

JAN 23 2003

STATE OF MINNESOTA

IN SUPREME COURT

FILED

C2-84-2163

In re Amendment of the Rules
of the Minnesota Board of
Continuing Legal Education.

ORDER

In August 2001, Ash Grove Group, Inc., (Ash Grove) applied to the Minnesota State Board of Continuing Legal Education (Board) for accreditation of seven hours of Continuing Legal Education (CLE) credit for a course to be sponsored by Ash Grove entitled "Career Satisfaction, Renewal and Resilience for Lawyers and Judges." The Board approved the course for only 2.75 hours of CLE credit, denying credit for the remaining 4.25 hours of the course because they related to "adult developmental theory" that was not "directly related to the practice of law." On January 31, 2002, Ash Grove served and filed a petition for further review of the Board's decision in this court. After the Board responded in opposition, the court issued an order on May 13, 2002, staying consideration of Ash Grove's petition and directing the Board to reconsider its decision in light of the decision of the Supreme Court Continuing Judicial Education Office to accredit the entire program for continuing judicial education credit.

After receiving oral comments from several interested individuals at its meeting of June 20, 2002, the Board issued its Determination upon Remand on September 20, 2002.

In that determination, the Board affirmed its earlier decision to approve Ash Grove's career satisfaction course for no more than 2.75 hours. The Board distinguished the broader role of judges from that of lawyers and the broader role of continuing judicial education from continuing legal education for lawyers. In particular, the Board explained that in approving CLE courses it is bound by the express standard in Rule 5A(2) of the Rules of the Minnesota Board of Continuing Legal Education that to be approved for credit a course "shall deal *primarily with matter directly related to the practice of law* or to the professional responsibility or ethical obligations of participants or to the elimination of bias in the legal profession and in the practice of law." (Emphasis added.)

Subsequently, Ash Grove filed a motion to dismiss its petition for review of the Board's decision limiting accreditation, and the petition has been dismissed by separate order. Ash Grove also requested that the court appoint a task force to investigate amendment of the CLE rules to allow accreditation for courses that include personal and professional development. The Board has filed a response in opposition to that request.

The court has determined that the requirement in CLE Board Rule 5A(2) that courses must "deal primarily with matter directly related to the practice of law" is too narrow for universal application. The court recognizes that course content on personal development, including, but not limited to, career satisfaction, renewal, and law and literature, can enhance a lawyer's professional development and performance, and when it does so it should be recognized for credit. However, expansion of the scope of course matter eligible for accreditation requires articulation of course definitions, educational

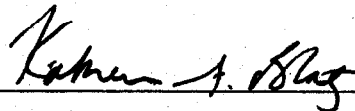
goals, and approval criteria, as well as an appropriate limit on the number of hours of personal development course credit that can be used to satisfy CLE requirements.

Based upon all the files, records and proceedings herein,

IT IS HEREBY ORDERED that the Board of Continuing Legal Education is directed to submit to this court, not later than June 1, 2003, a proposal for amendment to the Rules of the Minnesota Board of Continuing Legal Education broadening the standards for course approval to allow approval for CLE credit of courses and course matter related to personal development that will enhance professional development. The board shall include in its recommendations course definitions, educational goals, and course approval criteria for personal development course matter and a recommendation of the maximum number of hours of personal development credit that may be used to satisfy a lawyer's CLE requirements in any reporting period.

Dated: January 23, 2003

BY THE COURT:



Kathleen A. Blatz
Chief Justice