



**ANNUAL
REPORT
2021**

**MINNESOTA
BOARD OF
LAW EXAMINERS**

BOARD OF LAW EXAMINERS 2021 ANNUAL REPORT

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YEAR IN REVIEW - 2021

The obstacles faced in 2020 due to the COVID-19 pandemic continued into year 2021, but the gained experience and knowledge from 2020 proved to be very helpful in navigating year 2021. The Board office continued to ensure the office's daily operations and annual events, such as the bar examination and admission ceremonies, were maintained and safely executed. With the ongoing changes of the pandemic, the Board office remained flexible in order to maintain functions while implementing a hybrid work environment allowing additional options for staff to work from home. The Board office also worked with an outside consultant and court services in developing a strategic plan to reflect the core functions and mission of all Board offices. The strategic plan will be finalized in 2022.

The Board of Law Examiners administered both the February 2021 and July 2021 bar examinations in person following additional safety protocols, including increased social distancing and a mask requirement. Additional details related to the administration of the examination were communicated to applicants through their portals and information posted on the Board's website. The Board provided additional flexibility to examinees seeking to carry over their application fees to later examination dates due to concerns related to the COVID-19 pandemic.

The Board office coordinated two admission ceremonies for the Court: the May 2021 Admission Ceremony for successful February 2021 examinees occurred remotely and the October 2021 Admission Ceremony for successful July 2021 examinees took place in the House Chambers at the Minnesota State Capitol, with a remote option at the end of the day.

On March 1, 2021, the Court issued an Order revising the Rules for Admission to the Bar effective May 1, 2021, permitting foreign-educated lawyers to sit for the bar exam with five years of practice within the last seven years in a U.S. jurisdiction and to allow any lawyer to apply under any rule type with 10 years of licensure in another U.S. jurisdiction. The Board continues to monitor this issue for the purposes of making future recommendations.

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YEAR IN REVIEW – 2021 (CONT'D)

In June of 2021, the Board office began administering the registration process and collection of fees for attorneys seeking *pro hac vice* due to the November 2020 amendments to Rule 5 of the General Rules of Practice. The fees are collected on behalf of the Legal Services Advisory Council. The Board receives no revenue from this process.

The Online Bar Application process has continued to advance with testing occurring by Board staff and external stakeholders to ensure all issues are dealt with before the live application is made available. The Online Bar Application will go live later in 2022.

As part of this process, the Board Petitioned the Court for Rule changes to make acceptance of electronic documents routine under the Board's Rules. Temporary changes to the process during the pandemic provided successful guidance in streamlining the process. Effective October 1, 2021, the Rules for Admission were amended to remove various requirements for notarized or original documents and permit more electronic submissions.

In June 2021, the Board published a Public Notice announcing plans to commence a comprehensive two-year study on the bar examination for the purpose of providing the Minnesota Supreme Court with a report and recommendations no later than June 1, 2023. The Board formed a Committee to review this issue. The Committee held four public meetings during the fall of 2021 and provided additional information related to these meetings on the Board's website. The purpose of the study is to review the recommendations published by the National Conference of Bar Examiners (NCBE) in January 2021 detailing future changes to the bar examination following a comprehensive three-year study on the competencies required by entry-level lawyers. As part of the study, the Committee will be reviewing alternative pathways to licensure other than the bar examination. The Board has sought broad input and will be forming Working Groups to further study this issue in the spring of 2022.

In 2022, the Board office is looking forward to finalizing a strategic plan that reflects the Board office's commitment to advancement and growth; implementing the Online Bar Application; continuing to study the bar examination and the potential alternatives for attorney licensure; and continuation of administering safe bar examinations and admission ceremonies for all participants.

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BLE BACKGROUND

BACKGROUND

The Minnesota Board of Law Examiners (Board) 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, administering the bar examination, and reviewing the eligibility of applicants who apply on motion to Minnesota.

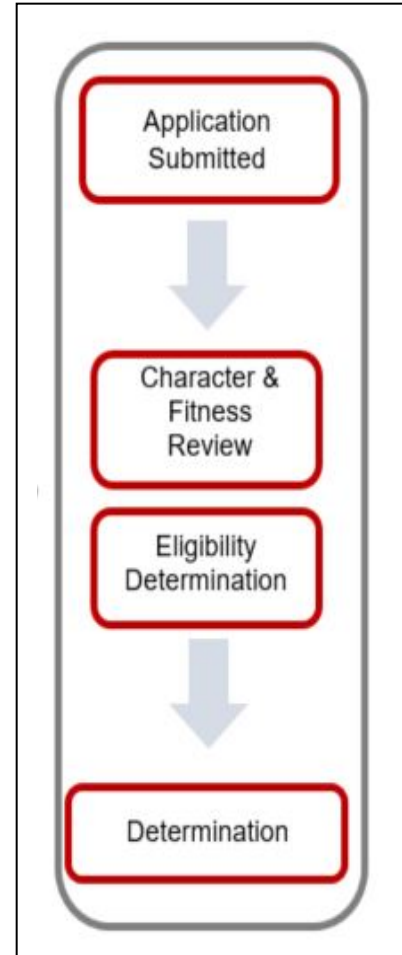
The Board met nine times in 2021. Since March 2020, the Board has primarily met remotely, but was able to meet in person twice in 2021. Each Board meeting consists of a public portion of the meeting, followed by a confidential agenda. Rule 3C and Rule 14 govern which matters are public and which are confidential.

