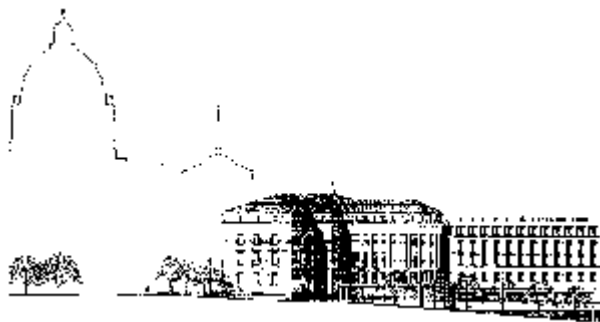


State of Minnesota

**Board
of
Law Examiners**



**ANNUAL REPORT
CALENDAR YEAR 2015**

Corrected and reissued October 12, 2016

MINNESOTA STATE BOARD OF LAW EXAMINERS ANNUAL REPORT: 2015

The Minnesota State Board of Law Examiners is responsible for ensuring that those who are admitted to the bar in Minnesota have the necessary competence and character to justify the trust and confidence of clients, the public, and the legal profession. The Board accomplishes this task by investigating bar applicants' character and fitness for admission and by administering the Minnesota bar examination. The two-day examination is comprised of essay and multiple-choice questions and is administered by the Board in February and July of each year.

The Board meets on a regular basis to review policy matters as well as to consider individual applicant files. In 2015, the Board met nine times and conducted three hearings. In addition, the Board President or his designee conducted 15 conditional admission hearings. A subcommittee of the Board, the Character and Fitness Committee, met on 12 occasions and interviewed 17 applicants.

I. APPLICANTS TO THE BAR OF MINNESOTA

Under the Minnesota Supreme Court's Rules for Admission to the Bar (Rules), new lawyers are admitted to the bar in Minnesota by passing the Uniform Bar Examination¹ or, if previously admitted in another state, by showing evidence of a sufficient number of years of practice in that state. Lawyers who have achieved a scaled score of 145 or higher on the Multistate Bar Examination (MBE)² within the last two years may also apply to be admitted in Minnesota without examination if they were admitted in the jurisdiction where they took the MBE. All applicants to the Minnesota bar must also submit proof that they have received a scaled score of at least 85 or higher on the Multi-State Professional Responsibility Examination (MPRE).³

A. Bar Examination Applicants

Law graduates who are interested in sitting for the bar examination must complete a 19-page application. In 2015, 963 individuals applied for admission by examination in Minnesota to sit for the February or July bar exam administration. Of those applicants, 904 sat for one of the 2015 examinations. Graduates of the four Minnesota law schools comprised 735 of the applicants who sat for the bar exam in 2015, or approximately 81.3%.⁴

¹ Since February 2013, Minnesota has accepted Uniform Bar Examination scores of 260 or higher from other jurisdictions. Since February 2014, Minnesota has administered the Uniform Bar Examination. The Uniform Bar Exam is comprised of the Multistate Essay Exam, the Multistate Performance Exam, and the Multistate Bar Exam.

