

STATE OF MINNESOTA

IN SUPREME COURT

ADM09-8008
(formerly C2-84-2163)

ORDER PROMULGATING AMENDMENTS
TO THE RULES OF THE MINNESOTA STATE
BOARD OF CONTINUING LEGAL EDUCATION

ORDER

The Minnesota State Board of Continuing Legal Education submitted a proposal for amendments to the Rules of the Minnesota State Board of Continuing Legal Education. After a period for public comment, the Court has reviewed the recommendations and the proposed amendments and is fully advised in the premises.

IT IS HEREBY ORDERED that the attached amendments to the Rules of the Minnesota State Board of Continuing Legal Education be, and same are, prescribed and promulgated to be effective February 1, 2010.

Dated: January 6, 2010

BY THE COURT:

/s/

Eric J. Magnuson
Chief Justice

AMENDMENTS TO THE RULES OF THE MINNESOTA STATE BOARD OF CONTINUING LEGAL EDUCATION

[Note: new material is indicated by underscoring; deleted material is indicated by strikethrough. The definitions in Rule 2 are reordered alphabetically, with only new material underscored.]

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RULES OF THE MINNESOTA STATE BOARD OF CONTINUING LEGAL EDUCATION

* * *

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 the Minnesota Lawyer Trust Account Board; or
 - (2) Designated by the Minnesota Lawyer Trust Account Board as an approved legal service provider. Eligibility for designation is limited to:
 - (a) 501(c)(3) nonprofit organizations that have as their primary purpose the furnishing of legal services to persons with limited means.
 - (b) Law firms that conduct programs that have as their primary purpose the furnishing of legal services to persons 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 accouterments 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.** ~~For the purposes of Rule 5(B), an “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.
- K.** “Fee” means ~~fundsa check or money order made~~ payable to the Minnesota State Board of Continuing Legal Education.
- L.** ~~An “In-house course” is one~~ 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.
- M.** “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 involuntarily placed in that status by order of the Court. See Rule 12 for additional provisions.
- N.** “Laboratory setting” means a mock courtroom, law office, negotiation table, or other simulated setting in which demonstrations are given, role-playing is carried out or lawyers’ activities are taught by example or participation.
- O.** “Law and literature course” means a course otherwise meeting the requirements of Rules 4(D) and 5(A), based upon a literary text and designed to generate discussion, insight, and learning about topics such as the practice of law, the history and philosophy of law, rhetoric, lawyers’ professional or ethical responsibilities, professional development, and the elimination of bias in the legal profession and in the practice of law.

- P.** “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.
- Q.** “Participant” means a lawyer licensed in Minnesota attending an approved course and actively engaged in the subject matter being presented.
- R.** “Pro bono client” means an individual, not a corporation or other organizational entity, who has been referred to the lawyer by an approved legal services provider or by a Minnesota Judicial Branch program.
- S.** “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.
- T.** “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.
- U.** “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.
- V.** “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.

Rule 3. State Board of Continuing Legal Education

- A. Membership of the Board.** The Court shall appoint twelve members and a Chairperson. The membership of the Board shall consist of:
- (1) 3 members of the public;
 - (2) 1 member who is a district court judge;
 - (3) 6 lawyer members who are nominated by the Minnesota State Bar Association; and
 - (4) 3 lawyer members who are nominated by the Court.

* * *

D. Authority of the Board. Subject to the general direction of the Court in all matters, the Board shall have supervisory authority over the administration of these Rules, shall approve courses and programs which satisfy the educational requirements of these Rules, and shall have authority with respect to the following:

* * *

(2) **Supplemental Policies.** The Board may ~~make and adopt~~ policies and forms not inconsistent with these Rules governing the conduct of business and performance of its duties.

* * *

Rule 4. Applying for Credit

A. Course Approval and Fee Information. No segment of any course shall be approved in more than one credit category. In applying for course approval, a sponsoring agency or lawyer shall submit to the Board an application for course approval (see Appendix I) and include the following:

(1) Name and contact information for the sponsor;

(12) Title of the program under consideration;

(23) City and state where Location of the program is held;

(34) Names and credentials of the speakers, including those of persons designated to act as moderators for video or satellite programs;

(45) Type of presentation;

(56) Agenda or course schedule showing beginning and ending times of each session and the date(s) on which the program is presented;

(67) ~~Type of credit for which approval is sought (standard, ethics/professional responsibility, elimination of bias, law office management, professional development) for each segment of the course. No segment of any course shall be approved in more than one category of credit. For each segment of the course, credit may be requested in one of the following categories:~~

- (a) standard
- (b) ethics and/or professional responsibility
- (c) elimination of bias
- (d) law office management
- (e) professional development.

