STATE OF MINNESOTA

IN SUPREME COURT

C5-84-2139

ORDER ESTABLISHING DEADLINE FOR SUBMITTING COMMENTS ON PROPOSED AMENDMENTS TO THE MINNESOTA RULES FOR ADMISSION TO THE BAR

WHEREAS, the Minnesota Stat Board of Law Examiners has proposed changes to the Minnesota Rules for Admission to the Bar, and these amendments only seek to clarify what the Board requires of attorneys licensed in other states who seek admission to the Bar of Minnesota; and

WHEREAS, this Court will consider the proposed changes without a hearing after soliciting and reviewing comments on the proposed changes;

IT IS HEREBY ORDERED that any individual wishing to provide statements in support or opposition to the proposed changes shall submit twelve copies in writing addressed to Frederick K. Grittner, Clerk of the Appellate Courts, 25 Constitution Avenue, St. Paul, Minnesota 55155, no later than Friday, February 25, 2000. A copy of the Board's petition containing the proposed changes is annexed to this order.

Dated: January 19, 2000

BY THE COURT:

Kathleen A. Blatz
Chief Justice

STATE OF MINNESOTA

IN Supreme Court

FILE NO. C5-84-2139

Petition of the Minnesota State Board of Law Examiners For Amendment of the Minnesota Rules for Admission to the Bar

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 Minnesota Rules for Admission to the Bar (Rules) in order to clarify what the Board requires of attorneys licensed in other states who seek admission to the Bar of Minnesota. In support of this Petition, the Board asserts the following:

1. The Supreme Court has the exclusive and inherent power to regulate the practice of law.
2. Rule 7A of the Minnesota Rules for Admission to the Bar governs the admission of attorneys without examination by permitting practicing attorneys licensed in other states or the District of Columbia to be admitted to the Minnesota Bar without taking and passing the Minnesota State Bar Exam. This Rule rests upon the assumption that an attorney who graduated from an accredited law school and practiced law for more than 5 years without significant disciplinary or other problems, has made an adequate showing of

legal competence and therefore need not take and pass the Minnesota Bar Exam prior to admission to the Minnesota Bar.

3. Twenty-four (24) other states of the United States admit attorneys without examination upon a showing of some form of practice experience. Twenty-six (26) states, including California and Florida, do not admit attorneys unless they sit for and pass the state bar exam.

4. Those states that permit admission on motion do so based upon various definitions of acceptable practice and appropriate legal education. For example, Iowa admits law professors without examination but accepts no other types of legal practice as sufficient for admission without examination. Illinois, on the other hand, like Minnesota, recognizes several different types of practice as qualifying for admission without examination, including practice as a law professor, government attorney, military attorney, in-house counsel, or judicial officer.

5. In the past few years, an increasing number of attorneys have sought admission on motion under Rule 7A claiming to have misunderstood the proper interpretation of the Rule. The following provision, particularly the language in italics, appears to be the source of the problem: "An applicant may be eligible for admission without examination if the applicant ... 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."

6. The current Rule states that the qualifying practice of law must have taken place "in that jurisdiction," meaning in the jurisdiction where the attorney was licensed. The phrase, "or pursuant to that license," was intended to describe the attorney who has practiced for the federal government or in the JAG Corps and is licensed in one state but, because of the requirements of the federal or military position, practiced elsewhere. Typically, members of the JAG or attorneys with federal agencies need to be licensed in any state in order to practice law for the military or the federal government. It is not uncommon that such attorneys are moved from state to state and practice without being admitted in the state of residence.

7. With greater mobility in the legal profession, attorneys other than those employed by the JAG or federal government are increasingly moving from state to state with corporate transfers or law firm changes. Such attorneys are applying for admission in Minnesota under Rule 7A and expecting that the Board will interpret the "pursuant to" language of Rule 7A to permit them to base their eligibility for admission in Minnesota on practice that occurred in a state where they were not licensed. In some instances, attorneys who have been conducting a practice and residing in the state of Minnesota during part of the 5 year eligibility period have argued that their practice was conducted "pursuant to" another state's license, and therefore, should qualify them for admission in Minnesota without taking the examination. Such arguments clearly are contrary to the Board's intention with respect to this Rule.

