

STATE OF MINNESOTA

IN SUPREME COURT

FILE NO.  
C5-84-2139

OFFICE OF  
APPELLATE COURTS

DEC 23 1997

FILED

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Petition of the Minnesota  
State Board of Law Examiners  
for Amendment of the  
Rules of the Minnesota Supreme Court  
and State Board of Law Examiners  
for Admission to the Bar

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PETITION

TO: THE HONORABLE JUSTICES OF THE MINNESOTA SUPREME  
COURT:

Petitioner Minnesota State Board of Law Examiners ("Board") respectfully petitions the Court to amend the Rules of the Supreme Court and State Board of Law Examiners for Admission to the Bar to state that the Minnesota Bar Examination will include a performance test component among the test instruments used in the examination. In support of its Petition, the Board asserts the following:

1. The Supreme Court has the exclusive and inherent power to regulate the practice of law.

2. Acting pursuant to the Rules of the Supreme Court and State Board of Law Examiners for Admission to the Bar, the Petitioner administers a semi-annual bar examination, successful passage of which is a pre-requisite to admission to the Bar in Minnesota. The Minnesota Bar Examination exists to protect the public by assuring that only those persons who are competent to practice law are admitted to the Bar.

3. Currently, the Minnesota Bar Examination consists of eight (8) essay questions and the two hundred (200) multiple-choice questions--the Multistate Bar Exam (MBE). Recently, the National Conference of Bar Examiners, a national organization which develops and markets bar examinations to jurisdictions throughout the United States, developed a new test instrument called the Multistate Performance Test (MPT).

4. The MPT is designed to test lawyering skills by asking applicants to complete a task or tasks that a beginning lawyer might be asked to accomplish. An MPT test item consists of a 15 to 16 page test packet which simulates an assignment a supervising attorney might give to a new associate.

5. The MPT is not a test of substantive law. The test packet contains all the factual and legal materials needed to complete the assigned lawyering task. The MPT focuses on the examinee's ability to perform the task rather than on the ability to remember the law.

6. The Board recommends that the Court incorporate the MPT into the Minnesota Bar Examination by amending the Rules of the Supreme Court and of the Board of Law Examiners for Admission to the Bar as follows:

### **Rule III. Admission by Examination**

**A. Application.** An applicant for admission by examination shall file a timely application in the office of the Director accompanied by the information listed in the Rules of the Board and the proper fee.

**B. Scope of Exam.** ~~Applicants for admission by examination shall be tested~~ The Minnesota Bar Examination shall consist of the following:

(1) one or more questions to test the applicant's ability to perform a lawyering task using legal and factual materials provided;

(2) essay questions and multiple choice questions on any combination of the following subjects:

Administrative Law  
Civil Procedure

Constitutional Law  
Contracts  
Criminal Law and Procedure  
Ethics and Professional Responsibility  
Evidence  
Family Law (~~effective for the February, 1993 exam~~)  
Federal Individual Income Taxation  
Partnership, Proprietorship, and Corporations  
Real Property  
Torts  
Uniform Commercial Code, Art. 1,2  
Wills, Estates and Trusts

Based upon the foregoing, the Board respectfully requests that the Court implement the Rules amendments proposed in paragraph 6 above.

Dated: December 23, 1997.



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STATE OF MINNESOTA

IN SUPREME COURT

FILE NO.

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OFFICE OF  
APPELLATE COURTS

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**Petition of the Minnesota State Board of Law  
Examiners for Amendment of the Rules of the  
Minnesota Supreme Court and State Board of  
Law Examiners for Admission to the Bar**

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PETITION

**TO: THE HONORABLE JUSTICES OF THE MINNESOTA SUPREME COURT:**

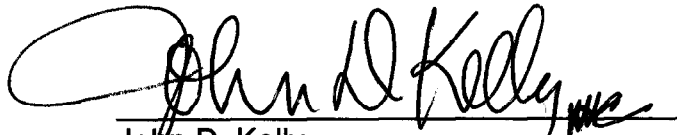
Petitioner, the Minnesota State Board of Law Examiners ("Board"), respectfully petitions the Court to amend the Rules of the Supreme Court and State Board of Law Examiners for Admission to the Bar to consolidate, edit, and reorganize the rules into a single set of rules; incorporate the character and fitness standards and the essential eligibility requirements into the rules; authorize the Board to provide advisory opinions to law students regarding character and fitness issues; open to the public, with specified exceptions, Board meetings and the minutes of those meetings; provide immunity from civil suit to the Board, its employees, and persons or entities providing information to the Board; and clarify procedures for testing accommodation requests. In support of its Petition, the Board asserts the following:

1. The Supreme Court has the exclusive and inherent power to regulate the practice of law.

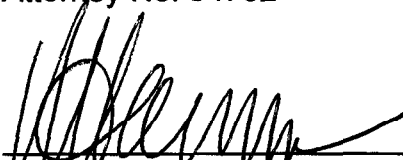
2. The present rules governing the duties of the Board are contained in two sets of rules: the Rules of the Supreme Court (Rules I to IX) and the Rules of the State Board of Law Examiners (Rules 100 to 106). The two sets of rules contain numerous duplicative provisions regarding admission requirements and procedures.
3. The Supreme Court has adopted Character and Fitness Standards that are published with, but not a part of, the Rules of the Supreme Court and of the State Board of Law Examiners ("Rules").
4. The existing Rules do not: authorize the Board to render advisory opinions to law students regarding character and fitness issues; state whether and to what extent Board meetings are open to the public; or provide immunity for Board members, staff, and to persons or entities providing information to the Board in connection with investigations.
5. The Board filed a Petition with the Court on December 23, 1997, to amend existing Supreme Court Rule III to include a performance test component on the Minnesota Bar Examination. The requested change is incorporated into Rule 6 of these proposed Rules, as renumbered. The Board respectfully requests that this Petition be joined with its December 23, 1997, Petition and considered together.

Based upon the foregoing, the Board respectfully requests that the Court adopt the amended Rules attached hereto.

Dated: February 2, 1998



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**STATE OF  
MINNESOTA**

**Rules of the  
SUPREME COURT**

**and**

**STATE BOARD OF LAW EXAMINERS**

**FOR ADMISSION  
TO THE BAR**

As amended  
~~June 3, 1993~~

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## DEFINITIONS

### **Rule 1. Purpose<sup>1</sup>**

The Board of Law Examiners is established to ensure that those who are admitted to the bar have the necessary competence and character to justify the trust and confidence that clients, the public, the legal system, and the legal profession place in attorneys.