BOARD MEMBERS

The Board is comprised of nine members, including seven lawyer members and two public members. The Minnesota Supreme Court appoints all members to the Board. Each member is appointed for a three-year-term, and may reappoint each member for two additional terms.

In 2021, the Board welcomed new members: Patricia Beety, Brian Bell and Wilbur Fluegel. John Koneck served as President of the Board in 2021 and Hon. Juan Hoyos served as the Secretary.

The Chief Justice, Lorie Skjerven Gildea, appoints a Minnesota Supreme Court Justice as the liaison between the Court and the Board. Justice G. Barry Anderson has served in this role since 2013.



2021 BOARD MEMBERS	
President: John M. Koneck, Fredrikson & Byron, P.A., Minneapolis	Secretary: Hon. Juan Hoyos, 4 th District Judge, Minneapolis
Patricia Y. Beety, General Counsel League of MN Cities, St. Paul	Mark S. Kuppe, public member, St. Paul
Brian A. Bell, Dorsey and Whitney, Minneapolis	Shawne M. Monahan, public member, St. Paul
Thomas H. Boyd, Winthrop & Weinstine, P.A., Minneapolis	Cheryl M. Prince, Hanft Fride, A Professional, Duluth
Wilbur H. Fluegel, Fluegel Law Office, Minneapolis	
SUPREME COURT LIAISON	DIRECTOR
Justice G. Barry Anderson, MN Supreme Court	Emily Eschweiler

BOARD OF LAW EXAMINERS 2021 ANNUAL REPORT

BLE BACKGROUND (CONT'D)

BOARD COMMITTEES

In addition to the Board's commitment to its regular meetings, Board members are also asked to serve on committees of the Board, which meet on a regular basis. The standing committees in 2021 included:

2021 Board Committees
Rules & Policies Committee
Budget and Operations Committee
Character and Fitness Policy Committee
Character and Fitness Interview Committee
Conditional Admission Committee
Bar Exam Committee
Comprehensive Competency Committee

BAR ADMISSIONS ADVISORY COMMITTEE (BAAC)

Rule 19 of the Rules for Admission to the Bar establishes an advisory committee comprised of three members appointed by the Minnesota State Bar Association (MSBA), the Deans of the three Minnesota law schools and representatives from each of the law schools, and members of the Board to discuss matters related to bar admissions. The BAAC met in May 2021 and discussed challenges and impacts faced by students due to COVID, the Board's plans for administration of the July 2021 examination, the NCBE's Testing Task Force recommendations for the NextGen exam, and the Board's plans to engage in a comprehensive competency study.

BOARD STAFF

The Board employs a staff of 12.1 FTE. The Director, Managing Attorney, Staff Attorney, Finance/IT Administrator, and three Office Assistants also work for the Board of Continuing Legal Education, the Board of Legal Certification, and the Office of Lawyer Registration. The Board's staff includes one Attorney for Character and Fitness, two Paralegals, and four Office Assistants.

In 2021, the Board office implemented a more permanent hybrid approach to work location for staff. A rotating schedule was produced every few months for the office to allow work from home three days a week and two days in the office, for those that wished to work from home. By designating additional back-ups for in office duties and responsibilities, the office was able to maintain in office functions and a high level of customer service with less staff in the office, as compared to pre-pandemic.

While the offices remained open, stakeholders were encouraged to communicate with the Board office through their applicant portals, or by telephone, email, and mail.

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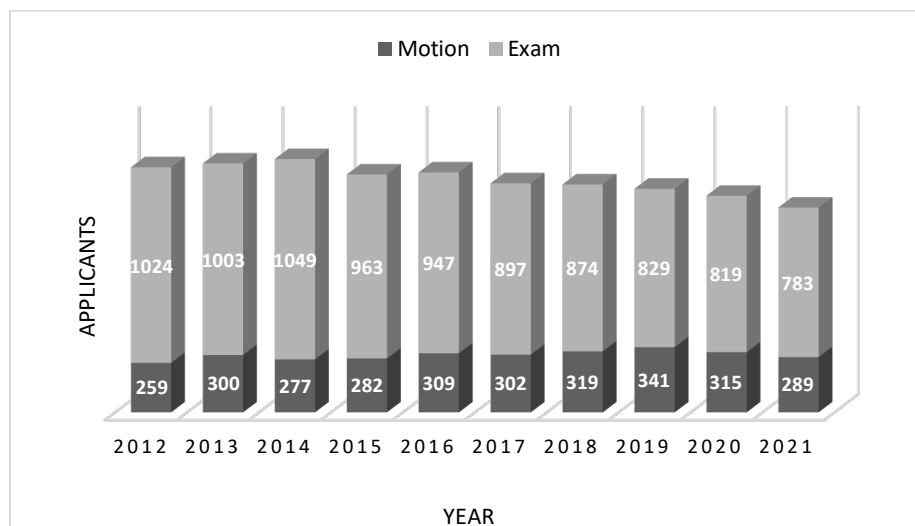
APPLICANTS TO THE MN BAR

