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Minnesota Rules of Professional Conduct

Effective September 1, 1985

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TEXT OF RULES

Rule 1.5 Fees

(a) A lawyer shall not make an agreement for, charge, or collect an unreasonable fee or an unreasonable amount for expenses. The factors to be considered in determining the reasonableness of a fee include the following:

- (1) the time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly;
- (2) the likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the lawyer;
- (3) the fee customarily charged in the locality for similar legal services;
- (4) the amount involved and the results obtained;
- (5) the time limitations imposed by the client or by the circumstances;
- (6) the nature and length of the professional relationship with the client;
- (7) the experience, reputation, and ability of the lawyer or lawyers performing the services; and
- (8) whether the fee is fixed or contingent.

(b) The scope of the representation and the basis or rate of the fee and expenses for which the client will be responsible shall be communicated to the client, preferably in writing, before or within a reasonable time after commencing the representation, except when the lawyer will charge a regularly represented client on the same basis or rate. Any changes in the basis or rate of the fee or expenses shall also be communicated to the client. Except as provided below, fee payments received by a lawyer before legal services have been rendered are presumed to be unearned and shall be held in a trust account pursuant to Rule 1.15.

(1) A lawyer may charge a flat fee for specified legal services, which constitutes complete payment for those services and may be paid in whole or in part in advance of the lawyer providing the services. If agreed to in advance in a written fee agreement signed by the client, a flat fee shall be considered to be the lawyer's property upon payment of the fee, subject to refund as described in Rule 1.5(b)(3). Such a written fee agreement shall notify the client:

- (i) of the nature and scope of the services to be provided;
- (ii) of the total amount of the fee and the terms of payment;
- (iii) that the fee will not be held in a trust account until earned;
- (iv) that the client has the right to terminate the client-lawyer relationship; and
- (v) that the client will be entitled to a refund of all or a portion of the fee if the agreed-upon legal services are not provided.

(2) A lawyer may charge a fee to ensure the lawyer's availability to the client during a specified period or on a specified matter in addition to and apart from any compensation for legal services performed. Such an availability fee shall be reasonable in amount and

communicated in a writing signed by the client. The writing shall clearly state that the fee is for availability only and that fees for legal services will be charged separately. An availability fee may be considered to be the lawyer's property upon payment of the fee, subject to refund in whole or in part should the lawyer not be available as promised.

(3) Fee agreements may not describe any fee as nonrefundable or earned upon receipt but may describe the advance fee payment as the lawyer's property subject to refund. Whenever a client has paid a flat fee or an availability fee pursuant to Rule 1.5(b)(1) or (2) and the lawyer-client relationship is terminated before the fee is fully earned, the lawyer shall refund to the client the unearned portion of the fee. If a client disputes the amount of the fee that has been earned, the lawyer shall take reasonable and prompt action to resolve the dispute.

(c) A fee may be contingent on the outcome of the matter for which the service is rendered, except in a matter in which a contingent fee is prohibited by paragraph (d) or other law. A contingent fee agreement shall be in a writing signed by the client and shall state the method by which the fee is to be determined, including the percentage or percentages that shall accrue to the lawyer in the event of settlement, trial or appeal; litigation and other expenses to be deducted from the recovery; and whether such expenses are to be deducted before or after the contingent fee is calculated. The agreement must clearly notify the client of any expenses for which the client will be liable whether or not the client is the prevailing party. Upon conclusion of a contingent fee matter, the lawyer shall provide the client with a written statement stating the outcome of the matter and, if there is a recovery, showing the remittance to the client and the method of its determination.

(d) A lawyer shall not enter into an arrangement for, charge, or collect:

(1) any fee in a domestic relations matter, the payment or amount of which is contingent upon the securing of a divorce or upon the amount of alimony or support, or property settlement in lieu thereof; or

(2) a contingent fee for representing a defendant in a criminal case.

(e) A division of a fee between lawyers who are not in the same firm may be made only if:

(1) the division is in proportion to the services performed by each lawyer or each lawyer assumes joint responsibility for the representation;

(2) the client agrees to the arrangement, including the share each lawyer will receive, and the agreement is confirmed in writing; and

(3) the total fee is reasonable.

