

STATE OF MINNESOTA

IN SUPREME COURT

C5-84-2139

**ORDER AMENDING THE RULES
FOR ADMISSION TO THE BAR**

The Minnesota State Board of Law Examiners filed a petition on February 8, 2007, proposing amendments to the Rules for Admission to the Bar. By order filed March 21, 2007, the court invited written comments on the proposed amendments. The comment period has now expired.

The court has reviewed the proposals and is advised in the premises.

IT IS HEREBY ORDERED that the attached amendments to the Rules for Admission to the Bar be, and the same are, prescribed and promulgated to be effective on July 1, 2007.

Dated: June 12th, 2007

BY THE COURT:

OFFICE OF
APPELLATE COURTS

JUN 12 2007

FILED



Russell A. Anderson
Chief Justice

STATE OF MINNESOTA

RULES FOR ADMISSION TO THE BAR

As amended
~~September 1, 2004~~
July 1, 2007

TABLE OF CONTENTS

1. Purpose
2. Definitions and Due Date Provisions
 - A. Definitions
 - B. Due Date Provisions
3. State Board of Law Examiners
 - A. Composition
 - B. Authority
 - C. Board Meetings and Quorum
4. General Requirements for Admission
 - A. Eligibility for Admission
 - B. Residency
 - C. Application for Admission
 - (1) Fee
 - (2) Notarized Authorization
 - (3) Photo
 - (4) Affidavits of Good Character
 - (5) Subject Matter of Affidavits
 - D. Certificate Evidence of Graduation (Conferral of Degree)
 - E. Additional Filing When Admitted Elsewhere
 - F. Applicants Without MPRE Score
 - G. Repeat Examinee
 - H. Incomplete Application
 - I. Withdrawal of Application
 - J. Required Cooperation
5. Standards for Admission
 - A. Essential Eligibility Requirements
 - B. Character and Fitness Standards and Investigation
 - (1) Purpose
 - (2) Burden of Proof
 - (3) Relevant Conduct
 - (4) Considerations
 - (5) ~~Continuing Obligation~~ Rehabilitation
 - (6) ~~Determination~~ Continuing Obligation
 - (7) ~~Advisory Opinions~~ Determination
 - (8) Advisory Opinions
6. Admission by Examination
 - A. Dates of Examinations
 - B. Timely Filing Deadlines
 - C. Late Filing Deadlines
 - D. Denial of Opportunity to Test
 - E. Scope of Examination
 - F. Testing Accommodations

- G. Examination Results
 - H. Failing Examination Scores
 - I. Stale Examination Scores
7. Admission Without Examination
 - A. Eligibility by Practice
 - B. Eligibility for Admission by Test Score
 - C. Transfer of MBE Score
 - D. MBE Score Advisory
 - E. No Waiver of Time Requirements
 - F. Eligibility After Unsuccessful Examination
 - ~~G. Ineligibility for Admission Without Examination~~
 8. Admission by Temporary License for Legal Services Programs
 - A. Eligibility
 - B. Filing
 - C. Certification of Applicant's Good Character and Fitness
 - D. Limitation
 - E. Duration and Revocation
 - F. Credit for Admission Without Examination
 9. Admission by Temporary House Counsel License
 - A. Practice by House Counsel
 - B. Eligibility
 - C. Requirements
 - D. Limitation
 - E. Issuance of Temporary House Counsel License
 - F. Duration and Expiration of Temporary License
 - G. House Counsel License
 - H. Notice of Termination of Employment
 - ~~I. Re-Issuance of Temporary House Counsel License~~
 - J. Credit for Admission Without Examination
 - K. Professional Conduct and Responsibility
 10. Admission by House Counsel License
 - A. Practice by House Counsel
 - B. Eligibility and Requirements
 - C. Limitation
 - D. Expiration of House Counsel License
 - E. Notice of Termination of Employment
 - F. Re-Issuance of House Counsel License
 - G. Credit for Admission Without Examination
 - H. Professional Conduct and Responsibility
 11. License for Foreign Legal Consultants
 - A. Eligibility
 - B. Requirements
 - C. Applications
 - D. Investigation

- E. Scope of Practice
- F. Disciplinary Provisions
- G. ~~Annual Certification and Renewal Fees~~ Rights and Obligations
- H. Re-Certification and Renewal Fees
 - I. Admission to Bar
 - J. Revocation and Expiration

12. Fees

- A. General
- B. Fee for Examination, Not Previously Admitted
- C. Fee for Examination, Prior Admission
- D. Exception Fee for Examination for Recently Admitted Applicants
- E. Repeat Examinations
- F. Fee for Admission Without Examination
- G. Fee for Temporary License for Legal Services Program Practice
- H. Transfer of Rule 8 Application to Rule 6 or Rule 7 Application
- I. Refunds of Fees
- J. Carry-over of Fees
- K. Copies of Examination Answers
- L. Fees for Advisory Opinions
- M. Fee for Reissuance of ~~Temporary House Counsel~~ or House Counsel License
- N. Other Fees

13. Immunity

- A. Immunity of the Board
- B. Immunity of Persons or Entities Providing Information to the Board

14. Confidentiality and Release of Information

- A. Application File
- B. Work Product
- C. Examination Data
 - (1) Statistics
 - (2) MBE Score Advisory
 - (3) Transfer of MBE Score
 - (4) Release of Examination Scores and Essays to Unsuccessful Examinees
 - (5) Release of Examination Scores to Law Schools
- D. Release of Information to Other Agencies
- E. Referrals
- F. Confidentiality

15. Adverse Determinations and Hearings

- A. Adverse Determination
- B. Request for Hearing
- C. Scheduling of Hearing
- D. Proceedings
- E. Pre-Hearing Conference
- F. Subpoenas
- G. Continuances
- H. Final Decision

16. Conditional Admission
 - A. Conditional Admission
 - B. Circumstances Warranting Conditional Admission
 - C. Consent Agreement
 - D. Transmittal to the Office of Lawyers Professional Responsibility
 - E. Length of Conditional Period
 - F. Failure to Fulfill the Conditional Terms
 - G. Monitoring of Consent Agreement by Conditional Admission Committee
 - H. Violation of Consent Agreement
 - I. Complaint for Violation of Consent Agreement; Disposition of Complaint
 - J. Appeal

17. Appeal to the Supreme Court
 - A. Petition for Review
 - B. Board Response

18. Reapplication

19. Bar Admissions Advisory Council
 - A. Creation
 - B. Meetings
 - C. Expenses

RULE 1. PURPOSE

The Board of Law Examiners is established to ensure that those who are admitted to the bar have the necessary competence and character to justify the trust and confidence that clients, the public, the legal system, and the legal profession place in lawyers.

RULE 2. DEFINITIONS AND DUE DATE PROVISIONS

A. Definitions. As used in these Rules:

- (1) "Application file" means all information relative to an individual applicant to the bar collected by or submitted to the Board while the application is pending and during any conditional admission period.
- (2) "Approved law school" means a law school provisionally or fully approved by the American Bar Association.
- (3) "Board" means the Minnesota State Board of Law Examiners.
- (4) "Court" means the Minnesota Supreme Court.
- (5) "Director" means the staff director for the Board.
- (6) "Good character and fitness" means traits, including honesty, trustworthiness, diligence and reliability, ~~which~~ that are relevant to and have a rational connection with the applicant's present fitness to practice law.
- (7) "Jurisdiction" means the District of Columbia or any state or territory of the United States.
- (8) "Legal services program" means a program existing primarily for the purpose of providing legal assistance to indigent persons in civil or criminal matters.
- (9) "Notify" or "give notice" means to mail or deliver a document to the last known address of the applicant or the applicant's lawyer. Notice is complete upon mailing, but extends the applicant's period to respond by three days.

