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THE SUPREME COURT OF MINNESOTA  
BOARD OF LAW EXAMINERS

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February 8, 2007

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OFFICE OF  
APPELLATE COURTS  
FEB - 8 2007  
FILED *h*

Re: Petition of the Minnesota State Board of Law Examiners

Dear Mr. Grittner:


Enclosed is the Petition of the Minnesota State Board of Law Examiners for Amendment of the Rules for Admission to the Bar, along with a copy of the current Rules with mark-ups showing proposed amendments.

Also enclosed is a clean copy of the amended Rules as they would read if the proposed changes are adopted.

Please give me a call at (651) 201-2706 if you have any questions about the proposed rule amendments.

Very truly yours,

MINNESOTA BOARD OF LAW EXAMINERS

  
Margaret Fuller Corneille  
Director

Enclosures

**STATE OF MINNESOTA**

**In Supreme Court**

**FILE NO.**

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

**PETITION FOR  
RULE AMENDMENT**

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**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 for Admission to the Bar (Rules) in order to designate the number of terms a Board member may serve as President of the Board; codify what constitutes a quorum for the Board; add honesty as an essential eligibility requirement; provide additional guidance for applicants on what evidence they should anticipate providing when seeking to prove rehabilitation from past misconduct; remove Administrative Law as a subject to be tested on the Minnesota Bar Examination; increase the period of time before an examination score becomes stale; revise Rule 7, admission without examination, in light of recent changes to the Minnesota Rules of Professional Conduct; remove

the re-issuance provisions in the temporary house counsel license; revise Rule 11, Foreign Legal Consultant License, to clarify and improve it; revise Rule 18 to give the Board additional flexibility in determining when an applicant who has been denied admission to the bar may reapply. The Board also respectfully petitions the Court to amend the Rules to make other minor revisions to improve the administration of the bar admission process or to improve the clarity of the Rules. In support of its Petition, the Board asserts the following:

1. The Minnesota Supreme Court has the exclusive and inherent power to regulate the practice of law in Minnesota.
2. Under the supervision of the Court, the Board is responsible for ensuring that lawyers who are admitted to the bar in Minnesota have the competence as well as the character and fitness required to maintain the trust and confidence of clients, the public, the legal system, and the legal profession.

### **Rule 3A Term Limits for Board President**

3. At the request of the Court, the Board recommends amending Rule 3A to provide that the President of the Board may serve only two

terms as President, for a total of six years. The two terms as President may be served before or after serving as many as three terms as a Board member. This change will ensure that the President's position changes regularly. This change also makes the Board's rule consistent with the Lawyers Professional Responsibility Board rule that limits its Chair to serving two terms as Chair.

### **Rule 3C Quorum**

4. The Board recommends an addition to Rule 3 specifying that a quorum is a majority of the sitting members.

### **Rule 4, Evidence of Graduation**

5. One of the threshold eligibility requirements for applicants to the bar is that they have graduated from a law school approved by the American Bar Association (ABA). The applicant must have his or her law school submit documentation to the Board verifying that the applicant has graduated. The changes in Rule 4D clarify what the Board requires as documentation. The terminology "conferral of degree" is more precise than the term "graduation" and is the

language used in law schools when describing the granting of the Juris Doctor (JD) degree.

### **Rule 5, New Essential Eligibility Requirement**

6. The Board lists the essential eligibility requirements for the practice of law in Rule 5A. Although the requirements currently include the “ability to use honesty and good judgment in financial dealings,” they do not include a requirement specifically addressing honesty alone. The Board believes the ability to be honest and candid with others, including clients, lawyers, courts, and the Board, is essential to the practice of law. The Board recommends placing honesty as the first of the essential eligibility requirements.

### **Rule 5, Evidence of Rehabilitation**

7. Under Rule 5B, when an applicant has a history of relevant conduct that requires the Board to investigate further, the Board considers a number of factors in its investigation. One of these factors is “evidence of rehabilitation.” In order to codify what the Board considers to be evidence of rehabilitation, as well as educate applicants about such evidence, the Board recommends listing the

types of evidence of rehabilitation it might consider in evaluating character and fitness for admission. The Board hopes that this list will encourage applicants to engage in certain conduct in furtherance of their rehabilitation as well as document that conduct in their applications.

### **Rule 6, Removing Administrative Law as a Separate Topic and Re-naming the Business Entities Topic**

8. The Board is recommending removing Administrative Law from the list of possible essay examination question topics in Rule 6, Admission by Examination. In the essay testing format, most Administrative Law questions constitute questions about due process, which is covered within the Constitutional Law topic. Because the Board understands that this proposed change may have an impact in the local law schools, it has already notified the Deans of the four Minnesota law schools about this proposed change.
  
9. The Board recommends re-naming the topic “Partnership, Proprietorship, and Corporations” as “Business Associations” to clarify that issues concerning all types of business associations, including limited liability companies (LLCs), may be tested on the essay examination.

## **Rule 6, Stale Examination Scores**

10. Currently, a passing score on the Minnesota Bar Examination is valid for 24 months from the date of the examination. This deadline becomes important for applicants whose serious character and fitness issues require extensive Board investigation. In some instances the applicant is slow to respond to the Board's requests for information. In other cases an applicant may be serving a court-ordered probation. These circumstances apply to only a very small number of applicants. However, the issue arises often enough that the Board wants to prevent the scores from becoming stale before its investigation is complete. In order to do this, it is recommending an increase in the length of time the score is valid from 24 to 36 months.

## **Rule 7, Admission Without Examination**

11. The Board is proposing to change its Rule 7, Admission Without Examination, to make it consistent with recent changes in the Minnesota Rules of Professional Conduct (MRPC) and the ABA Model Rule on Admission by Motion. The MRPC now permit lawyers licensed in another state to practice in Minnesota on a temporary

basis without a Minnesota license. The Board's current Rule 7A requires an applicant for admission without examination to have practiced for five (5) of the last seven (7) years in a state where he or she is licensed. The time a lawyer licensed in another state has spent practicing in a state on a temporary basis without a license cannot be counted toward the five (5) years of practice requirement.

12. The proposed changes to Rule 7A would permit the Board to count time spent practicing in Minnesota without a license, or in another state without a license, toward the required five (5) years of experience. In order for this time to count the applicant must already be licensed in some other state and the practice performed prior to licensure must have been permissible under the professional conduct and bar admission rules of the state where the practice was performed.
  
13. In its review of Rule 7, the Board worked with the Minnesota State Bar Association's (MSBA) Multijurisdictional Practice Task Force. The Board and the Task Force's Admission on Motion Subcommittee reviewed the ABA Model Rule on Admission by Motion prior to recommending changes to Rule 7. The recommended changes permit counting temporary practice and time spent practicing in a



state where the applicant is not licensed. These changes are consistent with the Model Rule on Admission by Motion's approach to practice outside of a state where the lawyer is licensed.

14. Other recommended changes to Rule 7, also consistent with the ABA Model Rule on Admission by Motion, include a provision requiring that the applicant be in good standing in all of the jurisdictions where admitted. The current rule presumes that the applicant will only be admitted in one other jurisdiction. The proposed amendments also replace the terms "sole practitioner" and "member of a law firm" with the word "lawyer." This will ensure that lawyers who are representing clients other than in a law firm or house counsel setting and all lawyers in law firms (not just partners) are clearly covered by the rule.
  
15. The Board recommends eliminating Rule 7G which provides that a lawyer practicing law in Minnesota without a license is ineligible for admission without examination. This provision is inconsistent with the Minnesota Rules of Professional Conduct which now permit temporary practice in Minnesota without a license.

## **Rule 9, Admission by Temporary House Counsel License**

16. The proposed changes to Rule 9 would eliminate the possibility of a re-issuance of the temporary house counsel license. This option is currently available to a temporary house counsel license holder whose license expires due to termination of employment. The re-issuance is conditioned upon entering into new house counsel employment within 90 days of the employment termination. Given the extremely short duration of the temporary license (12 months) it would be more appropriate for temporary license holders who change jobs within the term of the temporary license to apply for the Rule 10 House Counsel License, rather than a re-issuance of the Rule 9 temporary license.

## **Rule 11, License for Foreign Legal Consultants**

17. The Board licenses lawyers from foreign countries who seek to practice the law of their home country in Minnesota as Foreign Legal Consultants (FLCs). The Board began its review of Rule 11, License for Foreign Legal Consultants, at the request of the MSBA's Multijurisdictional Task Force, which was considering the ABA's

Model Rule on Licensing Foreign Legal Consultants (Model Rule on FLCs). The Model Rule on FLCs reflects the experience other jurisdictions have had in licensing foreign legal consultants. The Board is recommending changes to Rule 11 to bring it into conformity with the ABA's Model Rule on FLCs.

18. These changes include permitting the FLC applicant to use legal experience outside his or her home country to qualify for the license. This change would permit a FLC who has been practicing as a FLC in another state, for example, to use that practice experience to qualify for the FLC license here. The proposed amendments replace the age requirement with the requirement of a post-secondary degree in law, recognizing that possessing a law degree is more relevant than the applicant's age. The proposed amendments require that the FLC intend to practice in Minnesota and maintain an office here. This is to discourage all but bona fide applicants who intend to practice in Minnesota as a FLC. The proposed amendments also permit a FLC to provide advice on personal property, clarify permissible employment arrangements, allow the FLC to claim professional privileges such as the attorney-client privilege, and add provisions for revocation of the license if the Board determines that the FLC no longer meets the license requirement.

19. In addition, there are several existing provisions in Rule 11 that are not included in the Model Rule on FLCs. The Board is recommending keeping these provisions because it believes they enhance the FLC licensing process. Those provisions include the following:

- Requiring the FLC applicant to provide three letters of recommendation from attorneys in the foreign country where the applicant is admitted; and
- requiring the FLC to use written retainer agreements when rendering legal services and when holding any client funds or valuables.

20. The Board is also recommending several new provisions, not included in the Model Rule on FLCs, that it believes will enhance the FLC licensing process. Foreign legal consultants serving as house counsel will be permitted to have a broader scope of practice. House counsel FLCs will be able to practice Minnesota, federal, or other state law on behalf of their employer and will not be subject to the written retainer agreement when providing services or holding valuables. A FLC serving as house counsel may use the title “counsel” and will not have to use the title “Foreign Legal Consultant, Admitted to the Practice of Law in [Name of Country].” The recommended amendments also

provide for a three-year renewal cycle for all FLCs corresponding with the Continuing Legal Education reporting cycle.

### **Rule 15, Adverse Determinations and Hearings**

21. The Board is recommending changes to Rule 15, Adverse Determinations and Hearings, to provide for a longer time prior to hearings in which to resolve any procedural issues that might arise. In Rule 15D the Board recommends adding language reiterating the fact that the applicant has the burden of proof in bar administration matters.

### **Rule 16, Conditional Admission**

22. The Board is proposing to revise Rule 16, Conditional Admission, to enable the Board to recommend that an applicant be conditionally admitted without having to conduct an adversarial Rule 15 hearing. As it has gained experience in conditionally admitting applicants since the Rules were amended in September 2004, the Board has found that in certain instances applicants contact the Board and suggest that conditional admission may be appropriate given the history of conduct. In other instances the Board may notify an applicant of the

possibility of conditional admission. In both instances it is more efficient to proceed to a discussion of the terms of the conditional admission rather than to conduct an adversarial Rule 15 hearing to establish that conditional admission is warranted. When the terms have been agreed upon by the Board's staff and the applicant, a brief non-adversarial hearing is conducted in order to establish the record on which the conditional admission is based and in order to execute the consent agreement. These proposed rule revisions are designed to put applicants on notice that they may initiate a request for conditional admission. The revisions also set forth the appeal rights that an applicant has if the applicant's request for conditional admission is denied.

### **Rule 18, Reapplication**

23. The proposed revisions to Rule 18, Reapplication, give the Board increased flexibility in determining the appropriate length of time before reapplication when an applicant is denied admission and conditional admission or has a conditional admission license revoked. Currently, the waiting period for reapplication is three years. Under the proposed changes, the Board may specify a shorter waiting period depending upon the applicant's circumstances. The Board

seeks greater flexibility in fixing the length of this waiting period because it has found that the circumstances vary significantly among applicants for whom the Board conducts a full hearing, makes findings of fact and conclusions of law, and renders a final decision.


### **Other Minor Rule Revisions**

24. The Board recommends several minor rule changes to clarify the rule provisions. These minor changes are self-explanatory and are shown as changes to existing Rules 4, 5, 6, 9, 10, 11, 12, 16 and 19.