(Amended effective October 1, 2005; amended effective July 1, 2011.)

[For text of Comment, see M.S. 2010, 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) except as specified in Rule 1.5(b)(1) and (2), deposit all fees received in advance of the legal services being performed into a trust account and withdraw the fees as earned.

(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 IOLTA program as established by the Minnesota Supreme Court;

(2) transmit with each remittance a report 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 accounts 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; amended effective July 1, 2010; amended effective July 1, 2011.)

[For text of Comment, see M.S. 2010, Volume 15]

Rules for Admission to the Bar

Effective August 18, 1998

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TEXT OF RULES

Rule 2. Definitions and Due Date Provisions

A. Definitions. As used in these Rules:

(1) "Application file" means all information relative to an individual applicant to the bar collected by or submitted to the Board while the application is pending and during any conditional admission period.

(2) "Approved law school" means a law school provisionally or fully approved by the American Bar Association.

(3) "Board" means the Minnesota State Board of Law Examiners.

(4) "Court" means the Minnesota Supreme Court.

(5) "Director" means the staff director for the Board.

(6) "Full-time faculty member" means a person whose professional responsibilities are consistent with the definition of "full-time faculty member" set forth in the *Standards for Approval of Law Schools*, published by the American Bar Association's Section of Legal Education and Admissions to the Bar.

(7) "Good character and fitness" means traits, including honesty, trustworthiness, diligence and reliability, that are relevant to and have a rational connection with the applicant's present fitness to practice law.

(8) "Jurisdiction" means the District of Columbia or any state or territory of the United States.

(9) "Legal services program" means a program existing primarily for the purpose of providing legal assistance to indigent persons in civil or criminal matters.

(10) "Notify" or "give notice" means to mail or deliver a document to the last known address of the applicant or the applicant's lawyer. Notice is complete upon mailing, but extends the applicant's period to respond by three days.

(11) "Principal occupation" means an applicant's primary professional work or business.

[For text of B., see M.S. 2010, Volume 15]

(Amended effective March 14, 2000; amended effective September 1, 2004; amended effective July 1, 2007; amended effective September 1, 2011.)

Rule 3. State Board of Law Examiners

[For text of A. and B., see M.S. 2010, Volume 15]

C. Board Meetings and Quorum.

(1) *Meetings.* Board meetings are open to the public except when the Board is considering the following:

- (a) Examination materials;
- (b) Any information concerning an applicant, potential applicant, or conditionally admitted lawyer;
- (c) Personnel matters;
- (d) Any information that is confidential or private under Rule 14;
- (e) Legal advice from its counsel.

(2) *Minutes.* Minutes of the public portions of Board meetings are available upon request from the Board office.

(3) *Meeting Attendance.* Board members may attend meetings in person or, in extraordinary circumstances, by conference call.

(4) *Quorum.* A quorum of the Board shall be a majority of its sitting members.

(Amended effective September 1, 2004; amended effective July 1, 2007; amended effective September 1, 2011.)

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) Either of the following:
 - (a) Graduation with a J.D. or LL.B. degree from a law school that is provisionally or fully approved by the American Bar Association; or
 - (b) A bachelor's degree from an institution that is accredited by an agency recognized by the United States Department of Education; a J.D. degree from a law school located within any state or territory of the United States or the District of Columbia; and a license to practice law in any state or territory of the United States or the District of Columbia;
- (4) Passing score on the written examination under Rule 6 or qualification under Rules 7A, 7B, 8, 9, or 10. An applicant eligible under Rule 4A(3)(b) but not under Rule 4A(3)(a) must provide satisfactory evidence of a passing score on the written examination;
- (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.

[For text of B., see M.S. 2010, Volume 15]

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. To be acceptable, each affidavit shall:

(a) Be executed by a person who is unrelated to the applicant by blood or marriage and not living in the same household;

(b) Be executed by a person who was not a fellow law student during the applicant's enrollment;

(c) Describe the duration of time and circumstances under which the affiant has known the applicant;

(d) Describe what the affiant knows about the applicant's character and general reputation; and

(e) Provide other information bearing on the applicant's character and fitness to practice law.