ALL APPLICANTS

New lawyers are admitted to the Bar in Minnesota by taking and passing the Uniform Bar Examination (UBE) or applying by motion. All applicants to the Minnesota Bar must submit proof that they have received a scaled score of at least 85 or higher on the Multi-State Professional Responsibility Examination (MPRE). The total number of exam applicants declined by 36 in 2021 compared to 2020, or a 4.4% decrease. The total number of motion applicants decreased by 26 applicants in 2021 compared to 2020, an 8.25% decrease.

The decline in the number of applicants is likely related to the decision in other jurisdictions to administer a Remote Online Examination in October 2020 instead of the UBE. Because this examination was not a full UBE, it did not qualify applicants to transfer their score into Minnesota pursuant to Rule 7C. The Board sees a significant number of Rule 7C applications following the release of examination results in jurisdictions with a higher cut score than Minnesota from applicants who do not meet the eligibility requirements for that jurisdiction. With respect to examination applications, the Board carried forward a number of applications from 2020 to 2021, resulting in fewer applications received in 2021. Overall, the total number of exam and motion applicants decreased by 62, or 5.47% compared to 2020. **Graph 1** shows the number of applicants for motion and exam for years 2012-2021.

Graph 1: Motion & Exam Applicants 2012-2021



2020 to 2021 Stats

4.4% ↓ Exam Applicants

8.25% ↓ Motion Applicants

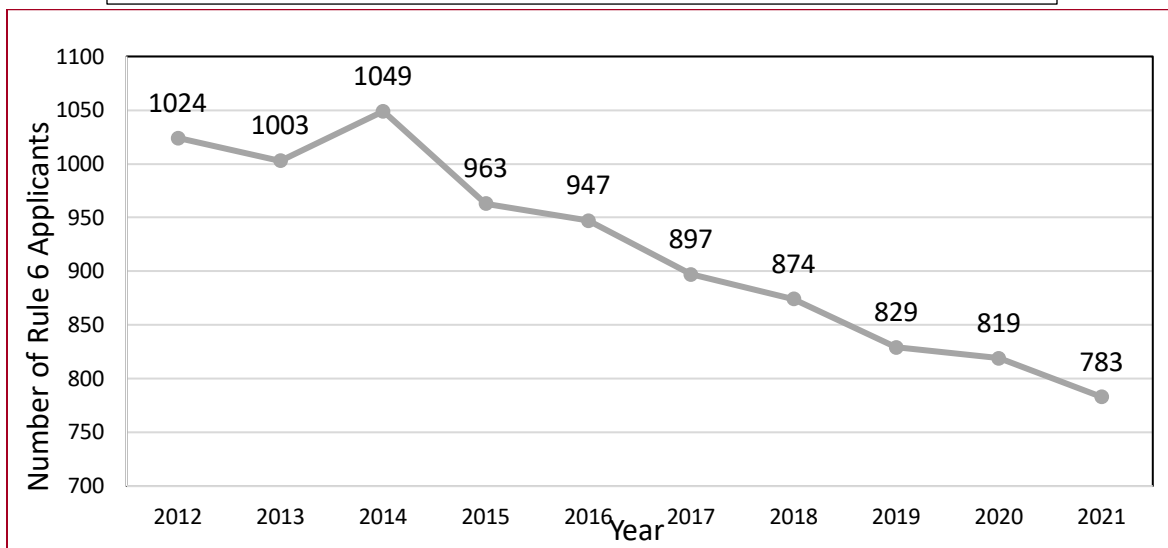
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APPLICATION FOR EXAMINATION

BAR EXAM

Since 2014, Minnesota has administered the Uniform Bar Examination (UBE), comprised of two Multi-state performance tests, six 30-minute essay questions, and 200 multiple choice questions. The test is developed by the National Conference of Bar Examiners and has been adopted by 41 jurisdictions. Scores achieved in other UBE jurisdictions may be used to seek admission in Minnesota or in any of the other UBE jurisdictions. Each jurisdiction sets its own cut score – the score required for admission in that state. Cut scores range from 260 to 280. Minnesota’s cut score is 260, along with four other jurisdictions. The exams are offered twice a year in February and July. The number of exam applicants has been dropping since 2014, with 2021 seeing the lowest number in 25 years (**Graph 2**). (Three examinations were administered in 2020 due to the pandemic. The Board administered the summer examination in both July and September.)

