

STATE OF MINNESOTA

IN SUPREME COURT

C1-81-1206

**ORDER ESTABLISHING DEADLINE FOR SUBMITTING COMMENTS
ON PROPOSED AMENDMENTS TO THE RULES OF THE SUPREME
COURT ON LAWYER REGISTRATION**

The Minnesota Stat Board of Law Examiners filed a petition on June 29, 2007 recommending amendments to the Rules of the Supreme Court on Lawyer Registration. This court will consider the proposed amendments without a hearing after soliciting and reviewing comments on the petition. A copy of the petition is annexed to this order.

IT IS HEREBY ORDERED that any individual wishing to provide statements in support or opposition to the proposed amendment shall submit twelve copies in writing addressed to Frederick K. Grittner, Clerk of Appellate Courts, 25 Dr. Rev. Martin Luther King Jr. Blvd, St. Paul, Minnesota 55155, no later than August 31, 2007.

Dated: July 23, 2007

BY THE COURT:

OFFICE OF
APPELLATE COURTS

JUL 23 2007

FILED



Russell A. Anderson
Chief Justice

STATE OF MINNESOTA

In Supreme Court

FILE NO.

OFFICE OF
APPELLATE COURTS

JUN 29 2007

Petition of the Minnesota State Board of
Continuing Legal Education
For Amendment of the
Rules of the Supreme Court
on Lawyer Registration

FILED

PETITION

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 Rule 2 of the Rules of the Supreme Court on Lawyer Registration in order to decrease the allocation to the Board. In support of this Petition, the Board asserts the following:

1. The Supreme Court has the exclusive and inherent power to regulate the practice of law.
2. Since 2001, the Board has collected a \$35 course approval fee for each course¹ submitted for CLE approval.
3. Revenue generated from the course approval fee has averaged just over \$200,000 per year during the past 4 years, thereby reducing the Board's need for the full amount of revenue it receives currently from the Lawyer Registration Fee. The Board proposes to reduce its Lawyer Registration fee allocation by \$2, from \$8 to \$6 per lawyer², effective January 1, 2008.

¹ A fee is not required for video replays of previously approved courses and for courses of 60 minutes or less in duration Rule 4A(7)

² For lawyers on Active Status-Full-time Military Duty, the proposed reduction is from \$7 to \$5.

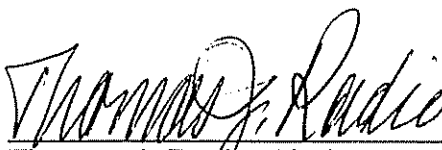
4. The proposed amendments to Lawyer Registration Rule 2 incorporating both this Petition's request for a reduction in allocation as well as the Board of Law Examiners' Petition for an increase in the allocation, are set forth in an attachment marked Exhibit A.

CONCLUSION

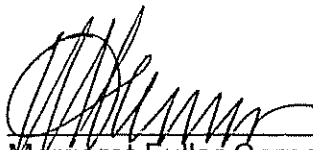
By these proposed amendments, the Board seeks to amend the Lawyer Registration Rules to decrease the Board's allocation from the Lawyer Registration Fee.

Based upon the foregoing, the Board respectfully requests that the Court adopt the proposed amended Rules set forth in Exhibit A.

Dated: *June 29, 2007*



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RULES OF THE SUPREME COURT ON LAWYER REGISTRATION

RULE 2. REGISTRATION FEE

A. Required Fee.

In order to defray the expenses of examinations and investigation for admission to the bar and disciplinary proceedings, to defray the expenses of administering continuing legal education, to provide an adequate client security fund, to help fund legal services programs, and to help fund a lawyers assistance program, each lawyer and each judge must pay to the Lawyer Registration Office an annual registration fee.

B. Active Statuses.

Each lawyer and judge must pay an annual registration fee of ~~\$218~~\$221 or such lesser sum as is set forth in the following sections.

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

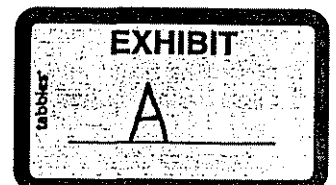
A lawyer or judge on active status who certifies that the lawyer's or judge's gross income from all sources, excluding the income of a spouse, is less than \$25,000 per year must pay an annual registration fee of ~~\$193~~\$196.

2. Active Status - Lawyers on Fulltime Military Duty.

A lawyer or judge on fulltime duty in the armed forces of the United States must pay an annual registration fee of ~~\$107~~\$110.