B. Due Dates Provisions. Due dates specified under these Rules shall be strictly enforced and shall mean no later than 4:30 p.m. on the date stated; if the date falls on Saturday, Sunday, or a legal holiday, the deadline shall be the first working day thereafter. Postmarks dated on the due date will be accepted.

RULE 3. STATE BOARD OF LAW EXAMINERS

A. Composition. The Board shall consist of nine members, including a ~~P~~resident. Seven of the members shall be lawyers having their principal office in this state and two of whom shall be non-lawyer public members, each appointed by the Court for a term of three years or until a successor is appointed and qualifies. With the exception of the president, Board members may serve no more than three successive three-year terms. The president shall be appointed by the Court and shall serve as president, at the pleasure of the Court, for no more than six years. The terms of office may be staggered by the Court by any method it deems appropriate. ~~The Court shall select a President and the Board shall select a secretary from among its members.~~

B. Authority. The Board is authorized:

- (1) Subject to the approval of the Court, to employ a ~~D~~irector on a full-time or part-time basis, to prescribe duties, and to fix compensation;
- (2) To secure examination questions and other testing instruments that the Board finds valid and reliable in measuring the competence of applicants to practice law, and to pay reasonable compensation for them;
- (3) To employ examination graders;
- (4) To establish a minimum passing score for the examinations;
- (5) To conduct investigations of applicants' backgrounds as may be reasonably related to fitness to practice or eligibility under the Rules, and to require applicants to pay the costs of the investigations;
- (6) To recommend to the Court the admission and licensure of applicants to practice law in Minnesota;
- (7) To administer these Rules and adopt policies and procedures consistent with these Rules;
- (8) To delegate to its ~~P~~resident and ~~D~~irector authority to make necessary determinations to implement the Board's policies and procedures and these Rules;
- (9) To prepare and disseminate information to prospective applicants and the public about procedures and standards for admission to practice law in this state.

C. Board Meetings and Quorum. Board meetings are open to the public except when the Board is considering the following:

- (1) Examination materials;
- (2) Any information concerning an applicant, potential applicant, or conditionally admitted lawyer;
- (3) Personnel matters;
- (4) Any information which that is confidential or private under Rule 14;
- (5) Legal advice from its counsel.

Board members may attend meetings in person or, in extraordinary circumstances, by conference call. A quorum of the Board shall be a majority of its sitting members. Minutes of the public portions of Board meetings are available upon request from the Board office.

RULE 4. GENERAL REQUIREMENTS FOR ADMISSION

A. Eligibility for Admission. The applicant has the burden to prove eligibility for admission by ~~An applicant is eligible for admission to practice law upon providing satisfactory evidence of the following to the satisfaction of the Board:~~

- (1) Age of at least 18 years;
- (2) Good character and fitness as defined by these Rules;
- (3) Graduation with a J.D. or LL.B. degree from a law school which that is provisionally or fully approved by the American Bar Association;
- (4) Passing score on a written examination or qualification under Rules 7A, 7B, 8, 9, or 10;

- (5) A scaled score of 85 or higher on the Multistate Professional Responsibility Examination (MPRE); and
- (6) Not currently suspended or disbarred from the practice of law in another jurisdiction.

B. Residency. Prior to admission an applicant must be a resident of this state, or maintain an office in this state, or designate the Clerk of the Appellate Courts as agent for the service of process for all purposes.

C. Application for Admission. To be accepted as complete, an application must be submitted on a form prescribed by the Board together with the following:

- (1) A fee in an amount prescribed by Rule 12;
- (2) A notarized authorization for release of information form;
- (3) For applicants seeking admission by examination, a passport-style photo;
- (4) Two notarized affidavits of good character from persons who have known the applicant for at least one year and who:
 - (a) Are unrelated to the applicant by blood or marriage and not living in the same household; and
 - (b) Were not fellow law students during the applicant's enrollment;
- (5) The notarized affidavits of good character must address the following:
 - (a) The duration of time and circumstances under which the affiant has known the applicant;
 - (b) Details respecting the applicant's character and general reputation; and
 - (c) Other information bearing on the applicant's character and fitness to practice law.

D. ~~Certificate of Graduation~~ Evidence of Graduation (Conferral of Degree). At least 30 days prior to the examination, each applicant shall file, or cause to be filed, an original certificate of graduation from document from the applicant's law school, signed by the dean or other authorized person an approved law school stating:

- (1) ~~That the applicant law school has graduated~~ conferred a J.D. or LL.B. degree upon the applicant; or
- (2) ~~That the applicant has completed all coursework 30 days prior to the examination for which the applicant has applied, fulfilled all requirements for graduation conferral of degree, and will be graduated awarded a J.D. or LL.B. degree within 120 days following that examination for which the applicant has applied. An applicant for admission by examination must file the certificate or cause the certificate to be filed at least 30 days prior to the examination. An applicant filing evidence of conferral of degree pursuant to Rule 4D(2) shall cause to be filed a certified transcript verifying the award of the degree within 120 days following the examination.~~

E. Additional Filing When Admitted Elsewhere. An applicant who has been admitted to practice in another jurisdiction shall also file or cause to be filed at the time of the application:

- (1) An certified authentic copy of the application for admission to the bar from the bar admissions authority in each jurisdiction in which the applicant was previously admitted to the practice of law;

- (2) ~~An~~ certification authentic document showing the date of admission to the bar in each other jurisdiction;
- (3) ~~An~~ certification authentic document from the proper authority in each jurisdiction stating that the applicant is in good standing; and
- (4) ~~An~~ certification authentic document from the proper authority in each jurisdiction indicating whether the applicant is the subject of any pending complaint or charge of misconduct.

F. Applicant Without MPRE Score. An applicant may file an application without having taken the ~~Multistate Professional Responsibility Examination (MPRE)~~. However, the applicant shall not be admitted until he or she has submitted evidence of an MPRE scaled score of 85 or higher. Such applicants must be admitted within 12 months of the date of a written notice from the Board or the application will be considered to have been withdrawn.

G. Repeat Examinee. An applicant who has been unsuccessful on a prior Minnesota Bar Examination may reapply by submitting:

- (1) A new application for admission pursuant to Rule 4C;
- (2) The proper fee under Rule 12;
- (3) A notarized authorization for release of information on a form prescribed by the Board;
- (4) A passport-style photo; and
- (5) If the original application is more than two years old, new affidavits as described in Rule 4C(4) of these Rules.

H. Incomplete Application. An application determined to be incomplete shall be returned to the applicant.

I. Withdrawal of Application. An applicant may withdraw the application by notifying the Board in writing at any time prior to the issuance of an adverse determination.

J. Required Cooperation.

- (1) An applicant has the duty to cooperate with the Board and the ~~D~~director by timely complying with requests, including requests to:
 - (a) Provide complete information, documents, and signed authorizations for release of information;
 - (b) Obtain reports or other information necessary for the Board to properly evaluate the applicant's fitness to practice;
 - (c) Appear for interviews to determine eligibility for admission or facilitate the background investigation.
- (2) An applicant shall not discourage a person from providing information to the Board or retaliate against a person for providing information to the Board;
- (3) If the Board determines that A ~~an applicant who has breached the duty to cooperate, violates this Rule~~ the Board may deem the application withdrawn, ~~may be denied~~deny an opportunity to test, ~~or may be denied~~deny admission.