[For text of D., see M.S. 2010, Volume 15]

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) A copy of the application for admission to the bar from the bar admissions authority in each jurisdiction in which the applicant has applied for admission to the practice of law;

(2) A document from the proper authority in each other jurisdiction where admitted showing the date of admission to the bar;

(3) A document from the proper authority in each other jurisdiction where admitted stating that the applicant is in good standing; and

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

[For text of F., see M.S. 2010, Volume 15]

G. Additional Information Required. At the request of the Board, an applicant will be required to obtain and submit additional information.

H. Continuing Obligation to Update Application. An applicant has a continuing obligation to provide written updates to the application. This obligation continues until such time as the applicant is admitted, the application is withdrawn, or there is a final determination by the Board or Supreme Court. Applicants conditionally admitted under Rule 16 must continue to update their application for the term of the consent agreement.

I. 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.

J. 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.

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

L. 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. (Amended effective March 14, 2000; amended effective September 1, 2004; amended effective July 1, 2007; amended effective September 1, 2011.)

Rule 5. Standards for Admission

A. Essential Eligibility Requirements. Applicants must be able to demonstrate 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 law-suits;
- (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 and during any period of conditional admission.

(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; amended effective September 1, 2011.)

Rule 6. Admission by Examination

[For text of A., see M.S. 2010, Volume 15]

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. Due dates shall be strictly enforced as specified in Rule 2B.

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. Due dates shall be strictly enforced as specified in Rule 2B.

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 4I; or

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

[For text of E. and F., see M.S. 2010, Volume 15]

G. Computer Use. Any applicant requesting to use a laptop computer to write the essay and performance test portion of the bar examination shall submit a computer registration form with the application and pay the required fee.

H. 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.

I. 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.

J. 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; amended effective September 1, 2011.)

Rule 7. Admission Without Examination

A. Eligibility by Practice.

(1) *Requirements.* 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 60 of the 84 months immediately preceding the application, the applicant was:

- (a) Licensed to practice law;
- (b) In good standing before the highest court of all jurisdictions where admitted; and
- (c) Engaged, as principal occupation, in the lawful practice of law as a:
 - i. Lawyer representing one or more clients;
 - ii. Lawyer in a law firm, professional corporation, or association;
 - iii. Judge in a court of law;
 - iv. Lawyer for any local or state governmental entity;
 - v. House counsel for a corporation, agency, association, or trust department;
 - vi. 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;
 - vii. Full-time faculty member in any approved law school; and/or
 - viii. Judicial law clerk whose primary responsibility is legal research and writing.

(2) *Jurisdiction.* The lawful practice of law described in Rule 7A(1)(c)(i) through (v) must have been performed in a jurisdiction in which the applicant is admitted, or performed in a jurisdiction that permits the practice of law by a lawyer not admitted in that jurisdiction. Practice described in Rule 7A(1)(c)(vi) through (viii) may have been performed outside the jurisdiction where the applicant is licensed.

[For text of B. to F., see M.S. 2010, Volume 15]

(Amended effective March 14, 2000; amended effective September 1, 2004; amended effective July 1, 2007; amended effective September 1, 2011.)

Rule 9. Admission by Temporary House Counsel License

[For text of A., see M.S. 2010, Volume 15]

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 36 of the previous 60 months; and
- (3) Complies with the eligibility provisions of Rule 4A, with the exception of Rule 4A(5).

The practice of law during the qualifying period must have been performed in a jurisdiction where the applicant is licensed or performed in a jurisdiction that permits the practice of law by a lawyer not licensed in that jurisdiction, 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 as described in Rule 4C;
- (2) The documents listed in Rules 4D and 4E;
- (3) An affidavit from an officer, director, or general counsel of applicant's employer or parent company employer stating the date of employment and 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);
- (4) A fee consistent with Rule 12F; and
- (5) Other information, if requested by the Board.