Graph 2: Number of Exam Applicants per Year



The following tables, **Tables 1 and 2**, show the number of examinees who participated and passed the February and July bar examinations over the past two years, along with the passage rate for those taking the examinations for the first time in Minnesota. **Table 3** represents the total number of all numbers and percentages by year for the previous two years in Minnesota.

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APPLICATION FOR EXAMINATION (CONT'D)

Table 1: February Bar Examination Participants, Passage Rate and First-time Exam Takers for 2020 and 2021

FEBRUARY	2020				2021			
	SAT	OVERALL PASSAGE	FIRST TIME	FIRST TIME	SAT	OVERALL PASSAGE	FIRST TIME	FIRST TIME
University of MN	10	8	80.00%	100.00%	9	6	66.67%	100.00%
St. Thomas	36	16	44.44%	88.89%	46	24	52.17%	71.43%
Mitchell Hamline	92	44	47.83%	56.25%	90	51	56.67%	58.00%
Other Schools ¹	53	29	54.72%	67.74%	39	23	58.97%	77.27%
TOTAL – All Schools	201	103	51.24%	66.00%	186	106	56.99%	67.03%

Table 2: July Bar Examination Participants, Passage Rate and First-time Exam Takers for 2020 and 2021

JULY	2020 ²				2021			
	SAT	OVERALL PASSAGE	FIRST TIME	FIRST TIME	SAT	OVERALL PASSAGE	FIRST TIME	FIRST TIME
University of MN	129	125	96.90%	98.41%	141	133	94.33%	96.32%
St. Thomas	122	90	73.77%	77.48%	137	97	70.80%	77.78%
Mitchell Hamline	171	128	74.85%	79.58%	176	102	57.95%	69.17%
Other Schools	122	107	87.70%	93.75%	112	84	75.00%	83.84%
TOTAL – All Schools	547	452	82.63%	87.22%	566	416	73.50%	81.86%

Table 3: February & July Bar Examination Participants, Passage Rate and First-time Exam Takers Totals for 2020 and 2021

YEARLY TOTALS	2020				2021			
	SAT	OVERALL PASSAGE	FIRST TIME	FIRST TIME	SAT	OVERALL PASSAGE	FIRST TIME	FIRST TIME
University of MN	139	133	95.68%	98.48%	150	139	92.67%	96.43%
St. Thomas	158	106	67.09%	78.33%	183	121	66.12%	77.10%
Mitchell Hamline	263	172	65.40%	73.68%	266	153	57.52%	66.12%
Other Schools	175	136	77.71%	88.11%	151	107	70.86%	82.64%
TOTAL – All Schools	748	555	74.20%	83.64%	752	522	69.41%	79.51%

¹ Other Schools includes Other School, William Mitchell and Hamline statistics.

² July 2020 data includes July 2020 Bar Examination and September 2020 Bar Examination.

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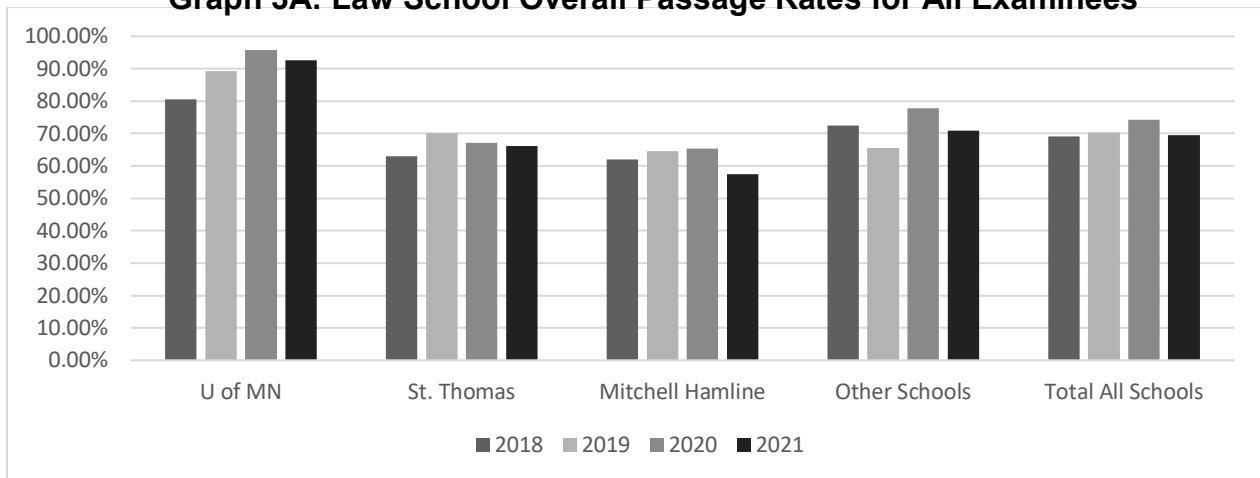
APPLICATION FOR EXAMINATION (CONT'D)

Table 4 below represents the total cumulative passage rate of all examinees and first-time examinees in both February and July for the last four years. **Graph 3A** represents those percentages for the last four years with a comparison to the passage rates of out-of-state law school graduates overall. **Graph 3B** represents the trends in first-time taker passage rates.

