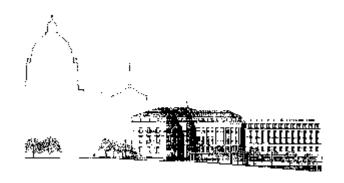
State of Minnesota

Board of Continuing Legal Education



ANNUAL REPORT CALENDAR YEAR 2015

MINNESOTA BOARD OF CONTINUING LEGAL EDUCATION ANNUAL REPORT: 2015

The Minnesota Board of Continuing Legal Education (Board) is a Minnesota Supreme Court appointed Board that administers Minnesota lawyers' compliance with continuing legal education (CLE) requirements. The Board has two primary responsibilities: to accredit CLE courses in accordance with the Rules of the Minnesota State Board of Continuing Legal Education (CLE Rules) and to remove from active status those lawyers who fail to comply with the CLE requirements.

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 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.

During the reporting period July 1, 2012 to June 30, 2015, 7,983 Category 1 Minnesota-licensed lawyers were due to report CLE compliance on or before August 31, 2015. Any lawyer who fails to complete and report CLE in a timely manner is first sent a warning letter, and then a Notice of Non-Compliance. In September 2015, the Board office sent 754 warning letters to Category 1 lawyers, the same number as in 2014. In October 2015, the Board sent 365 Notices of Non-Compliance, compared to 393 in 2014.

A lawyer has 30 days following receipt of the Notice of Non-Compliance to take one of these actions: 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 these actions, the Board will request that the Court place the lawyer's license on involuntary restricted status.

By the end of 2015, 171 Category 1 lawyers remained out of compliance, compared to 157 in 2014. Those lawyers' names were sent to the Court in late December, along with a request that the Court place their licenses on involuntary status for failure to comply with CLE requirements for the 2012-2015 reporting period.

II. COURSE REVIEW

The Board office's Online Attorney Sponsor Information System (OASIS) is an online portal that permits sponsors and lawyers to submit course approval requests, attach documentation, make payments, view pending applications, and view credit determinations in real time.

CLE staff members review each submitted course accreditation application to verify that

the course has legal content, that the faculty meets Rule qualifications, and that the course content meets the CLE Rule 5 standards for approval. As shown in **Table 1**, staff reviewed 14,256 course applications during 2015, compared to 12,751 reviewed in 2014, an 11.8% increase. This increase is partly attributable to an increase in the number of on-demand courses, as can be seen in **Table 2**.

Table 1: Course Review Summary

	2013	2014	2015
Approved Courses	11,488	12,619	14,157
Disapproved Courses	102	132	99
Total Courses Reviewed	11,696	12,751	14,256

Table 2: Total Approved Courses: On-Demand Courses vs. Live Courses

	2014	2015
Live	11,221	12,028
On-demand	1,398	2,129
Total	12,619	14,157

Courses in the special categories of Elimination of Bias and Ethics are reviewed closely to ensure compliance with Rule requirements. Of the courses for which credit was applied in 2015, 3,337 courses had at least one segment qualifying for Ethics credit and 507 courses had at least one segment qualifying for Elimination of Bias credit. In addition to Ethics and Elimination of Bias, the CLE Rules define 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

Minnesota lawyers can 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 2015 calendar year, 158 lawyers claimed a total of 736.25 CLE credits for pro bono service. The number of pro bono lawyers increased slightly from 2014 when

144 lawyers claimed pro bono credit. Between 2014 and 2015, the number of pro bono hours reported increased significantly, from 7,858 in 2014 to 10,676.65 in 2015. Many of the participating lawyers provided well in excess of the 36 hours that are required to obtain the maximum six credits.

Table 3 shows the agencies through which the pro bono representation was provided, as well as the number of lawyers reporting and the number of hours reported. In 2015, the three organizations with the greatest number of lawyers reporting pro bono hours were:

- Volunteer Lawyers Network (33 lawyers)
- Southern Minnesota Regional Legal Services (14 lawyers)
- The Advocates for Human Rights (12 lawyers)

Lawyers reported the highest number of pro bono hours through the following agencies:

- Volunteer Lawyers Network: 1,838.5 hours
- Federal Bar Association Minnesota Chapter Pro Se Project: 1,448.2 hours
- Children's Law Center: 1,112.45 hours