Two versions of the Rules are attached. **Exhibit A** is a copy of the Rules with mark-ups showing the proposed amendments. **Exhibit B** is a clean copy of the amended Rules as they would read if the proposed amendments are adopted.

Based upon the foregoing, the Board respectfully requests that the Court amend the current Rules for Admission to the Bar and adopt the proposed amended Rules attached to this Petition.

Dated: February 8, 2007

  
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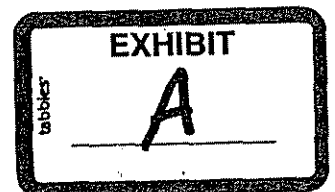
  
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STATE OF MINNESOTA

RULES FOR ADMISSION TO THE BAR

As amended  
~~September 1, 2004~~  
                    , 2007



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## **RULE 1. PURPOSE**

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 lawyers.

## **RULE 2. DEFINITIONS AND DUE DATE PROVISIONS**

### **A. Definitions.** As used in these Rules:

- (1) "Application file" means all information relative to an individual applicant to the bar collected by or submitted to the Board while the application is pending and during any conditional admission period.
- (2) "Approved law school" means a law school provisionally or fully approved by the American Bar Association.
- (3) "Board" means the Minnesota State Board of Law Examiners.
- (4) "Court" means the Minnesota Supreme Court.
- (5) "Director" means the staff director for the Board.
- (6) "Good character and fitness" means traits, including honesty, trustworthiness, diligence and reliability, which are relevant to and have a rational connection with the applicant's present fitness to practice law.
- (7) "Jurisdiction" means the District of Columbia or any state or territory of the United States.
- (8) "Legal services program" means a program existing primarily for the purpose of providing legal assistance to indigent persons in civil or criminal matters.
- (9) "Notify" or "give notice" means to mail or deliver a document to the last known address of the applicant or the applicant's lawyer. Notice is complete upon mailing, but extends the applicant's period to respond by three days.

**B. Due Dates Provisions.** Due dates specified under these Rules shall be strictly enforced and shall 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.

## **RULE 3. STATE BOARD OF LAW EXAMINERS**

**A. Composition.** The Board shall consist of nine members, including a President. Seven of the members shall be lawyers having their principal office in this state and two of whom shall be non-lawyer public members, each appointed by the 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. The President shall be appointed by the Court and shall serve as President, at the pleasure of the Court, for no more than six years. 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 instruments that the Board finds valid and reliable in measuring the competence of applicants to practice law, and to pay reasonable compensation for them;
- (3) To employ examination graders;
- (4) To establish a minimum passing score for the examinations;
- (5) To conduct investigations of applicants' backgrounds 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 recommend to the Court the admission and licensure of applicants to practice law in Minnesota;
- (7) To administer these Rules and adopt policies and procedures consistent with these Rules;
- (8) To delegate to its President and Director authority to make necessary determinations to implement the Board's policies and procedures and these Rules;
- (9) 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 and Quorum.** Board meetings are open to the public except when the Board is considering the following:

- (1) Examination materials;
- (2) Any information concerning an applicant, potential applicant, or conditionally admitted lawyer;
- (3) Personnel matters;
- (4) Any information which is confidential or private under Rule 14;
- (5) Legal advice from its counsel.

Board members may attend meetings in person or, in extraordinary circumstances, by conference call. A quorum of the Board shall be a majority of its sitting members. Minutes of the public portions of Board meetings are available upon request from the Board office.

## **RULE 4. GENERAL REQUIREMENTS FOR ADMISSION**

**A. Eligibility for Admission.** The applicant has the burden to prove eligibility for admission by ~~An applicant is eligible for admission to practice law upon providing satisfactory evidence of the following 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 Rules 7A, 7B, 8, 9, or 10;
- (5) A scaled score of 85 or higher on the Multistate Professional Responsibility Examination (MPRE); and
- (6) Not currently suspended or disbarred from the practice of law in another jurisdiction.

**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.** To be accepted as complete, an application must be submitted on a form prescribed by the Board together with the following:

- (1) A fee in an amount prescribed by Rule 12;
- (2) A notarized authorization for release of information form;
- (3) For applicants seeking admission by examination, a passport-style photo;
- (4) Two notarized affidavits of good character from persons who have known the applicant for at least one year and who:
  - (a) Are unrelated to the applicant by blood or marriage and not living in the same household; and
  - (b) Were not fellow law students during the applicant's enrollment.
- (5) The notarized affidavits of good character must address the following:
  - (a) The duration of time and circumstances under which the affiant has known the applicant;
  - (b) Details respecting the applicant's character and general reputation; and
  - (c) Other information bearing on applicant's character and fitness to practice law.

**D. Certificate of Graduation Evidence of Graduation (Conferral of Degree).** At least 30 days prior to the examination ~~Each applicant shall file, or cause to be filed,~~ an original ~~certificate of graduation from~~ document from the applicant's law school, signed by the dean or other authorized person ~~an approved law school~~ stating:

- (1) ~~That the applicant law school has graduated- conferred a J.D. or LL.B. degree upon applicant;~~ or
- (2) ~~That the applicant has completed all coursework 30 days prior to the examination for which the applicant has applied, fulfilled all requirements for graduation conferral of degree, and will be graduated awarded a J.D. or LL.B. degree within 120 days following that examination for which the applicant has applied.~~

~~An applicant for admission by examination must file the certificate or cause the certificate to be filed at least 30 days prior to the examination.~~

An applicant filing evidence of conferral of degree pursuant to Rule 4D(2) shall cause to be filed a certified transcript verifying the award of the degree within 120 days following the examination.

**E. Additional Filing When Admitted Elsewhere.** An applicant who has been admitted to practice in another jurisdiction shall also file or cause to be filed at the time of the application:



- (1) An ~~certified~~ authentic copy of the application for admission to the bar from the bar admissions authority in each jurisdiction in which the applicant was previously admitted to the practice of law;
- (2) An ~~certification~~ authentic document showing the date of admission to the bar in each other jurisdiction;
- (3) An ~~certification~~ authentic document from the proper authority in each jurisdiction stating that the applicant is in good standing; and
- (4) An ~~certification~~ authentic document from the proper authority in each jurisdiction indicating whether the applicant is the subject of any pending complaint or charge of misconduct.

**F. Applicant Without MPRE Score.** An applicant may file an application without having taken the Multistate Professional Responsibility Examination (MPRE). However, the applicant shall not be admitted until he or she has submitted evidence of an MPRE scaled score of 85 or higher. Such applicants must be admitted within 12 months of the date of a written notice from the Board or the application will be considered to have been withdrawn.

**G. Repeat Examinee.** An applicant who has been unsuccessful on a prior Minnesota Bar Examination may reapply by submitting:

- (1) A new application for admission pursuant to Rule 4C;
- (2) The proper fee under Rule 12;
- (3) A notarized authorization for release of information on a form prescribed by the Board;
- (4) A passport-style photo; and
- (5) If the original application is more than two years old, new affidavits as described in Rule 4C(4) of these Rules.

**H. Incomplete Application.** An application determined to be incomplete shall be returned to the applicant.

**I. Withdrawal of Application.** An applicant may withdraw the application by notifying the Board in writing at any time prior to the issuance of an adverse determination.

**J. Required Cooperation.**

- (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;
  - (c) Appear for interviews to determine eligibility for admission or facilitate the background investigation.
- (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) If the Board determines that An applicant who has breached the duty to cooperate, violates this Rule the Board may deem the application withdrawn, ~~may be denied~~deny an opportunity to test or ~~may be denied~~deny admission.

## **RULE 5. STANDARDS FOR ADMISSION**

### **A. Essential Eligibility Requirements.** Applicants must meet the following essential eligibility requirements for the practice of law:

- (1) The ability to be honest and candid with clients, lawyers, courts, the Board, and others;
- ~~(2)~~ The ability to reason, recall complex factual information and integrate that information with complex legal theories;
- ~~(3)~~ The ability to communicate with clients, lawyers, courts, and others with a high degree of organization and clarity;
- ~~(4)~~ The ability to use good judgment on behalf of clients and in conducting one's professional business;
- ~~(5)~~ The ability to conduct oneself with respect for and in accordance with the law;
- ~~(6)~~ The ability to avoid acts which exhibit disregard for the rights or welfare of others;
- ~~(7)~~ 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;
- ~~(8)~~ The ability to act diligently and reliably in fulfilling one's obligations to clients, lawyers, courts, and others;
- ~~(9)~~ The ability to use honesty and good judgment in financial dealings on behalf of oneself, clients, and others; and
- ~~(10)~~ The ability to comply with deadlines and time constraints.

### **B. Character and Fitness Standards and Investigation.**

- (1) Purpose. The purpose of the character and fitness investigation before admission to the bar is to protect the public and to safeguard the justice system.
- (2) Burden of Proof. The applicant bears the burden of proving good character and fitness to practice law ~~in support of the application.~~
- (3) Relevant Conduct. 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;
  - (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;
  - (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) The making of false statements, including omissions, on bar applications in this state or any other jurisdiction.
- (4) Considerations. 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 shall 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 as defined in Rule 5B(5);
  - ~~(h) The applicant's positive social contributions since the conduct;~~
  - ~~(h)~~ The applicant's candor in the admissions process; and
  - ~~(h)~~ The materiality of any omissions or misrepresentations.
- ~~(5)~~ (5) Rehabilitation. An applicant who affirmatively asserts rehabilitation from past conduct may provide evidence of rehabilitation by submitting one or more of the following:
- (a) Evidence that the applicant has acknowledged the conduct was wrong and has accepted responsibility for the conduct;
  - (b) Evidence of strict compliance with the conditions of any disciplinary, judicial, administrative, or other order, where applicable;
  - (c) Evidence of lack of malice toward those whose duty compelled bringing disciplinary, judicial, administrative or other proceedings against applicant;
  - (d) Evidence of cooperation with the Board's investigation;
  - (e) Evidence that the applicant intends to conform future conduct to standards of good character and fitness for legal practice;
  - (f) Evidence of restitution of funds or property, where applicable;
  - (g) Evidence of positive social contributions through employment, community service, or civic service;
  - (h) Evidence that the applicant is not currently engaged in misconduct;
  - (i) Evidence of a record of recent conduct that demonstrates that the applicant meets the essential eligibility requirements for the practice of law and justifies the trust of clients, adversaries, courts and the public;
  - (j) Evidence that the applicant has changed in ways that will reduce the likelihood of recurrence of misconduct; or
  - (k) Other evidence that supports an assertion of rehabilitation.
- ~~(5)~~ (6) Continuing Obligation. 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)~~ (7) 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 15.

~~(7)~~ (8) Advisory Opinions.

- (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 a completed application for admission, a fee in the amount required under Rule 12L, two notarized affidavits as required by Rule 4C(4), and an authorization for release of information as required by Rule 4C(2).
- (b) Advisory opinions will not be binding on the Board.

## **RULE 6. ADMISSION BY EXAMINATION**

- A. 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.
- B. Timely Filing Deadlines.** An application for admission by examination shall be filed in the office of the 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 1 for the February examination, or on or before May 1 for the July examination but must be accompanied by the late filing fee pursuant to Rule 12. No applications shall be accepted after the late filing deadline.
- D. Denial of Opportunity to Test.** An applicant may be denied permission to take an examination:
  - (1) When the applicant has failed to comply with the requirements of Rule 4C, or 4D, or 4J; or
  - (2) When the Board has determined the applicant has not satisfied the good character and fitness requirement of Rule 4A(2).
- E. Scope of Examination.** The Minnesota Bar Examination shall consist of six essay questions, the Multistate Bar Examination (MBE), and at least one performance test question.
  - (1) Essay Questions. The essay questions may include any of the following subjects:
    - ~~Administrative Law~~
    - Business Associations (partnerships, proprietorships, and corporations, including limited liability companies)
    - Civil Procedure
    - Constitutional Law
    - Contracts
    - Criminal Law and Procedure
    - Ethics and Professional Responsibility
    - Evidence
    - Family Law
    - Federal Individual Income Taxation
    - ~~Partnership, Proprietorship, and Corporations~~
    - Real Property
    - Torts

Uniform Commercial Code, Art. 1, 2  
Wills, Estates and Trusts.

- (2) Performance Test. The performance test shall include one or more questions testing the applicant's ability to perform a lawyering task using legal and factual materials provided.

