

STATE OF MINNESOTA
IN SUPREME COURT
C5-84-2139

AMENDED ORDER PROMULGATING
RULES FOR ADMISSION TO THE BAR

WHEREAS, by Order dated August 18, 1998, this Court consolidated, edited and reorganized the Rules of the Minnesota Supreme Court and State Board of Law Examiners for Admission to the Bar into a single set of Rules for Admission to the Bar, effective August 18, 1998; and

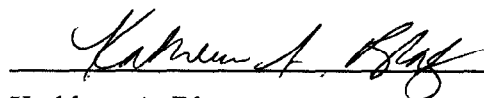
WHEREAS, it has come to the attention of the Court that inadvertent errors were made in the Rules for Admission to the Bar;

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The Order dated August 18, 1998, is rescinded.
2. The Rules of the Minnesota Supreme Court and State Board of Law Examiners for Admission to the Bar are repealed retroactive to August 18, 1998.
3. Except as otherwise provided in the attached Rule 6(E)(2) with respect to the Performance Test which commences with the February 2001 bar examination, the attached Rules For Admission to the Bar are adopted retroactive to August 18, 1998.
4. Upon receiving a request for access by the public to past minutes of Board meetings, the Director of the Board of Law Examiners shall respond as promptly as practical and shall explain to the person making the request the estimated time for complying with the response.

Dated: Aug 26, 1998

By the Court



Kathleen A. Blatz
Chief Justice

OFFICE OF
APPELLATE COURTS

AUG 26 1998

FILED

TABLE OF CONTENTS

1. Purpose
2. Definitions
3. State Board of Law Examiners
 - A. Composition
 - B. Authority
 - C. Board Meetings
4. General Requirements for Admission
 - A. Eligibility for Admission
 - B. Residency
 - C. Application for Admission
 - D. Required Cooperation
5. Standards for Admission
 - A. Essential Eligibility Requirements
 - B. Character and Fitness Standards and Investigation
 - (1) Purpose
 - (2) Burden of Proof
 - (3) Relevant Conduct
 - (4) Considerations
 - (5) Continuing Obligation
 - (6) Determination
 - (7) Advisory Opinions
6. Admission by Examination
 - A. Dates of Examinations
 - B. Timely Filing Deadlines
 - C. Late Filing Deadlines
 - D. Denial of Opportunity to Test
 - E. Scope of Examination
 - F. Testing Accommodations
 - G. Examination Results
 - H. Failing Examination Results
 - I. Stale Examination Scores
7. Admission Without Examination
 - A. Eligibility by Practice
 - B. Eligibility by Test Score
 - C. No Waiver of Time Requirements
 - D. Eligibility After Unsuccessful Examination

- E. Ineligibility for Admission Without Examination
- 8. Temporary License for Legal Services Programs
 - A. Eligibility
 - B. Filing
 - C. Certification of Applicant's Good Character and Fitness
 - D. Limitation
 - E. Duration and Revocation
 - F. Credit for Admission Without Examination
- 9. Temporary License for In-House Counsel
 - A. Eligibility
 - B. Requirements
 - C. Certification of Applicant's Good Character and Fitness
 - D. Limitation
 - E. Duration and Revocation
- 10. License for Foreign Legal Consultants
 - A. Eligibility
 - B. Requirements
 - C. Applications
 - D. Investigation
 - E. Scope of Practice
 - F. Disciplinary Provisions
 - G. Annual Certification and Renewal Fees
- 11. Fees
 - A. General
 - B. Fee for Examination, Not Previously Admitted
 - C. Fee for Examination, Prior Admission
 - D. Repeat Examinations
 - E. Fee for Admission Without Examination
 - F. Fee for Temporary License for Legal Services Practice
 - G. Transfer of Rule 8 Application to Rule 6 or Rule 7 Application
 - H. Refunds of Fees
 - I. Carry-over of Fees
 - J. Transfer of Examination Scores
 - K. Copies of Examination Answers
 - L. Other Fees
 - M. Fees for Advisory Opinions
- 12. Immunity
 - A. Immunity of the Board
 - B. Immunity of Persons or Entities Providing Information

13. Information Disclosure
 - A. Application File
 - B. Work Product
 - C. Examination Data
 - D. Release of Information to Other Agencies
 - E. Referrals
 - F. Confidentiality

14. Adverse Determinations and Hearings
 - A. Adverse Determination
 - B. Request for Hearing
 - C. Scheduling of Hearing
 - D. Proceedings
 - E. Pre-Hearing Conference
 - F. Subpoenas
 - G. Continuances
 - H. Final Decision

15. Appeal to the Supreme Court
 - A. Petition for Review
 - B. Board Response

16. Reapplication after Denial

17. Bar Admissions Advisory Council
 - A. Creation
 - B. Meetings
 - C. Expenses

Rule 1. Purpose

The Board of Law Examiners is established to ensure that those who are admitted to the bar have the necessary competence and character to justify the trust and confidence that clients, the public, the legal system, and the legal profession place in attorneys.

