

SEP 10 2009

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STATE OF MINNESOTA

IN SUPREME COURT

CX-89-1863

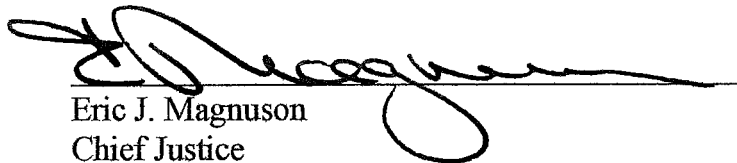
ORDER ESTABLISHING DEADLINE FOR SUBMITTING COMMENTS ON  
PROPOSED AMENDMENTS TO THE RULES OF THE MINNESOTA STATE  
BOARD OF CONTINUING LEGAL EDUCATION

The Minnesota State Board of Continuing Legal Education has proposed changes to the Rules of the Minnesota State Board of Continuing Legal Education. This Court will consider the proposed changes without a hearing after soliciting and reviewing comments on the proposed changes. A copy of the board's petition containing the proposed changes is annexed to this order.

IT IS HEREBY ORDERED that any individual wishing to provide statements in support or opposition to the proposed changes shall submit twelve copies in writing addressed to Frederick Grittner, Clerk of the Appellate Courts, 305 Judicial Center, 25 Rev. Dr. Martin Luther King Jr. Boulevard, St. Paul, Minnesota 55155, no later than Wednesday, November 9, 2009.

DATED: September 10, 2009

BY THE COURT:



Eric J. Magnuson  
Chief Justice

STATE OF MINNESOTA

In Supreme Court

FILE NO. C2-84-2163

OFFICE OF  
APPELLATE COURTS

SEP 2 2009

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Petition of the Minnesota State Board  
of Continuing Legal Education for Amendment  
of the Rules of the Minnesota State Board of  
Continuing Legal Education

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**PETITION FOR  
RULE AMENDMENT**

**TO: THE HONORABLE JUSTICES OF THE MINNESOTA SUPREME COURT:**

Petitioner, the Minnesota State Board of Continuing Legal Education ("Board"), respectfully petitions the Court to amend the Rules of the Minnesota State Board of Continuing Legal Education ("Rules") to allow the Board to increase late and transfer fees and to make minor administrative revisions to the Board rules. These changes are intended to improve the clarity of the Board's rules and to permit the CLE office to operate more efficiently in the administration of these Rules. In support of its Petition, the Board offers the following:

1. The Minnesota Supreme Court has the exclusive and inherent power to regulate the practice of law in Minnesota.
2. Under the supervision of the Court, the Board is responsible for ensuring that lawyers who are admitted to the Bar in Minnesota complete and report the required continuing legal education credits every three years.
3. The Board has reviewed the current Rules and proposes minor revisions to the Board's rules to improve the clarity of the Rules and to permit the CLE office to operate more efficiently in the administration of the Rules.

## **Changes to the Definitions:**

4. The Board recommends alphabetizing the definitions in Rule 2. There are currently 20 definitions and the Board is proposing two new definitions in this Petition. Previous additions to the definitions have been added to the end of Rule 2. As the number of definitions in Rule 2 has grown, it has become more difficult to quickly locate the defined terms. As future definitions are added to the Rules, the Board proposes to insert the definitions alphabetically, rather than adding the definition to the end of Rule 2.
5. The Board is recommending that definitions be added for the terms “moderator” and “submit” as defined below. Defining the term “moderator” ensures that the individual who is present at the video replay of a previously approved course is knowledgeable in the topic addressed by the course and able to guide the discussion and answer participants’ questions related to the material presented. The definition for “submit” is intended to clarify the alternative methods by which lawyers and sponsors may submit their materials, which now includes electronic submission as well as regular mail and delivery.
  - a. “Moderator” means an individual, knowledgeable in the topic or topics addressed by the course, who guides the discussion and answers questions related to the material presented.
  - b. “Submit” means to communicate information to the Board office in writing or by electronic submission: 1) through the Board’s Online Attorney and Sponsor Integrated System (OASIS); 2) by regular U.S. Mail; or 3) by delivery.

## Clarifying Rule Changes

6. The Board recommends several minor rule changes to clarify the meaning of the Rules. Most of these revisions are designed to reduce the number of questions the Board staff receives from sponsors and lawyers. These minor changes are self-explanatory and are shown as changes to existing Rules 3D(2); 4E; 6B(2); 7A; 7C; and 11B.
7. Appendix I, which is incorporated into the Rules by reference, sets out the information that is required in the course approval application which a sponsor or lawyer must submit when he or she seeks approval for a program. The Board recommends amending Rule 4 to incorporate the specific additional information that is required by Appendix I. This change will assist sponsors by listing within the Rules all required course application information. This change is intended to reduce the number of questions from course sponsors and decrease the likelihood of receiving incomplete applications, thereby reducing staff time in the administration of the Rules. The Board recommends changes to Rule 4A, 4A(1), 4A(3), 4A(6), 4A(7), 4A(8), and 4A(9) as shown. Although most of these changes are self-explanatory, the Board offers the following additional information:
  - a. The language requiring a date or dates is being added to Rule 4A(6) to clarify the Board's long-standing requirement that approval is given for a specific program held on a certain date and time, as opposed to a standing approval for all presentations of that program, regardless of when or where the program is held.
  - b. Courses approved for continuing legal education credit must be designed primarily for attorneys. The "target audience" information is already required by Appendix I. Adding the language to Rule 4A(9) will

prompt the sponsor to submit needed information for processing of applications.

8. Rule 5A(5) currently states that courses “presented via video recording, simultaneous broadcast, teleconference, or audiotape may be approved provided that a faculty person is in attendance at all presentations....” Rule 5A(3) uses the term “faculty members.” The Board recommends amending the term “faculty person” to “faculty member” to maintain consistency with Rule 5A(3). The Board is also recommending that the Rule be broadened to allow a “moderator” as defined by Rule 2P rather than requiring a faculty member at video replays of the presentation. (See also paragraph 5.)
9. The addition of word “webcast” to Rule 5A(11) clarifies that a full range of technology, including viewing on-demand webcast programs as well as videos, may be used by lawyers residing or working outside of the state to satisfy their elimination of bias requirement.
10. Rule 5B(1)(d) requires that in-house courses receive prior authorization. This requirement is impractical and has often been waived in practice. The Board recommends removing the prior approval language so that sponsors will not have to seek prior approval and the staff will have fewer inquiries about the need for prior approval.
11. Rule 7B was adopted to permit lawyers to take up to 15 hours of educational credit at a college or university under certain circumstances. In order to receive such credit the lawyer must submit evidence that a particular course is directly related to the lawyer’s practice and therefore meets the requirements of Rule 5A(1) through (5). This rule was adopted to permit a lawyer to take college courses that the lawyer could show would be beneficial because of the unique nature of the lawyer’s practice. For example, a lawyer practicing in the medical malpractice field may find an anatomy class to be

beneficial and directly related to the lawyer's practice. This rule was not intended to permit persons teaching such courses at a college or university to claim CLE teaching credit. The Board has uniformly denied requests for teaching credit for university courses even if a particular lawyer attending the course could have sought approval under Rule 7B. The amendment will codify the Board's long-standing practice and will reduce the number of inquiries received by the office concerning teaching credit for college and university courses.

12. Rule 9A is being amended to clarify that lawyers are encouraged to submit CLE attendance through the Online Attorney and Sponsor Integrated System (OASIS) system.
13. The Board recommends adding a \$10 processing fee for submission of paper affidavits beginning July 1, 2010. OASIS was introduced as a pilot in 2005. Since 2006, all lawyers have been notified by the CLE office and invited to set up an online account allowing them to enter their credits through OASIS. As of December 31, 2008, 15,373 of Minnesota's 24,427 lawyers in an active CLE status (63%) have set up accounts through OASIS. Attorneys who have not yet set up their OASIS account or who do not use it, must file paper affidavits. The Board's staff is then obliged to input the affidavit data, which is costly because it sometimes requires overtime or temporary help to complete on a timely basis. The \$10 processing fee is intended to encourage more lawyers to utilize electronic reporting and to offset the additional expense of manually entering the data. Should a lawyer lack the resources to have Internet access the lawyer could seek a waiver under Board Rule 3D(1), which permits waivers of strict compliance with the Rules in cases of hardship or other compelling reasons.