### **Rule 2. Definitions**

~~These definitions apply to the Rules of the Supreme Court for Admission to the Bar and the Rules of the State Board of Law Examiners for Admission to the Bar.~~

As used in these Rules:

~~1. A.~~ "Board" means the Minnesota State Board of Law Examiners.

~~2. B.~~ "Court" means the Minnesota Supreme Court.

~~3. C.~~ "Director" means the staff director for the Board.

~~4. D.~~ "Good character and fitness" means traits, including honesty, trustworthiness, diligence and reliability, that are relevant to and have a rational connection with the applicant's present fitness or capacity of an applicant to practice law.<sup>2</sup>

~~5. E.~~ Deadlines and due dates specified under these Rules shall be taken to mean no later than 4:30 p.m. on the date stated; if the date falls on Saturday, Sunday, or a legal holiday, the deadline shall be the first working day thereafter. Postmarks dated on the due date will be accepted.

~~6. E.~~ "Approved law school" means a law school provisionally or fully approved by the American Bar Association.

~~7. G.~~ "Legal services program" means a ~~method, program sponsored, approved or recognized by a state or county bar association or an approved law school,~~ to existing

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<sup>1</sup> The language of Rule 1 is derived from the purpose statement of the Character and Fitness Standards adopted by the Court in 1988 and published as an appendix in the existing Rules.

<sup>2</sup> The language in this revision also incorporates language from the Character and Fitness Standards.

primarily for the purpose of providing legal assistance to indigent persons in civil or criminal matters.<sup>3</sup>

H. "Notify" or "give notice" means to mail or deliver a document to the last known address of the applicant or the applicant's attorney. Notice is complete upon mailing, but extends the applicant's period to respond by 3 days.

### **Rule 3. State Board of Law Examiners**

**A. Composition.** The State Board of Law Examiners shall consist of nine members, two of whom shall be public members, each appointed by the Supreme Court for a term of three years or until a successor is appointed and qualifies. With the exception of the President, Board members may serve no more than three successive three-year terms.<sup>4</sup> The terms of office may be staggered by the Court by any method it deems appropriate. The Court shall select a President and the Board shall select a secretary from among its members.

**B. Authority.** The Board is authorized:

- (1) Subject to the approval of the Court, to employ a Director on a full-time or part-time basis, to prescribe duties, and to fix compensation;
- (2) To secure examination questions and other testing ~~devices which instruments that~~ the Board finds valid and reliable in measuring ~~fitness the~~ competence of applicants to practice law, and to pay reasonable compensation for them;
- (3) To employ ~~readers to grade the answers to examinations~~ examination graders;
- (4) To ~~fix~~ establish the a minimum satisfactory grade passing score for ~~success on for the~~ examinations;
- (5) To conduct ~~or cause to be conducted~~ investigations of applicant background as may be reasonably related to fitness to practice or eligibility under the Rules, and to require applicants to pay the costs of the investigations;
- (6) ~~To grant waivers of strict compliance with these Rules in cases of hardship or other compelling reasons;~~
- (6) To administer these Rules and ~~make rules not inconsistent~~ adopt policies and procedures consistent with these Rules; ~~of the Court;~~
- (7) To delegate to its President and Director authority to make necessary determinations to implement the Board's policies and procedures and these Rules;

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<sup>3</sup> Local bar associations have no process for sponsoring or approving legal services organizations.

<sup>4</sup> This revision incorporates current practice of limiting members' terms.

(8) To prepare and disseminate information to prospective applicants and the public about procedures and standards for admission to practice law in this state.

**C. Board Meetings.** Board meetings are open to the public except when the Board is considering the following:

- (1) examination materials;
- (2) any information concerning an applicant or potential applicant;
- (3) personnel matters;
- (4) any information which is confidential or private under Rule 13;
- (5) legal advice from its counsel.

Minutes of the public portions of Board meetings held after the effective date of this Rule are available upon request from the Board office.

#### **Rule # 4. General Requirements for Admission**

**A. Eligibility for Admission.** An applicant is eligible for admission to practice law upon establishing to the satisfaction of the Board:

- (1) Age of at least 18 years;
- (2) Good character and fitness as defined by these Rules;
- (3) Graduation with a J.D. or LL.B. degree from a law school which is provisionally or fully approved by the American Bar Association;
- (4) Passing score on a written examination or qualification under Rule IV 7(A) or (B);
- (5) ~~Passing score on an examination of ethical standards and professional responsibility of lawyers, as defined in Board Rule 100D.~~ A scaled score of 85 or higher on the Multistate Professional Responsibility Examination;<sup>5</sup> and
- (6) Not currently suspended or disbarred from the practice of law in another jurisdiction.<sup>6</sup>

**B. Residency.** Prior to admission an applicant must be a resident of this state or maintain an office in this state or designate the Clerk of the Appellate Courts as agent for the service of process for all purposes.

**C. Application for Admission<sup>7</sup>**

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<sup>5</sup> The Multistate Professional Responsibility score of 85 is found in existing Board Rule 100(D) and is moved to this Rule as part of the consolidation of the Supreme Court Rules for the Board of Law Examiners and the Rules of the Board of Law Examiners.

<sup>6</sup> Disbarred or suspended attorneys must seek re-admission in the other jurisdiction before this Board will make a determination as to present character and fitness for admission in Minnesota.

<sup>7</sup> This is a consolidation and clarification of the application process in existing Rule III and Rule 100(A)(1) through (4).

**(1) Complete Application.** ~~A person desiring admission to practice law in Minnesota shall submit a typewritten notarized~~ An applicant for admission shall file at the office of the Board an application on a form prescribed by the Board. To be accepted the application must be timely presented at the office of the Director and accompanied by ~~for filing, an application must include:~~

- (a)** The proper fee as indicated in Rule ~~105~~ 11;
- (b)** Notarized affidavits of two persons unrelated to the applicant by blood or marriage and not fellow law students during the 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 character and general reputation and other such information which bears on the applicant's fitness to practice law;
- (c)** ~~One~~ A ~~independently executed and notarized authorization for release of information on a form prescribed by the Board which is included in the application form;~~
- (d)** ~~For applicants seeking admission by examination, A~~ a ~~passport-style photo. I.D. card showing a full-face front view of the applicant in which facial features are clear and distinguishable.~~

**(2) Additional Filing for Examinee Certificate of Graduation.**<sup>8</sup> 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 has filed.

