

PROFESSIONAL RULES

Rules for Admission to the Bar

	PAGE
Table of Headnotes	149

Student Practice Rules

	PAGE
Table of Headnotes	159

**Rules of the Supreme Court on
Lawyer Registration**

	PAGE
Table of Headnotes	162

**Rules of the Minnesota State Board
of Continuing Legal Education**

	PAGE
Table of Headnotes	167
Forms	174

Rules for Admission to the Bar

Effective August 18, 1998

With amendments effective February 1, 2013

TABLE OF HEADNOTES

Rule

2. Definitions and Due Date Provisions
4. General Requirements for Admission
6. Admission by Examination
7. Admission Without Examination
9. Admission by Temporary House Counsel License
10. Admission by House Counsel License
14. Confidentiality and Release of Information

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.

(12) "Uniform Bar Examination" or "UBE" is an examination prepared by the National Conference of Bar Examiners (NCBE), comprised of six Multistate Essay Examination questions, two Multistate Performance Test questions, and the Multistate Bar Examination.

B. Due Dates Provisions. Due dates specified under these Rules shall be strictly enforced and shall mean no later than 4:30 p.m. on the date stated; if the date falls on Saturday,

Sunday, or a legal holiday, the deadline shall be the first working day thereafter. Postmarks dated on the due date will be accepted.

(Amended effective March 14, 2000; amended effective September 1, 2004; amended effective July 1, 2007; amended effective September 1, 2011; amended effective February 1, 2013.)

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)(i) A bachelor's degree from an institution that is accredited by an agency recognized by the United States Department of Education;
 - (ii) a J.D. degree from a law school located within any state or territory of the United States or the District of Columbia;
 - (iii) that the applicant has been licensed to practice law in any state or territory of the United States or the District of Columbia in 60 of the previous 84 months; and
 - (iv) that the applicant has been engaged, as principal occupation, in the practice of law for 60 of the previous 84 months in one or more of the activities listed in Rule 7A(1)(c).
- (4) Passing score on the written examination under Rule 6 or qualification under Rules 7A, 7B, 7C, 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 under Rule 6 and is not eligible for admission under Rule 7A, 7B, 7C, 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. Deleted effective February 1, 2013.

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.

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) 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.

F. Applicant 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. 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; amended effective February 1, 2013.)

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. 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).

E. Scope of Examination. The Minnesota Bar Examination shall be the Uniform Bar Examination prepared by the National Conference of Bar Examiners, comprised of six Multistate Essay Examination (MEE) questions, two Multistate Performance Test (MPT) questions, and the Multistate Bar Examination (MBE).

(1) *Essay Questions.* The essay examination is comprised of six 30-minute MEE questions, covering any one or more of the following subjects:

- Business Associations (Agency and Partnership; Corporations; and Limited Liability Companies)
- Conflict of Laws
- Constitutional Law

Contracts (including contracts under the Uniform Commercial Code (UCC))
 Criminal Law and Procedure
 Evidence
 Family Law
 Federal Civil Procedure
 Negotiable Instruments (Commercial Paper) under the UCC
 Real Property
 Secured Transactions under the UCC
 Torts
 Trusts and Estates (Decedents' Estates; Trusts and Future Interests).

(2) *Multistate Performance Test.* The performance test shall include two 90-minute 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. 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; amended effective February 1, 2013.)

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 (excluding applicants who qualify only under Rule 4A(3)(b)) 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.

B. Eligibility for Admission by MBE 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. Eligibility for Admission by UBE Score. An applicant may be eligible for admission without examination under Rule 4A(4) if the applicant has received a scaled score of 260 or higher earned in another jurisdiction on the UBE and the score is certified as a UBE score by the National Conference of Bar Examiners. The applicant shall submit evidence of the score and a complete application for admission to the Board within 36 months of the date of the qualifying examination being used as the basis for the admission.

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

E. 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.

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

G. 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; amended effective September 1, 2011; amended effective February 1, 2013.)

