

ANNUAL REPORT 2023

MINNESOTA BOARD OF LEGAL CERTIFICATION

BOARD OF LEGAL CERTIFICATION
2023 ANNUAL REPORT



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YEAR IN REVIEW - 2023

In 2023, the Minnesota Supreme Court appointed Kellie Reynolds as Board Chair, replacing retiring Board member Andrew Pratt. The Board welcomed three new Board members: Martin Costello, Nancy Berg, and Elizabeth Bryant. Board members Brandon Schwartz, Janet Stellpflug, and Cynthia Daniels were reappointed to three-year terms. The Board held two regular meetings throughout the year to discuss accredited agency annual reports, recertification applications, financial updates, and attorney advertisements. The Board also met to approve the FY24-25 budget recommendations to the Court. The Board continued to discuss ways to reduce spending due to a decline in certified specialists in Minnesota.

In February 2023, the Board filed a Petition with the Minnesota Supreme Court to adopt Rule changes. The Rule amendments included both administrative and substantive recommendations to the Rule set. The Court put the Petition out for public comment and adopted the Board's recommendations in September 2023. The revised rules have been published to the Board's website.

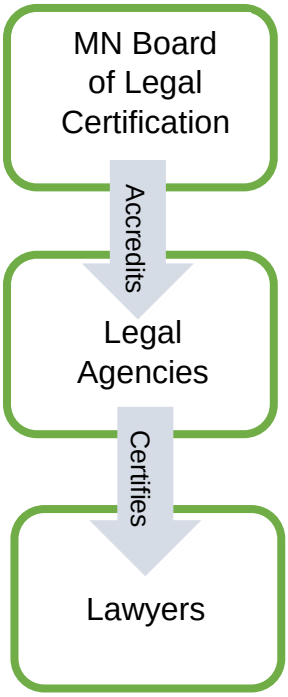
At the March 2, 2023, Board meeting, the Board reviewed the Minnesota State Bar Association's (MSBA) changes to the Real Property Certification Standards to include a standard for reapplication after a lapse in certification status. The Board also reviewed the annual reports that each agency is required to submit each year summarizing the statistical information from each of the agencies. The Board approved the recertification application for the National Board of Trial Advocacy's Family Law Recertification and the Truck Accident Law Recertification.

At the November 30, 2023, Board meeting, the Board thanked Linda Birnbaum and Samuel Edmunds for their service on the Board and reviewed the Order promulgating the Rule amendments.

BLC BACKGROUND

BACKGROUND

The Minnesota State Board of Legal Certification accredits agencies to certify lawyers in Minnesota as specialists. The certification process provides the public with assurances that those who have earned the right to call themselves specialists in certain fields of law have met the necessary prerequisites for certification.



Agencies must complete a rigorous application process, which includes providing documentation verifying that the agency has complied with the Rules of the Minnesota State Board of Legal Certification. The Board reviews each agency's standards and examinations at least once every three years.

Certified lawyers must adhere to the agency's standards, which includes, at a minimum, showing substantial involvement in their specific field of law, receiving peer recommendations, and completing a written examination.

BOARD AND STAFF

The Board is comprised of 12 Board members. Nine members have licenses to practice law in the state and practice in various fields of law, and three are non-attorney public members. Three of the 12 attorney members are nominated by the Minnesota State Bar Association (MSBA). Board members are appointed for a three year term, and are eligible to be reappointed once.

The Board shares staff with the Board of Law Examiners, Board of Continuing Legal Education, and the Lawyer Registration Office, and is comprised of a Director, two attorneys, an administrator, and an executive assistant.