RULE 5. STANDARDS FOR ADMISSION

A. Essential Eligibility Requirements. Applicants must meet the following essential eligibility requirements for the practice of law:

- (1) The ability to be honest and candid with clients, lawyers, courts, the Board, and others;
- (42) The ability to reason, recall complex factual information, and integrate that information with complex legal theories;
- (23) The ability to communicate with clients, lawyers, courts, and others with a high degree of organization and clarity;
- (34) The ability to use good judgment on behalf of clients and in conducting one's professional business;
- (45) The ability to conduct oneself with respect for and in accordance with the law;
- (56) The ability to avoid acts which exhibit disregard for the rights or welfare of others;
- (67) The ability to comply with the requirements of the Rules of Professional Conduct, applicable state, local, and federal laws, regulations, statutes, and any applicable order of a court or tribunal;
- (78) The ability to act diligently and reliably in fulfilling one's obligations to clients, lawyers, courts, and others;
- (89) The ability to use honesty and good judgment in financial dealings on behalf of oneself, clients, and others; and
- (910) The ability to comply with deadlines and time constraints.

B. Character and Fitness Standards and Investigation.

- (1) Purpose. The purpose of the character and fitness investigation before admission to the bar is to protect the public and to safeguard the justice system.
- (2) Burden of Proof. The applicant bears the burden of proving good character and fitness to practice law in support of the application.
- (3) Relevant Conduct. The revelation or discovery of any of the following shall be treated as cause for further inquiry before the Board determines whether the applicant possesses the character and fitness to practice law:
 - (a) Unlawful conduct;
 - (b) Academic misconduct;
 - (c) Misconduct in employment;
 - (d) Acts involving dishonesty, fraud, deceit, or misrepresentation;
 - (e) Acts which demonstrate disregard for the rights or welfare of others;
 - (f) Abuse of legal process, including the filing of vexatious or frivolous lawsuits;
 - (g) Neglect of financial responsibilities;
 - (h) Neglect of professional obligations;
 - (i) Violation of an order of a court, including child support orders;
 - (j) Conduct that evidences current mental or emotional instability that may impair the ability to practice law;
 - (k) Conduct that evidences current drug or alcohol dependence or abuse that may impair the ability to practice law;
 - (l) Denial of admission to the bar in another jurisdiction on character and fitness grounds;

- (m) Disciplinary action by a lawyer disciplinary agency or other professional disciplinary agency of any jurisdiction;
 - (n) The making of false statements, including omissions, on bar applications in this state or any other jurisdiction.
- (4) Considerations. The Board shall determine whether the present character and fitness of an applicant qualifies the applicant for admission. In making this determination, the following factors shall be considered in assigning weight and significance to prior conduct:
- (a) The applicant's age at the time of the conduct;
 - (b) The recency of the conduct;
 - (c) The reliability of the information concerning the conduct;
 - (d) The seriousness of the conduct;
 - (e) The factors underlying the conduct;
 - (f) The cumulative effect of the conduct or information;
 - (g) The evidence of rehabilitation as defined in Rule 5B(5);
 - ~~(h) The applicant's positive social contributions since the conduct;~~
 - (ih) The applicant's candor in the admissions process; and
 - (hi) The materiality of any omissions or misrepresentations.
- (5) Rehabilitation. An applicant who affirmatively asserts rehabilitation from past conduct may provide evidence of rehabilitation by submitting one or more of the following:
- (a) Evidence that the applicant has acknowledged the conduct was wrong and has accepted responsibility for the conduct;
 - (b) Evidence of strict compliance with the conditions of any disciplinary, judicial, administrative, or other order, where applicable;
 - (c) Evidence of lack of malice toward those whose duty compelled bringing disciplinary, judicial, administrative, or other proceedings against applicant;
 - (d) Evidence of cooperation with the Board's investigation;
 - (e) Evidence that the applicant intends to conform future conduct to standards of good character and fitness for legal practice;
 - (f) Evidence of restitution of funds or property, where applicable;
 - (g) Evidence of positive social contributions through employment, community service, or civic service;
 - (h) Evidence that the applicant is not currently engaged in misconduct;
 - (i) Evidence of a record of recent conduct that demonstrates that the applicant meets the essential eligibility requirements for the practice of law and justifies the trust of clients, adversaries, courts, and the public;
 - (j) Evidence that the applicant has changed in ways that will reduce the likelihood of recurrence of misconduct; or
 - (k) Other evidence that supports an assertion of rehabilitation.
- (5) (6) Continuing Obligation. The applicant has a continuing obligation to update the application with respect to all matters inquired of on the application. This obligation continues during the pendency of the application, including the period when the matter is on appeal to the Board or the Court.
- (6) (7) Determination. A character and fitness determination shall be made with respect to each applicant who is a successful examinee or who is qualified by practice for admission under these Rules. An adverse determination on character and fitness grounds may be appealed under Rule 15.

(7) (8) Advisory Opinions.

- (a) A law student may request a written advisory opinion from the Board with respect to his or her character and fitness for admission by filing a completed application for admission, a fee in the amount required under Rule 12L, two notarized affidavits as required by Rule 4C(4), and an authorization for release of information as required by Rule 4C(2).
- (b) Advisory opinions will not be binding on the Board.

RULE 6. ADMISSION BY EXAMINATION

- A. Dates of Examinations.** Examinations shall be held the last Tuesday and Wednesday of the months of February and July each year, at a place to be determined by the Board.
- B. Timely Filing Deadlines.** An application for admission by examination shall be filed in the office of the Board by October 15 for the February examination, or by March 15 for the July examination.
- C. Late Filing Deadlines.** Late applications will be accepted on or before December 1 for the February examination, or on or before May 1 for the July examination but must be accompanied by the late filing fee pursuant to Rule 12. No applications shall be accepted after the late filing deadline.
- D. Denial of Opportunity to Test.** An applicant may be denied permission to take an examination:
 - (1) When the applicant has failed to comply with the requirements of Rule 4C, or 4D, or 4J; or
 - (2) When the Board has determined the applicant has not satisfied the good character and fitness requirement of Rule 4A(2).
- E. Scope of Examination.** The Minnesota Bar Examination shall consist of six essay questions, the Multistate Bar Examination (MBE), and at least one performance test question.
 - (1) Essay Questions. The essay questions may include any of the following subjects:
 - Administrative Law
 - Business Associations (partnerships, proprietorships, and corporations, including limited liability companies)
 - Civil Procedure
 - Constitutional Law
 - Contracts
 - Criminal Law and Procedure
 - Ethics and Professional Responsibility
 - Evidence
 - Family Law
 - Federal Individual Income Taxation
 - ~~Partnership, Proprietorship, and Corporations~~
 - Real Property
 - Torts

Uniform Commercial Code, Art. 1, 2
Wills, Estates and Trusts.

- (2) Performance Test. The performance test shall include one or more questions testing the applicant's ability to perform a lawyering task using legal and factual materials provided.

F. Testing Accommodations. An applicant whose disability requires testing accommodations shall submit with the application a written request pursuant to the Board's testing accommodations policy and shall describe:

- (1) The type of accommodation requested;
- (2) The reasons for the requested accommodation, including medical documentation in a format set forth in the policy referenced above.

The Board shall notify the applicant of its decision. A denial or modification of a request for testing accommodations constitutes an adverse determination of the Board and may be appealed pursuant to Rule 15.

G. Examination Results. The results of the examination shall be released to examinees by regular mail to the address listed in the files of the Board, and successful examination numbers will be posted at the Court, on the Board's website, and at each Minnesota law school. The date of the release shall be announced at the examination.

H. Failing Examination Scores. A failing score on the bar examination represents a final decision of the Board and does not afford the applicant the appeal and hearing rights set forth in Rule 15.

I. Stale Examination Scores. A passing score on the Minnesota Bar Examination is valid for 24~~36~~ months from the date of the examination. Applicants must be admitted within 24~~36~~ months of the examination.

