

FILED

September 29, 2017

**OFFICE OF
APPELLATE COURTS**

STATE OF MINNESOTA

IN SUPREME COURT

ADM10-8002

**ORDER REGARDING PROPOSED AMENDMENTS TO THE
MINNESOTA RULES ON LAWYER REGISTRATION**

ORDER

The Minnesota State Board of Continuing Legal Education has recommended amendments to the Rules of the Supreme Court on Lawyer Registration, with additional minor amendments proposed to the Minnesota Rules of Professional Conduct and the Rules of the State Board of Continuing Legal Education. The Committee's petition, with the rules as proposed for amendment, is attached to this order, and can also be accessed on P-MACS, the public access site for the Minnesota Appellate Courts, under case number: *ADM10-8002 - Rules Petition - Petition for Amendments to the Rules on Lawyer Registration, Rules of Continuing Legal Education and Rules of Professional Conduct* (filed July 31, 2017). The court will consider the amendments proposed by the Board of Continuing Legal Education after reviewing any written comments on those amendments.

IT IS HEREBY ORDERED that any person or organization wishing to provide comments in support of or in opposition to the proposed amendments shall file one copy of those comments, electronically, using the appellate courts' e-filing application, E-MACS, so as to be received no later than November 28, 2017.

Dated: September 29, 2017

BY THE COURT:

A handwritten signature in black ink, appearing to read "G. Barry Anderson". The signature is written in a cursive style with a prominent initial "G" and "A".

G. Barry Anderson
Associate Justice

STATE OF MINNESOTA

In Supreme Court

FILE NO. ADM10-8002

FILED

July 31, 2017

OFFICE OF
APPELLATE COURTS

**Petition of the Minnesota State Board
of Continuing Legal Education
for Amendment of the Rules of the
Supreme Court on Lawyer Registration,
the Rules of the State Board of Continuing
Legal Education, and the Minnesota Rules
of Professional Conduct**

**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 Supreme Court on Lawyer Registration (Registration Rules) to adopt the Board's proposed rewrite of the Registration Rules, and to amend the Minnesota Rules of Professional Conduct (MRPC) and the Rules of the State Board of Continuing Legal Education (CLE Rules) to incorporate related minor reference edits.

The proposed amended Registration Rules are attached as **Exhibit A**. A redlined version of the proposed MRPC amendments is attached as **Exhibit B** and a redlined version of the proposed amendments to the CLE Rules is attached as **Exhibit C**.

In support of this Petition, Petitioner offers the following:

1. The Minnesota Supreme Court has the exclusive and inherent power to regulate the practice of law in Minnesota.
2. Registration Rule 8 states that the CLE Board, acting under the supervision of the Court, is responsible for overseeing the functions of the Lawyer Registration Office (LRO) and the administration of the Registration Rules.

3. The purpose of the Registration Rules is to ensure that lawyers who are admitted to the Minnesota Bar contribute to the regulation of the Bar by paying required annual fees and by providing information requested on the Lawyer Registration Statement.
4. The Court first required the registration of Minnesota lawyers by Order dated October 5, 1961. The Registration Rules have been periodically amended in the decades since, mostly to address specific issues as they have arisen. One comprehensive update to the Registration Rules occurred in 2006, in response to a joint petition by the Clerk of the Appellate Courts, the Board of Law Examiners, this Board, and the Office of Lawyers Professional Responsibility.
5. The 2006 amendments substantially improved the Registration Rules by adding a definitions section, establishing clear criteria for various lawyer statuses, and creating topical subsections to replace lengthier narrative rules. The 2006 amendments also expanded inactive status to include lawyers residing in Minnesota and established the LRO to refer to the registration functions of the Clerk of Appellate Courts.
6. In 2013, the LRO was transferred from the Office of the Clerk of Appellate Courts to the shared offices of the Board of Law Examiners, Board of Legal Certification, and this Board. A reference to the Clerk of Appellate Courts' registration functions is still found in MRPC Rule 1.15(i), which requires certain lawyers to make certifications on their Lawyer Registration Statement regarding the safekeeping of property. The Board proposes, with approval from the Office of Lawyers Professional Responsibility, that the Court amend this rule to refer to the LRO.
7. In 2014, the Court amended the Registration Rules to grant the CLE Board supervisory authority over the LRO and Registration Rules, subject to the Court's oversight. Since that time, the Board has undertaken a review of the Registration Rules with the aim of proposing improvements based on

rule language, practices of the LRO, and feedback from members of the Bar.

