

STATE OF MINNESOTA

IN SUPREME COURT

ADM10-8008

ORDER PROMULGATING AMENDMENTS
TO THE RULES FOR ADMISSION TO THE BAR

On March 20, 2012, the Minnesota State Board of Law Examiners (BLE) petitioned our court to amend the Rules for Admission to the Bar of the State of Minnesota to modify the list of tested topics and the format of the bar examination to permit Minnesota to become a Uniform Bar Examination (UBE) jurisdiction by 2014. The court held a hearing on August 21, 2012, on the proposed amendments and on an amendment to Rule 4B, Rules for Admission to the Bar, to delete an applicant's option of designating the Clerk of Appellate Courts as agent for service of process.

The court being fully advised in the premises,

IT IS HEREBY ORDERED THAT:

1. The attached amendments to the Rules for Admission to the Bar be, and the same are, prescribed and promulgated to be effective February 1, 2013.
2. These amendments shall apply to bar examinations administered in February 2014 and thereafter.

AMENDMENTS TO THE RULES FOR ADMISSION TO THE BAR

In the following amendments, deletions are indicated by a line drawn through the words and additions by a line drawn under the words.

Rule 2. Definitions and Due Date Provisions

A. Definitions. As used in these Rules:

(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.

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

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Rule 6. Admission by Examination

E. Scope of Examination. The Minnesota Bar Examination shall ~~consist be~~ the Uniform Bar Examination prepared by the National Conference of Bar Examiners, comprised of six essay Multistate Essay Examination (MEE) questions, two Multistate Performance Test (MPT) questions, and the Multistate Bar Examination (MBE), and at least one performance test question.

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

Business Associations (Agency and Partnerships; proprietorships, and Corporations, including; and Limited Liability Companies)

Civil Procedure

Conflict of Laws

Constitutional Law

Contracts (including contracts under the Uniform Commercial Code (UCC))

Criminal Law and Procedure

Ethics and Professional Responsibility

Evidence

Family Law

Federal Civil Procedure

Negotiable Instruments (Commercial Paper) under the UCC

Federal Individual Income Taxation

Real Property

Secured Transactions under the UCC

Torts

Trusts and Estates (Decedents' Estates; Trusts and Future Interests)

Uniform Commercial Code, Art. 1, 2

Wills, Estates and Trusts

- (2) Multistate Performance Test. The performance test shall include ~~one~~ ~~or more~~ two 90-minute questions testing the applicant's ability to perform a lawyering task using legal and factual materials provided.

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

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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 circumstances 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 ~~7D~~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).
 - ~~(4)~~(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 ~~essay~~ MEE and MPT questions.
 - ~~(5)~~(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.