RULE 7. ADMISSION WITHOUT EXAMINATION

A. Eligibility by Practice. An applicant may be eligible for admission without examination if the applicant otherwise qualifies for admission under Rule 4, and provides documentary evidence showing that for at least five of the seven years immediately preceding the application, the applicant was:

- (1) ~~has been licensed to practice law;~~
- (2) ~~has been in good standing in~~ before the highest court of another all jurisdictions where admitted; and
- (3) ~~e~~Engaged, as principal occupation, ~~has been in the~~ actively and lawfully engaged in the practice of law as a:
 - (1)~~(a)~~ A sole practitioner ~~lawyer~~ representing one or more clients;
 - (2)~~(b)~~ A member of Lawyer in a law firm, professional corporation, or association;
 - (3)~~(c)~~ A Judge in a court of record;
 - (4)~~(d)~~ A Lawyer for any local or state governmental entity;
 - (5)~~(e)~~ Hh House counsel for a corporation, agency, association, or trust department;

- ~~(6)(f) A~~ Lawyer with the federal government or a federal governmental agency including service as a member of the Judge Advocate General's Department of one of the military branches of the United States; and/or
- ~~(7)(g) A~~ Professor teaching full-time in any approved law school.

~~The practice of law must have been in the jurisdiction where the applicant is licensed and during the period of licensure unless the practice falls under (6) or (7) above, or Rule 8F of these Rules. To constitute the lawful practice of law, the above activities must have been performed in a jurisdiction in which the applicant is admitted, or performed in a jurisdiction that permits such activity by a lawyer not admitted to practice. Practice falling under (f) or (g) above performed outside a jurisdiction where the applicant is licensed shall be considered the lawful practice of law.~~

- B. Eligibility for Admission by Test Score.** An applicant may be eligible for admission without examination under Rule 4A(4) if the applicant has received a scaled score of 145 or higher on the ~~Multistate Bar Examination (MBE)~~ taken as a part of and at the same time as the essay or other part of a written bar examination given by another jurisdiction, was successful on that bar examination, and was subsequently admitted in that jurisdiction. The applicant shall submit evidence of the score and a completed application to the Board within 24 months of the date of the *qualifying examination being used as the basis for the admission.*
- C. Transfer of MBE Score.** An applicant seeking to transfer a MBE score achieved in another jurisdiction to Minnesota shall submit a written request for transfer to the National Conference of Bar Examiners.
- D. MBE Score Advisory.** Upon written request, the ~~D~~director will advise an applicant or potential applicant who took and passed a bar examination in another jurisdiction whether or not his or her MBE score satisfies the requirements of Rule 7B. Requests for score advisory shall include the following:
- (1) Complete name and social security number of the examinee; and
 - (2) Month, year, and jurisdiction of test administration.
- E. No Waiver of Time Requirements.** The minimum time requirements and the timely filing requirements of this Rule shall be strictly enforced.
- F. Eligibility After Unsuccessful Examination.** An applicant may be eligible for admission without examination under this Rule notwithstanding a prior failure on the Minnesota Bar Examination.
- ~~**G. Ineligibility for Admission Without Examination.** Any person who holds himself or herself out as a licensed Minnesota lawyer or attempts to engage in the practice of law in Minnesota without first obtaining a license under these Rules is ineligible for admission without examination.~~

RULE 8. ADMISSION BY TEMPORARY LICENSE FOR LEGAL SERVICES PROGRAMS

- A. Eligibility.** A lawyer licensed in another jurisdiction may apply for and be admitted under a temporary license to practice law in Minnesota when the applicant has accepted employment in Minnesota as a lawyer for a legal services program.
- B. Filing.** In order to qualify for the license, the lawyer must comply with the requirements of Rule 4A(1), (2), (3) and (6) and must file with the Board, the following:
- (1) A completed application for temporary license to practice law in Minnesota for a legal services program;
 - (2) A certificate or certificates from the proper authority in each jurisdiction certifying that the lawyer is in good standing and that no charges of professional misconduct are pending;
 - (3) An affidavit from the applicant's employer attesting to his or her knowledge of the applicant's competence and good character, and the fact that the applicant has accepted employment as a lawyer for a legal services program in Minnesota and will be supervised by a licensed Minnesota lawyer;
 - (4) Two additional affidavits of character as prescribed by Rule 4C(4), and a fee consistent with Rule 12G of these Rules.
- C. Certification of Applicant's Good Character and Fitness.** The office of the Board shall conduct an expedited character and fitness investigation and certify the applicant's good character and fitness prior to issuance of a license under this Rule.
- D. Limitation.** A license granted pursuant to this Rule shall authorize the lawyer to practice solely on behalf of the indigent clients of the designated legal services program.
- E. Duration and Revocation.** This temporary license shall be valid for a period of no more than 15 months from the date of issuance. Upon notice to the Clerk of the Appellate Courts, the Board shall have authority to revoke a temporary license issued pursuant to this Rule upon the occurrence of any of the following:
- (1) The holder's admission to practice law in Minnesota pursuant to Rule 6 (Admission by Examination), Rule 7A (Eligibility by Practice) or 7B (Eligibility by Test Score);
 - (2) Termination of the holder's employment with the employer referred to in Rule 8B(3),
 - (3) The lapse of 15 months from the date of issuance;
 - (4) The holder's failure of the Minnesota Bar Examination; or
 - (5) Issuance by the Board of an adverse determination relative to the applicant's character and fitness.
- F. Credit for Admission Without Examination.** Time in the practice of law in the State of Minnesota under this temporary license may be counted toward the applicant's eligibility for admission without examination under Rule 7A.

RULE 9. ADMISSION BY TEMPORARY HOUSE COUNSEL LICENSE

A. Practice by House Counsel. A lawyer licensed in another jurisdiction shall not practice law in Minnesota as house counsel unless he or she is admitted to practice in Minnesota under this Rule, Rule 6 (Admission by Examination), Rule 7 (Admission Without Examination), or Rule 10 (Admission by House Counsel License).

B. Eligibility. A lawyer licensed in another jurisdiction may apply for and be admitted under a temporary house counsel license when the lawyer:

- (1) Is employed in Minnesota as house counsel solely for a single corporation (or its subsidiaries), association, business, or governmental entity whose lawful business consists of activities other than the practice of law or the provision of legal services; and
- (2) Has practiced law by engaging in one or more of the activities listed in Rule 7A, for at least three of the previous five years; and
- (3) Complies with the eligibility provisions of Rule 4A, with the exception of Rule 4A(5).

The practice of law must have been in the jurisdiction where the applicant is licensed and during the period of licensure unless the applicant, during the qualifying period, was practicing as house counsel for a corporation, agency, association, or trust department.

C. Requirements. In order to qualify for the temporary house counsel license, the applicant shall comply with the requirements of these Rules and file the following with the Board:

- (1) An application for license to practice law in Minnesota;
- (2) A certificate or certificates from the proper authority in each jurisdiction certifying that the applicant is in good standing and listing any complaint of professional misconduct pending against the applicant;
- (3) An affidavit from an officer, director, or general counsel of applicant's employer or parent company employer attesting to the fact that applicant is employed as house counsel solely for said employer, that applicant is an individual of good character, and that the nature of the employment meets the requirements of Rule 9B(1); and
- (4) A fee consistent with Rule 12F.

D. Limitation. A license issued pursuant to this Rule authorizes the holder to practice solely for the employer designated in the affidavit required by Rule 9C(3).

E. Issuance of Temporary House Counsel License. In order to facilitate issuance of the temporary license, an expedited character and fitness investigation will be conducted.

F. Duration and Expiration of Temporary License. The temporary license shall expire 12 months from the date of issuance, or sooner, upon the occurrence of any of the following:

- (1) Termination of the holder's employment with the employer referenced in Rule 9C(3); or

(2) Admission to practice law in Minnesota pursuant to Rule 6 (Admission by Examination), Rule 7 (Admission Without Examination), or Rule 10 (Admission by House Counsel License); or

(3) Issuance of an adverse determination pursuant to Rule 15A.