Restructuring the Registration Rules

8. The 2006 amendments incorporated many changes and new provisions without significantly modifying the existing structure of the Registration Rules. The Board observed that several rules contain multiple topics and important issues may therefore appear in less conspicuous subsections. The Board respectfully recommends a rewrite of the Rules to implement various improvements in clarity and organization that would benefit the Minnesota lawyers and judges who consult the Registration Rules to understand their registration statuses and obligations.
9. The Registration Rules contain many substantive provisions but only nine total rules. The Board's proposed amended Registration Rules (Proposed Rules) distribute similar provisions across 24 discrete rules that contain clear topical titles, focused subsections, a fee allocation chart, and create a user-friendly experience in navigating the rules. The Board has also made efforts to ensure that the language of the Proposed Rules is clear, concise, and direct.
10. Two provisions in the CLE Rules regarding emeritus status, Rules 2J and 14A, contain citations to the retired inactive status provision of the Registration Rules. If the Court adopts the renumbered Proposed Rules, the Board recommends that these references in the CLE Rules be amended to be consistent with the updated retired status rule.
11. Besides restructuring the layout, the Board proposes several other changes in its Proposed Rules, including a simplifying reduction in the number of fee status categories, the codification of certain administrative practices of the LRO, and elimination of the "gainful employment" limitation in the retirement section.

Gainful Employment in Retirement

12. The Registration Rules prohibit a senior lawyer from electing the fee-exempt retired inactive status if the lawyer has *any* gainful employment, even if it is entirely unrelated to the practice of law, infrequent, or *de minimis*. This “gainful employment” rule creates hardships for some inactive senior lawyers, who often must pay \$205 per year to elect inactive status, resign from the Bar, or face suspension. The rule has prompted many complaints to the LRO and is unpopular among surveyed senior members of the Bar. Lawyers have contacted the LRO regarding their disqualifying income-earning positions teaching, speaking, serving on nonprofit boards, pursuing athletic or artistic interests, working in the service industry, and in various other capacities unrelated to the practice of law.
13. To address this issue, the Board’s Proposed Rule 7A would eliminate the “gainful employment” rule and states that a lawyer who “is not engaged in the practice of law in any state, territory, or the District of Columbia” may elect the retired status if he or she meets the other eligibility criteria.
14. The Board understands the crucial role that lawyer registration fees play in funding legal services programs and important offices and boards in the judicial branch. This proposed expansion of eligibility for a fee-exempt registration status would result in a revenue decrease to these recipients unless offsetting revenue-positive changes were simultaneously implemented.
15. Based on research and analysis of the registration and survey data that is available, the Board proposes that the eligibility age for the retired inactive status be raised from 62 to 68, to offset the projected long-term revenue impact of the “gainful employment” rule change. The requirements of Proposed Rule 7A would be reminiscent of the Court’s original retirement rule adopted in 1970, Registration Rule 2(a), which permitted a reduced fee

payment if a lawyer had reached age 70 and was not engaged in the practice of law.

16. If the new retired status eligibility age is adopted, the Board recommends that all transfers to retired status after the effective date of the rule change be subject to this new requirement. The Board proposes that lawyers between the ages of 62 and 68 be permitted to remain on retired status if they are on retired status with the LRO on the effective date of the rule change and continue to satisfy the remaining eligibility criteria. The LRO does not track age data and lawyers elect retired status through a one-time filing that relieves them of annual registration obligations. The LRO would have difficulty identifying the lawyers affected by this rule change and may not have current contact information for retired lawyers.

Fee Status Categories

17. The Registration Rules are administered using 15 fee status categories: 12 active and inactive status categories, Noncompliant, Resigned, and Deceased. The Board's Proposed Rules would simplify the registration process by reducing this number to ten.
18. The Board proposes to remove two military statuses found in the Registration Rules by providing a registration exemption in Proposed Rule 24, as discussed in Section 21, *infra*.
19. The Board's Proposed Rules would also eliminate the distinction in the Registration Rules between Minnesota residents and nonresidents to reduce the number of inactive status categories by two. The 2006 amendments to the Registration Rules created inactive status categories for Minnesota resident lawyers and made the resident and nonresident fees equivalent. The fee amounts have been amended several times since but have at all times remained equal. The Board's Proposed Rule 6 contains

no reference to a lawyer's state of residence and permits resident and nonresident lawyers to use the same two inactive status categories.