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 36 of the previous 60 months; and

(3) Complies with the eligibility provisions of Rule 4A(1), (2), (3)(a), (4), and (6).

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.

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), except that the lawyer is authorized to provide "pro bono legal representation" to a "pro bono client" referred to the lawyer through an "approved legal services provider" as these phrases are defined in Rule 2S, Rule 2R, and Rule 2B, respectively, of the Rules of the Supreme Court for Continuing Legal Education of the Bar.

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.

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 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.

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; amended effective July 23, 2007; amended effective September 1, 2011; amended effective February 1, 2013.)

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. 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(1), (2), (3)(a), (4), and (6).

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, except that the lawyer is authorized to provide "pro bono legal representation" to a "pro bono client" referred to the

lawyer through an "approved legal services provider" as these phrases are defined in Rule 2S, Rule 2R, and Rule 2B, respectively, of the Rules of the Supreme Court for Continuing Legal Education of the Bar.

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; amended effective February 1, 2013.)

Rule 14. Confidentiality and Release of Information

A. Application File. An applicant may review the contents of his or her application file with the exception of the work product of the Board and its staff. Such review must take place within two years after the filing of the last application for admission in Minnesota, at such times and under such conditions as the Board may provide.

B. Work Product. The Board's work product shall not be produced or otherwise discoverable, nor shall any member of the Board or its staff be subject to deposition or compelled testimony except upon a showing of extraordinary circumstance and compelling need and upon order of the Court. In any event, the mental impressions, conclusions, and opinions of the Board or its staff shall be protected and not subject to compelled disclosure.

C. Examination Data.

(1) *Statistics.* Statistical information relating to examinations and admissions may be released at the discretion of the Board.

(2) *MBE Score Advisory.* The director may release individual MBE scores as provided in Rule 7E.

(3) *Transfer of MBE Score.* The score of an examinee may be disclosed to the bar admission authority of another jurisdiction, upon the examinee's written request to the National Conference of Bar Examiners (NCBE).

(4) *Transfer of UBE Score.* The score of an examinee may be disclosed to the examinee or to the bar admission authority of another jurisdiction upon the examinee's written request to the National Conference of Bar Examiners (NCBE).

(5) *Release of Examination Scores and Essays to Unsuccessful Examinees.* The director may release to an unsuccessful examinee the scores assigned to each of the various portions of the examination; and, upon payment of the fee specified by Rule 12K, the director may release copies of an unsuccessful examinee's answers to the MEE and MPT questions.

(6) *Release of Examination Scores to Law Schools.* At the discretion of the Board, the examination scores of an examinee may be released to the law school from which the examinee graduated.

D. Release of Information to Other Agencies. Information may be released to the following:

- (1) Any authorized lawyer disciplinary agency;
- (2) Any bar admissions authority; or
- (3) Persons or other entities in furtherance of the character and fitness investigation.

E. Referrals. Information relating to the misconduct of an applicant may be referred to the appropriate authority.

F. Confidentiality. Subject to the exceptions in this Rule, all other information contained in the files of the office of the Board is confidential and shall not be released to anyone other than the Court except upon order of the Court.

(Renumbered and amended effective September 1, 2004; amended effective July 1, 2007; amended effective February 1, 2013.)

Student Practice Rules

Adopted May 24, 1982
With amendments effective May 1, 2013

TABLE OF HEADNOTES

Rule 1. General Student Practice

- 1.03 Certification
- 1.05 Miscellaneous

Rule 2. Clinical Student Practice

- 2.03 Certification
- 2.05 Miscellaneous

Rule 3. Student Observation of Professional Activities

- 3.03 Certification
- 3.05 Miscellaneous

TEXT OF RULES

Rule 1. General Student Practice

[For text of 1.01 and 1.02, see M.S. 2012, Volume 15]