[For text of D., see M.S. 2010, Volume 15]

E. Issuance of Temporary House Counsel License. An expedited character and fitness investigation will be conducted, and if the Board finds that the applicant's present character and fitness qualifies the applicant for admission, a temporary license will be issued.

[For text of F., see M.S. 2010, Volume 15]

G. House Counsel License Without Time Limitation. 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.

[For text of H. to J., see M.S. 2010, Volume 15]

(Amended effective September 1, 2004; amended effective July 1, 2007; amended effective July 23, 2007; amended effective September 1, 2011.)

Rule 10. Admission by House Counsel License

[For text of A., see M.S. 2010, Volume 15]

B. Eligibility. 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 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 36 of the previous 60 months; and
- (3) Complies with the eligibility provisions of Rule 4A.

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

- (1) An application for a license to practice law in Minnesota as described in Rule 4C;
- (2) The documents listed in Rules 4D and 4E;
- (3) An affidavit from an officer, director, or general counsel of applicant's employer or parent company stating the date of employment and attesting to the fact that applicant is

employed as house counsel solely for that employer, that applicant is an individual of good character, and that the nature of the employment meets the requirements of Rule 10B(1);

(4) A fee consistent with Rule 12F; and

(5) Other information, as requested by the Board.

D. Limitation. A license issued pursuant to this Rule authorizes the holder to practice solely for the employer designated in the Rule 10C(3) affidavit.

E. Expiration of House Counsel License. The house counsel license shall expire upon termination of the holder's employment with the employer referenced in Rule 10C(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.

F. 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 10C(3).

G. 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 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.

H. 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.

I. 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; amended effective July 23, 2007; amended effective September 1, 2011.)

Rule 12. Fees

A. General. Applicants shall pay application fees or other fees required under these Rules by personal check or money order made payable to the Board. At the Board's discretion, fees may be accepted by credit card or electronic funds transfer. The applicable fee is determined as of the date of filing of a complete application under Rule 4.

[For text of B. to D., see M.S. 2010, Volume 15]

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 \$500 and comply with Rule 4J.

[For text of F., see M.S. 2010, Volume 15]

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.

[For text of H., see M.S. 2010, Volume 15]

I. Refunds of Fees. An applicant who submits a written request to withdraw a bar examination application 15 or more days before the examination for which the applicant applied shall receive a refund in the amount of:

(1) \$150, if the fee paid was in an amount specified by either Rule 12B or Rule 12E;

(2) \$300, if the fee paid was in an amount specified by Rule 12C.

No other requests for refund will be granted.

J. Carry-over of Fees.

(1) *Applicants Ineligible Under Rule 7 (Admission without Examination).* The fee of an applicant declared ineligible under Rule 7 (Admission Without Examination) shall, upon the applicant's written request, be applied to

- (a) An examination held within the succeeding 15 months; or
- (b) An Application made under Rule 8, 9, or 10.

The written request must be received by the Board within 30 days of notice of the denial. No other carry-over of fees, other than those provided for in the following paragraph, shall be granted.

(2) *Medical Emergencies.* An applicant who is unable to take 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.

[For text of K. and L., see M.S. 2010, Volume 15]

M. Fee for Re-issuance of House Counsel License. An applicant for re-issuance of a house counsel license under Rule 10G 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 require applicants to pay a reasonable application processing fee. 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; amended effective January 1, 2008; amended effective September 1, 2011.)

Rule 15. Adverse Determinations and Hearings

[For text of A. to D., see M.S. 2010, Volume 15]

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 have jurisdiction over issuance of subpoenas.

G. Continuances. A written request for a continuance of a scheduled hearing shall be considered and decided 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 in writing of its findings of fact, conclusions of law and final decision.

(Renumbered and amended effective September 1, 2004; amended effective July 1, 2007; amended effective September 1, 2011.)

Rule 16. Conditional Admission

[For text of A., see M.S. 2010, Volume 15]

B. Circumstances Warranting Conditional Admission. The Board may consider for conditional admission an applicant whose past conduct raises concerns under Rule 5, but whose current record of conduct evidences a commitment to rehabilitation and an ability to meet the essential eligibility requirements of the practice of law. The Board shall prescribe the terms and conditions of conditional admission in a consent agreement entered into by the Board and the applicant.