8. The proposed amendment eliminates the phrase "pursuant to" and states with clarity that the practice of law for the purposes of admission on motion is limited to seven (7) specific types of legal practice: a solo legal practice, practice in a law firm, practice as a judge, practice as an attorney for a state or local governmental entity, in-house counsel for a corporation, attorney for the JAG or federal government, or a professor teaching full time in an approved law school. It also states with clarity that only the last two categories — employment as an attorney with the federal government (including JAG Corps service) or teaching in an approved law school -- may be conducted outside of the state of licensure. The law teaching exception recognizes that law professors have special expertise in their fields and that their membership in the local bar is beneficial to the legal community.

9. In addition to the Rule 7A amendments, the Board recommends an addition to the Rule 2 definition section in order to define the word "jurisdiction", a term that is used in Rules 4, 5, and 7 to describe other states of the United States or the District of Columbia, as well as territories of the United States. The definition eliminates confusion concerning where an applicant's practice experience must occur.

10. The last proposed change is a minor amendment to Rule 4 providing that an applicant's Multistate Professional Responsibility Exam score (the ethics exam administered by the National Conference of Bar Examiners) does not have to be submitted within 12 months of the application but rather, may be submitted any time while the application is pending. The current Rule's

requirement that the test score be submitted within 12 months of application places hardships on applicants who are occupied in preparation for the Minnesota Bar Exam. This provides applicants with a longer period of time in which to take and pass the Multistate Professional Responsibility exam.

11. The Board's recommendations with respect to Rule 2, Rule 4 and Rule 7A are set forth below:

Rule 2 DEFINITIONS

I. " Jurisdiction" means the District of Columbia or any state or territory of the United States.

Rule 4. General Requirements for Admission

C. Application for Admission

(4) Professional Responsibility Test Scores. An applicant may file an application without having taken the Multistate Professional Responsibility Examination; however, ~~within 12 months after filing the application~~, the applicant shall submit a score report showing a scaled score of 85 or higher on the Multistate Professional Responsibility Examination prior to being admitted.

Rule 7: Admission without examination

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 leas 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 a s a member of the Judge Advocate General's Department of one of the military branches of the finitude States;~~

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

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

and provides documentary evidence showing that for at least five of the seven years immediately preceding the application, the applicant has been licensed to practice law, has been in good standing in the highest court of another jurisdiction, and as principal occupation, has been actively and lawfully engaged in the practice of law as:

(1) a sole practitioner;

(2) a member of a law firm, professional corporation or association;

(3) a judge in a court of record;

(4) an attorney for any local or state governmental entity;

(5) inside counsel for a corporation, agency, association or trust department;

(6) an attorney with the federal government or a federal governmental agency including service as a member of the Judge Advocate General's Department of one of the military branches of the United States; and/or

(7) a professor teaching full-time in any approved law school.

The practice of law must have been in the jurisdiction where the applicant is licensed and during the period of licensure unless the practice falls under (6) or (7) above.

CONCLUSION

By the proposed amendments, the Board states with specificity that any attorney seeking admission in Minnesota is required to base his or her eligibility upon five (5) years of legal practice in a jurisdiction (other than the state of Minnesota) in which the attorney not only was licensed and in good standing, but a jurisdiction in which the attorney was practicing during the relevant period. Minnesota's Rule 7A provision permitting admission without testing is a liberal provision that is designed to allow a broad spectrum of legal practice to be substituted for taking the Minnesota bar exam. It is not intended to reward attorneys who neglect or avoid becoming licensed in the jurisdiction where they are practicing. Nor is it intended to encourage attorneys to avoid participating in and contributing to any other states' systems of attorney regulation and licensure.

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

Dated:

John D. Kelly
President
Minnesota State Board of Law Examiners
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(651) 297-1857
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February 24, 2000

Frederick K. Grittner
Clerk of the Appellate Courts
25 Constitution Avenue
St. Paul, MN 55155

Re: File No. C5-84-2139

Dear Mr. Grittner:

Enclosed are twelve copies of my Statement in Opposition to the changes proposed by the Minnesota State Board of Law Examiners to the Minnesota Rules for Admission to the Bar.