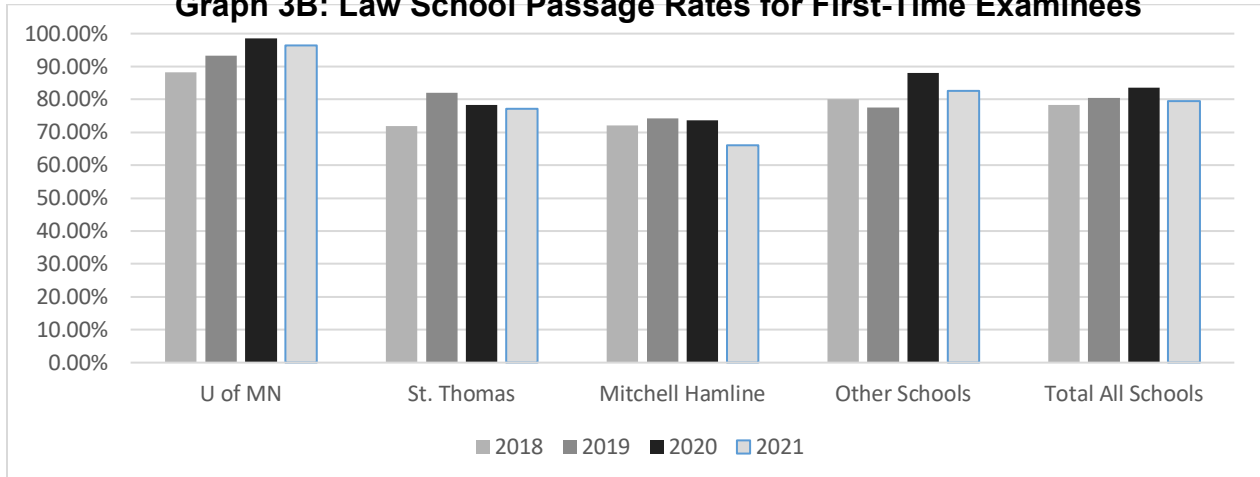
Table 4: Overall & First-Time Examinee Passage Rate Totals for Law Schools 2018-2021

Law School	2018		2019		2020		2021	
	Overall	1 st -Time	Overall	1 st -Time	Overall	1 st -Time	Overall	1 st -Time
U of MN	80.49%	88.32%	89.29%	93.33%	95.68%	98.48%	92.67%	96.43%
St. Thomas	62.90%	71.91%	70.13%	81.98%	67.09%	78.33%	66.12%	77.10%
Mitchell Hamline	61.94%	72.04%	64.52%	74.26%	65.40%	73.68%	57.52%	66.12%
Other Schools	72.43%	80.11%	65.48%	77.46%	77.71%	88.11%	70.86%	82.64%
Total All Schools	69.09%	78.33%	70.39%	80.52%	74.20%	83.64%	69.41%	79.51%

Graph 3A: Law School Overall Passage Rates for All Examinees



Graph 3B: Law School Passage Rates for First-Time Examinees



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APPLICATION FOR EXAMINATION (CONT'D)

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, as appropriate.

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

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, past accommodations, and in many cases, after referring the information for review by a medical expert.

When 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 full hearing before the Board.



Some Accommodations Granted in 2021:

- Additional testing time
- Testing in a private or semi-private room
- Off-the-clock breaks

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APPLICATION FOR EXAMINATION (CONT'D)

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 to examinees to offset the increased costs associated with the use of laptops. **Table 5** shows the number of applicants that either chose to handwrite the exam or utilize their laptops to take the exam for the previous five years.

In 2021, 718 or 95.48% of all examinees took the bar examination on a laptop. This was a slight decrease from the 723 examinees (96.66%) taking the examination on a laptop in 2020.

COVID-Related Accommodations

In 2021, the Board granted medically related COVID accommodation requests to applicants who submitted timely written requests and appropriate documentation to substantiate the request. Granted requests included testing with fewer applicants and testing without masks for those unable to wear them due to a medical condition. Applicants testing without masks were tested in private rooms with proctors stationed outside of the room who could monitor the examinee by window.

Table 5: Individuals Taking the Essay Examination by Laptop (Past 5 Years)

	2017	2018	2019	2020	2021
Laptop	791	758	742	723	718
Handwritten	56	34	28	25	34
Total	872	825	770	748	752
Percentage by Laptop	93.60%	95.90%	96.40%	96.66%	95.48%

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APPLICATION FOR MOTION

APPLICATION FOR MOTION

Rules 7, 8, 9, 10, and 11 allow applicants licensed in another jurisdiction to apply for licensure in Minnesota on motion (without sitting for the exam in Minnesota) provided the applicant meets the Rule requirements. The charts below show the number of admissions under these motion types between 2012 and 2021.

