

STATE OF MINNESOTA

In Supreme Court

FILE NO. C2-84-2163

OFFICE OF
APPELLATE COURTS

OCT 14 1999

FILED

**Petition of the Minnesota State Board
of Continuing Legal Education For
Amendment of the Rules of the
Minnesota Supreme Court and State Board
for Continuing Legal Education of Members of the Bar**

**SUPPLEMENTAL
PETITION
FOR RULE AMENDMENT**

TO: THE HONORABLE JUSTICES OF THE MINNESOTA SUPREME COURT:

Petitioner, the Minnesota State Board of Continuing Legal Education, respectfully petitions the Court to supplement the Petition for Rule Amendment filed on September 14, 1999, by substituting the attached corrected versions of Appendices I and II.

Dated: *October 14, 1999*



Margaret Fuller Corneille

Director

MINNESOTA STATE BOARD OF CONTINUING LEGAL EDUCATION

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Appendix I

MN STATE BOARD OF CONTINUING LEGAL EDUCATION, 25 CONSTITUTION AVENUE, SUITE 110, ST. PAUL, MN 55155

COURSE APPROVAL FORM

Instructions: ENCLOSE \$35.00 APPLICATION FEE (RULE 4A(7)). Please type. Leave no blanks. Incomplete forms will be returned to you. In completing this form, please refer to the Rules of the Board of Continuing Legal Education published in the Rules of Court volume of the Minnesota Statutes.

A lawyer or sponsoring agency adversely affected by the determination of the Director may request review by the Board.*

I. SPONSOR INFORMATION

Name _____

Street Address _____ City _____ State _____ Zip Code _____

Contact Person _____ Telephone (area code) _____

Submitted by: Name _____

____ course sponsor ____ course participant (check one)

Expected Audience or Marketing Target: _____

A list of Minnesota participants must be maintained by the sponsor and made available to the Board upon request.

II. COURSE DATA

Title _____

Date _____ Location _____

Check those which apply:

____ live lecture ____ in house program (see Rule 5B) ____ demonstration, role play, mock trial
____ study tour ____ video-tape/film (must have live moderator) ____ live satellite broadcast (must have live moderator)

III. FACULTY DATA: Indicate where in the brochure this information is found or attach separate sheet.

IV. SESSION SCHEDULE AND AGENDA: Provide a detailed agenda or information on an attached sheet showing a complete breakdown of the program, marking the segments for which credit is requested. For each segment, indicate the beginning and ending times, the faculty, and sufficient detail about the content of the segment in order to make an accreditation decision under Board Rules. Course segments can be accredited as standard CLE, or ethics CLE or elimination of bias CLE. Indicate for each segment the type of CLE credit for which you are applying. Attach a copy of the promotional brochure, if any, and describe the materials to be distributed to participants (a copy may be submitted in lieu of a description).

V. ETHICS AND PROFESSIONAL RESPONSIBILITY CONTENT: Ethics or professional responsibility *must* be a component of every approved standard CLE course in Minnesota or an explanation must be provided as to why ethics is not covered. In addition, courses may also be accredited as "Ethics CLE" or "Elimination of Bias CLE". See Rules 6A and 6B of the Rules of the Minnesota Board of CLE. **In order to qualify for ethics CLE credit, an ethics course or segment of a course must be at least 30 minutes in length.**

Check below the treatment of **ethics or professional responsibility** content in the program:

- A portion of the program 30 minutes or more in length addresses **ethics or professional responsibility** and is marked as "Ethics" on the attached program agenda.
- Ethics or professional responsibility concerns are addressed throughout the program but no distinct segment is 30 minutes or more in length.
- No portion of the program addressed ethics or professional responsibility. Attached is an explanation of why ethics or professional responsibility content is not present in this program.

VI. ELIMINATION OF BIAS EDUCATION: Please check here to indicate whether you are requesting Elimination of Bias credit for this program:

- Elimination of Bias credit is sought. See attached narrative.
- No credit for Elimination of Bias is sought.

Minnesota CLE Rule 6B describes course requirements for CLE on the "elimination of bias in the legal profession and in the practice of law." In order to be afforded "**elimination of bias**" credit, **such courses or segments of courses must be at least 60 minutes in length.** If elimination of bias credit is sought for some portion of this course, please do the following:

1. Review the "elimination of bias" goals listed below;
2. Mark the segment or segments on the agenda which the sponsor believes fulfill these requirements;
3. Attach a brief written narrative describing how the course segment or segments meet one or more of the "Learning Goals for Minnesota Elimination of Bias Courses" listed below.

Please note that courses or segments of courses may address ethics and elimination of bias topics. A sponsor may seek credit in one category or the other, but will not be accredited in both categories simultaneously. The Board will determine in which category credit will be granted, based upon the course description and the sponsor's narrative.

LEARNING GOALS FOR MINNESOTA ELIMINATION OF BIAS COURSES

Courses approved as "elimination of bias" must be at least **60 continuous minutes in duration**, must be directly related to the practice of law, must meet all other requirements of Rule 5 of the Rules of the CLE Board and must be designed to meet one or more of the following goals:

1. to educate attorneys about the elimination of bias or prejudice in the legal profession, in the practice of law, and/or in the administration of justice;
2. to educate attorneys regarding barriers to hiring, retention, promotion, professional development and full participation of lawyers of color, women, and those persons referenced in the "elimination of bias" definition (i.) of the Rules of the CLE Board, both in the public and private sector of the legal profession and in the practice of law;
3. to educate attorneys about the problems identified in the Supreme Court's Race Bias and Gender Fairness Task Force Reports, as well as in other studies, reports or treatises which describe bias and prejudice in the legal profession, in the practice of law, and/or in the administration of justice.

