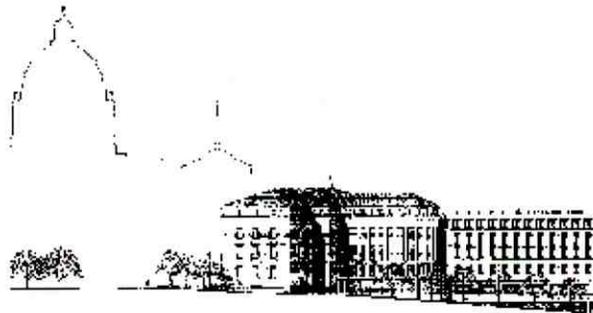


State of Minnesota

**Board
of
Continuing Legal Education**



**ANNUAL REPORT
CALENDAR YEAR 2011**

MINNESOTA BOARD OF CONTINUING LEGAL EDUCATION ANNUAL REPORT: 2011

The Minnesota Board of Continuing Legal Education (Board) is appointed by the Minnesota Supreme Court to oversee and administer Minnesota-licensed lawyers' compliance with continuing legal education (CLE) requirements. The CLE office also ensures that lawyers who fail to comply with the CLE requirements are removed from the list of lawyers who are authorized to practice law in Minnesota. The office of the Board reviews and accredits CLE courses in accordance with the requirements set forth in the Rules of the Minnesota State Board of Continuing Legal Education (CLE Rules).

I. LAWYER COMPLIANCE

Under the CLE Rules, in order to maintain an "active" license, each Minnesota lawyer is required to attend and report at least 45 hours of accredited CLE courses every three years, including three credit hours of Ethics and Professional Responsibility ("Ethics") and two credit hours of Elimination of Bias. Each lawyer is assigned to reporting categories, "1", "2", or "3", based on the year the lawyer was admitted to the Bar.

In 2011, 7,464 Minnesota Category 3 lawyers were required to report CLE compliance. On June 30, 2011, the last day of the July 1, 2008 to June 30, 2011 compliance period, 4,113 lawyers (55%) were in compliance. Under the Board's Rules, lawyers have two months following the end of the compliance period to report their CLE attendance. Lawyers must report course attendance on or before the 31st of August following the close of the final year of the 3-year reporting period. Reporting may be done by using the Board's Online Attorney Sponsor Information System (OASIS) or by filing a paper Affidavit of CLE Compliance. Eighty-seven percent of Category 3 lawyers have set up their OASIS account so that they may file online.

The office of the CLE Board sends a warning letter and then a Notice of Non-Compliance to lawyers who fail to complete and report CLE in a timely manner. In September 2011, the Board office sent 713 warning letters to Category 3 lawyers. In October 2011, a total of 457 lawyers continued to be out of compliance, resulting in the Board office sending Notices of Non-Compliance. The lawyer has 30 days following receipt of the Notice of Non-Compliance to 1) complete his or her coursework; 2) request an extension; 3) request to be placed on voluntary restricted status; or 4) request a hearing before the Board. If the lawyer does not take one of those four actions, the Board will request that the Court place the lawyer's license on involuntary restricted status. By the end of 2011 there were still 152 Category 3 lawyers who were out of compliance. In January 2012, the names of those 152 lawyers were forwarded to the Court with a request to place their licenses on involuntary status for failure to comply with CLE requirements for the 2008-2011 reporting period.

II. COURSE REVIEW

CLE staff members review each course accreditation application to verify faculty qualifications and to determine whether the course content meets the CLE Rule 5 standards for approval. Staff reviewed 11,394 course applications during 2011, a slight decrease from the number reviewed in 2010.

Table 1 below shows that in recent years the number of course applications has continued to increase steadily through 2010, and decreased only slightly in 2011. The courses that were denied credit decreased again in 2011 to 129 compared to 176 in 2010. In the past, courses were often denied because staff had not received adequate information from the sponsors or because sponsors did not respond to Board inquiries. Email communication has assisted staff in providing information to sponsors which is helpful to them in planning the courses.

The sponsor application portion of OASIS (Phase II) went live in March 2010 and has significantly decreased the amount of time it takes staff to review applications and to advise sponsors on requests for course approval. Sponsors are able to submit course approval requests, attach documentation, make payments, view their pending applications, receive an event code, and view the credit determination made by staff by using their online account. As of December 2011, more than 500 sponsors had set up online accounts.

