

STATE OF MINNESOTA

IN SUPREME COURT

C5-84-2139

PROMULGATION OF AMENDMENT
TO THE RULES OF THE SUPREME
COURT FOR ADMISSION TO THE BAR

ORDER

WHEREAS, the Rules of the Supreme Court and State Board of Law Examiners for Admission to the Bar were amended by Order dated June 3, 1993 to include Rule VII, License for Foreign Legal Consultant, and

WHEREAS, the current Rules VII and VIII need to be renumbered accordingly,

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The attached amendments to the Table of Contents of the Rules of the Supreme Court and State Board of Law Examiners for Admission to the Bar renumbering Rule VII, Information Disclosure, as Rule VIII, and renumbering Rule VIII, Appeal to the Supreme Court, as Rule IX, be, and the same hereby is, prescribed and promulgated.
2. These amendments are effective this date.

DATED: July 12, 1993

BY THE COURT:

OFFICE OF
APPELLATE COURTS

JUL 12 1993

FILED



A. M. Keith
Chief Justice

**STATE OF
MINNESOTA**

Rules of the

SUPREME COURT

and

**STATE BOARD OF LAW
EXAMINERS**

**FOR ADMISSION
TO THE BAR**

**As amended
~~March 10, 1992~~
June 3, 1993**

**RULES OF
THE SUPREME COURT
AND OF
THE STATE BOARD
OF LAW EXAMINERS
FOR ADMISSION TO THE BAR**

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Practice Law in Minnesota;

- (2) A certificate of the highest court of the state of licensure certifying that the attorney is in good standing and that no charges of professional misconduct are pending;
- (3) An affidavit from an officer, director or general counsel of applicant's employer or parent company employer attesting to the fact that applicant is employed as an attorney solely for said employer, that applicant is an individual of good character, and that the nature of the employment meets the requirements of section A of this Rule;
- (4) An affidavit of applicant attesting to applicant's full-time practice of law for at least five of the previous seven years;
- (5) A fee consistent with Rule 105.

C. **Limitation.** A license granted pursuant to this Rule shall authorize the attorney to practice solely for the designated employer.

D. **Duration.** This Temporary License shall be valid for a period of no more than twelve months from the date of issuance and shall terminate at any time upon the occurrence of any of the following:

- (1) the holder's admission to practice law in Minnesota pursuant to Rule III, Rule IVA or Rule IVB;
- (2) termination of holder's employment with the employer referenced in Rule VIB.

E. **Revocation.** If upon investigation, the Board of Law Examiners determines that the holder of a temporary license issued pursuant to this rule does not or may not qualify for admission, the Board will make a recommendation to the Supreme Court that such license be revoked.

Rule VII. License for Foreign Legal Consultants

A. Eligibility

A person who is admitted to practice in a foreign country as an attorney or counselor at law may apply for, and at the discretion of the Board of Law Examiners, may obtain a license to render services as a foreign legal consultant in the State of Minnesota, without examination, subject to the limitations set forth in this Rule.

B. Requirements

In order to qualify for the license the applicant must:

- (1) Have been admitted to practice in a foreign country as an attorney or counselor at law or the equivalent; and
- (2) As principal occupation, have been engaged in the practice of law of that country in that country for at least five of the seven years

- immediately preceding the application; and
- (3) Be in current good standing as an attorney or counselor at law or the equivalent in that country, and have remained in good standing throughout the period of his/her practice; and
- (4) Possess the good character and fitness required for admission to practice in this state; and
- (5) Be at least 24 years of age; and
- (6) Maintain an office in the state of Minnesota for the rendering of services as a foreign legal consultant.

C. Applications

In order to qualify for the foreign legal consultant license, an applicant must file with the Minnesota Board of Law Examiners the following documents, together with duly authenticated English translations, if they are not in English:

- (1) A sworn and notarized typewritten Application for Foreign Legal Consultant License;
- (2) A duly authenticated certificate from the authority having final jurisdiction over professional discipline in the foreign country in which the applicant is admitted to practice, which shall be accompanied by the official seal, if any, of such authority, and which shall certify:
- (a) The authority's jurisdiction in such matters;
- (b) The applicant's admission to practice in such foreign country, the date of admission, and the applicant's good standing as an attorney or counselor at law or the equivalent in that jurisdiction;
- (3) A duly authenticated document from any foreign country or jurisdiction in which said consultant has been licensed as an attorney or as a foreign legal consultant indicating whether any charge or complaint has ever been filed against the applicant with such authority, if so, the substance of each such charge or complaint, and the adjudication or resolution of each such charge or complaint;
- (4) A letter or recommendation signed by, and accompanied with the official seal, if any, of one of the members of the executive body of such authority or from one of the judges of the highest court of law of such foreign country, certifying to the applicant's professional qualifications;
- (5) A summary of the law or rule, if any, of such foreign country which permits members of the bar of Minnesota to

establish offices for the giving of legal advice to clients in such foreign country;

