

Professional Rules

RULES of the SUPREME COURT on LAWYER REGISTRATION



Effective January 1, 2016

Rules of the Supreme Court on Lawyer Registration

Adopted August 4, 1970

With amendments effective August 1, 2014; October 1, 2014; January 1, 2016

TABLE OF HEADNOTES

Preamble

1. Definitions
2. Registration Fee
3. License
4. Special Fund
5. Nonresident Counsel
6. Annual Reporting of Professional Liability Insurance Coverage
7. Access to Lawyer Registration Records
8. Supervisory Authority
9. New Lawyer Admission Fee

Preamble

Admission to the bar of the State of Minnesota, disciplinary proceedings, and continuing legal education for members of the legal profession shall be conducted in accordance with rules promulgated by this court.

Rule 1. Definitions

- A. **"Active Status"** means a lawyer or judge who (i) has paid the applicable required lawyer registration fee for the current year, (ii) is in compliance with the requirements of the Minnesota State Board of Continuing Legal Education or of continuing judicial education, (iii) is not disbarred, suspended, or on permanent disability status pursuant to Rule 28 of the Rules on Lawyers Professional Responsibility, (iv) is in compliance with Rule 1.15(i), Minnesota Rules of Professional Conduct, and (v) is in compliance with Rule 6 of these rules. A lawyer or judge on active status is in good standing and is authorized to practice law in this state.
- B. **"Inactive Status"** means a lawyer or judge who has elected to be on inactive status pursuant to Rule 2C1, 2C2, 2C3, 2C4, 2C5, or 2C6 of these rules and who meets the criteria set forth in subparts (i) through (v) in the definition of Active Status, above. A lawyer or judge on inactive status is in good standing but is not authorized to practice law in this state.
- C. **"Judge"** means any judicial officer, referee, or other hearing officer employed in the judicial branch of the State of Minnesota.
- D. **"Lawyer"** means a person admitted to practice law in this state pursuant to the Rules for Admission to the Bar.
- E. **"Lawyer Registration Statement"** means a document prepared by the Lawyer Registration Office that informs a lawyer or judge of the lawyer registration fee due and on which the lawyer or judge can certify the lawyer's or judge's status and compliance with Rule 1.15(i), Minnesota Rules of Professional Conduct, and Rule 6 of these rules.
- F. **"Non-Compliant Status"** means a lawyer or judge who has not met all the criteria to be on active status or inactive status. A lawyer or judge who is on non-compliant status is not in good standing and is not authorized to practice law in this state.
- G. **"Online Registration System"** means the Internet lawyer registration system maintained by the Lawyer Registration Office. Lawyers and judges who elect to use this system manage the information required by these rules in their lawyer profile, complete their annual registration statement, and pay their annual fee electronically.
- H. **"Private Client."** For the purpose of reporting professional liability insurance coverage, the term "private client" excludes the clients of government lawyers and house counsel.

Rule 2. Registration Fee

A. Required Fee.

In order to defray the expenses of examinations and investigation for admission to the bar and disciplinary proceedings, to defray the expenses of administering continuing legal education, to provide an adequate client security fund, to help fund legal services programs, and to help fund a lawyers assistance program, each lawyer and each judge must pay to the Lawyer Registration Office an annual registration fee.

B. Active Statuses.

Each lawyer and judge must pay an annual registration fee of \$248 or such lesser sum as is set forth in the following sections.

1. Active Status - Income Less Than \$25,000.

A lawyer or judge on active status who certifies that the lawyer's or judge's gross income from all sources, excluding the income of a spouse, is less than \$25,000 per year must pay an annual registration fee of \$220.

2. Active Status - Lawyers on Fulltime Military Duty.

A lawyer or judge on fulltime duty in the armed forces of the United States must pay an annual registration fee of \$125.

3. Active Status - Lawyers on Fulltime Military Duty - Income Less Than \$25,000.

A lawyer or judge on fulltime duty in the armed forces of the United States who certifies that the lawyer's or judge's gross income from all sources, excluding the income of a spouse, is less than \$25,000 per year must pay an annual registration fee of \$97.

4. Active Status - Lawyers Admitted Fewer Than Three Years.

A lawyer or judge who has been admitted to practice law fewer than three years in each and every licensing jurisdiction, including Minnesota, must pay an annual registration fee of \$114.

5. Active Status - Lawyers Admitted Fewer Than Three Years - Income Less Than \$25,000.

A lawyer or judge who has been admitted to practice law fewer than three years in each and every licensing jurisdiction, including Minnesota, and certifies that the lawyer's or judge's gross income from all sources, excluding the income of a spouse, is less than \$25,000 per year must pay an annual registration fee of \$100.

