

STATE OF MINNESOTA
IN SUPREME COURT

Hearing on Proposed Amendments to
Rules for Admission to the Bar

ORDER

IT IS HEREBY ORDERED that a hearing on the Minnesota Supreme Court's proposed amendments to Rules I through XII, inclusive, of the Rules for Admission to the Bar be held before this Court in the Supreme Court, State Capitol Building, St. Paul, Minnesota, on Wednesday, April 7, 1976, at 10:00 o'clock A.M.

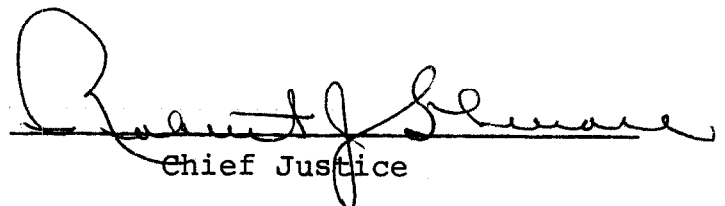
IT IS FURTHER ORDERED that true and correct copies of the proposed amendments be made available upon request to persons who have registered their names with the Clerk of the Supreme Court for the purpose of receiving such copies and who have paid a fee of \$2.00 to defray the expense of providing the copies.

IT IS FURTHER ORDERED that advance notice of the hearing be given by the publication of this order once in the Supreme Court edition of Finance & Commerce, the St. Paul Legal Ledger, Bench and Bar, and the Hennepin Lawyer.

IT IS FURTHER ORDERED that interested persons show cause, if any they have, why the proposed amendments should not be adopted. All persons desiring to be heard shall file briefs or petitions setting forth their objections, and shall also notify the Clerk of the Supreme Court, in writing, on or before March 29, 1976, of their desire to be heard on the proposed amendments.

Dated: February 25, 1976

BY THE COURT


Chief Justice

SUPREME COURT
FILED
FEB 27 1976
JOHN McCARTHY
CLERK

PROPOSED RULES FOR ADMISSION TO THE BAR

RULE I - STATE BOARD OF LAW EXAMINERS

The State Board of Law Examiners shall consist of nine members who shall be appointed by the Supreme Court each for a term of three years or until his successor is appointed and qualifies. Two of the members shall be lay people. The terms of office may be staggered by the court by any method it deems appropriate. From among its members the board shall elect a president and the Supreme Court shall designate a secretary. The board shall be charged with the duty of administering these rules and shall have authority to make its own rules not inconsistent herewith.

RULE II - GENERAL REQUIREMENTS OF APPLICANTS

No person shall be admitted to practice law who has not established to the satisfaction of the State Board of Law Examiners:

- (1) That he is at least 18 years of age;
- (2) That he is a person of good moral character;*
- (3) That he is a resident of this state; or maintains an office in this state; or has designated the Clerk of the Supreme Court as his agent for the service of process for all purposes;
- (4) That he has graduated from an approved law school;**
- (5) That he has passed a written examination.

*Character traits that are relevant to a determination of good moral character must have a rational connection with the applicant's present fitness or capacity to practice law, and accordingly must relate to the State's legitimate interest in protecting prospective clients and the system of justice.

**An approved law school is a law school that is provisionally or fully approved by the Section of Legal Education and Admissions to the Bar of the American Bar Association.

RULE III - ADMISSION BY EXAMINATION

A. Except as otherwise provided, no person shall be admitted to practice law until he shall have satisfactorily passed a written examination. The examination shall test the following subjects:

- Constitutional Law
- Property--Real and Personal*
- Contracts
- Torts
- Sales and Negotiable Instruments
- Private Corporations
- Equity Jurisprudence
- Wills and Administration
- Minnesota Practice and Pleading
- Evidence
- Criminal Law and Procedure
- Legal Ethics and Attorney and Client
- Federal Taxation

*As of July 1, 1978, Personal Property will be eliminated and Administrative Law will be substituted.

B. Two examinations will be held each year: one beginning on the third Monday in March and one beginning the third Monday in July, and at such place as the Board deems appropriate.