(6) Letters of recommendation from at least three attorneys or counselors at law or the equivalent admitted in and practicing in such foreign country, setting forth the length of time, and under what circumstances they have known the applicant and stating their appraisal of the applicant's good character and fitness for admission;

(7) Notarized letters of recommendation from at least two members in good standing of the Minnesota Bar, setting forth the length of time, and under what circumstances they have known the applicant and their appraisal of the applicant's good character and fitness for admission;

(8) Such other evidence as to the applicant's educational and professional qualifications, good character and fitness and compliance with the requirements of this rule as the Minnesota Board of Law Examiners may require; and

(9) A fee in the amount of \$1,000, in the form of a certified check or money order.

D. Investigation

The Minnesota Board of Law Examiners shall conduct such investigation into the applicant's background and verification of supporting documents as the Board may deem appropriate or necessary in the circumstances.

E. Scope of Practice

A person licensed as a foreign legal consultant under this rule may render legal services in the State of Minnesota regarding the laws of the country in which such person is admitted to practice as an attorney, counselor at law or equivalent. The foreign legal consultant shall not, however, conduct any activity or render any services constituting the practice of the law of the United States, the State of Minnesota, or that of any other state, commonwealth or territory of the United States or the District of Columbia including, but not limited to, the restrictions that such person shall not:

(1) Appear for another person as attorney in any court or before any magistrate or other judicial officer or before any federal, state, county or municipal governmental agency, quasi-judicial or quasi-governmental authority in the State of Minnesota, or prepare pleadings or any other papers in any action or proceedings brought in any such court or before any such judicial officer, except as authorized in any rule or procedure relating to admission pro hac

vice, or pursuant to administrative rule;

(2) Provide legal advice in connection with the preparation of any deed, mortgage, assignment, discharge, lease, agreement of sale or any other instrument affecting title to:

(a) Real property located in the United States of America;

(b) Personal property located in the United States of America, except where the instrument affecting title to such personal property is governed by the law of a jurisdiction in which the foreign legal consultant is admitted to practice as an attorney or counselor at law or the equivalent;

(3) Prepare:

(a) Any will or trust instrument affecting the disposition of any property located in the United States of America and owned by a resident thereof;

(b) Any instrument relating to the administration of a decedent's estate in the United States of America;

(4) Prepare any instrument in respect of the marital relations, rights or duties of a resident of the United States of America or the custody or care of the children of such a resident;

(5) Render professional legal advice on the law of the State of Minnesota or the United States of America or any other state, subdivision, commonwealth or territory of the United States of America or the District of Columbia (whether rendered incident to the preparation of a legal instrument or otherwise);

(6) In any way represent that such person is admitted to the Bar of the State of Minnesota or is licensed as an attorney or foreign legal consultant in another state, territory or the District of Columbia, or as an attorney or counselor at law or the equivalent in a foreign country, unless so licensed;

(7) Use any title other than "Foreign Legal Consultant, Not Admitted to Practice Law in Minnesota", provided that such person's authorized title and firm name in the foreign country in which such person is admitted to practice as attorney or counselor at law or the equivalent may be used if the title, firm name, and the name of such foreign country are stated together with the

above-mentioned designation:

(8) Render any legal services for a client without utilizing a written retainer agreement which shall specify in bold type that the foreign legal consultant is not admitted to practice law in the State of Minnesota, nor licensed to advise on the laws of the United States or the District of Columbia, and that the practice of the foreign legal consultant is limited to the laws of the foreign country where such person is admitted to practice as an attorney or counselor at law or the equivalent; or

(9) Hold any client funds or valuables without entering into a written retainer agreement which shall specify in bold type the name of a Minnesota licensed attorney in good standing who is also representing the particular client in the particular matter at hand.

F. Disciplinary Provisions

(1) A foreign legal consultant is expressly subject to the Minnesota Rules of Professional Conduct and to continuing review of qualifications to retain any license granted hereunder, and shall be subject to the disciplinary jurisdiction of the Minnesota Office of Lawyers Professional Responsibility and the Minnesota Supreme Court.

(2) Section 1 above shall not be construed to limit in any way concurrent disciplinary procedures to which the foreign legal consultant may be subject in the country of admission.

