

STATE OF MINNESOTA

IN SUPREME COURT

C9-81-1206

**ORDER AMENDING THE RULES OF
THE SUPREME COURT FOR
REGISTRATION OF ATTORNEYS**

On May 23, 2006 this Court conducted a hearing to consider the petition of the Minnesota State Bar Association and the petition of the Clerk of Appellate Courts, the Board of Law Examiners, Board of Continuing Legal Education, and Office of Lawyers Professional Responsibility to amend the Rules of the Supreme Court for Registration of Attorneys. The Court is fully advised in the premises.

NOW, THEREFORE, IT IS HEREBY ORDERED that the attached amendments to the retitled Rules of the Supreme Court on Lawyer Registration are adopted effective with the registration cycle deadline of October 1, 2006.

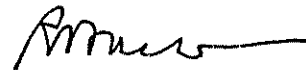
Dated: July 12, 2006

BY THE COURT:

OFFICE OF
APPELLATE COURTS

JUL 12 2006

FILED



Russell A. Anderson
Chief Justice

**RULES OF THE SUPREME COURT FOR REGISTRATION OF ATTORNEYS ON
LAWYER REGISTRATION**

RULE 1. PROMULGATION OF RULES PREAMBLE

Admission to the bar of the State of Minnesota, disciplinary proceedings, and continuing legal education for members of the legal profession shall be conducted in accordance ~~to~~ with rules promulgated by this court.

RULE 1. DEFINITIONS

A. “Active Status” means a lawyer or judge who (i) has paid the applicable required lawyer registration fee for the current year, (ii) is in compliance with the requirements of the Minnesota State Board of Continuing Legal Education or of continuing judicial education, (iii) is not disbarred, suspended, or on permanent disability status pursuant to Rule 28 of the Rules on Lawyers Professional Responsibility, (iv) is in compliance with Rule 1.15(i), Minnesota Rules of Professional Conduct (MRPC), and (v) is in compliance with Rule 6 of these rules. A lawyer or judge on active status is in good standing and is authorized to practice law in this state.

B. “Inactive Status” means a lawyer or judge who has elected to be on inactive status pursuant to Rule 2C1, 2C2, 2C3 or 2C4 of these rules and who meets the criteria set forth in subparts (i) through (v) in the definition of Active Status, above. A lawyer or judge on inactive status is in good standing but is not authorized to practice law in this state.

C. “Judge” means any judicial officer, referee, or other hearing officer employed in the judicial branch of the State of Minnesota.

D. “Lawyer” means a person admitted to practice law in this state pursuant to the Rules for Admission to the Bar.

E. "Lawyer Registration Statement" means a document prepared by the Lawyer Registration Office that informs a lawyer or judge of the lawyer registration fee due and on which the lawyer or judge can certify the lawyer's or judge's status and compliance with Rule 1.15(i), MRPC, and Rule 6 of these rules.

F. "Non-Compliant Status" means a lawyer or judge who has not met all the criteria to be on active status or inactive status. A lawyer or judge who is on non-compliant status is not in good standing and is not authorized to practice law in this state.

G. "Private Client." For the purpose of reporting professional liability insurance coverage, the term "private client" excludes the clients of government lawyers and house counsel.

RULE 2. REGISTRATION FEE

A. Required Fee.

~~In order to defray the expenses of examinations and investigation for admission to the bar and disciplinary proceedings, over and above the amount paid by applicants for such admission, with exception hereafter enumerated, to defray the expenses of administering continuing legal education, to provide an adequate client security fund, to help fund legal services programs, and to help fund a lawyers assistance program, each attorney lawyer and those members of the judiciary who are required to be admitted to practice as a prerequisite to holding office each judge shall hereinafter annually must pay to the clerk of the appellate courts a registration fee in the sum of Two Hundred Eighteen Dollars (\$218) or in such lesser sum as the court may annually hereafter determine~~ Lawyer Registration Office an annual registration fee.

