

STATE OF MINNESOTA

IN SUPREME COURT

C5-84-2139

**ORDER AMENDING THE RULES
FOR ADMISSION TO THE BAR**

The Minnesota State Board of Law Examiners petitioned the Supreme Court to amend the Rules for Admission to the Bar; and

This Court held a hearing on the proposed amendments May 18, 2004; and

This Court has reviewed the proposed amendments and is fully advised in the premises,

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The attached amendments to the Rules for Admission to the Bar are prescribed and promulgated for the regulation of admission to the bar of this state.
2. The amended rules shall be effective September 1, 2004.

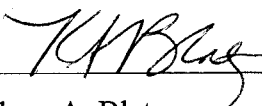
Dated: August 25, 2004

BY THE COURT:

OFFICE OF
APPELLATE COURTS

AUG 25 2004

FILED



Kathleen A. Blatz
Chief Justice

STATE OF MINNESOTA
RULES FOR ADMISSION TO THE BAR

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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 ~~attorneys~~ 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.
- ~~A.~~(3) "Board" means the Minnesota State Board of Law Examiners.
- ~~B.~~(4) "Court" means the Minnesota Supreme Court.
- ~~C.~~(5) "Director" means the staff director for the Board.
- ~~D.~~(6) "Good character and fitness" means traits, including honesty, trustworthiness, diligence and reliability, that are relevant to and have a rational connection with the applicant's present fitness to practice law.
- ~~E.~~ Deadlines and due dates specified under these Rules shall be taken to mean no later than 4:30 p.m. on the date stated; if the date falls on Saturday, Sunday, or a legal holiday, the deadline shall be the first working day thereafter. Postmarks dated on the due date will be accepted.
- (7) "Jurisdiction" means the District of Columbia or any state or territory of the United States.
- ~~F.~~ "Approved law school" means a law school provisionally or fully approved by the American Bar Association.
- ~~G.~~(8) "Legal services program" means a program existing primarily for the purpose of providing legal assistance to indigent persons in civil or criminal matters.
- ~~H.~~(9) "Notify" or "give notice" means to mail or deliver a document to the last known address of the applicant or the applicant's ~~attorney~~lawyer. Notice is complete upon mailing, but extends the applicant's period to respond by ~~3~~ three days.
- ~~I.~~ "Jurisdiction" means the District of Columbia or any state or territory of the United States.

B. Due Date 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 State Board of Law Examiners shall consist of nine members, two of whom shall be public members, each appointed by the Supreme Court for a term of three years or until a successor is appointed and qualifies. With the exception of the President, Board members may serve no more than three successive three-year terms. 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 ~~s~~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;
- ~~(6)~~(7) To administer these Rules and adopt policies and procedures consistent with these Rules;
- ~~(7)~~(8) To delegate to its President and Director authority to make necessary determinations to implement the Board's policies and procedures and these Rules;
- ~~(8)~~(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. Board meetings are open to the public except when the Board is considering the following:

- (1) ~~e~~Examination materials;
- (2) ~~a~~Any information concerning an applicant, ~~or~~ potential applicant, or conditionally admitted lawyer;
- (3) ~~p~~Personnel matters;
- (4) ~~a~~Any information which is confidential or private under Rule ~~13~~14;
- (5) ~~l~~Legal advice from its counsel.

Board members may attend meetings in person or, in extraordinary circumstances, by conference call. 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. An applicant is eligible for admission to practice law upon establishing to the satisfaction of the Board:

- (1) Age of at least 18 years;
- (2) Good character and fitness as defined by these Rules;
- (3) Graduation with a J.D. or LL.B. degree from a law school which is provisionally or fully approved by the American Bar Association;
- (4) Passing score on a written examination or qualification under Rules ~~7(A)~~7(A), 7(B), 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) **Complete Application.** An applicant for admission shall file at the office of the Board an application on a form prescribed by the Board. To be accepted for filing, an application must include:~~

~~(a) The proper fee as indicated in Rule 11;~~

~~(b) Notarized affidavits of two persons unrelated to the applicant by blood or marriage and not fellow law students during the applicant's enrollment, who have known the applicant for at least one year, setting forth the duration of time and the circumstances under which they have known the applicant, details respecting the applicant's character and general reputation and other such information which bears on the applicant's fitness to practice law;~~

~~(c) A notarized authorization for release of information on a form prescribed by the Board;~~

~~(d) For applicants seeking admission by examination, a passport-style photo.~~

(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:

- Are unrelated to the applicant by blood or marriage and not living in the same household; and
- Were not fellow law students during the applicant's enrollment.