2023 BOARD MEMBERS	
CHAIR: Kellie Reynolds,The American Registry of Radiologic Technologies	Sam Edmunds, Sieben Edmunds Miller, PLLC, Eagan
Nancy Berg, Nancy Zalusky Berg, LLC, Minneapolis	Thomas Radio, Felhaber Larson Law Firm, Minneapolis
Linda Birnbaum, Public Member, Mendota Heights	Brandon M. Schwartz, Schwartz Law Firm, Oakdale
Elizabeth Bryant, Elizabeth Bryant Law Office, St. Louis Park	Janet G. Stellpflug, Ropers Majeski PC, Minneapolis
Martin A. Costello, St. Paul	Jessica Thomas, Public Member, Minneapolis
Cynthia K. Daniels, Public Member, Lakeville	Brendan Tupa, Messerli Kramer, Bloomington
SUPREME COURT LIAISON	**DIRECTOR**
Justice Gordon Moore, MN Supreme Court	Emily Eschweiler

ACCREDITED AGENCIES

LEGAL AGENCIES THAT CERTIFY LAWYERS

Six legal agencies are accredited to certify Minnesota lawyers as specialists:

1) American Board of Certification (ABC), Alexandria, VA
2) International Association of Privacy Professionals (IAPP), Portsmouth, NH
3) Minnesota State Bar Association (MSBA), Minneapolis, MN
4) National Association of Counsel for Children (NACC), Denver, CO
5) National Board of Trial Advocacy (NBTA), Wrentham, MA
6) National Elder Law Foundation (NELF), Tucson, AZ

CERTIFIED SPECIALTY FIELDS

The accredited agencies listed above are approved to certify lawyers in these 14 specialties:

MSBA
Civil Trial Practice
Criminal Law
Labor & Employment Law
Real Property

ABC
Business Bankruptcy
Consumer Bankruptcy
Creditors' Rights

NBTA
Civil Trial Practice
Criminal Law
Family Law
Truck Accident Law

IAPP
Privacy Law

NACC
Child Welfare Law

NELF
Elder Law

CERTIFIED SPECIALISTS

Accredited agencies submit annual reports to the Board and provide statistics on the number of Minnesota lawyers certified, recertified, and decertified, as well as how many new lawyers have applied for their programs. **Chart 1** shows the number of certified specialists over the last several years, and **Table 1** shows the number of certified specialists for each agency specialty field. There continues to be a decrease in the number of certified specialists, as certified lawyers are retiring faster than new lawyers become certified, and some lawyers indicate it is more difficult to meet certain requirements, such as a specified number of trials. The Board routinely asks agencies for information on how the agency promotes certification. Most agencies state they advertise through newsletters, social media outlets, or by attending conferences.