(78) A ~~f~~Fee in the amount of \$35. This fee may be subject to waiver under the provisions of Rule 3(D)(1). A fee is not required when submitting an application for either of the following types of courses meeting Rule 4 and Rule 5 requirements:

- (a) a previously approved course that has been recorded and is replayed at a later date in its entirety; or
- (b) a course 60 minutes or less in duration.

(9) Expected audience or target audience to which the program is marketed; and

(810) Such other information as the Board may require.

* * *

E. Notice of Credit. The Board shall inform the sponsor or applicant of the number and type of credit hours granted or denied. This information will also be posted on the Board's website.

Rule 5. Standards for Course Approval

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

* * *

(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 ~~person~~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.

* * *

- (11) Lawyers residing or working outside of the State of Minnesota during the CLE reporting period who, because of nonresidence are unable in good faith to attend courses approved as “elimination of bias” as defined in these Rules, may receive up to 2 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 ~~views a video~~ elimination of bias course not previously approved for credit under these Rules, the lawyer may seek approval by completing and submitting ~~the Course Approval Form at Appendix I~~ 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 2~~(M)~~L will be approved if:
- (a) The requirements of Rule 5~~(A)~~ and other applicable Rules are met;
 - (b) 25% 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% participants who are not lawyers working in or for the sponsoring firm, department, institution or agency; ~~and~~
 - ~~(d) Approval is sought prior to its presentation.~~
- (2) An in-house course as defined in Rule 2~~(M)~~L that is presented and controlled by an established continuing legal education course sponsor as defined in Rule 2~~(N)~~J, may be approved for credit, notwithstanding the fact that the course does not comply with requirements of Rule 5~~(B)~~(1) (b) and (c) above.
- (3) An in-house course as defined in Rule 2~~(M)~~L shall not be approved for credit if it is presented primarily for clients or clients’ counsel.

Rule 6. Special Categories of Credit

* * *

B. Elimination of Bias in the Legal Profession and in the Practice of Law.

Courses or sessions within courses approved as courses in the elimination of bias in the legal profession and in the practice of law:

- (1) Must be at least 60 minutes in length;
- (2) Must be identified on the application as fulfilling the elimination of bias requirement and be accompanied by ~~the~~ narrative described in the Course Approval Form at Appendix I 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;

* * *

* * *

D. Pro Bono Legal Representation. A lawyer may claim ~~one (1)~~ hour of standard CLE credit for every ~~six (6)~~ hours of pro bono legal representation that the lawyer provides to a pro bono client in a legal matter that has been referred to the lawyer by an approved legal services provider or by a Minnesota Judicial Branch program. No more than ~~six (6)~~ 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 III.)

Rule 7. Other Credit

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

B. Courses at Universities. Courses that are part of a regular curriculum at a college or university, other than a law school, may be approved for a maximum of 15 hours per course when the lawyer requesting approval submits evidence supporting the conclusion that the course meets the Rule 5(A)(1) through (5) criteria and that it is directly related to the requesting lawyer's practice of law. Teaching credit shall not be awarded for courses approved under this paragraph.

C. Retroactive Credit. A lawyer, or a course sponsor, may seek retroactive approval of courses by submitting the necessary information and fees required in Rule 4A. ~~on the~~ (See Course Approval Form at Appendix I.)

Rule 8. Announcement of Approval

Any person may announce, as to an approved course: This course has been approved by the Minnesota State Board of Continuing Legal Education for _____ hours in the following category or categories of credit:

- (a) standard continuing legal education;
- (b) ethics or professional responsibility continuing legal education;
- (c) elimination of bias continuing legal education; or
- (d) law office management continuing legal education.