Rule 2. Definitions

As used in these Rules:

- A. "Board" means the Minnesota State Board of Law Examiners.
- B. "Court" means the Minnesota Supreme Court.
- C. "Director" means the staff director for the Board.
- D. "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.
- E. Deadlines and due dates specified under these Rules shall be taken to mean no later than 4:30 p.m. on the date stated; if the date falls on Saturday, Sunday, or a legal holiday, the deadline shall be the first working day thereafter. Postmarks dated on the due date will be accepted.
- F. "Approved law school" means a law school provisionally or fully approved by the American Bar Association.
- G. "Legal services program" means a program existing primarily for the purpose of providing legal assistance to indigent persons in civil or criminal matters.
- H. "Notify" or "give notice" means to mail or deliver a document to the last known address of the applicant or the applicant's attorney. Notice is complete upon mailing, but extends the applicant's period to respond by 3 days.

Rule 3. State Board of Law Examiners

- A. Composition.** The State Board of Law Examiners shall consist of nine members, two of whom shall be public members, each appointed by the Supreme Court for a term of three years or until a successor is appointed and qualifies. With the exception of the President, Board members may serve no more than three successive three-year terms. The terms of

office may be staggered by the Court by any method it deems appropriate. The Court shall select a President and the Board shall select a secretary from among its members.

B. Authority. The Board is authorized:

- (1) Subject to the approval of the Court, to employ a Director on a full-time or part-time basis, to prescribe duties, and to fix compensation;
- (2) To secure examination questions and other testing instruments that the Board finds valid and reliable in measuring the competence of applicants to practice law, and to pay reasonable compensation for them;
- (3) To employ examination graders;
- (4) To establish a minimum passing score for the examinations;
- (5) To conduct investigations of applicant background as may be reasonably related to fitness to practice or eligibility under the Rules, and to require applicants to pay the costs of the investigations;
- (6) To administer these Rules and adopt policies and procedures consistent with these Rules;
- (7) To delegate to its President and Director authority to make necessary determinations to implement the Board's policies and procedures and these Rules;
- (8) To prepare and disseminate information to prospective applicants and the public about procedures and standards for admission to practice law in this state.

C. Board Meetings. Board meetings are open to the public except when the Board is considering the following:

- (1) examination materials;
- (2) any information concerning an applicant or potential applicant;
- (3) personnel matters;
- (4) any information which is confidential or private under Rule 13;
- (5) legal advice from its counsel.

Minutes of the public portions of Board meetings are available upon request from the Board office.

Rule 4. General Requirements for Admission

RULES FOR ADMISSION TO THE BAR 8/18/98

A. Eligibility for Admission. An applicant is eligible for admission to practice law upon establishing to the satisfaction of the Board:

- (1) Age of at least 18 years;
- (2) Good character and fitness as defined by these Rules;
- (3) Graduation with a J.D. or LL.B. degree from a law school which is provisionally or fully approved by the American Bar Association;
- (4) Passing score on a written examination or qualification under Rule 7(A) or (B);
- (5) A scaled score of 85 or higher on the Multistate Professional Responsibility Examination; and
- (6) Not currently suspended or disbarred from the practice of law in another jurisdiction.

B. Residency. Prior to admission an applicant must be a resident of this state or maintain an office in this state or designate the Clerk of the Appellate Courts as agent for the service of process for all purposes.

C. Application for Admission

(1) **Complete Application.** An applicant for admission shall file at the office of the Board an application on a form prescribed by the Board. To be accepted for filing, an application must include:

- (a) The proper fee as indicated in Rule 11;
- (b) Notarized affidavits of two persons unrelated to the applicant by blood or marriage and not fellow law students during the applicant's enrollment, who have known the applicant for at least one year, setting forth the duration of time and the circumstances under which they have known the applicant, details respecting the applicant's character and general reputation and other such information which bears on the applicant's fitness to practice law;
- (c) A notarized authorization for release of information on a form prescribed by the Board;
- (d) For applicants seeking admission by examination, a passport-style photo.

(2) **Certificate of Graduation.** An applicant for admission by examination must also file or cause to be filed at least 30 days prior to the examination a certificate from an approved law school stating that the applicant has graduated, or stating that the applicant has

RULES FOR ADMISSION TO THE BAR 8/18/98

fulfilled all requirements for graduation and will be graduated within 120 days following the examination for which the applicant has filed.

- (3) **Additional Filing When Admitted Elsewhere.** An applicant who has been admitted to practice in another jurisdiction shall also file or cause to be filed at the time of the application:
 - (a) A certified copy of the application for admission to the Bar in each jurisdiction in which the applicant has previously been admitted to the practice of law;
 - (b) A certification showing the date of admission to the bar in each other jurisdiction;
 - (c) A certification from the proper authority in each jurisdiction stating that the applicant is in good standing, and indicating whether the applicant is the subject of a pending complaint or charge of misconduct.
- (4) **Professional Responsibility Test Scores.** An applicant may file an application without having taken the Multistate Professional Responsibility Examination; however, within 12 months after filing the application, the applicant shall submit a score report showing a scaled score of 85 or higher on the Multistate Professional Responsibility Examination.
- (5) **Repeat Examinee.** An applicant who has been unsuccessful on a prior Minnesota Bar Examination may reapply by submitting:
 - (a) A new application for admission pursuant to Rule 4 (C)(1);
 - (b) The proper fee under Rule 11;
 - (c) A notarized authorization for release of information on a form prescribed by the Board;
 - (d) A passport-style photo;
 - (e) If the original application is more than two years old, new affidavits as described in Rule 4 (C)(1)(b) of these Rules.
- (6) **Incomplete Application.** An application determined to be incomplete shall be returned to the applicant.
- (7) **Withdrawal of Application.** An applicant may withdraw the application at any time prior to the issuance of an adverse determination.
- (8) **Strict Enforcement of Time Requirements.** The time requirements set forth in these Rules shall be strictly enforced.