14. The Board recommends adding the word “approved” before “courses” in Rules 9B(1), (2), and (3), to be consistent with the defined term in Rule 2A.
15. Currently Rule 9B (Rule 9C in the proposed amended rules) states that the deadline for timely submission of the Affidavit of CLE Compliance is “60 days after the close of the 3-year period specified by the Office of Attorney Registration as the lawyer’s continuing legal education reporting period.” The Board recommends that the rule state that the due date is August 31<sup>st</sup> of the last year of the 3-year period. This change will decrease the confusion as to the exact date of the filing deadline. The addition of the language “[e]lectronic affidavits must be submitted on or before August 31” references lawyers’ ability to use the Board’s electronic reporting system (OASIS) 24 hours a day, seven days per week. Because the Board’s computer system will assess a late filing fee on the day following the filing deadline, the rule should state precisely when the report will be considered to be late.
16. Rule 9F adds language granting automatic extensions to active duty military personnel who cannot comply with the reporting requirements because of their active duty status. Under this provision, active duty military personnel will be granted an extension of at least six months from the date of return upon request. In addition, the late filing fee and any notice of non-compliance fee will be waived upon request for active duty military lawyers.
17. The Board recommends deleting Rule 12B(4) which references lawyers on restricted status being issued a “wallet card.” Since implementation of the Minnesota Attorney Registration System (MARS), lawyers on restricted status are no longer issued a card of any kind, but are instead mailed a certificate which states that the lawyer is on restricted status. Only lawyers on active status are issued a license card.

18. Rule 12C(3) states that the Director shall report to the Board the terms and conditions upon which transfers of lawyers from restricted to active status have been made. Transfer terms and conditions are only applicable to discretionary transfers under Rule 12B(2)(b) and (c) and not to automatic transfers pursuant to Rule 12B(2)(a). By moving the reporting requirement from Rule 12C(3) to Rule 12B(2)(b), the Director's report to the Board is required only when the transfer is discretionary.
19. Occasionally a lawyer whose license has been placed on *involuntary* restricted status (by order of the Court) requests that the license be placed on restricted status. Lawyers who have voluntarily chosen restricted status are still in good standing, whereas lawyers who are involuntarily placed on restricted status by order of the Court are not considered to be in good standing. Under the current rules, a lawyer on restricted status must complete as many as 90 hours of continuing legal education credits. The "make up" requirement is calculated based on the number of hours the lawyer would have had to attend, had the lawyer remained in active status. Make-up hours are capped at a maximum of 90 hours. In the past, in order to return to active status, the lawyer would have had to complete 90 hours, be moved first to active status, and then make a request to move to voluntary restricted status. The amendment to Rule 12E would permit a lawyer to transfer from involuntary restricted to voluntary restricted status without completing any CLE hours. The lawyer would be required to pay all past due Lawyer Registration Fees and pay the CLE Board's \$250<sup>1</sup> transfer fee, but the lawyer would not be required to complete the course work. The course work would only be required should the lawyer want to return the license to active status.
20. The proposed amendments to Rule 13 clarify that a lawyer who files a Retirement Affidavit with the Lawyer Registration Office and who is placed on inactive status by the Lawyer Registration Office will be deemed to have



elected voluntary restricted status. Electing restricted status tolls the lawyer's CLE obligation. The amendments also clarify that a lawyer must notify Lawyer Registration as well as report completed continuing legal education requirements before being transferred to active status. These amendments are intended to remove any ambiguity as to a lawyer's responsibilities.

#### **Increased Fee to Discourage Late Filing:**

21. The Board devotes considerable resources to communicating with lawyers who fail to complete in a timely manner the required number and type of courses and assesses various fees against such lawyers. These fees are assessed to offset the additional staff costs required to sanction lawyers who do not comply with the filing deadline and to operate as an incentive to lawyers to meet their CLE obligations in a timely manner. The Board proposes amendments increasing the fees for lawyers who fail to comply with CLE attendance and lawyers who fail to comply with filing requirements, when those lawyers do not have a compelling reason for such failure.

22. In order to discourage lawyers from filing late affidavits, the Board recommends increasing the late filing fee from \$50 to \$75.<sup>2</sup> No lawyer is subject to this fee unless the lawyer fails to report attendance by the reporting deadline.

23. The Board recommends an increase in the Notice of Non-Compliance Fee from \$100 to \$200 (Rule 9D). When a lawyer receives a Notice of Non-Compliance, the lawyer has received both a reminder letter and a warning letter and has remained non-compliant. If an extension has been granted, the

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<sup>1</sup> The current fee for transferring from involuntary restricted to active is \$125. However, this Petition is proposing an increase to that amount.

<sup>2</sup> A late filing fee of \$25 and a Notice of Non-Compliance Fee of \$75 were adopted by Court Order dated December 23, 1987. By Court Order dated September 10, 1997, the late filing fee was increased to \$50 and the Notice of Non-Compliance Fee was increased to \$100. No increase has been made to either fee since 1997.

lawyer has failed to comply before the expiration of the extension period. The fee increase sought will act as an incentive for lawyers to comply in a timely manner and will offset the Board's costs of administering the process.

24. The Board is cognizant that occasionally legitimate reasons exist for late filing, such as a serious medical issue, a military deployment, or loss of employment. In such cases, the Board will accept a lawyer's evidence of hardship or other compelling reason and grant a waiver of the late filing or transfer fees under Rule 3D(1).

25. The Board does not expect the increased fee to generate a significant increase in revenue, but does expect a cost savings through a decrease in staff time in administering the CLE program.

26. The Board is *not* recommending an increase in the \$125 fee that is now charged when a lawyer asks to be transferred from restricted status to active status. It is, however, recommending an increase from \$125 to \$250 for the fee that is currently charged when a lawyer's license is transferred from *involuntary* restricted status to active status. This increase more accurately reflects the CLE office's costs associated with processing the transfer to restricted status, issuing warning letters and finally requesting a court order to place the lawyer's license on involuntary restricted status. Substantially less work is involved in transferring lawyers to and from voluntary restricted status than is involved in transferring lawyers to or from *involuntary* restricted status. Transfers to and from *involuntary* restricted status require a court order whereas transfers to and from voluntary restricted status can be accomplished by the CLE office staff.

Based upon the foregoing, the Board respectfully requests that the Court amend the current Rules of the Minnesota State Board of Continuing Legal Education and adopt the proposed amended Rules attached to this Petition as Exhibit A.