Table 3: Pro Bono Participation: By Legal Services Provided

		2013			2014			2015	
Agency	Lawyers	Credits	Hours	Lawyers	Credits	Hours	Lawyers	Credits	Hours
Access Justice	0	0	0	2	12	215	2	12	512
Cancer Care Line	0	0	0	1	6	48	0	0	0
Central Minnesota Legal Services (CMLS)	3	18	163	2	11	80	4	21	139.55
Children's Law Center	21	100	1,009.1	11	62	691.1	11	63.25	1112.45
Dorsey & Whitney Low Income Pro Bono Program	0	0	0	1	6	36	0	0	0
East River Legal Services	0	0	0	1	2	12	1	1	7
Faegre & Benson Low Income Pro Bono Program	0	0	0	1	4	212	2	12	331
Federal Program	0	0	0	0	0	0	1	6	695
Federal Bar Association, MN Chapter, Pro Se Project	12	54.5	573	9	42.5	1,204.1	8	33.75	1448.2
Fredrikson & Byron Low Income Program	0	0	0	0	0	0	0	0	0
Immigrant Law Center of Minnesota	11	36	313.5	18	67.5	559.93	10	42.75	380.05
Indian Child Welfare Center	0	0	0	1	6	107	0	0	0
Innocence Project	0	0	0	0	0	0	1	6	183
Institute for Justice	0	0	0	1	1.5	9.2	1	6	126
Judicare of Anoka County	1	6	56	2	12	125	2	12	141.3
Legal Aid of Nebraska	1	6	36	0	0	0	0	0	0
Legal Aid of North Texas	1	2.75	17.6	0	0	0	0	0	0
Legal Assistance of Dakota County	14	52.75	601.35	4	14	88.8	5	25	218.4

		2013		2014		2015			
Agency	Lawyers	Credits	Hours	Lawyers	Credits	Hours	Lawyers	Credits	Hours
Legal Assistance of	0	0	0	2	7	131	1	1.75	11.25
Olmsted County Legal Assistance of									
Washington County	0	0	0	2	4	27	0	0	0
Legal CORPS	3	18	147.27	5	21.25	148.4	6	25.25	334.35
Legal Rights Center	1	6	200	0	0	0	0	0	0
Legal Services of Northwest MN	0	0	0	0	0	0	3	17	117.25
Leonard Street & Deinard Legal Clinic	0	0	0	0	0	0	1	6	93
Lindquist and Vennum	0	0	0	1	6	100	0	0	0
Mid-Minnesota Legal Assistance	0	0	0	0	0	0	6	29.25	290.7
Minnesota AIDS Project	0	0	0	0	0	0	0	0	0
Minnesota Assistance for Vets	0	0	0	4	10	60	0	0	0
Minnesota Volunteer Attorney Program	7	30	245	3	6.25	39.25	0	0	0
MN Council for Veterans Pro Bono Program	1	6	55	0	0	0	2	12	121
MN Judicial Branch Program	3	18	1593	1	6	120	6	27	259
Neighborhood Justice Center	0	0	0	0	0	0	1	6	38.3
Robins, Kaplan Low Income Project	0	0	0	2	12	184.5	2	12	180
Southern Minnesota Regional Legal Services	18	87.75	796	16	68.75	851.4	14	69	730.85
The Advocates for Human Rights	8	45	827	9	51.75	1,032.65	12	65.25	708.9
Tubman Family Alliance & Chrysalis	8	34.75	446	2	7	50.25	10	37.75	402.5
Twin Cities Christian Legal Aid	1	1.5	9	2	8.25	183	2	12	87.65
Volunteer Attorney Program	5	23.5	145	5	19.75	133.45	11	21.25	169.45
Volunteer Lawyers Network	31	132.25	1,229	27	109.75	894.85	33	154	1838.5
TOTALS	145	663.25	9,275	139	599.5	6,666.17	158	736.25	10,676.65

Table 4 shows the number of years of practice experience that lawyers participating in pro bono programs have. In 2015 the category of pro bono lawyers with the highest number of pro bono hours was that of lawyers with 5 to 15 years of practice experience.

Table 4: Pro Bono Participation: Years of Practice and Number of Hours

					2015	
Years of Practice	Lawyers	Credits	Hours	Lawyers	Credits	Hours
0-5	29	127	2,143.63	24	119.5	1,249.9
5-15	58	279.25	2,827.85	61	273.75	3,467.6
15-25	24	126	1,139.7	31	159	3,042.8
25 or more	26	125.25	1,747.8	36	184	2,946.35
TOTAL	137	657.5	7,858.98	152	736.25	10,676.65

Table 5 below shows the type of representation provided in 2015. The highest numbers of representation hours reported were in the following areas:

• Family Law: 2,340.05 hours

• Multiple categories: 1,669.35 hours

• Civil Liberties/Individual Rights: 1,491.95 hours.