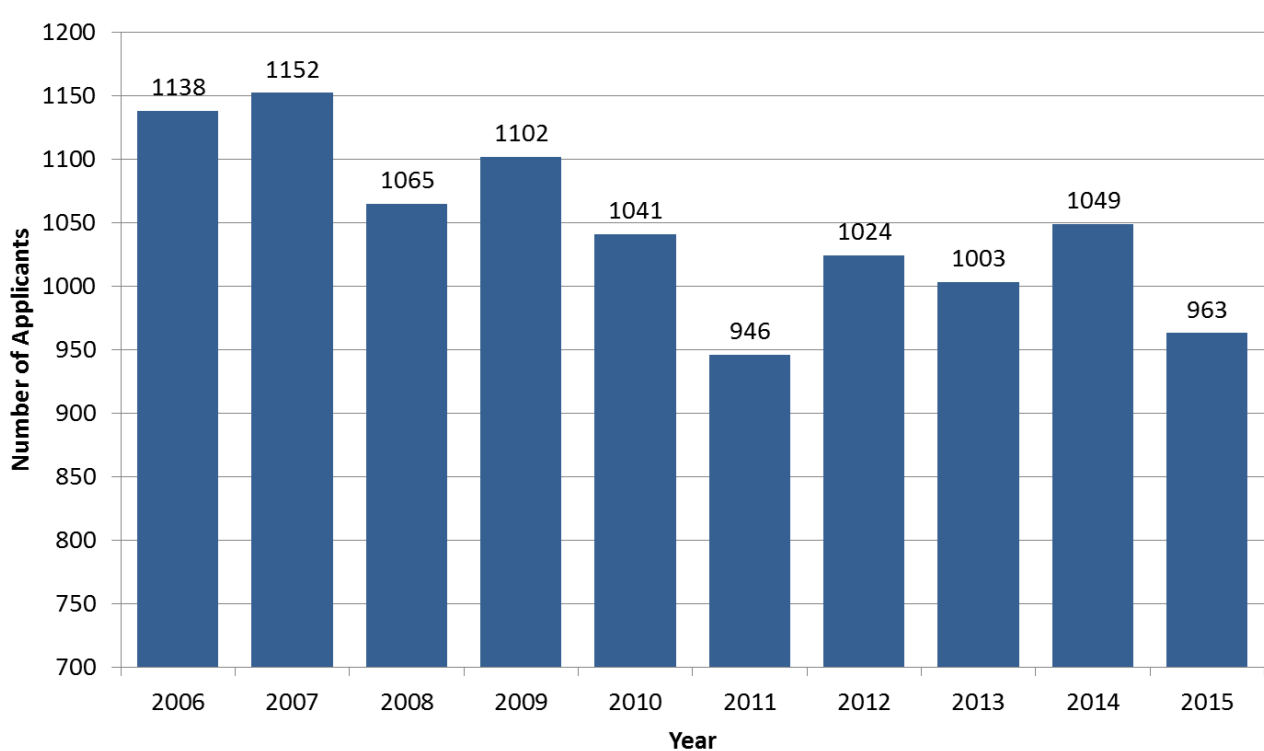
² The MBE is the 200-question multiple choice bar examination prepared by the National Conference of Bar Examiners that is administered in a great majority of states.

³ Motion applicants applying under Rule 9 or Rule 10 are not required to submit an MPRE score.

⁴ This number includes both first time and repeat examinees.

Chart 1 shows the changes in the number of bar examination applicants over the past ten years. Since 2006, the annual average number of applicants for both the February and July examinations has been 1,048. The highest number of applications, 1,152, was received in 2007.

Chart 1: Total Number of Bar Examination Applicants (February & July)



Charts 2, 3, and 4 show the number of examinees who took and passed the February and July bar examinations over the past three years, as well as the passage rates by examination and by law school.

Chart 2: February Examination Law School Statistics

	FEB 2013			FEB 2014			FEB 2015		
	SAT	PASSED		SAT	PASSED		SAT	PASSED	
University of MN	12	10	83.33%	16	14	87.50%	25	16	64.00%
William Mitchell	69	49	71.01%	75	60	80.00%	76	49	64.47%
Hamline	36	23	63.89%	48	31	64.58%	52	29	55.77%
St. Thomas	20	11	55.00%	25	16	64.00%	34	16	47.06%
Total MN Schools	137	93	67.88%	164	121	73.78%	187	110	58.82%
Out-of-State Schools	44	36	81.82%	61	54	88.52%	45	30	66.67%
TOTAL – All Schools	181	129	71.27%	225	175	77.78%	232	140	60.34%

Chart 3: July Examination Law School Statistics

SCHOOL	JULY 2013			JULY 2014			JULY 2015		
	SAT	PASSED		SAT	PASSED		SAT	PASSED	
University of MN	169	164	97.04%	146	129	88.36%	149	124	83.22%
William Mitchell	232	200	86.21%	218	167	76.61%	183	132	72.13%
Hamline	141	112	79.43%	140	91	65.00%	88	63	71.59%
St. Thomas	99	85	85.86%	119	92	77.31%	128	100	78.13%
Total MN Schools	641	561	87.52%	623	479	76.89%	548	419	76.46%
Out-of-State Schools	122	109	89.34%	124	114	91.94%	124	102	82.26%
TOTAL – All Schools	763	670	87.81%	747	593	79.38%	672	521	77.53%