Dated: Sept 1, 2009



Alan Bernick  
Chair  
Minnesota State Board of Continuing Legal Education  
180 E. 5<sup>th</sup> Street, Suite 950  
St. Paul, MN 55101  
MN License Number: 149184



Margaret Fuller Corneille  
Director  
Minnesota State Board of Continuing Legal Education  
180 E. 5<sup>th</sup> Street, Suite 950  
St. Paul, MN 55101  
MN License Number: 179334

**Rules of the Minnesota  
State Board of  
Continuing Legal Education**

**INDEX**

1. Purpose
2. Definitions
3. State Board of Continuing Legal Education
  - A. Membership of the Board
  - B. Terms of Members
  - C. Officers of the Board
  - D. Authority of the Board
  - E. Board Procedures
  - F. Confidentiality
  - G. Persons with Disabilities
  - H. Payment of Expenses
4. Applying for Credit
  - A. Course Approval and Fee Information
  - B. Professional Responsibility or Ethics: General Treatment
  - C. Sanctions for Failure to Include Ethics
  - D. Law and Literature
  - E. Notice of Credit
5. Standards for Course Approval
  - A. General Standards
  - B. Standards for Course Approval for In-House Courses
6. Special Categories of Credit
  - A. Ethics and Professional Responsibility
  - B. Elimination of Bias
  - C. Law Office Management
  - D. Pro Bono Legal Representation
7. Other Credit
  - A. Teaching Credit
  - B. Courses at Universities
  - C. Retroactive Credit
8. Announcement of Approval

- 9. Affidavit of CLE Compliance
  - A. Contents of Affidavit
  - B. Special Categories of Credit
  - ~~B.C.~~ Timely Affidavit
  - ~~C.D.~~ Late Affidavit Fee
  - ~~D.E.~~ Notice of Noncompliance Fee
- 10. Director's Determinations and Board Review
  - A. Director's Determinations
  - B. Board Review
- 11. Notice of Noncompliance
  - A. Notice Required
  - B. Service of Notice
  - C. Contents of Notice
  - D. Effect of Notice
  - E. Board Hearing
  - F. Decision
  - G. Petition for Review
- 12. Restricted and Involuntary Restricted Status
  - A. Election of Restricted Status
  - B. Restrictions Imposed
  - C. Transfer from Restricted Status to Active Status
  - D. Transfer from Involuntary Restricted Status to Active Status
  - E. Transfer from Involuntary Restricted Status to Voluntary Restricted Status
- 13. Transfer from Retired Status to Active Status

## RULES OF THE MINNESOTA STATE BOARD OF CONTINUING LEGAL EDUCATION

### Rule 1. Purpose

The purpose of these Rules is to require that lawyers continue their legal education and professional development throughout the period of their active practice of law; to establish the minimum requirements for continuing legal education; to improve lawyers' knowledge of the law; and through continuing legal education courses, to address the special responsibilities that lawyers as officers of the court have to improve the quality of justice administered by the legal system and the quality of service rendered by the legal profession.

**Rule 2. Definitions** [Note: The definitions have been alphabetized. Only new definitions reflect track changes.]

In these Rules,

- A. "Approved course" means a course approved by the Board.
- B. "Approved legal services provider" means a legal services organization that meets at least one of the following criteria:
  - (1) Funded by the Legal Services Corporation, the Minnesota Legal Services Advisory Committee, or the Minnesota Lawyer Trust Account Board; or
  - (2) Designated by the Minnesota Lawyer Trust Account Board as an approved legal service provider. Eligibility for designation is limited to:
    - (a) 501(c)(3) nonprofit organizations that have as their primary purpose the furnishing of legal services to persons with limited means.
    - (b) Law firms that conduct programs that have as their primary purpose the furnishing of legal services to persons with limited means and are under the supervision of a pro bono coordinator or designated lawyer.
    - (c) Law firms that provide pro bono legal services on behalf of a Minnesota Judicial Branch program, including but not limited to, the Guardian ad Litem Program.
- C. "Board" means the State Board of Continuing Legal Education.
- D. "Chairperson" means the Chairperson of the Board.
- E. "Classroom setting" means a room, including an office, suitably appointed with chairs, writing surfaces, lecterns and other normal accouterments of a teaching room, which is exclusively devoted to the educational activity being presented.

- F. "Course in ethics or professional responsibility" means a course or session within a course that deals with the Minnesota Rules of Professional Conduct, the ABA Model Rules of Professional Conduct, the rules of professional conduct or professional responsibility of other jurisdictions, or the opinions and case law arising from the application of any of the above-specified rules, including a course or session within a course that addresses in a specific way concepts such as professionalism, civility and ethical conduct in the practice of law and in the legal profession.
- G. "Course in the elimination of bias in the legal profession and in the practice of law" means a course directly related to the practice of law that is designed to educate attorneys to identify and eliminate from the legal profession and from the practice of law biases against persons because of race, gender, economic status, creed, color, religion, national origin, disability, age or sexual orientation.
- H. "Court" means the Supreme Court of the State of Minnesota.
- I. "Director" means the Director of the Board.
- J. For the purposes of Rule 5(B), an "established continuing legal education course sponsor" is a person or entity regularly retained by firms or organizations for the purpose of presenting continuing legal education programs, which is completely independent of the firm or organization for whose members the continuing legal education course is presented.
- K. "Fee" means funds ~~a check or money order made payable to the Minnesota State Board of Continuing Legal Education.~~
- L. An "in-house course" is one sponsored by a single private law firm, a single corporation or financial institution, or by a single federal, state or local governmental agency for lawyers who are members or employees of any of the above organizations.
- M. "Involuntary restricted status" means the status of a lawyer licensed in Minnesota who is not in compliance with the educational and reporting requirements of these Rules and who has been involuntarily placed in that status by order of the Court. See Rule 12 for additional provisions.
- N. "Laboratory setting" means a mock courtroom, law office, negotiation table, or other simulated setting in which demonstrations are given, role-playing is carried out or lawyers' activities are taught by example or participation.
- O. "Law and literature course" means a course otherwise meeting the requirements of Rules 4(D) and 5(A), based upon a literary text and designed to generate discussion, insight, and learning about topics such as the practice of law, the history and philosophy of law, rhetoric, lawyers' professional or ethical

responsibilities, professional development, and the elimination of bias in the legal profession and in the practice of law.

- P. “Moderator” means an individual, knowledgeable in the topic or topics addressed by the course, who guides the discussion and answers questions related to the material presented.
- Q. “Participant” means a lawyer licensed in Minnesota attending an approved course and actively engaged in the subject matter being presented.
- R. “Pro bono client” means an individual, not a corporation or other organizational entity, who has been referred to the lawyer by an approved legal services provider or by a Minnesota Judicial Branch program.
- S. “Pro bono legal representation” means providing legal representation to a pro bono client without compensation, expectation of compensation, or other direct or indirect pecuniary gain.
- T. “Professional development course” means a course or session within a course designed to enhance the development and performance of lawyers by addressing issues such as career satisfaction and renewal, stress management, mental or emotional health, substance abuse, and gambling addiction. Professional development courses do not include individual or group therapy sessions.
- U. “Restricted status” means the status of a lawyer licensed in Minnesota who has voluntarily chosen not to comply with the educational and reporting requirements of these Rules. See Rule 12 for additional provisions.
- V. “Submit” means to communicate information to the Board office in writing or electronic submission: 1) through the Board’s Online Attorney and Sponsor Integrated System (OASIS); 2) by regular U.S. Mail; or 3) by delivery.



### **Rule 3. State Board of Continuing Legal Education**

**A. Membership of the Board.** The Court shall appoint twelve members and a Chairperson. The membership of the Board shall consist of:

- 3 members of the public;
- 1 member who is a district court judge;
- 6 lawyer members who are nominated by the Minnesota State Bar Association; and
- 3 lawyer members who are nominated by the Court.

**B. Terms of Members.** Appointments shall be for staggered 3-year terms, with no member serving more than two 3-year terms, and each member serving until a successor is appointed and qualifies.

**C. Officers of the Board.**

- (1) **Chairperson.** The Chairperson of the Board shall be appointed by the Court for such time as it shall designate and shall serve at the pleasure of the Court.
- (2) **Vice Chairperson.** A Vice Chairperson shall be designated by the Chairperson and shall maintain the minutes of meetings of the Board.

**D. Authority of the Board.** Subject to the general direction of the Court in all matters, the Board shall have supervisory authority over the administration of these Rules, shall approve courses and programs which satisfy the educational requirements of these Rules, and shall have authority with respect to the following:

- (1) **Waivers and Extensions.** Waivers of strict compliance with these Rules or extensions of time deadlines provided in these Rules may be made in cases of hardship or other compelling reasons.
- (2) **Supplemental Policies.** The Board may make and adopt policies and forms not inconsistent with these Rules governing the conduct of business and performance of its duties.

