lawyer or as a foreign legal consultant indicating whether any charge or complaint has ever been filed against the applicant with the authority, and, if so, the substance of each charge or complaint, and the adjudication or resolution of each charge or complaint;

(4) A letter of recommendation signed by, and accompanied with the official seal, if any, of one of the members of the executive body of the authority having final jurisdiction over professional discipline or from one of the judges of the highest court of law of the foreign country, certifying to the applicant's professional qualifications;

(5) Letters of recommendation from at least three lawyers or counselors at law or the equivalent admitted in and practicing in the foreign country where the applicant is admitted, setting forth the length of time, and under what circumstances they have known the applicant and stating their appraisal of the applicant's good character and fitness for admission;

(6) Notarized letters of recommendation from at least two members in good standing of the Minnesota Bar, setting forth the length of time, and under what circumstances they have known the applicant and their appraisal of the applicant's good character and fitness for admission;

(7) Any other evidence as to the applicant's educational and professional qualifications, good character and fitness and compliance with the requirements of this rule as the Board may require;

(8) A statement that the foreign legal consultant has read, understood, and made a commitment to observe the Minnesota Rules of Professional Conduct;

(9) A score report showing that the applicant received a scaled score of 85 or higher on the Multistate Professional Responsibility Examination, or a sworn statement attesting to the applicant's attendance, within the previous 12 months, of no fewer than six hours of coursework in legal ethics accredited by the Minnesota Board of Continuing Legal Education;

(10) Evidence of professional liability insurance in an amount deemed sufficient by the director;

(11) A written and notarized statement setting forth the foreign legal consultant's address within the State of Minnesota and designating the Clerk of Appellate Courts as agent for the service of process for all purposes;

(12) An affidavit stating that the foreign legal consultant shall notify the Board of any resignation or revocation of such foreign legal consultant's admission to practice in the foreign country of admission, or in any other state or jurisdiction in which the foreign legal consultant has been licensed as a lawyer or counselor at law or equivalent or as a foreign legal consultant, or of any censure, suspension, or expulsion in respect of such admission;

(13) If employed as house counsel; an affidavit from an officer, director, or general counsel of applicant's employer attesting to the fact that applicant is employed as house counsel solely for that employer and agreeing to notify the Board if the applicant's employment is terminated; and

(14) A fee in the amount of \$1,200.

D. Investigation. The Board shall conduct an investigation into the applicant's background and verify the applicant's supporting documents as the Board deems appropriate or necessary in the circumstances.

E. Scope of Practice. A person licensed as a foreign legal consultant under this Rule may render legal services in this state respecting the laws of the country in which the foreign legal consultant is admitted to practice as a lawyer, counselor at law or equivalent.

(1) The foreign legal consultant shall not conduct any activity or render any services constituting the practice of the law of the United States, of this state, or of any other state, commonwealth or territory of the United States or the District of Columbia including, but not limited to, the restrictions that the foreign legal consultant shall not:

(a) Appear for another person as a lawyer in any court or before any magistrate or other judicial officer or before any federal, state, county or municipal governmental agency, quasi-judicial or quasi-governmental authority in this state, or prepare pleadings or any other papers in any action or proceedings brought in any court or before any judicial officer, except as authorized in any rule or procedure relating to admission pro hac vice, or pursuant to administrative rule;

(b) Provide legal advice in connection with the preparation of any deed, mortgage, assignment, discharge, lease, agreement of sale, or any other instrument affecting title to real property located in the United States;

(c) Prepare any will or trust instrument affecting the disposition of any property located in the United States and owned by a resident thereof or any instrument relating to the administration of a decedent's estate in the United States;

(d) Prepare any instrument in respect of the marital relations, rights or duties of a resident of the United States, or the custody or care of the children of a resident;

(e) Render professional legal advice on the law of this state or the United States or any other state, subdivision, commonwealth, or territory of the United States or the District of Columbia (whether rendered incident to the preparation of a legal instrument or otherwise);

(f) In any way represent that the foreign legal consultant is admitted to the Minnesota Bar or is licensed as a lawyer or foreign legal consultant in another state, territory, or the District of Columbia, or as a lawyer or counselor at law or the equivalent in a foreign country, unless so licensed;

(g) Use any title other than "Foreign Legal Consultant, Admitted to the Practice of Law in [name of country]." The foreign legal consultant's authorized title and firm name in the foreign country in which the foreign legal consultant is admitted to practice as a lawyer or counselor at law or the equivalent may be used if the title, firm name, and the name of the foreign country are stated together with the above-mentioned designation;

(h) Render any legal services for a client without utilizing a written retainer agreement which shall specify in bold type that the foreign legal consultant is not admitted to practice law in this state, nor licensed to advise on the laws of the United States or the District of Columbia, and that the practice of the foreign legal consultant is limited to the laws of the foreign country where such person is admitted to practice as a lawyer or counselor at law or the equivalent; or

(i) Hold any client funds or valuables without entering into a written retainer agreement which shall specify in bold type the name of a Minnesota licensed lawyer in good standing who is also representing the particular client in the particular matter at hand.

(2) A foreign legal consultant who is employed in Minnesota as house counsel solely for a single corporation (or its subsidiaries), association, business, or governmental entity is not subject to the restrictions as to scope of practice set forth in Rule 11E(1)(e), (f), (g), (h), and (i) provided that the practice is performed exclusively for the employer referenced above. A foreign legal consultant employed as house counsel may use the title "counsel."

F. Disciplinary Provisions.

(1) A foreign legal consultant is expressly subject to:

(a) the Minnesota Rules of Professional Conduct and all laws and rules governing lawyers admitted to the practice of law in this state;

(b) continuing review by the Board of qualifications to retain the license granted hereunder; and

(c) the disciplinary jurisdiction of the Minnesota Office of Lawyers Professional Responsibility and the Minnesota Supreme Court.

(2) Rule 11F(1) above shall not be construed to limit in any way concurrent disciplinary procedures to which the foreign legal consultant may be subject in the country of admission.