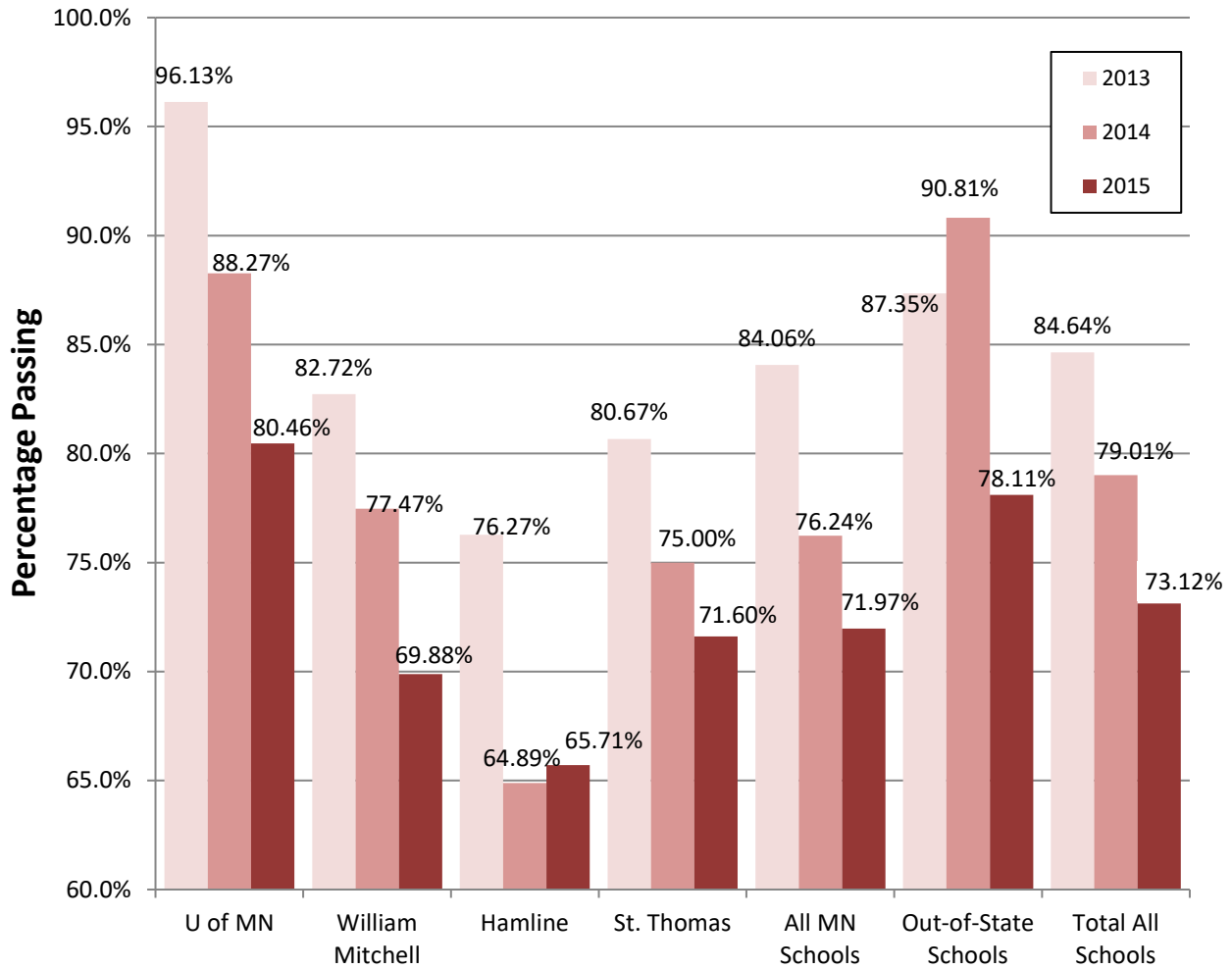
Chart 4: Totals for the February and July Examination Law School Statistics

SCHOOL	2013			2014			2015		
	SAT	PASSED		SAT	PASSED		SAT	PASSED	
University of MN	181	174	96.13%	162	143	88.27%	174	140	80.46%
William Mitchell	301	249	82.72%	293	227	77.47%	259	181	69.88%
Hamline	177	135	76.27%	188	122	64.89%	140	92	65.71%
St. Thomas	119	96	80.67%	144	108	75.00%	162	116	71.60%
Total MN Schools	778	654	84.06%	787	600	76.24%	735	529	71.97%
Out-of-State Schools	166	145	87.35%	185	168	90.81%	169	132	78.11%
TOTAL – All Schools	944	799	84.64%	972	768	79.01%	904	661	73.12%

Chart 4 reflects the significant decrease in the pass rate on the Minnesota Bar Exam in the past three years. Between 2013 and 2015 there was an 11.5% decline in the percentage of successful Minnesota examinees, falling from 84.64% in 2013 to 73.12% in 2015.