**E. Board Procedures.** Robert's Rules of Order shall govern the conduct of Board meetings where practicable.

**F. Confidentiality.** Unless otherwise directed by the Court, the files, records, and proceedings of the Board, as they may relate to or arise out of any failure of an active lawyer to satisfy the continuing legal education requirements, shall be deemed confidential and shall not be disclosed except in furtherance of the Board's duties, or upon request of the lawyer affected, or as they may be

introduced in evidence or otherwise produced in proceedings in accordance with these Rules.

**G. Persons with Disabilities.** It is the policy of the Board to administer these Rules in a manner consistent with state and federal laws prohibiting discrimination against persons with disabilities and to make reasonable modifications in any policies, practices, and procedures that might otherwise deny equal access to individuals with disabilities.

**H. Payment of Expenses.** The Chairperson, the Vice Chairperson and other members of the Board shall serve without compensation, but shall be paid reasonable and necessary expenses certified to have been incurred in the performance of their duties.

#### **Rule 4. Applying for Credit**

**A. Course Approval and Fee Information.** No segment of any course shall be approved in more than one credit category. In applying for course approval, a sponsoring agency or lawyer shall submit to the Board an application for course approval (see Appendix I) and include the following:

(1) Name and contact information for the sponsor;

(1)(2) Title of the program under consideration;

(2)(3) City and state where Location of the program is held;

(3)(4) Names and credentials of the speakers, including those of persons designated to act as moderators for video or satellite programs;

(4)(5) Type of presentation;

(5)(6) Agenda or course schedule showing beginning and ending times of each session and the date(s) on which the program is presented;

(6)(7) Type of credit for which approval is sought (standard, ethics/professional responsibility, elimination of bias, law office management, professional development) for each segment of the course. No segment of any course shall be approved in more than one category of credit. For each segment of the course, credit may be requested in one of the following categories:

- standard
- ethics and/or professional responsibility
- elimination of bias
- law office management
- professional development.

~~(7)~~**(8)** A fee~~Fee~~ in the amount of \$35. This fee may be subject to waiver under the provisions of Rule 3(D)(1). A fee is not required when submitting an application for either of the following types of courses meeting Rule 4 and Rule 5 requirements:

- (a) a previously approved course that has been recorded and is replayed at a later date in its entirety; or
- (b) a course 60 minutes or less in duration.

**(9)** Expected audience or target audience to which the program is marketed; and

~~(8)~~**(10)** Such other information as the Board may require.

**B. Professional Responsibility or Ethics: General Treatment.** Every application for course approval must include:

- (1) A description of the general treatment of professional responsibility or ethical considerations; or
- (2) An explanation of why professional responsibility or ethical considerations are not included.

**C. Sanctions for Failure to Include Ethics.** If in the opinion of the Board, the general treatment of professional responsibility or legal ethics topics within courses approved as standard continuing legal education is inadequate without satisfactory explanation, the Board may refuse to grant full credit for all hours in attendance, impose a deduction from credit hours which would otherwise be granted, and in the case of persistent refusal to cover these topics, refuse to grant further credit for courses offered by the sponsor.

**D. Law and Literature.** A "law and literature course" that otherwise meets the course approval requirements set forth in Rule 5(A) will be approved for credit if the application for course approval includes the following:

- (1) A narrative describing the course learning goals and discussion topics.
- (2) Evidence that program registrants are instructed to read the designated literary text prior to attending the course.

No credit will be granted for the time that participants spend reading the designated literary text prior to attending the course.

**E. Notice of Credit.** The Board shall inform the sponsor or applicant of the number and type of credit hours granted or denied. This information will also be posted on the Board's website.

## **Rule 5. Standards for Course Approval**

**A. General Standards.** A course must meet the following standards before approval is granted.

- (1) The course shall have significant intellectual or practical content.
- (2) The course shall deal primarily with matter directly related to the practice of law, the professional responsibility or ethical obligations of lawyers, the elimination of bias in the legal profession and in the practice of law, law office management, or the professional development of lawyers.
- (3) The course shall be taught by faculty members qualified by practical or academic experience to teach the specified subject matter. Legal subjects shall be taught by lawyers.
- (4) Any written materials should be thorough, high quality, readable, carefully prepared, and distributed to all participants at or before the time the course is offered.
- (5) The course shall be presented and attended in a suitable classroom or laboratory setting. Courses presented via video recording, simultaneous broadcast, teleconference, or audiotape may be approved provided that a faculty ~~person~~ member or moderator is in attendance at all presentations, either in person or through live transmission, allowing all participants to hear and participate in the question and answer session. Subject to the exception of paragraph (11) below, no course will be approved which involves solely television or video viewing in the home or office, or correspondence work or self-study, including online self-study.
- (6) Credit will not normally be given for speeches at luncheons or banquets.
- (7) A list of all participants shall be maintained by the course sponsor and transmitted to the Board upon request, following the presentation of the course.
- (8) Credit shall be awarded on the basis of one credit hour for each 60 minutes of instruction at an approved course.
- (9) A lawyer shall not receive credit for any course attended before being admitted to practice law in Minnesota, but one so admitted may receive credit of one hour for each 60 minutes actually spent in attendance, for attending for credit or as an auditor, a regular course offered by a law school approved by the American Bar Association.

- (10) Notwithstanding the provisions of paragraph (9) above, a person who takes approved courses or teaches in an approved course after sitting for the Minnesota Bar Examination, but before admission to practice, may claim credit for the courses taken or the teaching done, if he or she passes that bar examination.
- (11) Lawyers residing or working outside of the State of Minnesota during the CLE reporting period who, because of nonresidence are unable in good faith to attend courses approved as "elimination of bias" as defined in these Rules, may receive up to 2 hours of credit in fulfillment of the elimination of bias requirement by viewing a video or webcast of a course or courses that otherwise meet the requirements of these Rules. If a lawyer is a participant in an ~~views a video~~ elimination of bias course not previously approved for credit under these Rules, the lawyer may seek approval by completing and submitting the ~~Course Approval Form at Appendix I~~ an application for course approval as described in Rule 4(A).

#### **B. Standards for Course Approval for In-House Courses.**

- (1) An in-house course as defined in Rule 2(M) will be approved if:
  - (a) The requirements of Rule 5(A) and other applicable Rules are met;
  - (b) 25% of the hours of approved instruction are taught by instructors having no continuing relationship or employment with the sponsoring firm, department, financial institution or agency; and
  - (c) Notice of the course is given to enough outside lawyers so that the audience can potentially be composed of at least 25% participants who are not lawyers working in or for the sponsoring firm, department, institution or agency; ~~and~~
  - ~~(d) Approval is sought prior to its presentation.~~
- (2) An in-house course as defined in Rule 2(M) that is presented and controlled by an established continuing legal education course sponsor as defined in Rule 2(N), may be approved for credit, notwithstanding the fact that the course does not comply with requirements of Rule 5(B)(1) (b) and (c) above.
- (3) An in-house course as defined in Rule 2(M) shall not be approved for credit if it is presented primarily for clients or clients' counsel.

#### **Rule 6. Special Categories of Credit**

- A. Ethics and Professional Responsibility.** Courses or sessions within courses approved as courses in ethics or professional responsibility:

- (1) Must be at least 30 minutes in length; and
- (2) Must be separately identified as ethics or professional responsibility on the course agenda and on the Course Approval Form at Appendix I.

**B. Elimination of Bias in the Legal Profession and in the Practice of Law.**

Courses or sessions within courses approved as courses in the elimination of bias in the legal profession and in the practice of law:

- (1) Must be at least 60 minutes in length;
- (2) Must be identified on the application as fulfilling the elimination of bias requirement and be accompanied by the a narrative described in the Course Approval Form at Appendix I describing how the course or segments of the course meet one or more of the learning goals as described in the Course Approval Form at Appendix I;
- (3) Must focus on issues in the legal profession and in the practice of law and not issues of bias in society in general; and
- (4) Must not include courses on the substantive law of illegal discrimination unless such courses meet one or more of the learning goals for elimination of bias courses set forth in the Course Approval Form at Appendix I.