After expiration of a temporary house counsel license, the former license holder, unless already admitted to practice law in Minnesota under another of these Rules, shall not practice law in Minnesota or otherwise represent that he or she is admitted to practice law in Minnesota.

G. House Counsel License. An applicant for or holder of a temporary house counsel license who anticipates practicing in Minnesota for more than 12 months should also apply for a house counsel license under Rule 10 or another license under these Rules.

H. Notice of Termination of Employment. A holder of a temporary house counsel license shall notify both the Board and the Office of Attorney Registration in writing within 10 business days of termination of employment with the employer referenced in Rule 9C(3).

~~I. Re-issuance of Temporary House Counsel License. At the Director's discretion, A temporary house counsel license that has expired due to termination of employment as described in Rule 9F(1) may be re-issued for the remainder of the period specified in Rule 9F if re-issuance is requested within 90 days of the expiration of the license, provided that the other requirements of this Rule are met at the time of the request for re-issuance. The fee for re-issuance of the license shall be consistent with Rule 12M.~~

~~J. I. Credit for Admission Without Examination.~~ Time in the practice of law under the temporary house counsel license may be counted toward eligibility for admission without examination under Rule 7A.

~~K. J. Professional Conduct and Responsibility.~~ A lawyer licensed under this Rule shall abide by and be subject to all laws and rules governing lawyers admitted to the practice of law in this state.

RULE 10. ADMISSION BY HOUSE COUNSEL LICENSE

A. Practice by House Counsel. A lawyer licensed in another jurisdiction shall not practice law in Minnesota as house counsel unless he or she is admitted to practice in Minnesota under this Rule, Rule 6 (Admission by Examination), Rule 7 (Admission Without Examination), or Rule 9 (Admission by Temporary House Counsel License).

B. Eligibility and Requirements. A lawyer licensed in another jurisdiction or the holder of a temporary house counsel license issued pursuant to Rule 9B and 9C, who intends to practice in Minnesota for more than 12 months, may apply for a house counsel license upon submission of evidence of:

(1) Compliance with eligibility and other requirements set forth in Rule 9; and

(2) A scaled score of 85 or higher on the Multistate Professional Responsibility Examination.

C. Limitation. A license issued pursuant to this Rule authorizes the holder to practice solely for the employer designated in the Rule 9C(3) affidavit.

D. Expiration of House Counsel License. The house counsel license shall expire upon termination of the holder's employment with the employer referenced in Rule 9C(3). After a house counsel license expires, the former license holder, unless already admitted to practice law in Minnesota under another of these Rules, shall not practice law in Minnesota or otherwise represent that he or she is admitted to practice law in Minnesota.

E. Notice of Termination of Employment. A house counsel license holder shall notify both the Board and the Office of Attorney Registration in writing within 10 business days of termination of employment with the employer referenced in Rule 9C(3).

F. Re-issuance of House Counsel License. At the director's discretion, a A-house counsel license that has expired due to termination of holder's employment as described in Rule 10D may be reissued for the remainder of the period specified in Rule 9F at the Director's discretion if re-issuance is requested within 90 days of the expiration of the license-, provided that the other requirements of this Rule are met at the time of the request for re-issuance. The fee for re-issuance shall be consistent with Rule 12M.

G. Credit for Admission Without Examination. Time in the practice of law under the house counsel license may be counted toward eligibility for admission without examination under Rule 7A.

H. Professional Conduct and Responsibility. A lawyer licensed under this Rule shall abide by and be subject to all laws and rules governing lawyers admitted to the practice of law in this state.

RULE 11. LICENSE FOR FOREIGN LEGAL CONSULTANTS

A. Eligibility. A person who is admitted to practice in a foreign country as a lawyer or counselor at law may apply for, and, at the discretion of the Board of Law Examiners, may obtain a license to render services as a foreign legal consultant in this state~~the State of Minnesota~~, without examination, subject to the limitations set forth in this Rule.

B. Requirements. In order to qualify for the license the applicant must:

- (1) Have been admitted to practice in a foreign country as a lawyer or counselor at law or the equivalent; and
- (2) As principal occupation, have been engaged in the practice of law of that country ~~in that country~~ for at least five of the seven years immediately preceding the application; and

- (3) Be in current good standing as a lawyer or counselor at law or the equivalent in that country, and have remained in good standing throughout the period of his or her practice; ~~and~~
- (4) Possess the good character and fitness required for admission to practice in this state; ~~and~~
- (5) ~~Be at least 24 years of age~~ Have been awarded a post-secondary degree in law; ~~and~~
- (6) Intend to practice as a foreign legal consultant in this state; and Maintain an office in the State of Minnesota for the rendering of services as a foreign legal consultant.
- (7) Maintain an office in this state for the purpose of practicing as a foreign legal consultant.

C. Applications. In order to qualify for the foreign legal consultant license, an applicant must file with the ~~Minnesota Board of Law Examiners~~ the following documents, together with duly authenticated English translations, if the documents they are not in English:

- (1) A sworn and notarized typewritten Application for Foreign Legal Consultant License;
- (2) An duly authenticated certificate from the authority having final jurisdiction over professional discipline in the foreign country in which the applicant is admitted to practice, which shall be accompanied by the official seal, if any, of such authority, and which shall certify:
 - (a) The authority's jurisdiction in such matters;
 - (b) The applicant's admission to practice in ~~such~~ the foreign country, the date of admission, and the applicant's good standing as a lawyer or counselor at law or the equivalent in that jurisdiction;
- (3) An duly authenticated document from the authority having final jurisdiction over professional discipline in any foreign country or jurisdiction in which said ~~consultant~~ the applicant has been licensed as a lawyer or as a foreign legal consultant indicating whether any charge or complaint has ever been filed against the applicant with ~~such~~ the authority, and, if so, the substance of each ~~such~~ charge or complaint, and the adjudication or resolution of each ~~such~~ charge or complaint;
- (4) A letter ~~of~~ recommendation signed by, and accompanied with the official seal, if any, of one of the members of the executive body of ~~such~~ the authority having final jurisdiction over professional discipline or from one of the judges of the highest court of law of ~~such~~ the foreign country, certifying to the applicant's professional qualifications;
- ~~(5)~~ (5) A summary of the law or rule, if any, of such foreign country which permits members of the Minnesota Bar to establish offices for the giving of legal advice to clients in such foreign country;
- ~~(6)~~ (5) Letters of recommendation from at least three ~~attorneys-lawyers~~ or counselors at law or the equivalent admitted in and practicing in ~~such~~ the foreign country where the applicant is admitted, setting forth the length of time, and under what circumstances they have known the applicant and stating their appraisal of the applicant's good character and fitness for admission;

- ~~(7)~~(6) Notarized letters of recommendation from at least two members in good standing of the Minnesota Bar, setting forth the length of time, and under what circumstances they have known the applicant and their appraisal of the applicant's good character and fitness for admission;
- ~~(8)~~(7) ~~Such~~Any other evidence as to the applicant's educational and professional qualifications, good character and fitness and compliance with the requirements of this rule as the Minnesota Board of Law Examiners may require; and
- ~~(8)~~ A statement that the foreign legal consultant has read, understood, and made a commitment to observe the Minnesota Rules of Professional Conduct;
- ~~(9)~~ A score report showing that the applicant received a scaled score of 85 or higher on the Multistate Professional Responsibility Examination, or a sworn statement attesting to the applicant's attendance, within the previous 12 months, of no fewer than six hours of coursework in legal ethics accredited by the Minnesota Board of Continuing Legal Education;
- ~~(10)~~ Evidence of professional liability insurance in an amount deemed sufficient by the director;
- ~~(11)~~ A written and notarized statement setting forth the foreign legal consultant's address within the State of Minnesota and designating the Clerk of Appellate Courts as agent for the service of process for all purposes;
- ~~(12)~~ An affidavit stating that the foreign legal consultant shall notify the Board of any resignation or revocation of such foreign legal consultant's admission to practice in the foreign country of admission, or in any other state or jurisdiction in which the foreign legal consultant has been licensed as a lawyer or counselor at law or equivalent or as a foreign legal consultant, or of any censure, suspension, or expulsion in respect of such admission;
- ~~(13)~~ If employed as house counsel, an affidavit from an officer, director, or general counsel of applicant's employer attesting to the fact that applicant is employed as house counsel solely for that employer and agreeing to notify the Board if the applicant's employment is terminated, and
- ~~(9)~~ ~~(14)~~ A fee in the amount of \$1,000\$1,200, in the form of a certified check or money order.