Chart 5 shows the annual bar examination passage rates by in-state law school graduates during the past three years, with a comparison to the passage rates of out-of-state law school graduates. During that period a significant decline also occurred in the passable rates of each of the Minnesota law schools as well as in the graduates of out-of-state law schools.

Chart 5: Annual Law School Statistics



1. Applicants Receiving Test Accommodations

The Board grants test accommodations in accordance with the Americans with Disabilities Act, as amended, as well as with the Minnesota Human Rights Act. Accommodations are afforded to qualified applicants with disabilities who are otherwise eligible to take the Minnesota bar examination. Reasonable modifications are made in the administration of the examination provided that such modifications do not result in a fundamental alteration of the examination or other admission requirements, impose an undue burden, or jeopardize examination security.

An applicant seeking test accommodations must submit medical documentation of the disability and documentation of the applicant’s history of accommodations in law school or on other standardized tests. The Board staff then engages in an interactive process with applicants who seek test accommodations and makes every effort to arrive at a test accommodation that meets the needs of the applicant while preserving the integrity of the exam and adhering to reasonable standards of test administration.

Accommodations provided in 2015 included affording additional testing time, permitting testing in a private room, and providing medication breaks. Requests for accommodations are considered and determined on a case-by-case basis after the staff consults with the examinee, reviews records submitted by the examinee, and in some cases, after referring the information for review by a medical expert.

Often requests for accommodations are referred to one or more of the Board’s expert medical evaluators. The evaluator prepares a written report detailing the applicant’s diagnosis, the nature and extent of impairment, and the reasonableness of the requested accommodation. The evaluator offers an opinion as to what he or she considers to be the appropriate accommodation. After reviewing the medical evaluator’s report and the information submitted by the applicant, the Director issues a written determination to grant, deny, or modify the applicant’s request for test accommodations.

An applicant whose request is modified or denied may appeal the decision by requesting an expedited hearing. The Board President or a designated Board member conducts the expedited hearing by telephone. The President considers the evidence in the record as well as the evidence presented at the hearing, and issues a brief written decision, usually within five days. An applicant who is not satisfied with the expedited hearing decision may request a Rule 15 hearing before the Board.

2. Laptop Testing

Since February of 2003, examinees have been permitted to write the essay portion of the examination using their own laptop computer. Examinees are required to download blocking software to their computers, which prevents the applicant from accessing any other program during the examination. An additional fee of \$100 is charged examinees to offset the increased costs associated with the use of laptops.

In 2015, 863 or 95.5% of all examinees took the Minnesota bar examination on a laptop. A total of 218 examinees used laptops in February and a total of 645 examinees used laptops in July.

Chart 8: Individuals Taking the Essay Examination by Laptop (Past 6 years)

	2010	2011	2012	2013	2014	2015
Laptop	824	788	878	871	919	863
Handwritten	161	100	91	73	53	41
Total	985	888	969	944	972	904
Percentage by Laptop	84%	89%	90.6%	92.3%	94.5%	95.5%

B. Applicants Seeking Admission on Motion, Without Examination

Applicants may be admitted on motion without examination if they meet the requirements of Rules 7, 8, 9, 10, or 11. Applicants who are admitted on motion are required to meet all of the other requirements to practice law in Minnesota, including a positive character and fitness determination and a determination that they meet the eligibility criteria to practice law. In 2015, 286 individuals were admitted on motion without examination, compared to 259 in 2014, a 10.4% increase. The section below provides additional detail regarding various types of motion applicants.