Very truly yours,

William J. Wernz
Attorney at Law

WJW/sg

cc: John D. Kelly
Margaret Fuller Cornielle

STATE OF MINNESOTA

In Supreme Court

FILE NO. C5-84-2139

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

STATEMENT IN OPPOSITION TO PETITION

TO: THE HONORABLE JUSTICES OF THE MINNESOTA SUPREME COURT:

On January 19, 2000, the Minnesota State Board of Law Examiners ("Board") filed a petition in the Minnesota Supreme Court to amend the Board's rules regarding when a lawyer licensed outside Minnesota may be admitted based on practice experience, without taking the Minnesota bar examination. The amendment to the rules sought by the Board would require that, in order to be admitted in Minnesota without examination, the applicant must have practiced "in" a state of licensure other than Minnesota for 5 of the last 7 years, rather than either "in" that state or, as the rule now provides, "pursuant to" that license. The amendment would delete the words "pursuant to," apparently because with the increasing mobility and federalization of law the Board is receiving numerous waiver requests based on the "pursuant to" language.

I oppose the Board's proposal as a practicing Minnesota lawyer and as a lawyer who represents clients before the Board of Law Examiners. I oppose the petition because it would require lawyers to take the bar examination, without regard to the knowledge of the law that may be presumed from their experience. The Board's proposal should also be rejected because it does not make a positive response to the increasing lawyer mobility which the Court found important twenty years ago.

The rule amendment would effectively overrule the Minnesota Supreme Court's holding in *Collins v. State Bd. of Law Examiners*, 295 N.W.2d 83 (Minn. 1980).[1/] In *Collins* two patent lawyers were licensed in Wisconsin or Illinois for less than five years, then moved to Minnesota, practiced in-house patent law for a few years, and applied for admission in Minnesota without bar examination. The Board denied their applications, saying that they had not practiced while in Minnesota "pursuant to" any license. The Court reversed, implicitly holding that a lawyer licensed in state A, outside Minnesota could, in appropriate circumstances, be regarded as practicing pursuant to the state A license while in another state, including Minnesota.

1/ Insofar as the petition would overturn substantive law, its purpose is not merely "to clarify," as it states. The petition actually posits a situation similar to *Collins*, of "attorneys who have been conducting a practice and residing in the state of Minnesota during part of the 5-year eligibility period. [Who] have argued that their practice was conducted 'pursuant to' another state's license, and therefore, should qualify them for admission in Minnesota without taking the examination." Petition at 4. The Board rejects the Court's position in *Collins* when it states, "such arguments clearly are contrary to the Board's intention with respect to this Rule."

The rule amendment sought by the Board would also do nothing to satisfy the concerns of a dissenting justice in *Collins*, who stated, "In my opinion, these proceedings demonstrate that a revision that would more nearly comport with the reality of the growing specialization in the practice of law and the interstate mobility of lawyers is long overdue." *Id.* at 84. Twenty years after this statement, the Board has proposed a change which takes less account of interstate mobility.

The rule amendment would not serve the basic purpose of the admissions rules - ensuring that applicants are knowledgeable and fit. Several examples will illustrate that the rule would require examination of the legal knowledge of lawyers when the same lawyers could have been admitted without examination at a time when the were less knowledgeable.

The base line comparison for each example involves an applicant who was admitted in Illinois in 1992, practiced law there for 5 years and applied in Minnesota in 1997. The applicant would be admitted without examination-- the presumption being that the applicant "has made an adequate showing of legal competence and therefore need not take and pass the Minnesota Bar Exam prior to admission to the Minnesota Bar." Petition at 2.

If, however, this same attorney moved for the period 1997 - 2000 from Illinois to Minnesota and practiced exclusively patent law, and was admitted before the PTO; or moved to the United Kingdom and practiced there pursuant to a UK license; or was house counsel doing federal regulatory or international law work outside of Illinois; the applicant would have to take the bar examination in the year 2000 that he or she would not have had to take in 1997. Why?

The applicant's legal knowledge (which is the subject of the bar examination) cannot be the answer, because the applicant with eight years of practice is presumptively more knowledgeable than the applicant with five years experience.

If testing knowledge is not the rationale for requiring the examination, what is the rationale? The Petition offers two rationales. The first is that the "pursuant to" exception was originally intended by the Board only to apply to law school professors and federal government lawyers. Petition at 5. This historical rationale offers no reason why *Collins* should be overturned and no substantive reason for the Board's proposal. Nor does this rationale explain why a lawyer in the above circumstances who happens to be employed by the federal government would not have to take the bar examination, while a lawyer in private practice would have to take the examination.

