

FILED

February 28, 2022

**OFFICE OF
APPELLATE COURTS**

STATE OF MINNESOTA

IN SUPREME COURT

ADM10-8002

**ORDER PROMULGATING AMENDMENTS
TO THE RULES OF THE SUPREME COURT
ON LAWYER REGISTRATION**

The Minnesota State Board of Continuing Legal Education (Board), which oversees the functions of the Lawyer Registration Office, including the administration of the rules for that office, filed a petition on September 1, 2021, proposing amendments to the Rules of the Supreme Court on Lawyer Registration. The proposed amendments would clarify the data that is publicly available regarding a lawyer registered under the rules, simplify the fee statuses displayed on the public registration system, and raise the income threshold for reduced registration fees. The Board's petition also requested that we ratify proposed changes to the demographic questions on the Lawyer Registration Statement. We opened a public comment period on the petition. A comment from the Minnesota State Bar Association (MSBA) was received in support of the petition's proposals, and none were received voicing any objection or opposition. We considered the proposed amendments and request for ratification after reviewing the MSBA's comment.

We agree with the Board as to the benefit of clarifying the lawyer information that is publicly available by amending Rule 23(B) to specify the statuses that are viewable on the public registration system, including authorization to practice law, disciplinary status, and good standing. Further, the designation of a lawyer's status as active or inactive

appropriately serves the public's interest without additional detail as to whether the attorney has selected the disabled or low-income category. The table reproduced below, which the Board included in its petition, shows the changes in how lawyers' fee status information will be provided to the public under new Rule 23(B)(12):

<u>Fee Statuses Displayed Pre-Amendment</u>	<u>New Rule 23(B)(12)</u>
<i>Active:</i>	
1. Practicing 3 Years or More	Active
2. Practicing 3 Years or Less	
3. Practicing Income < \$25,000	
4. Military (On Duty)	No change
<i>Inactive:</i>	
1. General Inactive	Inactive
2. Inactive Income < \$25,000	
3. Disabled	
4. Retired – Fee Exempt	Retired
<i>Other:</i>	
1. Resigned	No change
2. Deceased	
3. Suspended for Non-Payment of Fees	Noncompliant Status – Non-Payment of Fees

We also agree with the Board's proposal to amend Rules 5(B) and 6(B) to increase the income threshold for paying a reduced annual registration fee from \$25,000 to \$50,000. The \$25,000 threshold has remained unchanged since it was first established in 1997. Inflation's impact on the economy over the past 25 years supports raising the income threshold to \$50,000.

Finally, we ratify the changes to the demographic categories on the Lawyer Registration Statement, with modifications, based upon our review of the Board's petition, the MSBA's comments, and demographic categories used within the judicial branch. We commend the Board for continuing to monitor its demographic categories, its

responsiveness to raised concerns, consideration of the categories used by the American Bar Association and U.S. Census, and consultation with bar associations representing members most impacted by the demographic categories.

IT IS HEREBY ORDERED THAT:

1. The petition of the Minnesota State Board of Continuing Legal Education is granted. The Rules of the Supreme Court on Lawyer Registration are amended as shown in the attachment to this order. The amendments are effective as of July 1, 2022, and the rules, as amended, are prescribed and promulgated to be effective for Lawyer Registration Statements that are due to be filed or are filed on or after October 1, 2022.

2. The proposed changes to the demographic categories on the Lawyer Registration Statement are ratified, as modified below:

- a. With respect to the gender question on the registration statement, that an option of "Gender Not Listed" be added to the current categories of "Male," "Female," and "Choose Not to Answer."
- b. With respect to the race/ethnicity question on the registration statement, that the term "Caucasian" be removed from the category "White/Caucasian."

Dated: February 28, 2022

BY THE COURT:



Margaret H. Chutich
Associate Justice

RULES OF THE SUPREME COURT ON LAWYER REGISTRATION

[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 5. Active Status Fees

B. Income Less Than ~~\$50,000~~ \$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 ~~\$50,000~~ \$25,000 per year must pay an annual registration fee of \$227.

Rule 6. Inactive Status Fees

B. Income Less Than ~~\$50,000~~ \$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 ~~\$50,000~~ \$25,000 per year must pay an annual registration fee of \$182 to remain in good standing as an inactive Minnesota lawyer.

Rule 23. Access to Lawyer Registration Records

~~**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.~~

B. Public Inquiry Concerning Specific Lawyer. Upon inquiry, provided that each inquiry is limited to a single lawyer or judge, the Lawyer Registration Office will disclose to any member of the public the registered lawyer or judge's:

- (1) name;
- (2) postal address;
- (3) admission date;
- (4) license number;
- (5) authorization to practice law in Minnesota;
- (6) continuing legal education category;

- (7) disciplinary status;
- (8) good standing status;
- (9) last payment date;
- (10) next due date;
- (11) professional liability insurance coverage information submitted under Rule 22; and
- (12) classification in one of the following status categories: Active, Inactive, Military (On Duty), Retired, Resigned, Deceased, or Noncompliant Status – Non-Payment of Fees.