



**ANNUAL
REPORT
2021**

**MINNESOTA BOARD OF
CONTINUING LEGAL EDUCATION
AND
THE LAWYER REGISTRATION
OFFICE**

BOARD OF CONTINUING LEGAL EDUCATION & LAWYER REGISTRATION 2021 ANNUAL REPORT

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YEAR IN REVIEW - 2021

The Board of Continuing Legal Education (Board), which oversees both continuing legal education and the Lawyer Registration Office, continued to maintain safe and efficient operations despite the pandemic. Board staff worked in a hybrid environment allowing for prompt customer service and staff safety. The Board office also worked with an outside consultant and court services in developing a strategic plan to reflect the core functions and mission of all Board offices. The strategic plan will be finalized in 2022.

As the office forged ahead in the midst of the pandemic, Board meetings continued to take place via Zoom. The Board met four times in 2022. During the Board's April meeting, the Board reviewed the Court order promulgating amendments to Rules 23 and 25 of the Rules of the Supreme Court on Lawyer Registration. These changes require lawyers to report the number of pro bono hours they provided during the previous calendar year and to advise whether they made a financial contribution to a qualifying organization. The Board worked with the Minnesota State Bar Association and Court administration to provide education and training on the implementation of this rule. The rule will be in effect for active lawyers who are due to report on April 1, 2022. The Board also reviewed the Court's order increasing the number of on-demand credits an attorney may claim during the reporting period.

At the Board's April meeting, the Lawyer Registration Rules Committee proposed changes to the Lawyer Registration Rules to increase the income threshold for reduced fees from \$25,000, where it had been since 1997. The Committee also proposed modifications to the information publicly displayed on the Minnesota Attorney Registration System (MARS) public website. The Board asked the Committee to gather additional information and to report back to the Board at the June meeting.

YEAR IN REVIEW – 2021 (CONT'D)

At the June Board meeting, the Board thanked Kevin Hofman for his service as Board Chair, and thanked retiring Board members, Robert Schuneman and Moira Grosbard, for their service.

The Board also discussed the additional information obtained by the Lawyer Registration Rules Committee. The Board voted to propose amendments to Rule 23B to clarify that the public information that the Board would provide is: (1) name; (2) postal address; (3) admission date; (4) license number; (5) authorization to practice law in Minnesota; (6) continuing legal education category; (7) disciplinary status; (8) whether the lawyer is in good standing; (9) last payment date; (10) next due date; (11) professional liability insurance coverage information submitted under Rule 22; and (12) classification in one of the following status categories: Active, Inactive, Military (On Duty), Retired, Resigned, Deceased, or Non-Compliant Status – Non-Payment of Fees.

Related to the request, the Board also requested the Court's authorization to display "Active" and "Inactive" rather than display the specific fee status code advising the public if the lawyer elected the reduced income option. Based on additional work by staff, the Board recommended increasing the income threshold to \$50,000.

The Board also asked for Court authorization to update the demographic information to include a category for Non-Binary/Third Gender and to remove Caucasian from the White/Caucasian based on the origin of the term Caucasian. The Board filed the Petition in September 2021. Following submission of the Petition, the Court placed the matter out for public comment. The Petition was pending as of the end of 2021.

On June 23, 2021, the Court issued an Order increasing the annual registration fees that will be due by Minnesota licensed attorneys on October 1 of 2021, 2022 and 2023. As of October 1, 2021, a fee increase ranging from \$4-\$8 was allocated to the Legal Services Advisory Committee for the Lawyers' Assistance Program, and in October 2022 and 2023, the Lawyers' Professional Responsibility Board will receive increases ranging from \$3 to \$7 each year (based on current fee status).

At the September meeting, the Board congratulated Jenna Peterson on the Court appointing her to Chair. The Court reappointed Hon. Chris Wilton, Chang Wang, Jason Adkins and Charles MacLean and appointed new Board members B. Steven Messick, Susan Lenczewski and Joni Fenner.

Staff continues to work with an outside developer to update the internal database used to manage lawyer registration and to consolidate the OASIS and MARS portals into a single sign-on for Minnesota lawyers. The Board hopes to deploy the new system in 2022.