**(3) Additional Filing When Admitted Elsewhere.**<sup>9</sup> An applicant who has ever been admitted to practice in another jurisdiction shall ~~in addition to the items in paragraph A, and if applicable paragraph B, also file or cause to be filed at the time of before the application will be processed:~~

- (a)** A certified copy of the application for admission to the Bar in each jurisdiction in which the applicant ~~had~~ has previously been admitted to the practice of law;
- (b)** A certification showing the date of admission to the bar in each other jurisdiction;
- (c)** A certification from the proper authority in each ~~other~~ jurisdiction stating that the applicant is in good standing, and indicating whether the

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<sup>8</sup> Existing Rule 100(B).

<sup>9</sup> Existing Rule 100(C).

applicant is the subject of a under-pending complaint or charges of misconduct.

**(4) Professional Responsibility Test Scores.**<sup>10</sup> It is the responsibility of An applicant may file an application without having taken the Multistate Professional Responsibility Examination; however, within 12 months after filing the application, the applicant to provide evidence of satisfaction of Court Rule II A(5) by submitting shall submit a score report of showing a scaled score of 85 or higher on the Multistate Professional Responsibility Examination.

**(5) Repeat Examinee**<sup>11</sup>. An applicant who has been unsuccessful on a prior Minnesota Bar Examination may reapply by submitting: shall submit an application timely presented at the office of the Director accompanied by:

**(a)** A new application for admission pursuant to Rule 4 (C)(1):

**(b)** The proper fee as indicated in under Rule 40511;

**(c)** One independently executed and A notarized authorization for release of information on a form prescribed by the Board, which is included with the application form;

**(d)** A passport-style photo I.D. identification card showing a full-face front view of the applicant in which facial features are clear and distinguishable;

**(e)** After three examinations, a copy of a study plan approved by the Director at a conference held at least 30 days prior to the application If the original application is more than two years old, new affidavits as described in Rule 4 (C)(1)(b) of these Rules.<sup>12</sup>

**(6) Incomplete Application.** An application determined to be incomplete shall be returned to the applicant.

**(7) Withdrawal of Application.** An applicant may withdraw the application at any time prior to the issuance of an adverse determination.<sup>13</sup>

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<sup>10</sup> Existing Rule 100(D).

<sup>11</sup> Existing Rule 100(E).

<sup>12</sup> The study plan provision of the existing Rule 100(E)(5) is deleted because the applicant is best able to devise and follow his/her own study plan and is not aided by submitting it to the Board.

<sup>13</sup> This reflects current Board practice. Until an adverse determination is issued, the applicant may choose to discontinue the application process. Once the Board issues an adverse determination, the applicant is not permitted to nullify that determination by withdrawing. The applicant may choose either to appeal the adverse determination or to allow it to become the final decision of the Board.

**(8) Strict Enforcement of Time Requirements.** The time requirements set forth in these Rules shall be strictly enforced.

**D. Required Cooperation.**<sup>14</sup>

1. An applicant has the duty to cooperate with the Board and the Director by timely complying with requests, including requests to:
  - (a) Provide complete information, documents and signed authorizations for release of information;
  - (b) Obtain reports or other information necessary for the Board to properly evaluate the applicant's fitness to practice, and may require the applicant to bear the expense of obtaining that data;<sup>15</sup>
  - (c) Appear for interviews to determine eligibility for admission or facilitate the background investigation.<sup>16</sup>
2. An applicant shall not discourage a person from providing information to the Board or retaliate against a person for providing information to the Board;
3. An applicant who violates this rule may be denied an opportunity to test or may be denied admission.

**Rule 5. Standards for Admission**

**A. Essential Eligibility Requirements**<sup>17</sup> Applicants must meet the following essential eligibility requirements for the practice of law:

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<sup>14</sup> This provision is new and is similar to Rule 25 of the Minnesota Rules of Lawyers Professional Responsibility.

<sup>15</sup> This is existing Board Rule 103(C) with the exception of the fee requirements which were moved to Rule 11 -- Fees.

<sup>16</sup> This provision incorporates the existing rule 104(A) provision for interviews of applicants.

<sup>17</sup> The "Essential Eligibility Requirements of the Practice of Law," were drafted and adopted by the Board of Law Examiners in 1994 as a comprehensive description of the abilities needed to practice law. The statement includes competence as well as character. The essential eligibility requirements were derived from the ABA's 1994 MacCrate Task Force Report and from the Standards for Character and Fitness that were published as part of the Code of Recommended Standards for Bar Examiners. The Code of Recommended Standards was adopted by the National Conference of Bar Examiners (NCBE) and Association of American Law Schools (AALS). The essential eligibility requirements are included in every application packet sent to potential applicants. Applicants are referred to this statement of essential eligibility requirements in answering questions on the application.



1. The ability to reason, recall complex factual information and integrate that information with complex legal theories;
2. The ability to communicate with clients, attorneys, courts, and others with a high degree of organization and clarity;
3. The ability to use good judgment on behalf of clients and in conducting one's professional business;
4. The ability to conduct oneself with respect for and in accordance with the law;
5. The ability to avoid acts which exhibit disregard for the rights or welfare of others;
6. The ability to comply with the requirements of the Rules of Professional Conduct, applicable state, local, and federal laws, regulations, statutes and any applicable order of a Court or tribunal;
7. The ability to act diligently and reliably in fulfilling one's obligations to clients, attorneys, courts, and others;
8. The ability to use honesty and good judgment in financial dealings on behalf of oneself, clients, and others; and
9. The ability to comply with deadlines and time constraints.

**B. Character and Fitness Standards and Investigation**<sup>18</sup>

~~**A. Charge for Report.** The Board may require an applicant to furnish at the applicant's expense a background investigation report from the National Conference of Bar Examiners or to her designated agency.~~<sup>19</sup>

~~**B. Updated investigation.** The Background investigation shall be updated for any applicant whose initial investigation is over one year old, and an additional fee may be charged for that purpose.~~

**1. Purpose.** The purpose of character and fitness investigation before admission to the Bar is to assure the protection of the public and to safeguard the justice system.<sup>20</sup>

**2. Burden of Proof.** The applicant bears the burden of proving good character in support of the application.

**3. Relevant Conduct.**<sup>21</sup> The revelation or discovery of any of the following shall be treated as cause for further inquiry before the Board determines whether the applicant possesses the character and fitness to practice law:

(a) unlawful conduct;

<sup>18</sup> This proposed Rule incorporates the Character and Fitness Standards adopted by the Court.