1. Rule 7 (5 years of practice, MBE score of 145 or higher, or UBE score of 260 or higher)

Rule 7A permits applicants to be admitted without examination in Minnesota if they are licensed and have practiced law as their primary occupation for at least five of the last seven years in another jurisdiction. They also must show that they are in good standing in each jurisdiction in which they are licensed. In 2015, 107 applications were filed under Rule 7A, compared with 87 in 2014. At the end of 2015, 99 applicants had been admitted to the Minnesota Bar under Rule 7A, 24 more than in 2014.

Rule 7B permits applicants to be admitted without examination in Minnesota if they have received a scaled score of 145 or above on an MBE taken within the past two years as part of another jurisdiction's bar exam and have been admitted in that jurisdiction. The number of applications filed under Rule 7B decreased from 126 applications in 2014 to 79 applications in 2015. In 2015, 102 applicants were admitted under Rule 7B, 23 fewer than in 2014. This decrease is likely related to an increase in the number of applicants transferring UBE scores under Rule 7C, which is described below.

In 2013 Minnesota began to accept transferred UBE scores under the new rule, Rule 7C. This provision permits applicants to be admitted without examination in Minnesota if they have received a scaled score of 260 or above on a UBE exam taken in another UBE state. Applicants do not need to be admitted in the jurisdiction where they achieved the UBE score. In 2015, 89 applications were filed under Rule 7C, compared to 62 filed in 2014. In 2015, 76 Rule 7C applicants were admitted, compared to 48 in 2014, an increase of 58%.

2. Rules 8, 9, and 10 (Temporary Legal Services License and Temporary and Regular House Counsel License)

Rule 8 permits a lawyer licensed in another jurisdiction who has accepted legal employment with a Minnesota legal services program to obtain a temporary license (valid for 15 months) to practice law in Minnesota for the legal services program. Only one lawyer was admitted under Rule 8 in 2014; in 2015, three legal services lawyers were admitted.

Rule 9 and Rule 10 licenses permit the admission of lawyers who are employed in Minnesota solely for a corporation or other non-law firm entity and who limit their practice to representation of the corporation or other entity. Under Rule 9 and Rule 10,

applicants must have at least three years of active and lawful practice during the past five years (rather than the five out of seven years required for Rule 7A). If a lawyer licensed under Rule 9 or 10 leaves employment with the corporation which sponsored the application, the license is no longer valid. There were only five Rule 10 admissions admitted in 2015, compared to 7 in 2014.

Rule 9 permits house counsel applicants to be licensed on a temporary basis. The application process under Rule 9 is expedited in order to permit the house counsel lawyer to be licensed as quickly as possible. The scope of practice under this Rule limits holders to practicing only for the corporate employer.

There were no Rule 9 admissions in 2015, compared to one Rule 9 admission in 2014. The decrease in Rule 9 and 10 admissions may also be related to the spreading popularity of the Uniform Bar Exam, which permits out of state lawyers to become fully licensed in Minnesota upon transfer of a UBE score.

3. Rule 11 (Foreign Legal Consultant License)

A lawyer admitted and practicing law in a country other than the United States may apply for a Foreign Legal Consultant License. This license permits the individual to advise clients on the law of the country in which the foreign legal consultant is admitted as a lawyer, counselor at law, or equivalent. A foreign legal consultant cannot represent individuals in matters outside of the limited scope of the Foreign Legal Consultant License, unless the lawyer is licensed as a house counsel foreign legal consultant. Foreign legal consultants who are admitted as house counsel may practice for the corporate entity without the restrictions that apply to private foreign legal consultants. There was only one foreign legal consultant admission in 2015, compared to two such admissions in 2014.

As is shown by **Chart 9** below, there has been a significant increase over the past ten years in the number of individuals admitted on motion without examination. The increase in 2015 is clearly attributable to the adoption of the UBE (Rule 7C) in 2013 and an increase in applications based upon years of practice (Rule 7A). In 2015, 117 individuals who took the UBE in another state transferred their score to Minnesota, compared to 50 examinees, in 2015. The Board continues to monitor applicant numbers closely in order to plan for efficient use of investigative and other resources.