C. An applicant who fails to pass the examination may take a re-examination at any regular examination date within the next two years. At least thirty (30) days before the time for the commencement of such examination the applicant shall give the Board notice of his desire to take such examination by making a new application on forms provided by the Board, accompanying the application with a fee of \$75.00 (payable to the State Board of Law Examiners as provided in Rule V), and presenting any additional information as the Board may require. No applicant who has failed three examinations shall be permitted to take a further examination.

RULE IV - EDUCATIONAL QUALIFICATIONS

The educational qualifications of all applicants desiring to take the examination shall be established by evidence satisfactory to the Board showing graduation with a Bachelor of Laws or equivalent degree, within a period of four years prior to making the application, from a law school which is approved by the Section of Legal Education and Admissions to the Bar of the American Bar Association.

The four year limitation shall not apply to applicants previously admitted to practice in another jurisdiction.

RULE V - APPLICATION FOR EXAMINATION

A. Every person desiring permission to take the examination shall make written application to the Board in the manner prescribed by the Board. Such application shall be filed in duplicate in the office of the Director of Bar Admissions at least 90 days prior to the first day of the examination for which application is being made, and shall be accompanied by:

1. A fee of \$75.00 in the form of a check, bank draft, or money order payable to the State Board of Law Examiners, which fee shall not be refundable if permission is denied.

2. Affidavits of at least two persons unrelated to the applicant by blood or marriage, setting forth the duration of time and the circumstances under which they have known the applicant, details respecting the applicant's habits and general reputation, and such other information as may be proper to enable the Board to determine the moral character of the applicant.

3. If the applicant has been admitted to the practice of law in another jurisdiction the Board shall require a Character Investigation Report of the National Conference of Bar Examiners. The application shall be accompanied by an additional fee in the amount of the National Conference charge for conducting the investigation.

B. Every person desiring permission to take the examination shall also file or cause to be filed with the Board at least 10 days prior to the examination a degree or certificate from an approved law school showing that he has graduated, or that he is eligible to be graduated within 60 days of the last day of the examination, with a Bachelor of Laws or equivalent degree.

C. If an application is filed late, but not later than 10 days after the last day for filing a timely application, an additional late filing fee of \$25.00 shall be paid. No application will be accepted which is filed less than 80 days after the last day for filing a timely application.

D. An applicant may withdraw his application and be refunded \$25.00 by giving notice of withdrawal to the Board. Such notice shall be in writing and must be received in the office of the Board of Law Examiners not later than 4 days prior to the examination. An applicant who fails to take or complete the examination shall not be entitled to any refund.

RULE VI - ACCESS TO EXAMINATION DATA

An applicant who takes and fails to pass the bar examination has the right, within 60 days after the examination results have been announced, to inspect his answers and the grades assigned thereto. No applicant shall be allowed to procure copies of the examination questions or his answers.

RULE VII - EXAMINATIONS--AUTHORITY OF THE BOARD

1. For the purpose of aiding the State Board of Law Examiners in the preparation, administration and prompt grading of bar examinations, the board is authorized:

(a) Subject to the approval of the Supreme Court, to employ a Director of Bar Admissions on a full-time or part-time basis; to prescribe his duties; and to fix his compensation;

(b) To secure examination questions, together with analyses of the questions, from qualified law teachers outside the State of Minnesota, and to pay a reasonable compensation for such questions;

(c) To employ from among the members of the bar of the State of Minnesota lawyers of high ability to serve as readers to grade the answers to examinations upon the basis of standards determined by the board for each question after consultation with the director, the reader concerned with the particular question, and representatives of the approved law schools within the state;

(d) To fix the minimum satisfactory grade for success on the examination;

(e) To appoint a Review Committee whose function will be to review the examination papers of not less than the top 20 percent of the applicants who fail to achieve a passing grade on the examination. Such review shall be accomplished without prior knowledge of the grades initially assigned. An applicant shall be considered as having passed the examination if his final grade as determined by the Review Committee is equal to or exceeds the minimum passing grade fixed by the State Board of Law Examiners.