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 2021, 275 individuals were admitted on motion without examination, compared to 328 in 2020, a decrease of 16.16%. 2021 has seen its lowest number in motion admissions since 2016. The number of motion applications decreased from 339 in 2019 to 312 in 2020 and then again in 2021 to 286 applications. As explained above, Minnesota typically sees a large number of examinees applying under Rule 7C following score release in other UBE jurisdictions. This decrease is likely related to a number of jurisdictions not administering the UBE in July 2020.

Graph 4 on the next page shows the number of applicants admitted under Rule 7. The difference between application numbers and admission numbers is partially due to the timing of when the applications were received and recommended, which sometimes takes place in different calendar years. The section below provides additional detail regarding various types of motion applicants.

MOTION TYPES

- Rule 7A** – Practiced law, as principal occupation, for 36 of the last 60 months in another jurisdiction and in good standing in each jurisdiction in which licensed.
- Rule 7B** – Transfer of a scaled Multistate Bar Examination (MBE) score of 145 or higher on an MBE taken within the last 3 years.
- Rule 7C** – Transfer of a Uniform Bar Examination (UBE) score taken in another jurisdiction within the last 3 years.
- Rule 8** – Temporary Legal Services License
- Rule 9** – Temporary House Counsel License
- Rule 10** – Permanent House Counsel License
- Rule 11** – Foreign Legal Consultant

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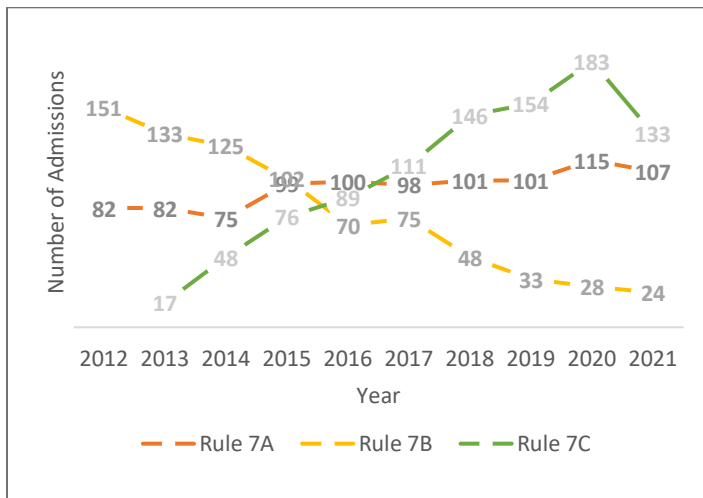
APPLICATION FOR MOTION (CONT'D)

RULE 7

Rule 7A permits applicants to be admitted without examination in Minnesota if they are licensed and in good standing and have the requisite years of practice. In 2021, 116 applications were submitted under Rule 7A, compared to 104 in 2020, an increase of 11.54%. During 2021, 107 Rule 7A applicants were admitted, which is a slight decrease from 2020 (115) and an increase from 2019 (101).

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 three years as part of another jurisdiction's bar exam and have been admitted in that jurisdiction. Twenty applications were filed under Rule 7B in 2021, compared to 29 applications in 2020, a decrease of 31.03%. In 2021, 24 applicants were admitted under Rule 7B, compared to 28 in 2020, a decrease of 14.29%. As more states adopt the UBE, the number of applications under Rule 7B is expected to continue to decrease.

Graph 4: Rule 7 Admissions



In 2013 Minnesota began to accept transferred UBE scores under Rule 7C. This provision permits applicants to be admitted without examination in Minnesota if they have achieved a scaled score of 260 or above on a certified UBE taken in another jurisdiction. Applicants do not need to be admitted in the jurisdiction where they achieved the UBE score. In 2021, 140 applications were filed under Rule 7C, compared to 172 filed in 2020, a decrease of 18.6%. In 2021, 133 Rule 7C applicants were admitted, compared to 183 in 2020, a decrease of 27.32%. In 2020, there was the largest number of Rule 7C applicants admitted since 2013, but that number fell in 2021. **Graph 4** represents the number of Rule 7 admissions from 2012-2021.

Rule 7 Applications - 2020 to 2021

7A: 11.54%↑ Applications

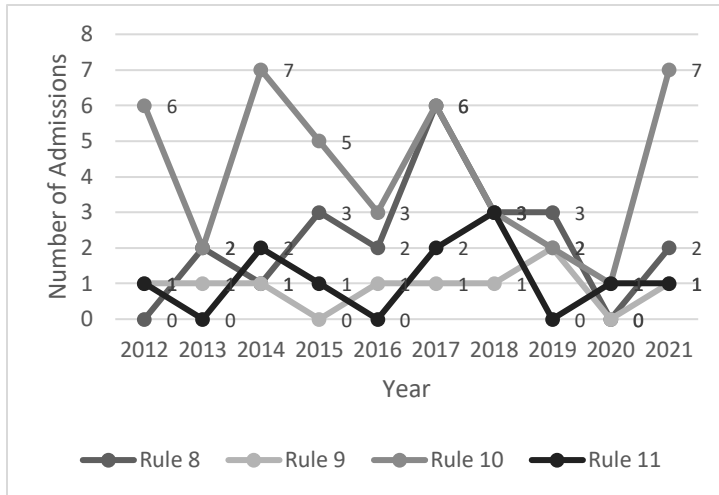
7B: 31.03%↓ Applications

7C: 18.6%↓ Applications

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APPLICATION FOR MOTION (CONT'D)