1.03 Certification

The state, local, or other government unit or agency or organization or persons representing indigent clients shall submit in writing to the student's law school the student's name and a statement that the student will be properly supervised under the provisions of this practice rule. The student's law school shall then certify the student's academic standing and file this certification with the Board of Law Examiners for approval. Written notification of approval shall be provided to the law school. The certification shall remain in effect for twelve (12) months after the date filed. Law students may be recertified for additional twelve-month periods. Certification shall terminate sooner than twelve (12) months upon the occurrences of the following events:

- (1) Certification is withdrawn by the unit, agency, organization, or person by mailing notice to that effect to the law student, the law school, and the Board of Law Examiners along with the reason(s) for such withdrawal;
- (2) Certification is terminated by the Board of Law Examiners by mailing notice to that effect to the law student, the law school, and the unit, agency, organization or person along with the reason(s) for such termination;
- (3) Certification shall terminate upon the student being placed on academic probation;
- (4) The student does not take the first bar examination following his or her graduation, upon which the certification will terminate on the first day of the exam;
- (5) The student takes but fails the bar examination, upon which the certification will terminate upon notice to the dean and the law student of such failure; or
- (6) The student takes and passes the bar examination and is admitted to the bar of the court.

(Amended effective May 1, 2013)

[For text of 1.04, see M.S. 2012, Volume 15]

1.05 Miscellaneous

Nothing contained in this rule shall affect the existing rules of this court or the right of any person who is not admitted to practice law to do anything that he or she might lawfully do prior to the adoption of this rule. Any student enrolled in any school of law approved

by the American Bar Association who otherwise meets the qualifications of this rule may petition the Supreme Court for the rights provided by this rule.

(Amended effective May 1, 2013)

Rule 2. Clinical Student Practice

[For text of 2.01 and 2.02, see M.S. 2012, Volume 15]

2.03 Certification

Certification of a student by the law school shall be filed with the Board of Law Examiners for approval. Written notification of approval shall be provided the law school. The certification shall remain in effect for twelve (12) months after the date filed. Law students may be recertified for additional 12-month periods. Certification shall terminate sooner than twelve (12) months upon the occurrence of the following events:

(1) Certification is withdrawn by the dean by mailing notice to that effect to the law student and the Board of Law Examiners along with the reason(s) for such withdrawal;

(2) Certification is terminated by the Board of Law Examiners by mailing a notice to that effect to the law student and to the dean along with the reason(s) for such termination;

(3) The student does not take the first bar examination following his or her graduation, upon which the certification will terminate on the first day of the exam;

(4) The student takes but fails the bar examination, upon which the certification will terminate upon notice to the dean and the law student of such failure; or

(5) The student takes and passes the bar examination and is admitted to the bar of this court.

(Amended effective May 1, 2013)

[For text of 2.04, see M.S. 2012, Volume 15]

2.05 Miscellaneous

Nothing contained in this rule shall affect the existing rules of this court or the right of any person who is not admitted to practice law to do anything that he or she might lawfully do prior to the adoption of this rule. Any student enrolled in any school of law approved by the American Bar Association who otherwise meets the qualifications of this rule may petition the Supreme Court for the rights provided by this rule.

(Amended effective May 1, 2013)

Rule 3. Student Observation of Professional Activities

[For text of 3.01 and 3.02, see M.S. 2012, Volume 15]

Rule 3.03 Certification

Certification of a student by the law school shall be filed with the Board of Law Examiners for approval. Written notification of approval shall be provided to the law school. The certification shall remain in effect for twelve (12) months after the date filed. Law students may be recertified for additional twelve-month periods. Certification shall terminate sooner than twelve (12) months upon the occurrence of the following events:

(1) Certification is withdrawn by the dean by mailing notice to that effect to the law student and the Board of Law Examiners along with the reason(s) for such withdrawal;

(2) Certification is terminated by the Board of Law Examiners by mailing a notice to that effect to the law student and to the dean along with the reason(s) for such termination;

(3) The student does not take the first bar examination following his or her graduation, upon which the certification will terminate on the first day of the exam;

(4) The student takes but fails the bar examination, upon which the certification will terminate upon notice to the dean and the law student of such failure; or

(5) The student takes and passes the bar examination and is admitted to the bar of this court.