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

A lawyer or judge on fulltime duty in the armed forces of the United States who certifies that the lawyer's or judge's gross income from all sources, excluding the income of a spouse, is less than \$25,000 per year must pay an annual registration fee of ~~\$82~~\$85.



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

A lawyer or judge who has been admitted to practice law fewer than three years in each and every licensing jurisdiction, including Minnesota, must pay an annual registration fee of ~~\$97~~\$100.

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

A lawyer or judge who has been admitted to practice law fewer than three years in each and every licensing jurisdiction, including Minnesota, and certifies that the lawyer's or judge's gross income from all sources, excluding the income of a spouse, is less than \$25,000 per year must pay an annual registration fee of ~~\$84.50~~\$87.50.

C. Inactive Statuses.

1. Inactive Status - Out-of-State.

A lawyer or judge who files with the Lawyer Registration Office on or before the date the lawyer's registration fee is due an affidavit stating that the lawyer or judge (i) is a permanent resident of a state other than Minnesota, (ii) is currently in good standing, (iii) does not hold judicial office in Minnesota and (iv) is not engaged in the practice of law in Minnesota, must pay an annual registration fee of ~~\$179~~\$182.

2. Inactive Status - Out-of-State - Income Less Than \$25,000.

A lawyer or judge who files with the Lawyer Registration Office on or before the date the lawyer's registration fee is due an affidavit stating that the lawyer or judge (i) is a permanent resident of a state other than Minnesota, (ii) is currently in good standing, (iii) does not hold judicial office in Minnesota (iv) is not engaged in the practice of law in Minnesota, and (v) certifies that the lawyer's or judge's gross income from all sources, excluding the income of a spouse, is less than \$25,000 per year must pay an annual registration fee of ~~\$154~~\$157.

3. Inactive Status - Minnesota.

A lawyer who files with the Lawyer Registration Office on or before the date the lawyer's registration fee is due an affidavit stating that the lawyer (i) is a resident of the State of Minnesota, (ii) is currently in good standing, (iii) does not hold judicial office in this state, and (iv) is not engaged in the practice of law in this state must pay an annual registration fee of ~~\$179~~\$182.

4. Inactive Status - Minnesota - Income Less Than \$25,000.

A lawyer who files with the Lawyer Registration Office on or before the date the lawyer's registration fee is due an affidavit stating that the lawyer (i) is a resident of the State of Minnesota, (ii) is currently in good standing, (iii) does not hold judicial office in this state, (iv) is not engaged in the practice of law in this state, and (v) certifies that the lawyer's or judge's gross income from all sources, excluding the income of a spouse, is less than \$25,000 per year must pay an annual registration fee of ~~\$154~~\$157.

D. Allocation of Fees.

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

(1) Payments of ~~\$218~~\$221 are allocated as follows:

- ~~\$18~~\$23 to the State Board of Law Examiners;
- ~~\$8~~\$6 to the State Board of Continuing Legal Education;
- \$122 to the Lawyers Professional Responsibility Board;
- \$12 to the Client Security Fund;
- \$50 to the Legal Services Advisory Committee; and
- \$8 to the Lawyer Trust Account Board for a lawyers assistance program.

(2) Payments of ~~\$193~~\$196 are allocated as follows:

- ~~\$18~~\$23 to the State Board of Law Examiners;
- ~~\$8~~\$6 to the State Board of Continuing Legal Education;

- \$122 to the Lawyers Professional Responsibility Board;
- \$12 to the Client Security Fund;
- \$25 to the Legal Services Advisory Committee; and
- \$8 to the Lawyer Trust Account Board for a lawyers assistance program.

(3) Payments of ~~\$179~~\$182 are allocated as follows:

- ~~\$18~~\$23 to the State Board of Law Examiners;
- ~~\$8~~\$6 to the State Board of Continuing Legal Education;
- \$83 to the Lawyers Professional Responsibility Board;
- \$12 to the Client Security Fund;
- \$50 to the Legal Services Advisory Committee; and
- \$8 to the Lawyer Trust Account Board for a lawyers assistance program.

(4) Payments of ~~\$154~~\$157 are allocated as follows:

- ~~\$18~~\$23 to the State Board of Law Examiners;
- ~~\$8~~\$6 to the State Board of Continuing Legal Education;
- \$83 to the Lawyers Professional Responsibility Board;
- \$12 to the Client Security Fund;
- \$25 to the Legal Services Advisory Committee; and
- \$8 to the Lawyer Trust Account Board for a lawyers assistance program.

