

STATE OF MINNESOTA

OFFICE OF  
APPELLATE COURTS

IN SUPREME COURT

APR 15 2008

C2-84-2163

**FILED**

ORDER ESTABLISHING DEADLINE FOR SUBMITTING COMMENTS ON PROPOSED AMENDMENTS TO THE RULES OF THE MINNESOTA STATE BOARD OF CONTINUING LEGAL EDUCATION

WHEREAS, on May 7, 2006 the Minnesota State Bar Association filed a petition requesting amendments to Rules 2 and 6 of the Rules of the Minnesota State Board of Continuing Legal Education to include limited continuing legal education credit for pro bono legal services. The Court invited written comments and held a hearing on the proposed amendments;

WHEREAS, on January 31, 2008 the Court issued an order promulgating amendments to the Rules of the Minnesota State Board of Continuing Legal Education to be effective on July 1, 2008;

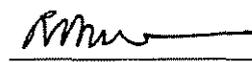
WHEREAS, the Court received comments from members of the Minnesota State Bar Association and others advising the Court that the January 31, 2008 rule excluded several pro bono programs in the state;

WHEREAS, the Court is considering amendments to the January 31, 2008 rule expanding the availability of continuing legal education credit for pro bono work performed by qualifying legal services organizations and law firms representing persons of limited means, including pro bono work done on behalf of Minnesota Judicial Branch programs. A copy of the proposed amended rule is annexed to this order.

IT IS HEREBY ORDERED that any individual wishing to provide statements in support of or in opposition to the proposed changes shall submit twelve copies in writing addressed to Frederick Grittner, Clerk of the Appellate Courts, 305 Judicial Center, 25 Rev. Dr. Martin Luther King Jr. Boulevard, St. Paul, Minnesota 55155, no later than Wednesday, June 4, 2008.

DATED: April 15<sup>th</sup>, 2008

BY THE COURT:

  
\_\_\_\_\_  
Russell A. Anderson  
Chief Justice

## Proposed Change to the Rules of the State Board of Continuing Legal Education

### Rule 2. Definitions

In these Rules,

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R. “Pro bono legal representation” means providing legal representation to a pro bono client without compensation, expectation of compensation, or other direct or indirect pecuniary gain.

S. “Pro bono client” means an individual, not a corporation or other organizational entity, who has been referred to the lawyer by an approved legal services provider or by a Minnesota Judicial Branch program.

T. “Approved legal services provider” means (1) a legal services organization that meets at least one of the following criteria:

- (1) Funded by the Legal Services Corporation, or (2) the Children’s Law Center of Minnesota the Minnesota Legal Services Advisory Committee, or the Minnesota Lawyer Trust Account Board.
- (2) Designated by the Minnesota Lawyer Trust Account Board as an approved legal services provider. Eligibility for designation is limited to:
  - a. Federally recognized 501(c)(3) nonprofit organizations that have as their primary purpose the furnishing of legal services to persons with limited means.
  - b. Programs conducted within law firms that have as their primary purpose the furnishing of legal services to persons with limited means and are under the supervision of a pro bono coordinator or designated lawyer.
  - c. Law firms who are providing pro bono legal services on behalf of a Minnesota Judicial Branch program, including, but not limited to, the Guardian ad Litem Program.

### Rule 6. Special Categories of Credit

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**D. Pro Bono Legal Representation.** A lawyer may claim one (1) hour of standard CLE credit for every six (6) hours of pro bono legal representation that the lawyer provides to a pro bono client in a legal matter that has been referred to the lawyer by an approved legal services provider or by a Minnesota Judicial Branch program. No more than six (6) hours of credit may be claimed per reporting period by a lawyer for pro bono legal representation. In order to receive CLE credit, the lawyer must submit an Affidavit of Pro Bono Representation to the Board (see Appendix III).

**Appendix III**  
**MINNESOTA STATE BOARD OF CONTINUING LEGAL EDUCATION**  
180 East 5th Street, Suite 950  
St. Paul, MN 55101  
**AFFIDAVIT OF PRO BONO REPRESENTATION**

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

CLE Category:<sup>1</sup> \_\_\_\_\_ Firm Name: \_\_\_\_\_

1 \_\_\_\_\_ Street Address:<sup>2</sup> \_\_\_\_\_

3 \_\_\_\_\_ Street Address: \_\_\_\_\_

2 \_\_\_\_\_ City State, and Zip: \_\_\_\_\_

Other \_\_\_\_\_ Email:<sup>3</sup> \_\_\_\_\_

Name and address of referring legal services provider: \_\_\_\_\_

Name and phone number of contact person at legal services provider: \_\_\_\_\_

Type(s) of Representation Provided:

- Consumer     Economic Assistance     Education     Employment  
 Family Law     Health     Housing     Immigration/Refugee     Individual Rights  
 Juvenile     Seniors     Wills or Probate     Other: \_\_\_\_\_

Date range of representation:<sup>4</sup> \_\_\_\_\_

# of hours of pro bono legal representation: \_\_\_\_\_ # of CLE credit hours claimed: \_\_\_\_\_

By signing this affidavit I swear (affirm) that:

- I give permission to the Minnesota Board of Continuing Legal Education to contact the referring legal services provider to verify that the information I have provided is true and accurate;
- I understand that the Board may use this information that I have provided six (6) hours of pro bono legal representation for each one (1) hour of CLE credit claimed and that the pro bono legal representation provided qualifies in all respects under Rules 2(R), 2(S), 2(T), and 6(D).

