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Legal Professions Boards

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AT A GLANCE

- The Boards regulate approximately 29,000 licensed Minnesota lawyers and assist the public of the state that use legal services.
- The Office of Lawyers Professional Responsibility (OLPR) processed 1,110 complaints against Minnesota attorneys in calendar 2017.
- 40 Minnesota lawyers were publicly disciplined in 2017; 5 lawyers were disbarred.
- The Client Security Board (CSB) authorized payment of approximately \$750,000 to 67 victims of lawyer dishonesty in FY 2017.
- The Office of the Board of Law Examiners (BLE) received 1,199 applications from law graduates and out-of-state lawyers seeking admission to the Minnesota bar in 2017.
- The Minnesota Board of Continuing Legal Education (CLE) approved 14,009 courses in 2017.
- The Lawyer Registration Office (LRO) processed 28,718 annual registration statements.
- The Minnesota Board of Legal Certification (BLC) oversaw 5 agencies that certified 883 Minnesota-licensed lawyers as specialists.

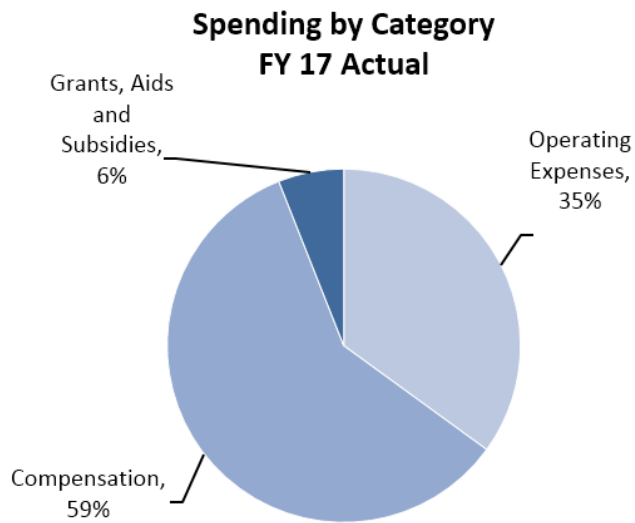
PURPOSE

The Minnesota Supreme Court has the inherent constitutional as well as statutory authority to regulate the practice of law in Minnesota. The Supreme Court has established several regulatory boards to assist in the regulation of lawyers licensed to practice law in Minnesota. Key issues addressed by these agencies include:

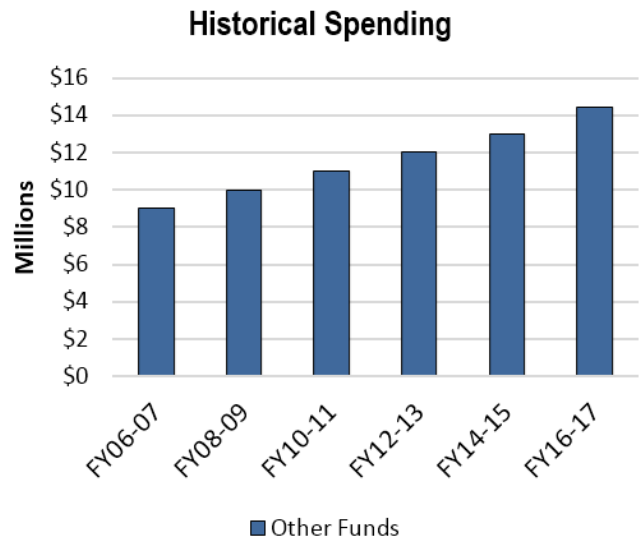
- The Board of Law Examiners (BLE) conducts a background investigation of each Bar applicant and twice a year administers the Bar Exam to assess lawyer competence.
- The Board of Continuing Legal Education (CLE) accredits qualifying courses as continuing legal education (CLE) and ensures that lawyers, as a condition of continued licensure, fulfill their obligation to continue their professional education.
- The Board of Legal Certification (BLC) reviews and accredits qualifying agencies that have the authority to certify lawyers as specialists.
- The Office of Lawyers Professional Responsibility (OLPR), working in conjunction with district ethics committees throughout the state, investigates complaints of unprofessional conduct against lawyers, and recommends and prosecutes discipline, public and private, where appropriate. The Court is assisted in its oversight of the OLPR by the Lawyers Professional Responsibility Board (LPRB).
- The Client Security Board (CSB) reviews claims from clients who have experienced monetary loss because of attorney dishonesty (in the form of theft or embezzlement) and, where the claim meets criteria established by the Board, reimburses the client for the loss up to \$150,000 per claim.
- The Lawyer Registration Office (LRO) collects attorneys' annual registration statements and fees, and demographic and other data from Minnesota lawyers, and administratively suspends lawyers who fail to comply with the Rules.