RULE VIII - LIMITED PRACTICE

A. The Supreme Court may, upon certification by the Board of Law Examiners, issue a Special Temporary License to practice law in this state to any individual who has established to the satisfaction of the Board:

- (1) That he is duly admitted to practice in another state, territory, District of Columbia or any jurisdiction where the common-law of England constitutes the basis of jurisprudence;
- (2) That he is at least 18 years of age;
- (3) That he is a person of good moral character;
- (4) That he has graduated from an approved law school;*
- (5) That he is a resident of this state; or maintains an office in this state; or has designated the Clerk of the Supreme Court as his agent for the service of process for all purposes;
- (6) That he is employed as house counsel by a person, firm, association, or corporation engaged in business in this state, which business does not include the selling or furnishing of legal advice or services to others, or that he is employed as a full-time faculty member of an approved law school of this state.

B. Any person who has been issued a Special Temporary License shall limit his professional activities to counseling and practice for his employer, and shall not offer legal services or advice to the public.

C. Application shall be made upon forms provided by the Board and shall be accompanied by the following:

- (1) A certified copy of his application for admission to the bar in the state, territory, District of Columbia or jurisdiction in which he has been admitted to the practice of law.
- (2) A certificate of his admission to the bar in said state, territory, district or jurisdiction.
- (3) A certificate that he is in good standing and not under pending charges of misconduct in said state, territory, district or jurisdiction.
- (4) A certificate of a judge of a court of record and affidavits of two practicing attorneys of said state, territory, district or jurisdiction, setting forth the duration and the circumstances under which they have known the applicant and details

respecting the applicant's character and his experience in the practice of law.

(5) A fee of \$200.00 in form of check or money order payable to the order of the State Board of Law Examiners, no part of which shall be refunded should the application be denied.

(6) An affidavit from his employer stating that the applicant is employed by him.

D. When an application for admission is made by a person under this section the Board may employ the National Conference of Bar Examiners to make investigation and report upon said application, and may pay a reasonable fee for such services.

*An approved law school is a law school that is provisionally or fully approved by the Section of Legal Education and Admissions to the Bar of the American Bar Association.

RULE IX - HEARINGS BEFORE BOARD AND REVIEW BY COURT

Before the Board shall deny an application for permission to take the bar examination, it shall give the applicant an opportunity to appear and answer questions of the Board and to make such explanation as he may choose.

If the Board thereafter denies the application it shall so notify the applicant by certified mail directed to him at the mailing address appearing in his application, specifying the grounds of its determination. Within ten days of his receipt of such notification the applicant may, by written request directed to the Board at the office of the Director of Bar Admissions, demand a formal hearing. The hearing may, at the discretion of the Board, be held before the Board or before a hearing examiner appointed by the Board to conduct the hearing.

At least thirty days prior to the hearing the Board shall notify the applicant of the time and place thereof, and that he may be represented by counsel and present such witnesses as he may choose. Similar notice shall be given the President of the Minnesota State Bar Association and any other person or organization who or which, in the judgment of the Board, may be aggrieved by its determination. The Board may require ten days written notice of intention to participate in the hearing of all parties aggrieved.

Upon the conclusion of such hearing the Board shall prepare and file with the Clerk of the Supreme Court of the State of Minnesota its findings of fact, conclusions of law and determination. A copy of the findings of fact and decision shall be served upon the applicant and all parties to the proceedings. Service upon the applicant shall be made in the same manner as service of the summons in a civil action. Service upon all other parties shall be by registered mail.

The applicant may appeal to the Supreme Court from any adverse decision of the Board by serving upon and filing with the Director of Bar Admissions and filing in the office of the Clerk of the Supreme Court of the State of Minnesota, within twenty days of receipt by the applicant of the findings, conclusions of law and decision of the Board, a petition for review. The procedure upon the filing of such a petition shall conform to the rules of this Court, so far as applicable, for review of charges of the Board of Professional Responsibility. The Board of Law Examiners may employ counsel to present evidence and argument relating to the issues raised by the petition for review in the same manner, within the same times and to the same extent as the State Administrative Director on Professional Conduct in proceedings pursuant to the rules of this court on Professional Responsibility may do.

RULE X - ADDITIONAL INVESTIGATION OF APPLICANTS

As to any and all persons who apply to take the examination, or who apply for admission without examination, the Board may make such further inquiry and investigation, and require such further evidence regarding moral character and educational qualifications as it deems proper. In obtaining the required or desired information, the Board will obtain the aid of the officers of or committees of bar associations whenever available.