(Added effective April 23, 2009; amended effective May 1, 2013.)

[For text of 3.04, see M.S. 2012, Volume 15]

Rule 3.05 Miscellaneous

Nothing contained in this rule shall affect the existing rules of this court or the right of any person who is not admitted to practice law to do anything that he or she might lawfully do prior to the adoption of this rule. Any student enrolled in any school of law approved by the American Bar Association who otherwise meets the qualifications of this rule may petition the Supreme Court for the rights provided by this rule.

(Added effective April 23, 2009; amended effective May 1, 2013.)

Rules of the Supreme Court on Lawyer Registration

Adopted August 4, 1970
With amendments effective July 1, 2013

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. Notwithstanding the above, a lawyer or judge who has filed an affidavit in accordance with this rule may engage in the pro bono legal representation of pro bono clients pursuant to Rule 14 of the Rules of the Minnesota State Board of Continuing Legal Education.

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; amended effective July 1, 2013.)

Rules of the Minnesota State Board of Continuing Legal Education

Adopted April 17, 2000 Effective July 1, 2000
With amendments effective July 1, 2013

TABLE OF HEADNOTES

Rule

- 2. Definitions
- 5. Standards for Course Approval
- 6. Special Categories of Credit
- 12. Restricted and Involuntary Restricted Status
- 14. Emeritus Status

TABLE OF APPENDIX

Appendix IV - Affidavit of Emeritus Status

TEXT OF RULES

Rule 2. Definitions

In these Rules,

A. "Approved course" means a course approved by the Board.

B. "Approved legal services provider" means a legal services organization that meets at least one of the following criteria:

(1) Funded by the Legal Services Corporation, the Minnesota Legal Services Advisory Committee; or

(2) Designated by the Minnesota Legal Services Advisory Committee as an approved legal services provider. Eligibility for designation is limited to:

(a) Programs providing pro bono legal representation within 501(c)(3) non-profit organizations that have as their primary purpose the furnishing of legal services to individuals with limited means.

(b) Law firms, law libraries, or bar associations that conduct programs that have as their primary purpose the furnishing of legal services to individuals with limited means and are under the supervision of a pro bono coordinator or designated lawyer.

(c) Law firms that provide pro bono legal services on behalf of a Minnesota Judicial Branch program, including but not limited to, the Guardian ad Litem Program.

C. "Board" means the State Board of Continuing Legal Education.

D. "Chairperson" means the Chairperson of the Board.

E. "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.

F. "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.

G. "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.

H. "Court" means the Supreme Court of the State of Minnesota.

I. "Director" means the Director of the Board.

J. "Emeritus status" is the status of a lawyer who has filed a Retirement Affidavit pursuant to Rule 2(C)(5) of the Rules of the Supreme Court on Lawyer Registration, is not on involuntary restricted status, has submitted an Affidavit of Emeritus Status Appendix IV showing compliance with the requirements of CLE Rule 14, and is authorized by Rule 14 to provide pro bono legal representation to a pro bono client when referred by an approved legal services provider. Emeritus status lawyers remain on restricted status.

K. "Established continuing legal education course sponsor," for the purposes of Rule 5B, 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.

L. "Fee" means funds payable to the Minnesota State Board of Continuing Legal Education.

M. "In-house course" means a course 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. "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.

O. "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.

P. "Law and literature course" means a course otherwise meeting the requirements of Rules 4D and 5A, 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.

Q. "Moderator" means an individual, knowledgeable in the topic or topics addressed by the course, who guides the discussion and answers questions related to the material presented.

R. "Participant" means a lawyer licensed in Minnesota attending an approved course and actively engaged in the subject matter being presented.