20. The Board also proposes to remove the seldom-used status for lawyers admitted less than three years in every jurisdiction who have annual income of less than \$25,000. New lawyers pay a fee of \$40 in their year of admission and typically pay \$114 at each annual registration, rather than the regular active status fee of \$248, until admitted in a jurisdiction for at least three years. The separate reduced-income status for these new lawyers has a fee of \$100 and was, as of May 2017, providing only 66 lawyers a discount of \$14 each. Because the fee is significantly reduced for all lawyers admitted less than three years, the impact of this change would be minimal.

Codification of Existing Practices

21. The Board understands that the LRO has long granted active duty military personnel an exemption from the annual registration requirement. This is consistent with Minn. Stat. § 326.56 and its goal of avoiding the suspension of service members' occupational licenses when they are called into service. However, the Registration Rules have not been amended and require military status lawyers to register and pay an annual fee. The LRO has waived these fees and does not suspend active duty military lawyers who are unable to file their Lawyer Registration Statement, but never requested an amendment to update the Registration Rules. Proposed Rule 24 would provide standards for and codify these practices of the LRO.
22. Registration Rule 2I states that a suspended lawyer must pay all delinquent registration fees in order to be reinstated and that the LRO may waive delinquent fees in case of hardship. The Board understands that the LRO has historically required lawyers to pay delinquent fees under this rule for no more than the prior six years, whether or not the lawyer states a hardship. This avoids excessive fee balances and is consistent with Rules

12C(2)(b) and 12D(2) of the CLE Rules, which require a restricted lawyer to complete no more than 90 missed CLE credit hours covering the prior six years to transfer to active status. Proposed Rule 16A(3) includes a six-year maximum on the delinquent fee payments required for a lawyer to be reinstated from suspension.

23. The Board recommends that its Proposed Rules, if adopted, take effect on July 1, 2018, unless the Court has concern regarding the potential revenue impact of the retirement changes and would prefer to synchronize the changes with beginning of the next biennium, July 1, 2019.

Based upon the foregoing, the Petitioner respectfully requests that the Court amend the Rules of the Supreme Court on Lawyer Registration to adopt the Board's proposed rewrite of the Registration Rules and incorporate reference edits to related court rules, as described above, and to adopt minor revisions to the Rules of the State Board of Continuing Legal Education and the Minnesota Rules of Professional Conduct as described above.

Dated:

/s/
Nancy McLean
Chair
Minnesota State Board of Continuing Legal Education
180 E. 5th Street
St. Paul, MN 55101
MN License Number: 0071110

/s/
Emily Eschweiler
Director
Minnesota State Board of Continuing Legal Education
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Rules of the Supreme Court on Lawyer Registration

FILED

July 31, 2017

**OFFICE OF
APPELLATE COURTS**

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Rule 1. Purpose Statement

The purpose of these Rules is to maintain an accurate record of all lawyers and judges licensed in the state of Minnesota, to collect information from registered lawyers and judges annually, and to collect fees to help defray the cost of bar examinations, pre-admission investigations, lawyer discipline, a lawyer-client security fund, legal services programs, and lawyers assistance programs.

Rule 2. Definitions

A. "Active status" means a license status for a lawyer or judge who:

- (1) has paid the applicable required lawyer registration fee for the current year;
- (2) is in compliance with the requirements of the Minnesota State Board of Continuing Legal Education or with Minnesota Judicial Branch policies regarding continuing judicial education;
- (3) is not disbarred, suspended, or on disability status pursuant to Rule 28 of the Rules on Lawyers Professional Responsibility;
- (4) is in compliance with Rule 1.15 and Appendix 1 of the Minnesota Rules of Professional Conduct regarding trust accounts and has so certified on the Lawyer Registration Statement; and
- (5) is in compliance with Rule 22 of these Rules.

A lawyer or judge on active status is in good standing and is authorized to practice law in this state.