<sup>19</sup> Existing Rule 103 (A) is incorporated into proposed Rule 11—Fees.

<sup>20</sup> The purpose statement is derived from the existing Character and Fitness Standards published as an appendix to the Rules.

<sup>21</sup> This rule is derived from the existing Character and Fitness Standards and is modified as indicated.

- (b) academic misconduct;
- (c) misconduct in employment;
- (d) acts involving dishonesty, fraud, deceit or misrepresentation;
- (e) acts which demonstrate disregard for the rights or welfare of others;
- (f) abuse of legal process, including the filing of vexatious or frivolous lawsuits;
- (g) neglect of financial responsibilities;
- (h) neglect of professional obligations;
- (i) violation of an order of a court, including child support orders;
- (j) conduct that evidences current mental or emotional instability that may impair the ability to practice law;<sup>22</sup>
- (k) conduct that evidences current drug or alcohol dependence or abuse that may impair the ability to practice law;
- (l) denial of admission to the Bar in another jurisdiction on character and fitness grounds;
- (m) disciplinary action by a lawyer disciplinary agency or other professional disciplinary agency of any jurisdiction;
- (n) making of false statements, including omissions, on bar applications in this state or any other jurisdiction.

**4. Considerations.**<sup>23</sup> The Board shall determine whether the present character and fitness of an applicant qualifies the applicant for admission. In making this determination, the following factors should be considered in assigning weight and significance to prior conduct:

- (a) the applicant's age at the time of the conduct;
- (b) the recency of the conduct;
- (c) the reliability of the information concerning the conduct;
- (d) the seriousness of the conduct;
- (e) the factors underlying the conduct;
- (f) the cumulative effect of the conduct or information;
- (g) the evidence of rehabilitation;
- (h) the applicant's positive social contributions since the conduct;
- (i) the applicant's candor in the admissions process;
- (j) the materiality of any omissions or misrepresentations.

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<sup>22</sup> The additional language in numbered items 10 and 11 reflects the Board's practice of not considering an applicant's status as an alcoholic or a mentally ill person but rather considering an applicant's conduct that suggests an impaired ability to practice law. Such conduct would justify further inquiry which may or may not lead to an adverse determination.

<sup>23</sup> This section is renamed "Considerations" but lists the same provisions as those in the "Use of Information" section of the existing Character and Fitness Standards.

**5. Continuing Obligation.**<sup>24</sup> The applicant has a continuing obligation to update the application with respect to all matters inquired of on the application. This obligation continues during the pendency of the application, including the period when the matter is on appeal to the Board or the Court.

**6. Determination.** A character and fitness determination shall be made with respect to each applicant who is a successful examinee or who is qualified by practice for admission under these Rules. An adverse determination on character and fitness grounds may be appealed under Rule 14.

**7. Advisory Opinions.**<sup>25</sup>

(a) A law student may request a written advisory opinion from the Board with respect to his or her character and fitness for admission by filing the following:

- (1) A completed application for admission;
- (2) A fee in the amount required under Rule 11;
- (3) Two notarized affidavits as required by Rule 4(C)(1)(b);
- (4) An authorization for release of information as required by Rule 4(C)(1)(c).

(b) Advisory opinions will not be binding on the Board.

~~(Amended October 1, 1986; amended May 25, 1988.)~~

**Rule III 6. Admission by Examination**<sup>26</sup>

**A. Application.** ~~An applicant for admission by examination shall file a timely application in the office of the Director accompanied by the information listed in the Rules of the Board and the proper fee.~~<sup>27</sup>

**Dates of Examinations.** Examinations shall be held the last Tuesday and Wednesday of the months of February and July each year, at a place to be determined by the Board.

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<sup>24</sup> This revision is consistent with the Board's practice of stating in each letter to the applicant that he or she has a continuing obligation to update the application. Applicants involved in misconduct while an appeal is pending or after the Board's hearing decision but prior to admission must inform the Board of relevant matters. This obligation continues until the applicant is admitted.

<sup>25</sup> Law students who seek to know what effect past misconduct may have on their prospects for admission to the Bar may request an early character and fitness investigation and receive an advisory opinion.

<sup>26</sup> Combines existing Supreme Court Rule III and Board of Law Examiners Rule 101.

<sup>27</sup> Existing Rule III provisions are deleted because they are incorporated into revised Rule 4(C).

- B. Timely Filing Deadlines.** An application for admission by examination shall be filed in the office of the ~~Director~~ Board by October 15 for the February examination, or by March 15 for the July examination.
- C. Late Filing Deadlines.** Late applications will be accepted on or before December 15 ~~1~~ for the February examination, or on or before May 15 ~~1~~ for the July examination but must be accompanied by the late filing fee pursuant to Rule 10. No applications shall be accepted after the late filing deadline.<sup>28</sup>
- D. Denial of Opportunity to Test<sup>29</sup>.** An applicant may be denied permission to take an examination: ~~for any of the following reasons:~~
- ~~(1) — Failure to file provide information in a complete and timely fashion as required by the Board or the Director;~~
  - ~~(2) — Failure to cooperate in the background investigation to determine fitness;<sup>30</sup>~~
  - ~~(3) (1) If the applicant has failed Failure to comply with the requirements of Rule 100; 4 (C):~~
  - ~~(4) (2) If the Board has determined the applicant has not satisfied the good character and fitness requirement of Court Rule HA(2) 4(A)(2).~~
  - ~~(5) — Failure to submit, after three examinations, an acceptable study plan to the Director prior to filing an application.<sup>31</sup>~~

**E. Scope of Examination.<sup>32</sup>** The Minnesota Bar Examination shall consist of the following:

- (1) One or more questions to test the applicant’s ability to perform a lawyering task using legal and factual materials provided; and
- (2) Essay questions and multiple choice questions on any combination of the following subjects:

Administrative Law  
 Civil Procedure  
 Constitutional Law

<sup>28</sup> The late application deadlines are advanced from December 15 and May 15 to December 1 and May 1 in order to allow sufficient time to evaluate and provide test accommodations.

<sup>29</sup> Existing rule 101(D).

