

Minnesota Rules of Professional Conduct

Effective September 1, 1985
With amendments effective July 1, 2019

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LAW FIRMS AND ASSOCIATIONS

5.5 Unauthorized Practice of Law; Multijurisdictional Practice of Law

Rule 5.5 Unauthorized Practice of Law; Multijurisdictional Practice of Law

(a) A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so, except that a lawyer admitted to practice in Minnesota does not violate this rule by conduct in another jurisdiction that is permitted in Minnesota under Rule 5.5(c) and (d) for lawyers not admitted to practice in Minnesota.

(b) A lawyer who is not admitted to practice in Minnesota shall not:

(1) except as authorized by these rules or other law, establish an office or other systematic and continuous presence in this jurisdiction for the practice of Minnesota law; or

(2) hold out to the public or otherwise represent that the lawyer is admitted to practice Minnesota law.

(c) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services on a temporary basis in this jurisdiction which:

(1) are undertaken in association with a lawyer who is admitted to practice in this jurisdiction and who actively participates in the matter;

(2) are in or reasonably related to a pending or potential proceeding before a tribunal in this or another jurisdiction, if the lawyer, or a person the lawyer is assisting, is authorized by law or order to appear in the proceeding or reasonably expects to be so authorized;

(3) are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or another jurisdiction, if the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice and are not services for which the forum requires pro hac vice admission; or

(4) are not within paragraphs (c)(2) or (c)(3) and involve the representation of a family member or arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice. Such reasonably related services include services that are within the lawyer's recognized expertise in an area of law, developed through the regular practice of law in that area in a jurisdiction in which the lawyer is licensed to practice law.

(d) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services in Minnesota that exclusively involve federal law, tribal law or the law of another jurisdiction in which the lawyer is licensed to practice law, provided the lawyer advises the lawyer's client that the lawyer is not licensed to practice in Minnesota.

(Amended effective October 1, 2005; amended effective July 1, 2019.)

[For text of Comment, see M.S.2018, Volume 15]

Rules for Admission to the Bar

Effective August 18, 1998
With amendments effective through September 1, 2019

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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) "Applicant portal" is a confidential password-protected electronic site used by applicants and Board staff to share information and to send and receive documents.

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

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

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

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

(7) "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.

(8) "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.

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

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

(11) "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.

(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; amended effective July 1, 2016; amended effective November 20, 2018.)

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 36 of the 60 months immediately preceding the application, the applicant:

- (a) Held a license to practice law in active status;
- (b) Was in good standing before the highest court of all jurisdictions where admitted; and
- (c) Was engaged in the lawful practice of law for at least 1,000 hours per year as a:
 - i. Lawyer representing one or more clients, including on a pro bono basis;
 - 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; amended effective November 20, 2018.)

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.

B. Fee for Examination, Not Previously Admitted. An applicant who meets the following criteria shall submit a fee of \$600:

- (1) Applying to take the Minnesota examination for the first time; and
- (2) Not admitted to practice in another jurisdiction; and
- (3) Filing on or before the timely filing deadline (October 15 for the February examination, or March 15 for the July examination).

An applicant meeting the criteria in (1) and (2) above, who files after the timely filing deadline but before the late filing deadline (December 1 for the February examination, or May 1 for the July examination) shall submit a fee of \$800. Applications will not be accepted after the late filing deadline.

C. Fee for Examination, Prior Admission. An applicant who meets the following criteria shall submit a fee of \$1050:

- (1) Licensed to practice in another jurisdiction more than six months prior to the date of the applicant's Minnesota application; and
- (2) Filing on or before the timely filing deadline (October 15 for the February examination, or March 15 for the July examination).

An applicant meeting the criteria in (1) above, who files after the timely filing deadline but before the late filing deadline (December 1 for the February examination, or May 1 for the July examination) shall submit a fee of \$1250. Applications will not be accepted after the late filing deadline.

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

E. Repeat Examinations. An applicant who was unsuccessful on the Minnesota examination and is filing on or before December 1 for the February examination, or on or before May 1 for the July examination, shall submit a fee of \$600 and comply with Rule 4I.

F. Fee for Admission Without Examination. An applicant for admission without examination pursuant to Rule 7 (Admission Without Examination) or Rule 10 (Admission

by House Counsel License) shall submit a fee of \$1150. An applicant for admission pursuant to Rule 9 (Admission by Temporary House Counsel License) shall submit a fee of \$700.

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

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

I. Refunds of Fees. 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.

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

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

M. Fee for 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; amended effective September 1, 2019.)