B. "Inactive status" means a license status for a lawyer or judge who has elected to be on inactive status pursuant to Rule 6, 7, or 8 of these Rules and who:

- (1) has paid the applicable required lawyer registration fee for the current year;
- (2) is in compliance with the requirements of the Minnesota State Board of Continuing Legal Education or with Minnesota Judicial Branch policies regarding continuing judicial education;
- (3) is not disbarred or suspended; and
- (4) is in compliance with Rule 1.15 and Appendix 1 of the Minnesota Rules of Professional Conduct regarding trust accounts and has so certified on the Lawyer Registration Statement.

A lawyer or judge on inactive status is in good standing but is not authorized to practice law in this state.

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

- D. **"Lawyer"** means a person admitted to practice law in this state pursuant to the Rules for Admission to the Bar.
- E. **"Lawyer Registration Statement"** means an electronic or hard copy document prepared by the Lawyer Registration Office that informs a lawyer or judge of the lawyer registration fee due and on which the lawyer or judge must certify the lawyer or judge's status, compliance with Rule 1.15 and Appendix 1 of the Minnesota Rules of Professional Conduct regarding trust accounts, and compliance with Rule 22 of these Rules, and provide any other information required by the Court.
- F. **"Noncompliant status"** means a license status for a lawyer or judge who has not met all of the criteria to be on active status or inactive status. A lawyer or judge who is on noncompliant status is not in good standing and is not authorized to practice law in this state.
- G. **"Online Registration System"** means the web-based lawyer registration system maintained by the Lawyer Registration Office on which lawyers and judges may elect to electronically manage license information, complete the Lawyer Registration Statement, and pay lawyer registration fees, including annual fees.
- H. **"Private client"** means a client of a lawyer, but for the purpose of reporting professional liability insurance coverage, does not include the clients of government lawyers and house counsel.

Rule 3. Supervisory Authority

Subject to the general direction of the Court in all matters, the State Board of Continuing Legal Education has supervisory authority over the administration of these Rules, and may adopt policies, procedures, and forms not inconsistent with these Rules.

Rule 4. New Lawyer Fee

New lawyers must pay a one-time fee of \$40 upon the administration of the Oath of Admission and will be placed on active status. Thereafter, the lawyer must pay an annual registration fee in accordance with these Rules.

Rule 5. Active Status Fees

A. Admitted to Practice Law Three Years or More. A lawyer or judge on active status who has been admitted to practice law for three years or more in any state, the District of Columbia, or any territory must pay an annual registration fee of \$248.

B. 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 \$220.

C. Admitted to Practice Law Less Than Three Years. A lawyer or judge who has been admitted to practice law less than three years in each and every state, the District of Columbia, or territory in which the lawyer or judge has been admitted, including Minnesota, must pay an annual registration fee of \$114.

Rule 6. Inactive Status Fees

A. General. A lawyer or judge who files with the Lawyer Registration Office on or before the due date for payment of the lawyer's registration fee an affidavit stating that the lawyer or judge (1) is currently in good standing with the Lawyer Registration Office, (2) does not hold judicial office in this state and does not sit by special appointment, and (3) is not engaged in the practice of law in this state, must pay an annual registration fee of \$205 to remain in good standing as an inactive Minnesota lawyer.

B. Income Less Than \$25,000. A lawyer or judge who files an affidavit in compliance with Rule 6A and 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 \$177 to remain in good standing as an inactive Minnesota lawyer.

Rule 7. Retired Status: Inactive

A. Retirement Affidavit. A lawyer or judge may file with the Lawyer Registration Office a Retirement Affidavit stating that the lawyer or judge (1) is at least 68 years of age, (2) is in good standing with the Lawyer Registration Office, (3) does not hold judicial office in this state and does not sit by special appointment, and (4) is not engaged in the practice of law in any state, territory, or the District of Columbia.

B. Effect. The filing of a Retirement Affidavit with the Lawyer Registration Office places the lawyer or judge on inactive status and exempts the lawyer or judge from payment of fees while it is effective.

C. Renewal; Expiration. A Retirement Affidavit, once filed, is effective for each succeeding year unless the lawyer or judge transfers to active status pursuant to Rule 9 or resumes the practice of law in another state, territory, or the District of Columbia. A lawyer or judge who no longer meets the requirements of this status must promptly comply with the requirements of active or inactive status, file a completed Lawyer Registration Statement with the Lawyer Registration Office, and pay the annual registration fee.