Rule 9. Affidavit of CLE Compliance

A. Contents of Affidavit. To maintain active status, a lawyer ~~must~~shall report attendance or participation in no fewer than 45 credit hours of approved continuing legal education courses. A lawyer may report the credits through the Board's Online Attorney and Sponsor Integrated System (OASIS) or by Affidavit of CLE Compliance (Appendix III). ~~submit an Affidavit of CLE Compliance (see Appendix II) setting forth all information called for and showing that the lawyer has completed a minimum of 45 credit hours either as a participant or a presenter in approved continuing legal education courses, including: Effective July 1, 2010, the Affidavit of CLE Compliance (Appendix III) must be accompanied by a \$10 processing fee. There is no processing fee for submission through OASIS.~~

- ~~(1) no fewer than 3 hours of courses in ethics or professional responsibility;~~
- ~~(2) no fewer than 2 hours of courses in the elimination of bias in the legal profession and in the practice of law; and~~
- ~~(3) no more than 6 hours of courses in law office management.~~

B. Special Categories of Credit. Lawyers must report:

- (1) no fewer than 3 hours of approved courses in ethics or professional responsibility;

(2) no fewer than 2 hours of approved courses in the elimination of bias in the legal profession and in the practice of law;

(3) no more than 6 hours of approved courses in law office management; and

(4) no more than 6 hours of credit for pro bono legal representation provided pursuant to Rule 6D and reported by Appendix II.

BC. Timely Affidavit. The affidavit must be received by the Board office or postmarked no later than is timely if filed not later than 60 days after the close of August 31 following the close of the final year of the 3-year period specified by the Office of Attorney/Lawyer Registration Office as the lawyer's continuing legal education category reporting period. Electronic affidavits must be submitted on or before August 31.

CD. Late Affidavit Fee. A lawyer who submits an Affidavit of CLE Compliance after the 60-day filing period deadline specified in paragraph C above, but before issuance of a notice of noncompliance, shall submit along with the late affidavit a late filing fee in the amount of \$5075.00. This fee is payable notwithstanding the Board's grant of an extension of time. Additional late fees will not be charged for late affidavits filed within a single reporting period.

DE. Notice of Noncompliance Fee. A lawyer who submits an Affidavit of CLE Compliance after the issuance of Board has issued a notice of noncompliance, but prior to before the Court has issued an issuance of a Court order placing the lawyer on involuntary restricted status, shall submit along with the affidavit a notice of noncompliance fee in the amount of \$100200.

F. Active Duty Military Service. A lawyer called to active duty military service who requests an extension of time to complete CLE requirements because of active duty military service shall be granted an extension of at least six months from the date of return from active duty status. Upon request, the Board shall grant a waiver of a late filing fee or a notice of non-compliance fee assessed as a result of the lawyer's active duty military status.

Rule 10. Director's Determinations and Board Review

A. Director's Determinations. The Director shall have has the following authority and responsibility:

(1) To respond in writing to written requests for course approval, of courses giving reasons for the determination;

* * *

* * *

Rule 11. Notice of Noncompliance

* * *

B. Service of Notice. The notice shall be sent by regular mail to the lawyer's address of record with the Lawyer Registration Office ~~last known address~~.

* * *

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 2(~~K~~)U 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:

* * *

~~(4) A lawyer on restricted status shall be issued a wallet license that is marked "CLER" ("continuing legal education restricted") in place of the reporting category; a lawyer on involuntary restricted status shall be issued a wallet license that is marked "CLE4."~~

C. Transfer from Restricted Status to Active Status.

* * *

(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 (a) or (b) below:

* * *

- (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 3 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.

* * *

- ~~(3) **Report to the Board.** The Director shall report to the Board at its next meeting the terms and conditions upon which transfers to active status were made~~
- (43) **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.
- (54) **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 ~~\$125~~\$250.

* * *

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.

Rule 13. ~~Transfer from Retired Status to Active Status~~

~~A lawyer on retired status who seeks to transfer to active status is subject to the provisions of Rule 12 and shall notify the Office of Attorney Registration of his/her intention to transfer to active status.~~

A. Transfer from Active Status to Retired Status. A lawyer who files a Retirement Affidavit with the Lawyer Registration Office and who is placed on inactive status by the Lawyer Registration Office shall be transferred to voluntary restricted status by the CLE Board,

B. Transfer from Retired Status to Active Status. In addition to notifying the Lawyer Registration Office of the lawyer's intention to transfer to active status, a lawyer must satisfy the provision of Rule 12C before the Board returns the lawyer to active CLE status.