~~Such fee, or portion thereof, shall be paid on or before the first day of January, April, July or October of each year as requested by the clerk of the appellate courts.~~

~~All sums so received shall be allocated as follows:~~

~~\$18 to the State Board of Law Examiners~~

~~\$8 to the State Board of Continuing Legal Education~~

~~\$122 to the Lawyers Professional Responsibility Board~~

~~\$12 to the Minnesota Client Security Fund~~

~~\$50 to the Legal Services Advisory Committee~~

~~\$8 to the Lawyer Trust Account Board for a lawyers assistance program.~~

~~An attorney who certifies that his or her gross income from all sources, excluding the income of a spouse, is less than Twenty five Thousand Dollars (\$25,000) per year, shall pay a registration fee in the sum of One Hundred Ninety Dollars (\$193). The allocation to the Legal Services Advisory Committee shall be reduced by Twenty five Dollars (\$25).~~

~~B.——The following attorneys and judges shall pay an annual registration fee of One Hundred Seven Dollars (\$107):~~

~~(a)——Any attorney or judge whose permanent residence is outside the State of Minnesota and who does not practice law within the state;~~

~~(b)——Any attorney while on active duty in the armed forces of the United States.~~

~~The One Hundred Seven Dollars (\$107) so received shall be allocated as follows:~~

~~\$18 to the State Board of Law Examiners~~

~~\$7 to the State Board of Continuing Legal Education~~

~~\$24 to the Lawyers Professional Responsibility Board~~

~~\$50 to the Legal Services Advisory Committee~~

~~\$8 to the Lawyer Trust Account Board for a lawyers assistance program.~~

~~An attorney who certifies that his or her gross income from all sources, excluding the income of a spouse, is less than Twenty five Thousand Dollars (\$25,000) per year, shall pay a registration fee in the sum of Eighty two Dollars (\$82). The allocation to the Legal Services Advisory Committee shall be reduced by Twenty five Dollars (\$25).~~

B. Active Statuses.

Each lawyer and judge must pay an annual registration fee of \$218 or such lesser sum as is set forth in the following sections.

~~C.— Any attorney who has not been admitted to practice for more than three years shall pay an annual registration fee of Ninety seven Dollars (\$97).~~

~~The Ninety seven dollars (\$97) so received shall be allocated as follows:~~

~~\$18 to the State Board of Law Examiners~~

~~\$8 to the State Board of Continuing Legal Education~~

~~\$26 to the Lawyers Professional Responsibility Board~~

~~\$12 to the Client Security Fund~~

~~\$25 to the Legal Services Advisory Committee~~

~~\$8 to the Lawyer Trust Account Board for a lawyers assistance program.~~

~~An attorney who certifies that his or her gross income from all sources, excluding the income of a spouse, is less than Twenty five Thousand Dollars (\$25,000) per year, shall pay a registration fee in the sum of Eighty four Dollars and fifty cents (\$84.50). The allocation to the Legal Services Advisory Committee shall be reduced by Twelve Dollars and fifty cents (\$12.50).~~

1. Active Status - Income Less Than \$25,000.

A lawyer or judge on active status who certifies that the lawyer's or judge's gross income from all sources, excluding the income of a spouse, is less than \$25,000 per year must pay an annual registration fee of \$193.

~~D.— Any attorney who is retired from any gainful employment or permanently disabled, or who files annually with the clerk of the appellate courts an affidavit that he or she is so retired or disabled and not engaged in the practice of law, shall be placed in a fee exempt category and shall remain in good standing. An attorney claiming retired or permanently disabled status who subsequently resumes active practice of law shall~~

~~promptly file notice of such change of status with the clerk of the appellate courts and pay the annual registration fee.~~

2. Active Status - Lawyers on Fulltime Military Duty.

A lawyer or judge on fulltime duty in the armed forces of the United States must pay an annual registration fee of \$107.

~~E. — Any judge who is retired from any gainful employment or permanently disabled, who no longer serves on the bench or practices law, and who files annually with the clerk of the appellate courts that he or she is so retired or disabled and not engaged in the practice of law, shall be placed in a fee-exempt category and shall remain in good standing. A judge claiming retired or permanently disabled status who subsequently resumes service on the bench or the active practice of law shall promptly file notice of such change of status with the clerk of the appellate courts and pay the annual registration fee.~~

3. Active Status - Lawyers on Fulltime Military Duty - Income Less Than \$25,000.

A lawyer or judge on fulltime duty in the armed forces of the United States who certifies that the lawyer's or judge's gross income from all sources, excluding the income of a spouse, is less than \$25,000 per year must pay an annual registration fee of \$82.