C. Inactive Statuses.

1. Inactive Status - Out-of-State.

A lawyer or judge who files with the Lawyer Registration Office on or before the date the lawyer's registration fee is due an affidavit stating that the lawyer or judge (i) is a permanent resident of a state other than Minnesota, (ii) is currently in good standing, (iii) does not hold judicial office in Minnesota and (iv) is not engaged in the practice of law in Minnesota, must pay an annual registration fee of \$205.

2. Inactive Status - Out-of-State - Income Less Than \$25,000.

A lawyer or judge who files with the Lawyer Registration Office on or before the date the lawyer's registration fee is due an affidavit stating that the lawyer or judge (i) is a permanent resident of a state other than Minnesota, (ii) is currently in good standing, (iii) does not hold judicial office in Minnesota, (iv) is not engaged in the practice of law in Minnesota, and (v) certifies that the lawyer's or judge's gross income from all sources, excluding the income of a spouse, is less than \$25,000 per year must pay an annual registration fee of \$177.

3. Inactive Status - Minnesota.

A lawyer who files with the Lawyer Registration Office on or before the date the lawyer's registration fee is due an affidavit stating that the lawyer (i) is a resident of the State of Minnesota, (ii) is currently in good standing, (iii) does not hold judicial office in this state, and (iv) is not engaged in the practice of law in this state must pay an annual registration fee of \$205.

4. Inactive Status - Minnesota - Income Less Than \$25,000.

A lawyer who files with the Lawyer Registration Office on or before the date the lawyer's registration fee is due an affidavit stating that the lawyer (i) is a resident of the State of Minnesota, (ii) is currently in good standing, (iii) does not hold judicial office in this state, (iv) is not engaged in the practice of law in this state, and (v) certifies that the lawyer's or judge's gross income from all sources, excluding the income of a spouse, is less than \$25,000 per year must pay an annual registration fee of \$177.

5. Inactive Status - Retired.

A lawyer or judge who files with the Lawyer Registration Office a Retirement Affidavit stating that the lawyer or judge (i) is currently on active or inactive status, (ii) does not hold judicial office in this state, (iii) is not engaged in the practice of law in this state, (iv) is at least 62 years of age, and (v) is retired from any gainful employment is exempt from payment of any registration fee during the period of the lawyer's or judge's retirement. A Retirement Affidavit, once filed, is effective for each succeeding year unless the lawyer or judge transfers to active status pursuant to section C7 of this rule. Notwithstanding the above, a lawyer or judge who has filed an affidavit in accordance with this rule may engage in the pro bono legal representation of pro bono clients pursuant to Rule 14 of the Rules of the Minnesota State Board of Continuing Legal Education.

6. Inactive Status - Permanent Disability.

A lawyer or judge who files with the Lawyer Registration Office a Disability Affidavit stating that the lawyer or judge (i) is currently on active or inactive status, (ii) does not hold judicial office in this state, (iii) is not engaged in the practice of law in this state, and (iv) is totally disabled is exempt from payment of any registration fee during the period of the lawyer's or judge's disability. A Disability Affidavit, once filed, is effective for each succeeding year unless the lawyer or judge transfers to active status pursuant to section C7 of this rule.

7. Transfer from Inactive Status to Active Status.

A lawyer or judge who is on inactive status must, prior to practicing law or assuming judicial responsibilities, (i) promptly notify the Lawyer Registration Office, (ii) complete a lawyer registration statement, (iii) pay the applicable registration fee, (iv) complete all continuing legal education (CLE) requirements and be transferred to CLE active status, (v) comply with Rule 1.15(i), MRPC, and (vi) comply with Rule 6 of these rules.

D. Allocation of Fees.

Fees paid pursuant to this rule are allocated according to the following schedule:

- (1) Payments of \$248 are allocated as follows:
 - a. \$21 to the State Board of Law Examiners;
 - b. \$1 to the State Board of Continuing Legal Education;
 - c. \$122 to the Lawyers Professional Responsibility Board;
 - d. \$12 to the Client Security Fund (no fee collected October 1, 2008 through July 1, 2010 registration deadline cycles);
 - e. \$75 to the Legal Services Advisory Committee for civil legal services and grant program purposes;
 - f. \$13 to the Legal Services Advisory Committee for a lawyers assistance program; and
 - g. \$4 to the Lawyer Registration Office.
- (2) Payments of \$220 are allocated as follows:
 - a. \$21 to the State Board of Law Examiners;
 - b. \$1 to the State Board of Continuing Legal Education;
 - c. \$122 to the Lawyers Professional Responsibility Board;
 - d. \$12 to the Client Security Fund (no fee collected October 1, 2008 through July 1, 2010 registration deadline cycles);
 - e. \$47 to the Legal Services Advisory Committee for civil legal services and grant program purposes;
 - f. \$13 to the Legal Services Advisory Committee for a lawyers assistance program; and
 - g. \$4 to the Lawyer Registration Office.
- (3) Payments of \$205 are allocated as follows:
 - a. \$21 to the State Board of Law Examiners;
 - b. \$1 to the State Board of Continuing Legal Education;
 - c. \$83 to the Lawyers Professional Responsibility Board;
 - d. \$12 to the Client Security Fund (no fee collected October 1, 2008 through July 1, 2010 registration deadline cycles);
 - e. \$71 to the Legal Services Advisory Committee for civil legal services and grant program purposes;
 - f. \$13 to the Legal Services Advisory Committee for a lawyers assistance program; and
 - g. \$4 to the Lawyer Registration Office.
- (4) Payments of \$177 are allocated as follows:
 - a. \$21 to the State Board of Law Examiners;
 - b. \$1 to the State Board of Continuing Legal Education;
 - c. \$83 to the Lawyers Professional Responsibility Board;

