

NO. 45298

STATE OF MINNESOTA

IN SUPREME COURT

In the Matter of Petition of the)
Minnesota State Bar Association,)
a Corporation, for Adoption of)
Rules Relating to Continuing)
Professional Education.)

PETITION TO AMEND
COURT RULES

To the Supreme Court of the State of Minnesota:

Petitioner, Minnesota State Bar Association, alleges:

1. Petitioner is a nonprofit corporation composed of attorneys at law duly licensed and admitted to practice before this Court.

2. In June, 1972, the Board of Governors of Petitioner appointed a Study Committee on Continuing Professional Competence, chaired by John P. Byron of Minneapolis, subject to the following charge:

"To make a study of the problem of whether or not there should be adopted a set of 'minimum standards' or 'guidelines' which would enunciate what every lawyer is expected to do in order to maintain his or her standing as a licensed member of the profession."

3. During the succeeding two years, the Committee studied the extensive material available on continuing professional education in the legal profession and other professions. Numerous meetings of the Committee were held. The Committee recommended to the Board of Governors of Petitioner that a formal program of

mandatory continuing legal education for Minnesota lawyers be adopted by this Court.

The Committee made an interim report which was disseminated to all members of the Association by publication in the March 1973 issue of Bench and Bar and a final report which was similarly disseminated by publication in the March 1974 issue of Bench and Bar. Copies of these reports are attached as Exhibits C and D.

4. Pursuant to the recommendation of the Committee, and by direction of the Board of Governors of Petitioner, the proposed program of mandatory continuing legal education was presented to the lawyers of Minnesota at District Bar Association meetings throughout the state, and at both the 1973 and 1974 annual conventions of Petitioner. The detailed and extensive presentation was believed to be necessary to permit informed action on the matter on the part of the bar.

5. At the annual convention of Petitioner in June, 1974, the Committee recommended that Petitioner move this Court for the adoption of rules of practice governing continuing legal education. Such recommendation was duly adopted by the General Assembly of its convention after amendment, in the form of Exhibits A and B attached hereto and made a part hereof. The proper officers of Petitioner were directed to move this Court at the earliest possible date for the adoption of the proposed rules.

WHEREFORE, Petitioner respectfully requests that:

1) The Supreme Court of the State of Minnesota amend its rules for the practice of law in Minnesota in the forms submitted herewith as Exhibits A and B.

2) In the event the proposed rules are adopted, Petitioner further requests that the State Board of Continuing Legal Education be given authority to accredit courses offered on or after July 1, 1974 to be applicable toward satisfying the requirements of the rules.

DATED: August 8, 1974

MINNESOTA STATE BAR ASSOCIATION,
A NONPROFIT CORPORATION

By Its Executive Committee

Rober P. Brosnahan, President
George C. Mastor, President-Elect
David R. Brink, Secretary
David C. Donnelly, Treasurer
Gene W. Halverson, Past President
Gerald A. Regnier, Executive Director

By 
Roger P. Brosnahan, President

100 Minnesota Federal Building
Minneapolis, Minnesota 55402

By Its Committee on Continuing
Professional Competence

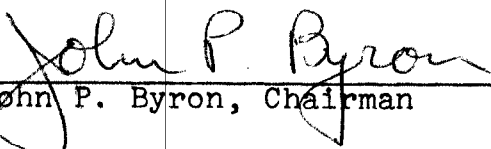
By 
John P. Byron, Chairman

EXHIBIT A

PROPOSED RULES OF THE SUPREME COURT FOR CONTINUING PROFESSIONAL EDUCATION OF MEMBERS OF THE BAR

Rule 1 - Purpose

It is of primary importance to the members of the Bar and to the public that attorneys continue their legal education throughout the period of their active practice of law, and that attorneys failing to do so should be subjected to discipline. These rules will establish the minimum requirements for continuing legal education, and the disciplinary proceedings to be utilized.

Rule 2 - State Board of Continuing Legal Education

There is hereby established a State Board of Continuing Legal Education to be appointed by this Court, consisting of 12 members and a chairperson. Three of the members of the Board, other than the chairperson, may be persons who are not members of the Bar of this state. Each other member of the Board, with the exception of one who shall be a District Judge, shall be a member of the Bar of this state who practices in Minnesota, with his principal office located in this state. Six of the members of the Board, other than the chairperson and such lay members, shall be nominated by the Minnesota State Bar Association in the manner determined by it. Of the members first appointed, four shall be appointed for one year, four for two years, and four for three years, two in each instance from the nominees of the Minnesota State Bar Association, and one in each instance from the nominees of the Minnesota State Bar Association, and one in each instance being a lay member. Thereafter, appointments shall be for a three-year term. No member may serve more than two three-year terms. Each member shall serve until his successor is appointed and qualifies. The chairperson of the Board shall be appointed by this Court for such time as it shall designate and shall serve at the pleasure of this Court. This Court shall also designate a secretary of the Board. The chairperson, the secretary and other members of the Board shall serve without compensation, but shall be paid their reasonable and necessary expenses incurred in the performance of their duties.