D. Required Cooperation.

- (1) An applicant has the duty to cooperate with the Board and the Director by timely complying with requests, including requests to:
 - (a) Provide complete information, documents and signed authorizations for release of information;
 - (b) Obtain reports or other information necessary for the Board to properly evaluate the applicant's fitness to practice;
 - (c) Appear for interviews to determine eligibility for admission or facilitate the background investigation.
- (2) An applicant shall not discourage a person from providing information to the Board or retaliate against a person for providing information to the Board;
- (3) An applicant who violates this rule may be denied an opportunity to test or may be denied admission.

Rule 5. Standards for Admission

A. Essential Eligibility Requirements. Applicants must meet the following essential eligibility requirements for the practice of law:

- (1) The ability to reason, recall complex factual information and integrate that information with complex legal theories;
- (2) The ability to communicate with clients, attorneys, courts, and others with a high degree of organization and clarity;
- (3) The ability to use good judgment on behalf of clients and in conducting one's professional business;
- (4) The ability to conduct oneself with respect for and in accordance with the law;
- (5) The ability to avoid acts which exhibit disregard for the rights or welfare of others;
- (6) The ability to comply with the requirements of the Rules of Professional Conduct, applicable state, local, and federal laws, regulations, statutes and any applicable order of a Court or tribunal;
- (7) The ability to act diligently and reliably in fulfilling one's obligations to clients, attorneys, courts, and others;

- (8) The ability to use honesty and good judgment in financial dealings on behalf of oneself, clients, and others; and
- (9) The ability to comply with deadlines and time constraints.

B. Character and Fitness Standards and Investigation.

- (1) **Purpose.** The purpose of character and fitness investigation before admission to the Bar is to assure the protection of the public and to safeguard the justice system.
- (2) **Burden of Proof.** The applicant bears the burden of proving good character in support of the application.
- (3) **Relevant Conduct.** The revelation or discovery of any of the following shall be treated as cause for further inquiry before the Board determines whether the applicant possesses the character and fitness to practice law:
 - (a) unlawful conduct;
 - (b) academic misconduct;
 - (c) misconduct in employment;
 - (d) acts involving dishonesty, fraud, deceit or misrepresentation;
 - (e) acts which demonstrate disregard for the rights or welfare of others;
 - (f) abuse of legal process, including the filing of vexatious or frivolous lawsuits;
 - (g) neglect of financial responsibilities;
 - (h) neglect of professional obligations;
 - (i) violation of an order of a court, including child support orders;
 - (j) conduct that evidences current mental or emotional instability that may impair the ability to practice law;
 - (k) conduct that evidences current drug or alcohol dependence or abuse that may impair the ability to practice law;
 - (l) denial of admission to the Bar in another jurisdiction on character and fitness grounds;
 - (m) disciplinary action by a lawyer disciplinary agency or other professional disciplinary agency of any jurisdiction;
 - (n) making of false statements, including omissions, on bar applications in this state or any other jurisdiction.

- (4) **Considerations.** The Board shall determine whether the present character and fitness of an applicant qualifies the applicant for admission. In making this determination, the following factors should be considered in assigning weight and significance to prior conduct:
- (a) the applicant's age at the time of the conduct;
 - (b) the recency of the conduct;
 - (c) the reliability of the information concerning the conduct;
 - (d) the seriousness of the conduct;
 - (e) the factors underlying the conduct;
 - (f) the cumulative effect of the conduct or information;
 - (g) the evidence of rehabilitation;
 - (h) the applicant's positive social contributions since the conduct;
 - (i) the applicant's candor in the admissions process;
 - (j) the materiality of any omissions or misrepresentations.
- (5) **Continuing Obligation.** The applicant has a continuing obligation to update the application with respect to all matters inquired of on the application. This obligation continues during the pendency of the application, including the period when the matter is on appeal to the Board or the Court.
- (6) **Determination.** A character and fitness determination shall be made with respect to each applicant who is a successful examinee or who is qualified by practice for admission under these Rules. An adverse determination on character and fitness grounds may be appealed under Rule 14.
- (7) **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 the following:
 - (1) A completed application for admission;
 - (2) A fee in the amount required under Rule 11;
 - (3) Two notarized affidavits as required by Rule 4(C)(1)(b);
 - (4) An authorization for release of information as required by Rule 4(C)(1)(c)
 - (b) Advisory opinions will not be binding on the Board.