**C. Law Office Management.** A lawyer may receive credit for attendance at a course on law office management, which includes the topics of mentoring, staff development, and technology related to law office management, up to a maximum of 6 credit hours per reporting period. The course must be submitted for approval pursuant to Rule 4. Law office management courses that specifically address elimination of bias in the law office or in the practice of law may be approved instead as courses in the elimination of bias and when so designated are not subject to the 6-hour maximum on law office management courses.

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

## Rule 7. Other Credit

- A. Teaching Credit.** Credit for teaching in an approved course shall be awarded to presenting faculty on the basis of one credit for each 60 minutes spent by the faculty preparing the presentation and materials for the course and teaching the course. No credit shall be awarded for teaching directed primarily to persons preparing for admission to practice law. A lawyer seeking credit for teaching and preparation for teaching shall submit all information called for on the Affidavit of CLE Compliance at Appendix II III.
- B. Courses at Universities.** Courses that are part of a regular curriculum at a college or university, other than a law school, may be approved for a maximum of 15 hours per course when the lawyer requesting approval submits evidence supporting the conclusion that the course meets the Rule 5(A)(1) through (5) criteria and that it is directly related to the requesting lawyer's practice of law. Teaching credit shall not be awarded for courses approved under this paragraph.
- C. Retroactive Credit.** A lawyer, or a course sponsor, may seek retroactive approval of courses by submitting the necessary information and fees required in Rule 4A. ~~on the~~ (See Course Approval Form at Appendix I.)

## Rule 8. Announcement of Approval

Any person may announce, as to an approved course: This course has been approved by the Minnesota State Board of Continuing Legal Education for \_\_\_\_\_ hours in the following category or categories of credit:

- standard continuing legal education;
- ethics or professional responsibility continuing legal education;
- elimination of bias continuing legal education; or
- law office management continuing legal education.

## Rule 9. Affidavit of CLE Compliance

- A. Contents of Affidavit.** To maintain active status, a lawyer ~~must~~shall report attendance or participation in no fewer than 45 credit hours of approved continuing legal education courses. A lawyer may report the credits through the Board's Online Attorney and Sponsor Integrated System (OASIS) or by Affidavit of CLE Compliance (Appendix III). ~~submit an Affidavit of CLE Compliance (see Appendix II) setting forth all information called for and showing that the lawyer has completed a minimum of 45 credit hours either as a participant or a presenter in approved continuing legal education courses, including:~~ Effective July 1, 2010, the Affidavit of CLE Compliance (Appendix III) must be accompanied by a \$10 processing fee. There is no processing fee for submission through OASIS.

- ~~(1) no fewer than 3 hours of courses in ethics or professional responsibility;~~
- ~~(2) no fewer than 2 hours of courses in the elimination of bias in the legal profession and in the practice of law; and~~
- ~~(3) no more than 6 hours of courses in law office management.~~

**B. Special Categories of Credit.** Lawyers must report:

- (1) no fewer than 3 hours of approved courses in ethics or professional responsibility;
- (2) no fewer than 2 hours of approved courses in the elimination of bias in the legal profession and in the practice of law;
- (3) no more than 6 hours of approved courses in law office management; and
- (4) no more than 6 hours of credit for pro bono legal representation provided pursuant to Rule 6(D) and reported by Appendix II.

**B.C. Timely Affidavit.** The affidavit must be received by the Board office or postmarked no later than is timely if filed not later than 60 days after the close of August 31 following the close of the final year of the 3-year period specified by the Office of Attorney-Lawyer Registration as at the lawyer's continuing legal education category reporting period. Electronic affidavits must be submitted on or before August 31.

**C.D. Late Affidavit Fee.** A lawyer who submits an Affidavit of CLE Compliance after the 60 day filing period deadline specified in paragraph C above, but before issuance of a notice of noncompliance, shall submit along with the late affidavit a late filing fee in the amount of \$50.00 \$75.00. This fee is payable notwithstanding the Board's grant of an extension of time. Additional late fees will not be charged for late affidavits filed within a single reporting period.

**D.E. Notice of Noncompliance Fee.** A lawyer who submits an Affidavit of CLE Compliance after the issuance of Board has issued a notice of noncompliance, but prior to the Court issuing an issuance of a Court order placing the lawyer on involuntary restricted status, shall submit along with the affidavit a notice of non-compliance fee in the amount of \$100. \$200.

**E.F. Active Duty Military Service.** A lawyer called to active duty military service who requests an extension of time to complete CLE requirements because of active duty military service shall be granted an extension of at least six months from the date of return from active duty status. Upon request, the Board shall



grant a waiver of a late filing fee or a notice of non-compliance fee assessed as a result of the lawyer's active duty military status.

## **Rule 10. Director's Determinations and Board Review**

**A. Director's Determinations.** The Director shall ~~have~~has the following authority and responsibility:

- (1) To respond in writing to written requests for course approval ~~of courses~~ giving reasons for the determination;
- (2) To grant credit to lawyers for attending or teaching approved courses;
- (3) To grant or deny requests for transfer, waiver, extension of time deadlines or interpretation of these Rules; and
- (4) To inform the Board about determinations made since the Board's last meeting, together with observations and comments relating to matters under the Board's jurisdiction.

**B. Board Review.** A lawyer or sponsoring agency affected by an adverse determination of the Director may request Board review of the determination and may present information to the Board in writing and in person. The Board may take such action as it deems appropriate and shall advise the lawyer or sponsoring agency of its determination.

## **Rule 11. Notice of Noncompliance**

**A. Notice Required.** The Director shall send a notice of noncompliance to any lawyer who:

- (1) Fails to meet the requirements of these Rules; and
- (2) Fails to request and obtain an extension of time in which to file an Affidavit of CLE Compliance as required by these Rules.

**B. Service of Notice.** The notice shall be sent by regular mail to the lawyer's address of record with the Lawyer Registration Office ~~last known address~~.

**C. Contents of Notice.** The notice shall state the nature of the noncompliance and shall inform the lawyer of the right to request a hearing within 30 days of the mailing of the notice, the right to be represented by counsel, and the right to present witnesses and evidence.

- D. Effect of Notice.** If no hearing is requested, the Director's determination of noncompliance shall become final and shall be reported to the Court with the recommendation that the lawyer be placed on involuntary restricted status.
- E. Board Hearing.** If a hearing is requested, the following apply:
- (1) The Board may employ special counsel;
  - (2) The Chairperson shall preside at the hearing, which may be held before the entire Board or a committee appointed by the Chairperson, and shall make necessary rulings; and
  - (3) The hearing shall be recorded and a transcript shall be provided to the lawyer at a reasonable cost.
- F. Decision.** Following the hearing, the Board shall issue a written decision. If the lawyer is determined to be in noncompliance with these Rules, the Board may recommend to the Court that the lawyer be placed on involuntary restricted status or take other appropriate action.
- G. Petition for Review.** A lawyer who is adversely affected by the 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 lawyer of the decision together with proof of service of the petition on the Director. The petition shall state briefly the facts that form the basis for the petition and the lawyer's reasons for believing the Court should review the decision. 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 direction, hold such hearings and issue such orders as it may in its discretion deem appropriate.