<sup>30</sup> The cooperation provision is found in revised Rule 4(D).

<sup>31</sup> The removal of the requirement of a study plan is discussed in the footnote to revised Rule 3(C)(5)(e).

<sup>32</sup> This provision is derived from existing Rule III (B). The performance test component of the Minnesota bar exam is the subject of a petition for rule amendment filed in the Court on December 23, 1997.

Contracts  
Criminal Law and Procedure  
Ethics and Professional Responsibility  
Evidence  
Family Law (~~effective for the February, 1993 exam~~)  
Federal Individual Income Taxation  
Partnership, Proprietorship, and Corporations  
Real Property  
Torts  
Uniform Commercial Code, Art. 1, 2  
Wills, Estates and Trusts

**E. Testing Accommodations.** <sup>33</sup> An applicant for admission by examination whose disability requires special testing accommodations must ~~shall~~ submit with the application a written request pursuant to the Board's testing accommodations policy- and ~~shall describe~~. The Board will consider timely requests and advise the applicant of its decision. The following guidelines apply:

- (1) — ~~The request must be received in the office of the Director at the time the application is filed~~ The type of accommodation requested;
- (2) — ~~The request must state the accommodation requested, submitting samples, identifying brands, or describing the circumstances in sufficient detail for the Board to evaluate the test environment and to suggest alternatives, if appropriate;~~ The reasons for the requested accommodation, including medical documentation in a format set forth in the policy referenced above.-
- (3) — ~~A claim of medical reasons for an accommodation must be accompanied by a statement from an attending physician (a) setting forth the nature of the disability that requires the accommodation, and (b) attesting that the specific accommodation requested will provide a degree of relief for the disability suffered;~~
- (4) — ~~A request to typewrite essay responses shall identify by model number and brand the typewriter that will be used. Memory typewriters may not be used;~~
- (5) — ~~The applicant may be charged a reasonable fee for expenses incurred in providing the accommodation. The fee may include rental of equipment or space, hiring of examination monitors or applicant assistants, and costs of special testing forms, translation and transcription services.~~

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<sup>33</sup> This revision and consolidation of existing Rule 101(F) incorporates by reference the Board's Test Accommodations Policy adopted by Board in 1996. The Policy provides for an expedited hearing prior to the bar examination for applicants whose test accommodation requests have been denied or modified by staff decision. If applicants are not satisfied with the outcome of the expedited appeal, full appeal rights described under Rule 14 are available.

The Board shall notify the applicant of its decision. A denial or modification of a request for testing accommodations constitutes an adverse determination of the Board and may be appealed pursuant to Rule 14.

**G. Examination Results.**<sup>34</sup> The results of the examination shall be released to examinees by regular mail to the address listed in the files of the Board, and ~~posted by successful examination numbers will be posted at~~ the Court and at each Minnesota law school. The date of the release shall be announced at the examination.

**H. Failing Examination Scores.**<sup>35</sup> A failing score on the bar examination represents a final decision of the Board and does not afford the applicant the appeal and hearing rights set forth in Rule 14.

**L. Stale Examination Scores.**<sup>36</sup> A passing score on the Minnesota bar examination is valid for 24 months from the date of the examination. Applicants must be admitted within 24 months of the examination.

~~(Amended October 1, 1986; amended May 25, 1988; amended May 21, 1990; amended March 10, 1992.)~~

#### **Rule IV Z. Admission Without Examination**<sup>37</sup>

**A. Eligibility by Practice.** An applicant may be eligible for admission without examination if the applicant otherwise qualifies for admission under Rule 4, has been licensed to practice in the highest court of another jurisdiction, and as principal occupation has been actively and lawfully engaged in the practice of law in that jurisdiction or pursuant to that license for at least five of the seven years immediately preceding the application. Practice of law may include:

- (1) Legal service as a sole practitioner or as a member of a law firm, professional corporation or association;
- (2) Judicial service in a court of record or other legal service with any local or state government or with the federal government including services as a member

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<sup>34</sup> Existing Rule 101(E).

<sup>35</sup> This provision clarifies what is provided in existing Rules with respect to failing examinees not having the right to a Board hearing. By published Board policy, failing examinees' essay answers are graded and regraded twice, eliminating the need for an unsuccessful applicant to request a re-grading.

<sup>36</sup> This rule states Board practice. An applicant must be admitted within 24 months of the date of examination or the exam score is stale and the applicant must take the examination again. The 24-month life of the exam score derives from existing Rule IV(B) (revised Rule 7(C)) which provides for admission by transfer of MBE score within 24 months of examination in another jurisdiction.

<sup>37</sup> Rule 7 is the renumbered existing Rule IV.

of the Judge Advocate General's Department of one of the military branches of the United States;

(3) Legal service as inside counsel for a corporation, agency, association or trust department;

(4) Teaching full-time in any approved law school.

**B. Eligibility by Test Score.** An applicant may be eligible for admission without examination under Rule ~~HA(4)~~ 4(A)(4) if the applicant has received a scaled score of 145 or above on the Multistate Bar Examination taken as a part of and at the same time as the essay or other part of a written bar examination given by another jurisdiction, was successful on that bar examination and subsequently admitted in that jurisdiction. Evidence of the score and a completed application must be received at the office of the Board within ~~two years~~ 24 months of the date of the examination that is being used as the basis for the admission.

**C. No Waiver of Time Requirements.** The minimum time requirements and the timely filing requirements of this Rule shall be strictly enforced.

**D. Eligibility After Unsuccessful Examination<sup>38</sup>.** ~~An applicant who has been unsuccessful on the Minnesota Bar Examination may be eligible for admission without examination if the provisions of paragraph Rule 7(A) or (B) above have been undertaken and fulfilled subsequent to the~~ under this Rule notwithstanding a prior failure on the Minnesota Bar Examination.

~~**E. Application.** An applicant for admission without examination shall file an application in the office of the Director accompanied by the information listed in these Rules of the Board and the proper fee.~~

**E. Ineligibility for Admission Without Examination.** Any person who holds himself or herself out as a licensed Minnesota attorney or attempts to engages in the unauthorized practice of law in Minnesota without first obtaining a license ~~as set forth in~~ under these Rules is ineligible for admission without examination.<sup>39</sup>

~~(Former Rule VIII renumbered and amended October 1, 1986; amended December 23, 1986; amended May 25, 1988.)~~

## **Rule V 8. Temporary License for Legal Services Programs**

**A. Eligibility.** An attorney licensed in another state, or the District of Columbia, may apply for and obtain a temporary license to practice law in Minnesota when the

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<sup>38</sup> Existing Rule IV C.