D. Emeritus Status: Authorization to Provide Pro Bono Services. Notwithstanding the provisions of Rules 2B and 7B regarding authorization to practice law in this state, a lawyer or judge whose Retirement Affidavit is effective may engage in the pro bono legal representation of pro bono clients if the lawyer or judge complies with Rule 14 of the Rules of the Minnesota State Board of Continuing Legal Education.

Rule 8. Permanent Disability Status: Inactive

A. Disability Affidavit. A lawyer or judge who is totally disabled may file with the Lawyer Registration Office a Disability Affidavit stating that the lawyer or judge (1) is currently in good standing with the Lawyer Registration Office, (2) does not hold judicial office in this state and does not sit by special appointment, (3) is not engaged in the practice of law in this state, and (4) is totally disabled.

B. Effect. The filing of a Disability Affidavit with the Lawyer Registration Office places the lawyer or judge on inactive status and exempts the lawyer or judge from payment of fees while it is effective.

C. Renewal; Expiration. A Disability Affidavit, once filed, is effective for each succeeding year unless the lawyer or judge transfers to active status pursuant to Rule 9.

Rule 9. Transfer from Inactive Status to Active Status

A. Requirements. To transfer from inactive status to active status, a lawyer or judge must, before practicing law or assuming judicial responsibilities, take each of the following actions:

- (1) promptly notify the Lawyer Registration Office of the intention to transfer to active status;
- (2) file a completed Lawyer Registration Statement with the Lawyer Registration Office;
- (3) pay the applicable active status fee and all accumulated late fees, less any inactive status fee payments previously made for the same registration year;
- (4) complete all continuing legal education (CLE) requirements and be transferred to CLE active status;
- (5) comply with Rule 1.15 and Appendix 1 of the Minnesota Rules of Professional Conduct regarding trust accounts; and
- (6) comply with Rule 22 of these Rules.

B. Transfer. Upon verification that the requirements of this rule have been met, the Lawyer Registration Office will transfer the lawyer or judge to active status.

Rule 10. Allocation of Lawyer Registration Fees

A. Registration Fees. Lawyer registration fees paid pursuant to these Rules will be allocated as follows:

	\$248 payments	\$220 payments	\$205 payments	\$177 payments	\$114 payments	\$40 payments
State Board of Law Examiners	\$29	\$29	\$29	\$29	\$29	\$25
State Board of Continuing Legal Education	\$1	\$1	\$1	\$1	\$1	\$0
Lawyers Professional Responsibility Board	\$122	\$122	\$83	\$83	\$26	\$15
Client Security Fund	\$6	\$6	\$6	\$6	\$6	\$0
Legal Services Advisory Committee (for civil legal services and grant program purposes)	\$75	\$47	\$71	\$43	\$37	\$0
Legal Services Advisory Committee (for a lawyers assistance program)	\$13	\$13	\$13	\$13	\$13	\$0
Lawyer Registration Office	\$2	\$2	\$2	\$2	\$2	\$0
TOTAL	\$248	\$220	\$205	\$177	\$114	\$40

B. Miscellaneous Fees. Payments for duplicate license cards, certificates of good standing, late penalties, reinstatement fees, and lists provided pursuant to Rule 23D will be allocated to the Lawyer Registration Office to defray registration costs.

Rule 11. Registration Deadline

A. Due Date. Each lawyer and judge, except retired, disabled, and military lawyers qualifying under Rules 7, 8, and 24, must pay the annual registration fee and file a completed Lawyer Registration Statement with the Lawyer Registration Office on or

before the first day of January, April, July, or October of each year, as assigned by the Lawyer Registration Office.

B. Late Penalty. A lawyer's or judge's failure to meet this deadline will result in the Lawyer Registration Office assessing a late penalty of \$75.

Rule 12. Notification of Fee Due

A. Notice. Approximately 30 days before the annual due date, the Lawyer Registration Office will issue a Lawyer Registration Statement to each lawyer then in good standing.

B. Method. The Lawyer Registration Office will use email as the preferred means of notice. Notices will be issued:

- (1) to the email address on file with the Lawyer Registration Office; or
- (2) if the lawyer or judge has no email address on file with the Lawyer Registration Office or has elected not to use the Online Registration System, to the lawyer's or judge's postal address on file with the Lawyer Registration Office.