Graph 5: Rule 8, 9, 10, and 11 Admissions



RULES 8, 9 AND 10

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. Two lawyers were admitted under Rule 8 in 2021, which is an increase from the zero admitted in 2020.

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. If a lawyer licensed under Rule 9 or 10 leaves employment with the corporation which sponsored the application, the license is no longer valid.

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. There were one Rule 9 admission in 2021, back to the number reported in 2018. There were seven Rule 10 admissions in 2021, which is the highest it has been since seven was reported back in 2014. There were increases seen in 2021 from 2020 for Rules 8, 9 and 10. **Graph 5** (above) displays these numbers from 2012 to 2021. The chart below shows the number of applications in 2021.

Rule Type	Number of 2021 Applications
Rule 8	2
Rule 9	1
Rule 10	6
Rule 11	1

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APPLICATION FOR MOTION (CONT'D)

RULE 11

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 one new foreign legal consultant admission in 2021, same as 2020. There were also three renewals in 2021.

As is shown by **Table 6** below, there was a decrease in total number of lawyers admitted on motion. In 2021, there is a decrease in all Rule 7 admissions, but an increase in Rule 8, 9 and 10. Year 2020 showed the greatest increase since 2011 in overall admittance, but that number has dropped by 16.16% in 2021.

Table 6: Lawyers Admitted on Motion (Without Examination)

	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Rule 7A (years of practice)	52	82	82	75	99	100	98	101	101	115	107
Rule 7B (MBE score)	139	151	133	125	102	70	75	48	33	28	24
Rule 7C (UBE score)³	-	-	17	48	76	89	111	146	154	183	133
Rule 8 (Temp Legal Services)	0	0	2	1	3	2	6	3	3	0	2
Rule 9 (Temp House Counsel)	0	1	1	1	0	1	1	1	2	0	1
Rule 10 (House Counsel License)	6	6	2	7	5	3	6	3	2	1	7
Rule 11 (Foreign Legal Consultant)	1	1	0	2	1	0	2	3	0	1	1
TOTAL	198	241	237	259	286	265	299	305	295	328	275

³ 2013 was the first year applicants could apply under Rule 7C.

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APPLICANT CHARACTER & FITNESS

INVESTIGATION PROCESS

The Board of Law Examiners conducts an investigation of the background of each applicant to the bar. The focus of the investigation is to determine whether an applicant demonstrates the ability to meet the essential eligibility requirements to practice law.

The Board staff relies on policies and written procedures to ensure that character and fitness investigations are conducted in a thorough, fair, efficient, and consistent manner. Full and complete disclosure is important. Applications that raise serious character and fitness concerns are brought to the Board for review. The more serious the misconduct in the applicant's past, the more evidence of rehabilitation the applicant will be required to provide. Dishonesty is the most frequent reason for denial of a bar application. Failure to provide thorough responses is the most frequent reason for delay.

For most applicants taking the bar examination, the Board completes investigations by the time the bar examination results are published. There are some applicants each examination cycle who wait until the results are released before providing responses to inquiries that the Board staff previously posted. This may result in applicants who are unable to attend the admission ceremony. In 2021, 88.7% of successful February applicants and 94.7% of successful July applicants cleared in time to participate in the admission ceremony. Applicants who did not clear character and fitness prior to the admission ceremony either failed to respond to Board requests in a timely manner or had serious issues. In addition, some applicants did not qualify to attend the ceremony because they had not yet submitted a qualifying MPRE score.

RULE 5A - ESSENTIAL ELIGIBILITY REQUIREMENTS

The ability to be honest and candid with clients, lawyers, courts, the Board, and others

The ability to reason, recall complex factual information, and integrate that information with complex legal theories;

The ability to communicate with clients, lawyers, courts, and others with a high degree of organization and clarity;

The ability to use good judgment on behalf of clients and in conducting one's professional business;

The ability to conduct oneself with respect for and in accordance with the law;

The ability to avoid acts which exhibit disregard for the rights or welfare of others;

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;

The ability to act diligently and reliably in fulfilling one's obligations to clients, lawyers, courts, and others;

The ability to use honesty and good judgment in financial dealings on behalf of oneself, clients, and others; and

The ability to comply with deadlines and time constraints.

During the Character & Fitness process, the Board views favorably any measures taken by applicant to proactively address concerns.

