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Legal Professional Boards

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AT A GLANCE

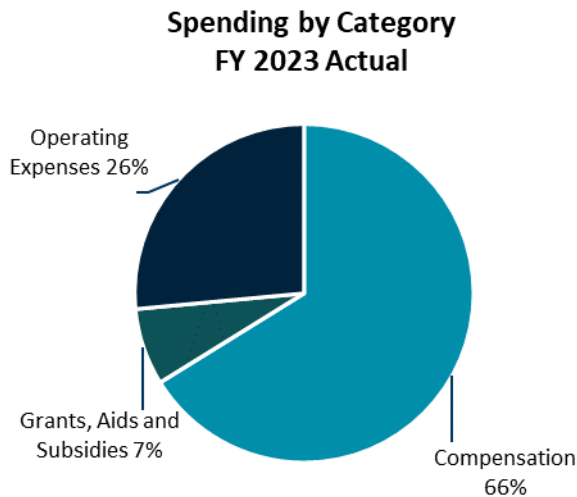
- The Legal Professional Boards regulate approximately 30,000 licensed Minnesota lawyers and provide information on attorney licensure status to the general public.
- 28 Minnesota lawyers were publicly disciplined and three were disbarred in calendar year (CY) 2023. The Client Security Board authorized payment of \$43,718 to ten victims of lawyer dishonesty in fiscal year (FY) 2023.
- The Lawyer Registration Office processed 30,234 annual registration statements in CY 2023.

PURPOSE

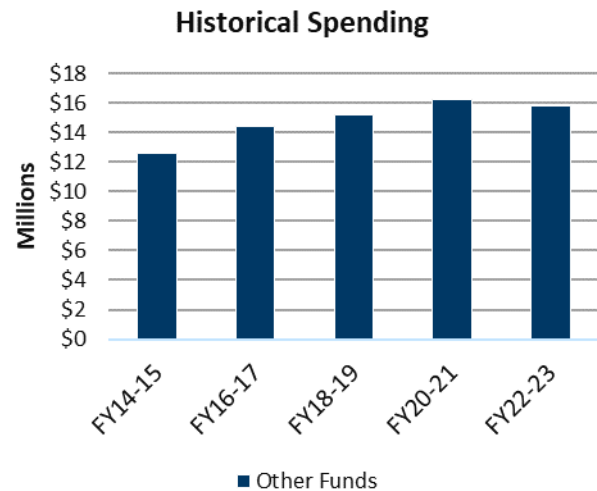
The Minnesota Supreme Court has the inherent constitutional and statutory authority to regulate the practice of law in Minnesota. The Supreme Court has established several regulatory boards to assist in the regulation of lawyers licensed to practice law in Minnesota. Key issues addressed by these agencies include:

- The Board of Law Examiners (BLE) conducts a background investigation of each bar applicant and administers the bar exam to assess lawyer competence.
- The Board of Continuing Legal Education accredits qualifying courses as continuing legal education (CLE) and ensures that lawyers fulfill their licensure obligation to continue their professional education. The CLE Board also oversees the Lawyer Registration Office.
- The Board of Legal Certification reviews and accredits qualifying agencies that have the authority to certify lawyers as specialists in certain fields of law.
- The Office of Lawyers Professional Responsibility (OLPR), working in conjunction with district ethics committees throughout the state, investigates complaints of unprofessional conduct against lawyers, and recommends and prosecutes discipline, public and private, where appropriate. The Supreme Court is assisted with its attorney discipline responsibilities by the Lawyers Professional Responsibility Board, which handles complainant appeals, makes probable cause determinations for public discipline, and makes policy and rule change recommendations to the Supreme Court.
- The Client Security Board (CSB) reviews claims from clients who have experienced monetary loss because of attorney dishonesty (in the form of theft or embezzlement) and, where the claim meets criteria established by the board, reimburses the client for the loss up to \$150,000 per claim.
- The Lawyer Registration Office collects attorneys' annual registration statements and fees, and demographic and other data from Minnesota lawyers, and administratively suspends lawyers who fail to comply with the rules.

BUDGET



Source: Budget Planning & Analysis System (BPAS)



Source: Consolidated Fund Statement

Dedicated revenue, not general fund appropriations, fully fund the operations of these boards. The Supreme Court assesses each Minnesota-licensed lawyer an annual registration fee that funds these activities. The registration fee is authorized by statute and court rule and is held in trust for the regulation of the bar. The registration fee revenue is divided among each of the boards (with the exception of the Legal Certification Board, which is funded entirely by user fees) as determined by the Supreme Court and noted in Rule 10 of the Rules of the Supreme Court on Lawyer Registration. The Board of Law Examiners assesses a bar application fee to each applicant for admission to the bar. The Board of Continuing Legal Education assesses course application fees and various administrative fees. Disciplined attorneys are also assessed costs for public discipline. The fees for those boards are included in the Department Earnings Report. The charts above also include data for the Lawyers Assistance Program.