The Petition's second rationale is that any standard more flexible than the Board's physical location test will "reward attorneys who neglect or avoid becoming licensed in the jurisdiction where they are practicing." Petition at 8. The several situations exemplified above do not involve neglect or avoidance, but these attorneys would suffer the penalty of unnecessary examination.

An assumption that the above applicant would have been engaged in the unauthorized practice of law during 1997-2000 would be erroneous in the above cases. In other cases the assumption is debatable, where, for example, an in house counsel is transferred from place to place, practices essentially national law and does not always obtain a license where he or she works. House counsel without licenses in the jurisdictions where they are

employed would never be disciplined for unauthorized practice of law unless they obviously misbehaved, by attempting to appear in court or holding themselves out to the public or the like.

Even where the assumption of unauthorized practice is correct, imposing the examination requirement does not fit with the discerned problem. The examination tests knowledge and does not cure any fitness problem that is associated with temporarily practicing law in a jurisdiction without a license. Under the Board's proposal, the examination becomes a punishment for presumed misconduct.

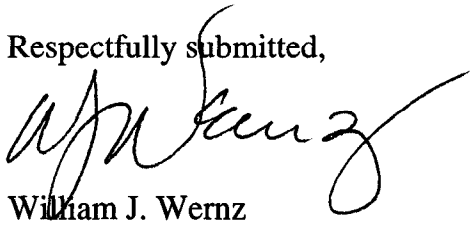
The proposal would have practical effects on house counsel and others. For example, I have negotiated with the Board for house counsel who is licensed in state A, is transferred to state B, but still commutes to A, to be regarded as practicing "pursuant to" the A license. Attorneys in this position would, under the amendment, now have to take the bar exam. To take another example, a lawyer who has a Wisconsin license and works for a corporation which is in Wisconsin, but who lives in Minnesota and communicates by modern telecommunications would not be "in the jurisdiction where the applicant is licensed." A petition at the beginning of the twenty-first century which seeks increased importance for the physical location of a lawyer is a petition that requires careful scrutiny.

One solution to the Board's concerns would be to require only the five years licensure in another state, and delete "pursuant to" from the rule. The Board could handle any serious possible unauthorized practice as a fitness problem, but not worry about the many applicants who, for their main occupations, have worked in house, have done federal

law, etc. Any concern with borderline unauthorized practice could be addressed by requiring that the applicants pay fees for the years that they worked as house counsel in Minnesota without a local license.

Although my comments above are addressed to the "pursuant to" provision of the rules, I wish to address one other matter, namely the limited exception for, "a professor teaching full-time in any approved law school." This exception appears too limited. Assume, for example, that the long-time dean of a nationally-known, indeed preeminent, law school, were to become dean of a new law school located in the Twin Cities. Assume, further, that the dean, once a stellar law school professor, in fact had not taught "full-time" for at least several years. The exception for professors recognizes "that their membership in the local bar is beneficial to the legal community." Petition at 5. However, if the dean were to apply for bar admission in Minnesota under the proposed rule amendment, he would be told that he must take the bar examination, on the ground that he had not been "teaching full-time" for some years. The justification for such a rule is not apparent.

Respectfully submitted,



Dated: February 24, 2000

William J. Wernz
Attorney at Law

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executive director

ROGER C. COBB
director of adminstration

February 24, 2000

Fredrick K. Grittner
Clerk of the Appellate Courts
25 Constitution Avenue
St. Paul, MN 55155

RE: File No. C5-84-2139, Petition for Amendment to the Rules for Admission to the Bar

Dear Mr. Grittner:

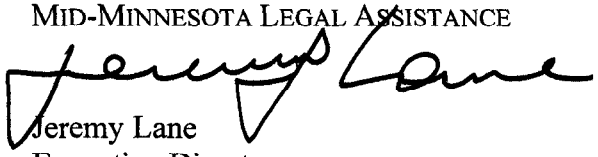
I am writing on behalf of the Minnesota Legal Services Coalition to raise two issues which I believe could be clarified without changing the intent or substance of the proposal.