The notarized affidavits of good character must address the following:

- The duration of time and circumstances under which the affiant has known the applicant;
- Details respecting the applicant's character and general reputation;
- Other information bearing on applicant's character and fitness to practice law.

D.(2) Certificate of Graduation. Each applicant shall file an original certificate of graduation from an approved law school stating that the applicant has graduated, or that the applicant has fulfilled all requirements for graduation and will be graduated within 120 days following the examination for which the applicant has applied. An applicant for admission by examination must also file the certificate or cause the certificate to be filed at least 30 days prior to the examination. a certificate from an approved law school stating that the applicant has graduated, or stating that the applicant has fulfilled all requirements for graduation and will be graduated within 120 days following the examination for which the applicant has filed.

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

F.(4) Professional Responsibility Test Scores. Applicants 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 submit a score report showing a scaled score of 85 or higher. on the Multistate Professional Responsibility Examination prior to being admitted. 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.(5) Repeat Examinee. An applicant who has been unsuccessful on a prior Minnesota Bar Examination may reapply by submitting:

- ~~(1)(a)~~ (1)(a) A new application for admission pursuant to Rule 4 (C)(1);
- ~~(2)(b)~~ (2)(b) The proper fee under Rule 412;
- ~~(3)(c)~~ (3)(c) A notarized authorization for release of information on a form prescribed by the Board;
- ~~(4)(d)~~ (4)(d) A passport-style photo;
- ~~(5)(e)~~ (5)(e) If the original application is more than two years old, new affidavits as described in Rule 4C(4) (C)(1)(b) of these Rules.

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

I.(7) 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 ~~by notifying the Board in writing.~~

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

J.D. 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) An applicant who violates this ~~rule~~ Rule may be denied an opportunity to test or may be denied 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 reason, recall complex factual information and integrate that information with complex legal theories;
- (2) The ability to communicate with clients, ~~attorneys~~ lawyers, courts, and others with a high degree of organization and clarity;
- (3) The ability to use good judgment on behalf of clients and in conducting one's professional business;
- (4) The ability to conduct oneself with respect for and in accordance with the law;
- (5) The ability to avoid acts which exhibit disregard for the rights or welfare of others;
- (6) The ability to comply with the requirements of the Rules of Professional Conduct, applicable state, local, and federal laws, regulations, statutes and any applicable order of a ~~C~~ court or tribunal;
- (7) The ability to act diligently and reliably in fulfilling one's obligations to clients, ~~attorneys~~ lawyers, courts, and others;
- (8) The ability to use honesty and good judgment in financial dealings on behalf of oneself, clients, and others; and
- (9) The ability to comply with deadlines and time constraints.

(1) Character and Fitness Standards and Investigation.

- (1) Purpose. The purpose of ~~the~~ character and fitness investigation before admission to the ~~Bar~~ bar is to ~~assure the protection of~~ protect the public and to safeguard the justice system.
- (2) Burden of Proof. The applicant bears the burden of proving good character and fitness 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) ~~U~~ Unlawful conduct;
 - (b) ~~A~~ Academic misconduct;
 - (c) ~~M~~ Misconduct in employment;
 - (d) ~~A~~ Acts involving dishonesty, fraud, deceit or misrepresentation;
 - (e) ~~A~~ Acts which demonstrate disregard for the rights or welfare of others;
 - (f) ~~A~~ Abuse of legal process, including the filing of vexatious or frivolous lawsuits;
 - (g) ~~N~~ Neglect of financial responsibilities;
 - (h) ~~N~~ Neglect of professional obligations;
 - (i) ~~V~~ Violation of an order of a court, including child support orders;
 - (j) ~~C~~ Conduct that evidences current mental or emotional instability that may impair the ability to practice law;