4. Active Status - Lawyers Admitted Fewer Than Three Years.

A lawyer or judge who has been admitted to practice law fewer than three years in each and every licensing jurisdiction, including Minnesota, must pay an annual registration fee of \$97.

5. Active Status - Lawyers Admitted Fewer Than Three Years - Income Less Than \$25,000.

A lawyer or judge who has been admitted to practice law fewer than three years in each and every licensing jurisdiction, including Minnesota, and certifies that the

lawyer's or judge's gross income from all sources, excluding the income of a spouse, is less than \$25,000 per year must pay an annual registration fee of \$84.50.

C. Inactive Statuses.

1. Inactive Status - Out-of-State.

A lawyer or judge who files with the Lawyer Registration Office on or before the date the lawyer's registration fee is due an affidavit stating that the lawyer or judge (i) is a permanent resident of a state other than Minnesota, (ii) is currently in good standing, (iii) does not hold judicial office in Minnesota and (iv) is not engaged in the practice of law in Minnesota, must pay an annual registration fee of \$179.

2. Inactive Status - Minnesota.

A lawyer who files with the Lawyer Registration Office on or before the date the lawyer's registration fee is due an affidavit stating that the lawyer (i) is a resident of the State of Minnesota, (ii) is currently in good standing, (iii) does not hold judicial office in this state, and (iv) is not engaged in the practice of law in this state must pay an annual registration fee of \$179.

3. Inactive - Retired Status.

A lawyer or judge who files with the Lawyer Registration Office a Retirement Affidavit stating that the lawyer or judge (i) is currently on active or inactive status, (ii) does not hold judicial office in this state, (iii) is not engaged in the practice of law in this state, (iv) is at least 62 years of age, and (v) is retired from any gainful employment is exempt from payment of any registration fee during the period of the lawyer's or judge's retirement. A Retirement Affidavit, once filed, is effective for each succeeding year unless the lawyer or judge transfers to active status pursuant to section C5 of this rule.

4. Permanent Disability Status.

A lawyer or judge who files with the Lawyer Registration Office a Disability Affidavit stating that the lawyer or judge (i) is currently on active or inactive status,

(ii) does not hold judicial office in this state, (iii) is not engaged in the practice of law in this state, and (iv) is totally disabled is exempt from payment of any registration fee during the period of the lawyer's or judge's disability. A Disability Affidavit, once filed, is effective for each succeeding year unless the lawyer or judge transfers to active status pursuant to section C5 of this rule.

5. Transfer from Inactive Status to Active Status.

A lawyer or judge who is on inactive status must, prior to practicing law or assuming judicial responsibilities, (i) promptly notify the Lawyer Registration Office, (ii) complete a lawyer registration statement, (iii) pay the applicable registration fee, (iv) complete all continuing legal education (CLE) requirements and be transferred to CLE active status, (v) comply with Rule 1.15(i), MRPC, and (vi) comply with Rule 6 of these rules.

D. Allocation of Fees.

Fees paid pursuant to this rule are allocated according to the following schedule:

(1) Payments of \$218 are allocated as follows:

- \$18 to the State Board of Law Examiners;
- \$8 to the State Board of Continuing Legal Education;
- \$122 to the Lawyers Professional Responsibility Board;
- \$12 to the Client Security Fund;
- \$50 to the Legal Services Advisory Committee; and
- \$8 to the Lawyer Trust Account Board for a lawyers assistance program.

(2) Payments of \$193 are allocated as follows:

- \$18 to the State Board of Law Examiners;
- \$8 to the State Board of Continuing Legal Education;
- \$122 to the Lawyers Professional Responsibility Board;
- \$12 to the Client Security Fund;

- \$25 to the Legal Services Advisory Committee; and
- \$8 to the Lawyer Trust Account Board for a lawyers assistance program.

(3) Payments of \$179 are allocated as follows:

- \$18 to the State Board of Law Examiners;
- \$8 to the State Board of Continuing Legal Education;
- \$83 to the Lawyers Professional Responsibility Board;
- \$12 to the Client Security Fund;
- \$50 to the Legal Services Advisory Committee; and
- \$8 to the Lawyer Trust Account Board for a lawyers assistance program.

