

STATE OF MINNESOTA
IN SUPREME COURT
ADM10-8005

FILED

October 7, 2019

OFFICE OF
APPELLATE COURTS

**ORDER REGARDING PROPOSED COMMENTS
TO RULE 5.5 OF THE MINNESOTA RULES
OF PROFESSIONAL CONDUCT**

In an order filed on May 3, 2019, we granted in part and denied in part the petition of the Minnesota State Bar Association (MSBA) to amend Rules 1.6 and 5.5 of the Minnesota Rules of Professional Conduct and the comments to those rules. Because we adopted only some of the proposed amendments to Rule 5.5, and made other amendments to that rule that were not reflected in the MSBA's petition, we did not incorporate comments to Rule 5.5 in the May 3 order. Instead, we invited the MSBA and the Lawyers Professional Responsibility Board to consider whether amendments to the comments that accompany Rule 5.5 should be made.

On June 14, 2019, the MSBA submitted proposed comments to Rule 5.5 that were developed with input from the Office of Lawyers Professional Responsibility and the chair of the Lawyers Professional Responsibility Board (LPRB). Thereafter, the LPRB voted to approve the proposed amended comments submitted by the MSBA, with the exception of the language in paragraph 14. In that paragraph, the LPRB voted to delete the phrase "by blood or marriage" from the explanation of the meaning of "family member" for purposes of paragraph (c)(4) or Rule 5.5.

We agree with the LPRB, but after consideration, conclude that some reference to marriage will provide useful guidance. Thus, the language in paragraph 14 of the comment should read as follows: “For purposes of paragraph (c)(4) of this rule, ‘family member’ means a person related to the lawyer, including by marriage, as a parent, child, sibling, spouse, grandparent, or grandchild.”

As with other rule amendments, comments are included with the rules for convenience and do not reflect court approval or adoption.

IT IS HEREBY ORDERED that the Lawyers Professional Responsibility Board shall incorporate the comments to Rule 5.5 of the Minnesota Rules of Professional Conduct, as reflected in the proposed comments submitted by the Minnesota State Bar Association and as modified by this order.

Dated: October 7, 2019

BY THE COURT:



David L. Lillehaug
Associate Justice