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CLE/LRO BACKGROUND

BACKGROUND

The Minnesota Board of Continuing Legal Education (Board) administers Minnesota lawyers' compliance with their continuing legal education (CLE) requirements. The Board accredits CLE courses in compliance with the CLE Rules and removes from active status those lawyers who fail to comply with their CLE requirements.

The CLE Board oversees the Lawyer Registration Office (LRO). LRO maintains the official database of Minnesota-licensed lawyers, processes annual registration statements for all Minnesota-licensed lawyers, and issues certificates of good standing.

All Minnesota lawyers listed in the public LRO database are designated as either "Authorized" or "Not Authorized" to practice law and whether the lawyer is in Good Standing, depending upon their lawyer registration payment status, CLE compliance status, and disciplinary status.

BOARD AND STAFF

The Board is comprised of 13 Board members, of whom the Court appoints one as Chair. 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 are selected by the Court through a public notice and selection process. The Minnesota Supreme Court appoints each member to a staggered 3-year term, with no member serving more than two 3-year terms.

The Continuing Legal Education Board and Lawyer Registration Office share staff with the Board of Law Examiners and the Board of Legal Certification. The allocations of time to CLE and LRO are shown in the table to the right.

2021 Percentages
Director – 30%
CLE/LRO Administrator – 100%
IT/Finance Administrator – 34%
Staff Attorney – 32%
Managing Attorney – 30%
3 CLE/LRO Specialists – 100%

2021 BOARD MEMBERS	
Chair (through 6/30/21): Kevin Hofman, Messerli & Kramer, Minneapolis	Hon. Chris Wilton, Judge of Scott County Justice Center, Shakopee
Chair (effective 7/1/21): Jenna M. Peterson, Redwood County Attorney	B. Steven Messick, Messick Law PLLC, Woodbury
Moira Grosbard, public member, Minnetrista (term expired 6/30/21)	Jason Adkins, Minnesota Catholic Conference, St. Paul
Robert Schuneman, Lawyers Concerned for Lawyers, St. Paul (term expired 6/30/21)	Charles MacLean, MacLean Law P.A., Eden Prairie
Joni Fenner, public member, Eagan	Ben Omorgbe, Travelers Companies, St. Paul
Matthew Mikulski, public member, Eagan	Kevin Sieben, Sieben Edmunds Miller PLLC, Mendota Heights
Susan Lenczewski, Legislative Commission on Pensions and Retirement, St. Paul	Chang Wang, Kingsfield Law Office, Minneapolis
Evan Tsai, League of MN Cities, St. Paul	Abbie Ziegler, public member, Andover
SUPREME COURT LIAISON	DIRECTOR
Hon. Margaret Chutich, MN Supreme Court	Emily Eschweiler

CLE COMPLIANCE

COURSE STRUCTURE & REPORTING CATEGORIES

To maintain an active license, each Minnesota lawyer must 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.

2021 CLE REPORTING STATISTICS

In the year 2021, 8,233 Category 1 Minnesota-licensed lawyers were due to report CLE compliance on or before August 31, 2021 for the reporting period of July 1, 2018 to June 30, 2021. If a lawyer does not complete and report CLE in a timely manner, a warning letter is sent followed by a notice of non-compliance.

8,233
Lawyers Due to Report in 2021

In September 2021, the Board office sent 638 warning letters to Category 1 lawyers, compared to the 634 sent in 2020 for Category 3 lawyers and 836 sent in 2019 for Category 2 lawyers.

