

C2-84-2163

OFFICE OF
APPELLATE COURTS

STATE OF MINNESOTA
IN SUPREME COURT

SEP 23 1994

FILED

In re:

Amendment of Rules for
Continuing Legal Education
of Members of the Bar

PETITION OF MINNESOTA STATE BAR ASSOCIATION

TO THE HONORABLE JUSTICES OF THE MINNESOTA SUPREME COURT:

Petitioner Minnesota State Bar Association ("MSBA") respectfully petitions this Honorable Court to amend the Rules for Continuing Legal Education of Members of the Bar to add additional requirements for training of lawyers in ethics and professional responsibility and diversity training. In support of this Petition, MSBA would show the following:

1. Petitioner MSBA is a not-for-profit corporation of attorneys admitted to practice law before this Court and the lower courts of the State of Minnesota.
2. This Honorable Court has the exclusive and inherent power and duty to administer justice and to adopt rules of practice and procedure before the courts of this state and to establish the standards for regulating the legal profession. This power has been expressly recognized by the Legislature. *See* Minn. Stat. § 480.05 (1992).
3. This Court established mandatory continuing legal education for lawyers ("CLE") in 1975, and has continued to require CLE to this date. CLE is required by the Rules of the Supreme Court for Continuing Legal Education of Members of the Bar. The Board of Continuing Legal Education created by those rules has in turn adopted its rules, the Rules

for Continuing Legal Education of Members of the Bar and Rules of the Board of Continuing Legal Education.

4. In 1992 and 1993 the Hennepin County Bar Association established a Glass Ceiling Task Force to study and develop recommendations to eliminate gender and racial bias in legal employment. After substantial testimony, study and deliberation, the HCBA Glass Ceiling Task Force issued numerous recommendations. One of the recommendations specifically addressed to bar associations was to petition the Court to institute mandatory continuing legal education programs on diversity. The Glass Ceiling Task Force Report was adopted by the HCBA in May 1993 and by the MSBA in June 1993. In 1993, the Minnesota Supreme Court's Racial Bias Task Force Report also recommended the need for training and education in cultural diversity to eliminate bias within the legal system. The MSBA Diversity Issues Committee recommended diversity training as well. In furtherance of the Minnesota Supreme Court Racial Bias Task Force Report, the HCBA Glass Ceiling Task Force Report, and the Diversity Issues Committee recommendation, the MSBA submits this petition for the Minnesota Supreme Court's consideration.

5. In conjunction with Hennepin County Bar Association, Petitioner MSBA appointed a Task Force in 1993 to study and report on the desirability of amending the Rules of the Supreme Court for Continuing Legal Education of Members of the Bar ("CLE Rules") to include mandatory education on professional responsibility and ethics matters and also professionalism and diversity training. The MSBA/HCBA Joint Task Force on CLE requirements met as a group and by subcommittee on numerous occasions in 1993 and 1994, and issued a report and recommendations to the MSBA. Those recommendations were considered and debated at the MSBA convention held in Duluth, Minnesota, on June 25, 1994. At that time the House of Delegates and General Assembly of the MSBA voted to approve and recommend to the Court this proposed amendment.

6. The MSBA respectfully recommends and requests this Court to amend the Rules of the Supreme Court for Continuing Legal Education of Members of the Bar as follows:

Rule 3. REPORT OF CONTINUING EDUCATION.

Each registered attorney duly admitted to practice in this state desiring active status 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 within 60 days after the close of the three-year period within which such attorney is required to complete his or her 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 lecturer, in continuing legal education, including a minimum of three hours of continuing ethics and professional responsibility education and a minimum of two hours of diversity training, in courses approved by the Board as suitable and sufficient within the three-year period just completed. To qualify for ethics and professional responsibility credit, a course or component of a course must be at least sixty (60) minutes in length of uninterrupted time, and the course must use written materials.

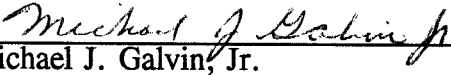
On a one-time-only basis, in the first three-year reporting period after adoption of the ethics and professional responsibility education requirement, a single three-hour ethics and professional responsibility course shall be required to fulfill the ethics and professional responsibility requirement.