<sup>39</sup> This provision is a modification of existing Rule IV(F).

applicant has accepted employment in Minnesota as an attorney for a legal services program.

**B. Filing.** In order to qualify for the license, the attorney must comply with the requirements of ~~Board Rule HA(1), (2) and (3)~~ 4(A)(1), (2), (3) and (6) and must file with the Board of Law Examiners, the following:

- (1) A completed application for temporary license to practice law in Minnesota for a legal services program;
- (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 the applicant's employer attesting to his/her knowledge of the applicant's competence and good character, and the fact that the applicant has accepted employment as an attorney for a Minnesota legal services program in Minnesota and will be supervised by a licensed Minnesota attorney;
- (4) Two additional affidavits of character as prescribed by ~~Minnesota Board of Law Examiners Rule 100A(2)~~ 4(C)(1), and a fee consistent with Rule ~~105~~ 11(F) of these Rules.

**C. Certification of Applicant's Good Character and Fitness.** The office of the Board shall conduct an expedited character and fitness investigation and certify the applicant's good character and fitness prior to issuance of a license under this Rules.<sup>40</sup>

**G. D. Limitation.** A license granted pursuant to this Rule shall authorize the attorney to practice solely on behalf of the indigent clients of the designated legal services program.

**D. E. Duration and Revocation.** This temporary license shall be valid for a period of no more than 15 months from the date of issuance. Upon notice to the Clerk of the Appellate Courts, the Board shall have authority to revoke a temporary license issued pursuant to this Rule and shall terminate upon the occurrence of any of the following:

- (1) The holder's admission to practice law in Minnesota pursuant to Rule ~~III 6~~ 6 (Admission by Examination), Rule ~~IV 7(A)~~ 7(A) (Eligibility by Practice), or ~~IV(B) 7(B)~~ 7(B) (Eligibility by Test Score);
- (2) Termination of the holder's employment with the employer referred to in Rule ~~V(B) 7(B)(3)~~ 7(B)(3); or
- (3) The lapse of 15 months from the date of issuance;

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<sup>40</sup> The Director will make an initial character and fitness determination to accommodate the often urgent need of legal services employers. A thorough character and fitness investigation will be conducted after the issuance of the temporary license and before admission under revised Rule 7.



- ~~(4) The holder's failing the Minnesota Bar Examination; or~~
- ~~(5) Issuance by the Board of an adverse determination relative to the applicant's character and fitness.~~

~~E. E. Credit for Admission Without Examination.~~ Time in the practice of law in the State of Minnesota under this temporary license may be counted toward the applicant's eligibility for admission without examination under Rule ~~IVA 7(A)~~.

~~F. 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.<sup>41</sup>

~~(Former Rule XIII renumbered and amended October 1, 1986; amended October 31, 1990.)~~

## **Rule VI 9. Temporary License for In-House Counsel**

**A. Eligibility.** An attorney licensed in another state or the District of Columbia may apply for and obtain a temporary license to practice law in Minnesota when the applicant is employed in Minnesota as an attorney solely for a single corporation (or its subsidiaries), association, business or governmental entity whose lawful business consists of activities other than the practice of law or the provision of legal services.

**B. Requirements.** In order to qualify for the license, the attorney must file with the Board of Law Examiners the following:

- (1) A completed ~~A~~ application for ~~E~~ license to ~~P~~ practice ~~E~~ 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 ~~405 11(E)~~.

**C. Certification of the Applicant's Good Character and Fitness.** An expedited character and fitness investigation will be conducted and the Director's initial

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<sup>41</sup> This language is incorporated into Rule 7(E).

certification of the applicant's good character and fitness made before issuance of a license pursuant to this Rule.

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

**D.E. Duration and Revocation.**<sup>42</sup> This Temporary License shall be valid for a period of no more than twelve months from the date of issuance and ~~and~~. Upon notice to the Clerk of Appellate Courts, the Board shall have authority to revoke a temporary license issued pursuant to this Rule 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 6 (Admission by Examination), Rule IVA 7(A) (Eligibility by Practice) or Rule IVB 7(B) (Eligibility by Examination Score);
- (2) Termination of holder's employment with the employer referenced in Rule IVB 9(B)(3);
- (3) Issuance of an adverse determination pursuant to Rule 14(A).

~~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 10. License for Foreign Legal Consultants**<sup>43</sup>

#### **Rule 11 Fees**<sup>44</sup>

**A. General.** All application fees required under these rules shall be paid in the form of ~~by~~ certified check, money order or bank draft and payable to the Board. All other fees and charges may be paid by personal check or money order. The applicable fee is determined as of the date of filing of a complete application under Rule 400 ~~4~~.

**B. Fee for Examination, Not Previously Admitted.** An applicant taking the examination for the first time and ~~making timely~~ filing on or before October 15 for the February examination, or on or before March 15 for the July examination, shall submit a fee of \$300.

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<sup>42</sup> This provision combines existing Rules VI(D) and (E).

<sup>43</sup> This provision is unchanged except to renumber existing Rule VII as revised Rule 10 and is not printed here because of its length.

<sup>44</sup> Existing Board Rule 105 has been renumbered and modified as shown.

An application for the examination submitted after the timely filing date but on or before December 15 1 for the February examination, or on or before May 15 1 for the July examination, shall include a fee of \$450.<sup>45</sup>

**C. Fee for Examination, Prior Admission.** An applicant licensed to practice in another jurisdiction more than six months ~~preceding~~ prior to the date of the Minnesota examination and ~~making a~~ timely filing shall submit a fee of \$625.

An application for examination submitted after the timely filing date but on or before December 15 1 for the February examination, or on or before May 15 1 for the July examination, shall include a fee of \$775.

An applicant licensed to practice in another jurisdiction less than six months ~~preceding~~ prior to the date of the Minnesota examination, shall comply with paragraph B of this Rule.

**D. Repeat Examinations.** An applicant who has previously been unsuccessful on the examination and filing on or before December 15 1 for the February examination, or on or before May 15 1 for the July examination, shall include a fee of \$300 and comply with Rule ~~100E and 101D(5)~~ 4(C)(5).

**E. Fee for Admission Without Examination.** An applicant for admission without examination shall submit a fee of \$625. An applicant for admission pursuant to Rule ~~V 9~~ shall submit a fee of \$825.