638
Late Warnings Sent in 2021

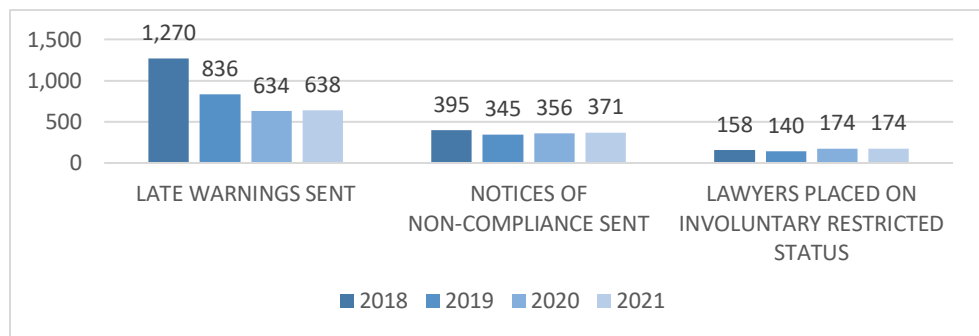
In October 2021, the Board sent 371 notices of non-compliance, compared to 356 in 2020. A lawyer has 30 days following receipt of the notice of non-compliance to take one of these actions: 1) complete his or her coursework; 2) request an extension; 3) request to be placed on voluntary restricted status; 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. The number of 2021 CLE late and non-compliance fees is down from 2020, and we continue to see a decrease from 2018 to 2021 (see **Table 3** of the Funding section).

371
Notices of Non-Compliance Sent in 2021

By the end of 2021, 174 Category 1 lawyers remained out of compliance, the same number as 2020. Those lawyers’ names are sent to the Court in late December, along with a request that the Court place their licenses on involuntary restricted status for failure to comply with CLE requirements for the 2018-2021 reporting period. **Graph 1** represents all these numbers.

174
Involuntary Restricted Status in 2021

Graph 1:
Comparison of Documents Sent to Lawyers from 2018-2021.



CLE COURSES

CLE COURSE REVIEW

CLE staff members review each submitted course accreditation application to verify that the course meets the standards for course approval, has legal content, and the faculty meet the Rule requirements. If additional information is requested and the sponsor does not provide, the application is administratively closed.

Staff reviewed 17,526 course applications during 2021, compared to 15,741 reviewed in 2020, an 11.34% increase. Of the courses reviewed, only 88 were denied credit, and 34 cancelled. 218 were administratively closed, up from 151 administratively closed in 2020, an increase of 44.37%. Overall, 17,186 courses were approved in 2021.

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 2021, 3,008 courses had at least one segment qualifying for Ethics credit, an increase from 2,685 in 2020. For courses qualifying for at least one segment for Elimination of Bias credit, 863 courses were approved in 2021 compared to 680 in 2020.

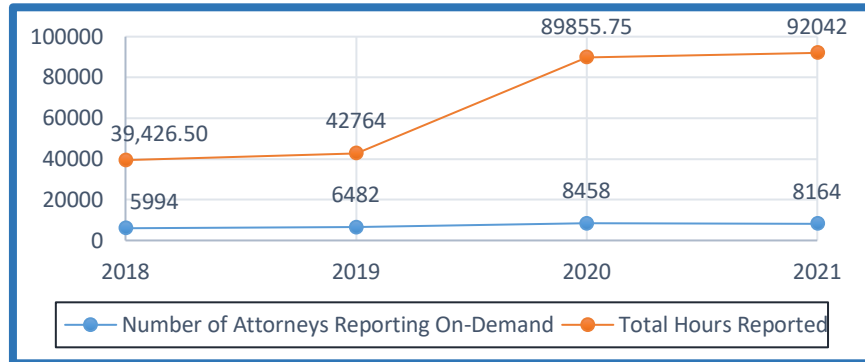
ON-DEMAND CREDITS

In 2014, the Court amended the Rules to permit lawyers to claim up to 15 credits for on-demand viewing within the 45-credit hour CLE reporting period. On August 7, 2019, five Minnesota licensed lawyers filed a Petition for unlimited on-demand credit. The Court put the Petition out for public comment and held a hearing in January of 2020. On December 22, 2020, the Court issued an Order expanding credits to 30 credits per reporting period as of January 1, 2021. The Court also advised that unless good cause is shown on or before September 30, 2023, the number of on-demand credits permitted will become unlimited as of January 1, 2024 for courses viewed and reported on or after that date. Live webinars continue to count as live courses and are not subject to the same limitations as on-demand programs. The following is a summary of on-demand reporting by calendar year since 2018 reflecting the number of attorneys reporting, and the total number of hours reported. The number of attorneys has stayed relatively stable, while the number of credits reported has doubled. This is likely a reflection of both the rule amendment and the pandemic.