D. Investigation. ~~The Minnesota Board of Law Examiners shall conduct such an~~ investigation into the applicant's background and verification ~~of the applicant's~~ of the applicant's supporting documents as the Board may deem ~~s~~ appropriate or necessary in the circumstances.

E. Scope of Practice. A person licensed as a foreign legal consultant under this ~~r~~Rule may render legal services ~~in the State of Minnesota~~ in this state regarding ~~respecting~~ the laws of the country in which ~~such person~~ the foreign legal consultant is admitted to practice as a lawyer, counselor at law or equivalent.

- (1) The foreign legal consultant shall not, ~~however,~~ conduct any activity or render any services constituting the practice of the law of the United States, ~~the State of Minnesota~~ of this state, or that of any other state, commonwealth or territory of the United States or the District of Columbia including, but not limited to, the restrictions that ~~such person~~ the foreign legal consultant shall not:

- (1) ~~(a)~~ Appear for another person as a lawyer in any court or before any magistrate or other judicial officer or before any federal, state, county or municipal governmental agency, quasi-judicial or quasi-governmental authority in the ~~State of Minnesota~~ this state, or prepare pleadings or any other papers in any action or proceedings brought in any such court or before any such judicial officer, except as authorized in any rule or procedure relating to admission pro hac vice, or pursuant to administrative rule;
- (2) ~~(b)~~ Provide legal advice in connection with the preparation of any deed, mortgage, assignment, discharge, lease, agreement of sale, or any other instrument affecting title to:
- ~~(a)~~ Real property located in the United States; ~~of America;~~
- ~~(b)~~ Personal property located in the United States of America, except where the instrument affecting title to such personal property is governed by the law of a jurisdiction in which the foreign legal consultant is admitted to practice as a lawyer or counselor at law or the equivalent;
- (3) ~~(c)~~ Prepare:
- ~~(a)~~ Any will or trust instrument affecting the disposition of any property located in the United States ~~of America~~ and owned by a resident thereof; ~~or~~
- ~~(b)~~ Any instrument relating to the administration of a decedent's estate in the United States ~~of America~~;
- (4) ~~(d)~~ Prepare any instrument in respect of the marital relations, rights or duties of a resident of the United States ~~of America~~ or the custody or care of the children of such a resident;
- (5) ~~(e)~~ Render professional legal advice on the law of the ~~State of Minnesota~~ this state or the United States ~~of America~~ or any other state, subdivision, commonwealth or territory of the United States ~~of America~~ or the District of Columbia (whether rendered incident to the preparation of a legal instrument or otherwise);
- (6) ~~(f)~~ In any way represent that ~~such person~~ the foreign legal consultant is admitted to the Minnesota Bar ~~of the State of Minnesota~~ or is licensed as a lawyer or foreign legal consultant in another state, territory or the District of Columbia, or as a lawyer or counselor at law or the equivalent in a foreign country, unless so licensed;
- (7) ~~(g)~~ Use any title other than "Foreign Legal Consultant, Not-Admitted to the Practice of Law in Minnesota", in [name of country], provided that such ~~person's~~ The foreign legal consultant's authorized title and firm name in the foreign country in which such person the foreign legal consultant is admitted to practice as a lawyer or counselor at law or the equivalent may be used if the title, firm name, and the name of such ~~the~~ foreign country are stated together with the above-mentioned designation;
- (8) ~~(h)~~ Render any legal services for a client without utilizing a written retainer agreement which shall specify in bold type that the foreign legal consultant is not admitted to practice law in the ~~State of Minnesota~~ this state, nor licensed to advise on the laws of the United States or the District of

Columbia, and that the practice of the foreign legal consultant is limited to the laws of the foreign country where such person is admitted to practice as a lawyer or counselor at law or the equivalent; or

- ~~(9)~~ (i) Hold any client funds or valuables without entering into a written retainer agreement which shall specify in bold type the name of a Minnesota lawyer licensed in good standing who is also representing the particular client in the particular matter at hand.
- (2) A foreign legal consultant who is employed in Minnesota as house counsel solely for a single corporation (or its subsidiaries), association, business, or governmental entity is not subject to the restrictions as to scope of practice set forth in Rule 11E(1) (e), (f), (g) (h), and (i) provided that the practice is performed exclusively for the employer referenced above. A foreign legal consultant employed as house counsel may use the title "counsel."

F. Disciplinary Provisions.

- (1) A foreign legal consultant is expressly subject to:
- (a) the Minnesota Rules of Professional Conduct and all laws and rules governing lawyers admitted to the practice of law in this state;
 - (b) ~~to~~ continuing review by the Board of qualifications to retain any the license granted hereunder, ~~and shall be subject to~~
 - (c) the disciplinary jurisdiction of the Minnesota Office of Lawyers Professional Responsibility and the Minnesota Supreme Court.
- (2) ~~Section 4~~ Rule 11F(1) above shall not be construed to limit in any way concurrent disciplinary procedures to which the foreign legal consultant may be subject in the country of admission.
- ~~(3) A foreign legal consultant shall execute and file with the Board of Law Examiners, in such form and manner as the court prescribes:~~
- ~~(a) A statement that the foreign legal consultant has read, understood, and made a commitment to observe the Minnesota Rules of Professional Conduct; and~~
 - ~~(b) Either:~~
 - ~~(1) An undertaking or appropriate evidence of professional liability insurance, in such amount as the Minnesota Supreme Court may prescribe, to assure such foreign legal consultant's proper professional conduct and responsibility; or~~
 - ~~(2) An appropriate undertaking in the amount of \$50,000.00 in the form of a bond, letter of credit or other financial guaranty instrument issued by a reputable financial institution based in, and authorized to do business in, the United States of America or any state therein for the purpose of assuring the foreign legal consultant's proper professional conduct and responsibility; and~~
 - ~~(c) A duly acknowledged instrument in writing setting forth such foreign legal consultant's address within the State of Minnesota and designating the Clerk of Appellate Courts as agent for the service of process for all purposes; and~~

~~(d) A commitment to notify the Minnesota Board of Law Examiners of any resignation or revocation of such foreign legal consultant's admission to practice in the foreign country of admission, or in any other state or jurisdiction in which the foreign legal consultant has been licensed as a lawyer or counselor at law or equivalent or as a foreign legal consultant, or of any censure, suspension, or expulsion in respect of such admission.~~

G. Rights and Obligations. A foreign legal consultant shall be entitled to the rights and obligations of a member of the Minnesota Bar with respect to:

- (1) Affiliation in the same law firm with one or more members of the Minnesota Bar, including by employing one or more members of the bar; being employed by one or more members of the bar or by any partnership or professional corporation that includes members of the Minnesota Bar or that maintains an office in Minnesota; and being a partner in any partnership or shareholder in any professional corporation that includes members of the Minnesota Bar or that maintains an office in Minnesota; and
- (2) Attorney-client privilege, work product protection, and similar professional privileges.

GH. Annual Re-Certification and Renewal Fees.

