

STATE OF MINNESOTA

IN SUPREME COURT

C2-84-2163

**APPENDICES TO THE RULES OF THE  
MINNESOTA STATE BOARD OF CONTINUING  
LEGAL EDUCATION**


**ORDER**

The Minnesota Board of Continuing Legal Education has proposed amendments to the board's Course Accreditation Form and the Affidavit of CLE Compliance to reflect amendments to the Rules of the Board of Continuing Education ordered by the court on December 10, 2003. These forms, labeled Appendices I and II.

IT IS HEREBY ORDERED that the attached forms labeled Appendices I and II are adopted, effective this date.

Dated: February 12 2004

BY THE COURT:

  
Alan C. Page  
Associate Justice

OFFICE OF  
APPELLATE COURTS

FEB 12 2004

**FILED**



**ETHICS AND PROFESSIONAL RESPONSIBILITY CONTENT:** Ethics or professional responsibility *must* be a component of every accredited 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.” See Rules 6A and 6B of the CLE rules. **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.

**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.

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 that 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 a course or segment 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 accredited 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 CLE rules and must be designed to meet one or more of the following goals:

1. to educate lawyers 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 lawyers regarding barriers to hiring, retention, promotion, professional development and full participation of lawyers of color, women, and those persons referenced in the “course in the elimination of bias in the legal profession and in the practice of law” definition (Rule 2I) of the CLE rules, both in the public and private sector of the legal profession and in the practice of law;
3. to educate lawyers 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.

### **LAW AND LITERATURE**

Applications for credit for Law and Literature courses must comply with the requirements of Rule 4D as well as the standard CLE requirements set forth in Rule 5A.

**Appendix II**  
**MINNESOTA STATE BOARD OF CONTINUING LEGAL EDUCATION**  
 Suite 201, 380 Jackson Street, St. Paul, MN 55101  
**AFFIDAVIT OF CLE COMPLIANCE**

License Number: \_\_\_\_\_ Name: \_\_\_\_\_

CLE Category: \_\_\_\_\_ Address: \_\_\_\_\_

Period Covered: \_\_\_\_\_ Address: \_\_\_\_\_

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

Lawyer Signature \_\_\_\_\_ Date: \_\_\_\_\_

**ATTENDANCE INFORMATION**

SPONSORING AGENCY	COURSE TITLE	COURSE DATES	# OF HOURS				
			STANRD CLE	LAW OFFICE MNGT	PROF DVLPMT	ETHICS	ELIMN OF BIAS
1.							
2.							
3.							
4.							

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	# OF HOURS				
			STANRD CLE	LAW OFFICE MNGT	PROF DVLPMT	ETHICS	ELIMN OF BIAS
1.							
2.							
3.							
4.							

Please note:

- Lawyers must report at least 3 hours of Ethics CLE and at least 2 hours of Elimination of Bias CLE. All courses must total at least 45 hours in a 3-year reporting period.
- A course segment will not be accredited as both Ethics and Elimination Of Bias. If you report more than the minimum Ethics and Elimination of Bias hours, we will credit the excess hours as Standard CLE.
- Law Office Management courses are limited to 6 hours per 3-year period.
- There is no limit on the number of hours of professional development CLE you may claim.

## COMPLIANCE INSTRUCTIONS

**REQUIREMENTS:** The CLE Rules require that each lawyer 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 number is assigned to each lawyer and is printed on the face of the lawyer's wallet license.

CLE 1 reports attendance from {July 1, 2003 to June 30, 2006};  
CLE 2 reports attendance from {July 1, 2001 to June 30, 2004};  
CLE 3 reports attendance from {July 1, 2002 to June 30, 2005}.

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. A lawyer 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 lawyer being placed on involuntary restricted status by court order.

**RECORDKEEPING:** It is the responsibility of the lawyer to maintain records of courses taken and to file promptly with the Board. The lawyer may file a signed copy of a certificate of completion from the course sponsor in lieu of an affidavit.

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

**ELIGIBLE COURSES:** A lawyer will not receive credit for attending a course until the course has been accredited under CLE rules. Courses accredited by other CLE states are not necessarily acceptable in Minnesota. In addition to the criteria listed in CLE rule 5 for course accreditation, eligible courses should comply with rule 4 requiring ethical content. The Course Accreditation Form guides the sponsor or lawyer in providing the information necessary for review.

**RESTRICTED STATUS:** A lawyer who no longer practices law in Minnesota 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, or by accessing the Board's website at [www.mbcle.state.mn.us](http://www.mbcle.state.mn.us).

## INSTRUCTIONS FOR CLAIMING CREDIT FOR TEACHING

Rule 7(A). Teaching Credit. Credit for teaching in an accredited 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 and teaching 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.

A lawyer who makes a one-hour presentation and spends five hours in preparation 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 can only be claimed when the lawyer actually **teaches** in an accredited course. A lawyer who prepares materials that are distributed at the course but who fails to appear on the platform as a speaker cannot claim credit for his/her scholarly efforts. Lawyers also cannot claim credit for writing a law review article or other scholarly articles.

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.