- (k) ~~C~~onduct that evidences current drug or alcohol dependence or abuse that may impair the ability to practice law;
 - (l) ~~D~~enial of admission to the ~~Bar~~-bar in another jurisdiction on character and fitness grounds;
 - (m) ~~D~~isciplinary action by a lawyer disciplinary agency or other professional disciplinary agency of any jurisdiction;
 - (n) ~~T~~he 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 ~~should~~shall be considered in assigning weight and significance to prior conduct:
- (a) ~~T~~he applicant's age at the time of the conduct;
 - (b) ~~T~~he recency of the conduct;
 - (c) ~~T~~he reliability of the information concerning the conduct;
 - (d) ~~T~~he seriousness of the conduct;
 - (e) ~~T~~he factors underlying the conduct;
 - (f) ~~T~~he cumulative effect of the conduct or information;
 - (g) ~~T~~he evidence of rehabilitation;
 - (h) ~~T~~he applicant's positive social contributions since the conduct;
 - (i) ~~T~~he applicant's candor in the admissions process;
 - (j) ~~T~~he materiality of any omissions or misrepresentations.
- (5) 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) Determination. A character and fitness determination shall be made with respect to each applicant who is a successful examinee or who is qualified by practice for admission under these Rules. An adverse determination on character and fitness grounds may be appealed under Rule ~~14~~15.
- (7) 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). ~~the following:~~
 - (1) ~~A completed application for admission;~~
 - (2) ~~A fee in the amount required under Rule 1112;~~
 - (3) ~~Two notarized affidavits as required by Rule 4(C)(1)(b)4C(4);~~
 - (4) ~~An authorization for release of information as required by Rule 4(C)(1)(c)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 4012. 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 ~~if~~ the applicant has failed to comply with the requirements of Rule 4(C) or 4D; or
 - (2) When ~~if~~ the Board has determined the applicant has not satisfied the good character and fitness requirement of Rule 4(A)(2).
- E. Scope of Examination.** The Minnesota Bar Examination shall consist of ~~the following: six essay questions, the Multistate Bar Examination (MBE), and at least one performance test question.~~
- (2) ~~Essay and Multiple Choice Questions.~~ The essay ~~Essay questions and multiple choice questions on any combination of~~ may include any of the following subjects:
 - Administrative Law
 - 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; ~~and~~
 - (3) Performance Test. ~~Commencing with the February 2001 examination, The~~ performance test shall include one or more questions to test 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 4415.

- 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 a final decision of the Board and does not afford the applicant the appeal and hearing rights set forth in Rule 4415.
- I. Stale Examination Scores.** A passing score on the Minnesota ~~bar examination~~ Bar Examination is valid for 24 months from the date of the examination. Applicants must be admitted within 24 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 has been licensed to practice law, has been in good standing in the highest court of another jurisdiction, and as principal occupation, has been actively and lawfully engaged in the practice of law as:

- (1) ~~A~~ sole practitioner;
- (2) ~~A~~ member of a law firm, professional corporation or association;
- (3) ~~A~~ judge in a court of record;
- (4) ~~A lawyer an attorney~~ for any local or state governmental entity;
- (5) ~~inside House~~ counsel for a corporation, agency, association or trust department;
- (6) ~~A lawyer an attorney~~ with the federal government or a federal governmental agency including service as a member of the Judge Advocate General's Department of one of the military branches of the United States; and/or
- (7) ~~A~~ professor teaching full-time in any approved law school.

The practice of law must have been in the jurisdiction where the applicant is licensed and during the period of licensure unless the practice falls under (6) or (7) above, or Rule 8F ~~of these Rules~~.

B. Eligibility for Admission by Test Score. An applicant may be eligible for admission without examination under Rule 4(A)(4) if the applicant has received a scaled score of 145 or ~~above~~ 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 ~~Evidence~~ of the score and a completed application to the Board must be received at the office of the Board within 24 months of the date of the qualifying examination ~~that is 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.

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

~~D.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.

~~E.G.~~ Ineligibility for Admission Without Examination. Any person who holds himself or herself out as a licensed Minnesota ~~attorney~~-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. An ~~attorney~~-lawyer licensed in another state, or the District of Columbia, ~~jurisdiction~~ may apply for and ~~obtain~~-be admitted under a temporary license to practice law in Minnesota when the applicant has accepted employment in Minnesota as an ~~attorney~~-lawyer for a legal services program.

B. Filing. In order to qualify for the license, the ~~attorney~~-lawyer must comply with the requirements of Rule 4(A)(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 ~~of the highest court of the state of licensure~~ or certificates from the proper authority in each jurisdiction certifying that the ~~attorney~~-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/her~~-his or her knowledge of the applicant's competence and good character, and the fact that the applicant has accepted employment as an ~~attorney~~-lawyer for a legal services program in Minnesota and will be supervised by a licensed Minnesota ~~attorney~~-lawyer;

(4) Two additional affidavits of character as prescribed by Rule ~~4(C)(1)~~-4C(4), and a fee consistent with Rule ~~41(F)~~-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 ~~attorney~~-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 7(A) (Eligibility by Practice) or 7(B) (Eligibility by Test Score);
- (2) Termination of the holder's employment with the employer referred to in Rule ~~8B(3)~~7(B)(3);
- (3) The lapse of 15 months from the date of issuance;
- (4) The holder's ~~ailing~~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 7(A).