Rule 6. Admission by Examination

- A. Dates of Examinations.** Examinations shall be held the last Tuesday and Wednesday of the months of February and July each year, at a place to be determined by the Board.
- B. Timely Filing Deadlines.** An application for admission by examination shall be filed in the office of the Board by October 15 for the February examination, or by March 15 for the July examination.
- C. Late Filing Deadlines.** Late applications will be accepted on or before December 1 for the February examination, or on or before May 1 for the July examination but must be accompanied by the late filing fee pursuant to Rule 10. No applications shall be accepted after the late filing deadline.
- D. Denial of Opportunity to Test.** An applicant may be denied permission to take an examination:
- (1) If the applicant has failed to comply with the requirements of Rule 4 (C);
 - (2) If the Board has determined the applicant has not satisfied the good character and fitness requirement of Rule 4(A)(2).
- E. Scope of Examination.** The Minnesota Bar Examination shall consist of the following:
- (1) **Essay and Multiple Choice.** Essay questions and multiple choice questions on any combination of the following subjects:
 - Administrative Law
 - Civil Procedure
 - Constitutional Law
 - Contracts
 - Criminal Law and Procedure
 - Ethics and Professional Responsibility
 - Evidence
 - Family Law
 - Federal Individual Income Taxation
 - Partnership, Proprietorship, and Corporations
 - Real Property

Torts

Uniform Commercial Code, Art. 1, 2

Wills, Estates and Trusts; and

(2) **Performance Test.** Commencing with the February 2001 examination, one or more questions to test the applicant's ability to perform a lawyering task using legal and factual materials provided.

F. Testing Accommodations. An applicant whose disability requires testing accommodations shall submit with the application a written request pursuant to the Board's testing accommodations policy and shall describe:

(1) The type of accommodation requested;

(2) The reasons for the requested accommodation, including medical documentation in a format set forth in the policy referenced above.

The Board shall notify the applicant of its decision. A denial or modification of a request for testing accommodations constitutes an adverse determination of the Board and may be appealed pursuant to Rule 14.

G. Examination Results. The results of the examination shall be released to examinees by regular mail to the address listed in the files of the Board, and successful examination numbers will be posted at the Court and at each Minnesota law school. The date of the release shall be announced at the examination.

H. Failing Examination Scores. A failing score on the bar examination represents a final decision of the Board and does not afford the applicant the appeal and hearing rights set forth in Rule 14.

I. Stale Examination Scores. A passing score on the Minnesota bar examination is valid for 24 months from the date of the examination. Applicants must be admitted within 24 months of the examination.

Rule 7. Admission Without Examination

A. Eligibility by Practice. An applicant may be eligible for admission without examination if the applicant otherwise qualifies for admission under Rule 4, has been licensed to practice in the highest court of another jurisdiction, and as principal occupation has been actively and

lawfully engaged in the practice of law in that jurisdiction or pursuant to that license for at least five of the seven years immediately preceding the application. Practice of law may include:

- (1) Legal service as a sole practitioner or as a member of a law firm, professional corporation or association;
- (2) Judicial service in a court of record or other legal service with any local or state government or with the federal government including services as a member of the Judge Advocate General's Department of one of the military branches of the United States;
- (3) Legal service as inside counsel for a corporation, agency, association or trust department;
- (4) Teaching full-time in any approved law school.

B. Eligibility by Test Score. An applicant may be eligible for admission without examination under Rule 4(A)(4) if the applicant has received a scaled score of 145 or above on the Multistate Bar Examination taken as a part of and at the same time as the essay or other part of a written bar examination given by another jurisdiction, was successful on that bar examination and subsequently admitted in that jurisdiction. Evidence of the score and a completed application must be received at the office of the Board within 24 months of the date of the examination that is being used as the basis for the admission.

C. No Waiver of Time Requirements. The minimum time requirements and the timely filing requirements of this Rule shall be strictly enforced.

D. Eligibility After Unsuccessful Examination. An applicant may be eligible for admission without examination under this Rule notwithstanding a prior failure on the Minnesota Bar Examination.

E. Ineligibility for Admission Without Examination. Any person who holds himself or herself out as a licensed Minnesota attorney or attempts to engage in the practice of law in Minnesota without first obtaining a license under these Rules is ineligible for admission without examination.

Rule 8. Temporary License for Legal Services Programs

RULES FOR ADMISSION TO THE BAR 8/18/98

- A. Eligibility.** An attorney licensed in another state, or the District of Columbia, may apply for and obtain a temporary license to practice law in Minnesota when the applicant has accepted employment in Minnesota as an attorney for a legal services program.
- B. Filing.** In order to qualify for the license, the attorney must comply with the requirements of Rule 4(A)(1), (2), (3) and (6) and must file with the Board, the following:
- (1) A completed application for temporary license to practice law in Minnesota for a legal services program;
 - (2) A certificate of the highest court of the state of licensure certifying that the attorney is in good standing and that no charges of professional misconduct are pending;
 - (3) An affidavit from the applicant's employer attesting to his/her knowledge of the applicant's competence and good character, and the fact that the applicant has accepted employment as an attorney for a legal services program in Minnesota and will be supervised by a licensed Minnesota attorney;
 - (4) Two additional affidavits of character as prescribed by Rule 4(C)(1), and a fee consistent with Rule 11(F) of these Rules.
- C. Certification of Applicant's Good Character and Fitness.** The office of the Board shall conduct an expedited character and fitness investigation and certify the applicant's good character and fitness prior to issuance of a license under this Rule.
- D. Limitation.** A license granted pursuant to this Rule shall authorize the attorney to practice solely on behalf of the indigent clients of the designated legal services program.
- E. Duration and Revocation.** This temporary license shall be valid for a period of no more than 15 months from the date of issuance. Upon notice to the Clerk of the Appellate Courts, the Board shall have authority to revoke a temporary license issued pursuant to this Rule upon the occurrence of any of the following:
- (1) The holder's admission to practice law in Minnesota pursuant to Rule 6 (Admission by Examination), Rule 7(A) (Eligibility by Practice) or 7(B) (Eligibility by Test Score);
 - (2) Termination of the holder's employment with the employer referred to in Rule 7(B)(3);
 - (3) The lapse of 15 months from the date of issuance;
 - (4) The holder's failing the Minnesota Bar Examination; or