The Supreme Court Boards support the following statewide outcomes: Strong and stable families and communities; People in Minnesota are safe; and Efficient and accountable government services.

BUDGET



Source: Budget Planning & Analysis System (BPAS)



Source: Consolidated Fund Statement

Dedicated revenue, not General Fund monies, fully fund the operations of these boards. The Supreme Court assesses each Minnesota-licensed lawyer an annual registration fee that funds these activities. The registration fee is authorized by statute and court rule, and is held in trust for the regulation of the bar. The registration fee revenue is divided among each of the boards (with the exception of the Legal Certification Board, which is funded entirely by user fees) as determined after public hearing by Court's Rules for Registration of Lawyers. The Board of Law Examiners assesses a bar application fee to each applicant for admission to the bar. The Board of Continuing Legal Education assesses course application fees and various administrative fees. Disciplined attorneys are also assessed costs for public discipline. The fees for those boards are included in the Department Earnings Report.

STRATEGIES

The Boards have extensive written rules, policies, and procedures that ensure fair and accurate processing of applications, course approval applications, the prompt investigation and disposition of lawyers' alleged disability or unprofessional conduct, as well as a well-trained and carefully managed staff who conscientiously carry out their obligations. In addition, volunteer Board members comprised of lawyers and non-lawyer members of the public volunteer their time to oversee the policies and procedures through which each of the Boards carry out its responsibilities, and in some cases assist in the work of the Boards.

The Boards contribute to the statewide outcomes by ensuring that only those who are competent and have good character are licensed to practice law; that only those who continue their legal education are able to continue to hold a law license; that ethics complaints against Minnesota lawyers warranting professional discipline are investigated and prosecuted; and that clients who suffer loss of money or other property from the dishonest conduct of their attorney are reimbursed. These activities contribute to the administration of justice and ensure that members of the Minnesota Bar provide legal service to those in need of legal counsel and to communities in need of civic members who will uphold the rule of law.

Key partners in the work of the Boards are the Minnesota State Bar Association and its committees and sections, Lawyers Concerned for Lawyers, deans and associate deans of law schools, particularly the deans of the three law schools located in Minnesota; bar regulation administrators in other states, district ethics committees (DEC), colleagues in the Judicial Branch, and the public who are consumers of legal services.

RESULTS

The Board of Law Examiners, Board of Continuing Legal Education, and Board of Legal Certification know their strategies are working when the following results are manifest:

- Some applicants to the bar are denied admission for failure to comply with Board of Law Examiners’ requirements. New certifying agencies continue to apply for accreditation to certify lawyers as specialists. In response to routine surveys, the Boards’ customers’ responses affirm that services are provided in a timely and professional manner.
- Some attorneys are removed from the roles of active Minnesota lawyers due to failure to comply with their continuing legal education requirements or attorney registration obligations.
- The Minnesota Bar is well-educated and prepared to carry out the obligations of licensure. As a result of the accreditation of reputable agencies, only those members of the bar who have met high standards of demonstrated expertise, may hold themselves out as specialists in a field of law.

The factors driving their stable or improving performance trend include the development and implementation of computer technology that permits timely and accurate completion of investigations and valid administration of professional examinations. While the performance trend is stable, the Boards look for and find new ways to improve performance and increase efficiencies in operation.

The OLPR knows its strategies are working when attorneys are disciplined for misconduct. The OLPR also responded to more than 2,000 calls from lawyers asking for assistance on how to meet their ethical obligations in 2017. The OLPR proactively speaks on issues of ethics education, increasing its outreach by approximately 21% in FY18.