RULE 9. ADMISSION BY TEMPORARY LICENSE FOR IN-HOUSE COUNSEL LICENSE

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

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

- (1) ~~A completed application for license to practice law in Minnesota;~~
- (2) ~~A certificate of the highest court of the state of licensure certifying that the attorney is in good standing and that no charges of professional misconduct are pending;~~
- (3) ~~An affidavit from an officer, director or general counsel of applicant's employer or parent company employer attesting to the fact that applicant is employed as an attorney solely for said employer, that applicant is an individual of good character, and that the nature of the employment meets the requirements of section A of this Rule;~~
- (4) ~~An affidavit of applicant attesting to applicant's full-time practice of law for at least five of the previous seven years;~~
- (5) ~~A fee consistent with Rule 11(E).~~

C. Certification of the Applicant's Good Character and Fitness. ~~An expedited character and fitness investigation will be conducted and the Director's initial certification of the applicant's good character and fitness made before issuance of a license pursuant to this Rule.~~

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

E. Duration and Revocation. ~~This Temporary License shall be valid for a period of no more than twelve months from the date of issuance. Upon notice to the Clerk of 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 7(A) (Eligibility by Practice) or Rule 7(B) (Eligibility by Examination Score);~~
- ~~(2) Termination of holder's employment with the employer referenced in Rule 9(B)(3);~~
- ~~(3) Issuance of an adverse determination pursuant to Rule 14(A).~~

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.** A temporary house counsel license that has expired due to termination of employment as described in Rule 9F(1) may be reissued at the Director's discretion within 90 days of the expiration of the license. The fee for re-issuance of the license shall be consistent with Rule 12M.
- J. 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. 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. A house counsel license that has expired due to termination of holder's employment as described in Rule 10D may be reissued at the Director's discretion within 90 days of the expiration of the license. 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 10.11. LICENSE FOR FOREIGN LEGAL CONSULTANTS

A. Eligibility. A person who is admitted to practice in a foreign country as ~~an attorney~~ 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 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) ~~H~~ave been admitted to practice in a foreign country as ~~an attorney~~ a lawyer or counselor at law or the equivalent; and
- (2) ~~A~~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) ~~B~~be in current good standing as ~~an attorney~~ a lawyer or counselor at law or the equivalent in that country, and have remained in good standing throughout the period of ~~his/her~~ his or her practice; and
- (4) ~~P~~possess the good character and fitness required for admission to practice in this state; and
- (5) ~~B~~be at least 24 years of age; and

(6) ~~M~~Maintain an office in the ~~s~~State of Minnesota for the rendering of services as a foreign legal consultant.

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

- (1) ~~A~~A sworn and notarized typewritten Application for Foreign Legal Consultant License;
- (2) ~~A~~A duly authenticated certificate from the authority having final jurisdiction over professional discipline in the foreign country in which the applicant is admitted to practice, which shall be accompanied by the official seal, if any, of such authority, and which shall certify:
 - (a) ~~T~~The authority's jurisdiction in such matters;
 - (b) ~~T~~The applicant's admission to practice in such foreign country, the date of admission, and the applicant's good standing as an ~~attorney~~ lawyer or counselor at law or the equivalent in that jurisdiction;
- (3) ~~A~~A duly authenticated document from any foreign country or jurisdiction in which said consultant has been licensed as an ~~attorney~~ lawyer or as a foreign legal consultant indicating whether any charge or complaint has ever been filed against the applicant with such authority, if so, the substance of each such charge or complaint, and the adjudication or resolution of each such charge or complaint;
- (4) ~~A~~A letter or recommendation signed by, and accompanied with the official seal, if any, of one of the members of the executive body of such authority or from one of the judges of the highest court of law of such foreign country, certifying to the applicant's professional qualifications;
- (5) ~~A~~A summary of the law or rule, if any, of such foreign country which permits members of the ~~bar of Minnesota~~ Bar to establish offices for the giving of legal advice to clients in such foreign country;
- (6) ~~L~~Letters of recommendation from at least three attorneys or counselors at law or the equivalent admitted in and practicing in such foreign country, setting forth the length of time, and under what circumstances they have known the applicant and stating their appraisal of the applicant's good character and fitness for admission;
- (7) ~~N~~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) ~~S~~Such other evidence as to the applicant's educational and professional qualifications, good character and fitness and compliance with the requirements of this ~~rule~~ Rule as the Minnesota Board of Law Examiners may require; and
- (9) ~~A~~A fee in the amount of \$1,000, in the form of a certified check or money order.