G. Rights and Obligations. A foreign legal consultant shall be entitled to the rights and obligations of a member of the Minnesota Bar with respect to:

(1) Affiliation in the same law firm with one or more members of the Minnesota Bar, including by employing one or more members of the bar; being employed by one or more members of the bar or by any partnership or professional corporation that includes members of the Minnesota Bar or that maintains an office in Minnesota; and being a partner in any partnership or shareholder in any professional corporation that includes members of the Minnesota Bar or that maintains an office in Minnesota; and

(2) Attorney–client privilege, work product protection, and similar professional privileges.

H. Re–Certification and Renewal Fees.

(1) Every three years a foreign legal consultant shall submit to the Board:

(a) A sworn statement attesting to the foreign legal consultant’s continued good standing as a lawyer or counselor at law or equivalent in the foreign country in which the foreign legal consultant is admitted to practice;

(b) A sworn and notarized typewritten Application for Foreign Legal Consultant License; and

(c) A fee in the amount of \$300.

(2) On an annual basis, a foreign legal consultant shall submit to the Minnesota Lawyer Registration Office a lawyer registration fee equivalent to the renewal fees paid by Minnesota licensed lawyers pursuant to the Rules of the Supreme Court for Registration of Lawyers.

I. Admission to Bar. If the Board determines that a foreign legal consultant under this Rule is subsequently admitted as a member of the Minnesota Bar, the foreign legal consultant’s license shall be deemed superceded by the license to practice law in Minnesota.

J. Revocation and Expiration. If the Board determines that a foreign legal consultant no longer meets the requirements for licensure set forth in this Rule, the license shall expire. If the foreign legal consultant is employed as house counsel, the foreign legal consultant license shall expire on the date of the termination of the foreign legal consultant’s employment by the employer referenced in Rule 11C(13).

(Renumbered and amended effective September 1, 2004; amended effective July 1, 2007.)

Rule 12. Fees

A. General. Application fees or other fees required under these Rules shall be paid by personal check or money order payable to the Board. The applicable fee is determined as of the date of filing of a complete application under Rule 4.

B. Fee for Examination, Not Previously Admitted. An applicant who meets the following criteria shall submit a fee of \$400:

(1) Applying to take the Minnesota examination for the first time; and

(2) Not admitted to practice in another jurisdiction; and

(3) Filing on or before the timely filing deadline (October 15 for the February examination, or March 15 for the July examination).

An applicant meeting the criteria in (1) and (2) above, who files after the timely filing deadline but before the late filing deadline (December 1 for the February examination, or May 1 for the July examination) shall submit a fee of \$550. Applications will not be accepted after the late filing deadline.

C. Fee for Examination, Prior Admission. An applicant who meets the following criteria shall submit a fee of \$750:

(1) Licensed to practice in another jurisdiction more than six months prior to the date of the applicant’s Minnesota application; and

(2) Filing on or before the timely filing deadline (October 15 for the February examination, or March 15 for the July examination).

An applicant meeting the criteria in (1) above, who files after the timely filing deadline but before the late filing deadline (December 1 for the February examination, or May 1 for

the July examination) shall submit a fee of \$900. Applications will not be accepted after the late filing deadline.

D. Fee for Examination for Recently Admitted Applicants. An applicant applying to take the Minnesota examination who has been licensed to practice in another jurisdiction fewer than six months prior to the date of the applicant's Minnesota application shall submit the fee for examination required by paragraph B of this Rule.

E. Repeat Examinations. An applicant who was unsuccessful on the Minnesota examination and is filing on or before December 1 for the February examination, or on or before May 1 for the July examination, shall submit a fee of \$400 and comply with Rule 4G.

F. Fee for Admission Without Examination. An applicant for admission without examination pursuant to Rule 7 (Admission Without Examination) or Rule 10 (Admission by House Counsel License) shall submit a fee of \$750. An applicant for admission pursuant to Rule 9 (Admission by Temporary House Counsel License) shall submit a fee of \$500.

G. Fee for Temporary License for Legal Services Program Practice. A fee in the amount of \$75 must accompany an application for Temporary License pursuant to Rule 8. Payment of an additional fee, as required by Rule 12B, will qualify applicants under Rule 6. Payment of an additional fee, as required by Rule 12C, will qualify applicants under Rule 7A or 7B.

H. Transfer of Rule 8 Application to Rule 6 or Rule 7 Application. Documents submitted in support of a Rule 8 (Temporary License for Legal Services Programs) application for license may, upon the written request of applicant, constitute application pursuant to Rule 6 (Admission by Examination) or Rule 7 (Admission Without Examination) of these Rules, provided additional fees required by Rule 12 are submitted.

I. Refunds of Fees. A refund in the amount of \$125 shall be made when an applicant for the bar examination advises the Board in writing at least ten days prior to an examination of the applicant's desire to withdraw the application.

No other requests for refund will be granted.

J. Carry-over of Fees.

(1) **Ineligible Rule 7 Applicants.** The fee of an applicant declared ineligible under Rule 7 (Admission Without Examination) shall be applied to an examination held within the succeeding 15 months at the written request of the applicant received within 30 days of notice of the denial. No other transfers of fees, other than those provided for in the following paragraph, shall be granted.

(2) **Medical Emergencies.** An applicant who is unable to sit for the examination due to a medical emergency and who notifies the Board in writing or by telephone prior to the start of the examination, may request carry-over of the application fee to the next examination. Such requests must be made in writing, received in the Board office no later than 14 days following the examination, and be accompanied by written documentation of the medical emergency. The applicant shall submit a fee of \$50 when reapplying for the next examination.

K. Copies of Examination Answers. An unsuccessful applicant may request copies of the applicant's essay answers. The request shall be in writing, submitted within 60 days of the release of the examination results, and accompanied by a fee of \$20.

L. Fees for Advisory Opinions. An application filed for the purpose of receiving an advisory opinion from the Board must be accompanied by a fee in the amount of \$100.

