



Minnesota Judicial Branch Policy

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Supercedes:

Practice of Law Other Than Court Employment

I. POLICY STATEMENT

It is the policy of the Minnesota Judicial Branch that no Minnesota state court employee shall engage in the practice of law, outside of court employment, except as otherwise provided within this policy.

This policy does not prohibit an attorney employed by the Minnesota Branch from performing legal services for the Minnesota Judicial Branch as required within the scope of his or her job responsibilities; or an employee in a Self-Help Program from performing legal services for the public pursuant to Rule 110 of the Minnesota Rules of General Practice for the District Court. When performing legal services as part of a self-help program the matters must be with respect to court procedures.

For purposes of this policy, the practice of law denotes the following activities:

1. Rendering legal consultation or advice to a client;
2. Appearing on behalf of a client at any hearing, proceeding or related deposition or discovery matter or before any judicial officer, court, public agency, referee, magistrate, commissioner or hearing officer, except where rules of the tribunal involved permit representation by non lawyers;
3. Engaging in other activities that constitute the practice of law as provided by state or common law.

Under this policy:

- A. An employee may act pro se.
- B. Subject to the Code of Judicial Conduct, Rules of Professional, Employee Code of Ethics, and other applicable Human Resource Rules and Policies, an attorney employed by the Minnesota Judicial Branch may:

1. Perform legal services for themselves.
2. Give legal advice to and draft or review documents for members of his or her immediate family.¹ The attorney may be compensated for such representation only to the extent permitted by law, rule, or ethical canon.
3. Participate in activities for improving the law, the legal system or legal profession.
4. Serve as a mediator or arbitrator.
5. Perform legal services through a pro bono legal clinic, approved pursuant to Rule 2B of the Continuing Legal Education Board, involving uncontested matters or matters not pending before any court or government agency, e.g., preparation of wills through Wills for Heroes. An attorney employee providing pro bono legal services may not appear in court, give legal advice pertaining to, or draft or review documents for matters that may come before any court or government agency as a contested matter.

With respect to paragraphs 3, 4 and 5, an attorney employee must obtain prior written approval from the appointing authority and the District or MJC Human Resources Manager before engaging in any of these activities. An attorney employee shall promptly provide a copy of the written approval from the appointing authority to the District or MJC Human Resources Manager.

When an attorney employee does perform legal services:

1. The attorney's job duties as a Minnesota Judicial Branch employee shall take priority over legal services provided to others. The legal services shall not be performed if they would interfere with the job duties of the attorney employee.
2. Any legal services that are performed shall not be within the scope of the attorney's employment.
3. No legal services or related activities authorized under this policy shall take place during the attorney's usual working hours, unless appropriate leave is authorized and charged.
4. No public resources may be used in connection with the legal services provided to others.
5. Any costs or attorney fees awarded as a result of the attorney employee's representation in a pro bono matter must be returned to the referring legal organization.

Reasonable precautions must be taken in all cases by the Court or court-related agency and authorized employees to avoid actual and perceived conflicts of interest, the actual or perceived lending of the prestige or power of the public offices or positions of the employees, or conveying the impression that such employees are in a special position to exert influence over the outcome of any proceeding.

II. APPLICABILITY

All judicial branch employees, full and part-time.

¹ For the purpose of this policy, "immediate family" will be defined as the employee's spouse, co-habitor, the parents or grandparents of the employee's spouse or co-habitor, parents, step-parents, grandparents, guardian, children, step-children, foster children, grandchildren, brothers, sisters, or wards of the employee.

III. IMPLEMENTATION AUTHORITY

Implementation of this policy shall be the responsibility of the chief judges of the ten judicial districts and the Court of Appeals, the Chief Justice of the Supreme Court, and the State Court Administrator.

IV. EXECUTIVE LIMITATIONS

Not applicable.