**F. Testing Accommodations.** An applicant whose disability requires testing accommodations shall submit with the application a written request pursuant to the Board's testing accommodations policy and shall describe:

- (1) The type of accommodation requested;
- (2) The reasons for the requested accommodation, including medical documentation in a format set forth in the policy referenced above.

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 15.

**G. Examination Results.** The results of the examination shall be released to examinees by regular mail to the address listed in the files of the Board, and successful examination numbers will be posted at the Court, on the Board's website, and at each Minnesota law school. The date of the release shall be announced at the examination.

**H. Failing Examination Scores.** A failing score on the bar examination ~~represents~~is a final decision of the Board and does not afford the applicant the appeal and hearing rights set forth in Rule 15.

**I. Stale Examination Scores.** A passing score on the Minnesota Bar Examination is valid for ~~24~~36 months from the date of the examination. Applicants must be admitted within ~~24~~36 months of the examination.

## **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, and provides documentary evidence showing that for at least five of the seven years immediately preceding the application, the applicant was:

- (1) ~~has been~~ licensed to practice law;
- (2) ~~has been~~ in good standing in before the highest court of ~~another~~ all jurisdictions where admitted; and
- (3) engaged, as principal occupation, ~~has been in the~~ actively and lawfully engaged in the practice of law as a:
  - (1)(a) A ~~sole practitioner~~ lawyer representing one or more clients;
  - (2)(b) A ~~member of~~ lawyer in a law firm, professional corporation or association;
  - (3)(c) A judge in a court of record;
  - (4)(d) A lawyer for any local or state governmental entity;

- ~~(5)(e)~~ House counsel for a corporation, agency, association or trust department;
- ~~(6)(f)~~ A lawyer 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)(g)~~ 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, or Rule 8F of these Rules. To constitute the lawful practice of law the above activities must have been performed in a jurisdiction in which the applicant is admitted, or performed in a jurisdiction that permits such activity by a lawyer not admitted to practice. Practice falling under (f) or (g) above performed outside a jurisdiction where the applicant is licensed shall be considered the lawful practice of law.~~

- B. Eligibility for Admission by Test Score.** An applicant may be eligible for admission without examination under Rule 4A(4) if the applicant has received a scaled score of 145 or higher on the Multistate Bar Examination (MBE) 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 was subsequently admitted in that jurisdiction. The applicant shall submit evidence of the score and a completed application to the Board within 24 months of the date of the qualifying examination being used as the basis for the admission.
- C. Transfer of MBE Score.** An applicant seeking to transfer a MBE score achieved in another jurisdiction to Minnesota shall submit a written request for transfer to the National Conference of Bar Examiners.
- D. MBE Score Advisory.** Upon written request, the Director will advise an applicant or potential applicant who took and passed a bar examination in another jurisdiction whether or not his or her MBE score satisfies the requirements of Rule 7B. Requests for score advisory shall include the following:
- (1) Complete name and social security number of the examinee; and
  - (2) Month, year, and jurisdiction of test administration.
- E. No Waiver of Time Requirements.** The minimum time requirements and the timely filing requirements of this Rule shall be strictly enforced.
- F. Eligibility After Unsuccessful Examination.** An applicant may be eligible for admission without examination under this Rule notwithstanding a prior failure on the Minnesota Bar Examination.
- ~~**G. Ineligibility for Admission Without Examination.** Any person who holds himself or herself out as a licensed Minnesota lawyer 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.~~

## **RULE 8. ADMISSION BY TEMPORARY LICENSE FOR LEGAL SERVICES PROGRAMS**

- A. Eligibility.** A lawyer licensed in another jurisdiction may apply for and be admitted under a temporary license to practice law in Minnesota when the applicant has accepted employment in Minnesota as a lawyer for a legal services program.
- B. Filing.** In order to qualify for the license, the lawyer must comply with the requirements of Rule 4A(1), (2), (3) and (6) and must file with the Board, the following:
- (1) A completed application for temporary license to practice law in Minnesota for a legal services program;
  - (2) A certificate or certificates from the proper authority in each jurisdiction certifying that the lawyer is in good standing and that no charges of professional misconduct are pending;
  - (3) An affidavit from the applicant's employer attesting to his or her knowledge of the applicant's competence and good character, and the fact that the applicant has accepted employment as a lawyer for a legal services program in Minnesota and will be supervised by a licensed Minnesota lawyer;
  - (4) Two additional affidavits of character as prescribed by Rule 4C(4), and a fee consistent with Rule 12G 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 Rule.
- D. Limitation.** A license granted pursuant to this Rule shall authorize the lawyer to practice solely on behalf of the indigent clients of the designated legal services program.
- 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 upon the occurrence of any of the following:
- (1) The holder's admission to practice law in Minnesota pursuant to Rule 6 (Admission by Examination), Rule 7A (Eligibility by Practice) or 7B (Eligibility by Test Score);
  - (2) Termination of the holder's employment with the employer referred to in Rule 8B(3);
  - (3) The lapse of 15 months from the date of issuance;
  - (4) The holder's failure of the Minnesota Bar Examination; or
  - (5) Issuance by the Board of an adverse determination relative to the applicant's character and fitness.
- F. 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 7A.

## **RULE 9. ADMISSION BY TEMPORARY HOUSE COUNSEL LICENSE**

**A. Practice by House Counsel.** A lawyer licensed in another jurisdiction shall not practice law in Minnesota as house counsel unless he or she is admitted to practice in Minnesota under this Rule, Rule 6 (Admission by Examination), Rule 7 (Admission Without Examination), or Rule 10 (Admission by House Counsel License).

**B. Eligibility.** A lawyer licensed in another jurisdiction may apply for and be admitted under a temporary house counsel license when the lawyer:

- (1) Is employed in Minnesota as house counsel 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; and
- (2) Has practiced law by engaging in one or more of the activities listed in Rule 7A, for at least three of the previous five years; and
- (3) Complies with the eligibility provisions of Rule 4A, with the exception of Rule 4A(5).

The practice of law must have been in the jurisdiction where the applicant is licensed and during the period of licensure unless the applicant, during the qualifying period, was practicing as house counsel for a corporation, agency, association or trust department.

**C. Requirements.** In order to qualify for the temporary house counsel license, the applicant shall comply with the requirements of these Rules and file the following with the Board:

- (1) An application for license to practice law in Minnesota;
- (2) A certificate or certificates from the proper authority in each jurisdiction certifying that the applicant is in good standing and listing any complaint of professional misconduct pending against the applicant;
- (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 house counsel solely for said employer, that applicant is an individual of good character, and that the nature of the employment meets the requirements of Rule 9B(1); and
- (4) A fee consistent with Rule 12F.

**D. Limitation.** A license issued pursuant to this Rule authorizes the holder to practice solely for the employer designated in the affidavit required by Rule 9C(3).

**E. Issuance of Temporary House Counsel License.** In order to facilitate issuance of the temporary license, an expedited character and fitness investigation will be conducted.

**F. Duration and Expiration of Temporary License.** The temporary license shall expire 12 months from the date of issuance, or sooner, upon the occurrence of any of the following:

- (1) Termination of the holder's employment with the employer referenced in Rule 9C(3); or



- (2) Admission to practice law in Minnesota pursuant to Rule 6 (Admission by Examination), Rule 7 (Admission Without Examination), or Rule 10 (Admission by House Counsel License); or
- (3) Issuance of an adverse determination pursuant to Rule 15A.

After expiration of a temporary house counsel license, the former license holder, unless already admitted to practice law in Minnesota under another of these Rules, shall not practice law in Minnesota or otherwise represent that he or she is admitted to practice law in Minnesota.

**G. House Counsel License.** An applicant for or holder of a temporary house counsel license who anticipates practicing in Minnesota for more than 12 months should also apply for a house counsel license under Rule 10 or another license under these Rules.

**H. Notice of Termination of Employment.** A holder of a temporary house counsel license shall notify both the Board and the Office of Attorney Registration in writing within 10 business days of termination of employment with the employer referenced in Rule 9C(3).

~~**I. Re-Issuance of Temporary House Counsel License.** At the Director's discretion, a temporary house counsel license that has expired due to termination of employment as described in Rule 9F(1) may be reissued for the remainder of the period specified in Rule 9F if re-issuance is requested within 90 days of the expiration of the license, provided that the other requirements of this Rule are met at the time of the request for re-issuance. The fee for re-issuance of the license shall be consistent with Rule 12M.~~

~~**J. I. Credit for Admission Without Examination.** Time in the practice of law under the temporary house counsel license may be counted toward eligibility for admission without examination under Rule 7A.~~

~~**K. J. Professional Conduct and Responsibility.** A lawyer licensed under this Rule shall abide by and be subject to all laws and rules governing lawyers admitted to the practice of law in this state.~~

## **RULE 10. ADMISSION BY HOUSE COUNSEL LICENSE**

**A. Practice by House Counsel.** A lawyer licensed in another jurisdiction shall not practice law in Minnesota as house counsel unless he or she is admitted to practice in Minnesota under this Rule, Rule 6 (Admission by Examination), Rule 7 (Admission Without Examination), or Rule 9 (Admission by Temporary House Counsel License).

**B. Eligibility and Requirements.** A lawyer licensed in another jurisdiction or the holder of a temporary house counsel license issued pursuant to Rule 9B and 9C, who intends to practice in Minnesota for more than 12 months, may apply for a house counsel license upon submission of evidence of:

- (1) Compliance with eligibility and other requirements set forth in Rule 9; and

(2) A scaled score of 85 or higher on the Multistate Professional Responsibility Examination.

**C. Limitation.** A license issued pursuant to this Rule authorizes the holder to practice solely for the employer designated in the Rule 9C(3) affidavit.

**D. Expiration of House Counsel License.** The house counsel license shall expire upon termination of the holder's employment with the employer referenced in Rule 9C(3). After a house counsel license expires, the former license holder, unless already admitted to practice law in Minnesota under another of these Rules, shall not practice law in Minnesota or otherwise represent that he or she is admitted to practice law in Minnesota.

**E. Notice of Termination of Employment.** A house counsel license holder shall notify both the Board and the Office of Attorney Registration in writing within 10 business days of termination of employment with the employer referenced in Rule 9C(3).

**F. Re-issuance of House Counsel License.** At the Director's discretion, a A-house counsel license that has expired due to termination of holder's employment as described in Rule 10D may be reissued for the remainder of the period specified in Rule 9F at the Director's discretion if re-issuance is requested within 90 days of the expiration of the license, provided that the other requirements of this Rule are met at the time of the request for re-issuance. The fee for re-issuance shall be consistent with Rule 12M.

**G. Credit for Admission Without Examination.** Time in the practice of law under the house counsel license may be counted toward eligibility for admission without examination under Rule 7A.

**H. Professional Conduct and Responsibility.** A lawyer licensed under this Rule shall abide by and be subject to all laws and rules governing lawyers admitted to the practice of law in this state.

## **RULE 11. LICENSE FOR FOREIGN LEGAL CONSULTANTS**

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

**B. Requirements.** In order to qualify for the license the applicant must:

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

- (3) Be in current good standing as a lawyer or counselor at law or the equivalent in that country, and have remained in good standing throughout the period of his or her practice; ~~and~~
- (4) Possess the good character and fitness required for admission to practice in this state; ~~and~~
- (5) ~~Be at least 24 years of age~~ Have been awarded a post-secondary degree in law; ~~and~~
- (6) Intend to practice as a foreign legal consultant in this state; and ~~Maintain an office in the State of Minnesota for the rendering of services as a foreign legal consultant.~~
- (7) Maintain an office in this state for the purpose of practicing as a foreign legal consultant.

