

FILED

November 20, 2018

**OFFICE OF
APPELLATE COURTS**

STATE OF MINNESOTA

IN SUPREME COURT

ADM10-8008

**ORDER PROMULGATING AMENDMENTS
TO THE RULES FOR ADMISSION TO THE BAR**

In a report filed on June 1, 2018, the Minnesota State Board of Law Examiners proposed amendments to Rule 7(A) of the Rules for Admission to the Bar, which governs admission to the Minnesota bar by motion based on the movant's eligibility by reason of practice experience, among other requirements. *See* Minn. R. Admission to the Bar 7(A) (explaining that an applicant may be "eligible for admission without examination" based on evidence showing the applicant's practice of law in another jurisdiction). Currently, an applicant that seeks admission by motion based on years of practice must establish that the applicant's "principal occupation" for five of the last seven years has been the "lawful practice of law." Minn. R. Admission to the Bar 7(A)(1)(c). The Board's recommended amendments to this rule followed a study and evaluation of similar admission standards in other jurisdictions and the input provided by interested stakeholders.¹ Based on this work, the Board concluded that a change from the "principal occupation" standard, to a standard based on the annual hours of work practicing law, would better reflect the changing ways in which lawyers practice law, would provide needed flexibility for lawyers, and would promote lawyer well-being. The Board also concluded that the minimum period of practice

¹ We directed the Board to review Rule 7A and the policy adopted to implement that rule, which requires that an applicant's practice of law "must be full-time or substantially full-time (at least 120 hours or more per month)," after denying an applicant's petition for review of the Board's decision denying her motion under Rule 7A. *See Order Regarding the Rules for Admission to the Minn. Bar*, No. ADM10-8008 (Minn. filed May 18, 2017).

could be reduced from 60 of the 84 months preceding the applicant's motion, to 36 of the preceding 60 months, without diminishing the important competency standards that protect the public's interests in the rules governing admission to the Minnesota bar.

We opened a public comment period. The Minnesota State Bar Association filed a comment supporting the Board's recommended amendments.

We established the Board of Law Examiners "to ensure that those who are admitted to the bar have the necessary competence and character to justify the trust and confidence" of the public. Minn. R. Admission to the Bar 1. In general, an applicant for admission to the Minnesota bar establishes eligibility for admission by, among other requirements, achieving a passing score on the written bar examination, *see* Minn. R. Admission to the Bar 4(A)(4), or providing evidence of competency based on the applicant's lawful practice of law as a principal occupation. *See* Minn. R. Admission to the Bar 7(A)(1).² The written examination is an important element in evaluating eligibility for admission to the Minnesota bar. *See In re Hansen*, 275 N.W.2d 790, 798 (Minn. 1978) (discussing the purpose of a written examination in addition to a legal education). Admission by motion, in contrast, uses the applicant's practice experience as the equivalent of exam-based competency. *See, e.g., In re Murray*, 821 N.W.2d 331, 336–37 (Minn. 2012) (explaining that "Rule 7A . . . allows applicants with significant practice experience to be admitted to the [Minnesota] bar without examination" and concluding that the applicant "clearly

² There are other categories for admission to the Minnesota bar without taking a written bar examination, such as the provisions for a temporary license, house-counsel license, or status as a foreign legal consultant. *See* Minn. R. Admission to the Bar 8–11. These rules are not implicated by the Board's current petition for rule amendments, and thus we do not address the eligibility standards for these different licenses here.

demonstrated . . . legal proficiency” based on years of practice in another jurisdiction); *see also Attorney Grievance Comm’n of Md. v. Keehan*, 533 A.2d 278, 281 (Md. 1987) (explaining that admission based on years of practice is based on “the assumption that a lawyer who has regularly engaged in the practice of law . . . has sufficient legal knowledge to demonstrate at least minimum competence,” making it unnecessary “to apply the rigors of the full examination to make that determination”).

We have the inherent authority to regulate the practice of law, including by promulgating the rules that govern admission to the bar. *See In re Zbiegien*, 433 N.W.2d 871, 874 (Minn. 1988). We have thoroughly considered the Board’s recommended amendments and the reasons for those recommendations. We agree with the Board that moving from a “principal occupation” standard to an annual-hours requirement in the years-of-practice standard for admission by motion under Rule 7(A) will provide flexibility to lawyers who seek admission under this rule without undermining the competency standards for admission to the bar.

Based upon all the files, records, and proceedings herein,

IT IS HEREBY ORDERED that the attached amendments to the Rules for Admission to the Bar be, and the same are, prescribed and promulgated to be effective for applications made on Rule 7 of the Rules for Admission to the Bar on or after the effective date of this order.

Dated: November 20, 2018

BY THE COURT:



Lorie S. Gildea
Chief Justice

RULE 2. DEFINITIONS AND DUE DATE PROVISIONS

A. Definitions. As used in these Rules:

* * *

(12) ~~“Principal occupation” means an applicant’s primary professional work or business.~~

(13) ~~“Uniform Bar Examination” or “UBE” is an examination prepared by the National Conference of Bar Examiners (NCBE), comprised of six Multistate Essay Examination questions, two Multistate Performance Test questions, and the Multistate Bar Examination.~~

RULE 7. ADMISSION WITHOUT EXAMINATION

A. **Eligibility by Practice.**

(1) *Requirements.* An applicant may be eligible for admission without examination if the application otherwise qualifies for admission under Rule 4 (excluding applicants who qualify only under Rule 4A(3)(b)) and provides documentary evidence showing that for at least ~~60 of the 84 months~~ 36 of the 60 months immediately preceding the application, the applicant ~~was:~~

- (a) Held a License to practice law in active status;
- (b) Was in good standing before the highest court of all jurisdictions where admitted; and
- (c) Was Engaged, as principal occupation, in the lawful practice of law for at least 1000 hours per year as a:
 - i. Lawyer representing one or more clients, including on a pro bono basis;
 - ii. Lawyer in a law firm, professional corporation, or association;
 - iii. Judge in a court of law;
 - iv. Lawyer for any local or state governmental entity;
 - v. House counsel for a corporation, agency, association, or trust department;

vi. Lawyer with the federal government or a federal governmental agency including service as a member of the Judge Advocate General's Department of one of the military branches of the United States;

vii. Full-time faculty member in any approved law school; and/or

viii. Judicial law clerk whose primary responsibility is legal research and writing.

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