RULE XI - STATE BAR ADVISORY COUNCIL

The State Bar Advisory Council shall consist of the following:

1. The chairman of the Legal Education Committee of the Minnesota State Bar Association.
2. A past president of the Minnesota State Bar Association, to be designated and appointed by the President of the Minnesota State Bar Association.
3. Two members of the State Board of Law Examiners, to be designated and appointed by the Supreme Court.
4. The deans (or representatives appointed by them) of each of the approved law schools within the State of Minnesota.
5. The Secretary of the State Board of Law Examiners, who shall serve as the secretary of the State Bar Advisory Council.

Said council shall consider matters of general policy concerning admission to the bar, including proposed amendments to the rules for admission to the bar, and other matters either specifically referred to it or deemed worthy of consideration by it, and shall make such recommendations to the Supreme Court concerning matters under consideration as it deems advisable.

The Secretary of the State Board of Law Examiners shall call a joint meeting of the council and the board at least once each

year. In addition thereto, the council shall meet at such other time as it may be called together by the Supreme Court, the State Board of Law Examiners, or on its own motion.

The members of the State Bar Advisory Council shall receive no compensation by way of fees or expenses.

RULE XII - ADMISSION OF ATTORNEYS IN LEGAL SERVICES PROGRAM

A. An attorney who, after graduation from an approved law school, is employed by or associated with an organized legal services program providing legal assistance to indigents in civil or criminal matters, and who is admitted to practice in a court of last resort of another state, shall be admitted to practice before the courts of Minnesota in all causes in which he is associated with an organized legal service program which is sponsored, approved, or recognized by the local county bar association. Admission to practice under this rule shall be limited to the above causes and shall be effective upon filing with the Clerk of this Court (1) a certificate of the court of last resort of any state certifying that the attorney is a member in good standing of the bar of that court, and (2) a statement signed by a representative of the organized legal services program that the attorney is currently associated with the program.

B. Admission to practice under this rule shall cease to be effective whenever the attorney ceases to be associated with such program. When an attorney admitted under this rule ceases to be so associated a statement to that effect shall be filed with the Clerk of this Court by a representative of the legal services program. In no event shall admission to practice under this rule remain in effect longer than 2½ years for any individual admitted under this rule.

C. The temporary license granted herein may be revoked at any time by order of this court.

D. This rule is applicable notwithstanding (1) any rule of this Court governing admission to the bar which is in effect on the date this rule becomes effective, and (2) any rule of this Court governing admission to the bar which becomes effective after the effective date of this rule, except a rule which expressly refers to this rule.



1509 SOUTH MACEDONIA AVENUE, MUNCIE, INDIANA 47302 · (317) 284-8441

GEORGE A. SISSEL
Assistant Secretary
and Associate General Counsel

April 29, 1976

Mr. John McCarthy
Clerk of the Supreme Court
230 State Capitol
St. Paul, Minnesota 55155

46727

Dear Sir:

Enclosed are ten copies of my comments on proposed Rules for Admission to the Minnesota Bar. I would appreciate your making these comments available to the members of the Court for their consideration.

Very truly yours,

A handwritten signature in cursive script that reads "George A. Sissel".

George A. Sissel
Associate General Counsel
and Assistant Secretary

rj

Enc.



1509 SOUTH MACEDONIA AVENUE, MUNCIE, INDIANA 47302 · (317) 284-8441

GEORGE A. SISSEL
Assistant Secretary
and Associate General Counsel

April 29, 1976

Minnesota Supreme Court
230 State Capitol
St. Paul, Minnesota 55155

To the Honorable Court:

The Minnesota Supreme Court's proposed Rules for Admission to the Minnesota Bar have only recently come to my attention through "The Bench and Bar of Minnesota" magazine, and I trust that my comments are not too late to be considered.