*Until credit is granted by the Minnesota Board of Continuing Legal Education, sponsors are asked to advertise credit as "applied for."

MINNESOTA STATE BOARD OF CONTINUING LEGAL EDUCATION
 Minnesota Judicial Center, 25 Constitution Ave, Suite 110, St. Paul, Minnesota 55155
AFFIDAVIT OF CLE COMPLIANCE

License Number: _____ Name: _____

CLE Category: _____ Mailing Address: _____

Period Covered: _____ Date of this Report: _____

I swear that the information below is an accurate and complete record of my attendance.

Attorney Signature _____

ATTENDANCE INFORMATION

SPONSORING AGENCY	COURSE TITLE	COURSE DATES	HOURS OF STANDARD CLE	HOURS OF ETHICS**	HOURS OF ELIMINATION OF BIAS**
a.					
b.					
c.					
d.					

Please retain a copy of this form for your records.

(USE ADDITIONAL SHEETS IF NECESSARY)

HOURS OF PREPARATION AND TEACHING INFORMATION*

SPONSORING AGENCY	COURSE TITLE	COURSE DATES	HOURS OF STANDARD CLE	HOURS OF ETHICS**	HOURS OF ELIMINATION OF BIAS**
a.					
b.					

*Please indicate teaching and preparation time separately.

**At least 3 hours of CLE in Ethics and at least 2 hours of CLE in the Elimination of Bias are required every 3 years. Hours for all categories of credit (the above as well as standard CLE) must total 45 hours in a 3-year reporting period. Courses accredited as law office management must not exceed 6 hours per 3-year period. Course segments will not be accredited as both ethics and elimination of bias.

COMPLIANCE INSTRUCTIONS

REQUIREMENTS: The CLE Rules require that each attorney holding an active license complete a minimum of 45 credit hours including at least 3 ethics credits, and 2 elimination of bias credits every three years. A reporting category, which appears on the face of the wallet license, is assigned to each attorney.

CLE 1 reports attendance from July 1, 1997 to June 30, 2000;

CLE 2 reports attendance from July 1, 1998 to June 30, 2001;

CLE 3 reports attendance from July 1, 1999 to June 30, 2002.

The credits must be taken prior to June 30 in the reporting year. There is no carry-over of credits from one reporting period to the next.

DEADLINES: Courses must be taken prior to June 30 of the reporting year. An attorney then has 60 days from that date to file an affidavit of attendance with the Board. Affidavits received after the filing deadline are subject to a \$50.00 late filing fee.

SANCTIONS: Failure to comply with the CLE reporting requirement will result in the issuance of a Notice of Noncompliance. Affidavits received after the issuance of a Notice of Noncompliance must be accompanied by a \$100.00 late filing fee. Continued noncompliance will result in the attorney being placed on involuntary restricted status by court order.

RECORDKEEPING: It is the responsibility of the attorney to maintain records of courses taken and to file promptly with the Board. Third party attestations from course sponsors are not acceptable. The Board has no information on an attorney's attendance until the affidavit of the attorney is filed.

The Board office maintains course files by sponsor. A course cannot be identified unless the sponsor is correctly and completely listed.

ELIGIBLE COURSES: An attorney will not receive credit for attending a course until the course has been approved under Minnesota rules. Courses approved by other CLE states are not necessarily acceptable in Minnesota. In addition to the criteria listed in Board Rule 5 for course approval, eligible courses should comply with Rule 4 requiring ethical content. The Course Approval Form guides the sponsor or attorney in providing the information necessary for review.

RESTRICTED STATUS: An attorney may be excused from the CLE requirement by electing voluntary restricted status under Rule 12.

INFORMATION: Information on the credits allowed for a course should be obtained from the course sponsor. Other information and additional forms may be obtained upon request from the office of the Board of Continuing Legal Education.

INSTRUCTIONS FOR CLAIMING CREDIT FOR TEACHING

Rule 7(A). Teaching Credit

Teaching Credit. Credit for teaching in an approved course shall be awarded to presenting faculty on the basis of one credit for each 60 minutes spent by the faculty preparing the presentation and materials for the course. No credit shall be awarded for teaching directed primarily to persons preparing for admission to practice law. A lawyer seeking credit for teaching and preparation for teaching shall submit all information called for on the Affidavit of CLE Compliance at Appendix II.

An attorney who makes a one-hour presentation and spends five hours in preparing is entitled to claim a total of six hours. If he/she also sits as a member of the audience for some portion of the course being presented by other speakers, he/she can claim credit for attending that part of the course. Course information should be reported on the form in the appropriate sections.

Credit for teaching/preparation is only available when the lawyer actually **teaches** in an approved course. A lawyer who prepares materials which are distributed at the course but who does not appear on the platform as a speaker can claim no credit for his/her scholarly efforts, just as he/she could claim no credit for writing a law review article.

A lawyer who is in charge of a course normally spends administrative time persuading speakers to participate, encouraging them to complete their written materials and conferring with speakers about the allocation of responsibility for subject areas. Time so spent **cannot** be included in teaching/preparation time.