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

- (1) A sworn and notarized typewritten Application for Foreign Legal Consultant License;
- (2) ~~An~~ duly authenticated certificate from the authority having final jurisdiction over professional discipline in the foreign country in which the applicant is admitted to practice, which shall be accompanied by the official seal, if any, of such authority, and which shall certify:
  - (a) The authority's jurisdiction in such matters;
  - (b) The applicant's admission to practice in ~~such~~ the foreign country, the date of admission, and the applicant's good standing as a lawyer or counselor at law or the equivalent in that jurisdiction;
- (3) ~~An~~ duly authenticated document from the authority having final jurisdiction over professional discipline in any foreign country or jurisdiction in which ~~said consultant~~ the applicant has been licensed as a lawyer or as a foreign legal consultant indicating whether any charge or complaint has ever been filed against the applicant with ~~such~~ the authority, and, if so, the substance of each ~~such~~ charge or complaint, and the adjudication or resolution of each ~~such~~ charge or complaint;
- (4) A letter ~~of~~ recommendation signed by, and accompanied with the official seal, if any, of one of the members of the executive body of ~~such~~ the authority having final jurisdiction over professional discipline or from one of the judges of the highest court of law of ~~such~~ the foreign country, certifying to the applicant's professional qualifications;
- ~~(5) A summary of the law or rule, if any, of such foreign country which permits members of the Minnesota Bar to establish offices for the giving of legal advice to clients in such foreign country;~~
- ~~(6)~~ (5) Letters of recommendation from at least three ~~attorneys~~ lawyers or counselors at law or the equivalent admitted in and practicing in ~~such~~ the foreign country where the applicant is admitted, setting forth the length of time, and under what circumstances they have known the applicant and stating their appraisal of the applicant's good character and fitness for admission;

- ~~(7)~~(6) Notarized letters of recommendation from at least two members in good standing of the Minnesota Bar, setting forth the length of time, and under what circumstances they have known the applicant and their appraisal of the applicant's good character and fitness for admission;
- ~~(8)~~(7) ~~Such~~Any other evidence as to the applicant's educational and professional qualifications, good character and fitness and compliance with the requirements of this rule as the ~~Minnesota Board of Law Examiners~~ may require; and
- (8) A statement that the foreign legal consultant has read, understood, and made a commitment to observe the Minnesota Rules of Professional Conduct;
- (9) A score report showing that the applicant received a scaled score of 85 or higher on the Multistate Professional Responsibility Examination, or a sworn statement attesting to the applicant's attendance, within the previous 12 months, of no fewer than six hours of coursework in legal ethics accredited by the Minnesota Board of Continuing Legal Education;
- (10) Evidence of professional liability insurance in an amount deemed sufficient by the Director;
- (11) A written and notarized statement setting forth the foreign legal consultant's address within the State of Minnesota and designating the Clerk of Appellate Courts as agent for the service of process for all purposes;
- (12) An affidavit stating that the foreign legal consultant shall notify the Board of any resignation or revocation of such foreign legal consultant's admission to practice in the foreign country of admission, or in any other state or jurisdiction in which the foreign legal consultant has been licensed as a lawyer or counselor at law or equivalent or as a foreign legal consultant, or of any censure, suspension, or expulsion in respect of such admission;
- (13) If employed as house counsel, an affidavit from an officer, director, or general counsel of applicant's employer attesting to the fact that applicant is employed as house counsel solely for that employer and agreeing to notify the Board if the applicant's employment is terminated; and
- ~~(9)~~(14) A fee in the amount of ~~\$1,000~~\$1,200, in the form of a certified check or money order.

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

**E. Scope of Practice.** A person licensed as a foreign legal consultant under this ~~Rule~~ may render legal services in ~~the State of Minnesota~~ this state regarding ~~respecting~~ the laws of the country in which ~~such person~~ the foreign legal consultant is admitted to practice as a lawyer, counselor at law or equivalent.

- (1) The foreign legal consultant shall not, ~~however,~~ conduct any activity or render any services constituting the practice of the law of the United States, ~~the State of Minnesota~~ of this state, or that of any other state, commonwealth or territory of the United States or the District of Columbia including, but not limited to, the restrictions that ~~such person~~ the foreign legal consultant shall not:

- (1) (a) Appear for another person as a lawyer in any court or before any magistrate or other judicial officer or before any federal, state, county or municipal governmental agency, quasi-judicial or quasi-governmental authority in ~~the State of Minnesota~~ this state, or prepare pleadings or any other papers in any action or proceedings brought in any ~~such~~ court or before any ~~such~~ judicial officer, except as authorized in any rule or procedure relating to admission pro hac vice, or pursuant to administrative rule;
- (2) (b) Provide legal advice in connection with the preparation of any deed, mortgage, assignment, discharge, lease, agreement of sale or any other instrument affecting title to:
- ~~(a) Real property located in the United States of America;~~
- ~~(b) Personal property located in the United States of America, except where the instrument affecting title to such personal property is governed by the law of a jurisdiction in which the foreign legal consultant is admitted to practice as a lawyer or counselor at law or the equivalent;~~
- (3) (c) Prepare:
- ~~(a) Any will or trust instrument affecting the disposition of any property located in the United States of America and owned by a resident thereof; or~~
- ~~(b) Any instrument relating to the administration of a decedent's estate in the United States of America;~~
- (4) (d) Prepare any instrument in respect of the marital relations, rights or duties of a resident of the United States ~~of America~~ or the custody or care of the children of ~~such~~ a resident;
- (5) (e) Render professional legal advice on the law of ~~the State of Minnesota~~ this state or the United States ~~of America~~ or any other state, subdivision, commonwealth or territory of the United States ~~of America~~ or the District of Columbia (whether rendered incident to the preparation of a legal instrument or otherwise);
- (6) (f) In any way represent that ~~such person~~ the foreign legal consultant is admitted to the Minnesota Bar ~~of the State of Minnesota~~ or is licensed as a lawyer or foreign legal consultant in another state, territory or the District of Columbia, or as a lawyer or counselor at law or the equivalent in a foreign country, unless so licensed;

- (7) ~~(g)~~ Use any title other than "Foreign Legal Consultant, ~~Not-Admitted to the Practice of Law in Minnesota~~", in ~~[name of country]~~. ~~provided that such person's~~ The foreign legal consultant's authorized title and firm name in the foreign country in which ~~such person~~ the foreign legal consultant is admitted to practice as a lawyer or counselor at law or the equivalent may be used if the title, firm name, and the name of ~~such~~the foreign country are stated together with the above-mentioned designation;
- (8) ~~(h)~~ Render any legal services for a client without utilizing a written retainer agreement which shall specify in bold type that the foreign legal consultant is not admitted to practice law in ~~the State of Minnesota~~this state, nor licensed to advise on the laws of the United States or the District of Columbia, and that the practice of the foreign legal consultant is limited to the laws of the foreign country where such person is admitted to practice as a lawyer or counselor at law or the equivalent; or
- (9) ~~(i)~~ Hold any client funds or valuables without entering into a written retainer agreement which shall specify in bold type the name of a Minnesota lawyer licensed in good standing who is also representing the particular client in the particular matter at hand.

(2) A foreign legal consultant who is employed in Minnesota as house counsel solely for a single corporation (or its subsidiaries), association, business, or governmental entity is not subject to the restrictions as to scope of practice set forth in Rule 11E(1) (e), (f), (g) (h), and (i) provided that the practice is performed exclusively for the employer referenced above. A foreign legal consultant employed as house counsel may use the title "counsel."

## **F. Disciplinary Provisions.**

- (1) A foreign legal consultant is expressly subject to:
- the Minnesota Rules of Professional Conduct and all laws and rules governing lawyers admitted to the practice of law in this state;
  - ~~to~~ continuing review by the Board of qualifications to retain any the license granted hereunder; ~~and shall be subject to~~
  - the disciplinary jurisdiction of the Minnesota Office of Lawyers Professional Responsibility and the Minnesota Supreme Court.
- (2) ~~Section 1~~ Rule 11F(1) above shall not be construed to limit in any way concurrent disciplinary procedures to which the foreign legal consultant may be subject in the country of admission.
- (3) ~~A foreign legal consultant shall execute and file with the Board of Law Examiners, in such form and manner as the court prescribes:~~
- ~~A statement that the foreign legal consultant has read, understood, and made a commitment to observe the Minnesota Rules of Professional Conduct; and~~
  - ~~Either:~~

- ~~(1) An undertaking or appropriate evidence of professional liability insurance, in such amount as the Minnesota Supreme Court may prescribe, to assure such foreign legal consultant's proper professional conduct and responsibility; or~~
- ~~(2) An appropriate undertaking in the amount of \$50,000.00 in the form of a bond, letter of credit or other financial guaranty instrument issued by a reputable financial institution based in, and authorized to do business in, the United States of America or any state therein for the purpose of assuring the foreign legal consultant's proper professional conduct and responsibility; and~~
- ~~(c) A duly acknowledged instrument in writing setting forth such foreign legal consultant's address within the State of Minnesota and designating the Clerk of Appellate Courts as agent for the service of process for all purposes; and~~
- ~~(d) A commitment to notify the Minnesota Board of Law Examiners of any resignation or revocation of such foreign legal consultant's admission to practice in the foreign country of admission, or in any other state or jurisdiction in which the foreign legal consultant has been licensed as a lawyer or counselor at law or equivalent or as a foreign legal consultant, or of any censure, suspension, or expulsion in respect of such admission.~~

**G. Rights and Obligations.** A foreign legal consultant shall be entitled to the rights and obligations of a member of the Minnesota Bar with respect to:

- (1) Affiliation in the same law firm with one or more members of the Minnesota Bar, including by employing one or more members of the bar; being employed by one or more members of the bar or by any partnership or professional corporation that includes members of the Minnesota Bar or that maintains an office in Minnesota; and being a partner in any partnership or shareholder in any professional corporation that includes members of the Minnesota Bar or that maintains an office in Minnesota; and
- (2) Attorney-client privilege, work product protection, and similar professional privileges.

**GH. Annual Re-Certification and Renewal Fees.**

- (1) ~~A~~ Every three years a foreign legal consultant shall submit on a biennial basis to the Minnesota Board of Law Examiners:
  - (a) A sworn statement attesting to his or her the foreign legal consultant's continued good standing as a lawyer or counselor at law or equivalent in the foreign country in which he or she the foreign legal consultant is admitted to practice;
  - (b) ~~A fee in the amount of \$200.~~ A sworn and notarized typewritten Application for Foreign Legal Consultant License; and
  - (c) A fee in the amount of \$300.
- (2) ~~The~~ On an annual basis, a foreign legal consultant shall submit on an annual basis to the Minnesota Attorney Lawyer Registration office a lawyer registration fee equivalent to the renewal fees paid by Minnesota licensed attorneys lawyers

pursuant to the Rules of the Supreme Court for Registration of Attorneys Lawyers.

**I. Admission to Bar.** If the Board determines that a foreign legal consultant under this Rule is subsequently admitted as a member of the Minnesota Bar, the foreign legal consultant's license shall be deemed superceded by the license to practice law in Minnesota.

**J. Revocation and Expiration.** If the Board determines that a foreign legal consultant no longer meets the requirements for licensure set forth in this Rule, the license shall expire. If the foreign legal consultant is employed as house counsel, the foreign legal consultant license shall expire on the date of the termination of the foreign legal consultant's employment by the employer referenced in Rule 11C(13).

## **RULE 12. FEES**

**A. General.** Application fees or other fees required under these Rules shall be paid by personal check or money order payable to the Board. The applicable fee is determined as of the date of filing of a complete application under Rule 4.

**B. Fee for Examination, Not Previously Admitted.** An applicant who meets the following criteria shall submit a fee of \$400:

- (1) Applying to take the Minnesota examination for the first time; and
- (2) Not admitted to practice in another jurisdiction; and
- (3) Filing on or before the timely filing deadline (October 15 for the February examination, or March 15 for the July examination).

An applicant meeting the criteria in (1) and (2) above, who files after the timely filing deadline but before the late filing deadline (December 1 for the February examination, or May 1 for the July examination) shall submit a fee of \$550. Applications will not be accepted after the late filing deadline.

**C. Fee for Examination, Prior Admission.** An applicant who meets the following criteria shall submit a fee of \$750:

- (1) Licensed to practice in another jurisdiction more than six months prior to the date of the applicant's Minnesota application; and
- (2) Filing on or before the timely filing deadline (October 15 for the February examination, or March 15 for the July examination).

An applicant meeting the criteria in (1) above, who files after the timely filing deadline but before the late filing deadline (December 1 for the February examination, or May 1 for the July examination) shall submit a fee of \$900. Applications will not be accepted after the late filing deadline.

**D. Exception Fee for Examination for Recently Admitted Applicants.** An applicant applying to take the Minnesota examination who has been licensed to practice in another jurisdiction less fewer than six months prior to the date of the applicant's Minnesota application shall submit the fee for examination required by paragraph B of this Rule.