M. Fee for Reissuance of Temporary House Counsel or House Counsel License. An applicant for re-issuance of a house counsel license under Rule 10F shall submit a fee of \$275.

N. Other Fees. The Board may require an applicant to bear the expense of obtaining reports or other information necessary for the Board's investigation. The Board may charge reasonable fees for collection and publication of any information permitted to be released. For matters not covered in these Rules, the director may set reasonable fees which reflect the administrative costs associated with the service.

(Amended effective January 1, 2003; renumbered and amended effective September 1, 2004; amended effective July 1, 2007.)

[For text of Rules 13 and 14, see M.S. 2006, Volume 15]

Rule 15. Adverse Determinations and Hearings

A. Adverse Determination. When an adverse determination relating to an applicant's character, fitness, or eligibility is made by the Board, the director shall notify the applicant of the determination, the reasons for the determination, the right to request a hearing, the right to be represented by counsel, and the right to present witnesses and evidence.

B. Request for Hearing. Within 20 days of notice of an adverse determination, the applicant may make a written request for a hearing. If the applicant does not timely request a hearing, the adverse determination becomes the final decision of the Board.

C. Scheduling of Hearing. The Board shall schedule a hearing upon receipt of the applicant's request for a hearing. At least 45 days prior to the hearing, the Board shall notify the applicant of the time and place.

D. Proceedings. At the discretion of the Board president, the hearing may be held before the full Board, before a sub-committee of the Board appointed by the president, or before a hearing examiner appointed by the president. The Board may employ special counsel. The hearing shall be recorded and a transcript shall be provided to the applicant on request at a reasonable cost. The applicant has the burden of proving by clear and convincing evidence that the applicant possesses good character and fitness to practice law and is eligible for admission.

E. Pre-Hearing Conference. The Board president or designee shall conduct a pre-hearing conference at least 30 days prior to the hearing for the purpose of addressing procedural issues. Unless the president or designee orders otherwise, Board counsel and the applicant shall exchange exhibit lists; the names and addresses of witnesses; proposed findings of fact, conclusions of law, and final decisions; or stipulations at least 15 days before the hearing.

F. Subpoenas. Upon written authorization of the Board president or designee, the applicant and Board counsel may subpoena evidence and witnesses for the hearing. The District Court of Ramsey County shall issue subpoenas.

G. Continuances. A written request for a continuance of a scheduled hearing shall be heard by the Board president or designee, who shall grant such request only upon a showing of good cause.

H. Final Decision. Following the hearing, the Board shall notify the applicant of its findings of fact, conclusions of law and final decision.

(Renumbered and amended effective September 1, 2004; amended effective July 1, 2007.)

Rule 16. Conditional Admission

A. Conditional Admission. The Board, upon its own initiative or the initiative of the applicant, may recommend to the Court that the applicant be admitted on a conditional basis.

B. Circumstances Warranting Conditional Admission. An applicant whose record shows conduct that may otherwise warrant denial, may consent to be admitted subject to certain terms and conditions set forth in a conditional admission consent agreement. Only an applicant whose record of conduct evidences a commitment to rehabilitation and an ability to meet the essential eligibility requirements of the practice of law as set forth in Rule 5A may be considered for conditional admission.

C. Consent Agreement. The consent agreement shall set forth the terms and conditions of conditional admission, shall be signed by the president or designee and by the applicant, and shall be made a part of the conditionally admitted lawyer's application file. The consent agreement shall remain confidential subject to the provisions of these Rules and of the Rules on Lawyers Professional Responsibility.

D. Transmittal to the Office of Lawyers Professional Responsibility. A list of conditionally admitted lawyers shall be transmitted each month to the Office of Lawyers Professional Responsibility (OLPR). In the event a complaint of unprofessional conduct or violation of the consent agreement is filed against the conditionally admitted lawyer, the application file shall be transmitted to the OLPR upon the request of that office.

E. Length of Conditional Period. The initial conditional admission period shall not exceed 24 months, unless a complaint for a violation of the consent agreement or a complaint of unprofessional conduct has been filed with the OLPR. The filing of such a complaint shall extend the conditional admission until disposition of the complaint by the OLPR.

F. Failure to Fulfill the Conditional Terms. Failure to fulfill the terms of the consent agreement may result in the suspension or revocation of the conditional admission license, or such other action as is appropriate under the Rules on Lawyers Professional Responsibility.

G. Monitoring of Consent Agreement by Conditional Admission Committee. During the conditional admission period, the conditionally admitted lawyer's compliance with the terms of the consent agreement shall be monitored by a Conditional Admission Committee (CAC), a committee of no fewer than three Board members appointed by the president. The CAC shall conduct such investigation and take such action as is necessary to monitor compliance with the terms of the consent agreement, including, but not limited to, requiring the conditionally admitted lawyer to:

- (1) submit written verification of compliance with conditions;
- (2) appear before the CAC; and
- (3) respond to any requests for evidence concerning compliance.

H. Violation of Consent Agreement. If the CAC finds that a term or terms of the consent agreement have been violated, the President shall convene the Board for the purpose of determining whether to file a complaint with OLPR. The Board shall notify the conditionally admitted lawyer of the Board's decision if a complaint is filed.

I. Complaint for Violation of Consent Agreement; Disposition of Complaint. Any complaint for violation of the consent agreement filed with the OLPR shall set forth the basis for finding that a term or terms of the consent agreement have been violated.

J. Appeal. A Board decision not to recommend conditional admission shall be set forth in an adverse determination pursuant to Rule 15. Appeal rights are limited to those set forth in Rule 15 and Rule 17.

(Added effective September 1, 2004; amended effective July 1, 2007.)

Rule 17. Appeal to the Supreme Court

A. Petition for Review. Any applicant who is adversely affected by a final decision of the Board may appeal to the Court by filing a petition for review with the Clerk of Appellate Courts within 20 days of receipt by the applicant of a final decision of the Board together with proof of service of the petition on the director of the Board. The petition shall briefly state the facts that form the basis for the complaint, and the applicant's reasons for believing the Court should review the decision.