(5) Payments of ~~\$107~~\$110 are allocated as follows:

- ~~\$18~~\$23 to the State Board of Law Examiners;
- ~~\$7~~\$5 to the State Board of Continuing Legal Education;
- \$24 to the Lawyers Professional Responsibility Board;
- \$50 to the Legal Services Advisory Committee; and

- \$8 to the Lawyer Trust Account Board for a lawyers assistance program.
- (6) Payments of ~~\$82~~\$85 are allocated as follows:
- ~~\$18~~\$23 to the State Board of Law Examiners;
 - ~~\$7~~\$5 to the State Board of Continuing Legal Education;
 - \$24 to the Lawyers Professional Responsibility Board;
 - \$25 to the Legal Services Advisory Committee; and
 - \$8 to the Lawyer Trust Account Board for a lawyers assistance program.
- (7) Payments of ~~\$97~~\$100 are allocated as follows:
- ~~\$18~~\$23 to the State Board of Law Examiners;
 - ~~\$8~~\$6 to the State Board of Continuing Legal Education;
 - \$26 to the Lawyers Professional Responsibility Board;
 - \$12 to the Client Security Fund;
 - \$25 to the Legal Services Advisory Committee; and
 - \$8 to the Lawyer Trust Account Board for a lawyers assistance program.
- (8) Payments of ~~\$84.50~~\$87.50 are allocated as follows:
- ~~\$18~~\$23 to the State Board of Law Examiners;
 - ~~\$8~~\$6 to the State Board of Continuing Legal Education;
 - \$26 to the Lawyers Professional Responsibility Board;
 - \$12 to the Client Security Fund;
 - \$12.50 to the Legal Services Advisory Committee; and
 - \$8 to the Lawyer Trust Account Board for a lawyers assistance program.

AUG 29 2007

FILED

STATE OF MINNESOTA

In Supreme Court

File No. C1-81-1206

**Petition of the Minnesota State Board of
Continuing Legal Education
For Amendment of the
Rules of the Supreme Court
on Lawyer Registration**

**Statement of Medard B. Kaisershot, Esq.
In Opposition to Proposed Amendment**

TO: THE HONORABLE JUSTICES OF THE MINNESOTA SUPREME COURT:

Whereas, The Supreme Court has the exclusive and inherent power to regulate the practice of law;

Whereas, The Supreme Court amended Rule 2 of the Rules of the Supreme Court on Lawyer Registration effective October 1, 2006 to establish Active and Inactive Statuses of lawyers and judges where no such separate statuses previously existed;

Whereas, Each of the Inactive Statuses, including that of Retired Status, as a qualifying condition of eligibility therefore, requires a lawyer or judge to submit an affidavit that he or she "is not engaged in the practice of law in this state;"

Whereas, The Inactive Status-Retired status, as a further qualifying condition of eligibility therefore, requires that such retired lawyer or judge further state by affidavit that he or she is "retired from any gainful employment" to qualify for exemption from payment of any registration fee; and

Whereas, the Court's definition of "Gainful Employment" means "ANY type of employment you receive compensation for whether it is teaching, mediating, etc. If you receive any income from a job in or out of the State of Minnesota you CANNOT file for retired or disabled status;"

Now, therefore, your respondent respectfully asserts as follows:

Any employment that is not otherwise dependent upon licensure and admission to practice


of law is not "practice of law" and, therefore, should not and does not come under the purview of the Supreme Court's jurisdictional powers except as may be necessary to enforce the rules relating to the unauthorized practice of law.

There is no jurisdictional basis to impose a registration fee on an inactive lawyer or judge, particularly a retired lawyer or judge who is no longer engaged in the practice of law and who no longer maintains CLE requirements, no more so than can the Supreme Court regulate the non-lawyer employment of any other ordinary citizen who was never so professionally engaged.

There being no jurisdictional basis to impose any registration fee on any lawyer or judge who no longer is engaged in the practice of law, the undersigned therefore objects on jurisdictional grounds to that part of the petition that seeks to amend the proposed fee amendment of the Rules of the Supreme Court on Lawyer Registration as it pertains to any lawyer or judge, particularly one who is retired, who maintains Inactive Status.

Respectfully submitted.

Date 8/28/07


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