Appendix I: COURSE ACCREDITATION APPROVAL FORM

MINNESOTA STATE BOARD OF CONTINUING LEGAL EDUCATION
180 E. 5th Street, Suite 950, 380 JACKSON STREET, SUITE 204 St. Paul, Minnesota MN 55101
COURSE ACCREDITATION FORM 651-297-7100 www.mbcle.state.mn.us

~~Instructions: ENCLOSE \$35.00 APPLICATION FEE (RULE 4A(7)). Please type. Leave no blanks. Please refer to the Rules of the Board of Continuing Legal Education are on the Board's website, and published in the Court Rules volume of the Minnesota Statutes. The CLE rules are also available on the Board's website, www.mbcle.state.mn.us.~~

~~A lawyer or sponsoring agency adversely affected by the determination of the Director may request review by the Board. Until credit is granted by the Minnesota Board of Continuing Legal Education, sponsors are asked to advertise credit as "applied for."~~

Fee: Check one of the following:

\$35 fee is enclosed. Rule 4A(8)

No fee is required because the program is a video replay of a previously approved course. Rule 4A(8)(a)

No fee is required because the program is 1 hour or less in length. Rule 4A(8)(b)

SPONSOR INFORMATION

Sponsor Name

Street Address

City

State

Zip Code

Contact Person

Email Address

Telephone (area code)

Submitted by: Name: _____ Check one: _____ course sponsor or _____ course participant

course sponsor course participant (check one)

~~Describe the expected audience or target audience to which the program is being marketed (if known): Marketing Target: _____~~

~~The course sponsor must maintain a list of Minnesota participants and make this list must be maintained by the sponsor and made available to the Board upon request. See Rule 5A(7). If you are the course sponsor, do you agree to maintain a list of Minnesota participants and make it available to the Board upon request? Yes No~~

COURSE DATA

Course Title

Date(s) of course

City and State course held Location

Check those which apply:

live lecture

in-house course (see Rule 5(B))

demonstration, role play, mock trial

study tour

videotape/film (must have live faculty member²)

live teleconference

live satellite broadcast or webcast (question and answer participation)

~~*Provide faculty qualifications.~~

~~FACULTY DATA: Indicate where in the brochure this information is found or attach separate sheet.~~

SESSION SCHEDULE AND AGENDA:

You must attach the program agenda or course schedule. You must include the following information:

(1) Start and stop times for each course segment. Rule 4A(6)

(2) Names and brief description of the credentials of the speakers and faculty members, including those persons designated to act as moderators for video or satellite programs. Rule 4A(4).

(3) The type of CLE credit for which approval is sought for each segment of the course. Types of CLE Credit, include:

- Standard CLE (Rule 5A)

- Ethics CLE (Rule 2H, Rule 5A and Rule 6A)
- Elimination of Bias CLE (Rule 2G, Rule 5A, and Rule 6B)
- Law Office Management CLE (Rule 5A and Rule 6C)
- Professional Development CLE (Rule 2T and Rule 5A)

(4) Optional: Course materials distributed to participants may, but are not required to be, submitted along with the application. Do not send voluminous materials.

~~Enclose a copy of the promotional brochure with a detailed agenda or, on an attached sheet, show the complete breakdown of the program. Mark the segments for which credit is requested. For each segment, indicate the beginning and ending times, the faculty, and sufficient detail about the content of the segment so that an accreditation decision can be made. Indicate for each segment the type of CLE credit for which you are applying. For more information regarding each of these types of credit, see the CLE rules. Course segments may be accredited as one of the following:~~

- ~~Standard CLE (Rule 5A)~~
- ~~Ethics CLE (Rule 2H, Rule 5A and Rule 6A)~~
- ~~Elimination of Bias CLE (Rule 2I, Rules 5A and Rule 6B)~~
- ~~Law Office Management CLE (Rule 5A and Rule 6C)~~
- ~~Professional Development CLE (Rule 2P and Rule 5A)~~

~~Describe the course materials to be distributed to participants or submit a copy. Please note that in Minnesota, credit Credit is awarded on the basis of one hour for each 60 minutes of actual classroom training.~~

When a course has been submitted for approval and not yet approved, sponsors must advertise credit as "applied for".