B. Board Response. Within 20 days of service of the petition, the Board shall serve and file a response to the petition and a copy of the final decision of the Board. Thereupon the Court shall give such directions, hold such hearings, and make such order as it may in its discretion deem appropriate.

(Renumbered effective September 1, 2004; amended effective July 1, 2007.)

Rule 18. Reapplication

Unless the Board designates a shorter time period in its final decision, an applicant who has not satisfied the character and fitness requirement is prohibited from applying for admission to practice in Minnesota for three years from the date of the Board's final decision. An applicant whose conditional admission license has been revoked is prohibited from applying for admission for three years from the date of the revocation.

(Renumbered and amended effective September 1, 2004; amended effective July 1, 2007.)

Rule 19. Bar Admissions Advisory Council

A. Creation. There shall be an Advisory Council consisting of representatives of the Minnesota State Bar Association and of each of the Minnesota law schools to consult with the Board on matters of general policy concerning admissions to the bar, amendments to the Rules, and other matters related to the work of the Board.

B. Meetings. The secretary of the Board shall call a joint meeting of the Advisory Council and the Board at least once each year. The Advisory Council shall meet at such other time as it may determine or when called by the Court or the Board.

C. Expenses. The members of the Advisory Council shall receive no compensation or reimbursement of expenses and shall serve for terms of three years.

(Renumbered and amended effective September 1, 2004; amended effective July 1, 2007.)

Rules of the Supreme Court On Lawyer Registration

Adopted August 4, 1970
With amendments received through August 1, 2007.

TABLE OF HEADNOTES

Rule

1. Definitions
2. Registration Fee

TEXT OF RULES

Rule 1. Definitions

A. “Active Status” means a lawyer or judge who (i) has paid the applicable required lawyer registration fee for the current year, (ii) is in compliance with the requirements of the Minnesota State Board of Continuing Legal Education or of continuing judicial education, (iii) is not disbarred, suspended, or on permanent disability status pursuant to Rule 28 of the Rules on Lawyers Professional Responsibility, (iv) is in compliance with Rule 1.15(i), Minnesota Rules of Professional Conduct (MRPC), and (v) is in compliance with Rule 6 of these rules. A lawyer or judge on active status is in good standing and is authorized to practice law in this state.

B. “Inactive Status” means a lawyer or judge who has elected to be on inactive status pursuant to Rule 2C1, 2C2, 2C3, 2C4, 2C5, or 2C6 of these rules and who meets the criteria set forth in subparts (i) through (v) in the definition of Active Status, above. A lawyer or judge on inactive status is in good standing but is not authorized to practice law in this state.

C. “Judge” means any judicial officer, referee, or other hearing officer employed in the judicial branch of the State of Minnesota.

D. “Lawyer” means a person admitted to practice law in this state pursuant to the Rules for Admission to the Bar.

E. “Lawyer Registration Statement” means a document prepared by the Lawyer Registration Office that informs a lawyer or judge of the lawyer registration fee due and on which the lawyer or judge can certify the lawyer’s or judge’s status and compliance with Rule 1.15(i), MRPC, and Rule 6 of these rules.

F. “Non-Compliant Status” means a lawyer or judge who has not met all the criteria to be on active status or inactive status. A lawyer or judge who is on non-compliant status is not in good standing and is not authorized to practice law in this state.

G. “Private Client.” For the purpose of reporting professional liability insurance coverage, the term “private client” excludes the clients of government lawyers and house counsel.

(Amended effective October 1, 2006.)

Rule 2. Registration Fee

A. Required Fee.

In order to defray the expenses of examinations and investigation for admission to the bar and disciplinary proceedings, to defray the expenses of administering continuing legal education, to provide an adequate client security fund, to help fund legal services programs, and to help fund a lawyers assistance program, each lawyer and each judge must pay to the Lawyer Registration Office an annual registration fee.

B. Active Statuses.

Each lawyer and judge must pay an annual registration fee of \$218 or such lesser sum as is set forth in the following sections.

1. Active Status – Income Less Than \$25,000.

A lawyer or judge on active status who certifies that the lawyer's or judge's gross income from all sources, excluding the income of a spouse, is less than \$25,000 per year must pay an annual registration fee of \$193.

2. Active Status – Lawyers on Fulltime Military Duty.

A lawyer or judge on fulltime duty in the armed forces of the United States must pay an annual registration fee of \$107.

3. Active Status – Lawyers on Fulltime Military Duty – Income Less Than \$25,000.

A lawyer or judge on fulltime duty in the armed forces of the United States who certifies that the lawyer's or judge's gross income from all sources, excluding the income of a spouse, is less than \$25,000 per year must pay an annual registration fee of \$82.

4. Active Status – Lawyers Admitted Fewer Than Three Years.

A lawyer or judge who has been admitted to practice law fewer than three years in each and every licensing jurisdiction, including Minnesota, must pay an annual registration fee of \$97.

5. Active Status – Lawyers Admitted Fewer Than Three Years – Income Less Than \$25,000.

A lawyer or judge who has been admitted to practice law fewer than three years in each and every licensing jurisdiction, including Minnesota, and certifies that the lawyer's or judge's gross income from all sources, excluding the income of a spouse, is less than \$25,000 per year must pay an annual registration fee of \$84.50.

C. Inactive Statuses.

1. Inactive Status – Out-of-State.

A lawyer or judge who files with the Lawyer Registration Office on or before the date the lawyer's registration fee is due an affidavit stating that the lawyer or judge (i) is a permanent resident of a state other than Minnesota, (ii) is currently in good standing, (iii) does not hold judicial office in Minnesota and (iv) is not engaged in the practice of law in Minnesota, must pay an annual registration fee of \$179.