- d. \$12 to the Client Security Fund (no fee collected October 1, 2008 through July 1, 2010 registration deadline cycles);
 - e. \$43 to the Legal Services Advisory Committee for civil legal services and grant program purposes;
 - f. \$13 to the Legal Services Advisory Committee for a lawyers assistance program; and
 - g. \$4 to the Lawyer Registration Office.
- (5) Payments of \$125 are allocated as follows:
- a. \$21 to the State Board of Law Examiners;
 - b. \$0 to the State Board of Continuing Legal Education;
 - c. \$24 to the Lawyers Professional Responsibility Board;
 - d. \$63 to the Legal Services Advisory Committee for civil legal services and grant program purposes;
 - e. \$13 to the Legal Services Advisory Committee for a lawyers assistance program; and
 - f. \$4 to the Lawyer Registration Office.
- (6) Payments of \$97 are allocated as follows:
- a. \$21 to the State Board of Law Examiners;
 - b. \$0 to the State Board of Continuing Legal Education;
 - c. \$24 to the Lawyers Professional Responsibility Board;
 - d. \$35 to the Legal Services Advisory Committee for civil legal services and grant program purposes;
 - e. \$13 to the Legal Services Advisory Committee for a lawyers assistance program; and
 - f. \$4 to the Lawyer Registration Office.
- (7) Payments of \$114 are allocated as follows:
- a. \$21 to the State Board of Law Examiners;
 - b. \$1 to the State Board of Continuing Legal Education;
 - c. \$26 to the Lawyers Professional Responsibility Board;
 - d. \$12 to the Client Security Fund (no fee collected October 1, 2008 through July 1, 2010 registration deadline cycles);
 - e. \$37 to the Legal Services Advisory Committee for civil legal services and grant program purposes;
 - f. \$13 to the Legal Services Advisory Committee for a lawyers assistance program; and
 - g. \$4 to the Lawyer Registration Office.
- (8) Payments of \$100 are allocated as follows:
- a. \$21 to the State Board of Law Examiners;
 - b. \$1 to the State Board of Continuing Legal Education;
 - c. \$26 to the Lawyers Professional Responsibility Board;
 - d. \$12 to the Client Security Fund (no fee collected October 1, 2008 through July 1, 2010 registration deadline cycles);
 - e. \$23 to the Legal Services Advisory Committee for civil legal services and grant program purposes;
 - f. \$13 to the Legal Services Advisory Committee for a lawyers assistance program; and
 - g. \$4 to the Lawyer Registration Office.

E. Due Date.

Fees under this rule are due and payable on or before the first day of January, April, July, or October of each year as requested by the Lawyer Registration Office.

F. Notification of Fee Due.

The Lawyer Registration Office must, annually one month prior to the date due, either mail a lawyer registration statement or email a notice of registration to each lawyer and judge then in good standing except those who have elected inactive retired status pursuant to section C5, above, or permanent disability status pursuant to section C6, above. A lawyer registration statement must be mailed to the lawyer's or judge's postal address on file with the Lawyer Registration Office. For those electing to use the online registration system, a notice of registration must be sent to the lawyer's or judge's email address on file with the Lawyer Registration Office. For those electing not to use the online registration system to complete the annual statement and pay the annual fee, a \$10 charge shall be added to the annual registration fee, and shall be paid and allocated to the Lawyer Registration Office at the time of registration. Failure to receive a lawyer registration statement or a notice of registration shall not excuse payment of the fee.

G. Obligation to Notify of Address Change.

Every lawyer or judge must immediately notify the Lawyer Registration Office of any change of postal address. Every lawyer or judge who elects to use the online registration system must immediately update their online registration profile to reflect any change of their postal address and email address.