[For text of C. and D., see M.S. 2010, Volume 15]

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 any complaint with the OLPR shall extend the conditional admission until disposition of the complaint by the OLPR.

F. Consequences of 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.

[For text of G., see M.S. 2010, Volume 15]

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

[For text of I., see M.S. 2010, Volume 15]

J. Appeal. Appeal rights are limited to those set forth in Rule 15 and Rule 17.

(Added effective September 1, 2004; amended effective July 1, 2007; amended effective September 1, 2011.)

Rules of the Supreme Court On Lawyer Registration

Adopted August 4, 1970

TABLE OF HEADNOTES

Rule

2. Registration Fee

TEXT OF RULES

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 initial and thereafter, annual registration fee.

B. Active Statuses.

Each lawyer and judge must pay an annual registration fee of \$254 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 \$226.

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 \$131.

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 \$103.

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 \$120.

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 \$106.

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 \$211.

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 \$183.

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 \$211.

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 \$183.

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 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.

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 \$254 are allocated as follows:

- a. \$23 to the State Board of Law Examiners;
- b. \$6 to the State Board of Continuing Legal Education;
- c. \$122 to the Lawyers Professional Responsibility Board;

d. \$12 to the Client Security Fund (no fee collected October 1, 2008 through July 1, 2010 registration deadline cycles);

e. \$75 to the Legal Services Advisory Committee for civil legal services and grant program purposes; and

f. \$16 to the Legal Services Advisory Committee for a lawyers assistance program.

(2) Payments of \$226 are allocated as follows:

a. \$23 to the State Board of Law Examiners;

b. \$6 to the State Board of Continuing Legal Education;

c. \$122 to the Lawyers Professional Responsibility Board;

d. \$12 to the Client Security Fund (no fee collected October 1, 2008 through July 1, 2010 registration deadline cycles);

e. \$47 to the Legal Services Advisory Committee for civil legal services and grant program purposes; and

f. \$16 to the Legal Services Advisory Committee for a lawyers assistance program.

(3) Payments of \$211 are allocated as follows:

a. \$23 to the State Board of Law Examiners;

b. \$6 to the State Board of Continuing Legal Education;

c. \$83 to the Lawyers Professional Responsibility Board;

d. \$12 to the Client Security Fund (no fee collected October 1, 2008 through July 1, 2010 registration deadline cycles);

e. \$71 to the Legal Services Advisory Committee for civil legal services and grant program purposes; and

f. \$16 to the Legal Services Advisory Committee for a lawyers assistance program.

(4) Payments of \$183 are allocated as follows:

a. \$23 to the State Board of Law Examiners;

b. \$6 to the State Board of Continuing Legal Education;

c. \$83 to the Lawyers Professional Responsibility Board;

d. \$12 to the Client Security Fund (no fee collected October 1, 2008 through July 1, 2010 registration deadline cycles);

e. \$43 to the Legal Services Advisory Committee for civil legal services and grant program purposes; and

f. \$16 to the Legal Services Advisory Committee for a lawyers assistance program.

(5) Payments of \$131 are allocated as follows:

a. \$23 to the State Board of Law Examiners;

b. \$5 to the State Board of Continuing Legal Education;

c. \$24 to the Lawyers Professional Responsibility Board;

d. \$63 to the Legal Services Advisory Committee for civil legal services and grant program purposes; and

e. \$16 to the Legal Services Advisory Committee for a lawyers assistance program.

(6) Payments of \$103 are allocated as follows:

a. \$23 to the State Board of Law Examiners;

b. \$5 to the State Board of Continuing Legal Education;

- c. \$24 to the Lawyers Professional Responsibility Board;
- d. \$35 to the Legal Services Advisory Committee for civil legal services and grant program purposes; and
- e. \$16 to the Legal Services Advisory Committee for a lawyers assistance program.

