

STATE OF MINNESOTA  
IN SUPREME COURT  
# 45298

HEARING ON PROPOSED AMENDMENT  
TO THE RULES OF CONTINUING  
PROFESSIONAL EDUCATION PROMULGATED  
BY THE MINNESOTA SUPREME COURT  
ON APRIL 3, 1979.

O R D E R

IT IS HEREBY ORDERED, that a hearing on a proposed amendment to the Rules of Continuing Professional Education promulgated by the Minnesota Supreme Court on April 3, 1975, be held before this Court in the Supreme Court, State Capitol Building, Saint Paul, Minnesota, on Thursday, October 4, 1979, commencing at 1:30 p. m.

It is proposed to amend Paragraph 3 of Rule No. 3 of the Rules of Continuing Professional Education to read as follows:

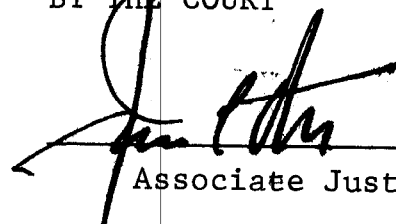
"Unless otherwise ordered by this Court an attorney on restricted status who desires to resume active status may do so by complying with the rules and regulations of the State Board of Continuing Legal Education."

IT IS FURTHER ORDERED, that advance notice of the hearing be given by publication of this order once in the Supreme Court edition of FINANCE AND COMMERCE, ST. PAUL LEGAL LEDGER, BENCH AND BAR, and the HENNEPIN LAWYER.

IT IS FURTHER ORDERED, that all persons desiring to be heard shall file briefs or petitions and shall also notify the Clerk of the Supreme Court, in writing, on or before Thursday, September 27, 1979, of their desire to be heard in this matter.

DATED: August 14, 1979.

BY THE COURT



Associate Justice

SUPREME COURT  
**FILED**  
AUG 14 1979  
JOHN McCARTHY  
CLERK

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REVISED SUBCOMMITTEE REPORT  
ON RESTRICTED STATUS, JULY 1979

RULE 112 - TRANSFER FROM RESTRICTED STATUS

(a) Notice to Supreme Court and Board. A lawyer who has been placed on restricted status and who wishes to assume active status shall so notify the Clerk of the Supreme Court in writing as provided by Rule 3, with a copy of the notice to the Board, and the lawyer shall ~~then~~ comply with the provisions of this Rule. On receipt of the notice, the Board will advise the lawyer of his or her transfer requirements, and on completion of those requirements the Board will so notify the Supreme Court.

(b) Restricted Status for Three Years. A lawyer who has been on restricted status for not more than three years shall be transferred to active status upon completion, within said three year period, of all CLE course hours for which the lawyer is then delinquent plus that number of hours needed to be current on a proportional basis in that person's CLE category.

(c) Restricted Status for more than Three Years. A lawyer who has been on restricted status for more than three years shall be transferred to active status upon -

- (1) completion of 45 hours of CLE course hours within a period of time to be prescribed by the Board; and
- (2) taking such additional continuing legal education program as the Board may prescribe.

COMMENTS

1. Any rule to be adopted, would, it seems, have to be adopted by the Supreme Court. Rule 7 says the Board may adopt rules not inconsistent with the court's rules establishing the Board, but Rule 3 only speaks of voluntary restricted status and Rule 4 says an active lawyer who defaults (which probably applies to a lawyer put on involuntary restricted status) shall be reported to the court "for appropriate disposition."

2. The proposed rule, as now revised, makes no distinction

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between voluntary or involuntary status; however, in the case of lawyers on restricted status for more than three years, the Board may require taking "such additional continuing legal education program as the Board may prescribe." It may be that the Board would, if circumstances so indicated, require more of an additional program for a lawyer on restricted status than one who chose restricted status. Some flexibility is desirable, as, for example, a lawyer who has been practicing in another state during his period of restricted status in Minnesota would not need the same amount of refresher courses that a lawyer who has not been practicing at all.

3. We might consider requiring a fee of, say, \$100 from any lawyer who applies for transfer to active status from involuntary restricted status. This is somewhat analogous to the applicant who pays \$75 to retake the bar exam or who pays \$200 for a limited practice certificate, and it helps to distinguish between voluntary and involuntary status. Ordinarily the lawyer who has been placed on involuntary status requires more work on the part of the Board.

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SUPREME COURT

FILED

OCT 1 1979

JOHN McCARTHY  
CLERK