2. Inactive Status – Out-of-State – Income Less Than \$25,000.

A lawyer or judge who files with the Lawyer Registration Office on or before the date the lawyer's registration fee is due an affidavit stating that the lawyer or judge (i) is a permanent resident of a state other than Minnesota, (ii) is currently in good standing, (iii) does not hold judicial office in Minnesota, (iv) is not engaged in the practice of law in Minnesota, and (v) certifies that the lawyer's or judge's gross income from all sources, excluding the income of a spouse, is less than \$25,000 per year must pay an annual registration fee of \$154.

3. Inactive Status – Minnesota.

A lawyer who files with the Lawyer Registration Office on or before the date the lawyer's registration fee is due an affidavit stating that the lawyer (i) is a resident of the State of Minnesota, (ii) is currently in good standing, (iii) does not hold judicial office in this state, and (iv) is not engaged in the practice of law in this state must pay an annual registration fee of \$179.

4. Inactive Status – Minnesota – Income Less Than \$25,000.

A lawyer who files with the Lawyer Registration Office on or before the date the lawyer's registration fee is due an affidavit stating that the lawyer (i) is a resident of the State of Minnesota, (ii) is currently in good standing, (iii) does not hold judicial office in this state, (iv) is not engaged in the practice of law in this state, and (v) certifies that the lawyer's or judge's gross income from all sources, excluding the income of a spouse, is less than \$25,000 per year must pay an annual registration fee of \$154.

5. Inactive Status – Retired.

A lawyer or judge who files with the Lawyer Registration Office a Retirement Affidavit stating that the lawyer or judge (i) is currently on active or inactive status, (ii) does not hold judicial office in this state, (iii) is not engaged in the practice of law in this state, (iv) is at least 62 years of age, and (v) is retired from any gainful employment is exempt from payment of any registration fee during the period of the lawyer's or judge's retirement. A Retirement Af-

fidavit, once filed, is effective for each succeeding year unless the lawyer or judge transfers to active status pursuant to section C7 of this rule.

6. Inactive Status – Permanent Disability.

A lawyer or judge who files with the Lawyer Registration Office a Disability Affidavit stating that the lawyer or judge (i) is currently on active or inactive status, (ii) does not hold judicial office in this state, (iii) is not engaged in the practice of law in this state, and (iv) is totally disabled is exempt from payment of any registration fee during the period of the lawyer's or judge's disability. A Disability Affidavit, once filed, is effective for each succeeding year unless the lawyer or judge transfers to active status pursuant to section C7 of this rule.

7. Transfer from Inactive Status to Active Status.

A lawyer or judge who is on inactive status must, prior to practicing law or assuming judicial responsibilities, (i) promptly notify the Lawyer Registration Office, (ii) complete a lawyer registration statement, (iii) pay the applicable registration fee, (iv) complete all continuing legal education (CLE) requirements and be transferred to CLE active status, (v) comply with Rule 1.15(i), MRPC, and (vi) comply with Rule 6 of these rules.

D. Allocation of Fees.

Fees paid pursuant to this rule are allocated according to the following schedule:

- (1) Payments of \$218 are allocated as follows:
 - \$18 to the State Board of Law Examiners;
 - \$8 to the State Board of Continuing Legal Education;
 - \$122 to the Lawyers Professional Responsibility Board;
 - \$12 to the Client Security Fund;
 - \$50 to the Legal Services Advisory Committee; and
 - \$8 to the Lawyer Trust Account Board for a lawyers assistance program.
- (2) Payments of \$193 are allocated as follows:
 - \$18 to the State Board of Law Examiners;
 - \$8 to the State Board of Continuing Legal Education;
 - \$122 to the Lawyers Professional Responsibility Board;
 - \$12 to the Client Security Fund;
 - \$25 to the Legal Services Advisory Committee; and
 - \$8 to the Lawyer Trust Account Board for a lawyers assistance program.
- (3) Payments of \$179 are allocated as follows:
 - \$18 to the State Board of Law Examiners;
 - \$8 to the State Board of Continuing Legal Education;
 - \$83 to the Lawyers Professional Responsibility Board;
 - \$12 to the Client Security Fund;
 - \$50 to the Legal Services Advisory Committee; and
 - \$8 to the Lawyer Trust Account Board for a lawyers assistance program.
- (4) Payments of \$154 are allocated as follows:
 - \$18 to the State Board of Law Examiners;
 - \$8 to the State Board of Continuing Legal Education;
 - \$83 to the Lawyers Professional Responsibility Board;
 - \$12 to the Client Security Fund;
 - \$25 to the Legal Services Advisory Committee; and
 - \$8 to the Lawyer Trust Account Board for a lawyers assistance program.
- (5) Payments of \$107 are allocated as follows:
 - \$18 to the State Board of Law Examiners;
 - \$7 to the State Board of Continuing Legal Education;
 - \$24 to the Lawyers Professional Responsibility Board;
 - \$50 to the Legal Services Advisory Committee; and
 - \$8 to the Lawyer Trust Account Board for a lawyers assistance program.

- (6) Payments of \$82 are allocated as follows:
- \$18 to the State Board of Law Examiners;
 - \$7 to the State Board of Continuing Legal Education;
 - \$24 to the Lawyers Professional Responsibility Board;
 - \$25 to the Legal Services Advisory Committee; and
 - \$8 to the Lawyer Trust Account Board for a lawyers assistance program.
- (7) Payments of \$97 are allocated as follows:
- \$18 to the State Board of Law Examiners;
 - \$8 to the State Board of Continuing Legal Education;
 - \$26 to the Lawyers Professional Responsibility Board;
 - \$12 to the Client Security Fund;
 - \$25 to the Legal Services Advisory Committee; and
 - \$8 to the Lawyer Trust Account Board for a lawyers assistance program.
- (8) Payments of \$84.50 are allocated as follows:
- \$18 to the State Board of Law Examiners;
 - \$8 to the State Board of Continuing Legal Education;
 - \$26 to the Lawyers Professional Responsibility Board;
 - \$12 to the Client Security Fund;
 - \$12.50 to the Legal Services Advisory Committee; and
 - \$8 to the Lawyer Trust Account Board for a lawyers assistance program.