The Board shall have general supervisory authority over the administration of these rules. The Board shall accredit courses and programs which will satisfy the educational requirements of these rules and shall discover and encourage the offering of such courses and programs.

Rule 3 - Report of Continuing Education

Each attorney duly admitted to practice in this state must make a written report to the Board in such manner and form as the Board shall prescribe. Such report shall be filed with the Board in duplicate within 60 days after the close of the three-year period within which such attorney is required to complete his continuing legal education requirements. Such report shall be accompanied by proof satisfactory to the Board that such attorney has completed a minimum of 45 hours of course work either as a student or a teacher in continuing legal education, in courses approved by the Board as suitable and sufficient, within the three-year period just completed.

In individual cases, the Board may grant waivers or extensions of the minimum educational or the reporting requirements.

Rule 4 - Failure to Satisfy Educational Requirements

If an attorney fails to complete the minimum educational or the reporting requirements to the satisfaction of the Board, the Board shall report such failure to the Board of Professional Responsibility.

The Board of Continuing Legal Education, before reporting any matter to the Board of Professional Responsibility shall afford the lawyer involved a hearing in accordance with the principles of due process of law.

Rule 5 - Confidentiality

Unless otherwise directed by this Court, the files, records and proceedings of the State Board of Continuing Legal Education, as they may relate to or arise out of any failure of any attorney to satisfy the continuing legal education requirements, shall be deemed confidential and shall not be disclosed, except in furtherance of its duties, or upon request of the attorney affected, or as they may be introduced in evidence or otherwise produced in proceedings in accordance with these rules.

Rule 6 - Payment of Expenses

All miscellaneous and necessary expenses of the Board of Continuing Legal Education and its members certified to this Court as having been incurred in the performance of their duties under these rules shall be paid upon vouchers approved by this Court from funds now or hereafter deposited to its credit with the State of Minnesota or elsewhere.

Rule 7 - Supplemental Rules

The State Board of Continuing Legal Education may make and adopt rules and regulations not inconsistent with these rules, governing the conduct of business and performance of its duties.

EXHIBIT B

PROPOSED AMENDMENT TO RULE 2 OF THE RULES OF THE SUPREME COURT FOR REGISTRATION OF ATTORNEYS

Rule 2. Registration Fee

In order to defray the expenses of examinations and investigations for admission to the bar and disciplinary proceedings, over and above the amount paid by applicants for such admission, with the exceptions hereinafter enumerated, each attorney admitted to practice law in this state and those members of the judiciary who are required to be admitted to practice as a prerequisite to holding office shall hereafter annually, on or before the first day of January of each year after his original admission, pay to the Clerk of the Supreme Court a registration fee in the sum of Thirty Dollars (\$30.00) or in such lesser sum as the Court may annually thereafter determine.

The following attorneys and judges shall pay an annual registration fee of Seven Dollars (\$7.00):

(a) Any attorney who has reached the age of 70 years and files annually with the Clerk of Supreme Court an affidavit that he is not engaged in the practice of law;

(b) Any attorney or judge whose permanent residence is outside the state of Minnesota and who does not practice law within this state;

(c) Any attorney who has not been admitted to practice for more than three years;

(d) Any attorney while on duty in the armed forces of the United States;

(e) Any judge who is retired and no longer serves on the bench or practices law.

The annual registration fee shall be allocated and used as follows:

(1) The first Seven Dollars (\$7.00) of each annual registration fee shall be allocated and used to defray the expenses of examinations and investigations for admission to the bar.

(2) The next Eighteen Dollars (\$18.00) of each annual registration fee shall be allocated and used exclusively for regulating the practice of law according to the rules of professional conduct adopted or promulgated by the Supreme Court.

(3) The remaining Five Dollars (\$5.00) of each annual registration fee shall be allocated and used exclusively for administration and enforcement of the requirements set forth in the rules for continuing professional education of members of the bar adopted or promulgated by the Supreme Court.