Table 1: Course Review Summary

	2005	2006	2007	2008	2009	2010	2011
Approved Courses	7,663	8,649	9,192	10,949	11,174	11,407	11,165
Disapproved Courses	89	119	201	300	344	176	129
Total Courses Reviewed	7,752	8,768	9,393	11,249	11,518	11,583	11,394

Courses in the special categories of "elimination of bias" and "ethics" are reviewed closely to ensure compliance with rule requirements. Of the courses reviewed in 2011, 2,314 courses had at least one segment qualifying for ethics credit, a significant increase from 1,808 in 2010. The number of elimination of bias courses increased in 2011 to 486 compared to 2010, when a total of 397 elimination of bias courses were approved. In addition to ethics and elimination of bias, there are three other types of CLE credit: standard, law office management, and professional development. Each course is reviewed on a segment by segment basis to determine whether it meets one or more of the five CLE credit types.

III. RULE 6D – CREDIT FOR PRO BONO PARTICIPATION

Since July 1, 2008, Minnesota lawyers have the ability to claim one standard CLE credit for every six hours of pro bono work performed for “approved legal service providers,” up to a maximum of six CLE credits per 3-year reporting period. An approved legal services provider is defined as an organization funded by the Legal Services Corporation, or the Minnesota Legal Services Advisory Committee (LSAC), or designated by LSAC to qualify as an approved legal services provider.

During the 2011 calendar year, 147 lawyers claimed 674.25 credits, providing more than 7,563.3 hours of pro bono service. This is an increase from 2010 when 110 lawyers claimed a total of 520.5 credits for providing more than 5,525 hours of pro bono service.

LSAC has designated a total of 15 organizations as approved legal service providers, three of which were approved in 2011. In 2011, 25 lawyers claimed credit for providing representation through 6 designated programs, compared to 2010 when 4 lawyers claimed credit through 2 designated programs.

Table 2 provides a breakdown of the agencies through which the pro bono representation was provided. The Volunteer Lawyers Network is the provider through which the highest number of lawyers is providing the greatest number of hours of pro bono service, followed by the Federal Bar Association’s Pro Bono Project and the Advocates for Human Rights.

Table 3 provides the number of years of practice experience that lawyers participating in pro bono programs have. While most of the lawyers reporting credits have 5 to 15 years of practice experience, new lawyers who have only 0 to 5 years of experience are providing nearly as many hours of pro bono service as the next more experienced group.

Table 4 provides a breakdown of the type of representation provided in 2011. It is interesting to note that while the category of law with the highest number of participating lawyers and the highest number of hours of pro bono provided was family law, immigration law was the category of practice with the highest number of pro bono hours per lawyer. The immigration law category, with only 19 lawyers, provided the highest number of hours, which totaled 1,086.3 hours of pro bono representation.

Table 2: Pro Bono Participation: By Legal Services Provided

Agency	Attorneys Claiming	Credits Reported	Hours Reported
Central Minnesota Legal Services (CMLS)	5	27.75	690.9
Children's Law Center	17	91.5	784.35
East River Legal Services	1	1	6.5
Faegre & Benson Low Income Pro Bono Program	2	12	117.5
Federal Bar Association, Minnesota Chapter, Pro Se Project	15	73.5	1,224.2
Fredrikson & Byron Low Income Program	1	1	6
Immigrant Law Center of Minnesota	5	23.25	157
Institute for Justice	1	6	37
Judicare of Anoka County	6	23.75	318.2
Legal Assistance of Dakota County	8	17.75	119.35
Legal Assistance of Olmsted County	3	18	146.7
Legal CORPS	1	6	42.9
Leonard Street & Deinard Legal Clinic	4	14.5	246.25
Mid-Minnesota Legal Assistance	1	6	40
Minnesota Disability Law Center	1	6	48
Minnesota Judicial Branch Program	2	8	60
Minnesota Justice Foundation	1	6	36
Minnesota Volunteer Attorney Program	4	19	172.4
Robins, Kaplan, Miller & Ciresi LLP Guardian ad litem Pro Bono Project	3	18	217.2
Southern Minnesota Regional Legal Services	18	77.25	759.65
The Advocates for Human Rights	10	57	794.05
Tubman Family Alliance & Chrysalis, A Center for Women	6	22	234.6
Volunteer Attorney Program	4	17	129
Volunteer Lawyers Network	28	122.5	1,175.55

Table 3: Pro Bono Participation: Years of Practice and Number of Hours

Years of Practice	Attorneys Claiming	Credits Reported	Hours Reported
0-5	39	187	2,038.65
5-15	58	270.75	2,719.25
15-25	23	95.5	1,056.4
25 or more years	27	121.5	1,749