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

E. Scope of Practice. A person licensed as a foreign legal consultant under this rule may render legal services in the State of Minnesota regarding the laws of the

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

- (1) ~~A~~ appear for another person as ~~attorney 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, 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) ~~P~~ 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) ~~R~~ real property located in the United States of America;
 - (b) ~~P~~ personal property located in the United States of America, except where the instrument affecting title to such personal property is governed by the law of a jurisdiction in which the foreign legal consultant is admitted to practice as ~~an attorney a lawyer~~ or counselor at law or the equivalent;
- (3) ~~P~~ prepare:
 - (a) ~~A~~ any will or trust instrument affecting the disposition of any property located in the United States of America and owned by a resident thereof;
 - (b) ~~A~~ any instrument relating to the administration of a decedent's estate in the United States of America;
- (4) ~~P~~ 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) ~~R~~ render professional legal advice on the law of the State of Minnesota or the United States of America or any other state, subdivision, commonwealth or territory of the United States of America or the District of Columbia (whether rendered incident to the preparation of a legal instrument or otherwise);
- (6) ~~I~~ in any way represent that such person is admitted to the Bar of the State of Minnesota or is licensed as ~~an attorney a lawyer~~ or foreign legal consultant in another state, territory or the District of Columbia jurisdiction, or as ~~an attorney a lawyer~~ or counselor at law or the equivalent in a foreign country, unless so licensed;
- (7) ~~U~~ use any title other than "Foreign Legal Consultant, Not Admitted to Practice Law in Minnesota", provided that such person's authorized title and firm name in the foreign country in which such person is admitted to practice as ~~attorney a lawyer~~ or counselor at law or the equivalent may be used if the title, firm name, and the name of such foreign country are stated together with the above-mentioned designation;
- (8) ~~R~~ render any legal services for a client without utilizing a written retainer agreement which shall specify in bold type that the foreign legal consultant is not

admitted to practice law in the State of Minnesota, nor licensed to advise on the laws of the United States or the District of Columbia, and that the practice of the foreign legal consultant is limited to the laws of the foreign country where such person is admitted to practice as ~~an attorney~~ a lawyer or counselor at law or the equivalent; or

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

F. Disciplinary Provisions.

- (1) A foreign legal consultant is expressly subject to the Minnesota Rules of Professional Conduct and to continuing review of qualifications to retain any license granted hereunder, and shall be subject to the disciplinary jurisdiction of the Minnesota Office of Lawyers Professional Responsibility and the Minnesota Supreme Court.
- (2) Section 1 above shall not be construed to limit in any way concurrent disciplinary procedures to which the foreign legal consultant may be subject in the country of admission.
- (3) A foreign legal consultant shall execute and file with the Board of Law Examiners, in such form and manner as the court prescribes:
- (a) ~~A~~A statement that the foreign legal consultant has read, understood, and made a commitment to observe the Minnesota Rules of Professional Conduct; and
- (b) ~~E~~Either:
- (1) ~~A~~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) ~~A~~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~~A duly acknowledged instrument in writing setting forth such foreign legal consultant's address within the State of Minnesota and designating the Clerk of ~~the~~ Appellate Courts as agent for the service of process for all purposes; and
- (d) ~~A~~A commitment to notify the Minnesota Board of Law Examiners of any resignation or revocation of such foreign legal consultant's admission to practice in the foreign country of admission, or in any other state or jurisdiction in which the foreign legal consultant has been licensed as ~~an attorney~~ 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. Annual Certification and Renewal Fees.

- (1) A foreign legal consultant shall submit on a biennial basis to the Minnesota Board of Law Examiners:
 - (a) ~~A~~ a sworn statement attesting to ~~his/her~~ his or her continued good standing as ~~an attorney a lawyer~~ or counselor at law or equivalent in the foreign country in which ~~he/she~~ he or she is admitted to practice;
 - (b) ~~A~~ a fee in the amount of \$200.
- (2) The foreign legal consultant shall submit on an annual basis to the Minnesota Attorney Registration office ~~an attorney a lawyer~~ registration fee equivalent to the renewal fees paid by Minnesota licensed attorneys pursuant to the Rules of the Supreme Court for Registration of Attorneys.