1. Currently, Rule 8F provides that practice in Minnesota under Special Licensure for Legal Services Programs counts towards eligibility for admission without examination under Rule 7. While that language is not removed in the proposed amendments, the tightening-up of Rule 7, in particular the final sentence of the proposed rule, could be read as being inconsistent with Rule 8F and by implication repealing it. I do not think that is intended. I think this problem could be solved simply by adding to the final sentence of Rule 7A, at the end, the phrase "or Rule 8F of these Rules."

2. A second, lesser concern relates to the list of types of practice in proposed rule 7A. The list does not appear to describe legal services practice, unless such practice is considered to be practice as a member of a professional corporation or association. I am certainly comfortable with that interpretation, although the term "professional corporation," I believe, has a fairly specific meaning under Minnesota law. This issue could be addressed either by some clarifying reference in the opinion accompanying promulgation of the new rule or by adding a phrase in Rule 7A (2) such as: "or non-profit Legal Services provider."

Thank you very much for your consideration of these comments.

Very truly yours,
MID-MINNESOTA LEGAL ASSISTANCE



Jeremy Lane
Executive Director
on behalf of the Minnesota Legal Services Coalition

JL:pjc

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MEMORANDUM

To: Chief Justice Blatz and Associate Justices

From: Peg Corneille, Director, MN Board of Law Examiners

Date: March 7, 2000

Subject: Response to Statements in Opposition

Fred Grittner asked that I respond to the statements filed in opposition to the Board's proposed amendment seeking to clarify Rule 7A of the Rules for Admission to the Bar. The proposed amendments clarify the requirements for admission without examination of attorneys licensed in other states seeking admission to the Bar of Minnesota. Two comments were filed:

1. Jeremy Lane, Executive Director of the Minnesota Legal Services Coalition, raised two points: The first is that the proposed revised Rule 7 does not include reference to a provision of Rule 8F permitting legal services attorneys who are issued temporary Rule 8 licenses to use the practice time in Minnesota toward eligibility for admission without examination under Rule 7A. The Board has no objection to the modification suggested by Mr. Lane: that the final sentence of Rule 7A be modified to add the phrase "or Rule 8F of these Rules."

Mr. Lane's second point is that Rule 7A(2) does not include within its definition of the practice of law, persons who are employed by and practicing law within a legal services organization. Mr. Lane recommends that Rule 7A(2) be amended to add the language "non-profit Legal Services provider." The Board disagrees that this modification is necessary. Attorneys practicing law for a legal services program are in fact practicing for a "law firm, professional corporation or association" within the meaning of Rule 7A(2). There is no need to set out a separate category to include legal services because legal services has never been excluded.

2. William J. Wernz has also filed a Statement in Opposition. He asserts that the adoption of the proposed language would overrule the Court's holding in Collins v. State Bd. Of Law Examiners, 295 N.W.2d 83 (Minn. 1980) allowing admission without examination of two in-house patent attorneys. The attorneys had been living and

working in the State of Minnesota for a period of time that precluded their eligibility for admission based on five years of practice out of the past seven years. The Board disagrees with Mr. Wernz's analysis on several bases:

A. The Collins decision, a copy of which is attached hereto, is a summary decision that does not detail the facts underlying the Board's denial and provides little analysis concerning the reasons for the Court's determination for admission. However, it is known that both attorneys were patent lawyers licensed by an agency of the federal government to practice patent law. Since the issuance of this decision, the Board has admitted licensed patent lawyers to Minnesota, so long as they have five years of licensed practice – regardless of where that practice occurred. The Board's Petition for Rule Amendment seeking to clarify the language of the current Rule, was not intended either to expand or to limit the current scope of the Rule or to overrule Collins. In fact, Rule 7A and its predecessor Rule VIII (admission on motion) has been changed at least two times since the 1980 Collins decision without any change in the treatment of licensed patent attorneys. The admission on motion Rule in its previous and current form does not address the treatment of patent attorneys. There is no reason to conclude that there will be a change with the amendment. The Board will continue to interpret the Collins case as requiring that federally licensed patent attorneys are admitted regardless of the location of their practice. In the future the Board will examine the larger question of what is the proper scope and purpose of the admission on motion rule. In the course of a wider examination of the implications of this Rule, the issue of modifying the rule to include specific reference to patent attorneys might be appropriate. The purpose of the current amendment is merely to clarify the present scope of the Rule. The Board would have no basis upon which to begin interpreting the Rule in a more restrictive manner simply because the language was clarified.