STRATEGIES

The boards have extensive written rules, policies, and procedures that ensure fair and accurate processing of applications, course approval applications, the prompt investigation and disposition of lawyers' alleged disability or unprofessional conduct, as well as a well-trained and carefully managed staff who conscientiously carry out their obligations. In addition, volunteer board members comprised of lawyers and non-lawyer members of the public volunteer their time to oversee the policies and procedures through which each of the boards carry out its responsibilities, and in some cases assist in the work of the boards.

The boards contribute to the statewide outcomes by ensuring that only those who are competent and have good character are licensed to practice law; that only those who continue their legal education are able to continue to hold a law license; that ethics complaints against Minnesota lawyers warranting professional discipline are investigated and prosecuted; and that clients who suffer loss of money or other property from the dishonest conduct of their attorney are reimbursed. These activities contribute to the administration of justice and ensure that members of the Minnesota Bar provide legal service to those in need of legal counsel and to communities in need of civic members who will uphold the rule of law.

Key partners in the work of the boards are the Minnesota State Bar Association and its committees and sections, Lawyers Concerned for Lawyers, deans and associate deans of law schools (particularly the deans of the three law schools located in Minnesota), bar regulation administrators in other states, district ethics committees (DEC), colleagues in the Judicial Branch, and the public who are consumers of legal services.

RESULTS

The Board of Law Examiners, Board of Continuing Legal Education, and Board of Legal Certification know their strategies are working when the following results are manifested:

- The board recommends for admission only those applicants who meet their burden of proving the requisite character and fitness.
- New certifying agencies continue to apply for accreditation to certify lawyers as specialists.
- In response to routine surveys, the boards' customers' responses affirm that services are provided in a timely and professional manner.
- Attorneys who fail to comply with their continuing legal education requirements or attorney registration obligations are promptly removed from the attorney rolls.
- The Minnesota Bar is well-educated and prepared to carry out the obligations of licensure.
- As a result of the accreditation of reputable agencies, only those members of the bar who have met high standards of demonstrated expertise may hold themselves out as specialists in a field of law.

The factors contributing to performance of duties include the development and implementation of computer technology that permits timely and accurate completion of investigations and valid administration of professional examinations. While the performance trend is stable, the boards look for and find new ways to improve performance and increase efficiencies in operation. In 2022, the Board of Law Examiners implemented an online bar application, and in 2023, the Board of Continuing Legal Education deployed an enhanced system for lawyers to report continuing legal education and Lawyer Registration activities.

The OLPR knows its strategies are working when attorneys are disciplined for misconduct and the rules are applied to conduct throughout the state. The OLPR also responds annually to approximately 2,000 calls from lawyers asking for assistance on how to meet their ethical obligations. The OLPR proactively speaks on issues of ethics education to lawyers and the public. The OLPR also assists the public and profession through numerous administrative roles such as trusteeships for disabled or deceased lawyers, supervising attorney probations, and administering a trust account overdraft program. The board keeps abreast of, and makes recommended changes to, the ethics rules to ensure that the necessary rules are in place to guide lawyer conduct.

The legal profession is also the only profession that has a dedicated fund created by members of the profession to make restitution to individuals who have been victims of lawyer dishonesty. The Client Security Fund, administered by the CSB, helps to maintain the integrity of the profession and to protect the public from the few attorneys who grievously misuse their position of trust. The CSB knows its strategies are working when victims receive restitution for money stolen by their lawyer.

Measure name	Measure type	Measure data source	Historical trend	Most recent data
Number of applicants for admission to the Bar	Quantity	2023 annual report of Board of Law Examiners – data received from Applicant Information System database	The number of applicants for admission to the Bar increased from 1,072 in CY 2021 to 1,216 in CY 2023.	1,216 in CY 2023

Measure name	Measure type	Measure data source	Historical trend	Most recent data
Number of approved continuing legal education courses	Quantity	2023 annual report of the Board of Continuing Legal Education – data received from Continuing Legal Education Office database	The number of approved continuing legal education courses decreased from 17,186 in CY 2021 to 16,312 in CY 2023.	16,312 in CY 2023
Number of lawyers certified as specialists	Quantity	2023 annual report of the Board of Legal Certification – data compiled from the reports provided by certified agencies as reflected in the public agendas of board meetings	The number of lawyers certified as specialists decreased from 714 in CY 2021 to 639 in CY 2023.	639 in CY 2023
Number of complaints received by Office of Lawyers Professional Responsibility	Quantity	Annual report (data encompassing June 30, 2023, to July 1, 2024) of the Office of Lawyers Professional Responsibility – data received from the Lawyers Discipline Management System	The number of complaints received by Office of Lawyers Professional Responsibility increased from 946 in CY 2021 to 1,151 in CY 2023.	1,151 in CY 2023
Number of complaint files closed by Office of Lawyers Professional Responsibility	Quantity	Annual report (data encompassing June 30, 2023, to July 1, 2024) of the Office of Lawyers Professional Responsibility – data received from the Lawyers Discipline Management System	The number of complaint files closed by Office of Lawyers Professional Responsibility increased from 909 in CY 2021 to 1,072 in CY 2023.	1,072 in CY 2023

M.S. 481.01 (<https://www.revisor.mn.gov/statutes/cite/481.01>) and the constitutional authority of the Supreme Court provide the legal authority for the boards.