I am the Associate General Counsel of Ball Corporation, headquartered in Muncie, Indiana. I am admitted to practice in Colorado and Indiana but not in Minnesota, although I did graduate from the University of Minnesota Law School in 1966. My employer, Ball Corporation (having domestic operations in 14 states), is the parent company of a wholly-owned Colorado subsidiary, Ball Brothers Research Corporation (BBRC), which operates a manufacturing and sales division in Minnesota. Both Ball Corporation and BBRC have qualified to do business in Minnesota. Ball Corporation's legal department employs eight attorneys as "house counsel", each of whom is admitted to practice in one or more states but not Minnesota and who anticipate making periodic trips to Minnesota to provide legal counsel and advice to both Ball Corporation and its subsidiary BBRC. Thus, because of my previous affiliation with the University of Minnesota and my corporation's continuing relationship with Minnesota, it seems appropriate to offer my comments and observations on the proposed Rules.

- A. In my opinion the exclusion of any provision for admission based on reciprocity between Minnesota and other states seems most unfortunate. Certainly, the major detrimental consequence of that exclusion would be to inhibit relocation to and from Minnesota of qualified practicing attorneys, including attorneys which a corporation might wish to relocate as house counsel.



B. The following points highlight my concerns about the proposed Rule VIII:

1. It appears that proposed Rule VIII could cover our attorneys since each of them could satisfy each of elements (1) through (6) of paragraph A. I doubt that any of our attorneys has "designated" the Clerk of the Supreme Court as his agent for service of process, but I assume this could be done to satisfy the disjunctive element #(6). Is it intended or not that proposed Rule VIII apply to non-resident house counsel such as the Ball Corporation attorneys? As the Rule is now drafted, the answer is not clear to me.

2. Paragraph A of proposed Rule VIII provides that the Supreme Court may issue a Special Temporary License. Would this authority of the Supreme Court mean that we now would be required to obtain a Special Temporary License before being permitted to visit Minnesota for the limited purpose of providing legal assistance to our employer or its subsidiary or affiliate? I would hope not, but the answer is not clear to me.

In the past, attorneys for Ball Corporation have assumed that they were perfectly free (under the spirit of Informal Opinion No. 973 of the Standing Committee on Professional Ethics of the American Bar Association dated 8/26/67 entitled "Practice of Law by Corporate Employees for Affiliated Corporations and Subsidiary Corporations") to appear in any jurisdiction to provide legal counsel and service to Ball Corporation and/or any of its subsidiaries or affiliates.

3. Paragraph B of proposed Rule VIII states that a Special Temporary Licensee shall limit his professional activities to counsel and practice for his employer. In the case of our corporate attorneys, their employer is Ball Corporation--the subsidiary BBRC, technically speaking, is not their employer. Is this proposed Rule intended to be construed literally--i.e. to mean that even with a Special Temporary License we would be precluded from providing legal counsel and advice to a subsidiary? Again, I would hope not, but the proposed Rule unfortunately raises that question.



4. In reading paragraph B of proposed Rule VIII, it is not clear whether the words "counsel and practice" encompass only formal court appearances or whether they include all forms of legal advice and counsel such as negotiations, settlement proceedings, contract discussions, licensing arrangements, leases, municipal bond financing, etc.
5. The title, "Special Temporary License", suggests that the license is "temporary". The proposed Rule, however, does not specify an expiration time or renewal period, nor does it state whether the fee of \$200 is payable only once, periodically, or on a per occurrence basis. We would find it most extraordinary for a foreign corporation to be required to pay a fee for the privilege of having its attorneys visit a state for the limited purpose of resolving the corporation's legal matters.

In conclusion, the proposed elimination of reciprocity and the substance of proposed Rule VIII seem to be drastic departures from the customary practices followed and relied on by "nation-wide" corporations and their house counsel. Therefore, I urge their rejection. Failing that, however, proposed Rule VIII at least should be clarified to eliminate barriers to non-resident house counsel acting for their companies and subsidiaries.

Thank you for considering my comments.

Respectfully submitted,

A handwritten signature in cursive script that reads "George A. Sissel".

George A. Sissel
Associate General Counsel
and Assistant Secretary

ry

DORFMAN, RUDQUIST & DUFOUR

LEO DORFMAN
DONALD L. RUDQUIST
R. W. DUFOUR, JR.
THOMAS D. TEWS
ALAN DORFMAN

MIDWEST PLAZA BUILDING
MINNEAPOLIS, MINNESOTA 55402
335-7871
AREA CODE 612

April 5, 1976

The Honorable Robert J. Sheran,
Chief Justice
Supreme Court of Minnesota
State Capitol
St. Paul, Minnesota 55155

Re: Hearing on Proposed Amendments to
Rules for Admission to the Bar

46727

Dear Chief Justice Sheran:

Upon returning from out of town I came across the notice published in Finance & Commerce with respect to the above. Although I would not have desired to file a brief or petition, or be heard on this matter, I do feel that a letter is in order since reciprocity is apparently being abolished by these new rules for admission.