Chart 9: Lawyers Admitted on Motion (Without Examination)

	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
Rule 7A 5 years of practice	64	86	75	56	73	52	82	82	75	99
Rule 7B MBE Score 145 or above	116	128	142	95	145	139	151	133	125	102
Rule 7C UBE Score 260 or above ⁵	-	-	-	-	-	-	-	17	48	76
Rule 8 Temporary Legal Services License	6	3	3	2	1	0	0	2	1	3
Rule 9 Temporary House Counsel License	7	2	5	4	4	0	1	1	1	0
Rule 10 Regular House Counsel License*	9	9	1	5	11	6	6	2	7	5
Rule 11 Foreign Legal Consultant License	0	2	0	0	0	1	1	0	2	1
TOTAL ADMISSIONS BY MOTION	202	230	226	162	234	198	241	237	259	286

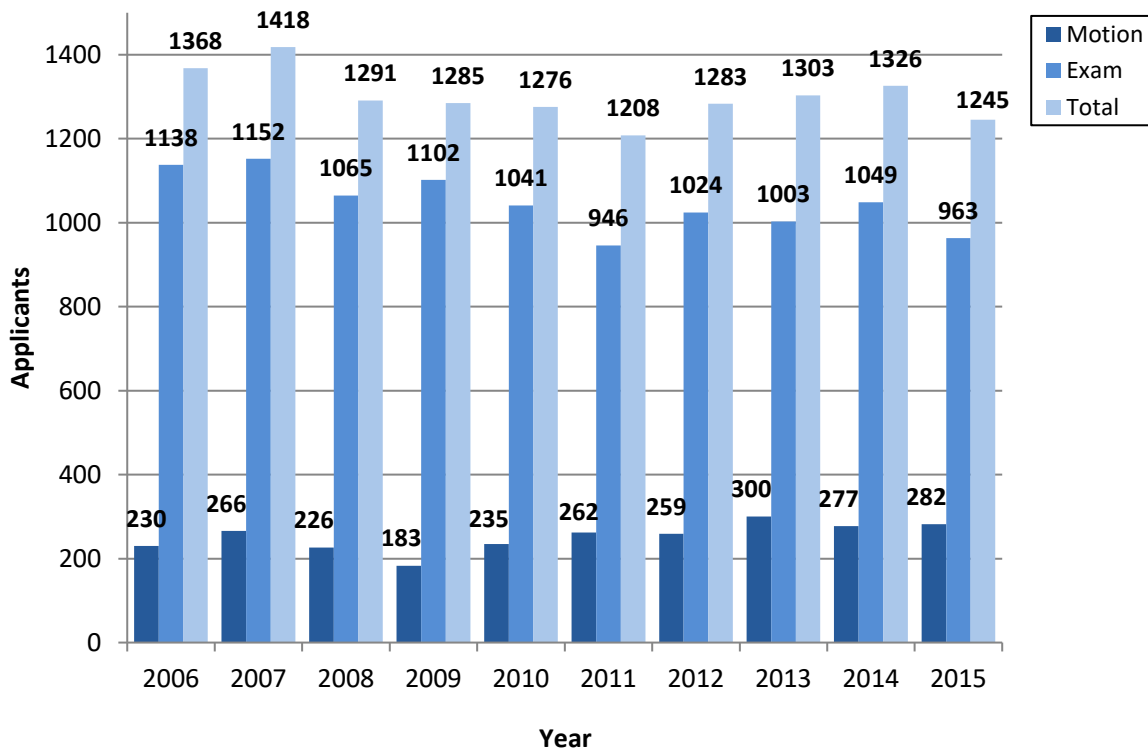
C. Total Applicants 2006 through 2015

Chart 10 shows the number and type of *applicants*, as opposed to Chart 9 which shows the number and type of lawyers *admitted*.

Chart 10 below shows the combined total number of applicants seeking admission by motion and applicants seeking admission by examination over the past ten years. In 2015, the total number of exam applicants decreased by 86, or 8.2% compared to 2014; the total number of motion applicants increased by 5, or 1.81%, compared to 2014. Overall, the total number of exam and motion applicants decreased by 81, or 6.11% compared to 2014.

⁵ 2013 was the first year applicants could apply under Rule 7C.

Chart 10: Motion and Exam Applicants 2006 through 2015



II. CHARACTER AND FITNESS DETERMINATIONS

The Board of Law Examiners conducts a thorough investigation of the background of each applicant to the bar. Board staff verify each applicant's information by contacting third-party sources and gathering additional information from public and private sources, including the applicant's law school, employers, court and police records, and personal references. An applicant whose past record of conduct suggests significant character or fitness concerns is subject to a more in-depth investigation. Staff present to the Board detailed memoranda summarizing the results of the investigation. The Board has the option of recommending admission, denying admission by issuing an adverse determination, deferring its decision pending further investigation, scheduling the applicant to be interviewed by the Board's Character and Fitness Committee, or recommending that the applicant be conditionally admitted. A more detailed discussion of conditional admission is found in **Section C** below.