(7) Payments of \$120 are allocated as follows:

- a. \$23 to the State Board of Law Examiners;
- b. \$6 to the State Board of Continuing Legal Education;
- c. \$26 to the Lawyers Professional Responsibility Board;
- d. \$12 to the Client Security Fund (no fee collected October 1, 2008 through July 1, 2010 registration deadline cycles);
- e. \$37 to the Legal Services Advisory Committee for civil legal services and grant program purposes; and
- f. \$16 to the Legal Services Advisory Committee for a lawyers assistance program.

(8) Payments of \$106 are allocated as follows:

- a. \$23 to the State Board of Law Examiners;
- b. \$6 to the State Board of Continuing Legal Education;
- c. \$26 to the Lawyers Professional Responsibility Board;
- d. \$12 to the Client Security Fund (no fee collected October 1, 2008 through July 1, 2010 registration deadline cycles);
- e. \$23 to the Legal Services Advisory Committee for civil legal services and grant program purposes; and
- f. \$16 to the Legal Services Advisory Committee 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, either mail a lawyer registration statement or email a notice of registration 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 postal address on file with the Lawyer Registration Office. For those electing to use the online registration system, a notice of registration must be sent to the lawyer's or judge's email address on file with the Lawyer Registration Office. Failure to receive a lawyer registration statement or a notice of registration 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 postal address. Every lawyer or judge who elects to use the online registration system must immediately update their online registration profile to reflect any change of their postal address and email 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; amended effective with the registration cycle deadline of January 1, 2008; amended effective with the registration cycle deadline of July 1, 2008; amended effective July 1, 2010; amended effective July 1, 2011.)

**NOTE: Regarding Rule 2. Registration Fee amended by Court Order #ADM10-8002 dated March 2, 2011,*

"Pursuant to the inherent authority of the court,

IT IS HEREBY ORDERED THAT:

1. The petition of the Legal Services Planning Committee to incorporate into Rule 2 of the Rules of the Supreme Court on Lawyer Registration on the previous temporary increase of \$25 in the annual lawyer registration fee allocated to the Legal Services Advisory Committee be, and the same is granted, and the attached amendments to Rule 2 are prescribed and promulgated to be effective with the lawyer registration fees due and payable by October 1, 2011.

2. The petition of the Board of Public Defense to extend indefinitely the previous temporary increase of \$75 in the annual lawyer registration fee allocated to the Board be, and the same is denied, but the increase is extended for one additional temporary period, effective with the lawyer registration fees due and payable by October 1, 2011, and expiring the fees due and payable by July 1, 2013.

3. With the amendment to Rule 2 promulgated by this order, the 2-year extension of the temporary fee increase for the Board of Public Defense, and the expiration of the 2-year hiatus in collection of the portion of the lawyer registration fees allocated to the Client Security Board, commencing with fees due and payable by October 1, 2011, the annual lawyer registration fee shall be \$329 or such lesser sum as is set forth below:

<i>Active Status - Income Less than \$25,000</i>	<i>\$292.50</i>
<i>Active Status - Lawyers on Full-Time Military Duty</i>	<i>\$172.00</i>
<i>Active Status - Lawyers on Full-Time Military Duty - Income Less than \$25,000</i>	<i>\$136.00</i>

<i>Active Status - Lawyers Admitted Fewer than Three Years</i>	<i>\$152.00</i>
<i>Active Status - Lawyers Admitted Fewer Than Three Years - Income Less Than \$25,000</i>	<i>\$134.00</i>
<i>Inactive Status - Out-of-State</i>	<i>\$272.00</i>
<i>Inactive Status - Out-of-State - Income Less Than \$25,000</i>	<i>\$235.50</i>
<i>Inactive Status - Minnesota</i>	<i>\$272.00</i>
<i>Inactive Status - Minnesota - Income Less Than \$25,000</i>	<i>\$235.50</i>
<i>Inactive Status - Retired</i>	<i>Exempt</i>
<i>Inactive Status - Permanent Disability</i>	<i>Exempt</i>

While this order is in effect, these annual registration fees are in lieu of the fees set forth in Rule 2 of the Rules of the Supreme Court on Lawyer Registration. The \$75 fee increase allocated to the Board of Public Defense remains temporary only, and upon the expiration of this temporary fee increase, the annual registration fees shall revert to the amounts set forth in Rule 2, as amended by this order.

