

**SUPREME COURT  
FILED**

MAR 30 1977

**JOHN McCARTHY**  
CLERK

STATE OF MINNESOTA

IN SUPREME COURT

ORDER

WHEREAS, the State Board of Law Examiners with the concurrence of the State Bar Advisory Council has recommended that certain amendments be made to Rules III C., V A. 2., V A. 3., V C., VIII A., VIII B., IX A. 1., IX A. 2., IX D., and X of the Rules for Admission to the Bar of the State of Minnesota,

NOW, THEREFORE, IT IS HEREBY ORDERED, that Rules III C., V A. 2., V A. 3., V C., VIII A., VIII B., IX A. 1., IX A. 2., IX D., and X of the Rules for Admission to the Bar of the State of Minnesota be and they hereby are amended, effective on the date hereof, to read as follows:

RULE III

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. An applicant who has failed three examinations shall not be permitted to take a further examination except that a fourth and final examination may be authorized by the Board of Law Examiners upon proof of adequate additional preparation therefor.

RULE V

A. 2. Affidavits of at least two persons unrelated to the applicant by blood or marriage, who have known the applicant for at least one year, setting forth the duration of time, 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.

A. 3. If the applicant has been admitted to the practice of law in another jurisdiction for more than one year preceding the first day of the examination for which application is made 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.

The Board in its discretion may require any applicant to furnish at the applicant's expense a Character Investigation Report of the National Conference of Bar Examiners.

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 shall be accepted thereafter, except upon order of the Supreme Court and any application filed pursuant to such order shall be accompanied by an additional late filing fee in the sum of \$100.00.

RULE VIII

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:

1. That he has met the requirements of Rule II (1), (2), (3) and (4).

2. That he is duly admitted to practice in another state, territory or the District of Columbia;

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 shall employ the National Conference of Bar Examiners to make investigation and report upon said application, and pay to said National Conference of Bar Examiners to make the 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

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), (3) and (4).

2. That he is duly admitted to practice in another state, territory or the District of Columbia;

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 shall employ the National Conference of Bar Examiners to make investigation and report upon said application, and 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 upon the ground that the applicant has not established his good moral character as required by Rule II, 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 denies an 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.

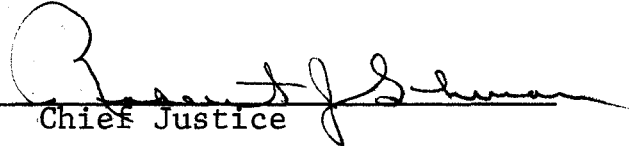
The applicant may appeal to the Supreme Court from any adverse decision of the Board by serving upon and filing with the Director of Bar Admissions and filing in the office of the Clerk of the Supreme Court of the State of Minnesota, within twenty days of receipt by the applicant of the findings, conclusions 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 Lawyers Professional Responsibility Board. 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 Director of Lawyers Professional Responsibility in proceedings.

pursuant to the rules of this court on Professional Responsibility may do.

DATED:

3-30-77

BY THE COURT

  
Chief Justice