The Board staff uses processing systems and written procedures to ensure that character and fitness investigations are conducted in a thorough, fair, efficient, and consistent manner. Applications that raise serious character and fitness concerns are promptly brought to the Board for consideration.

For most applicants taking the bar examination, the Board completes investigations by the time the bar examination results are published. Of the 140 applicants who passed the February 2015 bar examination, 88.57% of successful examinees were cleared as to character and fitness in time to participate in the May 8, 2015 admission ceremony.

Of the 521 applicants who passed the July 2015 bar examination, 93.28% were cleared as to character and fitness in time to participate in the October 30, 2015 admission ceremony.

A. Chemical Dependency Evaluations

When an applicant discloses a history of conduct suggestive of an unresolved drug or alcohol abuse or dependency condition, the Board may refer the applicant for a comprehensive chemical dependency evaluation. Such an evaluation is conducted at the Board's expense and pursuant to the Board's guidelines. The evaluator submits a written report that aids the Board in its assessment of the applicant's ability to meet the essential eligibility requirements for admission. When the assessment shows that the applicant is committed to rehabilitation, the Board may offer conditional admission under Rule 16 and recommend terms that support the applicant's continued sobriety.

B. Psychological Evaluations

The Minnesota Bar Application includes several paragraphs explaining that written policies and procedures as well as information processing systems are not intended to discourage mental health treatment. When an applicant discloses, or the Board's investigation identifies conduct that suggests a mental or neurological condition that appears likely to prevent the applicant from fulfilling the essential eligibility requirements of the practice of law as set forth in Rule 5A of the Rules, the Board may refer the applicant for a comprehensive psychological evaluation. Such referrals are rare and when requested, are conducted at the Board's expense.

C. Conditional Admission

Rule 16 permits the Board to conditionally admit applicants whose past conduct raises concerns under Rule 5, but whose current record of conduct evidences a commitment to rehabilitation and an ability to meet the essential eligibility requirements of the practice of law. An applicant may be placed on conditional admission for issues such as substance abuse, chemical dependency, mental health-related misconduct, criminal probation, or financial irresponsibility.

Conditional admission occurs with the consent of the applicant and permits the applicant to begin practicing law while continuing in his or her program of rehabilitation. Typical conditional admission terms for an applicant with chemical dependency or substance abuse concerns would include requiring the applicant to report regular attendance at a sober support group, remain law abiding, and submit to random urinalysis. The period of conditional admission ranges from six to 24 months. The conditional license status is confidential and is not disclosed to the public.

D. Adverse Determinations Issued

Adverse determination letters are preliminary denials issued by the Board upon its conclusion that an applicant's past conduct warrants denial of admittance to the Minnesota bar, or when the Board determines that the applicant does not qualify for

admission under other Rule provisions. Applicants who receive an adverse determination letter may appeal the decision and request a hearing before the Board.

III. FUNDING

Board revenues are generated from bar application fees and from a \$21 per lawyer allocation from the Lawyer Registration fee. In calendar year 2015, the Board received \$631,368 in lawyer registration fee revenue. **Chart 11** shows the fees received in 2015 by fee category, compared to the fees received in the previous three calendar years.

Chart 11: BLE Receipts for Calendar Years 2012-2015

Fee	2012	2013	2014	2015
Lawyer Registration fees	\$686,633	\$687,369	\$649,831	\$631,368
Bar Exam Application fees	\$552,875	\$579,450	\$578,681	\$538,825
Motion Application fees	\$222,750	\$273,000	\$259,500	\$254,000
Misc. Fees (including laptop and Rule 8-11 fees)	\$95,675	\$107,755	\$104,519	\$103,860
Total	\$1,557,933	\$1,647,574	\$1,592,531	\$1,528,053

Total revenue in 2015 decreased by approximately \$64,478, or 4%, compared to 2014. Decreases are mainly attributable to a decrease in bar exam applicant numbers and because Lawyer Registration fees allocated to BLE were reduced in 2014 from \$23 to \$21 per lawyer.