- E. Repeat Examinations.** An applicant who was unsuccessful on the Minnesota examination and is filing on or before December 1 for the February examination, or on or before May 1 for the July examination, shall submit a fee of \$400 and comply with Rule 4G.
- F. Fee for Admission Without Examination.** An applicant for admission without examination pursuant to Rule 7 (Admission Without Examination) or Rule 10 (Admission by House Counsel License) shall submit a fee of \$750. An applicant for admission pursuant to Rule 9 (Admission by Temporary House Counsel License) shall submit a fee of \$500.
- G. Fee for Temporary License for Legal Services Program Practice.** A fee in the amount of \$75 must accompany an application for Temporary License pursuant to Rule 8. Payment of an additional fee, as required by Rule 12B, will qualify applicants under Rule 6. Payment of an additional fee, as required by Rule 12C, will qualify applicants under Rule 7A or 7B.
- H. Transfer of Rule 8 Application to Rule 6 or Rule 7 Application.** Documents submitted in support of a Rule 8 (Temporary License for Legal Services Programs) application for license may, upon the written request of applicant, constitute application pursuant to Rule 6 (Admission by Examination) or Rule 7 (Admission Without Examination) of these Rules, provided additional fees required by Rule 12 are submitted.
- I. Refunds of Fees.** A refund in the amount of \$125 ~~will~~ shall be made in the following circumstances:
- ~~(1) When an applicant for the bar examination advises the Board in writing at least four ten days prior to an examination of the applicant's desire to withdraw the application;~~
  - ~~(2) When an applicant for the bar examination is denied permission to take an examination due to failure to provide a certificate of graduation required by Rule 4D.~~

No other requests for refund will be granted.

**J. Carry-over of Fees.**

- (1) Ineligible Rule 7 Applicants. The fee of an applicant declared ineligible under Rule 7 (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 in writing or by telephone prior to the start of the examination, may request carry-over of the application fee to the next examination. Such requests must be made in writing, received in the Board office no later than 14 days following the examination, and be accompanied by written documentation of the medical

emergency, and The applicant shall submit a fee of \$50 when reapplying for the next examination.

- K. Copies of Examination Answers.** An unsuccessful applicant may request copies of the applicant's essay answers. The request shall be in writing, submitted within 60 days of the release of the examination results, and accompanied by a fee of \$20.
- L. 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.
- M. Fee for Reissuance of Temporary House Counsel or House Counsel License.** An applicant for re-issuance of a ~~temporary house counsel license under Rule 9I~~ or house counsel license under Rule 10F shall submit a fee of \$275.
- N. Other Fees.** The Board may require an applicant to bear the expense of obtaining reports or other information necessary for the Board's investigation. The Board may charge reasonable fees for collection and publication of any information permitted to be released. For matters not covered in these Rules, the Director may set reasonable fees which reflect the administrative costs associated with the service.

## **RULE 13. IMMUNITY**

- A. Immunity of the Board.** The Board and its members, employees, agents, and monitors of conditionally admitted lawyers 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, agents, or monitors, any information, statements of opinion, or documents regarding an applicant, potential applicant, or conditionally admitted lawyer, is immune from civil liability for such communications.

## **RULE 14. CONFIDENTIALITY AND RELEASE OF INFORMATION**

- 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 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.

**C. Examination Data.**

- (1) Statistics. Statistical information relating to examinations and admissions may be released at the discretion of the Board.
- (2) MBE Score Advisory. The Director may release individual MBE scores as provided in Rule 7D.
- (3) Transfer of MBE Score. The score of an examinee may be disclosed to the bar admission authority of another jurisdiction, upon the examinee's written request to the National Conference of Bar Examiners (NCBE).
- (4) Release of Examination Scores and Essays to Unsuccessful Examinees. The Director may release to an unsuccessful examinee the scores assigned to each of the various portions of the examination; and, upon payment of the fee specified by Rule 12K, the Director may release copies of an unsuccessful examinee's answers to the essay questions.
- (5) Release of Examination Scores to Law Schools. At the discretion of the Board, the examination scores of an examinee may be released to the law school from which the examinee graduated.

**D. Release of Information to Other Agencies.** Information may be released to the following:

- (1) Any authorized lawyer disciplinary agency;
- (2) Any bar admissions authority; or
- (3) Persons or other entities in furtherance of the character and fitness investigation.

**E. Referrals.** Information relating to the misconduct of an applicant may be referred to the appropriate authority.

**F. Confidentiality.** Subject to the exceptions in this Rule, all other information contained in the files of the office of the Board is confidential and shall not be released to anyone other than the Court except upon order of the Court.

**RULE 15. ADVERSE DETERMINATIONS AND HEARINGS**

**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.** 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. Scheduling of Hearing.** The Board shall schedule a hearing upon receipt of the applicant's request for a hearing. At least ~~30~~ 45 days prior to the hearing, the Board shall notify the applicant of the time and place.

- D. Proceedings.** At 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 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. The applicant has the burden of proving by clear and convincing evidence that the applicant possesses good character and fitness to practice law and is eligible for admission.
- E. Prehearing Conference.** The Board President or designee shall conduct a prehearing conference at least 30 days prior to the hearing for the purpose of addressing procedural issues. Unless the President or designee orders otherwise, Board counsel and the applicant shall exchange exhibit lists; the names and addresses of witnesses; ~~and any stipulations concerning proposed findings of fact, conclusions of law, or a proposed and final decisions;~~ or stipulations at least ~~ten~~ 15 days before the hearing.
- F. Subpoenas.** 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.
- 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. Final Decision.** Following the hearing, the Board shall notify the applicant of its findings of fact, conclusions of law and final decision.

## **RULE 16. CONDITIONAL ADMISSION.**

- A. Conditional Admission.** ~~Following a Rule 15 hearing, The Board, upon its own initiative or the initiative with the consent~~ of the applicant, may recommend to the Court that the applicant be admitted on a conditional basis.
- B. Circumstances Warranting Conditional Admission.** An applicant whose record shows conduct that may otherwise warrant denial, may consent to be admitted subject to certain terms and conditions set forth in a conditional admission consent agreement. Only an applicant whose record of conduct ~~at the time of the Rule 15 hearing~~ evidences a commitment to rehabilitation and an ability to meet the essential eligibility requirements of the practice of law as set forth in Rule 5A may be considered for conditional admission.
- C. Consent Agreement.** The consent agreement shall set forth the terms and conditions of conditional admission, shall be signed by the President or designee and by the applicant, and shall be made a part of the conditionally admitted lawyer's application file. The consent agreement shall remain confidential subject to the provisions of these Rules and of the Rules on Lawyers Professional Responsibility.
- D. Transmittal to the Office of Lawyers Professional Responsibility.** A list of conditionally admitted lawyers shall be transmitted each month to the Office of Lawyers Professional Responsibility (OLPR). In the event a complaint of

unprofessional conduct or violation of the consent agreement is filed against the conditionally admitted lawyer, the application file shall be transmitted to the OLPR upon the request of that office.

**E. Length of Conditional Period.** The initial conditional admission period shall not exceed 24 months, unless a complaint for a violation of the consent agreement or a complaint of unprofessional conduct has been filed with the OLPR. The filing of such a complaint shall extend the conditional admission until disposition of the complaint by the OLPR.

**F. Failure to Fulfill the Conditional Terms.** Failure to fulfill the terms of the consent agreement may result in the suspension or revocation of the conditional admission license, or such other action as is appropriate under the Rules on Lawyers Professional Responsibility.

**G. Monitoring of Consent Agreement by Conditional Admission Committee.**

During the conditional admission period, the conditionally admitted lawyer's compliance with the terms of the consent agreement shall be monitored by a Conditional Admission Committee (CAC), a committee of no fewer than three Board members appointed by the President. The CAC shall conduct such investigation and take such action as is necessary to monitor compliance with the terms of the consent agreement, including, but not limited to, requiring the conditionally admitted lawyer to:

- (1) submit written verification of compliance with conditions;
- (2) appear before the CAC; and
- (3) respond to any requests for evidence concerning compliance.

**H. Violation of Consent Agreement.** If the CAC finds that a term or terms of the consent agreement have been violated, the President shall convene the Board for the purpose of determining whether to file a complaint with OLPR. The Board shall notify the conditionally admitted lawyer of the Board's decision if a complaint is filed.

**I. Complaint for Violation of Consent Agreement; Disposition of Complaint.** Any complaint for violation of the consent agreement filed with the OLPR shall set forth the basis for finding that a term or terms of the consent agreement have been violated.

**J. Appeal.** A Board decision not to recommend conditional admission shall be set forth in an adverse determination pursuant to Rule 15. Appeal rights are limited to those set forth in Rule 15 and Rule 17.

## **RULE 17. APPEAL TO THE SUPREME COURT**

**A. Petition for Review.** Any applicant who is adversely affected by a final decision of the Board may appeal to the Court by 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.** 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.

## **RULE 18. REAPPLICATION**

Unless the Board designates a shorter time period in its final decision, An applicant who ~~determined~~ ~~has not to have~~ satisfied the character and fitness requirement is prohibited from reapplying for admission to practice in Minnesota for three years from the date of the Board's ~~adverse determination~~ final decision. An applicant whose conditional admission license has been revoked is prohibited from reapplying for admission for three years from the date of the revocation.

## **RULE 19. BAR ADMISSIONS ADVISORY COUNCIL**

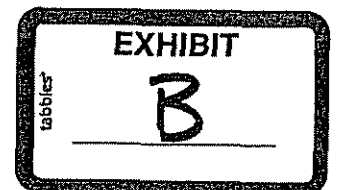
- A. Creation.** There shall be an Advisory Council consisting of representatives of the Minnesota State Bar Association and of each of the Minnesota law schools to consult with the Board on matters of general policy concerning admissions to the bar, amendments to the Rules and other matters related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

STATE OF MINNESOTA

RULES FOR ADMISSION TO THE BAR

As amended

\_\_\_\_\_, 2007



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## **RULE 1. PURPOSE**

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 lawyers.

## **RULE 2. DEFINITIONS AND DUE DATE PROVISIONS**

### **A. Definitions.** As used in these Rules:

- (1) "Application file" means all information relative to an individual applicant to the bar collected by or submitted to the Board while the application is pending and during any conditional admission period.
- (2) "Approved law school" means a law school provisionally or fully approved by the American Bar Association.
- (3) "Board" means the Minnesota State Board of Law Examiners.
- (4) "Court" means the Minnesota Supreme Court.
- (5) "Director" means the staff director for the Board.
- (6) "Good character and fitness" means traits, including honesty, trustworthiness, diligence and reliability, which are relevant to and have a rational connection with the applicant's present fitness to practice law.
- (7) "Jurisdiction" means the District of Columbia or any state or territory of the United States.
- (8) "Legal services program" means a program existing primarily for the purpose of providing legal assistance to indigent persons in civil or criminal matters.
- (9) "Notify" or "give notice" means to mail or deliver a document to the last known address of the applicant or the applicant's lawyer. Notice is complete upon mailing, but extends the applicant's period to respond by three days.

**B. Due Dates Provisions.** Due dates specified under these Rules shall be strictly enforced and shall 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.

## **RULE 3. STATE BOARD OF LAW EXAMINERS**

**A. Composition.** The Board shall consist of nine members, including a President. Seven of the members shall be lawyers having their principal office in this state and two shall be non-lawyer public members, each appointed by the 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. The President shall be appointed by the Court and shall serve as President, at the pleasure of the Court, for no more than six years. The terms of office may be staggered by the Court by any method it deems appropriate. 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 instruments that the Board finds valid and reliable in measuring the competence of applicants to practice law, and to pay reasonable compensation for them;
- (3) To employ examination graders;
- (4) To establish a minimum passing score for the examinations;
- (5) To conduct investigations of applicants' backgrounds 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 recommend to the Court the admission and licensure of applicants to practice law in Minnesota;
- (7) To administer these Rules and adopt policies and procedures consistent with these Rules;
- (8) To delegate to its President and Director authority to make necessary determinations to implement the Board's policies and procedures and these Rules;
- (9) 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 and Quorum.** Board meetings are open to the public except when the Board is considering the following:

- (1) Examination materials;
- (2) Any information concerning an applicant, potential applicant, or conditionally admitted lawyer;
- (3) Personnel matters;
- (4) Any information which is confidential or private under Rule 14;
- (5) Legal advice from its counsel.

Board members may attend meetings in person or, in extraordinary circumstances, by conference call. A quorum of the Board shall be a majority of its sitting members. Minutes of the public portions of Board meetings are available upon request from the Board office.

## **RULE 4. GENERAL REQUIREMENTS FOR ADMISSION**

**A. Eligibility for Admission.** The applicant has the burden to prove eligibility for admission by providing satisfactory evidence of the following:

- (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 Rules 7A, 7B, 8, 9, or 10;
- (5) A scaled score of 85 or higher on the Multistate Professional Responsibility Examination (MPRE); and

(6) Not currently suspended or disbarred from the practice of law in another jurisdiction.