S. "Pro bono client" means an individual, who is not a corporation or other organizational entity, and who has been referred to the lawyer by an approved legal services provider or by a state or federal court program.

T. "Pro bono legal representation" means providing legal representation to a pro bono client without compensation, expectation of compensation, or other direct or indirect pecuniary gain.

U. "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.

V. "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.

W. "Submit" means to communicate information to the Board office in writing or electronic submission:

- (1) through the Board's Online Attorney and Sponsor Integrated System (OASIS);
- (2) by regular U.S. mail; or
- (3) by delivery.

(Amended effective February 1, 2004; amended effective July 1, 2008; amended effective February 1, 2010; amended effective July 1, 2010; amended effective July 1, 2013.)

Rule 5. Standards for Course Approval

A. General Standards. A course must meet the following standards before approval is granted.

- (1) The course shall have significant intellectual or practical content.
- (2) The course shall deal primarily with matter directly related to the practice of law, the professional responsibility or ethical obligations of lawyers, the elimination of bias in the legal profession and in the practice of law, law office management, or the professional development of lawyers.
- (3) The course shall be taught by faculty members qualified by practical or academic experience to teach the specified subject matter. Legal subjects shall be taught by lawyers.
- (4) Any written materials should be thorough, high quality, readable, carefully prepared, and distributed to all participants at or before the time the course is offered.
- (5) The course shall be presented and attended in a suitable classroom or laboratory setting. Courses presented via video recording, simultaneous broadcast, teleconference, or audiotape may be approved provided that a faculty member or moderator is in attendance at all presentations, either in person or through live transmission, allowing all participants to hear and participate in the question and answer session. Subject to the exception of paragraph (11) below, no course will be approved which involves solely television or video viewing in the home or office, or correspondence work or self-study, including online self-study.
- (6) Credit will not normally be given for speeches at luncheons or banquets.
- (7) A list of all participants shall be maintained by the course sponsor and transmitted to the Board upon request, following the presentation of the course.
- (8) Credit shall be awarded on the basis of one credit hour for each 60 minutes of instruction at an approved course.
- (9) A lawyer shall not receive credit for any course attended before being admitted to practice law in Minnesota, but one so admitted may receive credit of one hour for each 60 minutes actually spent in attendance, for attending for credit or as an auditor a regular course offered by a law school approved by the American Bar Association.
- (10) Notwithstanding the provisions of paragraph (9) above, a person who takes approved courses or teaches in an approved course after sitting for the Minnesota Bar Examination, but before admission to practice, may claim credit for the courses taken or the teaching done, if he or she passes that bar examination.
- (11) Lawyers residing or working outside of the State of Minnesota during the CLE reporting period who, because of non-residence are unable in good faith to attend courses approved as "elimination of bias" as defined in these Rules, may receive up to two hours of credit in fulfillment of the elimination of bias requirement by viewing a video or webcast of a course or courses that otherwise meet the requirements of these Rules. If a lawyer is a participant in an elimination of bias course not previously approved for credit under these Rules, the lawyer may seek approval by completing and submitting an application for course approval as described in Rule 4A.

B. Standards for Course Approval for In-House Courses.

- (1) An in-house course as defined in Rule 2M will be approved if:
 - (a) The requirements of Rule 5A and other applicable Rules are met;
 - (b) 25 percent of the hours of approved instruction are taught by instructors having no continuing relationship or employment with the sponsoring firm, department, financial institution or agency; and
 - (c) Notice of the course is given to enough outside lawyers so that the audience can potentially be composed of at least 25 percent participants who are not lawyers working in or for the sponsoring firm, department, institution or agency.
- (2) An in-house course as defined in Rule 2M that is presented and controlled by an established continuing legal education course sponsor as defined in Rule 2K, may be approved for credit, notwithstanding the fact that the course does not comply with requirements of Rule 5B(1)(b) and (c) above.
- (3) An in-house course as defined in Rule 2M shall not be approved for credit if it is presented primarily for clients or clients' counsel.