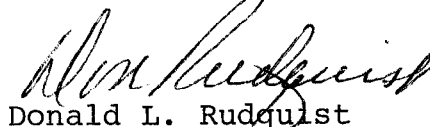
Although it is possible, it seems inconceivable to me that any number of lawyers from other states seek admission to the Bar of Minnesota by way of reciprocity. On the other hand it would seem more reasonable that Minnesota attorneys are seeking admission to other states by way of reciprocity.

I am seriously considering a move to South Texas. At the present time admission by reciprocity is still available. I am hopeful that the reciprocity provision of our admission rules will be retained. If this change is made, I would hope that the effective date thereof would be delayed three to six months so that all members of the Bar who may be considering a change be given an adequate opportunity to make the same before the effective date of the rules.

Thank you for your courtesies.

Very truly yours,

DORFMAN, RUDQUIST & DUFOUR


Donald L. Rudquist

DLR:la



LAW DEPARTMENT
NORTHERN AREA OFFICE

MISSABE BUILDING
DULUTH, MINNESOTA 55802

April 5, 1976

Supreme Court
State of Minnesota
230 State Capitol
St. Paul, Minnesota 55155

Re: File 46727
Proposed Amendments to Rules for Admission to the Bar

Sirs:

There has just come to my attention the March 5, 1976 issue of Finance and Commerce, containing the Proposed Rules for Admission to the Bar. These rules would eliminate the admission by reciprocity of out-of-state attorneys. I comment on that issue.

Personal History

I am a graduate of Harvard Law School ('53) and a member of the bars of Pennsylvania, New York and Massachusetts. I took the bar examination in each of those states and passed it in each state on the first attempt. In August 1974 my employer, United States Steel Corporation, transferred me to Duluth, Minnesota. About March 1, 1976 I filed my application for admission to the Minnesota bar under the existing rules, which as you know, permit practicing attorneys from other states to be admitted by reciprocity.*

A Non-Vocal Constituency

Since you are not likely to receive many comments from those in my shoes you may be interested in my comments. Like the anti-abortionists, who remind us that only the living believe in abortion, I speak for a non-existent, or at least non-vocal, constituency. Precisely because the majority has the power to impose any rule on out-of-state attorneys who would move to Minnesota, the majority should bear their plight in mind, marshalling, sua sponte, amicus fashion, the arguments that could be raised on their behalf.

* I have no objection to proposed Rule VIII, which permits house counsel to become a member of the bar with his practice limited to work for his employer. (Of course, even without being admitted to the bar, a person can do legal work for his employer.) Admission under that rule would, however, be too confining for me. If I were to serve on a committee at church or in a service club or a civic association, and wanted to provide legal counsel, if I wished to do pro bono work, if I wished to do legal work for a secretary or a friend, I could not do so if I were admitted under Rule VIII - Limited Practice.

Analysis

Obviously one can argue that requiring a practicing attorney from another state to take the Minnesota bar examination will tend to make that attorney more competent. In addition to looking at the matter from the standpoint of competence, however, one should also look at it from the standpoint of incompetence. Has experience shown that out-of-state attorneys tend to be less competent? Presumably with the state records at your disposal you would be able to ascertain the facts or your experience would give you a feel for the matter.

An Alternative

Surely the question must be asked: what is the nature and cause of incompetence in an attorney? Recent articles suggest that incompetence may be principally a function of personal defects (work attitude, quality of mind, carefulness) rather than of passing another bar examination. If this is so, the public would be better served by an inquiry directed to this area rather than requiring the out-of-state attorney to pass another bar examination.

If the reason for the rule is to require competence among lawyers, the new rule goes too far. The most that should be required is that the practicing attorney from another state pass those portions of the bar examination dealing with the peculiarities of Minnesota law.