H. Penalty for Failure to Comply - Non-Compliant Status - Administrative Suspension.

A lawyer or judge who fails to meet all of the criteria to be on either active or inactive status is placed on non-compliant status, and the right to practice law in this state is automatically suspended. A lawyer or judge on non-compliant status is not in good standing. A lawyer or judge on non-compliant status must not practice law in this state, must not hold out himself or herself as authorized to practice law, or in any manner represent that he or she is qualified or authorized to practice law while on non-compliant status. Any lawyer or judge who violates this rule is subject to all the penalties and remedies provided by law for the unauthorized practice of law in the State of Minnesota. It is the duty of each judge to enjoin persons who are not on active status from appearing and practicing law in that judge's court.

I. Reinstatement.

A lawyer or judge who is on non-compliant status, who seeks to be reinstated to active status or inactive status, must (i) notify the Lawyer Registration Office, (ii) complete a lawyer registration statement, (iii) pay all delinquent registration fees, (iv) pay the applicable registration fee for the current year, (v) pay a late penalty of \$75, (vi) complete all CLE requirements and be transferred to CLE active status, (vii) comply with Rule 1.15(i), MRPC, and (viii) comply with Rule 6 of these rules. The Lawyer Registration Office may, in hardship cases, waive payment of delinquent lawyer registration fees and late penalties. All late penalty payments are allocated to the Lawyer Registration Office to defray registration costs.

Rule 3. License

- A. Upon payment of the lawyer registration fee and completion of a lawyer registration statement, the Lawyer Registration Office must issue and mail to the lawyer or judge a license in such form as may be provided by this court, showing the license status of the lawyer or judge.
- B. Upon request and the payment of a fee of \$25, the Lawyer Registration Office must provide to any lawyer or judge a certificate of active status and good standing, provided the lawyer or judge is entitled to the same.

Rule 4. Special Fund

All money collected from applicants for admission to the bar or as an annual registration fee or as payment for a certificate of active status and good standing as provided herein shall be deposited in a special fund, as desired by this court, and shall be disbursed therefrom only upon vouchers signed by a member of this court or a representative of State Court Administration to whom the court has delegated its authority to sign for purpose of this rule.

Rule 5. Nonresident Counsel

Nothing herein shall prevent any court in this state from granting special permission to nonresident counsel to appear and participate in a particular action or proceeding in association with an authorized lawyer of this state.

Rule 6. Annual Reporting of Professional Liability Insurance Coverage

Each lawyer on active status must certify on the lawyer registration statement

- (1) whether the lawyer represents private clients;
- (2) if the lawyer represents private clients, whether the lawyer is currently covered by professional liability insurance;
- (3) if the lawyer is covered by professional liability insurance, the name of the primary carrier.

Each lawyer on active status must notify the Lawyer Registration Office either by letter or by updating the lawyer's online registration profile within 30 days if the insurance policy providing coverage lapses, is no longer in effect, or terminates for any reason, unless the policy is renewed or replaced without substantial interruption.

Rule 7. Access to Lawyer Registration Records

Lawyer registration records are accessible only as provided in this rule.

- A. **Public Inquiry Concerning Specific Lawyer.** Upon inquiry, the Lawyer Registration Office may disclose to the public the name, postal address, admission date, continuing legal education category, current status, professional liability insurance coverage information submitted under Rule 6 of these rules, and license number of a registered lawyer or judge, provided that each inquiry and disclosure is limited to a single registered lawyer or judge.
- B. **Publicly Available List.** The Lawyer Registration Office may also disclose to the public a complete list of the name, city, and zip code of all registered lawyers and judges.
- C. **Lists Available to Continuing Legal Education Providers and the Courts.** Upon written request and payment of the required fee, the Lawyer Registration Office may disclose to a bona fide continuing legal education business a complete list of the name, postal address, admission date, continuing legal education category, current status, and license number of all registered lawyers and judges. The Lawyer Registration Office may also disclose the same information to a court or judicial district solely for use in updating mailing addresses of lawyers and judges to be included in a judicial evaluation program.
- D. **Trust Account Information.** Trust account information submitted by lawyers and judges as part of the lawyer registration process is not accessible to the public.
- E. **Use in Case Management Systems.** Lawyer registration records may be imported into case management systems for the purpose of linking lawyers to cases and storing accurate identification information. When imported into a case management system, lawyer registration records may thereafter be disclosed in connection with corresponding case information provided that bulk distribution of such records must comply with Rule 7.B. of these rules.

Rule 8. Supervisory Authority

Subject to the general direction of the Court in all matters, the State Board of Continuing Legal Education shall have supervisory authority over the administration of these Rules, and may adopt policies, procedures, and forms not inconsistent with these Rules.

Rule 9. New Lawyer Admission Fee

The initial fee for new admittees to the Minnesota bar, payable at or before the time of the new admittee's admission, is \$40. The Lawyer Registration Office shall allocate \$25 of this fee to the State Board of Law Examiners and \$15 of the fee to the Lawyers Professional Responsibility Board.