B. Mr. Wernz also states that the proposed amendment does nothing to satisfy the concerns raised in the Collins dissent of Justice Rogosheske about "the growing specialization in the practice of law" and "the interstate mobility of lawyers." This is true. The proposed amendment was intended only to clarify, not to take on these broad concerns. The larger issues need to be considered and will be in due time. But the Board is not prepared at this time to offer a sweeping change in the Rule.

3. Mr. Wernz next asserts that the proposed amendment would not serve the basic purpose of the admission rule: "to ensure that applicants are knowledgeable and fit." In fact, the purpose of Rule 7A and the amendments thereto are intended to define the terms and conditions upon which attorneys in other jurisdictions may expect to be admitted without examination in the State of Minnesota. Minnesota currently has one of the most liberal rules in the country for admitting attorneys on motion. Either five years of practice out of the past seven years or a score of 145 or higher on the Multistate Bar Examination, if taken within the past two years, will permit an attorney to be admitted in the State of Minnesota without examination. The clarification sought by this amendment

is only that the practice that serves as a basis for avoiding the examination must have been licensed practice.

Mr. Wernz's comments do not take into consideration that the Board's admission on motion rule has long required that attorneys seeking admission not flaunt the Minnesota rule by attempting to practice in this state while gaining the necessary years of practice. In 1988, the Board's concern about attorneys who were seeking admission based on their years of practice in Minnesota was captured in a new rule -- later renumbered as Rule 7E. This Rule states simply that

> "[a]ny person who holds himself or herself out as a licensed Minnesota attorney or attempts to engage in the practice of law in Minnesota without first obtaining a license under these Rules is ineligible for admission without examination."

The Rule operates with respect to attorneys coming to Minnesota and attempting to engage in a "national practice of law" or a "federal practice of law" (other than as federally licensed patent attorneys or employees of the federal government) to not afford them the benefit of admission without examination. The Rule is intended as a formula that puts attorneys on notice when they may avoid re-testing and a formula that can be fairly administered. It is not a perfect means of discriminating relative levels of legal knowledge. It is a reasonable standard that can be applied fairly to all applicants without requiring that the Board delve into the legal expertise of each applicant.

4. Mr. Wernz raises many topical issues with respect to cross-border practice and international practice, and aptly states the difficulties inherent in prosecuting the unauthorized practice of law. Such issues are well beyond the scope of these Rule amendments. They will be, however, the subject of the Board's future examination of appropriate standards for the admission of licensed attorneys in Minnesota and are likely to be the subject of future proposed rule amendments. These proposals will be brought forth only after full consideration by the Board, including participation and input from other groups within the Minnesota Bar.

5. Mr. Wernz's concern regarding the admission of deans under the law faculty provision is unfounded. The Board has encountered this issue and has determined that deans of ABA accredited law schools are by definition members of the teaching law faculty and as such fulfill the requirement of the current Rule.

CONCLUSION

The proposed amendment is intended to address an increasing concern about attorneys who seek admission on motion under Rule 7A claiming to have misunderstood the Rule. The proposed amendment addresses the source of the problem without attempting to restructure the underlying requirements for admission on motion. Attorneys who have been conducting a practice and residing in the State of Minnesota during part of the five year eligibility period have argued that their practice

was conducted "pursuant to" another state's license, and therefore, should qualify them for admission in Minnesota without taking the examination. Such arguments clearly are contrary to the language of revised Rule 7A, as well as existing Rule 7E. Attorneys who have been practicing in states where they are not licensed, are also outside of the contemplation of the existing and amended Rule. It is likely that with further study the Board may conclude that some modern models of inter-state or international practice should be reflected in future rule amendments. The broader issue of what, if any, changes are appropriate for future consideration of admission on motion should be addressed after full study.

It is hoped that this adequately responds to the comments that have been filed in opposition. With the exception of adding the language to Rule 7A suggested by Mr. Lane, the Board is satisfied that the proposed language is appropriate for now and will be helpful in immediately clarifying the application of this Rule. The Board respectfully requests that the Court adopt the proposed amended Rules.