

PETITION FOR AMENDMENT  
OR CLARIFICATION OF  
ORDER OF MINNESOTA SUPREME COURT  
NO. 45298

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STATE OF MINNESOTA  
IN SUPREME COURT

IN RE: Rules relating to Continuing Professional Education

STATEMENT OF THE CASE AND ITS FACTS

By its Order of Promulgation No. 45298, dated April 3, 1975, this Court adopted Rules Relating to Continuing Legal Education for the Bar of the State. Petitioner, an attorney admitted to practice in Minnesota, has been placed in Class 1 for purposes of fulfilling the Continuing Legal Education requirements ordered by the Minnesota Supreme Court. Under that Order, Petitioner was required to complete fifteen (15) hours of legal study between the dates of July 1, 1974 and June 30, 1976, and to complete an additional forth-five (45) hours of study by June 30, 1979.

Petitioner's Affidavit, attached hereto, states that he completed 55.25 hours of study between July 1, 1974 and June 30, 1976. It is Petitioner's belief that the Order of the Minnesota Supreme Court allows the carryover of excess credit hours over fifteen (15) to the next reporting period. However, Douglas Heidenreich, Administrator, in a letter attached hereto as Ex-

hibit A, interpreted the Supreme Court's Order to forbid such a carryover.

Though there appears to be nothing in the Supreme Court's Order, or Rules, which expressly forbids the carryover of excess credit hours, and though this Court has, in fact, been silent on this matter, the Administrator, in his own discretion, made such a determination. Petitioner was given no prior notice of such a determination.

Petitioner questions whether the Administrator, in making such an interpretation, has exceeded the authority given to him by Rule No. 7. His action does not appear to be the making of a Rule or Regulation, and the decision involved was not included within the published Rules and Regulations of the Board of Continuing Legal Education.

The Petitioner does not question the goals and philosophies of a program designed to insure the continuing professional competence of attorneys in Minnesota. He does not feel that his interpretation would frustrate those goals, especially when attorneys in other classes are allowed to carryover excess credits. His interpretation of this matter is not forbidden by the Order of the Minnesota Supreme Court. Therefore, the action of the Administrator has raised an issue as to the intention of the Minnesota Supreme Court on this matter.

## REPRESENTATIONS AND RECOMMENDATIONS

Petitioner offers the following considerations to be weighed by this Court in making a determination on this matter.

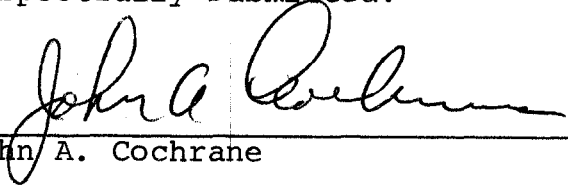
First, Petitioner submits that, in the words of Justice Otis, (reported by Douglas Heidenreich as Executive Director in the minutes of the meeting of the Board of Continuing Legal Education on April 1, 1976) denial to those in Category I and Category II of the opportunity to carry credits forward into the following reporting period seems somewhat illogical in as much as those who, because of the "the luck of the draw" where placed in Category III, were able to take full advantage of credits earned during the first two years. Further, Petitioner submits that such an interpretation of the Supreme Court rule as put forth by the Administrator, may not only be illogical, but may also be arbitrary, unreasonable, and discriminate against Class I attorneys.

Secondly, this is a matter, as shown by the facts, over which confusion exists as to this Court's intention when it promulgated the Order mandating Continuing Legal Education. Petitioner respectfully submits that this Court should rule as to what its intention in this matter is, rather than leaving such a determination to be made in the discretion of the Administrator.

CONCLUSION AND PRAYER

Affirming the goals and philosophy of the Continuing Legal Education program, Petitioner hereby respectfully recommends that this Court consider amendment or clarification of the aforesaid Order and Rules Relating to Continuing Legal Education, to allow carryover of excess credits to a following period by all attorneys.

Respectfully Submitted:

  
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John A. Cochrane

Dated: August 1, 1977

MINNESOTA STATE BOARD OF CONTINUING LEGAL EDUCATION

An Agency of the Minnesota Supreme Court  
2100 Summit Avenue, St. Paul, Minnesota 55105  
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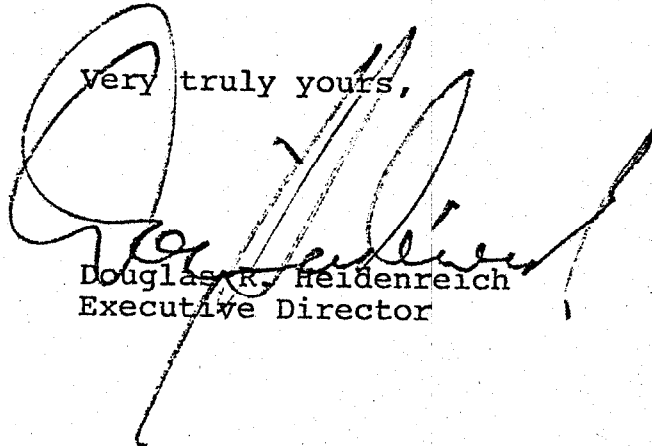
Richard G. Gomsrud, Esq.  
Suite 500, Cochrane & Bresnahan Bldg.  
360 Wabasha Street  
St. Paul, Minnesota  
55102

Dear Mr. Gomsrud:

This will acknowledge receipt of the affidavit of John A. Cochrane showing substantially more than is necessary to meet the requirements of category 1. Mr. Cochrane will now be required to attend 45 hours of approved CLE work between July 1, 1976 and June 30, 1979. Because there is no "carry over" between periods any excess credits earned prior to July 1 can not be counted against the 1976-79 requirement.

If you have any questions please let me know.

Very truly yours,



Douglas R. Heidenreich  
Executive Director

DRH:hs

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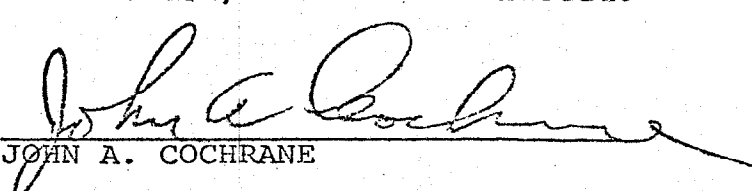
STATE OF MINNESOTA  
BOARD OF CONTINUING LEGAL EDUCATION

AFFIDAVIT OF ATTENDANCE AT  
APPROVED CLE COURSES

1. Name of person seeking credit: John A. Cochrane
2. Minn. Sup. Ct. License No.: 09645
3. Period covered: July 1, 1974 through June 30, 1976
4. Approved courses attended during this period

<u>SPONSORING AGENCY</u>	<u>NAME OF COURSE</u>	<u>DATE OF ATTENDANCE</u>	<u>NO. OF CREDIT HOURS CLAIMED</u>
a. CLE	Agriculture and Law	9/5/74	12
b. CLE	Misdemeanors Seminar	9/20/75	5.25
c. CLE	Antitrust Seminar	11/14/75	16
d. Iowa Trial Lawyers	Making the Trial Record in Civil Cases and Business Litigation for General Practitioner	11/13/75	6
e. CLE	Third Annual Conference on Agriculture and Law	10/24/75	16

I swear or affirm that the information hereon is, to the best of my knowledge, complete and accurate and that I did in fact attend, for the number of hours indicated, the courses listed.

  
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JOHN A. COCHRANE