## **Rule 12. Restricted and Involuntary Restricted Status**

- A. Election of Restricted Status.** A lawyer duly admitted to practice in this state may elect restricted status as defined in Rule 2(K) by sending written notice of such election to the Director, except that a referee or judicial officer of any court of record of the State of Minnesota or lawyer employed and serving as attorney or legal counsel for any employer, including any governmental unit of the State of Minnesota, is not eligible to apply for restricted status. A lawyer on restricted status shall not be required to satisfy the educational and reporting requirements of these Rules.
- B. Restrictions Imposed.** A lawyer on restricted or involuntary restricted status shall be subject to the following provisions and restrictions:

- (1) The lawyer may not engage in the practice of law or represent any person or entity in any legal matter or proceedings within the State of Minnesota other than himself or herself.
- (2) The name of the lawyer may not appear on law firm letterhead without a qualification that the lawyer's Minnesota license is restricted. A law firm name may continue to include the lawyer's name if the name was included prior to the lawyer's placement on restricted or involuntary restricted status. The lawyer may not be listed "of counsel" or otherwise be represented to clients or others as being able to undertake legal business.
- (3) The lawyer may not have a financial interest in a law firm that is a professional corporation.
- ~~(4) A lawyer on restricted status shall be issued a wallet license that is marked "CLER" ("continuing legal education restricted") in place of the reporting category; a lawyer on involuntary restricted status shall be issued a wallet license that is marked "CLE4."~~

**C. Transfer from Restricted Status to Active Status.**

- (1) **Notice to Director and Fee.** Unless otherwise ordered by the Court, a lawyer on restricted status who desires to resume active status shall notify the Director in writing of the lawyer's intention to resume active status and submit a transfer fee of \$125.
- (2) **Transfer Requirements.** A lawyer on restricted status shall be transferred to active status upon the Director's determination that the lawyer has fulfilled the requirements of (a) or (b) below:
  - (a) **Automatic transfer requirements.** The lawyer has completed the number of CLE hours that the lawyer would have had to complete to meet reporting requirements and to be current on a proportional basis had the lawyer not been on restricted status, or
  - (b) **Discretionary transfer requirements.** The lawyer has completed such lesser requirements as the Director determines are adequate provided that the number of hours completed total no fewer than 45 hours during the 3 years immediately preceding transfer. The Director will specify no more than 90 hours. Determinations will be made subject to the criteria set forth in paragraph (c) below. The Director shall report to the Board at its next meeting the terms and conditions upon which each transfer to active status was made.

(c) **Discretionary transfer criteria.** The Director may transfer a lawyer to active status when the lawyer has fulfilled appropriate CLE conditions precedent or agreed to fulfill appropriate CLE conditions subsequent as determined by the Director. In making discretionary transfer decisions, the Director will take the following into consideration:

- i. The number of CLE hours the lawyer has taken in the past;
- ii. The lawyer's other educational activity;
- iii. The lawyer's practice of law in another jurisdiction;
- iv. The lawyer's law-related work other than the practice of law;
- v. Whether the lawyer acted reasonably in not anticipating the need to take the appropriate number of CLE hours before being transferred from active status; and
- vi. Whether the lawyer has demonstrated circumstances of hardship or other compelling reasons that show that the lawyer should be transferred to active status before completing the appropriate number of CLE hours.

~~(3) Report to the Board.~~ The Director shall report to the Board at its next meeting the terms and conditions upon which transfers to active status were made

~~(3)(4)~~ **Failure to Abide by Transfer Conditions.** A lawyer who fails to comply with the conditions of transfer shall be restored to restricted status upon notice from the Director sent by regular mail to the lawyer's last known address.

~~(4)(5)~~ **Appeal to the Board.** Upon written request from a lawyer, the Board shall review the Director's determination of transfer requirements and notify the lawyer in writing regarding the outcome of that review.

**D. Transfer from Involuntary Restricted Status to Active Status.**

(1) **Notice to Director and Fee.** Unless otherwise ordered by the Court, a lawyer on involuntary restricted status who desires to resume active status shall notify the Director in writing of the lawyer's intention to resume active status and submit a transfer fee of \$125 \$250.

(2) **Transfer Requirements.** Unless otherwise ordered by the Court, the Director shall recommend to the Court that a lawyer on involuntary restricted

status be transferred to active status upon the Director's determination that the lawyer has completed the number of CLE hours that the lawyer would have had to complete to meet reporting requirements and to be current on a proportional basis had the lawyer not been placed on involuntary restricted status, or that the lawyer has completed such lesser requirements as the Director determines are adequate provided that the number of hours completed total no fewer than 45 hours during the 3 years immediately preceding transfer. The Director will specify no more than 90 hours. The Director may recommend to the Court that a lawyer on involuntary restricted status be transferred to active status when the lawyer has fulfilled appropriate CLE conditions precedent or agreed to fulfill appropriate CLE conditions subsequent as determined by the Director. In making such a recommendation, the Director will take into consideration the discretionary transfer criteria in section (C)(2)(c) of this Rule.

- (3) **Appeal to the Board.** Upon written request from a lawyer, the Board shall review the Director's determination of transfer requirements and notify the lawyer in writing regarding the outcome of that review.

**E. Transfer from Involuntary Restricted Status to Voluntary Restricted Status.**

Unless otherwise ordered by the Court, a lawyer on involuntary restricted status who desires to transfer to restricted status shall notify the Director in writing and submit a transfer fee in the amount of \$250.

**Rule 13. ~~Transfer from Retired Status to Active Status~~**

~~A lawyer on retired status who seeks to transfer to active status is subject to the provisions of Rule 12 and shall notify the Office of Attorney Registration of his/her intention to transfer to active status.~~

**A. Transfer from Active Status to Retired Status.** A lawyer who files a Retirement Affidavit with the Lawyer Registration Office and who is placed on Inactive Status by the Lawyer Registration Office shall be transferred to voluntary restricted status by the CLE Board.

**B. Transfer from Retired Status to Active Status.** In addition to notifying the Lawyer Registration Office of the lawyer's intention to transfer to active status, a lawyer must satisfy the provision of Rule 12C before the Board returns the lawyer to active CLE status.

## Appendix I: COURSE ACCREDITATION FORM

MINNESOTA STATE BOARD OF CONTINUING LEGAL EDUCATION  
180 E. 5<sup>th</sup> Street, Suite 950, 380 JACKSON STREET, SUITE 204 St. Paul, Minnesota MN 55101  
COURSE ACCREDITATION FORM 651-297-7100 [www.mbcle.state.mn.us](http://www.mbcle.state.mn.us)

**Instructions:** ~~ENCLOSE \$35.00 APPLICATION FEE (RULE 4A(7)).~~ Please type. Leave no blanks. Please refer to the Rules of the Board of Continuing Legal Education are on the Board's website, and published in the Court Rules volume of the Minnesota Statutes. The CLE rules are also available on the Board's website, [www.mbcle.state.mn.us](http://www.mbcle.state.mn.us).

A lawyer or sponsoring agency adversely affected by the determination of the Director may request review by the Board. Until credit is granted by the Minnesota Board of Continuing Legal Education, sponsors are asked to advertise credit as "applied for."

Fee: Check one of the following:

☐ \$35 fee is enclosed. Rule 4A(7)

☐ No fee is required because the program is a video replay of a previously approved course. Rule 4A(7)(a)

☐ No fee is required because the program is 1 hour or less in length. Rule 4A(7)(b)

### SPONSOR INFORMATION

Sponsor Name

Street Address

City

State

Zip Code

Contact Person

Email Address

Telephone (area code)

Submitted by: Name: \_\_\_\_\_ Check one: ☐ course sponsor or ☐ course participant

☐ course sponsor ☐ course participant (check one)

Describe the eExpected audience or target audience to which the program is being marketed (if known): Marketing Target: \_\_\_\_\_

The course sponsor must maintain a list of Minnesota participants and make this list must be maintained by the sponsor and made available to the Board upon request. See Rule 5A(7). If you are the course sponsor, do you agree to maintain a list of Minnesota participants and make it available to the Board upon request? Yes ☐ No ☐

### COURSE DATA

Course Title

Date(s) of course

City and State course held Location

Check those which apply:

☐ live lecture

☐ in-house course (see Rule 5(B))

☐ demonstration, role play, mock trial

☐ study tour

☐ videotape/film (must have live faculty member\*)

☐ live teleconference

☐ live satellite broadcast or webcast (question and answer participation)

\*Provide faculty qualifications.

**FACULTY DATA:** Indicate where in the brochure this information is found or attach separate sheet.

### SESSION SCHEDULE AND AGENDA:

**You must attach the program agenda or course schedule. You must include the following information:**

(1) Start and stop times for each course segment. Rule 4A(5)

(2) Names and brief description of the credentials of the speakers and faculty members, including those persons designated to act as moderators for video or satellite programs. Rule 4A(3).

