

FILED

September 27, 2021

**OFFICE OF
APPELLATE COURTS**

STATE OF MINNESOTA

IN SUPREME COURT

ADM10-8008

**ORDER PROMULGATING AMENDMENTS
TO THE RULES FOR ADMISSION TO THE BAR**

The Minnesota State Board of Law Examiners filed a petition on August 27, 2021, proposing amendments to the rules that govern applications for admission to the bar. The proposed amendments will implement changes made during the pandemic to ease the application process, enable a more flexible electronic application, and ease administrative burdens for applicants and Board staff.

We have reviewed the Board's petition and proposed amendments. Given the administrative nature of the changes, the temporary use of some of these measures without concern, and the enhanced flexibility provided by the rules as amended, we agree with the Board that the proposed amendments can and should be implemented without delay.

Based upon all the files, records, and proceedings herein,

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 as of October 1, 2021, for applications made under the Rules for Admission to the Bar on or after that date.

Dated: September 27, 2021

BY THE COURT:



Lorie S. Gildea
Chief Justice

AMENDMENTS TO THE RULES FOR ADMISSION TO THE BAR

[Note: In the following amendments, deletions are indicated by a line drawn through the words and additions are indicated by a line drawn under the words.]

RULE 2. DEFINITIONS AND DUE DATE PROVISIONS

A. Definitions. As used in these Rules:

(1) “Affidavit” means: (a) a document that has been signed, sworn, and notarized; or (b) a document that has been signed under penalty of perjury, provided that the signature is affixed immediately below a declaration using substantially the following language: ‘I declare under penalty of perjury that everything I have stated in this document is true and correct.’

(2) “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.

(~~3~~) “Applicant portal” is a confidential password-protected electronic site used by applicants and Board staff to share information and to send and receive documents.

(~~4~~) “Approved law school” means a law school provisionally or fully approved by the American Bar Association.

(~~5~~) “Board” means the Minnesota State Board of Law Examiners.

(~~6~~) “Court” means the Minnesota Supreme Court.

(~~7~~) “Director” means the staff director for the Board.

(~~8~~) “Full-time faculty member” means a person whose professional responsibilities are consistent with the definition of “full-time faculty member” set forth in the Standards for Approval of Law Schools, published by the American Bar Association’s Section of Legal Education and Admissions to the Bar.

(~~9~~) “Good character and fitness” means traits, including honesty, trustworthiness, diligence and reliability, that are relevant to and have a rational connection with the applicant’s present fitness to practice law.

(~~10~~) “Jurisdiction” means the District of Columbia or any state or territory of the United States.

(~~11~~) “Legal services program” means a program existing primarily for the purpose of providing legal assistance to indigent persons in civil or criminal matters.

(1244) "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.

(1342) "Uniform Bar Examination" or "UBE" is an examination prepared by the National Conference of Bar Examiners (NCBE), comprised of six Multistate Essay Examination questions, two Multistate Performance Test questions, and the Multistate Bar Examination.

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Rule 4. General Requirements for Admission

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B. 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) An ~~notarized~~-authorization for release of information form signed and submitted by the applicant in a manner prescribed by the Board;
- (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. To be acceptable, each affidavit shall:
 - (a) Be executed by a person who is unrelated to the applicant by blood or marriage and not living in the same household;
 - (b) Be executed by a person who was not a fellow law student during the applicant's enrollment;
 - (c) Describe the duration of time and circumstances under which the affiant has known the applicant;
 - (d) Describe what the affiant knows about the applicant's character and general reputation; and
 - (e) Provide other information bearing on the applicant's character and fitness to practice law.

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C. 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 a~~ document from the applicant's law school, in a form prescribed by the Board and signed by the dean or other authorized person, stating:

- (1) That the law school has 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 conferral of degree, and will be awarded a J.D. or LL.B. degree within 120 days following that examination.

An applicant filing evidence of conferral of degree pursuant to Rule 4C(2) shall cause to be filed a certified transcript verifying the award of the degree within 120 days following the examination.

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I. 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 4B;
- (2) The proper fee under Rule 12;
- (3) An ~~notarized~~ authorization for release of information on a form signed and submitted by the applicant in a manner 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 4B(4) of these Rules.

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Rule 5. Standards for Admission

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B. Character and Fitness Standards and Investigation.

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(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 4B(4), and an authorization for release of information as required by Rule 4B(2).

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Rule 11. License for Foreign Legal Consultants

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

- (1) An ~~sworn and notarized typewritten~~ Application for Foreign Legal Consultant License submitted on a form prescribed by the Board;

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(6) ~~Notarized letters of recommendation~~ Affidavits 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;

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(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~~ an affidavit 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;

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(11) ~~An affidavit 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;

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H. Re-Certification and Renewal Fees.

- (1) Every three years a foreign legal consultant shall submit to the Board:
- (a) An affidavit ~~sworn statement~~ attesting to the foreign legal consultant's continued good standing as a lawyer or counselor at law or equivalent in the foreign country in which the foreign legal consultant is admitted to practice;
 - (b) ~~An sworn and notarized typewritten~~ Application for Foreign Legal Consultant License submitted on a form prescribed by the Board; and
 - (c) A fee in the amount of \$300.

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