

Jenna M. Peterson, Chair
Jason Adkins
Joni Fenner
Susan D. Lenczewski
Charles E. MacLean
B. Steven Messick
Matthew T. Mikulski
Ben I. Omorogbe
Kevin A. Sieben
Evan C. Tsai
Chang Wang
Hon Chris Wilton
Abbie Ziegler



THE SUPREME COURT OF MINNESOTA
BOARD OF CONTINUING LEGAL EDUCATION
LAWYER REGISTRATION OFFICE

180 East 5th Street
Suite 950
Saint Paul, MN 55101
CLERK (651) 297-7100
LRO (651) 297-1196
www.cle.mn.gov
LRO Tel: (651) 296-2254
LRO Fax: (651) 297-1196
www.lro.mn.gov

FILED
September 29, 2023
OFFICE OF APPELLATE COURTS
TTY Users
1-800-627-3529
Ask For (651) 297-1857
Emily John Eschweiler
Director
Elizabeth Vanderbeek
Administrator

September 29, 2023

By electronic filing

Christa Rutherford-Block
Clerk of Appellate Courts
305 Minnesota Judicial Center
25 Rev. Dr. Martin Luther King Jr. Boulevard
St. Paul, MN 55155

Re: Court File No. ADM09-8008

Honorable Justices of the Minnesota Supreme Court:

On December 22, 2020, the Court issued an Order Promulgating Amendments to the Rules of the Minnesota State Board of Continuing Legal Education (Board). In the Order, the Court increased the number of on-demand credits that a Minnesota lawyer may take towards their 3-year, 45-credit CLE reporting period from 15 credits to 30 credits.

The Order also stated:

Effective as of the first reporting period after January 1, 2024, Minnesota licensed lawyers can satisfy 100 percent of their continuing legal education requirements through on-demand CLE programming viewed and reported after January 1, 2024, unless good cause is shown on or before September 30, 2023, for the court to retain the 30-credit on-demand CLE programming limit.

Consistent with the Board's submission in 2019 and the reasoning outlined in Justice Hudson's dissent, the Board remains concerned with the expansion to unlimited on-demand credits in Minnesota. The Board believes the purpose of Rule 1 is best served by retaining the 30 credit cap. In both 2013 and 2019, the Board advised the Court of concerns of a potential impact to live courses if the Court permitted a significant number of on-demand credits. The Board based this on anecdotal information from other jurisdictions. The Board noted that the collegial nature of attending live CLE programming afforded opportunities that would not be available if lawyers were viewing programming in a silo.

Since 2020, the Board has continued to see an increase in the number of credits and courses that Minnesota licensed lawyers have taken through on-demand programming.

In 2019, lawyers took a total of 107,819 live courses¹ compared to 26,390 on-demand courses. Lawyers took 356,191 live credits (including live webcasts) compared to 38,768 on-demand credits. In 2022, lawyers took 103,359 live credits compared to 52,560 on-demand credits. Lawyers took 286,790 live credits compared to 90,587 on-demand credits.² That is an increase from 20% to 34% in the number of on-demand courses attended and an increase from 10% to 24% in the number of on-demand credits. Notably, since live courses includes live webcasts, the number of courses attended in person has decreased even more.

In reviewing the CLE database, there has been a significant decrease in the number of in person courses offered in Minnesota between 2019 and 2022. In 2019, 2871 courses were offered in person in Minnesota. 59,335 lawyers attended those courses, averaging 20.6 attendees per course. In 2022, 732 courses were offered in person in Minnesota. 19,833 lawyers attended those courses, averaging 27 attendees per course. This decrease in the number of in person courses being offered in Minnesota by almost 75% concerns the Board.

The Board acknowledges the benefits of on-demand courses, both in cost and convenience. However, the Board encourages the Court to consider whether the appropriate balance has already been struck with allowing Minnesota lawyers to take 30 on-demand credits per 3 year reporting period.

The Board would be happy to answer any questions that the Court has related to this issue.

Very truly yours,

MINNESOTA BOARD OF CONTINUING LEGAL EDUCATION



Jenna Peterson
Board Chair



Emily Eschweiler
Director

¹ Live courses include live webcasts.

² See 2022 Annual Report: <https://www.cle.mn.gov/wp-content/uploads/2023/06/CLE-LRO-2022-Annual-Report.pdf>