(5) Issuance by the Board of an adverse determination relative to the applicant's character and fitness.

F. Credit for Admission Without Examination. Time in the practice of law in the State of Minnesota under this temporary license may be counted toward the applicant's eligibility for admission without examination under Rule 7(A).

Rule 9. Temporary License for In-House Counsel

A. Eligibility. An attorney licensed in another state or the District of Columbia may apply for and obtain a temporary license to practice law in Minnesota when the applicant is employed in Minnesota as an attorney solely for a single corporation (or its subsidiaries), association, business or governmental entity whose lawful business consists of activities other than the practice of law or the provision of legal services.

B. Requirements. In order to qualify for the license, the attorney must file with the Board of Law Examiners the following:

- (1) A completed application for license to practice law in Minnesota;
- (2) A certificate of the highest court of the state of licensure certifying that the attorney is in good standing and that no charges of professional misconduct are pending;
- (3) An affidavit from an officer, director or general counsel of applicant's employer or parent company employer attesting to the fact that applicant is employed as an attorney solely for said employer, that applicant is an individual of good character, and that the nature of the employment meets the requirements of section A of this Rule;
- (4) An affidavit of applicant attesting to applicant's full-time practice of law for at least five of the previous seven years;
- (5) A fee consistent with Rule 11(E).

C. Certification of the Applicant's Good Character and Fitness. An expedited character and fitness investigation will be conducted and the Director's initial certification of the applicant's good character and fitness made before issuance of a license pursuant to this Rule.

D. Limitation. A license granted pursuant to this Rule shall authorize the attorney to practice solely for the designated employer.

E. Duration and Revocation. This Temporary License shall be valid for a period of no more than twelve months from the date of issuance. Upon notice to the Clerk of Appellate Courts, the Board shall have authority to revoke a temporary license issued pursuant to this Rule upon the occurrence of any of the following:

- (1) The holder's admission to practice law in Minnesota pursuant to Rule 6 (Admission by Examination), Rule 7(A) (Eligibility by Practice) or Rule 7(B) (Eligibility by Examination Score);
- (2) Termination of holder's employment with the employer referenced in Rule 9(B)(3);
- (3) Issuance of an adverse determination pursuant to Rule 14(A).

Rule 10. License For Foreign Legal Consultants

A. Eligibility. A person who is admitted to practice in a foreign country as an attorney or counselor at law may apply for, and at the discretion of the Board of Law Examiners, may obtain a license to render services as a foreign legal consultant in the State of Minnesota, without examination, subject to the limitations set forth in this Rule.

B. Requirements. In order to qualify for the license the applicant must:

- (1) have been admitted to practice in a foreign country as an attorney or counselor at law or the equivalent; and
- (2) as principal occupation, have been engaged in the practice of law of that country in that country for at least five of the seven years immediately preceding the application; and
- (3) be in current good standing as an attorney or counselor at law or the equivalent in that country, and have remained in good standing throughout the period of his/her practice; and
- (4) possess the good character and fitness required for admission to practice in this state; and
- (5) be at least 24 years of age; and
- (6) maintain an office in the state of Minnesota for the rendering of services as a foreign legal consultant.

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

RULES FOR ADMISSION TO THE BAR 8/18/98

- (1) a sworn and notarized typewritten Application for Foreign Legal Consultant License;
- (2) a duly authenticated certificate from the authority having final jurisdiction over professional discipline in the foreign country in which the applicant is admitted to practice, which shall be accompanied by the official seal, if any, of such authority, and which shall certify:
 - (a) the authority's jurisdiction in such matters;
 - (b) the applicant's admission to practice in such foreign country, the date of admission, and the applicant's good standing as an attorney or counselor at law or the equivalent in that jurisdiction;
- (3) a duly authenticated document from any foreign country or jurisdiction in which said consultant has been licensed as an attorney or as a foreign legal consultant indicating whether any charge or complaint has ever been filed against the applicant with such authority, if so, the substance of each such charge or complaint, and the adjudication or resolution of each such charge or complaint;
- (4) a letter or recommendation signed by, and accompanied with the official seal, if any, of one of the members of the executive body of such authority or from one of the judges of the highest court of law of such foreign country, certifying to the applicant's professional qualifications;
- (5) a summary of the law or rule, if any, of such foreign country which permits members of the bar of Minnesota to establish offices for the giving of legal advice to clients in such foreign country;
- (6) letters of recommendation from at least three attorneys or counselors at law or the equivalent admitted in and practicing in such foreign country, setting forth the length of time, and under what circumstances they have known the applicant and stating their appraisal of the applicant's good character and fitness for admission;
- (7) notarized letters of recommendation 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;

(8) such other evidence as to the applicant's educational and professional qualifications, good character and fitness and compliance with the requirements of this rule as the Minnesota Board of Law Examiners may require; and

(9) a fee in the amount of \$1,000, in the form of a certified check or money order.