- (1) ~~A~~ Every three years a foreign legal consultant shall submit ~~on a biennial basis~~ to the Minnesota Board of Law Examiners:
 - (a) A sworn statement attesting to his or her the foreign legal consultant's continued good standing as a lawyer or counselor at law or equivalent in the foreign country in which he or she the foreign legal consultant is admitted to practice,
 - (b) ~~A fee in the amount of \$200.~~ A sworn and notarized typewritten Application for Foreign Legal Consultant License; and
 - (c) A fee in the amount of \$300.
- (2) ~~The~~ On an annual basis, a foreign legal consultant shall submit ~~on an annual basis~~ to the Minnesota Attorney Lawyer Registration office a lawyer registration fee equivalent to the renewal fees paid by Minnesota licensed attorneys lawyers pursuant to the Rules of the Supreme Court for Registration of AttorneysLawyers.

I. Admission to Bar. If the Board determines that a foreign legal consultant under this Rule is subsequently admitted as a member of the Minnesota Bar, the foreign legal consultant's license shall be deemed superceded by the license to practice law in Minnesota.

J. Revocation and Expiration. If the Board determines that a foreign legal consultant no longer meets the requirements for licensure set forth in this Rule, the license shall expire. If the foreign legal consultant is employed as house counsel, the foreign legal consultant license shall expire on the date of the termination of the foreign legal consultant's employment by the employer referenced in Rule 11C(13).

RULE 12. FEES

- A. General.** Application fees or other fees required under these Rules shall be paid by personal check or money order payable to the Board. The applicable fee is determined as of the date of filing of a complete application under Rule 4.
- B. Fee for Examination, Not Previously Admitted.** An applicant who meets the following criteria shall submit a fee of \$400:
- (1) Applying to take the Minnesota examination for the first time; and
 - (2) Not admitted to practice in another jurisdiction; and
 - (3) Filing on or before the timely filing deadline (October 15 for the February examination, or March 15 for the July examination).
- An applicant meeting the criteria in (1) and (2) above, who files after the timely filing deadline but before the late filing deadline (December 1 for the February examination, or May 1 for the July examination) shall submit a fee of \$550. Applications will not be accepted after the late filing deadline.
- C. Fee for Examination, Prior Admission.** An applicant who meets the following criteria shall submit a fee of \$750:
- (1) Licensed to practice in another jurisdiction more than six months prior to the date of the applicant's Minnesota application; and
 - (2) Filing on or before the timely filing deadline (October 15 for the February examination, or March 15 for the July examination).
- An applicant meeting the criteria in (1) above, who files after the timely filing deadline but before the late filing deadline (December 1 for the February examination, or May 1 for the July examination) shall submit a fee of \$900. Applications will not be accepted after the late filing deadline.
- D. Exception Fee for Examination for Recently Admitted Applicants.** An applicant applying to take the Minnesota examination who has been licensed to practice in another jurisdiction less fewer than six months prior to the date of the applicant's Minnesota application shall submit the fee for examination required by paragraph B of this Rule.
- E. Repeat Examinations.** An applicant who was unsuccessful on the Minnesota examination and is filing on or before December 1 for the February examination, or on or before May 1 for the July examination, shall submit a fee of \$400 and comply with Rule 4G.
- F. Fee for Admission Without Examination.** An applicant for admission without examination pursuant to Rule 7(Admission Without Examination) or Rule 10 (Admission by House Counsel License) shall submit a fee of \$750. An applicant for admission pursuant to Rule 9 (Admission by Temporary House Counsel License) shall submit a fee of \$500.
- G. Fee for Temporary License for Legal Services Program Practice.** A fee in the amount of \$75 must accompany an application for Temporary License pursuant to Rule 8. Payment of an additional fee, as required by Rule 12B, will qualify applicants under Rule 6. Payment of an additional fee, as required by Rule 12C, will qualify applicants under Rule 7A or 7B.

- H. Transfer of Rule 8 Application to Rule 6 or Rule 7 Application.** Documents submitted in support of a Rule 8 (Temporary License for Legal Services Programs) application for license may, upon the written request of applicant, constitute application pursuant to Rule 6 (Admission by Examination) or Rule 7 (Admission Without Examination) of these Rules, provided additional fees required by Rule 12 are submitted
- I. Refunds of Fees.** A refund in the amount of \$125 ~~will~~ shall be made ~~in the following circumstances:~~
- ~~(1) When an applicant for the bar examination advises the Board in writing at least ~~four~~ ten days prior to an examination of the applicant's desire to withdraw the application;~~
 - ~~(2) When an applicant for the bar examination is denied permission to take an examination due to failure to provide a certificate of graduation required by Rule 4D.~~
- No other requests for refund will be granted.
- J. Carry-over of Fees.**
- (1) Ineligible Rule 7 Applicants. The fee of an applicant declared ineligible under Rule 7 (Admission Without Examination) shall be applied to an examination held within the succeeding 15 months at the written request of the applicant received within 30 days of notice of the denial. No other transfers of fees, other than those provided for in the following paragraph, shall be granted.
 - (2) Medical Emergencies. An applicant who is unable to sit for the examination due to a medical emergency and who notifies the Board in writing or by telephone prior to the start of the examination, may request carry-over of the application fee to the next examination. Such requests must be made in writing, received in the Board office no later than 14 days following the examination, and be accompanied by written documentation of the medical emergency, and The applicant shall submit a fee of \$50 when reapplying for the next examination.
- K. Copies of Examination Answers.** An unsuccessful applicant may request copies of the applicant's essay answers. The request shall be in writing, submitted within 60 days of the release of the examination results, and accompanied by a fee of \$20.
- L. Fees for Advisory Opinions.** An application filed for the purpose of receiving an *advisory opinion from the Board* must be accompanied by a fee in the amount of \$100.
- M. Fee for Reissuance of Temporary House Counsel or House Counsel License.** An applicant for re-issuance of a ~~temporary house counsel license under Rule 9I or~~ house counsel license under Rule 10F shall submit a fee of \$275.
- N. Other Fees.** The Board may require an applicant to bear the expense of obtaining reports or other information necessary for the Board's investigation. The Board may charge reasonable fees for collection and publication of any information permitted to

be released. For matters not covered in these Rules, the Director may set reasonable fees which reflect the administrative costs associated with the service.

RULE 13. IMMUNITY

- A. Immunity of the Board.** The Board and its members, employees, agents, and monitors of conditionally admitted lawyers are immune from civil liability for conduct and communications relating to their duties under these Rules or the Board's policies and procedures.
- B. Immunity of Persons or Entities Providing Information to the Board.** Any person or entity providing to the Board or its members, employees, agents, or monitors, any information, statements of opinion, or documents regarding an applicant, potential applicant, or conditionally admitted lawyer, is immune from civil liability for such communications.

RULE 14. CONFIDENTIALITY AND RELEASE OF INFORMATION

- A. Application File.** An applicant may review the contents of his or her application file with the exception of the work product of the Board and its staff. Such review must take place *within two years after the filing of the last application for admission in Minnesota*, at such times and under such conditions as the Board may provide.
- B. Work Product.** The Board's work product shall not be produced or otherwise discoverable, nor shall any member of the Board or its staff be subject to deposition or compelled testimony except upon a showing of extraordinary circumstance and compelling need and upon order of the Court. In any event, the mental impressions, conclusions, and opinions of the Board or its staff shall be protected and not subject to compelled disclosure.
- C. Examination Data.**
- (1) **Statistics.** Statistical information relating to examinations and admissions may be released at the discretion of the Board.
 - (2) **MBE Score Advisory.** The Director may release individual MBE scores as provided in Rule 7D.
 - (3) **Transfer of MBE Score.** The score of an examinee may be disclosed to the bar admission authority of another jurisdiction, upon the examinee's written request to the National Conference of Bar Examiners (NCBE).
 - (4) **Release of Examination Scores and Essays to Unsuccessful Examinees.** The Director may release to an unsuccessful examinee the scores assigned to each of the various portions of the examination; and, upon payment of the fee specified by Rule 12K, the Director may release copies of an unsuccessful examinee's answers to the essay questions.
 - (5) **Release of Examination Scores to Law Schools.** At the discretion of the Board, the examination scores of an examinee may be released to the law school from which the examinee graduated.
- D. Release of Information to Other Agencies.** Information may be released to the following:

- (1) Any authorized lawyer disciplinary agency;
- (2) Any bar admissions authority; or
- (3) Persons or other entities in furtherance of the character and fitness investigation.