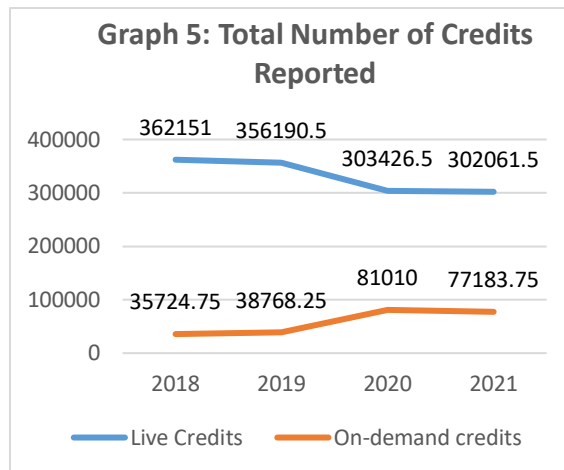
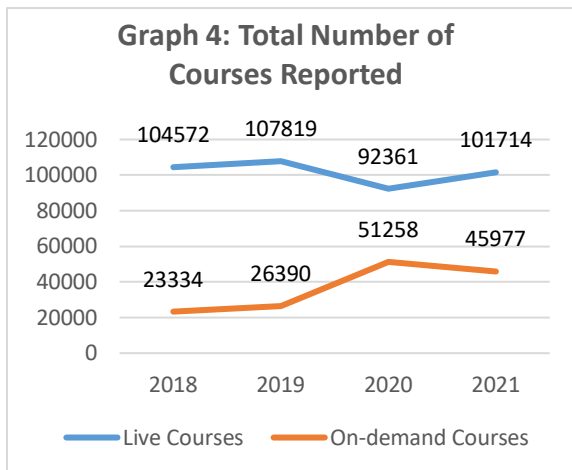
The number of lawyers reporting attendance at on-demand courses has steadily increased. **Graph 3** below shows the number of attorneys reporting credit at on-demand courses and the total number of credit hours reported by calendar year.

CLE COURSES (CONT'D)

**Graph 3:
On-Demand
Reporting –
By Year**



Graphs 4 and 5 provide a three year aggregate that represents the courses and credits reported by lawyers due to report in the years 2018 through 2021. The number of on-demand credits reported has increased significantly over the past two years, while the number of credits for live courses has decreased. This has likely been heavily influenced by the pandemic.



The Board office also reviewed the number of credits claimed per credit type for lawyers due to report that year. (Table 1). The Board office has seen a steady increase in the number of on-demand credits reported for specialty credit types from 2018 to 2021 with a slight decrease in 2021.

Table 1: On-Demand Credits Reported from 2018-2021 by credit type

Year	Standard	Ethics	Bias	Total
2018	26,502.5	4,639.25	4,583	35,724.75
2019	28,579.75	5,423	4,765.5	38,768.25
2020	63,190.75	9,739	8,080.25	81,010
2021	61,952.75	8,803.5	6,427.5	77,183.75

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CLE COURSES (CONT'D)