E. Due Date.

Fees under this rule are due and payable on or before the first day of January, April, July, or October of each year as requested by the Lawyer Registration Office.

F. Notification of Fee Due.

The Lawyer Registration Office must, annually one month prior to the date due, mail a lawyer registration statement to each lawyer and judge then in good standing except those who have elected inactive retired status pursuant to section C5, above, or permanent disability status pursuant to section C6, above. A lawyer registration statement must be mailed to the lawyer's or judge's address on file with the Lawyer Registration Office. Failure to receive a lawyer registration statement shall not excuse payment of the fee.

G. Obligation to Notify of Address Change.

Every lawyer or judge must immediately notify the Lawyer Registration Office of any change of address.

H. Penalty for Failure to Comply – Non-Compliant Status – Administrative Suspension.

A lawyer or judge who fails to meet all of the criteria to be on either active or inactive status is placed on non-compliant status, and the right to practice law in this state is automatically suspended. A lawyer or judge on non-compliant status is not in good standing. A lawyer or judge on non-compliant status must not practice law in this state, must not hold out himself or herself as authorized to practice law, or in any manner represent that he or she is qualified or authorized to practice law while on non-compliant status. Any lawyer or judge who violates this rule is subject to all the penalties and remedies provided by law for the unauthorized practice of law in the State of Minnesota. It is the duty of each judge to enjoin persons who are not on active status from appearing and practicing law in that judge's court.

I. Reinstatement.

A lawyer or judge who is on non-compliant status, who seeks to be reinstated to active status or inactive status, must (i) notify the Lawyer Registration Office, (ii) complete a lawyer registration statement, (iii) pay all delinquent registration fees, (iv) pay the applicable registration fee for the current year, (v) pay a late penalty of \$75, (vi) complete all CLE requirements and be transferred to CLE active status, (vii) comply with Rule 1.15(i), MRPC, and (viii) comply with Rule 6 of these rules. The Lawyer Registration Office may, in hardship cases, waive payment of delinquent lawyer registration fees and late penalties. All late penalty payments are allocated to the Lawyer Registration Office to defray registration costs.

(Amended August 12, 1980; amended May 18, 1982, effective for payments due after July 1, 1982; amended February 10, 1983; amended January 13, 1984; amended July 25, 1984, effective for payments due after October 1, 1984; amended April 7, 1987, effective for payments due after July 1, 1988; amended May 22, 1990, effective for registrations processed on or after July 1, 1990; amended November 14, 1990, effective for payments due on or after July 1, 1991; amended April 15, 1992, effective for payments due between July 1, 1992 and June 30, 1993; effective for payments due on and after July 1, 1993; amended effective December 3, 1993; amended June 13, 1996, effective for licenses due for renewal on October 1, 1996, and for new licenses issued on or after October 1, 1996; amended February 5, 1997, effective for licenses due for renewal on July 1, 1997, and for new licenses issued on or after July 1, 1997; amended effective August 6, 1997, for licenses being renewed on or after August 6, 1997, and for new licenses issued on or after August 6, 1997, the allocation of fees set by Supreme Court Order C9-81-1206 shall continue in effect until June 30, 1998; allocation continued until further order of the Court by Supreme Court order dated May 20, 1999; amended effective for registration fees due July 1, 2000; amended effective for registration fees due on and after July 1, 2003; amended effective for registration fees due July 1, 2003; amended effective October 1, 2006.)

[For text of Rules 3 to 7, see M.S. 2006, Volume 15]

Rules of the Minnesota State Board of Continuing Legal Education

Adopted April 17, 2000

Effective July 1, 2000

With amendments received through August 1, 2007

TABLE OF HEADNOTES

- 2. Definitions
- 6. Special Categories of Credit
 - A. Ethics and Professional Responsibility
 - B. Elimination of Bias
 - C. Law Office Management

Appendix II – Affidavit of CLE Compliance

TEXT OF RULES

[For text of Rule 1, see M.S. 2006, Volume 15]

Rule 2. Definitions

In these Rules,

- A. “Approved course” means a course approved by the Board.
- B. “Board” means the State Board of Continuing Legal Education.
- C. “Chairperson” means the Chairperson of the Board.
- D. “Classroom setting” means a room, including an office, suitably appointed with chairs, writing surfaces, lecterns and other normal accoutrements of a teaching room, which is exclusively devoted to the educational activity being presented.
- E. “Director” means the Director of the Board.
- F. “Laboratory setting” means a mock courtroom, law office, negotiation table, or other simulated setting in which demonstrations are given, roleplaying is carried out or lawyers’ activities are taught by example or participation.
- G. “Participant” means a lawyer licensed in Minnesota attending an approved course and actively engaged in the subject matter being presented.
- H. “Course in ethics or professional responsibility” means a course or session within a course that deals with the Minnesota Rules of Professional Conduct, the ABA Model Rules of Professional Conduct, the rules of professional conduct or professional responsibility of other jurisdictions, or the opinions and case law arising from the application of any of the above-specified rules, including a course or session within a course that addresses in a specific way concepts such as professionalism, civility and ethical conduct in the practice of law and in the legal profession.
- I. “Course in the elimination of bias in the legal profession and in the practice of law” means a course directly related to the practice of law that is designed to educate attorneys to identify and eliminate from the legal profession and from the practice of law biases against persons because of race, gender, economic status, creed, color, religion, national origin, disability, age or sexual orientation.
- J. “Court” means the Supreme Court of the State of Minnesota.
- K. “Restricted status” means the status of a lawyer licensed in Minnesota who has voluntarily chosen not to comply with the educational and reporting requirements of these Rules. See Rule 12 for additional provisions.
- L. “Involuntary restricted status” means the status of a lawyer licensed in Minnesota who is not in compliance with the educational and reporting requirements of these Rules and who

has been placed involuntarily in that status by order of the Court. See Rule 12 for additional provisions.