D. Investigation. The Minnesota Board of Law Examiners shall conduct such investigation into the applicant's background and verification of supporting documents as the Board may deem appropriate or necessary in the circumstances.

E. Scope of Practice. A person licensed as a foreign legal consultant under this rule may render legal services in the State of Minnesota regarding the laws of the country in which such person is admitted to practice as an attorney, counselor at law or equivalent. The foreign legal consultant shall not, however, conduct any activity or render any services constituting the practice of the law of the United States, the State of Minnesota, or that of any other state, commonwealth or territory of the United States or the District of Columbia including, but not limited to, the restrictions that such person shall not:

(1) appear for another person as attorney in any court or before any magistrate or other judicial officer or before any federal, state, county or municipal governmental agency, quasi-judicial or quasi-governmental authority in the State of Minnesota, or prepare pleadings or any other papers in any action or proceedings brought in any such court or before any such judicial officer, except as authorized in any rule or procedure relating to admission pro hac vice, or pursuant to administrative rule;

(2) provide legal advice in connection with the preparation of any deed, mortgage, assignment, discharge, lease, agreement of sale or any other instrument affecting title to:

(a) real property located in the United States of America;

(b) personal property located in the United States of America, except where the instrument affecting title to such personal property is governed by the law of a jurisdiction in which the foreign legal consultant is admitted to practice as an attorney or counselor at law or the equivalent;

(3) prepare:

(a) any will or trust instrument affecting the disposition of any property located in the United States of America and owned by a resident thereof;

RULES FOR ADMISSION TO THE BAR 8/18/98

- (b) any instrument relating to the administration of a decedent's estate in the United States of America;
- (4) prepare any instrument in respect of the marital relations, rights or duties of a resident of the United States of America or the custody or care of the children of such a resident;
- (5) render professional legal advice on the law of the State of Minnesota or the United States of America or any other state, subdivision, commonwealth or territory of the United States of America or the District of Columbia (whether rendered incident to the preparation of a legal instrument or otherwise);
- (6) in any way represent that such person is admitted to the Bar of the State of Minnesota or is licensed as an attorney or foreign legal consultant in another state, territory or the District of Columbia, or as an attorney or counselor at law or the equivalent in a foreign country, unless so licensed;
- (7) use any title other than "Foreign Legal Consultant, Not Admitted to Practice Law in Minnesota", provided that such person's authorized title and firm name in the foreign country in which such person is admitted to practice as attorney or counselor at law or the equivalent may be used if the title, firm name, and the name of such foreign country are stated together with the above-mentioned designation;
- (8) render any legal services for a client without utilizing a written retainer agreement which shall specify in bold type that the foreign legal consultant is not admitted to practice law in the State of Minnesota, nor licensed to advise on the laws of the United States or the District of Columbia, and that the practice of the foreign legal consultant is limited to the laws of the foreign country where such person is admitted to practice as an attorney or counselor at law or the equivalent; or
- (9) hold any client funds or valuables without entering into a written retainer agreement which shall specify in bold type the name of a Minnesota licensed attorney in good standing who is also representing the particular client in the particular matter at hand.

F. Disciplinary Provisions.

- (1) A foreign legal consultant is expressly subject to the Minnesota Rules of Professional Conduct and to continuing review of qualifications to retain any license granted

RULES FOR ADMISSION TO THE BAR 8/18/98

hereunder, and shall be subject to the disciplinary jurisdiction of the Minnesota Office of Lawyers Professional Responsibility and the Minnesota Supreme Court.

- (2) Section 1 above shall not be construed to limit in any way concurrent disciplinary procedures to which the foreign legal consultant may be subject in the country of admission.
- (3) A foreign legal consultant shall execute and file with the Board of Law Examiners, in such form and manner as the court prescribes:
 - (a) a statement that the foreign legal consultant has read, understood, and made a commitment to observe the Minnesota Rules of Professional Conduct; and
 - (b) either:
 - (1) an undertaking or appropriate evidence of professional liability insurance, in such amount as the Minnesota Supreme Court may prescribe, to assure such foreign legal consultant's proper professional conduct and responsibility; or
 - (2) an appropriate undertaking in the amount of \$50,000.00 in the form of a bond, letter of credit or other financial guaranty instrument issued by a reputable financial institution based in, and authorized to do business in, the United States of America or any state therein for the purpose of assuring the foreign legal consultant's proper professional conduct and responsibility; and
 - (c) a duly acknowledged instrument in writing setting forth such foreign legal consultant's address within the State of Minnesota and designating the Clerk of the Appellate Courts as agent for the service of process for all purposes; and
 - (d) a commitment to notify the Minnesota Board of Law Examiners of any resignation or revocation of such foreign legal consultant's admission to practice in the foreign country of admission, or in any other state or jurisdiction in which the foreign legal consultant has been licensed as an attorney or counselor at law or equivalent or as a foreign legal consultant, or of any censure, suspension, or expulsion in respect of such admission.