Based upon an analysis of the number of entering law school students in Minnesota as well as student numbers at out-of-state law schools, the Board expects the number of bar exam applicant numbers to decrease by approximately 10% each year between 2015 and 2017. The number of bar exam failures and therefore the number of repeating examinees will also impact this number.

The Board continues to closely monitor these numbers. At this time and for the next two years, the Board does not expect to need to seek an increase in revenue from any source.

IV. BOARD MEMBERS

The Board of Law Examiners is comprised of nine members, including seven lawyer members and two public members. The Minnesota Supreme Court appoints all members to the Board. In 2015 the Board membership included:

- Douglas R. Peterson, President, Stinson, Leonard, Street, LLP
- Hon. Ann L. Carrott, Judge of the Seventh Judicial District

- Barbara J. D'Aquila, Norton, Rose, Fulbright
- John Koneck, Fredrikson & Byron, P.A.
- Shawne Monahan, Public Member
- James Nelson, Ph.D., Public Member
- Thomas E. Ring, Ramsey County (resigned 12/31/2015)
- Pamela A. Thein, Oppenheimer, Wolff & Donnelly, LLP
- Timothy Wong, 3M

Justice G. Barry Anderson is the Supreme Court liaison to the Board.

In addition to the Board's commitment to the nine yearly meetings and a Board retreat in August, Board members also sit on committees of the Board, which meet on a regular basis. The standing committees in 2015 included: the Rules & Policy Committee, Budget and Operations Committee, Character and Fitness Committee, and the Bar Exam Committee.

V. AFFILIATIONS AND OUTSIDE GROUPS

The Bar Admissions Advisory Council (Council), authorized by Board Rule 19, is comprised of members of the Board, the Director, the deans of the Minnesota law schools, and three representatives of the Minnesota State Bar Association. Rule 19 states that the Council meets to discuss issues relevant to admission to the bar, rule amendments, and other matters related to the work of the Board. The Council met once in 2015.

The Director, Margaret Fuller Corneille, participates in a number of national organizations active in bar admission issues. In 2015, she concluded her term as the immediate past chair of the Board of Trustees of the National Conference of Bar Examiners (NCBE) and was appointed to chair a strategic planning committee of the NCBE Board.

The Director has also been active in the ABA's Section of Legal Education and Admission to the Bar, has co-chaired the Bar Admissions Committee, served on the International Legal Education Committee, and periodically serves on law school accreditation site visit teams.

The Board's professional staff also includes Emily Eschweiler, Assistant Director and Counsel, Michelle Hayes, Attorney for Character and Fitness, and Terri Guertin, Bar Exam Administrator. Each are members of the Council of Bar Admission Administrators (CBAA), a national organization of executives responsible for administering bar admission processes. Ms. Eschweiler is currently Vice Chair of the CBAA and will chair the organization in 2017. She is also a member of the Technology Committee of the National Conference of Bar Examiners. She is a frequent presenter on character and fitness at the NCBE Annual Seminars.

Board members have also been active in the NCBE. Barbara D'Aquila is also a frequent presenter at the NCBE Annual Seminars. In 2015, Timothy Wong was appointed to the Board of Trustees of the NCBE. Mr. Wong also serves on the Uniform Bar Exam Committee, a committee charged with making policy recommendations regarding the administration of the UBE. Douglas Peterson, Board President, serves on an exam drafting committee of the NCBE.

VI. CONCLUSION

The next 5 to 10 year period in bar admissions will be one of uncertainty. The significant decrease in the number of law students nationally, the significant decrease in the bar passage in Minnesota and nationally, and the increase in applicants transferring UBE scores attained in other states all contribute to uncertainty about the number and type of applicants as well as the needed level of funding to support the Board's operation. Despite these factors, the Board will continue to use its best efforts to ensure that both the bar examination and the entire bar admission process is conducted in Minnesota in a fair and conscientious manner by processing each bar applicant's file expeditiously, and treating each applicant with the consideration and respect due a future member of the legal profession.

Respectfully submitted,

MINNESOTA BOARD OF LAW EXAMINERS



Douglas R. Peterson
President



Margaret Fuller Corneille
Director



Emily J. Eschweiler
Assistant Director and Counsel

Dated: Sept 16, 2016