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APPLICANT CHARACTER & FITNESS (CONT'D)

CHEMICAL DEPENDENCY AND EMOTIONAL CONDITIONS

Board inquiries into mental health and chemical dependency issues are narrowly focused to meet the Board's responsibility to protect the public and to determine whether an applicant meets the essential eligibility requirements. The Board recognizes the stresses that law school and other factors may place on applicants and encourages applicants to seek psychological counseling or treatment whenever the applicant believes it beneficial to do so. The Board views the decision to seek treatment as a positive factor in evaluating applications and regularly recommends admission of applicants who have addressed their issues and who have the current ability to meet the essential eligibility requirements to practice law.

PSYCHOLOGICAL EVALUATIONS

The Minnesota Bar Application includes several paragraphs explaining that written policies and procedures 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.

CONDITIONAL ADMISSIONS

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 60 months. The conditional license status is confidential and is not disclosed to the public. Between 2009 and 2021, 161 lawyers have been conditionally admitted to the bar and 131 lawyers have successfully completed conditional admission. There were 25 lawyers on conditional admission at the end of 2021.

ADVERSE DETERMINATION

When the Board concludes that an applicant's past conduct warrants denial, the Board issues an adverse determination providing the grounds for the preliminary denial. Applicants may appeal the determination and request a hearing before the full Board.

Conditional Admission 2009-2021:

161 Total
Lawyers

131 Total
Lawyers
Successfully
Completed

25 Lawyers on
Conditional
Admission as of
Dec. 31, 2021

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PRO HAC VICE

On November 24, 2020, the Minnesota Supreme Court adopted a petition filed by the Legal Services Advisory Committee (LSAC) to amend Rule 5 of the General Rules of Practice to establish a registration process and impose a fee on lawyer's seeking *pro hac vice* admission in Minnesota.

Out-of-state lawyers admitted to practice in the trial courts of any other jurisdiction and who have been retained to appear in a particular case pending in a district court in Minnesota may appear in the matter at the discretion of the district court upon a written application to appear as counsel *pro hac vice*. Before applying, the out-of-state lawyer should carefully review Rule 5 of the Rules of General Practice.

Effective June 1, 2021, the Minnesota Supreme Court has implemented a new process for out-of-state lawyers seeking *pro hac vice* admission into the State of Minnesota. The revised Rules set out a two-step process. The Minnesota Board of Law Examiners handles Step 1 on behalf of the Minnesota Supreme Court. Applicants must file an electronic application, submit a certificate of good standing from the jurisdiction in which the lawyer primarily practices, and submit electronic payment in the amount of \$450, unless the matter qualifies for waiver under Rule 5.02(b) of the General Rules of Practice. All fees received are allocated to the Lawyer Services Advisory Council. \$96,750 was received in 2021.

Since implementation on June 1, 2021 and to the end of 2021, the Board office has received 315 applications.

Pro Hac Vice Applications by Month

	Total Applications	Fee Exempt
June	29	3
July	32	6
August	45	25
September	66	36
October	51	5
November	62	12
December	30	13

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FUNDING

Board revenues are generated from bar application fees and from a \$29 per lawyer allocation from the Lawyer Registration fee (effective as of the October 1, 2017 registration cycle). Table 7 shows the 2021 fees received by category, compared to the fees received in the previous four calendar years. Total revenue in 2021 decreased slightly by \$55,450, or 3.0%, compared to 2020.

Table 7: BLE Receipts for Calendar Years 2017-2021

	2017	2018	2019	2020	2021
Lawyer Registration fees	\$757,558	\$865,175	\$872,934	\$872,571	\$885,991
Bar Exam Application fees	\$491,345	\$472,700	\$469,300	\$531,050	\$495,000
Motion Application fees	\$273,950	\$287,450	\$335,570	\$349,100	\$318,700
Misc. Fees (including laptop and Rule 8-11 fees)	\$100,113	\$97,777	\$91,938	\$95,120	\$92,700
Total	\$1,622,966	\$1,723,102	\$1,769,742	\$1,847,841	\$1,792,391

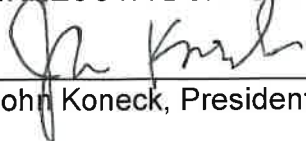
CONCLUSION

The COVID-19 pandemic continued to impact the operations of the Board in 2021. The Board continued to safely administer the bar examination and to conduct the entire admission process in a fair and conscientious manner by processing each application as expeditiously as possible and treating each applicant with consideration and respect. The Board office is hopeful that the online bar application, which will be making its debut in the near future, will increase the efficiency of the overall program.

The Board continues to educate lawyers on the bar application process and provide transparency on the types of circumstances that will lead to delay. The Board looks forward to continuing the work it has begun on studying the bar examination and alternative methods of licensure to ensure that those who are licensed maintain the high standards set by the Court.

Respectfully submitted,

MINNESOTA BOARD OF LAW EXAMINERS


John Koneck, President


Emily J. Eschweiler, Director