Table 5: Pro Bono Participation: Practice Areas and Hours Reported

	2014				2015	
Practice Area	Lawyers	Credits	Hours	Lawyers	Credits	Hours
Civil Liberties/Individual Rights	5	16.5	803.6	8	39.75	1491.95
Consumer	13	53	396.8	6	27	211.7
Criminal	3	18	358	8	45	1263.3
Education	1	4	212	0	0	0
Employment	5	22.5	261.35	5	23	343.3
Family Law	38	192.75	2,177.1	38	182	2340.05
Housing	5	22	317	10	27.75	379.5
Immigration	30	139.75	1,330.58	24	116	1151.15
Intellectual Property	4	19.75	139.4	4	18.75	171.15
Juvenile	10	56	591.1	10	52.25	436.15
Litigation	1	6	241	3	14.5	377
Multiple	17	89.75	924.85	21	116.75	1669.35
Non-profit	0	0	0	0	0	0
Real Estate	2	6.25	38.1	1	3	18.55
Social Security Disability	0	0	0	1	6	42.5
Tax	0	0	0	2	3.5	21
Unemployment	0	0	0	1	4	40
Veterans	0	0	0	1	12	121
Wills	2	4.25	26	1	2	14.5
Unspecified or other	3	7	42.1	9	43	584.5
TOTAL	137	657.5	7,859	153	736.25	10,676.65

IV. FUNDING

Board revenues are generated from Lawyer Registration fees and fees derived from CLE late filing fees, CLE lawyer reinstatement fees, affidavit filing fees, and course applications. In calendar year 2015, these fees generated revenue totaling \$567,021. **Table 6** shows the fees received in 2015 compared to those received in the past three calendar years. The Board's revenue from the Lawyer Registration fee decreased by \$25,322 in 2015 as a result of the reduction in the Lawyer Registration fee that was implemented with the January 2016 annual statement period. Late affidavit/non-compliance filing fees and course accreditation fees increased, while reinstatement fees and paper affidavit fees decreased.

Table 6: CLE Receipts for Calendar Years 2012-2015

Fee	2012	2013	2014	2015
Lawyer Registration fees	\$176,137	\$176,320	\$146,901	\$121,579
Late affidavit/non-compliance filing fees	\$70,725	\$91,975	\$80,350	\$86,400
Reinstatement fees	\$25,125	\$27,375	\$27,375	\$22,125
Course accreditation fees	\$258,811	\$262,113	\$306,890	\$332,037
Paper affidavit fees	\$6,150	\$5,370	\$4,960	\$4,880
Total	\$536,948	\$563,153	\$566,476	\$567,021

The Board receives a \$35 application fee for each course submitted by paper that is more than 60 minutes in length that is not a video replay of a previously approved course. Courses submitted online will have a reduced application fee of \$20 effective January 1, 2016. Revenue received in 2015 from course accreditation fees increased by \$25,147, compared to 2014 revenue. This increase is due primarily to the newly adopted rule permitting the approval of on-demand courses, which was effective July 1, 2014. Revenue from paper affidavit fees continued to decrease slightly in 2015 as more lawyers move to online reporting of CLE hours.

Despite changes in the amounts of revenue being received from the various sources, overall revenue over the past three years has been flat. For the foreseeable future, the Board has adequate revenue from existing funding sources to fund its operations.

V. EMERITUS LAWYER PROGRAM

The Emeritus Lawyer program permits retired Minnesota lawyers to represent pro bono clients who have been referred by an approved legal services provider. An Emeritus lawyer is one who has elected retired status under the Lawyer Registration Rules and who complies with the specific CLE requirements outlined in Rule 14 of the CLE Rules which provides that Emeritus lawyers attend three hours of CLE related to the area or areas of pro bono law in which they intend to practice.

Between January 1, 2015 and December 31, 2015, four lawyers sought and received Emeritus status, bringing the total number of Emeritus lawyers to nine. In 2016, the Lawyer Registration Office will also begin to notify retired lawyers of the existence of the Emeritus program.

VI. ON-DEMAND CREDITS

Effective July 1, 2014, the CLE Rules were revised to permit Minnesota-licensed attorneys to claim up to 15 hours of credit for viewing on-demand courses within the 45 hour CLE reporting period. A total of 2,141 on-demand courses were reviewed during 2015.