(4) Payments of \$107 are allocated as follows:

- \$18 to the State Board of Law Examiners;
- \$7 to the State Board of Continuing Legal Education;
- \$24 to the Lawyers Professional Responsibility Board;
- \$50 to the Legal Services Advisory Committee; and
- \$8 to the Lawyer Trust Account Board for a lawyers assistance program.

(5) Payments of \$82 are allocated as follows:

- \$18 to the State Board of Law Examiners;
- \$7 to the State Board of Continuing Legal Education;
- \$24 to the Lawyers Professional Responsibility Board;
- \$25 to the Legal Services Advisory Committee; and
- \$8 to the Lawyer Trust Account Board for a lawyers assistance program.

(6) Payments of \$97 are allocated as follows:

- \$18 to the State Board of Law Examiners;

- \$8 to the State Board of Continuing Legal Education;
- \$26 to the Lawyers Professional Responsibility Board;
- \$12 to the Client Security Fund;
- \$25 to the Legal Services Advisory Committee; and
- \$8 to the Lawyer Trust Account Board for a lawyers assistance program.

(7) Payments of \$84.50 are allocated as follows:

- \$18 to the State Board of Law Examiners;
- \$8 to the State Board of Continuing Legal Education;
- \$26 to the Lawyers Professional Responsibility Board;
- \$12 to the Client Security Fund;
- \$12.50 to the Legal Services Advisory Committee; and
- \$8 to the Lawyer Trust Account Board for a lawyers assistance program.

E. Due Date.

Fees under this rule are due and payable on or before the first day of January, April, July, or October of each year as requested by the Lawyer Registration Office.

RULE 3. PENALTY FOR NONPAYMENT OF FEE

~~Upon failure to pay such fee, the right to practice law in this state shall be automatically suspended, and no individual shall be authorized to practice law in this state or to in any manner hold himself out as qualified or authorized to practice law while in default in the payment of such registration fee. Any individual who shall violate this rule shall be subject to all the penalties and remedies provided by law for the unauthorized practice of law in the State of Minnesota. It shall be the duty of each member of the judiciary to enjoin persons from appearing and practicing in his court whose failure to register has come to the attention of such court.~~

RULE 4. NOTICE

F. Notification of Fee Due.

~~Annually one month prior to due date, †The Clerk of the Appellate Courts~~
~~Lawyer Registration Office shall mail~~ must, annually one month prior to the date due,
mail a lawyer registration statement to each individual lawyer and judge then
authorized to practice law, in good standing except those who have elected inactive
retired status pursuant to section C3, above, or permanent disability status pursuant to
section C4, above who has not paid such registration fee, at his last known address, a
statement showing the amount of the registration fee required for the next ensuing year.
A lawyer registration statement must be mailed to the lawyer's or judge's address on
file with the Lawyer Registration Office. Failure to receive such a lawyer registration
statement shall not excuse payment of such the fee.

G. Obligation to Notify of Address Change.

~~Every attorney at law lawyer or judge shall~~ must immediately notify the ~~clerk of~~
~~this court~~ Lawyer Registration Office of any change of address.

H. Penalty for Failure to Comply - Non-Compliant Status - Administrative Suspension.

A lawyer or judge who fails to meet all of the criteria to be on either active or
inactive status is placed on non-compliant status, and the right to practice law in this
state is automatically suspended. A lawyer or judge on non-compliant status is not in
good standing. A lawyer or judge on non-compliant status must not practice law in this
state, must not hold out himself or herself as authorized to practice law, or in any
manner represent that he or she is qualified or authorized to practice law while on non-
compliant status. Any lawyer or judge who violates this rule is subject to all the
penalties and remedies provided by law for the unauthorized practice of law in the
State of Minnesota. It is the duty of each judge to enjoin persons who are not on active
status from appearing and practicing law in that judge's court.