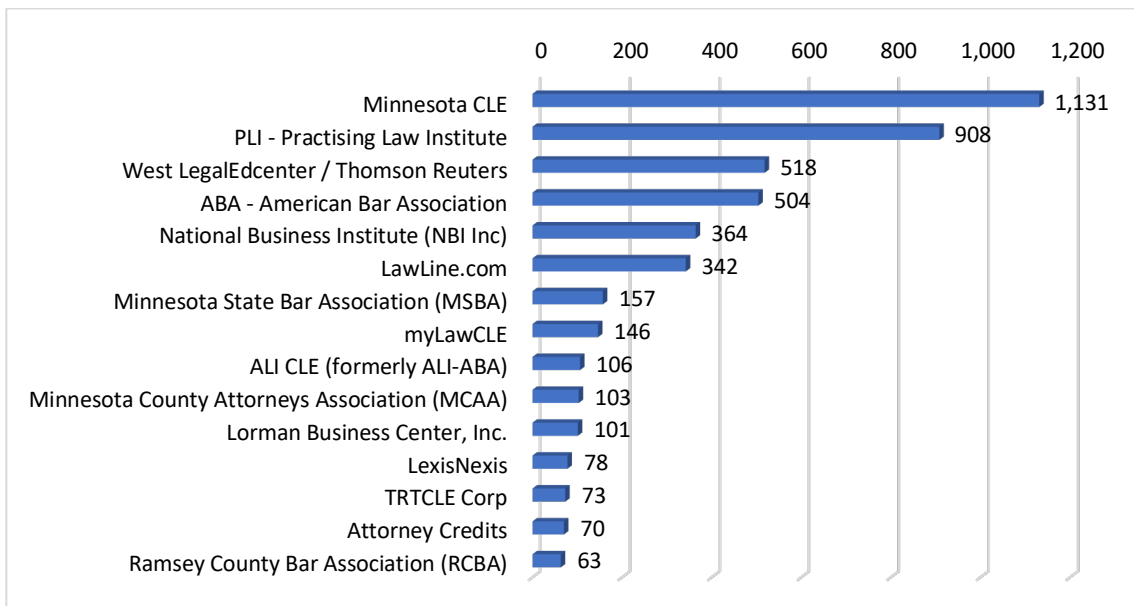
Table 2 below provides the top 15 sponsors by number of attorneys reporting. The chart also indicates the number of those attorneys with Minnesota addresses, and the number of courses reported.

Table 2: Top 15 Sponsors with Attorney Reporting Numbers

Name	Attorneys Reporting	MN Attorneys Reporting	% of MN Attorneys	Courses Reported
Minnesota CLE	2262	1908	84.35%	1131
State Law Library	1532	1288	84.07%	30
PLI - Practising Law Institute	1204	915	76.00%	908
West LegalEdcenter / Thomson Reuters	961	779	81.06%	518
Attorney General's Office	871	742	85.19%	14
Mitchell Hamline School of Law	586	500	85.32%	59
University of St. Thomas School of Law Alumni Relations	445	364	81.80%	11
LawLine.com	313	212	67.73%	342
Minnesota State Bar Association (MSBA)	278	225	80.94%	157
ABA - American Bar Association	274	182	66.42%	504
National Business Institute (NBI Inc)	221	148	66.97%	364
Minnesota County Attorneys Association (MCAA)	202	200	99.01%	103
TRTCLE Corp	168	138	82.14%	73
Volunteer Lawyers Network (VLN)	160	134	83.75%	8
State Board of Public Defense	140	136	97.14%	52

Graph 6 below provides a breakdown of the top 15 on-demand providers by the total number of courses for which at least one attorney reported credit.