ETHICS OR PROFESSIONAL RESPONSIBILITY CONTENT: ~~Ethics or professional responsibility must be a component of every accredited standard CLE course in Minnesota or an explanation must be provided as to why ethics is not covered. In addition, courses may also be accredited as "Ethics CLE." See Rules 6A and 6B of the CLE rules. In order to qualify for ethics CLE credit, an ethics course or segment of a course must be at least 30 minutes in length.~~ Check one of the following to describe below the treatment of **ethics or professional responsibility** content in the program:

- A portion of the program 30 minutes or more in length addresses **ethics or professional responsibility** and is marked as "Ethics/ethics" on the attached program agenda. Rule 6A.
- Ethics or professional responsibility concerns are addressed throughout the program but no distinct segment is 30 minutes or more in length. Rule 4B(1).
- No portion of the program addresses ~~ed~~ ethics or professional responsibility. Attached is an explanation of why ethics or professional responsibility content is not present in this program. Rule 4B(2).

ELIMINATION OF BIAS EDUCATION CONTENT: ~~Please check~~ Check one of the following hereto indicate whether you are requesting Elimination of Bias credit is requested for this program:

- No credit for Elimination of Bias credit is sought. See attached narrative.
- Elimination of Bias credit is sought and a narrative is attached. No credit for Elimination of Bias is sought.

CLE Rule 6B describes course requirements for CLE on the "elimination of bias in the legal profession and in the practice of law." In order to be afforded "**elimination of bias**" credit, **such courses or segments of courses must be at least 60 minutes in length.** The course must focus on issues in the legal profession and in the practice of law and not on issues of bias in society in general. If elimination of bias credit is sought for some portion of this course, please do the following:

1. Review the "elimination of bias" goals listed below and the definition of elimination of bias course under Rule 2G and the requirements of Rule 6B:
2. Mark the segment or segments on the agenda that the sponsor believes fulfill these requirements; and
3. Attach a brief written narrative describing how the course segment or segments meet one or more of the "Learning Goals for Minnesota Elimination of Bias Courses" listed below.

Please note that courses or segments of courses may address ethics and elimination of bias topics. A sponsor may seek credit in one category or the other, but a course or segment will not be accredited in both categories simultaneously. The Board will determine in which category credit will be granted, based upon the course description and the sponsor's narrative.

LEARNING GOALS FOR MINNESOTA ELIMINATION OF BIAS COURSES

Courses accredited as "elimination of bias" must be at least **60 continuous minutes in duration**, must be directly related to the practice of law, must meet all other requirements of Rule 5 of the CLE rules and must be designed to meet one or more of the following goals:

1. To educate lawyers about the elimination of bias or prejudice in the legal profession, in the practice of law, and/or in the administration of justice;
2. To educate lawyers regarding barriers to hiring, retention, promotion, professional development and full participation of lawyers of color, women, and those persons referenced in the "course in the elimination of bias in the legal profession and in the practice of law" definition (Rule 2G) of the CLE rules, both in the public and private sector of the legal profession and in the practice of law; or
3. To educate lawyers about the problems identified in the Supreme Court's Race Bias and Gender Fairness Task Force Reports, as well as in other studies, reports or treatises which describe bias and prejudice in the legal profession, in the practice of law, and/or in the administration of justice.

Yes No If the application is seeking elimination of bias credit, I have attached a narrative explanation describing how the elimination of bias learning goals are met and how the program focuses on elimination of bias in the legal profession and not merely elimination of bias in society in general.

LAW AND LITERATURE

Yes No This law and literature course is accompanied by documentation on Rule 4D.
Yes No This law and literature course was designed to meet Applications for credit for Law and Literature courses must comply with the requirements of Rule 4D as well as the standard CLE requirements set forth in Rule 5A.

Appendix IIII: AFFIDAVIT OF PRO BONO REPRESENTATION

MINNESOTA STATE BOARD OF CONTINUING LEGAL EDUCATION
180 E. 5th Street, Suite 950, St. Paul, Minnesota 55101
AFFIDAVIT OF PRO BONO REPRESENTATION 651-297-7100 www.mbcle.state.mn.us

An Affidavit of Pro Bono Representation must be submitted for each legal services provider for whom you provided pro bono service.