RULE 5. REINSTATEMENT

I. Reinstatement.

~~The right to practice law may~~ A lawyer or judge who is on non-compliant status, who seeks to be reinstated by the court after suspension upon application and upon the to active status or inactive status, must (i) notify the Lawyer Registration Office, (ii) complete a lawyer registration statement, (iii) payment of all delinquent registration fees and, (iv) pay the applicable registration fee for the current year, (v) pay a additional late penalty sum of Fifty (\$50.0075), (vi) complete all CLE requirements and be transferred to CLE active status, (vii) comply with Rule 1.15(i), MRPC, and (viii) comply with Rule 6 of these rules. This court The Lawyer Registration Office may, in hardship cases, waive payment of delinquent lawyer registration fees and late penalties. All late penalty payments shall be are allocated to an attorney registration account the Lawyer Registration Office to defray the registration costs.

RULE 63. CERTIFICATE LICENSE

A. Upon payment of the lawyer registration fee and completion of a lawyer registration statement, the Clerk of the Appellate Courts Lawyer Registration Office shall must issue and deliver mail to the person paying the same lawyer or judge a certificate license in such form as may be provided by this court, showing that such individual is an attorney at law in good standing and authorized to practice in the State of Minnesota the license status of the lawyer or judge.

B. Upon request and the payment of a fee of \$25, the Lawyer Registration Office must provide to any lawyer or judge a certificate of active status and good standing, provided the lawyer or judge is entitled to the same.

RULE 74. SPECIAL FUND

All money collected from applicants for admission to the bar or as an annual registration fee or as payment for a certificate of active status and good standing as

provided herein shall be deposited ~~by the clerk~~ in a special fund, as desired by this court, and shall be disbursed therefrom only upon vouchers signed by a member of this court.

RULE 85. NONRESIDENT COUNSEL

Nothing herein shall prevent any court in this state from granting special permission to nonresident counsel to appear and participate in a particular action or proceeding in association with an authorized ~~attorney~~ lawyer of this state.

RULE 6. ANNUAL REPORTING OF PROFESSIONAL LIABILITY INSURANCE COVERAGE

Each lawyer on active status must certify on the lawyer registration statement

- (1) whether the lawyer represents private clients;
- (2) if the lawyer represents private clients, whether the lawyer is currently covered by professional liability insurance;
- (3) if the lawyer is covered by professional liability insurance, the name of the primary carrier;
- (4) whether the lawyer intends to maintain insurance during the next twelve months.

Each lawyer on active status must notify the Lawyer Registration Office in writing within 30 days if the insurance policy providing coverage lapses, is no longer in effect, or terminates for any reason, unless the policy is renewed or replaced without substantial interruption.

RULE 97. ACCESS TO ~~ATTORNEY~~ LAWYER REGISTRATION RECORDS

~~Attorney~~ Lawyer registration records ~~shall be~~ are accessible only as provided in this rule.

A. Public Inquiry Concerning Specific Attorney Lawyer. Upon inquiry, the Clerk of the Appellate Courts Lawyer Registration Office may disclose to the public the name, address, admission date, continuing legal education category, current status, professional liability insurance coverage information submitted under Rule 6 of these rules, and license number of a registered attorney lawyer or judge, provided that each inquiry and disclosure is limited to a single registered attorney lawyer or judge.

B. Publicly Available List. The Clerk Lawyer Registration Office may also disclose to the public a complete list of the name, city, and zip code of all registered attorneys lawyers and judges.

C. Lists Available to Continuing Legal Education Providers and the Courts. Upon written request and payment of the required fee, the Clerk Lawyer Registration Office may disclose to a bona fide continuing legal education business a complete list of the name, address, admission date, continuing legal education category, current status, and license number of all registered attorneys lawyers and judges. The Clerk Lawyer Registration Office may also disclose the same information to a court or judicial district solely for use in updating mailing addresses of attorneys lawyers and judges to be included in a judicial evaluation program.

D. Trust Account Information. Trust account information submitted by attorneys lawyers and judges as part of the attorney lawyer registration process is not accessible to the public except as provided in the Rules of Lawyer Trust Account Board.

E. Use in Case Management Systems. Attorney Lawyer registration records may be imported into case management systems for the purpose of linking attorneys lawyers to cases and storing accurate identification information. When imported into a case management system, attorney lawyer registration records may thereafter be disclosed in connection with corresponding case information provided that bulk distribution of such records must comply with Rule 97.B of these rules.