Even that may go farther than necessary. Many lawyers moving from one state to another will be associated with other lawyers or with one employer, who are in a good position to see to it that the out-of-state lawyer will learn what he needs to know before he acts. As a practical matter the charge of incompetence is not generally levelled against attorneys associated with the larger law firms or employed by a single employer, normally a large corporation.

Even among sole practitioners, an out-of-state attorney, like a Minnesota attorney who has not handled a legal problem in a new area, knows that he does not know and is likely to fill the gaps in his knowledge before handling a given matter for his client.

One of the concerns these days is whether the benefit justifies the cost. What is the cost/benefit ratio? Is the public benefit sufficiently clear to justify the cost?

If Minnesota discontinues its policy of admitting out-of-state attorneys by reciprocity, other states may do likewise, to the detriment of Minnesota attorneys.

Summary

To summarize, the concern about incompetence of attorneys may be overstated. To the extent incompetence exists, it may not either as a matter a logic or experience be related to passing another bar examination. If incompetence is of sufficient concern to warrant some action, the public might be better served by addressing the specific reasons for incompetence rather than requiring the practicing attorney to pass another bar examination.

Respectfully submitted,

A handwritten signature in cursive script that reads "C. Laurence Stevens, Jr.".

C. Laurence Stevens, Jr.
Attorney

CLS:1

DONALD E. HORTON, JR., P.A.

ATTORNEY AT LAW

SUITE 1160
NORTHERN FEDERAL BUILDING
ST. PAUL, MINNESOTA 55102
(612) 291-1588

SUITE 206
590 BAYFIELD STREET
ST. PAUL DOWNTOWN AIRPORT
ST. PAUL, MINNESOTA 55107

March 29, 1976

John McCarthy
Clerk of the Supreme Court
State of Minnesota
State Capitol
Saint Paul, Minnesota

Dear Sir:

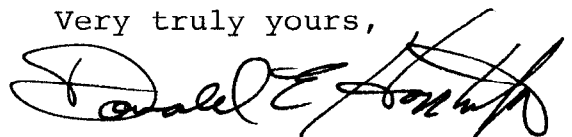
Pursuant to the Order of the Court dated February 25, 1976, please be advised that the following named Attorneys of the State of Minnesota desire to be heard on April 7, 1976, in regard to the proposed Amendments to the Rules for Admission to the Bar;

Donald E. Horton, Jr.
Attorney at Law
1160 Northern Federal Building
Saint Paul, Minnesota 55102

Honorable John Larson
Commissioner of Securities for
the State of Minnesota,
Acting in his own behalf and not
as Commissioner of Securities.

A Petition stating the objection of the above-named parties and proposed Amendments to the proposed Amendments will follow shortly.

Very truly yours,



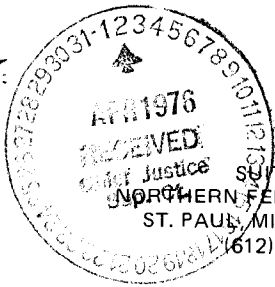
DONALD E. HORTON, JR.
Attorney at Law

DEH:se

DONALD E. HORTON, JR., P.A.

ATTORNEY AT LAW

SUITE 206
590 BAYFIELD STREET
ST. PAUL DOWNTOWN AIRPORT
ST. PAUL, MINNESOTA 55107



April 1, 1976

Robert J. Sheran
Chief Justice of the Supreme Court
of the State of Minnesota
State Capitol
Saint Paul, Minnesota

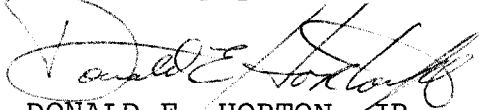
Re: Proposed Amendments to Rules
for Admission to the Bar

Dear Chief Justice Sheran:

Please find enclosed under cover of this letter the Proposed Amendments to the Proposed Rules for Admission to the Bar which your correspondent and The Honorable John Larson have prepared and respectfully submit for your review.

We look forward to discussing the matter with you further on April 7th.

Very truly yours,


DONALD E. HORTON, JR.
Attorney at Law

DEH:se
Encl.