E. Referrals. Information relating to the misconduct of an applicant may be referred to the appropriate authority.

F. Confidentiality. Subject to the exceptions in this Rule, all other information contained in the files of the office of the Board is confidential and shall not be released to anyone other than the Court except upon order of the Court.

RULE 15. ADVERSE DETERMINATIONS AND HEARINGS

A. Adverse Determination. When an adverse determination relating to an applicant's character, fitness, or eligibility is made by the Board, the ~~D~~director shall notify the applicant of the determination, the reasons for the determination, the right to request a hearing, the right to be represented by counsel, and the right to present witnesses and evidence.

B. Request for Hearing. Within 20 days of notice of an adverse determination, the applicant may make a written request for a hearing. If the applicant does not timely request a hearing, the adverse determination becomes the final decision of the Board.

C. Scheduling of Hearing. The Board shall schedule a hearing upon receipt of the applicant's request for a hearing. At least ~~30~~ 45 days prior to the hearing, the Board shall notify the applicant of the time and place.

D. Proceedings. At the discretion of the Board ~~P~~president, the hearing may be held before the full Board, before a sub-committee of the Board appointed by the president, or before a hearing examiner appointed by the ~~P~~president. The Board may employ special counsel. The hearing shall be recorded and a transcript shall be provided to the applicant on request at a reasonable cost. The applicant has the burden of proving by clear and convincing evidence that the applicant possesses good character and fitness to practice law and is eligible for admission.

E. Pre-hearing Conference. The Board ~~P~~president or designee shall conduct a pre-hearing conference at least 30 days prior to the hearing for the purpose of addressing procedural issues. Unless the ~~P~~president or designee orders otherwise, Board counsel and the applicant shall exchange exhibit lists; the names and addresses of witnesses; ~~and any stipulations concerning proposed findings of fact, conclusions of law, or a proposed and final decisions;~~ or stipulations at least ten 15 days before the hearing.

F. Subpoenas. Upon written authorization of the Board ~~P~~president or designee, the applicant and Board counsel may subpoena evidence and witnesses for the hearing. The District Court of Ramsey County shall issue subpoenas.

- G. Continuances.** A written request for a continuance of a scheduled hearing shall be heard by the Board President or designee, who shall grant such request only upon a showing of good cause.
- H. Final Decision.** Following the hearing, the Board shall notify the applicant of its findings of fact, conclusions of law and final decision.

RULE 16. CONDITIONAL ADMISSION.

- A. Conditional Admission.** ~~Following a Rule 15 hearing, The Board, upon its own initiative or the initiative with the consent of the applicant,~~ The Board, upon its own initiative or the initiative with the consent of the applicant, may recommend to the Court that the applicant be admitted on a conditional basis.
- B. Circumstances Warranting Conditional Admission.** An applicant whose record shows conduct that may otherwise warrant denial, may consent to be admitted subject to certain terms and conditions set forth in a conditional admission consent agreement. Only an applicant whose record of conduct ~~at the time of the Rule 15 hearing~~ evidences a commitment to rehabilitation and an ability to meet the essential eligibility requirements of the practice of law as set forth in Rule 5A may be considered for conditional admission.
- C. Consent Agreement.** The consent agreement shall set forth the terms and conditions of conditional admission, shall be signed by the President or designee and by the applicant, and shall be made a part of the conditionally admitted lawyer's application file. The consent agreement shall remain confidential subject to the provisions of these Rules and of the Rules on Lawyers Professional Responsibility.
- D. Transmittal to the Office of Lawyers Professional Responsibility.** A list of conditionally admitted lawyers shall be transmitted each month to the Office of Lawyers Professional Responsibility (OLPR). In the event a complaint of unprofessional conduct or violation of the consent agreement is filed against the conditionally admitted lawyer, the application file shall be transmitted to the OLPR upon the request of that office.
- E. Length of Conditional Period.** The initial conditional admission period shall not exceed 24 months, unless a complaint for a violation of the consent agreement or a complaint of unprofessional conduct has been filed with the OLPR. The filing of such a complaint shall extend the conditional admission until disposition of the complaint by the OLPR.
- F. Failure to Fulfill the Conditional Terms.** Failure to fulfill the terms of the consent agreement may result in the suspension or revocation of the conditional admission license, or such other action as is appropriate under the Rules on Lawyers Professional Responsibility.
- G. Monitoring of Consent Agreement by Conditional Admission Committee.** During the conditional admission period, the conditionally admitted lawyer's compliance with the terms of the consent agreement shall be monitored by a Conditional Admission Committee (CAC), a committee of no fewer than three Board members appointed by the President. The CAC shall conduct such investigation

and take such action as is necessary to monitor compliance with the terms of the consent agreement, including, but not limited to, requiring the conditionally admitted lawyer to:

- (1) submit written verification of compliance with conditions;
- (2) appear before the CAC; and
- (3) respond to any requests for evidence concerning compliance.

H. Violation of Consent Agreement. If the CAC finds that a term or terms of the consent agreement have been violated, the President shall convene the Board for the purpose of determining whether to file a complaint with OLPR. The Board shall notify the conditionally admitted lawyer of the Board's decision if a complaint is filed.

I. Complaint for Violation of Consent Agreement; Disposition of Complaint. Any complaint for violation of the consent agreement filed with the OLPR shall set forth the basis for finding that a term or terms of the consent agreement have been violated.

J. Appeal. A Board decision not to recommend conditional admission shall be set forth in an adverse determination pursuant to Rule 15. Appeal rights are limited to those set forth in Rule 15 and Rule 17.

RULE 17. APPEAL TO THE SUPREME COURT

A. Petition for Review. Any applicant who is adversely affected by a final decision of the Board may appeal to the Court by filing a petition for review with the Clerk of Appellate Courts within 20 days of receipt by the applicant of a final decision of the Board together with proof of service of the petition on the ~~D~~director of the Board. The petition shall briefly state the facts that form the basis for the complaint, and the applicant's reasons for believing the Court should review the decision.

B. Board Response. Within 20 days of service of the petition, the Board shall serve and file a response to the petition and a copy of the final decision of the Board. Thereupon the Court shall give such directions, hold such hearings, and make such order as it may in its discretion deem appropriate.

RULE 18. REAPPLICATION

Unless the Board designates a shorter time period in its final decision, Aan applicant who determined has not to have satisfied the character and fitness requirement is prohibited from reapplying for admission to practice in Minnesota for three years from the date of the Board's ~~adverse determination~~final decision. An applicant whose conditional admission license has been revoked is prohibited from reapplying for admission for three years from the date of the revocation.

RULE 19. BAR ADMISSIONS ADVISORY COUNCIL

A. Creation. There shall be an Advisory Council consisting of representatives of the Minnesota State Bar Association and of each of the Minnesota law schools to

consult with the Board on matters of general policy concerning admissions to the bar, amendments to the Rules, and other matters related to the work of the Board.

B. Meetings. The ~~S~~ecretary of the Board shall call a joint meeting of the Advisory Council and the Board at least once each year. The Advisory Council shall meet at such other time as it may determine or when called by the Court or the Board.

C. Expenses. The members of the Advisory Council shall receive no compensation or reimbursement of expenses and shall serve for terms of three years.