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

<sup>1</sup> Your CLE reporting category is found on the Attorney License card issued by the Lawyer Registration Office and online at <http://www.mncourts.gov/mars/>.

<sup>2</sup> If the address listed here is different from the address on file in the CLE office, this document will be accepted as a request for change of address. If you do not want to change your address, please state that on this form.

<sup>3</sup> An email confirmation will be sent after credits are approved or denied.

<sup>4</sup> If representation covers more than one reporting period, please submit a separate Affidavit of Pro Bono Representation for each reporting period. If representation is ongoing, please write "ongoing" as the date representation ended.



*Making children's voices heard*

450 N. Syndicate Street, #315  
St. Paul, MN 55104-4106  
telephone: 651.644.4438  
facsimile: 651.646.4404

To: Minnesota State Board of Continuing Legal Education  
From: Gail Chang Bohr, Esq. *Gail Chang Bohr*  
Date: June 4, 2008

OFFICE OF  
APPELLATE COURTS

JUN 4 2008

Re: Proposed Amendments to the Rules of the Minnesota State Board of Continuing Legal Education

FILED

Thank you for the opportunity to give comments to the Proposed Change to the Rules of the State Board of Continuing Legal Education. I write in support of the proposed changes but with the following comments for clarification of the rules:

If an organization does not receive funding, or for some reason loses funding, by the Minnesota Legal Services Advisory Committee or the Minnesota Lawyer Trust Account Board, what is the process to be "designated" as "an approved legal services provider?"

How are newly formed non-profit legal organizations affected? A newly-formed organization may not have built up a history of pro bono representation to garner funding from either the Minnesota Legal Services Advisory Committee or the Minnesota Lawyer Trust Account Board.

Currently there is no mechanism by the Minnesota Lawyer Trust Account Board to designate any organization as an approved legal services provider. There may be a way to avoid having the Minnesota Lawyer Trust Account Board take on this role if the following changes are made:

1. Revise Rule 2T (2) as follows:

(2) Qualified as an approved legal services provider according to the following:

a. 501(c)(3) nonprofit organizations that have as their primary purpose the furnishing of legal services to persons with limited means.

In Rule 2 T (2) a, delete "federally recognized" since a 501(c)(3) nonprofit organization is one that is already recognized under the federal tax code and "federally recognized" is redundant.

2. In Rule 2T (2) b, change "supervision" to "administration" to more closely reflect the role of pro bono coordinators.
3. Insert "or" between Rule 2T (2) b. and c.
4. In Rule 2T (2) c, change "who" to "that" after the subject "law firms".

Peter A. Swanson  
8104 Highway 55 PMB 146  
Golden Valley, MN 55427

May 19, 2008

OFFICE OF  
APPELLATE COURTS

Re: Proposed Amendments to CLE Rules – Pro Bono Credit  
Court File No. C2-84-2163

JUN 5 2008

**FILED**

TO THE HONORABLE MEMBERS OF THE MINNESOTA SUPREME COURT:

I applaud the Court in its efforts to expand the scope of pro bono work that qualifies for CLE credit. In 1997, Texas Rural Legal Aid, a Legal Services Corporation-funded entity, represented an individual trying to prevent deployed military members from casting absentee ballots. The prior pro bono rule would have granted CLE credit to attorneys working to disenfranchise servicemembers, but not to those who volunteer to defend military voting rights.

The Court has rightly moved to expand the definition of pro bono work in order to get politics out of CLE credit. In order to fully remove politics from CLE approval, I would respectfully suggest one more slight amendment to CLE Rule 6B(4):

(4) Must not May include courses on the substantive law of illegal discrimination unless whether or not such courses meet one or more of the learning goals for elimination of bias courses set forth in the Course Approval Form at Appendix I.

This minor change would not deny credit to any of the courses that currently qualify. It would, however, provide a safe harbor to CLE providers and students who wish to keep their ideological beliefs to themselves, or who wish to present a dissenting opinion on the various bias task force reports.

The pro bono rule has been a source of controversy, and the expected amendment will resolve it. The Court has the opportunity to resolve an even bigger controversy, namely the elimination of bias rule. I respectfully submit that the Court should take the opportunity.

Sincerely,

  
Peter A. Swanson  
Atty ID 0251604