License Number: _____ Name: _____
CLE Category:¹ Firm Name: _____
 1 Street Address:² _____
 2 Street Address: _____
 3 City State, and Zip: _____
 Other _____ Email:³ _____
Telephone: _____

Name and address of referring legal services provider: _____

Name and phone number of contact person at legal services provider: _____

Type(s) of Representation Provided:

- | | | | | |
|-------------------------------------|--|---|--|--|
| <input type="checkbox"/> Consumer | <input type="checkbox"/> Economic Assistance | <input type="checkbox"/> Education | <input type="checkbox"/> Employment | |
| <input type="checkbox"/> Family Law | <input type="checkbox"/> Health | <input type="checkbox"/> Housing | <input type="checkbox"/> Immigration/Refugee | <input type="checkbox"/> Individual Rights |
| <input type="checkbox"/> Juvenile | <input type="checkbox"/> Seniors | <input type="checkbox"/> Wills or Probate | <input type="checkbox"/> Other: _____ | |

Date range of representation:⁴ _____

of hours of pro bono legal representation: _____ # of CLE credit hours claimed:⁵ _____

By signing this affidavit I swear (affirm) that:

- I give permission to the Minnesota Board of Continuing Legal Education to contact the referring legal services provider to verify that the information I have provided is true and accurate; and
- I understand that the Board may use this information that I have provided six (6) hours of pro bono legal representation for each one (1) hour of CLE credit claimed and that the pro bono legal representation provided qualifies in all respects under Rules 2(R), 2(S), 2(T), and 6(D).

Lawyer Signature: _____ Date: _____

¹ Your CLE reporting category is found on ~~the Attorney~~ your lawyer License card issued by the Lawyer Registration Office and online at <http://www.mncourts.gov/mars/>.

² ~~If the address listed here is different from the address on file in the CLE office, this document will be accepted as a request for change of address. If you do not want to change your address, please state that on this form. Address changes must be made by sending a written notice to the Lawyer Registration Office, 25 Rev. Dr. Martin Luther King Jr. Blvd., Room 305, St. Paul, Minnesota 55155.~~

³ An email confirmation will be sent after credits are approved or denied.

⁴ If representation covers more than one reporting period, ~~please~~ submit a separate Affidavit of Pro Bono Representation for each reporting period. If representation is ongoing, ~~please~~ write "ongoing" as the date representation ended.

⁵ You may claim 1 hour of CLE credit for every 6 hours of pro bono legal representation up to a maximum of 6 hours. Record credits in increments no smaller than .25 hours.

Appendix III: AFFIDAVIT OF CLE COMPLIANCE

MINNESOTA STATE BOARD OF CONTINUING LEGAL EDUCATION
 180 E. 5th Street, Suite 950 201, 380 Jackson Street, St. Paul, Minnesota 55101
AFFIDAVIT OF CLE COMPLIANCE 651-297-7100 www.mbcle.state.mn.us

As of July 1, 2010, a \$10 processing fee must be submitted with this form.
The processing fee is not assessed when you file courses online through OASIS (www.mbcle.state.mn.us)

License Number: _____ Name: _____

CLE Category: _____ Address: _____

Period Covered: _____ Address: _____

Telephone Number: _____ Email Address: _____

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

Lawyer Signature _____ Date: _____

ATTENDANCE INFORMATION

SPONSORING AGENCY	COURSE TITLE AND EVENT CODE (if known)	COURSE DATE(S)	# OF HOURS				
			STANRD CLE	LAW OFFICE MNGT	PROF DVLPMT	* ETHI CS	ELIMN OF BIAS
1.							
2.							
3.							
4.							

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

a. HOURS OF PREPARATION AND TEACHING INFORMATION

SPONSORING AGENCY	COURSE TITLE AND EVENT CODE (if known)	COURSE DATE(S)	# OF HOURS			
			STANRD CLE	LAW OFFICE MNGT	PROF DVLPMT	ETHICS
1.						
2.						
3.						
4.						