C. Exception. The Lawyer Registration Office will not send an annual notice to any lawyer or judge who has filed a Retirement Affidavit or Disability Affidavit that remains effective.

D. Lawyer's Obligation. A lawyer's or judge's failure to receive a Lawyer Registration Statement or a notice of registration will not excuse a lawyer or judge from the obligation to pay all fees due and file a completed Lawyer Registration Statement on or before the due date.

Rule 13. Obligation to Notify of Change in Postal or Email Address

A. Email Address. Each lawyer or judge who uses the Online Registration System must immediately update the online registration profile to reflect any change of email address.

B. Postal Address. Each lawyer or judge who does not use the Online Registration System must immediately notify the Lawyer Registration Office in writing of any change of postal address.

Rule 14. Failure to Comply; Noncompliant Status; Administrative Suspension

A. Noncompliant Status: Suspension. The Lawyer Registration Office will place on noncompliant status any lawyer or judge who fails to meet all of the criteria to be on active or inactive status by the first day of the month following the due date established

by Rule 11A. Once placed on noncompliant status, a lawyer's or judge's right to practice law in this state is automatically suspended.

B. Prohibited Conduct. A lawyer or judge on noncompliant status must not practice law in this state and must not hold out himself or herself as authorized to practice law, nor in any manner state or imply that he or she is qualified or authorized to practice law while on noncompliant status. A lawyer or judge who violates this rule is subject to all the penalties and remedies provided by law for the unauthorized practice of law in the State of Minnesota.

Rule 15. Duty to Prohibit Unauthorized Practice

A judge must prohibit persons who are not authorized to practice law from appearing and practicing law in the judge's court.

Rule 16. Reinstatement

A. Requirements. To be reinstated to active status or inactive status, a lawyer or judge who is on noncompliant status must take each of the following actions:

- (1) notify the Lawyer Registration Office that the lawyer or judge intends to seek reinstatement;
- (2) file a completed Lawyer Registration Statement with the Lawyer Registration Office;
- (3) pay all delinquent registration fees for each of the six years prior to the year in which the lawyer or judge seeks reinstatement;
- (4) pay the applicable registration fee for the current year;
- (5) pay the late penalty required by Rule 11B;
- (6) pay a reinstatement fee of \$100;
- (7) be in compliance with all CLE requirements;
- (8) comply with Rule 1.15 and Appendix 1 of the Minnesota Rules of Professional Conduct regarding trust accounts; and
- (9) comply with Rule 22 of these Rules.

B. Transfer. Upon verification that the requirements of this rule have been met, the Lawyer Registration Office will transfer the lawyer or judge to active or inactive status.

Rule 17. Waivers

The Lawyer Registration Office may, in hardship cases, reduce or waive payment of delinquent lawyer registration fees, late penalties, and reinstatement fees.

Rule 18. License Card; Certificate of Minnesota Lawyer Registration

A. Active Status. Upon receipt of all fees due under these Rules and a completed Lawyer Registration Statement, the Lawyer Registration Office will issue to each active status lawyer or judge a license card in a form provided by the Court, displaying the name, license number and status of the lawyer or judge.

B. Inactive Status. Upon receipt of all fees due under these Rules and a completed Lawyer Registration Statement, the Lawyer Registration Office will issue to each inactive status lawyer or judge, in the year the lawyer or judge elects or is placed on such status, a Certificate of Minnesota Lawyer Registration for Inactive Status.

Rule 19. Certificate of Good Standing

Upon payment of a fee of \$50, the Lawyer Registration Office will provide to any lawyer or judge who is on active or inactive status a certificate of good standing.

Rule 20. Special Fund

The Lawyer Registration Office shall deposit all funds collected pursuant to these Rules or from applicants for admission to the bar into a special fund, as desired by the Court, and funds shall be disbursed therefrom only upon vouchers signed by a member of the Court or a representative of State Court Administration to whom the Court has delegated its authority to sign for purpose of this rule.

Rule 21. Nonresident Counsel

Nothing herein will prevent any court in this state from granting special permission to nonresident counsel to appear and participate in a particular action or proceeding in association with an active status lawyer.

Rule 22. Annual Reporting of Professional Liability Insurance Coverage

A. Annual Certification. Each lawyer on active status must certify the following on the Lawyer Registration Statement:

- (1) whether the lawyer represents private clients;
- (2) if the lawyer represents private clients, whether the lawyer is currently covered by professional liability insurance; and
- (3) if the lawyer is covered by professional liability insurance, the name of the primary carrier.