The Court tasked the Board with monitoring the impact of the on-demand CLE course amendments and ordered the Board to prepare and deliver a report to the Court 18 months after the effective date of the amendments, on or about December 31, 2015. The Board's report analyzed data from July 1, 2014 to June 30, 2015. During that timeframe, the availability of on-demand CLE programming in Minnesota did not appear to have materially reduced the number of live courses (less than 1%). The total number of courses offered increased by 22.5% since on-demand programs can be submitted for CLE approval. The highest percentage of lawyers (42.9%) attending on-demand CLE courses were those who had been admitted to practice fewer than 10 years. In 2015, 1,025 lawyers reported attendance at an on-demand course.

Within 36 months of the effective date of the on-demand amendments, the Board will conduct an evaluation on the impact of these amendments and will report to the Court whether it recommends modifications or rule amendments on the basis of that evaluation. The final report is due July 1, 2017.

VII. SUPERVISORY AUTHORITY OF THE CLE BOARD OVER THE LAWYER REGISTRATION OFFICE

The CLE Board has had supervisory authority over the Lawyer Registration Office since August 1, 2014. The Lawyer Registration Office's budget, as well as its annual report, remains separate from the budget and annual report of the CLE office.

VIII. BOARD MEMBERS

The Board is comprised of 12 Board members and a chairperson. Three members are public members; one member is a district court judge; the Minnesota State Bar Association nominates six lawyer members to the Board; and the other three lawyer members nominate themselves for membership. All are appointed by the Minnesota Supreme Court.

The Minnesota Supreme Court appoints each member to a staggered 3-year term, with no member serving more than two 3-year terms. In 2015, the Board was comprised of the following members:

- Nancy McLean, Chair, Hennepin County Attorney's Office Retired (appointed chair 7/1/2015)
- Daniel R. Kelly, Chair, Felhaber, Larson, Fenlon & Vogt, P.A. (term ended 6/30/2015)
- Hon. Diane R. Alshouse, Judge of the Second Judicial District (term ended 6/30/2015)
- Ravindra Chintapalli, Public Member
- Craig T. Dokken, Henningson & Snoxell, Ltd.
- Samuel J Edmunds, Sieben Edmunds PLLC
- John B. Gordon, Lawyer (appointed 7/1/2015)
- Moira Grosbard, Public Member (appointed 7/1/2015)
- Geoffrey Hjerleid, Olmstead County Attorney's Office
- Kevin D. Hofman, Halleland Habicht
- Kathleen Kelly, Public Member (term ended 6/30/2015)
- William C. Kuhlmann, Security Bank & Trust Co.
- Sally L. Macut, Public Member
- Brett W. Olander, Walsh & Gaertner, P.A.
- Constance Tuck, Minnesota Department of Human Services
- Hon. Edward T. Wahl, Judge of the Fourth Judicial District (appointed 7/1/2015)

Justice Wilhelmina Wright was the 2015 Supreme Court liaison to the Board.

In addition to the Board's quarterly meetings, Board members also sit on Board committees that meet on a regular basis. The standing committees in 2015 included: CLE Rules Committee, Lawyer Registration Rules Committee, Operations & Finance Committee, and On-Demand/Elimination of Bias Committee.

IX. STAFF UPDATES AND AFFILIATIONS WITH OUTSIDE GROUPS

A portion of the time of the new staff attorney, A.J. Dordel, is allocated to the CLE office:

Liz Vanderbeek, CLE Administrator, is active in the Continuing Legal Education Regulators Association (CLEreg), a national organization promoting best practices among CLE regulators.

X. CONCLUSION

The Board continues to operate with adequate funds generated by course accreditation fees and by an allocation from the Lawyer Registration fee. The number of sponsors using OASIS continues to increase as does the rate of CLE compliance among lawyers.

The number and quality of available CLE programs continues to meet the needs of Minnesota lawyers for continuing professional education.

The Board continues to expand and refine its use of technology in the administration of the Continuing Legal Education Rules and the Rules on Lawyer Registration. The expanded use of technology continues to be the most efficient way to administer the two sets of rules, as well as the most effective way to serve Minnesota lawyers and course sponsors.

Respectfully submitted,

MINNESOTA BOARD OF CONTINUING LEGAL EDUCATION

Nancy McLean

Chair

Margaret Fuller Corneille

Director

Emily J. Eschweiler

Assistant Director and Counsel

Date