Please note:

- Lawyers must report at least 45 credit hours, including 3 hours of Ethics CLE and at least 2 hours of Elimination of Bias CLE. All courses must total at least 45 hours in a 3-year reporting period. You may report more than the minimum required number of ethics and bias credits. All ethics and bias credits count towards your 45 hour requirement.
- The event code assigned to the program and the number and type of credits awarded to the program are found at the Board's website at <http://www.mbcle.state.mn.us>. A course segment will be accredited as one credit type, and will not be accredited as both Ethics and Elimination of Bias. If you report more than the minimum Ethics and Elimination of Bias hours, we will credit the excess hours as Standard CLE.
- Law Office Management courses credits are capped at limited to 6 hours per 3-year period.
- There is no limit on the number of hours of professional development CLE you may claim.

COMPLIANCE INSTRUCTIONS

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

CLE 1 reports attendance from (July 1, 2009~~6~~ to June 30, 2001~~29~~);
CLE 2 reports attendance from (July 1, 200~~7~~4 to June 30, 201~~00~~7);
CLE 3 reports attendance from (July 1, 2008~~5~~ to June 30, 201~~10~~8).

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

DEADLINES: ~~Courses must be taken should be completed~~ prior to June 30 of the reporting year. A lawyer due to report must file an affidavit of attendance with the Board (or enter the information through OASIS) on or before August 31 of the lawyer's reporting year. ~~then has 60 days from that date to file an affidavit of attendance with the Board. Postmarks dated on or before the due date are accepted as timely. Affidavits received after the filing deadline are subject to a \$50.00 A \$75.00 late filing fee must be included with your Affidavit if you are filing after the deadline, even if an extension has been granted.~~

SANCTIONS: ~~The Board will issue a Notice of Noncompliance pursuant to Rule 9E to a lawyer who fails. Failure to comply with the CLE reporting Rule requirements. will result in the issuance of a Notice of Noncompliance. A lawyer who submits an Affidavits received after the issuance of a Notice of Noncompliance must be accompanied by submit a \$200.00100.00 late filing Notice of Noncompliance fee. Continued noncompliance will result in the lawyer being. Failure to comply with the CLE requirements after receiving the Notice of Noncompliance will result in the lawyer's license being placed on involuntary restricted status by eCourt order.~~

RECORDKEEPING: It is the responsibility of the lawyer to maintain records of courses taken and to submit reports to file promptly with the Board. The lawyer may ~~file~~ submit the affidavit of CLE compliance (1) by mail; (2) by bringing the affidavit to the Board office; (3) by reporting attendance electronically through the Board's online reporting system (OASIS); or (4) by submitting a signed copy of a certificate of completion from the course sponsor in lieu of an affidavit.

~~The Board office maintains course files by sponsor name. A course cannot be identified unless the sponsor is correctly and completely listed. Affidavit processing may be delayed if the affidavit does not correctly and completely identify the course sponsor, the course title, and the dates of each program. To expedite processing, include the course event codes on the affidavit form. Event codes for approved or pending courses can be found on the Board's website www.mbcle.state.mn.us.~~

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

RESTRICTED STATUS: A lawyer who no longer practices law in Minnesota may elect be excused from the CLE requirement by electing voluntary restricted status under pursuant to Rule 12A by sending a written request to the Board. A lawyer on restricted status is not required to comply with the CLE attendance requirements.

INFORMATION: ~~Information on the credits allowed for a course should be obtained. The course event code and the number and type of course credits may be found on the Board's website (www.mbcle.state.mn.us) under the "Search Courses" tab. A lawyer may also request this information from the course sponsor. Forms and other information and additional forms may be obtained upon request from the office of the Board of Continuing Legal Education, or by accessing, including frequently asked questions, can also be found on the Board's website. at www.mbcle.state.mn.us.~~

INSTRUCTIONS FOR CLAIMING TEACHING CREDIT FOR TEACHING

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

~~Under the provisions of Rule 7A, a lawyer who makes a one-hour presentation on a course may claim the time spent in presenting the course and time in attendance at the course, as well as the and spends five hours spent in preparation for the presentation. There is no limit to the number of hours that may be claimed for preparation. is entitled to claim a total of six hours. If he/she also sits as a member of the audience for some portion of the course being presented by other speakers, he/she claim credit for attending that part of the course. Course information should be reported on the form in the appropriate sections.~~

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

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