

STATE OF MINNESOTA

IN SUPREME COURT

46727

ORDER PRESCRIBING AND PROMULGATING

NEW RULES FOR ADMISSION TO THE BAR

WHEREAS, the State Board of Law Examiners has recommended to the court the adoption of new Rules for Admission to the Bar of the State of Minnesota; and

WHEREAS, the recommended Rules for Admission to the Bar were published prior to the submission of briefs and oral arguments which were heard on April 7, 1976; and

WHEREAS, the court has considered said recommendations and the objections of the Board of Governors of the Minnesota State Bar Association and several lawyers to the elimination of the rule providing for the admission of lawyers from other states without examination;

NOW, THEREFORE, IT IS HEREBY ORDERED that the hereto annexed rules be, and the same hereby are, adopted, prescribed and promulgated to be effective on August 1, 1976 for the regulation of admission to the bar in the State of Minnesota. On the said effective date of these rules, the present Rules for Admission to the Bar shall be terminated.

IT IS HEREBY FURTHER ORDERED, that the Board of Law Examiners is urged to continue study of the rule relating to admission of attorneys from other states without examination and make its recommendation regarding said rule on or about September 1, 1977.

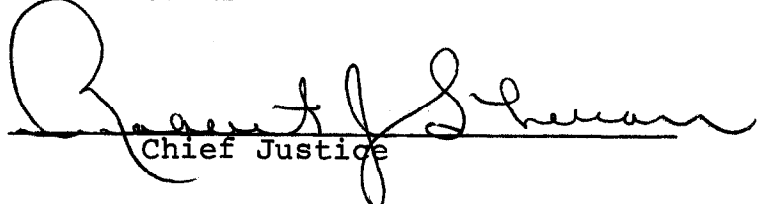
Dated: July 1, 1976

**SUPREME COURT
FILED**

JUL 1 1976

**JOHN McCARTHY,
CLERK**

BY THE COURT


Chief Justice

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 February 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.

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 \$50.00 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.

E. An applicant who is denied permission to take the examination will be refunded the sum of \$50.00 which represents the portion of the application fee charged for taking the examination.

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 - ATTORNEYS FROM OTHER STATES--HOW ADMITTED

A. The Supreme Court may, upon certification by the Board of Law Examiners, waive the examination requirement and admit to practice law in this state any individual who has established to the satisfaction of the board:

- and (3).
1. That he has met the requirements of Rule II (1), (2)
 2. That he is duly admitted to practice in another state, territory, the District of Columbia or any jurisdiction where the common law of England constitutes the basis of jurisprudence;
 3. That he has been admitted to practice in the highest court of such other jurisdictions and has as his principal occupation been actively engaged in the practice of law or has been engaged in full-time law teaching in an approved law school or schools or a combination of both for at least five of the seven years next preceding his application.

B. Such attorney shall accompany his application 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 from the proper court or body therein that he is in good standing and not under pending charges of misconduct.
4. A certificate of a judge of a court of record and affidavits of two practicing attorneys of said state, territory, district or jurisdiction, stating how long and under what circumstances they have known the applicant and what they know of applicant's character and his experience in the practice or teaching of the 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.

If the Board doubts the character or qualifications of the applicant it may impose such other tests as in its discretion may seem proper.

When an application for admission is made by a person admitted to practice law in other states, territories or jurisdictions the Board may employ the National Conference of Bar Examiners to make investigation and report upon said application, and may pay to said National Conference of Bar Examiners to make investigation and report a reasonable fee for its services in making such investigation and report.

An attorney-at-law duly admitted to practice in another state, territory, the District of Columbia or jurisdiction desiring admission to the practice of law in this state but who has not been actively engaged in the practice of law or full-time teaching as his principal occupation for the period prescribed herein must be examined for admission in accordance with the provisions of Rule V hereof (except that his application need not be made within four years of

his graduation from law school) and in addition must meet all the requirements of this rule (except that the fee shall be \$75.00).

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

RULE IX - 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 has met the requirements of Rule II (1), (2) and (3).

2. 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;

(3) 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.

RULE X - 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 XI - 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 XII - 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 XIII - 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.