G. Annual Certification and Renewal Fees.

- (1) A foreign legal consultant shall submit on a biennial basis to the Minnesota Board of Law Examiners:

RULES FOR ADMISSION TO THE BAR 8/18/98

- (a) a sworn statement attesting to his/her continued good standing as an attorney or counselor at law or equivalent in the foreign country in which he/she is admitted to practice;
 - (b) a fee in the amount of \$200.
- (2) The foreign legal consultant shall submit on an annual basis to the Minnesota Attorney Registration office an attorney registration fee equivalent to the renewal fees paid by Minnesota licensed attorneys pursuant to the Rules of the Supreme Court for Registration of Attorneys.

Rule 11. Fees

- A. General.** All application fees required under these rules shall be paid by certified check, money order or bank draft payable to the Board. All other fees and charges may be paid by personal check or money order. The applicable fee is determined as of the date of filing of a complete application under Rule 4.
- B. Fee for Examination, Not Previously Admitted.** An applicant taking the examination for the first time and filing on or before October 15 for the February examination, or on or before March 15 for the July examination, shall submit a fee of \$300. An application for the examination submitted after the timely filing date but on or before December 1 for the February examination, or on or before May 1 for the July examination, shall include a fee of \$450.
- C. Fee for Examination, Prior Admission.** An applicant licensed to practice in another jurisdiction more than six months prior to the date of the Minnesota examination and timely filing shall submit a fee of \$625. An application for examination submitted after the timely filing date but on or before December 1 for the February examination, or on or before May 1 for the July examination, shall include a fee of \$775. An applicant licensed to practice in another jurisdiction less than six months prior to the date of the Minnesota examination, shall comply with paragraph B of this Rule.
- D. Repeat Examinations.** An applicant who has previously been unsuccessful on the examination and filing on or before December 1 for the February examination, or on or

before May 1 for the July examination, shall include a fee of \$300 and comply with Rule 4(C)(5).

E. Fee for Admission Without Examination. An applicant for admission without examination shall submit a fee of \$625. An applicant for admission pursuant to Rule 9 shall submit a fee of \$825.

F. Fee for Temporary License for Legal Services Program Practice. A fee in the amount of \$50 must accompany an application for Temporary License pursuant to Rule 8. Payment of an additional fee, as required by Rule 11(B), will qualify applicants under Rule 6. Payment of an additional fee, as required by Rule 11(C), will qualify applicants under Rule 7(A) or 7(B).

G. Transfer of Rule 8 Application to Rule 6 or Rule 7 Application. Documents submitted in support of a Rule 8 (Temporary License for Legal Services Programs) application for license may, upon the written request of applicant, constitute application pursuant to Rule 6 (Admission by Examination) or Rule 7 (Admission Without Examination) of these Rules, provided additional fees required by Rule 11 are submitted.

H. Refunds of Fees. An applicant may request a refund in the amount of \$100 in the following circumstances:

- (1) If the applicant who advises the Board in writing at least four days prior to an examination of the applicant's desire to withdraw the application;
- (2) If the applicant was denied permission to take an examination for failure to provide a certificate of graduation required by Rule 4(C)(2)(a).

No other requests for refund will be granted.

I. Carry-over of Fees.

(1) **Ineligible Rule 7 Applicants.** The fee of an applicant declared ineligible under Rule 7 (Admission Without Examination) shall be applied to an examination held within the succeeding 15 months at the written request of the applicant received within 30 days of notice of the denial. No other transfers of fees, other than those provided for in the following paragraph, shall be granted.

(2) **Medical Emergencies.** An applicant who is unable to sit for the examination due to a medical emergency and who notifies the Board prior to the examination, may request

carry-over of the application fee to the next examination. Such requests must be made in writing and be accompanied by written documentation of the medical emergency.

- J. Transfer of Examination Scores.** A request for transfer of scores pursuant to Rule 6(H) shall include a fee of \$25. A score report may be obtained by submitting payment of \$25 to the National Conference of Bar Examiners.
- K. Copies of Examination Answers.** An unsuccessful applicant may request copies of the applicant's essay answers upon written request to the Board within 60 days of the release of the examination results and submission of a fee of \$15.
- L. Other Fees.** The Board may require an applicant to bear the expense of obtaining reports or other information necessary for the Board's investigation. The Board may charge reasonable fees for collection and publication of any information permitted to be released. For matters not covered in these Rules, the Director may set reasonable fees which reflect the administrative costs associated with the service.
- M. Fees for Advisory Opinions.** An application filed for the purpose of receiving an advisory opinion from the Board must be accompanied by a fee in the amount of \$100.