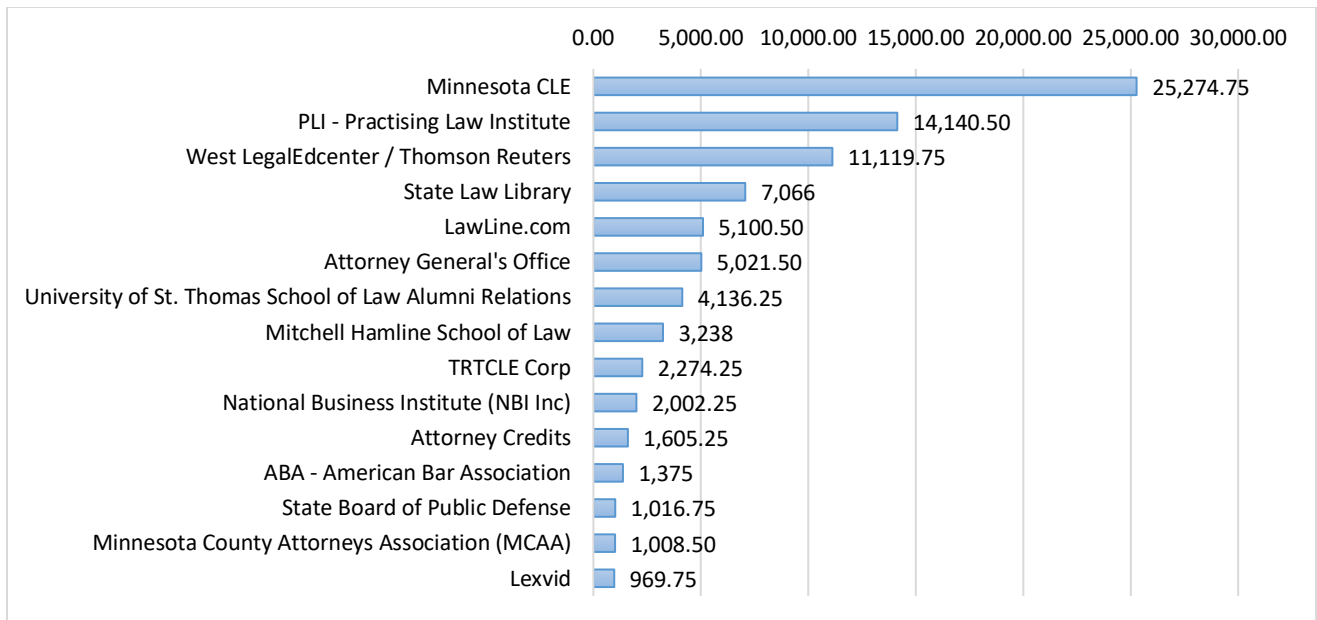
**Graph 6:
Top 15
Sponsors
for
Number
of
Courses
Reported**



CLE COURSES (CONT'D)

Graph 7 below provides a similar breakdown based on the number of attorneys reporting credit.

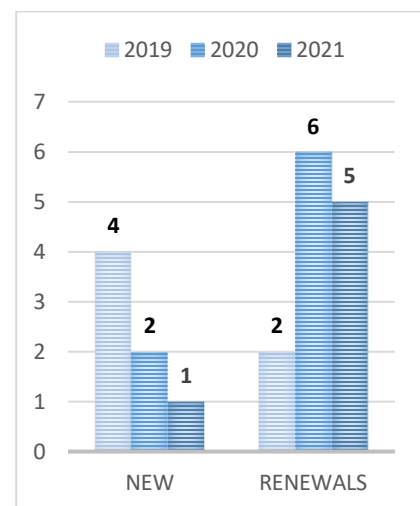
Graph 7: Top 15 Sponsors for Number of Hours Reported



CLE EMERITUS STATUS

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 requires 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, 2021 and December 31, 2021, one lawyer sought and received Emeritus status, and five lawyers renewed their status. This status expires every three years. As of December 31, 2021, roughly 20 retired lawyers were participating in the Emeritus Lawyer program. **Graph 8** represents the amount of new requests and renewals for the years 2019 to 2021. Additional information is available on the Board's website.

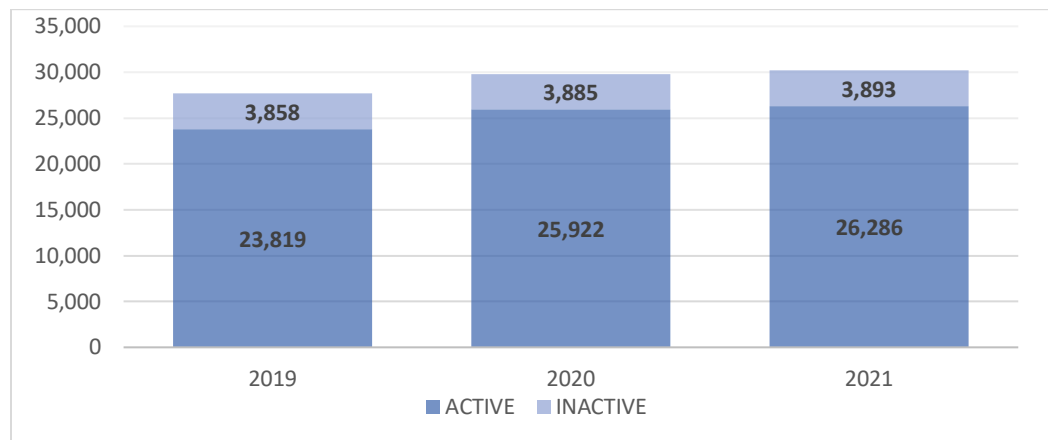
Graph 8: Emeritus Status – New Requests and Renewals