(Amended effective February 1, 2004; amended effective February 1, 2010; amended effective July 1, 2013.)

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 a narrative describing how the course or segments of the course meet one or more of the learning goals as 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 six 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 six-hour maximum on law office management courses.

D. Pro Bono Legal Representation. A lawyer may claim one hour of standard CLE credit for every six hours of pro bono legal representation as defined by Rule 2T that the lawyer provides to a pro bono client as defined by Rule 2S in a legal matter that has been referred to the lawyer by an approved legal services provider as defined by Rule 2B or by a state court or federal court program. No more than six hours of credit may be claimed per reporting period by a lawyer for pro bono legal representation. In order to receive CLE

credit the lawyer must submit an Affidavit of Pro Bono Representation to the Board (see Appendix II).

(Amended effective February 1, 2004; amended effective July 1, 2008; amended effective February 1, 2010; amended effective July 1, 2013.)

Rule 12. Restricted and Involuntary Restricted Status

A. Election of Restricted Status. A lawyer duly admitted to practice in this state may elect restricted status as defined in Rule 2V by sending written notice of such election to the Director, except that a referee or judicial officer of any court of record of the State of Minnesota or lawyer employed and serving as attorney or legal counsel for any employer, including any governmental unit of the State of Minnesota, is not eligible to apply for restricted status. A lawyer on restricted status shall not be required to satisfy the educational and reporting requirements of these Rules.

B. Restrictions Imposed. A lawyer on restricted or involuntary restricted status shall be subject to the following provisions and restrictions:

(1) The lawyer may not engage in the practice of law or represent any person or entity in any legal matter or proceedings within the State of Minnesota other than himself or herself, except as provided in Rule 14.

(2) The name of the lawyer may not appear on law firm letterhead without a qualification that the lawyer's Minnesota license is restricted. A law firm name may continue to include the lawyer's name if the name was included prior to the lawyer's placement on restricted or involuntary restricted status. The lawyer may not be listed "of counsel" or otherwise be represented to clients or others as being able to undertake legal business.

(3) The lawyer may not have a financial interest in a law firm that is a professional corporation.

C. Transfer from Restricted Status to Active Status.

(1) **Notice to Director and Fee.** Unless otherwise ordered by the Court, a lawyer on restricted status who desires to resume active status shall notify the Director in writing of the lawyer's intention to resume active status and submit a transfer fee of \$125.

(2) **Transfer Requirements.** A lawyer on restricted status shall be transferred to active status upon the Director's determination that the lawyer has fulfilled the requirements of paragraph (a) or paragraph (b) below:

(a) **Automatic transfer requirements.** The lawyer has completed the number of CLE hours that the lawyer would have had to complete to meet reporting requirements and to be current on a proportional basis had the lawyer not been on restricted status, or

(b) **Discretionary transfer requirements.** The lawyer has completed such lesser requirements as the Director determines are adequate provided that the number of hours completed total no fewer than 45 hours during the three years immediately preceding transfer. The Director will specify no more than 90 hours. Determinations will be made subject to the criteria set forth in paragraph (c) below. The Director shall report to the Board at its next meeting the terms and conditions upon which each transfer to active status was made.

(c) **Discretionary transfer criteria.** The Director may transfer a lawyer to active status when the lawyer has fulfilled appropriate CLE conditions precedent or agreed to fulfill appropriate CLE conditions subsequent as determined by the Director. In making discretionary transfer decisions, the Director will take the following into consideration:

- i. The number of CLE hours the lawyer has taken in the past;
- ii. The lawyer's other educational activity;
- iii. The lawyer's practice of law in another jurisdiction;
- iv. The lawyer's law-related work other than the practice of law;

v. Whether the lawyer acted reasonably in not anticipating the need to take the appropriate number of CLE hours before being transferred from active status; and

vi. Whether the lawyer has demonstrated circumstances of hardship or other compelling reasons that show the lawyer should be transferred to active status before completing the appropriate number of CLE hours.