Chart 1: Number of Certified Minnesota Specialists from 2017 - 2023

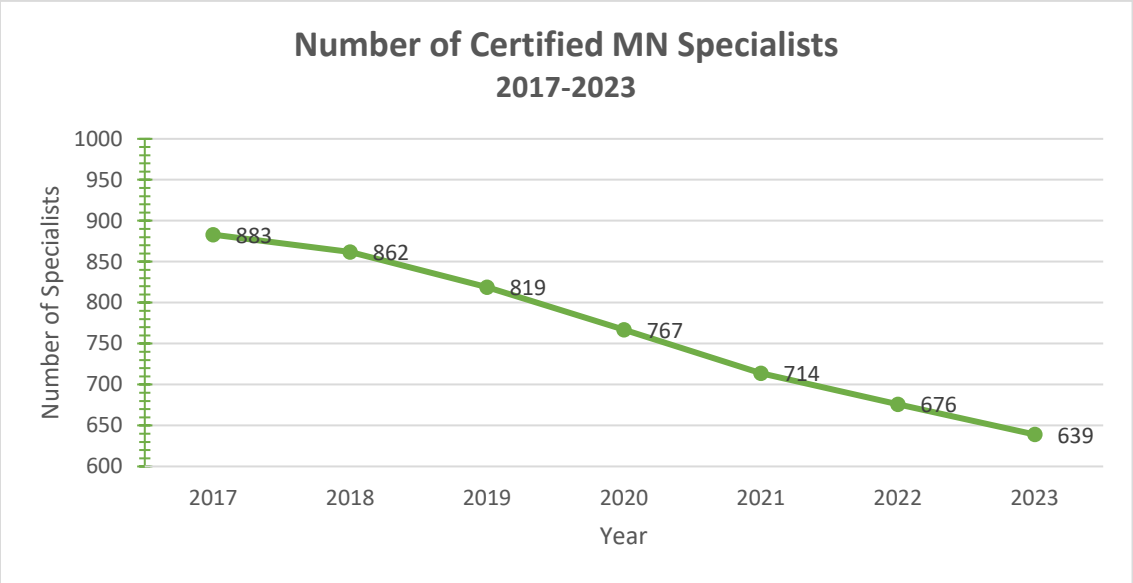


Table 1: Minnesota Certified Specialists per Specialty Field from 2017 - 2023

AGENCY/SPECIALTY	2017	2018	2019	2020	2021	2022	2023
ABC Consumer Bankruptcy	3	3	3	3	2	1	1
ABC Business Bankruptcy	5	5	3	3	5	5	5
ABC Creditors' Rights	1	1	1	1	1	1	1
MSBA Civil Trial Practice	268	253	239	211[1]	189	177[7]	167
MSBA Criminal Law	59	65	56	58	56	54	50
MSBA Labor & Employment Law	112	113	111	110[2]	103	98	95
MSBA Real Property	322	317	306	287[3]	272	261	247
NACC Child Welfare Law	0	0	0	0	0	0	0
NBTA Family Law Trial Advocacy	13	13	13	12	12	13	13
NBTA Civil Trial Practice	89	81	72	66	57	50	42
NBTA Criminal Law	8	8	8	8	7	7	6
NBTA Truck Accident Law	--	--	1	1	1	1	1
NELF Elder Law	3	3	3	3	3	3	4
IAPP Privacy Law	--	--	3	4	6[4]	5	7
Total	**883**	**862**	**819**	**767[5]**	**714[6]**	**676**	**639**

[1] Updated in 2021, initially reported as 206 due to MSBA reporting tool issues.
[2] Updated in 2021, initially reported as 109 due to MSBA reporting tool issues.
[3] Updated in 2021, initially reported as 285 due to MSBA reporting tool issues.
[4] Updated in 2022, initially reported as 5 due to IAPP missing a cerfied specialist in their 2021 report.
[5] Updated in 2021, initially reported as 759 due to MSBA reporting tool issues.
[6] Updated in 2022, initially reported as 713 due to IAPP missing a specialist in 2021 report.
[7] Updated in 2023, initially reported as 178 due to MSBA misreporting a specialist twice and leaving one out.

FUNDING

The Board is self-funded through certified lawyer and agency fees:

- Agency application fees: $1,000
- Agency annual fees: $250 per specialty field
- Lawyer annual fee: $45
- Initial lawyer certification fee: $100

The Board's cash-carry-forward fund balance is decreasing each year due to the number of certified lawyers decreasing. The Board reviews revenue and expenditure as part of its budgeting process. In 2013, the Board's budget recommendation for FY14 included the elimination of the $900 recertification fee paid by agencies to recertify their accreditation. The Board anticipated that the cash-carry-forward balance would be impacted by the change and advised the Court that it would continue to monitor the impact and would make recommendations for future revenue modifications, if needed. With the FY24-25 budgets, the BLC overhead allocation for expenses was reduced from 3% to 2%. The 1% reduction was absorbed by the Board of Continuing Legal Education. This reduction will aid in the Board's need to reduce expenditures in order to maintain a healthy cash balance.

Revenue: Calendar Years 2019-2023

	2019	2020	2021	2022	2023
Agency Application Fees	$1,000	$0	$0	$0	$0
Annual Agency Fees	$3,000	$3,000	$3,500	$3,750	$3,500
Annual Lawyer Fees	$36,180	$32,265	$31,815	$10,020	$30,405
New Lawyer Fees	$850	$150	$1,300	$1,345	$1,250
Total	**$41,030**	**$35,415**	**$38,636**	**$15,115**	**$35,155**

Expenses: Calendar Years 2019-2023

	2019	2020	2021	2022	2023
Salaries	$37,520	$35,347	$38,108	$33,815	$25,501
Rent	$5,627	$5,996	$2,693	$6,981	$3,552
Other (supplies, equipment, etc.)	$6,778	$3,356	$5,175	$7,065	$9,037
Total	**$49,925**	**$44,699**	**$45,975**	**$47,861**	**$38,090**

Respectfully submitted,

MINNESOTA BOARD OF LEGAL CERTIFICATION

Kellie Reynolds, Chair

Emily J. Eschweiler, Director

Date: 2/15/24