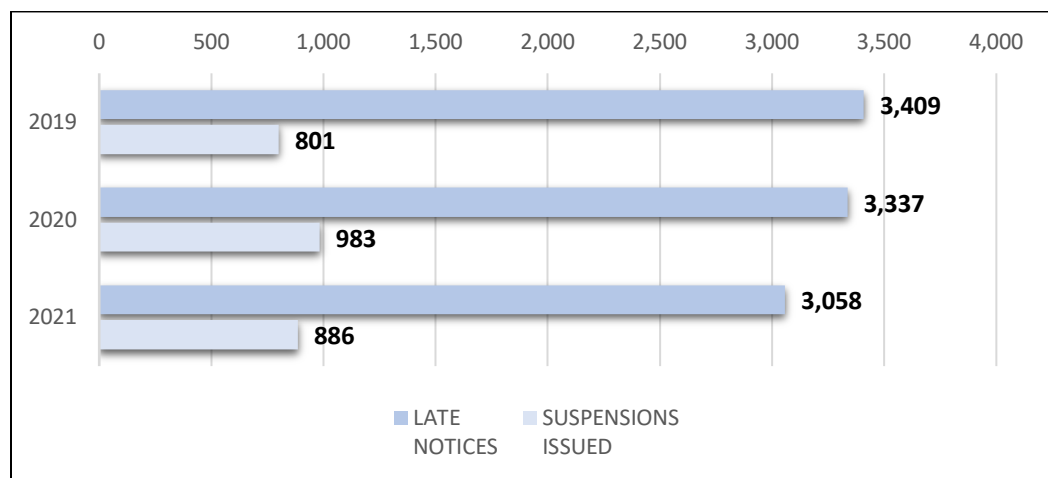
LRO REPORTING OBLIGATIONS

The CLE Board has had supervisory authority over the Lawyer Registration Office since August 1, 2014. During the 2021 calendar year, there were 26,286 active licensed lawyers in Minnesota, compared to 25,922 in 2020. In 2021, 3,893 lawyers were on inactive status, compared to 3,885 in 2020 (**Graph 9**). “Inactive” status means the lawyer is in good standing, but not authorized to practice law. In 2021, the Lawyer Registration Office processed 30,179 annual registration statements, compared to 30,056 in 2020, an increase of 0.41% in 2021. There were 27,701 payments processed online by credit card, debit card, or ACH payment, compared to 26,924 online payments in 2020. Approximately 91.80% of all payments were made online in 2021, compared to 89.6% in 2020. In July 2017, the Rules were amended so that instead of immediate suspension, a lawyer who fails to pay the annual registration fee would instead be assessed a late fee and the suspension would be delayed for 30 days. Once suspended, the lawyer is required to pay a reinstatement fee. The number of registration statement late fees the Board received in 2021 was very similar to 2020, with a decrease in 2021, which can be seen in **Table 3** of the Funding section. The 30,179 annual registration statements issued in 2021 contained 3,058 late notices and 886 suspensions (**Graph 10**).

**Graph 9:
Active &
Inactive
Lawyers
2019-2021**



**Graph 10:
Suspensions
& Late
Notices Sent
2019-2021**



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FUNDING

Beginning in FY20 (July 1, 2019), the Court approved the Board's request to combine the LRO and CLE budget. The same personnel handles duties for both offices. When the new attorney portal launches in 2022, attorneys will be able to complete both CLE and LRO reporting requirements through the same system. By combining the budgets, we were able to increase efficiency.

Revenue for the Board is generated through CLE affidavit filing fees, course application fees, CLE late and reinstatement fees, Certificate of Good Standing requests, and lawyer registration late and reinstatement fees. A small portion of the budget is also comprised of lawyer registration fees. In calendar year 2021, these fees generated revenue totaling \$856,516. **Table 3** shows the fees received in 2021 compared to those received in the past three calendar years. Revenue increased by \$8,491 in 2021.