(3) **Failure to Abide by Transfer Conditions.** A lawyer who fails to comply with the conditions of transfer shall be restored to restricted status upon notice from the Director sent by regular mail to the lawyer's last known address.

(4) **Appeal to the Board.** Upon written request from a lawyer, the Board shall review the Director's determination of transfer requirements and notify the lawyer in writing regarding the outcome of that review.

D. Transfer from Involuntary Restricted Status to Active Status.

(1) **Notice to Director and Fee.** Unless otherwise ordered by the Court, a lawyer on involuntary restricted status who desires to resume active status shall notify the Director in writing of the lawyer's intention to resume active status and submit a transfer fee of \$250.

(2) **Transfer Requirements.** Unless otherwise ordered by the Court, the Director shall recommend to the Court that a lawyer on involuntary restricted status be transferred to active status upon the Director's determination that the lawyer has completed the number of CLE hours that the lawyer would have had to complete to meet reporting requirements and to be current on a proportional basis had the lawyer not been placed on involuntary restricted status, or that the lawyer has completed such lesser requirements as the Director determines are adequate provided that the number of hours completed total no fewer than 45 hours during the three years immediately preceding transfer. The Director will specify no more than 90 hours. The Director may recommend to the Court that a lawyer on involuntary restricted status be transferred to active status when the lawyer has fulfilled appropriate CLE conditions precedent or agreed to fulfill appropriate CLE conditions subsequent as determined by the Director. In making such a recommendation, the Director will take into consideration the discretionary transfer criteria in section C(2)(c) of this Rule.

(3) **Appeal to the Board.** Upon written request from a lawyer, the Board shall review the Director's determination of transfer requirements and notify the lawyer in writing regarding the outcome of that review.

E. Transfer from Involuntary Restricted Status to Voluntary Restricted Status.

Unless otherwise ordered by the Court, a lawyer on involuntary restricted status who desires to transfer to restricted status shall notify the Director in writing and submit a transfer fee in the amount of \$250.

(Amended effective February 1, 2004; amended effective February 1, 2010; amended effective July 1, 2013.)

Rule 14. Emeritus Status

A. Qualification. A lawyer who has filed a Retirement Affidavit pursuant to Rule 2(C)(5) of the Rules of the Supreme Court on Lawyer Registration and who has elected restricted status under the CLE Rules may elect emeritus status by complying with the requirements for emeritus status listed below.

B. Limitation of Practice. A lawyer on emeritus status is authorized solely to provide pro bono legal representation to a pro bono client in a matter referred to the lawyer by an approved legal services provider.

C. Contents of Emeritus Affidavit Appendix IV. Prior to representation as described by Rule 14B, the lawyer shall complete and submit to the Board an affidavit of emeritus status (Appendix IV) which shall include the following:

(1) The list of approved CLE courses that the lawyer has attended or participated in during the 90-day period immediately preceding the submission of the emeritus affidavit,

totaling no fewer than 5 credit hours of approved continuing legal education courses, and including:

- (a) 3 credit hours in approved courses in the substantive area of law in which the lawyer intends to be performing pro bono services;
- (b) 1 credit hour approved as ethics or professional responsibility; and
- (c) 1 credit hour approved as elimination of bias in the legal profession and in the practice of law.

(2) A certification signed by the emeritus lawyer, affirming that if the lawyer provides pro bono representation in multiple areas such as in a brief advice clinic, the lawyer shall obtain the necessary training and resources to provide those services in a competent and ethical manner.

D. Transfer to Emeritus Status. When a lawyer submits an affidavit of emeritus status, the Board office shall verify the information and shall, for a period of three years, maintain a public posting on the Board's website listing the lawyer's name as being on emeritus status.

E. Expiration of Emeritus Status. Emeritus status shall expire three years from the date that the lawyer's name is posted. A lawyer shall not represent clients after expiration of the lawyer's emeritus status.