The legal professions is also the only profession that has a dedicated fund created by members of the profession to make restitution to individuals who have been victims of lawyer dishonesty. The Client Security Fund, administered by the CSB, goes a long way to maintain the integrity of the profession and to protect the public from the few attorneys who grievously misuse their position of trust.

<i>Type of Measure</i>	<i>Name of Measure</i>	<i>Previous</i>	<i>Current</i>	<i>Dates</i>
Quantity	Number of applicants for admission to the Bar	1,245	1,199	2015/ 2017
Quantity	Number of approved Continuing Legal Education courses	14,157	14,009	2015/ 2017
Quantity	Number of lawyers certified as specialists	941	883	2015/ 2017
Quantity	Number of complaints received by Office of Lawyers Professional Responsibility	1,210	1,110	2015/ 2017
Quantity	Number of complaint files closed by Office of Lawyers Professional Responsibility	1,332	1,073	2015/ 2017

M.S. 481.01 <https://www.revisor.mn.gov/statutes/?id=480.01> and the constitutional authority of the Supreme Court provide the legal authority for the Boards.

Legal Professions Boards

Agency Expenditure Overview

(Dollars in Thousands)

	Actual FY16	Actual FY17	Actual FY18	Estimate FY19	Forecast Base		Governor's Recommendation	
					FY20	FY21	FY20	FY21
<u>Expenditures by Fund</u>								
2000 - Restrict Misc Special Revenue	6,606	7,812	7,615	10,275	9,387	9,334	9,387	9,334
Total	6,606	7,812	7,615	10,275	9,387	9,334	9,387	9,334
Biennial Change				3,472		831		831
Biennial % Change				24		5		5
Governor's Change from Base								0
Governor's % Change from Base								0

Expenditures by Program

Lawyers Board	6,606	7,812	7,615	10,275	9,387	9,334	9,387	9,334
Total	6,606	7,812	7,615	10,275	9,387	9,334	9,387	9,334

Expenditures by Category

Compensation	4,371	4,587	4,641	4,939	4,939	4,939	4,939	4,939
Operating Expenses	1,749	2,733	2,487	4,507	3,624	3,571	3,624	3,571
Grants, Aids and Subsidies	434	451	480	565	560	560	560	560
Capital Outlay-Real Property	36	16	1	35	35	35	35	35
Other Financial Transaction	15	24	6	229	229	229	229	229
Total	6,606	7,812	7,615	10,275	9,387	9,334	9,387	9,334

Full-Time Equivalent

	46.02	46.57	47.33	47.33	47.33	47.33	47.33	47.33
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Legal Professions Boards

Agency Financing by Fund

(Dollars in Thousands)

	Actual FY16	Actual FY17	Actual FY18	Estimate FY19	Forecast Base FY20 FY21		Governor's Recommendation FY20 FY21	
2000 - Restrict Misc Special Revenue								
Balance Forward In	11,855	11,906	10,684	9,670	5,837	2,892	5,837	2,892
Receipts	6,656	6,421	6,601	6,442	6,442	6,442	6,442	6,442
Transfers Out		25						
Balance Forward Out	11,905	10,489	9,669	5,837	2,892		2,892	
Expenditures	6,606	7,812	7,615	10,275	9,387	9,334	9,387	9,334
Biennial Change in Expenditures				3,472		831		831
Biennial % Change in Expenditures				24		5		5
Governor's Change from Base								0
Governor's % Change from Base								0
Full-Time Equivalents	46.02	46.57	47.33	47.33	47.33	47.33	47.33	47.33

(Dollars in Thousands)

	FY19	FY20	FY21	Biennium 2020-21
<i>Dedicated</i>				
Fund: 2000 - Restrict Misc Special Revenue				
Planned Spending	10,275	9,387	9,334	18,721
Forecast Base	10,275	9,387	9,334	18,721
Total Governor's Recommendations	10,275	9,387	9,334	18,721
 <i>Revenue Change Summary</i>				
<i>Dedicated</i>				
Fund: 2000 - Restrict Misc Special Revenue				
Forecast Revenues	6,442	6,442	6,442	12,884
Total Governor's Recommendations	6,442	6,442	6,442	12,884