M. An “in-house course” is one sponsored by a single private law firm, a single corporation or financial institution, or by a single federal, state or local governmental agency for lawyers who are members or employees of any of the above organizations.

N. For the purposes of Rule 5(B), an “established continuing legal education course sponsor” is a person or entity regularly retained by firms or organizations for the purpose of presenting continuing legal education programs, which is completely independent of the firm or organization for whose members the continuing legal education course is presented.

O. “Fee” means a check or money order made payable to the Minnesota State Board of Continuing Legal Education.

P. “Professional development course” means a course or session within a course designed to enhance the development and performance of lawyers by addressing issues such as career satisfaction and renewal, stress management, mental or emotional health, substance abuse, and gambling addiction. Professional development courses do not include individual or group therapy sessions.

Q. “Law and literature course” means a course otherwise meeting the requirements of Rules 4(D) and 5(A), based upon a literary text and designed to generate discussion, insight, and learning about topics such as the practice of law, the history and philosophy of law, rhetoric, lawyers’ professional or ethical responsibilities, professional development, and the elimination of bias in the legal profession and in the practice of law.

R. For purposes of Rule 6(D) of these Rules,

(A) “Pro bono legal services” means legal services provided without fee or without expectation of fee to (1) persons of limited means or (2) charitable, religious, civic, community, governmental and educational organizations in matters which are designed primarily to address the needs of persons of limited means, or (3) individuals, groups or organizations seeking to secure or protect the civil rights, civil liberties or public rights, or charitable, religious, civic, community, governmental and educational organizations in matters in furtherance of their organizational purposes, where the payment of standard legal fees would significantly deplete the organization’s economic resources or would be otherwise inappropriate.

(B) “Eligible pro bono legal services” for the purposes of Rule 6(D) includes:

(a) providing legal services for a client with limited means through a legal services or pro bono provider, as defined in Rule 6(D) or 6(C) for which there is no compensation or expectation of compensation to the attorney performing the legal services; or

(b) mentoring an attorney who provides legal services for a client with limited means through a legal services or pro bono provider, for which there is no compensation or expectation of compensation to the attorney performing the legal services; or

(c) supervising a law student who provides legal services for a client with limited means available through a legal services or pro bono provider, for which there is no compensation or expectation of compensation to the attorney or law student; or

(d) providing legal services for a client with limited means independently of a legal services or pro bono provider so long as the individual attorney who provides the services has verified the financial eligibility of the pro bono client at the beginning of the representation through a legal services or pro bono provider.

(C) For purposes of Rule 6(D) or 6(B), “legal services or pro bono provider” includes only the following organizations:

(a) organizations which have as their primary purpose the furnishing of legal services to persons with limited means or qualifying organizations;

(b) organizations serving persons of limited means or qualifying organizations that are housed within community service agencies and/or nonprofit organizations;

(c) subsidiaries or programs of bar associations that have as their primary purpose the furnishing of legal services to persons with limited means or qualifying organizations;

(d) legal service or pro bono programs serving persons with limited means conducted within law firms under the supervision of a “pro bono coordinator” or designated lawyer;

(e) organizations assisting persons with limited means who are unable to afford counsel and otherwise meet the eligibility criteria enumerated above.

(Amended effective February 1, 2004; amended effective May 21, 2007.)

[For text of Rules 3 to 5, see M.S. 2006, Volume 15]

Rule 6. Special Categories of Credit

A. Ethics and Professional Responsibility. Courses or sessions within courses approved as courses in ethics or professional responsibility:

(1) Must be at least 30 minutes in length; and

(2) Must be separately identified as ethics or professional responsibility on the course agenda and on the Course Approval Form at Appendix I.

B. Elimination of Bias in the Legal Profession and in the Practice of Law. Courses or sessions within courses approved as courses in the elimination of bias in the legal profession and in the practice of law:

(1) Must be at least 60 minutes in length;

(2) Must be identified on the application as fulfilling the elimination of bias requirement and be accompanied by the narrative described in the Course Approval Form at Appendix I;

(3) Must focus on issues in the legal profession and in the practice of law and not issues of bias in society in general; and

(4) Must not include courses on the substantive law of illegal discrimination unless such courses meet one or more of the learning goals for elimination of bias courses set forth in the Course Approval Form at Appendix I.

C. Law Office Management. A lawyer may receive credit for attendance at a course on law office management, which includes the topics of mentoring, staff development, and technology related to law office management, up to a maximum of 6 credit hours per reporting period. The course must be submitted for approval pursuant to Rule 4. Law office management courses that specifically address elimination of bias in the law office or in the practice of law may be approved instead as courses in the elimination of bias and when so designated are not subject to the 6-hour maximum on law office management courses.

D. (1) CLE Credit for Pro Bono Services. Up to 6 credits of CLE credits in each reporting period may be earned according to this Rule for performing eligible pro bono legal services as defined below.

(2) **Credits.** A maximum of 6 hours of credit during any one reporting period may be granted to those lawyers who perform eligible pro bono legal services within that reporting period. The attorney shall receive one (1) hour of continuing education credit for every six (6) hours of eligible pro bono legal service. Credit shall be awarded in increments of no less than .5 CLE credit hour. Ethics and Elimination of Bias credit are not available for participation in pro bono CLE activities.

(3) **Reporting Obligations for Attorneys.** An attorney wishing to receive CLE credit for providing eligible pro bono legal services shall provide an affidavit certifying the number of hours of eligible pro bono legal services he or she has provided during the reporting period at the time when the attorney reports to receive CLE credits. At the option of the reporting attorney, the attorney may request from the legal services or pro bono provider, upon completion of the pro bono activity, a letter of completion certifying the number of hours of credit earned for the pro bono matter. Any such request by an attorney must include a written summary of his or her activity, including copies of relevant court orders, to the legal services or pro bono provider.