Based upon the foregoing authorities, Petitioner Minnesota State Bar Association respectfully requests this Honorable Court implement the Rules amendments proposed in paragraph 6 above.

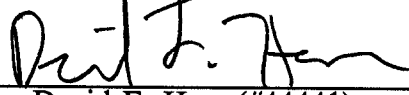
Dated: September 19, 1994.

Respectfully submitted,

MINNESOTA STATE BAR ASSOCIATION

By 
Michael J. Galvin, Jr.
Its President

MASLON EDELMAN BORMAN & BRAND
A Professional Limited Liability Partnership

By 
David F. Herr (#44441)
3300 Norwest Center
90 South Seventh Street
Minneapolis, Minnesota 55402-4140
(612) 672-8350

ATTORNEYS FOR PETITIONER

**MASLON
EDELMAN
BORMAN
& BRAND**

*a Professional Limited
Liability Partnership*

MARVIN BORMAN
CHARLES QUAINANCE, JR.
NEIL I. SELL
MARTIN G. WEINSTEIN
WILLIAM E. MULLIN
WILLIAM Z. PENTELOVITCH
JOSEPH ALEXANDER
GARY J. HAUGEN
THOMAS H. BORMAN
REBECCA PALMER
MARK BAUMANN
DAVID F. HERR
R. LAWRENCE PURDY
JAMES D. O'CONNOR
RICHARD G. WILSON
LEON I. STEINBERG
LAWRENCE M. SHAPIRO
HOWARD B. TARKOW
WILLIAM M. MOWER, P.A.
LARRY A. KOCH
VIRGINIA A. BELL
JUSTIN H. PERL
COOPER S. ASHLEY
SALLY STOLEN GROSSMAN
TERRI KRIVOSHA
MARY R. VASALY
EDWIN CHANIN
CLARK T. WHITMORE
WAYNE S. MOSKOWITZ
MALLORY K. MULLINS
SUSAN D. HOLAPPA
CHARLES A. HOFFMAN
RUSSELL F. LEDERMAN, P.A.
RICHARD A. KEMPF
MARK W. LEE
LORRIE L. SALZL
SUSAN E. OLIPHANT
ALAIN M. BAUDRY
PATRICIA I. REDDING
ANNA L. KORINKO
JONATHAN S. PARRITZ
BRIAN J. KLEIN
JAMES F. KILLIAN
JAMES F. HANNEMAN
JEANMARIE T. SALES
DAVID T. QUINBY
KEVIN M. KOEPKE
DOUGLAS T. HOLOD
CARLETON B. CRUTCHFIELD
JOHN D. DARLING
NEIL P. AYOTTE
RACHEL U. GIBBS
BRENDA J. ARNDT
LAURIE KINDEL FETT

OF COUNSEL
ROBERT A. ENGELKE
MICHAEL L. SNOW

SAMUEL H. MASLON
1901-1988
HYMAN EDELMAN
1905-1993

3300 NORWEST CENTER
90 SOUTH SEVENTH STREET
MINNEAPOLIS, MINNESOTA 55402-4140
(612) 672-8200
FAX (612) 672-8397

Writer's Direct Dial:
672-8350

September 22, 1994

Mr. Frederick K. Grittner
Clerk of Appellate Courts
Minnesota Judicial Center
25 Constitution Avenue
St. Paul, MN 55155-6102


Re: Petition of MSBA re: Amendment of Rules of Continuing Legal
Education

Dear Mr. Grittner:

I am enclosing the original and ten copies of the Petition of the
Minnesota State Bar Association in this matter. I am also enclosing for the
Court's convenience a copy of the petition on disk. The disk was created in
WordPerfect Version 5.0 on a MS/DOS machine.

If you have any questions regarding this Petition, please feel free to
contact me.

Yours very truly,


David F. Herr

DFH:psp
Enclosures

cc: Mr. Michael J. Galvin, Jr.
Ms. Mary Jo Ruff, MSBA

OFFICE OF
APPELLATE COURTS

SEP 23 1994

FILED