**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.** To be accepted as complete, an application must be submitted on a form prescribed by the Board together with the following:

- (1) A fee in an amount prescribed by Rule 12;
- (2) A notarized authorization for release of information form;
- (3) For applicants seeking admission by examination, a passport-style photo;
- (4) Two notarized affidavits of good character from persons who have known the applicant for at least one year and who:
  - (a) Are unrelated to the applicant by blood or marriage and not living in the same household; and
  - (b) Were not fellow law students during the applicant's enrollment.
- (5) The notarized affidavits of good character must address the following:
  - (a) The duration of time and circumstances under which the affiant has known the applicant;
  - (b) Details respecting the applicant's character and general reputation; and
  - (c) Other information bearing on applicant's character and fitness to practice law.

**D. Evidence of Graduation (Conferral of Degree).** At least 30 days prior to the examination each applicant shall file, or cause to be filed, an original document from the applicant's law school, signed by the dean or other authorized person stating:

- (1) That the law school has conferred a J.D. or LL.B. degree upon applicant; or
- (2) That the applicant has completed all coursework 30 days prior to the examination for which the applicant has applied, fulfilled all requirements for conferral of degree, and will be awarded a J.D. or LL.B. degree within 120 days following that examination.

An applicant filing evidence of conferral of degree pursuant to Rule 4D(2) shall cause to be filed a certified transcript verifying the award of the degree within 120 days following the examination.

**E. Additional Filing When Admitted Elsewhere.** An applicant who has been admitted to practice in another jurisdiction shall also file or cause to be filed at the time of the application:

- (1) An authentic copy of the application for admission to the bar from the bar admissions authority in each jurisdiction in which the applicant was previously admitted to the practice of law;
- (2) An authentic document showing the date of admission to the bar in each other jurisdiction;
- (3) An authentic document from the proper authority in each jurisdiction stating that the applicant is in good standing; and
- (4) An authentic document from the proper authority in each jurisdiction indicating whether the applicant is the subject of any pending complaint or charge of misconduct.

- F. Applicant Without MPRE Score.** An applicant may file an application without having taken the Multistate Professional Responsibility Examination (MPRE). However, the applicant shall not be admitted until he or she has submitted evidence of an MPRE scaled score of 85 or higher. Such applicants must be admitted within 12 months of the date of a written notice from the Board or the application will be considered to have been withdrawn.
- G. Repeat Examinee.** An applicant who has been unsuccessful on a prior Minnesota Bar Examination may reapply by submitting:
- (1) A new application for admission pursuant to Rule 4C;
  - (2) The proper fee under Rule 12;
  - (3) A notarized authorization for release of information on a form prescribed by the Board;
  - (4) A passport-style photo; and
  - (5) If the original application is more than two years old, new affidavits as described in Rule 4C(4) of these Rules.
- H. Incomplete Application.** An application determined to be incomplete shall be returned to the applicant.
- I. Withdrawal of Application.** An applicant may withdraw the application by notifying the Board in writing at any time prior to the issuance of an adverse determination.
- J. Required Cooperation.**
- (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;
    - (c) Appear for interviews to determine eligibility for admission or facilitate the background investigation.
  - (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) If the Board determines that an applicant has breached the duty to cooperate, the Board may deem the application withdrawn, may deny an opportunity to test or may deny admission.

## **RULE 5. STANDARDS FOR ADMISSION**

- A. Essential Eligibility Requirements.** Applicants must meet the following essential eligibility requirements for the practice of law:
- (1) The ability to be honest and candid with clients, lawyers, courts, the Board, and others;
  - (2) The ability to reason, recall complex factual information and integrate that information with complex legal theories;
  - (3) The ability to communicate with clients, lawyers, courts, and others with a high degree of organization and clarity;

- (4) The ability to use good judgment on behalf of clients and in conducting one's professional business;
- (5) The ability to conduct oneself with respect for and in accordance with the law;
- (6) The ability to avoid acts which exhibit disregard for the rights or welfare of others;
- (7) 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;
- (8) The ability to act diligently and reliably in fulfilling one's obligations to clients, lawyers, courts, and others;
- (9) The ability to use honesty and good judgment in financial dealings on behalf of oneself, clients, and others; and
- (10) The ability to comply with deadlines and time constraints.

## **B. Character and Fitness Standards and Investigation.**

- (1) Purpose. The purpose of the character and fitness investigation before admission to the bar is to protect the public and to safeguard the justice system.
- (2) Burden of Proof. The applicant bears the burden of proving good character and fitness to practice law.
- (3) Relevant Conduct. 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;
  - (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;
  - (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) The making of false statements, including omissions, on bar applications in this state or any other jurisdiction.
- (4) Considerations. 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 shall 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 as defined in Rule 5B(5);
  - (h) The applicant's candor in the admissions process; and
  - (i) The materiality of any omissions or misrepresentations.
- (5) Rehabilitation. An applicant who affirmatively asserts rehabilitation from past conduct may provide evidence of rehabilitation by submitting one or more of the following:
- (a) Evidence that the applicant has acknowledged the conduct was wrong and has accepted responsibility for the conduct;
  - (b) Evidence of strict compliance with the conditions of any disciplinary, judicial, administrative, or other order, where applicable;
  - (c) Evidence of lack of malice toward those whose duty compelled bringing disciplinary, judicial, administrative or other proceedings against applicant;
  - (d) Evidence of cooperation with the Board's investigation;
  - (e) Evidence that the applicant intends to conform future conduct to standards of good character and fitness for legal practice;
  - (f) Evidence of restitution of funds or property, where applicable;
  - (g) Evidence of positive social contributions through employment, community service, or civic service;
  - (h) Evidence that the applicant is not currently engaged in misconduct;
  - (i) Evidence of a record of recent conduct that demonstrates that the applicant meets the essential eligibility requirements for the practice of law and justifies the trust of clients, adversaries, courts and the public;
  - (j) Evidence that the applicant has changed in ways that will reduce the likelihood of recurrence of misconduct; or
  - (k) Other evidence that supports an assertion of rehabilitation.
- (6) Continuing Obligation. 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.
- (7) 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 15.
- (8) Advisory Opinions.
- (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 a completed application for admission, a fee in the amount required under Rule 12L, two notarized affidavits as required by Rule 4C(4), and an authorization for release of information as required by Rule 4C(2).
  - (b) Advisory opinions will not be binding on the Board.

## **RULE 6. ADMISSION BY EXAMINATION**

**A. 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.

**B. Timely Filing Deadlines.** An application for admission by examination shall be filed in the office of the 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 1 for the February examination, or on or before May 1 for the July examination but must be accompanied by the late filing fee pursuant to Rule 12. No applications shall be accepted after the late filing deadline.

**D. Denial of Opportunity to Test.** An applicant may be denied permission to take an examination:

- (1) When the applicant has failed to comply with the requirements of Rule 4C, 4D, or 4J; or
- (2) When the Board has determined the applicant has not satisfied the good character and fitness requirement of Rule 4A(2).

**E. Scope of Examination.** The Minnesota Bar Examination shall consist of six essay questions, the Multistate Bar Examination (MBE), and at least one performance test question.

- (1) Essay Questions. The essay questions may include any of the following subjects:

Business Associations (partnerships, proprietorships, and corporations, including limited liability companies)

Civil Procedure

Constitutional Law

Contracts

Criminal Law and Procedure

Ethics and Professional Responsibility

Evidence

Family Law

Federal Individual Income Taxation

Real Property

Torts

Uniform Commercial Code, Art. 1, 2

Wills, Estates and Trusts.

- (2) Performance Test. The performance test shall include one or more questions testing the applicant's ability to perform a lawyering task using legal and factual materials provided.

**F. Testing Accommodations.** An applicant whose disability requires testing accommodations shall submit with the application a written request pursuant to the Board's testing accommodations policy and shall describe:

- (1) The type of accommodation requested;
- (2) The reasons for the requested accommodation, including medical documentation in a format set forth in the policy referenced above.

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 15.

- G. Examination Results.** The results of the examination shall be released to examinees by regular mail to the address listed in the files of the Board, and successful examination numbers will be posted at the Court, on the Board's website, and at each Minnesota law school. The date of the release shall be announced at the examination.
- H. Failing Examination Scores.** A failing score on the bar examination is a final decision of the Board and does not afford the applicant the appeal and hearing rights set forth in Rule 15.
- I. Stale Examination Scores.** A passing score on the Minnesota Bar Examination is valid for 36 months from the date of the examination. Applicants must be admitted within 36 months of the examination.

## **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, and provides documentary evidence showing that for at least five of the seven years immediately preceding the application, the applicant was:
- (1) licensed to practice law;
  - (2) in good standing before the highest court of all jurisdictions where admitted; and
  - (3) engaged, as principal occupation, in the active and lawful practice of law as a:
    - (a) lawyer representing one or more clients;
    - (b) lawyer in a law firm, professional corporation or association;
    - (c) judge in a court of record;
    - (d) lawyer for any local or state governmental entity;
    - (e) house counsel for a corporation, agency, association or trust department;
    - (f) lawyer 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
    - (g) professor teaching full-time in any approved law school.

To constitute the lawful practice of law the above activities must have been performed in a jurisdiction in which the applicant is admitted, or performed in a jurisdiction that permits such activity by a lawyer not admitted to practice. Practice falling under (f) or (g) above performed outside a jurisdiction where the applicant is licensed shall be considered the lawful practice of law.

- B. Eligibility for Admission by Test Score.** An applicant may be eligible for admission without examination under Rule 4A(4) if the applicant has received a scaled score of 145 or higher on the Multistate Bar Examination (MBE) 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 was subsequently admitted in that jurisdiction. The applicant shall submit evidence of the score and a completed application to the Board within 24 months of the date of the qualifying examination being used as the basis for the admission.

- C. Transfer of MBE Score.** An applicant seeking to transfer a MBE score achieved in another jurisdiction to Minnesota shall submit a written request for transfer to the National Conference of Bar Examiners.
- D. MBE Score Advisory.** Upon written request, the Director will advise an applicant or potential applicant who took and passed a bar examination in another jurisdiction whether or not his or her MBE score satisfies the requirements of Rule 7B. Requests for score advisory shall include the following:
- (1) Complete name and social security number of the examinee; and
  - (2) Month, year, and jurisdiction of test administration.
- E. No Waiver of Time Requirements.** The minimum time requirements and the timely filing requirements of this Rule shall be strictly enforced.
- F. Eligibility After Unsuccessful Examination.** An applicant may be eligible for admission without examination under this Rule notwithstanding a prior failure on the Minnesota Bar Examination.

## **RULE 8. ADMISSION BY TEMPORARY LICENSE FOR LEGAL SERVICES PROGRAMS**

- A. Eligibility.** A lawyer licensed in another jurisdiction may apply for and be admitted under a temporary license to practice law in Minnesota when the applicant has accepted employment in Minnesota as a lawyer for a legal services program.
- B. Filing.** In order to qualify for the license, the lawyer must comply with the requirements of Rule 4A(1), (2), (3) and (6) and must file with the Board, the following:
- (1) A completed application for temporary license to practice law in Minnesota for a legal services program;
  - (2) A certificate or certificates from the proper authority in each jurisdiction certifying that the lawyer is in good standing and that no charges of professional misconduct are pending;
  - (3) An affidavit from the applicant's employer attesting to his or her knowledge of the applicant's competence and good character, and the fact that the applicant has accepted employment as a lawyer for a legal services program in Minnesota and will be supervised by a licensed Minnesota lawyer;
  - (4) Two additional affidavits of character as prescribed by Rule 4C(4), and a fee consistent with Rule 12G 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 Rule.
- D. Limitation.** A license granted pursuant to this Rule shall authorize the lawyer to practice solely on behalf of the indigent clients of the designated legal services program.

**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 upon the occurrence of any of the following:

- (1) The holder's admission to practice law in Minnesota pursuant to Rule 6 (Admission by Examination), Rule 7A (Eligibility by Practice) or 7B (Eligibility by Test Score);
- (2) Termination of the holder's employment with the employer referred to in Rule 8B(3);
- (3) The lapse of 15 months from the date of issuance;
- (4) The holder's failure of the Minnesota Bar Examination; or
- (5) Issuance by the Board of an adverse determination relative to the applicant's character and fitness.