STATE OF MINNESOTA

IN SUPREME COURT

Re: Hearing on Proposed
Amendments to Rules
for Admission to the
Bar

PETITION

RULE I - Unchanged.

RULE II - (4) That he has graduated or is a senior in good standing from an approved law school;**

(5) That he has passed a written examination covering those topics outlined in Rule III below in which the applicant failed to achieve a passing grade.

RULE III - Unchanged.

RULE IV - The educational qualifications of all applicants desiring to take the examination shall be established by evidence satisfactory to the Board showing graduation with a Bachelor of Laws or equivalent degree, within a period of four years prior to making the application, from a law school which is approved by the Section of Legal Education and Admissions to the Bar of the American Bar Association, or good standing and senior status in an approved law school.

RULE V - B. Every person desiring permission to take the examination shall also file or cause to be filed with the Board at least 10 days prior to the examination a degree or certificate from an approved law school showing that he has graduated, or that he is ~~eligible to be graduated within 60 days of the last day of the examination, with a Bachelor of Laws or equivalent degree.~~ in good standing as a senior.

RULES VI
thru XII,
inclusive- Unchanged.

Respectfully submitted,

DONALD E. HORTON, JR.
Attorney at Law
1160 Northern Federal Building
Saint Paul, Minnesota 55102

The Honorable John Larson,
Commissioner of Securities for the
State of Minnesota acting in his
own behalf and not as Commissioner
of Securities

STATE OF MINNESOTA
DISTRICT COURT OF MINNESOTA
FOURTH JUDICIAL DISTRICT



FAMILY COURT REFEREES

EDWARD P. DIETRICH
DANIELS W. MCLEAN
MILTON G. DUNHAM
DORIS O. HUSPENI

March 26, 1976

John McCarthy
Clerk of Minnesota Supreme Court
525 Federal Building
316 North Robert
St. Paul, Minnesota 55101

Dear Mr. McCarthy:

Re: April 7, 1976 Supreme Court Hearing on
the Proposed Rules for Admission to the
Minnesota Bar

At its March 20, 1976 meeting the Board of Governors of the Minnesota State Bar Association, voted unanimously to oppose the termination of admission upon motion to the Bar in Minnesota, which termination would be effected under the Proposed Rules. Additionally the Board of Governors voted unanimously to support an alternative rule that would prohibit an individual from applying for admission to the Minnesota Bar upon motion if that individual previously failed the Minnesota Bar Examination.

As chairperson of the Legal Education Committee of the Minnesota State Bar Association, I have been designated to appear at the April 7, 1976 hearing and to express to the Board of Law Examiners and to the Supreme Court the position of the Minnesota State Bar Association.

Our opposition to termination of admission upon motion is based upon the following considerations:

1. If Minnesota terminates admission upon motion the several states with true reciprocity would almost surely revoke the right of Minnesota attorneys to apply for admission upon motion;
2. If, in fact, the paramount "evil" to be overcome is that created when an individual fails the Minnesota Bar, goes to a neighboring state and is admitted there, and after five years applies in Minnesota for admission upon motion, the narrower rule outlined above would seem preferable to a blanket termination;

March 26, 1976

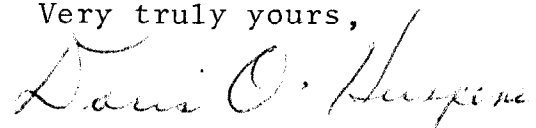
3. In an era in which more legislatures are enacting uniform laws each session, and in which a multi-state bar examination becomes more probable each year, termination of admission upon motion appears to be a step backwards into parochialism.

The Young Lawyers Section of the Minnesota State Bar Association also voted to oppose termination of admission upon motion and intends to send a representative to the April 7, 1976 hearing. Mark Haggerty of the Young Lawyers Section spoke with you earlier this week, and it is our understanding that this letter will serve as official notification of our intention to appear on April 7, 1976 and in addition will serve as the brief or petition which is required by the Minnesota Supreme Court in this matter.

If there are further procedural requirements which we should meet, I would appreciate hearing from you at your earliest convenience.

With best wishes.

Very truly yours,



Referee Doris O. Huspeni

DOH:kac

cc: C. Allen Dosland
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New Ulm, Minnesota 56073

William Lloyd
State Board of Law Examiners
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