RULE 11.12. FEES

A. General. ~~All application~~ Application fees or other fees required under these ~~Rules~~ shall be paid by ~~certified personal check, or money order or bank draft payable to the Board. All other fees and charges may be paid by personal check or money order.~~ The applicable fee is determined as of the date of filing of a complete application under Rule 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 ~~taking 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 on or before March 15 for the July examination), shall submit a fee of \$400.~~

An ~~application~~ applicant meeting the criteria in (1) and (2) above, who files after the timely filing deadline but before the late filing deadline for the examination ~~submitted after the timely filing date but on or before (December 1 for the February examination, or on or before May 1 for the July examination), shall include~~ 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) ~~L~~icensed to practice in another jurisdiction more than six months prior to the date of the applicant's Minnesota examination application; and
- (2) ~~Filing timely, on or before the timely filing deadline (October 15 for the February examination, or March 15 for the July examination).~~ shall submit a fee of \$750.

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

D. Exception for Recently Admitted Applicants. An applicant licensed to practice in another jurisdiction less than six months prior to the date of the applicant's Minnesota examination application, shall ~~comply with~~ submit the fee required by paragraph B of this Rule.

D.E. Repeat Examinations. An applicant who ~~previously has been~~ 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 ~~include~~ submit a fee of \$400 and comply with Rule ~~4G(C)(5)~~.

E.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 ~~\$950~~\$500.

F.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 ~~12B44(B)~~, will qualify applicants under Rule 6. Payment of an additional fee, as required by Rule ~~12C44(C)~~, will qualify applicants under Rule ~~7(A) or 7(B)~~.

G.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 ~~1244~~ are submitted.

H.I. Refunds of Fees. A refund in the amount of \$125 will be made in the following circumstances:

- (1) When an applicant for the bar examination advises the Board in writing at least four 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(C)(2)(a)~~.

No other requests for refund will be granted.

I.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 prior to the examination, may request carry-over of the application fee to the next examination. Such requests must be made in writing and be accompanied by written documentation of the medical emergency and a fee of \$50.

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

K. Copies of Examination Answers. An unsuccessful applicant ~~will receive~~ may request copies of the applicant's essay answers, ~~upon written request to the Board accompanied by a fee of \$20 and~~ 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. **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.~~

~~M.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 12-13. IMMUNITY

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

RULE 13-14. INFORMATION DISCLOSURE 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) ~~Transferability of Examination Scores~~MBE Score Advisory. The Director may advise an examinee whether an examination score is sufficient under the rules of a jurisdiction, upon written request of the examinee, identifying by month and year the Minnesota examination taken, the exact name on the examination, and a copy of the rules of the jurisdiction in which the examinee is interested.
release individual MBE scores as provided in Rule 7D.
- (3) ~~Disclosure of Examination Scores~~Transfer of MBE Score. The scores of an examinee may be disclosed:
 - (a) ~~Upon written request of the examinee and payment of the fee under Rule 11(J), to the bar admission authority of a another jurisdiction;~~ upon the examinee's written request to the National Conference of Bar Examiners (NCBE).
 - (b) ~~At the discretion of the Board, to the law school from which the examinee graduated;~~
- (4)(e) Release of Examination Scores and Essays to Unsuccessful Examinees. ~~To an unsuccessful examinee, the~~ 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 copies of answers to the essays questions pursuant to Rule 11(K).
- (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) ~~to~~ 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 ~~contained in Rule 3(C) and this rule 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 14.15. 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 days prior to the hearing, the Board shall notify the applicant of the time and place.
- D. Proceedings.** ~~In~~ 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.
- E. ~~Pre-Hearing~~ Prehearing Conference.** The Board President or designee shall conduct a prehearing conference to address procedural issues. Unless the President or designee orders otherwise, Board counsel and the applicant shall exchange exhibit lists, ~~and~~ the names and addresses of witnesses and any stipulations concerning proposed findings of fact, conclusions of law, or a proposed final decision at least ten 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, 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 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 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.

RULE 15-~~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 16.–18. REAPPLICATION AFTER DENIAL

~~After expiration of the time for appeal allowed in Rule 14(B) or Rule 15(A), or after denial of petition by the Court, an applicant determined 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.~~

An applicant determined 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. 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 17.–19. BAR ADMISSIONS ADVISORY COUNCIL

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