(3) The type of CLE credit for which approval is sought for each segment of the course. Types of CLE Credit, include:

- Standard CLE (Rule 5A)

- Ethics CLE (Rule 2H, Rule 5A and Rule 6A)
- Elimination of Bias CLE (Rule 2I, Rule 5A, and Rule 6B)
- Law Office Management CLE (Rule 5A and Rule 6C)
- Professional Development CLE (Rule 2P and Rule 5A)

(4) Optional: Course materials distributed to participants may, but are not required to be, submitted along with the application. Do not send voluminous materials.

~~Enclose a copy of the promotional brochure with a detailed agenda or, on an attached sheet, show the complete breakdown of the program. Mark the segments for which credit is requested. For each segment, indicate the beginning and ending times, the faculty, and sufficient detail about the content of the segment so that an accreditation decision can be made. Indicate for each segment the type of CLE credit for which you are applying. For more information regarding each of these types of credit, see the CLE rules. Course segments may be accredited as one of the following:~~

- ~~Standard CLE (Rule 5A)~~
- ~~Ethics CLE (Rule 2H, Rule 5A and Rule 6A)~~
- ~~Elimination of Bias CLE (Rule 2I, Rules 5A and Rule 6B)~~
- ~~Law Office Management CLE (Rule 5A and Rule 6C)~~
- ~~Professional Development CLE (Rule 2P and Rule 5A)~~

~~Describe the course materials to be distributed to participants or submit a copy. Please note that in Minnesota, credit~~  
Credit ~~is awarded on the basis of one hour for each 60 minutes of actual classroom training.~~

When a course has been submitted for accreditation and not yet approved, sponsors must advertise credit as "applied for".

**ETHICS OR PROFESSIONAL RESPONSIBILITY CONTENT:** ~~Ethics or professional responsibility must be a component of every accredited standard CLE course in Minnesota or an explanation must be provided as to why ethics is not covered. In addition, courses may also be accredited as "Ethics CLE." See Rules 6A and 6B of the CLE rules. In order to qualify for ethics CLE credit, an ethics course or segment of a course must be at least 30 minutes in length. Check one of the following to describe below the treatment of ethics or professional responsibility content in the program:~~

- ☐ A portion of the program 30 minutes or more in length addresses ethics or professional responsibility and is marked as "Ethics" on the attached program agenda. Rule 6A.
- ☐ Ethics or professional responsibility concerns are addressed throughout the program but no distinct segment is 30 minutes or more in length. Rule 4B(1).
- ☐ No portion of the program addresses ethics or professional responsibility. Attached is an explanation of why ethics or professional responsibility content is not present in this program. Rule 4B(2).

**ELIMINATION OF BIAS EDUCATION CONTENT:** Please check Check one of the following hereto indicate whether you are requesting Elimination of Bias credit is requested for this program:

- ☐ No credit for Elimination of Bias credits sought. See attached narrative.
- ☐ Elimination of Bias credit is sought and a narrative is attached. No credit for Elimination of Bias is sought.

CLE Rule 6B describes course requirements for CLE on the "elimination of bias in the legal profession and in the practice of law." In order to be afforded "elimination of bias" credit, such courses or segments of courses must be at least 60 minutes in length. The course must focus on issues in the legal profession and in the practice of law and not on issues of bias in society in general. If elimination of bias credit is sought for some portion of this course, please do the following:

1. Review the "elimination of bias" goals listed below and the definition of elimination of bias course under rule 2G and the requirements of Rule 6B;
2. Mark the segment or segments on the agenda that the sponsor believes fulfill these requirements; and
3. Attach a brief written narrative describing how the course segment or segments meet one or more of the "Learning Goals for Minnesota Elimination of Bias Courses" listed below.

Please note that courses or segments of courses may address ethics and elimination of bias topics. A sponsor may seek credit in one category or the other, but a course or segment will not be accredited in both categories simultaneously. The Board will determine in which category credit will be granted, based upon the course description and the sponsor's narrative.

#### LEARNING GOALS FOR MINNESOTA ELIMINATION OF BIAS COURSES

Courses accredited as "elimination of bias" must be at least **60 continuous minutes in duration**, must be directly related to the practice of law, must meet all other requirements of Rule 5 of the CLE rules and must be designed to meet one or more of the following goals:

1. To educate lawyers about the elimination of bias or prejudice in the legal profession, in the practice of law, and/or in the administration of justice;
2. To educate lawyers regarding barriers to hiring, retention, promotion, professional development and full participation of lawyers of color, women, and those persons referenced in the "course in the elimination of bias in the legal profession and in the practice of law" definition (Rule 2I) of the CLE rules, both in the public and private sector of the legal profession and in the practice of law; or
3. To educate lawyers about the problems identified in the Supreme Court's Race Bias and Gender Fairness Task Force Reports, as well as in other studies, reports or treatises which describe bias and prejudice in the legal profession, in the practice of law, and/or in the administration of justice.

Yes ☐ No ☐ If the application is seeking elimination of bias credit, I have attached a narrative explanation describing how the elimination of bias learning goals are met and how the program focuses on elimination of bias in the legal profession and not merely elimination of bias in society in general.

#### LAW AND LITERATURE

Yes ☐ No ☐ This law and literature course is accompanied by documentation on Rule 4D.

Yes ☐ No ☐ This law and literature course was designed to meet Applications for credit for Law and Literature courses must comply with the requirements of Rule 4D as well as the standard CLE requirements set forth in Rule 5A.



## Appendix III: AFFIDAVIT OF PRO BONO REPRESENTATION

MINNESOTA STATE BOARD OF CONTINUING LEGAL EDUCATION  
180 E. 5<sup>th</sup> Street, Suite 950, St. Paul, Minnesota 55101  
AFFIDAVIT OF PRO BONO REPRESENTATION 651-297-7100 [www.mbcle.state.mn.us](http://www.mbcle.state.mn.us)

An Affidavit of Pro Bono Representation must be submitted for each legal services provider for whom you provided pro bono service.

License Number: \_\_\_\_\_ Name: \_\_\_\_\_  
CLE Category:<sup>1</sup> \_\_\_\_\_ Firm Name: \_\_\_\_\_  
☐ 1 \_\_\_\_\_ Street Address:<sup>2</sup> \_\_\_\_\_  
☐ 2 \_\_\_\_\_ Street Address: \_\_\_\_\_  
☐ 3 \_\_\_\_\_ City State, and Zip: \_\_\_\_\_  
☐ Other \_\_\_\_\_ Email:<sup>3</sup> \_\_\_\_\_  
\_\_\_\_\_ Telephone: \_\_\_\_\_

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

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

Type(s) of Representation Provided:

- |                                     |  |   |  |  |
|-------------------------------------|--|---|--|--|
| <input type="checkbox"/> Consumer   | <input type="checkbox"/> Economic Assistance | <input type="checkbox"/> Education        | <input type="checkbox"/> Employment          |  |
| <input type="checkbox"/> Family Law | <input type="checkbox"/> Health              | <input type="checkbox"/> Housing          | <input type="checkbox"/> Immigration/Refugee | <input type="checkbox"/> Individual Rights |
| <input type="checkbox"/> Juvenile   | <input type="checkbox"/> Seniors             | <input type="checkbox"/> Wills or Probate | <input type="checkbox"/> Other: _____        |  |

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

# of hours of pro bono legal representation: \_\_\_\_\_ # of CLE credit hours claimed:<sup>5</sup> \_\_\_\_\_

By signing this affidavit I swear (affirm) that:

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

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

Date: \_\_\_\_\_

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

<sup>2</sup> If the address listed here is different from the address on file in the CLE office, this document will be accepted as a request for change of address. If you do not want to change your address, please state that on this form. Address changes must be made by sending a written notice to the Lawyer Registration Office, 25 Rev. Dr. Martin Luther King Jr. Blvd., Room 305, St. Paul, Minnesota 55155.