**F. 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 7A.

## **RULE 9. ADMISSION BY TEMPORARY HOUSE COUNSEL LICENSE**

**A. Practice by House Counsel.** A lawyer licensed in another jurisdiction shall not practice law in Minnesota as house counsel unless he or she is admitted to practice in Minnesota under this Rule, Rule 6 (Admission by Examination), Rule 7 (Admission Without Examination), or Rule 10 (Admission by House Counsel License).

**B. Eligibility.** A lawyer licensed in another jurisdiction may apply for and be admitted under a temporary house counsel license when the lawyer:

- (1) Is employed in Minnesota as house counsel 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; and
- (2) Has practiced law by engaging in one or more of the activities listed in Rule 7A, for at least three of the previous five years; and
- (3) Complies with the eligibility provisions of Rule 4A, with the exception of Rule 4A(5).

The practice of law must have been in the jurisdiction where the applicant is licensed and during the period of licensure unless the applicant, during the qualifying period, was practicing as house counsel for a corporation, agency, association or trust department.

**C. Requirements.** In order to qualify for the temporary house counsel license, the applicant shall comply with the requirements of these Rules and file the following with the Board:

- (1) An application for license to practice law in Minnesota;
- (2) A certificate or certificates from the proper authority in each jurisdiction certifying that the applicant is in good standing and listing any complaint of professional misconduct pending against the applicant;
- (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

house counsel solely for said employer, that applicant is an individual of good character, and that the nature of the employment meets the requirements of Rule 9B(1); and

(4) A fee consistent with Rule 12F.

**D. Limitation.** A license issued pursuant to this Rule authorizes the holder to practice solely for the employer designated in the affidavit required by Rule 9C(3).

**E. Issuance of Temporary House Counsel License.** In order to facilitate issuance of the temporary license, an expedited character and fitness investigation will be conducted.

**F. Duration and Expiration of Temporary License.** The temporary license shall expire 12 months from the date of issuance, or sooner, upon the occurrence of any of the following:

- (1) Termination of the holder's employment with the employer referenced in Rule 9C(3); or
- (2) Admission to practice law in Minnesota pursuant to Rule 6 (Admission by Examination), Rule 7 (Admission Without Examination), or Rule 10 (Admission by House Counsel License); or
- (3) Issuance of an adverse determination pursuant to Rule 15A.

After expiration of a temporary house counsel license, the former license holder, unless already admitted to practice law in Minnesota under another of these Rules, shall not practice law in Minnesota or otherwise represent that he or she is admitted to practice law in Minnesota.

**G. House Counsel License.** An applicant for or holder of a temporary house counsel license who anticipates practicing in Minnesota for more than 12 months should also apply for a house counsel license under Rule 10 or another license under these Rules.

**H. Notice of Termination of Employment.** A holder of a temporary house counsel license shall notify both the Board and the Office of Attorney Registration in writing within 10 business days of termination of employment with the employer referenced in Rule 9C(3).

**I. Credit for Admission Without Examination.** Time in the practice of law under the temporary house counsel license may be counted toward eligibility for admission without examination under Rule 7A.

**J. Professional Conduct and Responsibility.** A lawyer licensed under this Rule shall abide by and be subject to all laws and rules governing lawyers admitted to the practice of law in this state.

## **RULE 10. ADMISSION BY HOUSE COUNSEL LICENSE**

**A. Practice by House Counsel.** A lawyer licensed in another jurisdiction shall not practice law in Minnesota as house counsel unless he or she is admitted to practice

in Minnesota under this Rule, Rule 6 (Admission by Examination), Rule 7 (Admission Without Examination), or Rule 9 (Admission by Temporary House Counsel License).

**B. Eligibility and Requirements.** A lawyer licensed in another jurisdiction or the holder of a temporary house counsel license issued pursuant to Rule 9B and 9C, who intends to practice in Minnesota for more than 12 months, may apply for a house counsel license upon submission of evidence of:

- (1) Compliance with eligibility and other requirements set forth in Rule 9; and
- (2) A scaled score of 85 or higher on the Multistate Professional Responsibility Examination.

**C. Limitation.** A license issued pursuant to this Rule authorizes the holder to practice solely for the employer designated in the Rule 9C(3) affidavit.

**D. Expiration of House Counsel License.** The house counsel license shall expire upon termination of the holder's employment with the employer referenced in Rule 9C(3). After a house counsel license expires, the former license holder, unless already admitted to practice law in Minnesota under another of these Rules, shall not practice law in Minnesota or otherwise represent that he or she is admitted to practice law in Minnesota.

**E. Notice of Termination of Employment.** A house counsel license holder shall notify both the Board and the Office of Attorney Registration in writing within 10 business days of termination of employment with the employer referenced in Rule 9C(3).

**F. Re-issuance of House Counsel License.** At the Director's discretion, a house counsel license that has expired due to termination of holder's employment may be reissued for the remainder of the period specified in Rule 9F if re-issuance is requested within 90 days of the expiration of the license, provided that the other requirements of this Rule are met at the time of the request for re-issuance. The fee for re-issuance shall be consistent with Rule 12M.

**G. Credit for Admission Without Examination.** Time in the practice of law under the house counsel license may be counted toward eligibility for admission without examination under Rule 7A.

**H. Professional Conduct and Responsibility.** A lawyer licensed under this Rule shall abide by and be subject to all laws and rules governing lawyers admitted to the practice of law in this state.

## **RULE 11. LICENSE FOR FOREIGN LEGAL CONSULTANTS**

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

**B. Requirements.** In order to qualify for the license the applicant must:

- (1) Have been admitted to practice in a foreign country as a lawyer or counselor at law or the equivalent;
- (2) As principal occupation, have been engaged in the practice of law of that country for at least five of the seven years immediately preceding the application;
- (3) Be in current good standing as a lawyer or counselor at law or the equivalent in that country, and have remained in good standing throughout the period of his or her practice;
- (4) Possess the good character and fitness required for admission to practice in this state;
- (5) Have been awarded a post-secondary degree in law;
- (6) Intend to practice as a foreign legal consultant in this state; and
- (7) Maintain an office in this state for the purpose of practicing as a foreign legal consultant.

**C. Applications.** In order to qualify for the foreign legal consultant license, an applicant must file with the Board the following documents, together with duly authenticated English translations, if the documents are not in English:

- (1) A sworn and notarized typewritten Application for Foreign Legal Consultant License;
- (2) An authentic certificate from the authority having final jurisdiction over professional discipline in the foreign country in which the applicant is admitted to practice, which shall be accompanied by the official seal, if any, of such authority, and which shall certify:
  - (a) The authority's jurisdiction in such matters;
  - (b) The applicant's admission to practice in the foreign country, the date of admission, and the applicant's good standing as a lawyer or counselor at law or the equivalent in that jurisdiction;
- (3) An authentic document from the authority having final jurisdiction over professional discipline in any foreign country or jurisdiction in which the applicant has been licensed as a lawyer or as a foreign legal consultant indicating whether any charge or complaint has ever been filed against the applicant with the authority, and, if so, the substance of each charge or complaint, and the adjudication or resolution of each charge or complaint;
- (4) A letter of recommendation signed by, and accompanied with the official seal, if any, of one of the members of the executive body of the authority having final jurisdiction over professional discipline or from one of the judges of the highest court of law of the foreign country, certifying to the applicant's professional qualifications;
- (5) Letters of recommendation from at least three lawyers or counselors at law or the equivalent admitted in and practicing in the foreign country where the applicant is admitted, setting forth the length of time, and under what circumstances they have known the applicant and stating their appraisal of the applicant's good character and fitness for admission;
- (6) Notarized letters of recommendation from at least two members in good standing of the Minnesota Bar, setting forth the length of time, and under what



circumstances they have known the applicant and their appraisal of the applicant's good character and fitness for admission;

- (7) Any other evidence as to the applicant's educational and professional qualifications, good character and fitness and compliance with the requirements of this rule as the Board may require;
- (8) A statement that the foreign legal consultant has read, understood, and made a commitment to observe the Minnesota Rules of Professional Conduct;
- (9) A score report showing that the applicant received a scaled score of 85 or higher on the Multistate Professional Responsibility Examination, or a sworn statement attesting to the applicant's attendance, within the previous 12 months, of no fewer than six hours of coursework in legal ethics accredited by the Minnesota Board of Continuing Legal Education;
- (10) Evidence of professional liability insurance in an amount deemed sufficient by the Director;
- (11) A written and notarized statement setting forth the foreign legal consultant's address within the State of Minnesota and designating the Clerk of Appellate Courts as agent for the service of process for all purposes;
- (12) An affidavit stating that the foreign legal consultant shall notify the Board of any resignation or revocation of such foreign legal consultant's admission to practice in the foreign country of admission, or in any other state or jurisdiction in which the foreign legal consultant has been licensed as a lawyer or counselor at law or equivalent or as a foreign legal consultant, or of any censure, suspension, or expulsion in respect of such admission;
- (13) If employed as house counsel, an affidavit from an officer, director, or general counsel of applicant's employer attesting to the fact that applicant is employed as house counsel solely for that employer and agreeing to notify the Board if the applicant's employment is terminated; and
- (14) A fee in the amount of \$1,200.

**D. Investigation.** The Board shall conduct an investigation into the applicant's background and verify the applicant's supporting documents as the Board deems appropriate or necessary in the circumstances.

**E. Scope of Practice.** A person licensed as a foreign legal consultant under this Rule may render legal services in this state respecting the laws of the country in which the foreign legal consultant is admitted to practice as a lawyer, counselor at law or equivalent.

- (1) The foreign legal consultant shall not conduct any activity or render any services constituting the practice of the law of the United States, of this state, or of any other state, commonwealth or territory of the United States or the District of Columbia including, but not limited to, the restrictions that the foreign legal consultant shall not:
  - (a) Appear for another person as a lawyer in any court or before any magistrate or other judicial officer or before any federal, state, county or municipal governmental agency, quasi-judicial or quasi-governmental authority in this state, or prepare pleadings or any other papers in any action or proceedings brought in any court or before any judicial officer,

except as authorized in any rule or procedure relating to admission pro hac vice, or pursuant to administrative rule;

- (b) Provide legal advice in connection with the preparation of any deed, mortgage, assignment, discharge, lease, agreement of sale or any other instrument affecting title to real property located in the United States.
- (c) Prepare any will or trust instrument affecting the disposition of any property located in the United States and owned by a resident thereof or any instrument relating to the administration of a decedent's estate in the United States;
- (d) Prepare any instrument in respect of the marital relations, rights or duties of a resident of the United States or the custody or care of the children of a resident;
- (e) Render professional legal advice on the law of this state or the United States or any other state, subdivision, commonwealth or territory of the United States or the District of Columbia (whether rendered incident to the preparation of a legal instrument or otherwise);
- (f) In any way represent that the foreign legal consultant is admitted to the Minnesota Bar or is licensed as a lawyer or foreign legal consultant in another state, territory or the District of Columbia, or as a lawyer or counselor at law or the equivalent in a foreign country, unless so licensed;
- (g) Use any title other than "Foreign Legal Consultant, Admitted to the Practice of Law in [name of country]." The foreign legal consultant's authorized title and firm name in the foreign country in which the foreign legal consultant is admitted to practice as a lawyer or counselor at law or the equivalent may be used if the title, firm name, and the name of the foreign country are stated together with the above-mentioned designation;
- (h) Render any legal services for a client without utilizing a written retainer agreement which shall specify in bold type that the foreign legal consultant is not admitted to practice law in this state, nor licensed to advise on the laws of the United States or the District of Columbia, and that the practice of the foreign legal consultant is limited to the laws of the foreign country where such person is admitted to practice as a lawyer or counselor at law or the equivalent; or
- (i) Hold any client funds or valuables without entering into a written retainer agreement which shall specify in bold type the name of a Minnesota lawyer licensed in good standing who is also representing the particular client in the particular matter at hand.

- (2) A foreign legal consultant who is employed in Minnesota as house counsel solely for a single corporation (or its subsidiaries), association, business, or governmental entity is not subject to the restrictions as to scope of practice set forth in Rule 11E(1) (e), (f), (g) (h), and (i) provided that the practice is performed exclusively for the employer referenced above. A foreign legal consultant employed as house counsel may use the title “counsel.”

**F. Disciplinary Provisions.**

- (1) A foreign legal consultant is expressly subject to:
  - (a) the Minnesota Rules of Professional Conduct and all laws and rules governing lawyers admitted to the practice of law in this state;
  - (b) continuing review by the Board of qualifications to retain the license granted hereunder; and
  - (c) the disciplinary jurisdiction of the Minnesota Office of Lawyers Professional Responsibility and the Minnesota Supreme Court.
- (2) Rule 11F(1) above shall not be construed to limit in any way concurrent disciplinary procedures to which the foreign legal consultant may be subject in the country of admission.