(3) A foreign legal consultant shall execute and file with the Board of Law Examiners, in such form and manner as the court prescribes:

(a) A statement that the foreign legal consultant has read, understood, and made a commitment to observe the Minnesota Rules of Professional Conduct; and

(b) Either:

1. An undertaking or appropriate evidence of professional liability insurance, in such amount as the Minnesota Supreme Court may prescribe, to assure such foreign legal consultant's proper professional conduct and responsibility; or

2. An appropriate undertaking in the amount of \$50,000.00 in the form of a bond, letter of credit or other financial guaranty instrument issued by a reputable financial institution based in, and authorized to do business in, the United States of America or any state therein for the purpose of assuring the foreign legal consultant's proper professional conduct and responsibility; and

(c) A duly acknowledged instrument in writing setting forth such foreign legal consultant's address within the State of Minnesota and designating the Clerk of the Appellate Courts as agent for the service of process for all purposes; and

(d) A commitment to notify the Minnesota Board of Law Examiners of any resignation or revocation of such foreign legal consultant's admission to practice in the foreign country of admission, or in any other state or jurisdiction in which the foreign legal consultant has been licensed as an attorney or counselor at law or equivalent or as a foreign legal consultant, or of any censure, suspension, or expulsion in respect of such admission.

G. Annual Certification and Renewal Fees

(1) A foreign legal consultant shall submit on a biennial basis to the Minnesota Board of Law Examiners:

(a) A sworn statement attesting to his/her continued good standing as an attorney or counselor at law or equivalent in the foreign country in which he/she is admitted to practice;

(b) A fee in the amount of \$200.

(2) The foreign legal consultant shall submit on an annual basis to the Minnesota Attorney Registration office an attorney registration fee equivalent to the renewal fees paid by Minnesota licensed attorneys pursuant to the Rules of the Supreme Court for

Registration of Attorneys.

(Amended June 3, 1993.)

Rule ~~VII~~ VIII. Information Disclosure

- 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 up to 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. **Examination Information.** Examination information shall be available as provided in Rules of the Board.
- C. **Release to Other Agencies.** Information may be exchanged with an authorized lawyer disciplinary agency, and released to bar admissions authorities in jurisdictions where an application is pending.
- D. **Investigation.** Application information may be released to agencies authorized by the Board to investigate applicant fitness and eligibility.
- E. **Referrals.** Information relating to the misconduct of an applicant may be referred to the appropriate authority.
- F. **Confidentiality.** All other information contained in the files of the office of the Board is confidential and will not be released to anyone other than the Court except upon order of the Court.
- G. **Costs.** The Board may charge reasonable fees for collection and providing of any information permitted to be released.

(Renumbered October 1, 1986; former Rule VI renumbered May 25, 1988; renumbered June 3, 1993.)

Rule ~~VIII~~ IX. Appeal to the Supreme Court

- A. **Petition for Review.**
 - (1) Any applicant who is adversely affected by a final decision of the Board may appeal to the Court by serving upon and filing a petition for review with the Clerk of the Appellate Courts within 20 days of receipt by the applicant of a final decision of the Board. The petition shall briefly state the facts that form the basis for the complaint, and the applicant's reasons for believing the Court should review the decision.
 - (2) A copy of said petition shall be promptly served upon the Director of the Board who shall transmit within 20 days a response to the Court setting forth the reasons for the Board's decision. Thereupon the Court shall give such directions, hold such hearings and make such order as it may in its discretion deem appropriate.

- B. Reapplication After Denial.** After denial of petition by the Court or expiration of the time allowed in paragraph A, an applicant determined not to have satisfied Rule IIA(2) may not reapply for admission to practice in Minnesota for three years following the Board's determination.

(Renumbered to Rule VII October 1, 1986; renumbered and amended May 25, 1988; renumbered June 3, 1993.)

Rule 100. Application for Admission

- A. Complete Application.** A person desiring admission to practice law in Minnesota shall submit a typewritten notarized application on a form prescribed by the Board. To be accepted the application must be timely presented at the office of the Director and be accompanied by:

- (1) The proper fee as indicated in Rule 105;
- (2) Notarized affidavits of two persons unrelated to the applicant by blood or marriage and not fellow law students during applicant's enrollment, who have known the applicant for at least one year, 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 applicant's fitness to practice law;
- (3) One independently executed and notarized authorization for release of information, which is included with the application form;
- (4) A photo I.D. card showing a full-face front view of the applicant in which facial features are clear and distinguishable.

- B. Additional Filing for Examinee.** An applicant for admission by examination must also file or cause to be filed at least 30 days prior to the examination a certificate from an approved law school stating that the applicant has graduated, or stating that the applicant has fulfilled all requirements for graduation and will be graduated within 120 days following the examination for which the applicant filed.

- C. Additional Filing When Admitted Elsewhere.** An applicant admitted to practice in another jurisdiction shall in addition to the items in paragraph A, and if applicable paragraph B, file or cause to be filed before the application will be processed:

- (1) A certified copy of the application for admission to the bar in each jurisdiction in which the applicant had previously been admitted to the practice of law;
- (2) A certification showing admission to the bar in each other jurisdiction;