Table 3: Receipts for Calendar Years 2018-2021

Fee	2018	2019	2020	2021
Lawyer Registration fees (CLE & LRO)	\$88,921	\$88,886	\$89,360	\$89,269
Late affidavit/non-compliance filing fees (CLE)	\$116,385	\$94,825	\$86,300	\$83,000
Late fees (LRO)	\$243,450	\$243,731	\$255,341	\$240,545
Reinstatement fees (CLE)	\$23,290	\$24,874	\$26,750	\$24,375
Reinstatement fees (LRO) (effective 7/2017)	\$51,400	\$47,850	\$58,200	\$60,400
Course accreditation fees (CLE)	\$213,300	\$208,982	\$211,498	\$223,165
Paper affidavit fees (CLE)	\$1,940	\$1,980	\$1,640	\$1,070
Paper filing fees (LRO)	\$51,791	\$43,430	\$31,310	\$24,830
Misc. (CLE & LRO)¹	\$90,375	\$120,322	\$87,626	\$109,862
Total	\$880,852	\$874,880	\$848,025	\$856,516

The Lawyer Registration Office also collects revenue on behalf of other Supreme Court Boards. In addition to the Board, the lawyer registration fees fund the Board of Law Examiners, Lawyers Professional Responsibility Board, Client Security Fund (CSF), and the Legal Services Advisory Committee (LSAC).

As noted in the Year in Review, the Court approved fee increases, effective October 1, 2021. **Table 4A** and **Table 4B** show the Fee Allocation amounts collected on behalf of each of the entities.

¹ Includes credit card processing fees, parking reimbursements, sponsor label lists, Certificates of Good Standing, and duplicate licenses.

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FUNDING (CONT'D)

In 2021, the Lawyer Registration Office (LRO) collected \$7,181,575 in revenue on behalf of Court entities. **Table 4A** represents the fee allocations of statements prior to October 1, 2021, whereas **Table 4B** shows the allocations of statement fees that were effective October 1, 2021 after the LRO fee increase took place.

Table 4A: Fee Allocations Prior to 10/1/2021

	\$ 40 ²	\$ 114 ³	\$ 177 ⁴	\$ 205 ⁵	\$ 230 ⁶	\$ 248 ⁷
BLE	\$25	\$29	\$29	\$29	\$29	\$29
CLE	\$0	\$1	\$1	\$1	\$1	\$1
OLPR	\$15	\$26	\$83	\$83	\$122	\$122
CSF	\$0	\$6	\$6	\$6	\$6	\$6
LSAC1 ⁸	\$0	\$37	\$43	\$71	\$47	\$75
LSAC2 ⁹	\$0	\$13	\$13	\$13	\$23	\$13
LRO	\$0	\$2	\$2	\$2	\$2	\$2

Table 4B: Fee Allocations Effective 10/1/2021

	\$ 40 ²	\$ 118 ³	\$ 182 ⁴	\$ 211 ⁵	\$ 227 ⁶	\$ 256 ⁷
BLE	\$25	\$29	\$29	\$29	\$29	\$29
CLE	\$0	\$1	\$1	\$1	\$1	\$1
OLPR	\$15	\$32	\$89	\$89	\$128	\$128
CSF	\$0	\$0	\$0	\$0	\$0	\$0
LSAC1 ⁸	\$0	\$37	\$43	\$71	\$47	\$75
LSAC2 ⁹	\$0	\$17	\$18	\$19	\$20	\$21
LRO	\$0	\$2	\$2	\$2	\$2	\$2

² New lawyer fee.

³ Active, admitted less than three years.

⁴ General Inactive, less than \$25,000.

⁵ General Inactive.

⁶ Active, admitted three years or more, income less than \$25,000.

⁷ Active, admitted three years or more.

⁸ LSAC1: Payments allocated to Legal Services Advisory Committee for civil legal services and grant program purposes.

⁹ LSAC2: Payments allocated to Legal Services Advisory Committee for a lawyers assistance program.


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. 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



Jenna Peterson, Chair



Emily Eschweiler, Director