F. Renewal of Emeritus Status. Prior to the expiration of a lawyer's emeritus status, the lawyer may renew emeritus status by submitting to the Board an affidavit of emeritus status (Appendix IV) which shall include the following:

(1) The list of approved CLE courses attended or participated in by the lawyer during the three-year period immediately preceding the submission of the emeritus affidavit, totaling no fewer than 5 credit hours of approved continuing legal education courses, and including:

- (a) 3 credit hours in approved courses in the substantive area of law in which the lawyer intends to perform pro bono services;
- (b) 1 credit hour approved as ethics or professional responsibility; and
- (c) 1 credit hour approved as elimination of bias in the legal profession and in the practice of law.

(2) A certification signed by the emeritus lawyer, affirming that when the lawyer provides pro bono representation in multiple areas such as in a brief advice clinic, the lawyer shall obtain the necessary training and resources to provide those services in a competent and ethical manner.

(Added effective July 1, 2013.)

Appendix IV: AFFIDAVIT OF EMERITUS STATUS
MINNESOTA STATE BOARD OF CONTINUING LEGAL EDUCATION
180 E. 5th Street, Suite 950, St. Paul, Minnesota 55101
651-297-7100 www.mbcle.state.mn.us

For details regarding Emeritus Status, see Rule 2J and Rule 14 of the Rules of the Minnesota State Board of Continuing Legal Education at www.mbcle.state.mn.us/MBCLE/pages/rules.asp.

Name: _____ License Number: _____
 Email:¹ _____ Phone: _____
 Address:² _____
 City: _____ State: _____ Zip: _____

First Affidavit for Emeritus Status Renewal Affidavit for Emeritus Status

ATTENDANCE INFORMATION

SPONSORING AGENCY	COURSE TITLE & EVENT CODE (if known)	COURSE DATE(S)	STANRD CLE	ETHICS	ELIMN OF BIAS
1.					
2.					
3.					
4.					
5.					
Hours Total:					

Name & address of referring legal services provider:

Name & phone # of contact person at legal services provider:

Area of law in which pro bono service will be provided:

Please initial the following statements and sign this affidavit swearing (affirming) to the following:

_____ I have filed a Retirement Affidavit with the Lawyer Registration Office pursuant to Rule 2(C)(5) of the Rules on Lawyer Registration and am on Inactive-Retired Status with Lawyer Registration. Record can be verified at: www.mncourts.gov/mars/default.aspx

_____ I am on voluntary (not involuntary) restricted status. See CLE Rules 2N and 2V.

_____ At least 3 of the substantive law CLE credit hours listed above are in the substantive area of law in which I intend to provide pro bono legal representation, and I affirm that prior to providing legal advice or representation in another substantive law area I will obtain 3 substantive credit hours in that area of law.

_____ If providing pro bono service in a brief advice clinic, I will have received or will obtain the necessary training to provide that service.

- _____ I give permission to the Minnesota Board of Continuing Legal Education to verify this information by contacting the approved legal services provider.
- _____ I understand that the Emeritus Status will expire 3 years from the day the CLE Board posts my Emeritus status on the CLE website, unless prior to the expiration I file an Emeritus Status renewal Affidavit in compliance with Rule 14.
- _____ I shall limit my practice to providing pro bono legal representation to one or more pro bono clients in matters referred to me by an approved legal services provider.

Lawyer Signature: _____ Date: _____

A lawyer on Emeritus Status who seeks to transfer to Active Status must follow the requirements of Rule 12 (and return to an active fee status with the Lawyer Registration Office) See Rule 12 of the CLE Rules.

¹ An email confirmation will be sent after the lawyer is placed on Emeritus Status.

² Address changes must be made in writing by sending notice to the Lawyer Registration Office, 25 Rev. Dr. Martin Luther King Jr. Blvd., Room 305, St. Paul, Minnesota 55155.