**G. Rights and Obligations.** A foreign legal consultant shall be entitled to the rights and obligations of a member of the Minnesota Bar with respect to:

- (1) Affiliation in the same law firm with one or more members of the Minnesota Bar, including by employing one or more members of the bar; being employed by one or more members of the bar or by any partnership or professional corporation that includes members of the Minnesota Bar or that maintains an office in Minnesota; and being a partner in any partnership or shareholder in any professional corporation that includes members of the Minnesota Bar or that maintains an office in Minnesota; and
- (2) Attorney-client privilege, work product protection, and similar professional privileges.

**H. Re-Certification and Renewal Fees.**

- (1) Every three years a foreign legal consultant shall submit to the Board:
  - (a) A sworn statement attesting to the foreign legal consultant’s continued good standing as a lawyer or counselor at law or equivalent in the foreign country in which the foreign legal consultant is admitted to practice;
  - (b) A sworn and notarized typewritten Application for Foreign Legal Consultant License; and
  - (c) A fee in the amount of \$300.
- (2) On an annual basis, a foreign legal consultant shall submit to the Minnesota Lawyer Registration office a lawyer registration fee equivalent to the renewal fees paid by Minnesota licensed lawyers pursuant to the Rules of the Supreme Court for Registration of Lawyers.

**I. Admission to Bar.** If the Board determines that a foreign legal consultant under this Rule is subsequently admitted as a member of the Minnesota Bar, the foreign

legal consultant's license shall be deemed superceded by the license to practice law in Minnesota.

- J. Revocation and Expiration.** If the Board determines that a foreign legal consultant no longer meets the requirements for licensure set forth in this Rule, the license shall expire. If the foreign legal consultant is employed as house counsel, the foreign legal consultant license shall expire on the date of the termination of the foreign legal consultant's employment by the employer referenced in Rule 11C(13).

## **RULE 12. FEES**

- A. General.** Application fees or other fees required under these Rules shall be paid by personal check or money order payable to the Board. The applicable fee is determined as of the date of filing of a complete application under Rule 4.

- B. Fee for Examination, Not Previously Admitted.** An applicant who meets the following criteria shall submit a fee of \$400:

- (1) Applying to take the Minnesota examination for the first time; and
- (2) Not admitted to practice in another jurisdiction; and
- (3) Filing on or before the timely filing deadline (October 15 for the February examination, or March 15 for the July examination).

An applicant meeting the criteria in (1) and (2) above, who files after the timely filing deadline but before the late filing deadline (December 1 for the February examination, or May 1 for the July examination) shall submit a fee of \$550. Applications will not be accepted after the late filing deadline.

- C. Fee for Examination, Prior Admission.** An applicant who meets the following criteria shall submit a fee of \$750:

- (1) Licensed to practice in another jurisdiction more than six months prior to the date of the applicant's Minnesota application; and
- (2) Filing on or before the timely filing deadline (October 15 for the February examination, or March 15 for the July examination).

An applicant meeting the criteria in (1) above, who files after the timely filing deadline but before the late filing deadline (December 1 for the February examination, or May 1 for the July examination) shall submit a fee of \$900. Applications will not be accepted after the late filing deadline.

- D. Fee for Examination for Recently Admitted Applicants.** An applicant applying to take the Minnesota examination who has been licensed to practice in another jurisdiction fewer than six months prior to the date of the applicant's Minnesota application shall submit the fee for examination required by paragraph B of this Rule.

- E. Repeat Examinations.** An applicant who was unsuccessful on the Minnesota examination and is filing on or before December 1 for the February examination, or on or before May 1 for the July examination, shall submit a fee of \$400 and comply with Rule 4G.

- F. Fee for Admission Without Examination.** An applicant for admission without examination pursuant to Rule 7 (Admission Without Examination) or Rule 10 (Admission by House Counsel License) shall submit a fee of \$750. An applicant for admission pursuant to Rule 9 (Admission by Temporary House Counsel License) shall submit a fee of \$500.
- G. Fee for Temporary License for Legal Services Program Practice.** A fee in the amount of \$75 must accompany an application for Temporary License pursuant to Rule 8. Payment of an additional fee, as required by Rule 12B, will qualify applicants under Rule 6. Payment of an additional fee, as required by Rule 12C, will qualify applicants under Rule 7A or 7B.
- H. Transfer of Rule 8 Application to Rule 6 or Rule 7 Application.** Documents submitted in support of a Rule 8 (Temporary License for Legal Services Programs) application for license may, upon the written request of applicant, constitute application pursuant to Rule 6 (Admission by Examination) or Rule 7 (Admission Without Examination) of these Rules, provided additional fees required by Rule 12 are submitted.
- I. Refunds of Fees.** A refund in the amount of \$125 shall be made when an applicant for the bar examination advises the Board in writing at least ten days prior to an examination of the applicant's desire to withdraw the application. No other requests for refund will be granted.
- J. Carry-over of Fees.**
- (1) Ineligible Rule 7 Applicants. The fee of an applicant declared ineligible under Rule 7 (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 in writing or by telephone prior to the start of the examination, may request carry-over of the application fee to the next examination. Such requests must be made in writing, received in the Board office no later than 14 days following the examination, and be accompanied by written documentation of the medical emergency. The applicant shall submit a fee of \$50 when reapplying for the next examination.
- K. Copies of Examination Answers.** An unsuccessful applicant may request copies of the applicant's essay answers. The request shall be in writing, submitted within 60 days of the release of the examination results, and accompanied by a fee of \$20.
- L. 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.

**M. Fee for Reissuance of Temporary House Counsel or House Counsel License.**

An applicant for re-issuance of a house counsel license under Rule 10F shall submit a fee of \$275.

**N. Other Fees.** The Board may require an applicant to bear the expense of obtaining reports or other information necessary for the Board's investigation. The Board may charge reasonable fees for collection and publication of any information permitted to be released. For matters not covered in these Rules, the Director may set reasonable fees which reflect the administrative costs associated with the service.

**RULE 13. IMMUNITY**

**A. Immunity of the Board.** The Board and its members, employees, agents, and monitors of conditionally admitted lawyers 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, agents, or monitors, any information, statements of opinion, or documents regarding an applicant, potential applicant, or conditionally admitted lawyer, is immune from civil liability for such communications.

**RULE 14. CONFIDENTIALITY AND RELEASE OF INFORMATION**

**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 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.

**C. Examination Data.**

- (1) **Statistics.** Statistical information relating to examinations and admissions may be released at the discretion of the Board.
- (2) **MBE Score Advisory.** The Director may release individual MBE scores as provided in Rule 7D.
- (3) **Transfer of MBE Score.** The score of an examinee may be disclosed to the bar admission authority of another jurisdiction, upon the examinee's written request to the National Conference of Bar Examiners (NCBE).
- (4) **Release of Examination Scores and Essays to Unsuccessful Examinees.** The Director may release to an unsuccessful examinee the scores assigned to each of the various portions of the examination; and, upon payment of the fee

specified by Rule 12K, the Director may release copies of an unsuccessful examinee's answers to the essay questions.

- (5) **Release of Examination Scores to Law Schools.** At the discretion of the Board, the examination scores of an examinee may be released to the law school from which the examinee graduated.

**D. Release of Information to Other Agencies.** Information may be released to the following:

- (1) Any authorized lawyer disciplinary agency;
- (2) Any bar admissions authority; or
- (3) Persons or other entities in furtherance of the character and fitness investigation.

**E. Referrals.** Information relating to the misconduct of an applicant may be referred to the appropriate authority.

**F. Confidentiality.** Subject to the exceptions in this Rule, all other information contained in the files of the office of the Board is confidential and shall not be released to anyone other than the Court except upon order of the Court.

## **RULE 15. ADVERSE DETERMINATIONS AND HEARINGS**

**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.** 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. Scheduling of Hearing.** The Board shall schedule a hearing upon receipt of the applicant's request for a hearing. At least 45 days prior to the hearing, the Board shall notify the applicant of the time and place.

**D. Proceedings.** At 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 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. The applicant has the burden of proving by clear and convincing evidence that the applicant possesses good character and fitness to practice law and is eligible for admission.

**E. Prehearing Conference.** The Board President or designee shall conduct a prehearing conference at least 30 days prior to the hearing for the purpose of addressing procedural issues. Unless the President or designee orders otherwise, Board counsel and the applicant shall exchange exhibit lists; the names and

addresses of witnesses; proposed findings of fact, conclusions of law, final decisions; or stipulations at least 15 days before the hearing.

- F. Subpoenas.** 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.
- 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. Final Decision.** Following the hearing, the Board shall notify the applicant of its findings of fact, conclusions of law and final decision.

## **RULE 16. CONDITIONAL ADMISSION.**

- A. Conditional Admission.** The Board, upon its own initiative or the initiative of the applicant, may recommend to the Court that the applicant be admitted on a conditional basis.
- B. Circumstances Warranting Conditional Admission.** An applicant whose record shows conduct that may otherwise warrant denial, may consent to be admitted subject to certain terms and conditions set forth in a conditional admission consent agreement. Only an applicant whose record of conduct evidences a commitment to rehabilitation and an ability to meet the essential eligibility requirements of the practice of law as set forth in Rule 5A may be considered for conditional admission.
- C. Consent Agreement.** The consent agreement shall set forth the terms and conditions of conditional admission, shall be signed by the President or designee and by the applicant, and shall be made a part of the conditionally admitted lawyer's application file. The consent agreement shall remain confidential subject to the provisions of these Rules and of the Rules on Lawyers Professional Responsibility.
- D. Transmittal to the Office of Lawyers Professional Responsibility.** A list of conditionally admitted lawyers shall be transmitted each month to the Office of Lawyers Professional Responsibility (OLPR). In the event a complaint of unprofessional conduct or violation of the consent agreement is filed against the conditionally admitted lawyer, the application file shall be transmitted to the OLPR upon the request of that office.
- E. Length of Conditional Period.** The initial conditional admission period shall not exceed 24 months, unless a complaint for a violation of the consent agreement or a complaint of unprofessional conduct has been filed with the OLPR. The filing of such a complaint shall extend the conditional admission until disposition of the complaint by the OLPR.
- F. Failure to Fulfill the Conditional Terms.** Failure to fulfill the terms of the consent agreement may result in the suspension or revocation of the conditional admission license, or such other action as is appropriate under the Rules on Lawyers Professional Responsibility.



**G. Monitoring of Consent Agreement by Conditional Admission Committee.**

During the conditional admission period, the conditionally admitted lawyer's compliance with the terms of the consent agreement shall be monitored by a Conditional Admission Committee (CAC), a committee of no fewer than three Board members appointed by the President. The CAC shall conduct such investigation and take such action as is necessary to monitor compliance with the terms of the consent agreement, including, but not limited to, requiring the conditionally admitted lawyer to:

- (1) submit written verification of compliance with conditions;
- (2) appear before the CAC; and
- (3) respond to any requests for evidence concerning compliance.

**H. Violation of Consent Agreement.** If the CAC finds that a term or terms of the consent agreement have been violated, the President shall convene the Board for the purpose of determining whether to file a complaint with OLPR. The Board shall notify the conditionally admitted lawyer of the Board's decision if a complaint is filed.

**I. Complaint for Violation of Consent Agreement; Disposition of Complaint.** Any complaint for violation of the consent agreement filed with the OLPR shall set forth the basis for finding that a term or terms of the consent agreement have been violated.

**J. Appeal.** A Board decision not to recommend conditional admission shall be set forth in an adverse determination pursuant to Rule 15. Appeal rights are limited to those set forth in Rule 15 and Rule 17.

**RULE 17. APPEAL TO THE SUPREME COURT**

**A. Petition for Review.** Any applicant who is adversely affected by a final decision of the Board may appeal to the Court by 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.** 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.

## **RULE 18. REAPPLICATION**

Unless the Board designates a shorter time period in its final decision, an applicant who has not satisfied the character and fitness requirement is prohibited from applying for admission to practice in Minnesota for three years from the date of the Board's final decision. An applicant whose conditional admission license has been revoked is prohibited from applying for admission for three years from the date of the revocation.

## **RULE 19. BAR ADMISSIONS ADVISORY COUNCIL**

- A. Creation.** There shall be an Advisory Council consisting of representatives of the Minnesota 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.