Table 4: Pro Bono Participation: Practice Areas and hours Reported

Practice Area	Attorneys Claiming	Credits Reported	Hours Reported
Constitutional Law	1	6	41.75
Consumer/Bankruptcy	10	44	754.45
Criminal	3	18	607
Employment	3	18	205
Family Law	45	176	1,649.8
Housing	9	34.25	239.5
Immigration	19	100.75	1,086.3
Individual Rights	7	30	403.1
Juvenile	14	73.75	585.95
Multiple	18	96.75	1,043.9
Wills	6	26	254.4
Unspecified or other	12	51.5	692.15

IV. FUNDING

Board revenues are generated from Lawyer Registration fees, lawyer late filing fees, lawyer reinstatement fees, affidavit filing fees, and course application fees. In calendar year 2011, the Board received \$522,617 in fee-generated revenue. Table 5 presents a breakdown of the fees received in 2011 compared to the past three calendar years.

Table 5: CLE Receipts for Calendar Years 2008-2011

Fee	2008	2009	2010	2011
Lawyer Registration fees	\$166,352	\$162,728	\$164,016	\$166,688
Late affidavit/non-compliance filing fees	\$46,150	\$44,750	\$53,100	\$79,105
Reinstatement fees	\$13,875	\$16,725	\$24,875	\$24,500
Course accreditation fees	\$280,665	\$279,710	\$262,508	\$244,184
Paper affidavit fees			\$4,740	\$8,140
Total	\$507,042	\$503,913	\$509,239	\$522,617

Total revenue in 2010 increased by approximately \$13,000 compared to 2010. This increase was mainly due to an increase in late affidavit/non-compliance filing fees. Effective February 1, 2010, late affidavit filing fees increased from \$50 to \$75; non-compliance fees increased from \$100 to \$200; and reinstatement fees for lawyers transferring from involuntary restricted status increased from \$125 to \$250.⁴ Effective July 1, 2010, paper affidavits must be accompanied by a \$10 paper filing fee to reflect the additional work that is required. Lawyers may submit attendance through OASIS without paying any fee.

The revenue received from course accreditation fees decreased by \$18,324 in 2011, a 7% decrease compared to 2010. The Board receives a \$35 application fee for each course that is more than 60 minutes in length and is not a video replay. The Board expects to receive adequate revenue from its existing funding sources in the foreseeable future.

V. CLE INFORMATION SYSTEM

In 2010, the Board completed a comprehensive design document as the first step toward the development of a new internal system to replace an aging system with limited functionality. The new system will increase staff efficiency and further reduce reliance on temporary staffing. Work was started on the system in 2011 and is scheduled to be completed in 2013.

VI. RULES

At the request of the Court's Legal Services Advisory Committee (LSAC), the Board reviewed the definition of "approved legal services provider" set forth in CLE Rule 2B to determine if additional entities should be included in light of the difficult economy. The Board also worked collaboratively with the Minnesota

⁴ The fee for transfer from voluntary restricted status to active status remained \$125.

State Bar Association (MSBA) to propose a new Emeritus status that would permit a retired attorney to provide pro bono legal services through an approved legal services provider. The Board anticipates filing a Petition with the Court in 2012.

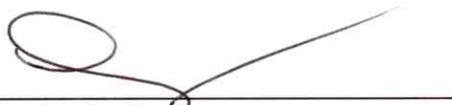
In addition, the Board continues to review the Rules to determine if any additional changes should be made. The Board is carefully studying whether a rule amendment should be proposed that would permit lawyers to complete a limited portion of their CLE requirement through On Demand courses. In addition, the Board plans to file a Petition with the Court in 2012 to make minor amendments to the Rules to clarify ambiguity and address questions that frequently arise from Minnesota licensed attorneys.

VII. CONCLUSION

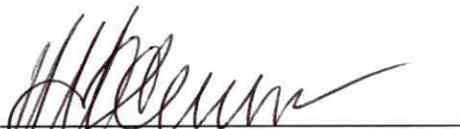
The Board continues to operate with adequate funds generated by course accreditation fees and from a \$6 per lawyer allocation from the Lawyer Registration fee. CLE compliance among attorneys continues to be very high. Although the increase in numbers of applications may have leveled off, course approval requests continue to be a significant source of revenue. The number of sponsors using OASIS continues to increase. The Board looks forward to increasing its use of technology to administer the Court's Continuing Legal Education Rules in the most efficient and effective manner for the benefit of Minnesota lawyers and the sponsors who provide CLE programming to meet lawyers' continuing professional education requirements.

Respectfully submitted,

MINNESOTA BOARD OF CONTINUING LEGAL EDUCATION



Daniel R. Kelly
Chair



Margaret Fuller Corneille
Director

Date