(4) **Reporting Obligations for Legal Service Providers.** Upon request of attorneys providing pro bono legal services through a legal services or pro bono program, the legal services or pro bono provider shall furnish a letter of completion to the attorney indicating (1) the name of the legal services or pro bono provider; (2) the date(s) of the attorney's assignment; (3) the name(s) of any attorney(s) or law student(s) mentored/supervised by the attorney in the course of the representation; and (4) the number of hours of eligible pro bono legal services provided by the attorney. Legal services and pro bono providers shall retain for a period of six

(6) years a list of participants along with the number of hours of eligible pro bono legal service claimed and the number of pro bono CLE credit hours earned by each participant. (Amended effective February 1, 2004; amended effective May 21, 2007.)

[For text of Rule 7 to Appendix I, see M.S. 2006, Volume 15]

Appendix II
MINNESOTA STATE BOARD OF CONTINUING LEGAL EDUCATION
 Suite 201, 380 Jackson Street, St. Paul, MN 55101
AFFIDAVIT OF CLE COMPLIANCE

License Number: _____ Name: _____

CLE Category: _____ Address: _____

Period Covered: _____ Address: _____

I swear that the information below is an accurate and complete record of my attendance.

Lawyer Signature _____ Date: _____

ATTENDANCE INFORMATION

SPONSORING AGENCY	COURSE TITLE	COURSE DATES	# OF HOURS				
			STANRD CLE	LAW OFFICE MNGT	PROF DVLPMT	ETHICS	ELIMN OF BIAS
1.							
2.							
3.							
4.							

Please retain a copy of this form for your records.
 (USE ADDITIONAL SHEETS IF NECESSARY)

HOURS OF PREPARATION AND TEACHING INFORMATION

SPONSORING AGENCY	COURSE TITLE	COURSE DATES	# OF HOURS				
			STANRD CLE	LAW OFFICE MNGT	PROF DVLPMT	ETHICS	ELIMN OF BIAS
1.							
2.							
3.							
4.							

Please note:

- Lawyers must report at least 3 hours of Ethics CLE and at least 2 hours of Elimination of Bias CLE. All courses must total at least 45 hours in a 3-year reporting period.
- A course segment will not be accredited as both Ethics and Elimination of Bias. If you report more than the minimum Ethics and Elimination of Bias hours, we will credit the excess hours as Standard CLE.
- Law Office Management courses are limited to 6 hours per 3-year period.
- There is no limit on the number of hours of professional development CLE you may claim.

COMPLIANCE INSTRUCTIONS

REQUIREMENTS: The CLE Rules require that each lawyer holding an active license complete a minimum of 45 credit hours including at least 3 ethics credits, and 2 elimination of bias credits, every three years. A reporting category number is assigned to each lawyer and is printed on the face of the lawyer's wallet license.

CLE 1 reports attendance from (July 1, 2006 to June 30, 2009);
 CLE 2 reports attendance from (July 1, 2004 to June 30, 2007);
 CLE 3 reports attendance from (July 1, 2005 to June 30, 2008).

The credits must be taken prior to June 30 in the reporting year. There is no carry-over of credits from one reporting period to the next.

DEADLINES: Courses must be taken prior to June 30 of the reporting year. A lawyer then has 60 days from that date to file an affidavit of attendance with the Board. Affidavits received after the filing deadline are subject to a \$50.00 late filing fee.

SANCTIONS: Failure to comply with the CLE reporting requirement will result in the issuance of a Notice of Noncompliance. Affidavits received after the issuance of a Notice of Noncompliance must be accompanied by a \$100.00 late filing fee. Continued noncompliance will result in the lawyer being placed on involuntary restricted status by court order.

RECORDKEEPING: It is the responsibility of the lawyer to maintain records of courses taken and to file promptly with the Board. The lawyer may file a signed copy of a certificate of completion from the course sponsor in lieu of an affidavit.

The Board office maintains course files by sponsor name. A course cannot be identified unless the sponsor is correctly and completely listed.

ELIGIBLE COURSES: A lawyer will not receive credit for attending a course until the course has been accredited under CLE rules. Courses accredited by other CLE states are not necessarily acceptable in Minnesota. In addition to the criteria listed in CLE rule 5 for course accreditation, eligible courses should comply with rule 4 requiring ethical content. The Course Accreditation Form guides the sponsor or lawyer in providing the information necessary for review.

RESTRICTED STATUS: A lawyer who no longer practices law in Minnesota may be excused from the CLE requirement by electing voluntary restricted status under Rule 12.

INFORMATION: Information on the credits allowed for a course should be obtained from the course sponsor. Other information and additional forms may be obtained upon request from the office of the Board of Continuing Legal Education, or by accessing the Board's website at www.mbcle.state.mn.us.

INSTRUCTIONS FOR CLAIMING CREDIT FOR TEACHING

Rule 7(A). Teaching Credit. Credit for teaching in an accredited course shall be awarded to presenting faculty on the basis of one credit for each 60 minutes spent by the faculty preparing the presentation and materials for the course and teaching the course. No credit shall be awarded for teaching directed primarily to persons preparing for admission to practice law. A lawyer seeking credit for teaching and preparation for teaching shall submit all information called for on the Affidavit of CLE Compliance at Appendix II.

A lawyer who makes a one-hour presentation and spends five hours in preparation is entitled to claim a total of six hours. If he/she also sits as a member of the audience for some portion of the course being presented by other speakers, he/she can claim credit for attending that part of the course. Course information should be reported on the form in the appropriate sections.

Credit for teaching/preparation can only be claimed when the lawyer actually teaches in an accredited course. A lawyer who prepares materials that are distributed at the course but who fails to appear on the platform as a speaker cannot claim credit for his/her scholarly efforts. Lawyers also cannot claim credit for writing a law review article or other scholarly articles.

A lawyer who is in charge of a course normally spends administrative time persuading speakers to participate, encouraging them to complete their written materials and conferring with speakers about the allocation of responsibility for subject areas. Time so spent cannot be included in teaching/preparation time.

(Amended effective February 12, 2004; amended effective January 1, 2007.)