B. Coverage Change. Each lawyer on active status must notify the Lawyer Registration Office by letter or through the Online Registration System within 30 days if the professional liability insurance coverage: (1) lapses, (2) terminates, or (3) is no longer in effect for any reason, unless the coverage is renewed or replaced without substantial interruption.

Rule 23. Access to Lawyer Registration Records

A. Exclusivity. Lawyer registration records are accessible only as provided in this rule.

B. Public Inquiry Concerning Specific Lawyer. Upon inquiry, the Lawyer Registration Office will disclose to any member of the public the name, postal address, admission date, continuing legal education category, current status, professional liability insurance coverage information submitted under Rule 22, and license number of the registered lawyer or judge, provided that each inquiry is limited to a single lawyer or judge.

C. Publicly Available List. The Lawyer Registration Office will, upon request, disclose to any member of the public a list containing the names, cities, and zip codes of all lawyers and judges.

D. Lists Available to Continuing Legal Education Providers and the Courts. Upon written request and payment of \$200, the Lawyer Registration Office will issue to any bona fide continuing legal education provider a complete list of the names, postal addresses, admission dates, continuing legal education categories, current statuses, and license numbers of all lawyers and judges. The Lawyer Registration Office may also disclose the same information to courts and judicial districts to provide postal addresses of lawyers and judges for a judicial evaluation program.

E. Client Trust Account Information. The Lawyer Registration Office must not disclose to the public any client trust account information submitted by lawyers and judges as part of the lawyer registration process.

F. Use in Case Management Systems. Lawyer registration records may be imported into case management systems for the purpose of linking lawyers to cases and storing accurate identification information. When imported into a case management system, lawyer registration records may thereafter be disclosed in connection with corresponding case information, provided that bulk distribution of such records complies with Rule 23C of these Rules.

G. Demographic Information. Demographic information collected from lawyers and judges on the Lawyer Registration Statement is not accessible to the public. The Lawyer Registration Office may publish aggregate demographic information consistent with Court guidelines for publication of aggregate data.

Rule 24. Exemption for Certain Military Personnel

A. Exemption. The Lawyer Registration Office will not require the payment of the annual registration fee or the filing of a Lawyer Registration Statement by any lawyer or judge who has been ordered into active military service or is outside of the United States and engaged in employment essential to the prosecution of a war or to the national defense, as defined by Minnesota Statute § 326.56.

B. Expiration. A lawyer or judge who no longer qualifies for exemption under this rule must promptly comply with the requirements of active or inactive status, file a completed Lawyer Registration Statement with the Lawyer Registration Office, and pay the annual registration fee.

Minnesota Rules of Professional Conduct

* * *

Rule 1.15 Safekeeping Property

* * *

(i) Every lawyer subject to paragraph (h) shall certify, in connection with the annual renewal of the lawyer's registration and in such form as the ~~Clerk of the Appellate Court~~ Lawyer Registration Office may prescribe, that the lawyer or the lawyer's law firm maintains books and records as required by paragraph (h). The Lawyers Professional Responsibility Board shall publish annually the books and records required by paragraph (h).

* * *

Rules of the State Board of Continuing Legal Education

* * *

Rule 2. Definitions

In these Rules,

* * *

- J. “Emeritus status” is the status of a lawyer who ~~has filed a Retirement Affidavit~~ is on retired status pursuant to Rule ~~2(C)(5)-7~~ of the Rules of the Supreme Court on Lawyer Registration, is not on involuntary restricted status, has submitted an Affidavit of Emeritus Status Appendix IV showing compliance with the requirements of CLE Rule 14, and is authorized by Rule 14 to provide pro bono legal representation to a pro bono client when referred by an approved legal services provider. Emeritus status lawyers remain on restricted status.

* * *

Rule 14. Emeritus Status

- A. **Qualification.** A lawyer who ~~has filed a Retirement Affidavit~~ is on retired status pursuant to Rule ~~2(C)(5)-7~~ of the Rules of the Supreme Court on Lawyer Registration and who has elected restricted status under the CLE Rules may elect emeritus status by complying with the requirements for emeritus status listed below.

* * *