**F. Fee for Temporary License for Legal Services Program Practice.** A fee in the amount of \$50 must accompany an application for Temporary License pursuant to Rule ~~V 8~~. Payment of an additional fee, as required by Rule ~~105 (B) 11(B)~~, will qualify applicants under Rule ~~III 6~~. Payment of an additional fee, as required by Rule ~~105 (C) 11(C)~~, will qualify applicants under Rule ~~IVA-7(A) or IVB 7(B)~~.

**G. Transfer of Rule ~~V 8~~ Application to Rule ~~III 6~~ or Rule ~~IV Z~~ Application.** Documents submitted in support of a Rule ~~V 8~~ (Temporary License for Legal Services Programs) application for license may, upon the written request of applicant, constitute application pursuant to Rule ~~III 6~~ (Admission by Examination) or Rule ~~IV Z~~ (Admission Without Examination) of these Rules, provided additional fees required by Rule ~~105-11~~ are submitted.

**H. Refunds of Fees.** An applicant may request a refund in the amount of ~~\$50~~ \$100 in the following circumstances:

- (1) ~~An~~ If the applicant who advises the Board in writing at least four days prior to an examination of the applicant's desire to withdraw the application;

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<sup>45</sup> Filing deadlines are being moved ahead 14 days to allow adequate time for the Board to evaluate and provide special test accommodations.

(2) ~~An If the applicant was denied permission to take an examination under Rule 101D(1) or 101D(5) for failure to provide a certificate of graduation required by Rule 4(C)(2)(a).~~

No other requests for refund will be granted.

**I. Carry-over of Fees.**

**(1) Ineligible Rule 7 Applicants.** ~~The fee of an applicant declared ineligible under Court Rule IV Z (Admission Without Examination) shall be applied to an examination held within the succeeding 15 months at the written request of the applicant received within 30 days of notice of the denial. No other transfers of fees, other than those provided for in the following paragraph, shall be granted.~~

**(2) Medical Emergencies.** An applicant who is unable to sit for the examination due to a medical emergency and who notifies the Board prior to the examination, may request carry-over of the application fee to the next examination. Such requests must be made in writing and be accompanied by written documentation of the medical emergency.

**J. Transfer of Examination Scores.** A request for transfer of scores pursuant to Rule 102B 6(H) shall include a fee of ~~\$10~~25. A score report may be obtained by submitting payment of ~~\$10~~ 25 to the National Conference of Bar Examiners:

**K. Copies of Examination Answers.** An unsuccessful applicant may request copies of the applicant's essay answers upon written request to the Board within 60 days of the release of the examination results and submission of a fee of \$15.

**L. Other Fees.** <sup>46</sup>~~The Board may require an applicant to bear the expense of obtaining reports or other information as necessary for the Board's to properly evaluate the the applicant's fitness to practice, and may require the applicant to bear the expense fo obtaining that data investigation. The Board may charge reasonable fees for collection and providing publication of any information permitted to be released. For matters not covered in these Rules, the Director may set reasonable fees which reflect the costs of staff time, services, duplicating, postage, etc. administrative costs associated with the service.~~

**M. Fees for Advisory Opinions.** An application filed for the purpose of receiving an advisory opinion from the Board must be accompanied by a fee in the amount of \$100.

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<sup>46</sup> This revised Rule incorporates existing Board Rule 103 (C), existing Court Rule VIII(G), and existing Board Rule 105(L).

(Former Rules V and VIII renumbered and amended October 1, 1986; amended May 25, 1988; amended May 10, 1990; amended June 20, 1990; amended October 31, 1990; amended November 22, 1991.)

## **Rule 12      Immunity**

**A.      Immunity of the Board.** The Board and its members, employees, and agents are immune from civil liability for conduct and communications relating to their duties under these Rules or the Board's policies and procedures.

**B.      Immunity of Persons or Entities Providing Information to the Board.** Any person or entity providing to the Board or its members, employees or agents, any information, statements of opinion, or documents regarding an applicant or potential applicant is immune from civil liability for such communications.<sup>47</sup>

## **Rule 13      Information Disclosure**<sup>48</sup>

**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. Such review must take place within 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.      Work Product.** The Board's work product shall not be produced or otherwise discoverable, nor shall any member of the Board or its staff be subject to deposition or compelled testimony except upon a showing of extraordinary circumstance and compelling need and upon order of the Court. In any event, the mental impressions, conclusions, and opinions of the Board or its staff shall be protected and not subject to compelled disclosure.<sup>49</sup>

~~**B.      Examination Information.** Examination information shall be available as provided in Rules of the Board.~~

~~**C.      Access to Examination Data.**~~

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<sup>47</sup>This rule is similar to immunity provisions for many licensing boards. See, e.g., Rule 21, Rules on Lawyers Professional Responsibility; Minn. Statutes Sections 146.121 (1996) (Board of Medical Practice), 148.103 (1996) (Board of Chiropractic Examiners) and 148B.08 (Supp.1997) (Board of Marriage and Family Therapy).

<sup>48</sup> This revision is a consolidation of existing Court Rule VIII and Board Rule 102.

<sup>49</sup> This new provision is modeled after Rule 20 of the Rules on Lawyers Professional Responsibility.

(1) **Statistics.**<sup>50</sup> Statistical information relating to ~~the examinations, and admissions, and the work of the Board~~ may be released at the discretion of the Board.

(2) **Transferability of Examination Scores.** The Director may advise an ~~examinee applicant~~ whether an examination score is sufficient under the rules of a jurisdiction, upon written request of ~~an~~ the examinee, identifying by month and year the Minnesota examination taken, the exact name on the examination, and a copy of the rules of the jurisdiction in which the examinee is interested, ~~pursuant to Rule 105J.~~

(3) **Disclosure of Examination Scores.**<sup>51</sup> ~~Upon written request~~ The scores of an examinee may be disclosed as follows:

- (a) Upon written request of the examinee and payment of the fee under Rule 11(J), to the bar admission authority of a jurisdiction;
- (b) At the discretion of the Board, to the law school from which the examinee graduated;
- (c) To an unsuccessful examinee, the scores assigned to each of the various portions of the examination, and copies of answers to the essays pursuant to ~~Rule 105(K)~~ 11(K).