4. The additional funds generated by the temporary \$75 fee increase shall be allocated to the Board of Public Defense; the remaining funds generated by the attorney registration fees shall be allocated as provided in Rule 2, as amended by this order."

Code of Judicial Conduct

Adopted effective July 1, 2009

TABLE OF HEADNOTES

Application

TEXT OF RULES

APPLICATION

The Application section establishes when the various Rules apply to a judge or judicial candidate.

[For text of I. and II., see M.S. 2010, Volume 15]

III. Continuing Part-Time Judge

A judge who serves repeatedly on a part-time basis under a continuing appointment,

(A) is not required to comply:

(1) with Rules 2.10(A) and 2.10(B) (Judicial Statements on Pending and Impending Cases), except while serving as a judge; or

(2) at any time with Rules 3.4 (Appointments to Governmental Positions), 3.8 (Appointments to Fiduciary Positions), 3.9 (Service as Arbitrator or Mediator), 3.10 (Practice of Law), 3.11 (Financial, Business, or Remunerative Activities), 3.14 (Reimbursement of Expenses and Waivers of Fees or Charges), 3.15 (Reporting Requirements), 4.1 (Political and Campaign Activities of Judges and Judicial Candidates in General), 4.2 (Political and Campaign Activities of Judicial Candidates in Public Elections), 4.3 (Activities of Candidates for Appointive Judicial Office), 4.4 (Campaign Committees), and 4.5 (Activities of Judges Who Become Candidates for Nonjudicial Office); and

(B) shall not practice law in the district court of the county in which the judge serves, or, if the court is divided into divisions, in the division of the court on which the judge serves, or in any court subject to the appellate jurisdiction of the court on which the judge serves. This paragraph shall not apply to lawyers who are appointed pursuant to Minnesota Statutes, sections 484.013 and 491A.03, subdivision 1, or such other appointments as ordered by the Supreme Court. However, in no event shall the judge act as a lawyer in a proceeding in which the judge has served as a judge or in any other proceeding related thereto.

(Amended effective January 1, 2011.)

Comment

[1] When a person who has been a continuing part-time judge is no longer a continuing part-time judge, including a retired judge no longer subject to recall, that person may act as a lawyer in a proceeding in which he or she has served as a judge or in any other proceeding related thereto only with the informed consent of all parties, and pursuant to Rule 1.12 of the Rules of Professional Conduct.

IV. Periodic Part-Time Judge

A periodic part-time judge who serves or expects to serve repeatedly on a part-time basis, but under a separate appointment for each limited period of service or for each matter,

(A) is not required to comply:

(1) with Rule 2.10 (Judicial Statements on Pending and Impending Cases), except while serving as a judge; or

(2) at any time with Rules 3.4 (Appointments to Governmental Positions), 3.7 (Participation in Educational, Religious, Charitable, Fraternal, or Civic Organizations and Activities), 3.8 (Appointments to Fiduciary Positions), 3.9 (Service as Arbitrator or Mediator), 3.10 (Practice of Law), 3.11 (Financial, Business, or Remunerative Activities), 3.13 (Acceptance and Reporting of Gifts, Loans, Bequests, Benefits, or Other Things of

Value), 3.15 (Reporting Requirements), 4.1 (Political and Campaign Activities of Judges and Judicial Candidates in General), and 4.5 (Activities of Judges Who Become Candidates for Nonjudicial Office); and

(B) shall not practice law in the district court of the county in which the judge serves, or, if the court is divided into divisions, in the division of the court on which the judge serves, or in any court subject to the appellate jurisdiction of the court on which the judge serves. This paragraph shall not apply to lawyers who are appointed pursuant to Minnesota Statutes, sections 484.013 and 491A.03, subdivision 1, or such other appointments as ordered by the Supreme Court. However, in no event shall the judge act as a lawyer in a proceeding in which the judge has served as a judge or in any other proceeding related thereto.

(Amended effective January 1, 2011.)

[For text of V. and VI., see M.S. 2010, Volume 15]