Rule 12. Immunity

- A. Immunity of the Board.** The Board and its members, employees, and agents are immune from civil liability for conduct and communications relating to their duties under these Rules or the Board's policies and procedures.
- B. Immunity of Persons or Entities Providing Information to the Board.** Any person or entity providing to the Board or its members, employees or agents, any information, statements of opinion, or documents regarding an applicant or potential applicant is immune from civil liability for such communications.

Rule 13. Information Disclosure

- A. Application File.** An applicant may review the contents of his or her application file with the exception of the work product of the Board and its staff. Such review must take place within two years after the filing of the last application for admission in Minnesota, at such times and under such conditions as the Board may provide.

B. Work Product. The Board's work product shall not be produced or otherwise discoverable, nor shall any member of the Board or its staff be subject to deposition or compelled testimony except upon a showing of extraordinary circumstance and compelling need and upon order of the Court. In any event, the mental impressions, conclusions, and opinions of the Board or its staff shall be protected and not subject to compelled disclosure.

C. Examination Data.

(1) **Statistics.** Statistical information relating to examinations and admissions may be released at the discretion of the Board.

(2) **Transferability of Examination Scores.** The Director may advise an examinee whether an examination score is sufficient under the rules of a jurisdiction, upon written request of the examinee, identifying by month and year the Minnesota examination taken, the exact name on the examination, and a copy of the rules of the jurisdiction in which the examinee is interested.

(3) **Disclosure of Examination Scores.** The scores of an examinee may be disclosed:

- (a) Upon written request of the examinee and payment of the fee under Rule 11(J), to the bar admission authority of a jurisdiction;
- (b) At the discretion of the Board, to the law school from which the examinee graduated;
- (c) To an unsuccessful examinee, the scores assigned to each of the various portions of the examination, and copies of answers to the essays pursuant to Rule 11(K).

D. Release of Information to Other Agencies. Information may be released to any authorized lawyer disciplinary agency, bar admissions authority or to persons or other entities in furtherance of the character and fitness investigation.

E. Referrals. Information relating to the misconduct of an applicant may be referred to the appropriate authority.

F. Confidentiality. Subject to the exceptions contained in Rule 3(C) and this rule, all other information contained in the files of the office of the Board is confidential and shall not be released to anyone other than the Court except upon order of the Court.

Rule 14. Adverse Determinations and Hearings

- A. Adverse Determination.** When an adverse determination relating to an applicant's character, fitness or eligibility is made by the Board, the Director shall notify the applicant of the determination, the reasons for the determination, the right to request a hearing, the right to be represented by counsel, and the right to present witnesses and evidence.
- B. Request for Hearing.** Within 20 days of notice of an adverse determination, the applicant may make a written request for a hearing. If the applicant does not timely request a hearing, the adverse determination becomes the final decision of the Board.
- C. Scheduling of Hearing.** The Board shall schedule a hearing upon receipt of the applicant's request for a hearing. At least 30 days prior to the hearing, the Board shall notify the applicant of the time and place.
- D. Proceedings.** In the discretion of the Board President, the hearing may be held before the full Board, before a sub-committee of the Board appointed by the President, or before a hearing examiner appointed by the President. The Board may employ special counsel. The hearing shall be recorded and a transcript shall be provided to the applicant on request at a reasonable cost.
- E. Pre-Hearing Conference.** The Board President or designee shall conduct a prehearing conference to address procedural issues. Unless the President or designee orders otherwise, Board counsel and the applicant shall exchange exhibit lists and the names and addresses of witnesses at least ten days before the hearing.
- F. Subpoenas.** Upon written authorization of the Board President or designee, the applicant and Board counsel may subpoena evidence and witnesses for the hearing. The District Court of Ramsey County shall issue subpoenas.
- G. Continuances.** A written request for a continuance of a scheduled hearing shall be heard by the Board President or designee, who shall grant such request only upon a showing of good cause.
- H. Final Decision.** Following the hearing, the Board shall notify the applicant of its findings of fact, conclusions of law and final decision.

Rule 15. Appeal to the Supreme Court

- A. Petition for Review.** Any applicant who is adversely affected by a final 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 applicant of a final decision of the Board together with proof of service of the petition on the Director of the Board. The petition shall briefly state the facts that form the basis for the complaint, and the applicant's reasons for believing the Court should review the decision.
- B. Board Response.** 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 directions, hold such hearings and make such order as it may in its discretion deem appropriate.

Rule 16. Reapplication After Denial

After expiration of the time for appeal allowed in Rule 14(B) or Rule 15(A), or after denial of petition by the Court, an applicant determined not to have satisfied the character and fitness requirement is prohibited from reapplying for admission to practice in Minnesota for three years from the date of the Board's adverse determination.

Rule 17. Bar Admissions Advisory Council

- A. Creation.** There shall be an Advisory Council consisting of representatives of the State Bar Association and of each of the Minnesota law schools to consult with the Board on matters of general policy concerning admissions to the Bar, amendments to the Rules and other matters related to the work of the Board.
- B. Meetings.** The Secretary of the Board shall call a joint meeting of the Advisory Council and the Board at least once each year. The Council shall meet at such other time as it may determine or when called by the Court or the Board.
- C. Expenses.** The members of the Advisory Council shall receive no compensation or reimbursement of expenses and shall serve for terms of three years.