**G. D. Release of Information to Other Agencies.**<sup>52</sup> Information may be ~~exchanged with~~ released to any authorized lawyer disciplinary agency, ~~and released to bar admissions authorities in jurisdictions where an application is pending or to persons or other entities in furtherance of the character and fitness investigation.~~

**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.**<sup>53</sup> ~~Subject to the exceptions contained in Rule 13(C), all other examination materials and~~ All other information contained in the files of the office of the Board ~~are~~ is confidential and shall not be released to anyone other than the Court except upon order of the Court.

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<sup>50</sup> Existing Rule 102(A) is renumbered.

<sup>51</sup> Existing Board Rule 102(C).

<sup>52</sup> This provision restates and modifies existing Court Rule VIII(C), and incorporates Rule VIII (D).

<sup>53</sup> Rule 13(F) is a restatement of Court Rule VIII(F).

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

**Rule 14 Adverse Determinations and Hearings**<sup>54</sup>

~~**A. Interviews.** The Director or the Board may require in-person interviews with an applicant to clarify information in the application, to determine eligibility for admission, to review study plans, or to facilitate the background investigation.~~<sup>55</sup>

~~**A. Adverse Determination.** When an adverse determination relating to an applicant's character, fitness or eligibility is made by the Board, the Director shall notify the applicant of the determination, the reasons for the determination, the right to request a hearing, the right to be represented by counsel, and the right to present witnesses and evidence.~~

~~**B. Request for Hearing.**<sup>56</sup> The Director or the Board shall advise an applicant in writing of an adverse determination relating to the applicant's fitness or eligibility. The applicant may make a written request within 20 days of receipt of notification of the decision for a formal hearing. Within 20 days of notice of an adverse determination, the applicant may make a written request for a hearing. If the applicant does not timely request a hearing, the adverse determination becomes the final decision of the Board.~~

~~**C. Notice Scheduling of Hearing.**<sup>57</sup> The Board shall be given at least 10 days notice of any witnesses to be presented by the applicant schedule a hearing upon receipt of the applicant's request for a hearing. At least 30 days prior to the a formal hearing, the Board shall notify the applicant of the time and place, of the right to be represented by counsel, and to present witnesses and written evidence.~~

~~**D. Proceedings.**<sup>58</sup> In the discretion of the Board President, the hearing may be held before the full Board, before a sub-committee of the Board appointed by the President, or before a hearing examiner appointed by the Board to conduct a hearing President. The Board may employ special counsel. The hearing shall be recorded and a transcript shall be provided to the applicant on request at a reasonable cost.~~

~~**E. Pre-Hearing Conference.** The Board President or designee shall conduct a prehearing conference to address procedural issues. Unless the President or designee~~

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<sup>54</sup> This revision restates and clarifies the procedural rights of applicants under existing Board Rule 104. Section 104(A) has been moved to revised Rule 4.

<sup>55</sup> This provision of existing Board Rule 104 is incorporated into revised Rule 4 (D)-- Required Cooperation.

<sup>56</sup> Revision of existing Board Rule 104B

<sup>57</sup> This provision is renumbered and derived from existing Board Rule 104 (C).

<sup>58</sup> This provision is from existing Rule 104(D).

orders otherwise, Board counsel and the applicant shall exchange exhibit lists and the names and addresses of witnesses at least ten days before the hearing.

**E. Subpoenas.**<sup>59</sup> Upon written authorization of the Board President or designee, the applicant and Board counsel may subpoena evidence and witnesses for the hearing. The District Court of Ramsey County shall issue subpoenas.<sup>60</sup>

**G. Continuances.** A written request for a continuance of a scheduled hearing shall be heard by the Board President or designee, who shall grant such request only upon a showing of good cause.

**H. Determination—Final Decision.** ~~Upon the conclusion of~~ Following the hearing, the Board shall notify the applicant of its prepare findings of fact, conclusions of law and a determination: final decision. ~~A copy shall be sent to the applicant and all parties to the proceedings by certified mail with return receipt requested.~~<sup>61</sup>

**F. Action on Appeal.** ~~If the applicant appeals the determination of the Board under Court Rule VIII, the Board shall file with the Clerk of the Appellate Courts the findings, conclusions of law and determination of the Board.~~<sup>62</sup>

### **Rule 15. Appeal to the Supreme Court**<sup>63</sup>

**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 Appellate Courts within 20 days of receipt by the applicant of a final decision of the Board together with proof of service of the petition on the Director 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.

**B. Board Response.**<sup>64</sup> ~~(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. Within 20 days of service of the petition, the Board shall serve and file a response to the petition and a copy of the final decision of the Board.~~ Thereupon the Court shall give such directions, hold such hearings and make such order as it may in its discretion deem appropriate.

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<sup>59</sup> This provision is taken from Board Rule 104(D), renumbered and modified.

<sup>60</sup> This rule describes existing procedure and is modeled on Rule 14 of the Rules on Lawyers Professional Responsibility.

<sup>61</sup> Derived from existing Rule 104(E). Notice is defined in proposed Rule 2—Definitions.

<sup>62</sup> The provision has been incorporated into Rule 15.

<sup>63</sup> Existing Court Rule IX.

<sup>64</sup> Existing Court Rule IX (A)(2).



**Rule 16**      **Reapplication After Denial.**<sup>65</sup>

After expiration of the time ~~for appeal~~ allowed in ~~paragraph A Rule 14(B) or Rule 15(A),~~ or after denial of petition by the Court, an applicant determined not to have satisfied ~~Rule II A(2) the character and fitness requirement may not reapply~~ is prohibited from reapplying for admission to practice in Minnesota for three years following from the date of the Board's adverse determination.

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

**Rule 17**      **Bar Admissions Advisory Council**<sup>66</sup>

**A. Creation.** There shall be an Advisory Council consisting of representatives of the State Bar Association and of each of the Minnesota law schools to consult with the Board on matters of general policy concerning admissions to the Bar, amendments to the Rules and other matters related to the work of the Board.

**B. Meetings.** The Secretary of the Board shall call a joint meeting of the Advisory Council and the Board at least once each year. The Council shall meet at such other time as it may determine or when called by the Court or the Board.

**C. Expenses.** The members of the Advisory Council shall receive no compensation or reimbursement of expenses and shall serve for terms of three years.

~~(Former Rule XII renumbered October 1, 1986.)~~

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<sup>65</sup> Existing Court Rule IX (B).

<sup>66</sup> Existing Board Rule 106.