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

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

<sup>5</sup> You may claim 1 hour of CLE credit for every 6 hours of pro bono legal representation up to a maximum of 6 hours. Record credits in increments no smaller than .25 hours.

## Appendix III: AFFIDAVIT OF CLE COMPLIANCE

MINNESOTA STATE BOARD OF CONTINUING LEGAL EDUCATION  
180 E. 5<sup>th</sup> Street, Suite 950 201, 380 Jackson Street, St. Paul, Minnesota 55101  
AFFIDAVIT OF CLE COMPLIANCE 651-297-7100 [www.mbcle.state.mn.us](http://www.mbcle.state.mn.us)

**As of July 1, 2010, a \$10 processing fee must be submitted with this form.**

The processing fee is not assessed when you file courses on-line through OASIS ([www.mbcle.state.mn.us](http://www.mbcle.state.mn.us))

License Number: \_\_\_\_\_ Name: \_\_\_\_\_  
CLE Category: \_\_\_\_\_ Address: \_\_\_\_\_  
Period Covered: \_\_\_\_\_ Address: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_ Email Address: \_\_\_\_\_

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

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

### ATTENDANCE INFORMATION

SPONSORING AGENCY	COURSE TITLE AND EVENT CODE (if known)	COURSE DATE(S)	# OF HOURS				
			STANRD CLE	LAW OFFICE MNGT	PROF DVLPMT	ETHICS	ELIMN OF BIAS
1.							
2.							
3.							
4.							

Please retain a copy of this form for your records.

(USE ADDITIONAL SHEETS IF NECESSARY)

### HOURS OF PREPARATION AND TEACHING INFORMATION

SPONSORING AGENCY	COURSE TITLE AND EVENT CODE (if known)	COURSE DATE(S)	# OF HOURS				
			STANRD CLE	LAW OFFICE MNGT	PROF DVLPMT	ETHICS	ELIMN OF BIAS
1.							
2.							
3.							
4.							

Please note:

- Lawyers must report at least 45 credit hours, including 3 hours of Ethics CLE and at least 2 hours of Elimination of Bias CLE. All courses must total at least 45 hours in a 3-year reporting period. You may report more than the minimum required number of ethics and bias credits. All ethics and bias credits count towards your 45 hour requirement.
- The event code assigned to the program and the number and type of credits awarded to the program are found at the Board's website at <http://www.mbcle.state.mn.us>. A course segment will be accredited as one credit type, and will not be accredited as both Ethics and Elimination of Bias. If you report more than the minimum Ethics and Elimination of Bias hours, we will credit the excess hours as Standard CLE.
- Law Office Management courses credits are capped at limited to 6 hours per 3-year period.
- There is no limit on the number of hours of professional development CLE you may claim.

## COMPLIANCE INSTRUCTIONS

**REQUIREMENTS:** The CLE Rules require that each lawyer holding an active license complete a minimum of 45 credit hours including at least 3 ethics credits and 2 elimination of bias credits, every three years. A reporting category number is assigned to each lawyer and is printed on the face of the lawyer's wallet license card.

CLE 1 reports attendance from (July 1, 2009~~6~~ to June 30, 201~~2~~9);

CLE 2 reports attendance from (July 1, 2007~~4~~ to June 30, 201~~0~~7);

CLE 3 reports attendance from (July 1, 2008~~5~~ to June 30, 201~~1~~08).

The credits must be taken during the reporting period, ~~prior to June 30 in the reporting year~~. There is no carry-over of credits from one reporting period to the next.

**DEADLINES:** ~~Courses must be taken~~ should be completed prior to June 30 of the reporting year. A lawyer due to report must file an affidavit of attendance with the Board (or enter the information through OASIS) on or before August 31 of the lawyer's reporting year, then has 60 days from that date to file an affidavit of attendance with the Board. Postmarks dated on or before the due date are accepted as timely. Affidavits received after the filing deadline are subject to a \$50.00 A \$75.00 late filing fee must be included with your Affidavit if you are filing after the deadline, even if an extension has been granted.

**SANCTIONS:** ~~The Board will issue a Notice of Noncompliance pursuant to Rule 9E to a lawyer who fails. Failure to comply with the CLE reporting Rule requirements, will result in the issuance of a Notice of Noncompliance. A lawyer who submits an Affidavits received after the issuance of a Notice of Noncompliance must be accompanied by submit a \$200.00~~ 100.00 late filing Notice of Noncompliance fee. Continued noncompliance will result in the lawyer being Failure to comply with the CLE requirements after receiving the Notice of Noncompliance will result in the lawyer's license being placed on involuntary restricted status by eCourt order.

**RECORDKEEPING:** It is the responsibility of the lawyer to maintain records of courses taken and to submit reports to file promptly with the Board. The lawyer may file submit the affidavit of CLE compliance (1) by mail; (2) by bringing the affidavit to the Board office; (3) by reporting attendance electronically through the Board's online reporting system (OASIS); or (4) by submitting a signed copy of a certificate of completion from the course sponsor in lieu of an affidavit.

~~The Board office maintains course files by sponsor name. A course cannot be identified unless the sponsor is correctly and completely listed. Affidavit processing may be delayed if the affidavit does not correctly and completely identify the course sponsor, the course title, and the dates of each program. To expedite processing, include the course event codes on the affidavit form. Event codes for approved or pending courses can be found on the Board's website [www.mbcle.state.mn.us](http://www.mbcle.state.mn.us).~~

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

**RESTRICTED STATUS:** A lawyer who no longer practices law in Minnesota may elect be excused from the CLE requirement by electing voluntary restricted status under pursuant to Rule 12 by sending a written request to the Board. A lawyer on restricted status is not required to comply with the CLE attendance requirements.

**INFORMATION:** ~~Information on the credits allowed for a course should be obtained. The course event code and the number and type of course credits may be found on the Board's website ([www.mbcle.state.mn.us](http://www.mbcle.state.mn.us)) under the "Search Courses" tab. A lawyer may also request this information from the course sponsor. Forms and other information and additional forms may be obtained upon request from the office of the Board of Continuing Legal Education, or by accessing, including frequently asked questions, can also be found on the Board's website. at [www.mbcle.state.mn.us](http://www.mbcle.state.mn.us).~~

## INSTRUCTIONS FOR CLAIMING TEACHING CREDIT FOR TEACHING

CLE Rule 7(A) states as follows regarding teaching credit: Teaching Credit. Credit for teaching in an approved course shall be awarded to presenting faculty on the basis of one credit for each 60 minutes spent by the faculty preparing for the presentation and materials for of the course and teaching the course. No credit shall be awarded for teaching directed primarily to persons preparing for admission to practice law. A lawyer seeking credit for teaching and preparation for teaching shall submit to the Board all information called for on the Affidavit of CLE Compliance at Appendix H III.

Under the provisions of Rule 7A, a lawyer who makes a one-hour presentation a course may claim the time spent in presenting the course and time in attendance at the course, as well as the and spends five hours spent in preparation for

~~the presentation. There is no limit to the number of hours that may be claimed for preparation. is entitled to claim a total of six hours. If he/she also sits as a member of the audience for some portion of the course being presented by other speakers, he/she claim credit for attending that part of the course. Course information should be reported on the form in the appropriate sections.~~

Credit for teaching ~~and/or~~ preparation can ~~only~~ be claimed only when the lawyer actually **teaches** in an accredited course. A lawyer who prepares materials that are distributed at the course but who does not ~~fails to appear on the platform as a speaker present during the program~~ cannot claim credit for his/her the lawyer's scholarly efforts in preparing the program or in preparing materials for the program. Lawyers also ~~cannot~~ may not claim credit for writing a law review article or other scholarly articles.

A lawyer who organizes the program **cannot** claim time for administrative tasks, including ~~is in charge of a course normally spends administrative time identifying and persuading speakers to participate, encouraging them to complete their arranging for the~~ written materials and/or conferring with speakers about the allocation of responsibility for subject areas. Time so spent **cannot** be included in teaching/preparation time.