

BOARD OF LAW EXAMINERS 2023 ANNUAL REPORT

TABLE OF CONTENTS

Year in Review.....	1-2
BLE Background.....	3-4
Applicants to the MN Bar.....	5-15
Character & Fitness of Applicants.....	16-17
Pro Hac Vice.....	18
Supervised Practice & OBA.....	19
Funding.....	19
Conclusion.....	20

YEAR IN REVIEW - 2023

GENERAL

The Minnesota Board of Law Examiners (Board) met nine (9) times in person in 2023 in St. Paul, Minnesota. The Board held an all-day retreat at Lake Elmo Park Reserve in August. The Court appointed Ann Johnson as a public member to the Board for a three-year term beginning January 1, 2023. Ms. Johnson replaced Shawne Monahan, who retired in 2022, and joined the Board's other eight members in deciding matters. Most of the Board's work directly relates to applicant files and is confidential under Rule 3C(1)(b) and Rule 14 of the Minnesota Rules for Admission to the Bar. During the public meetings in 2023, the Board discussed the financial report, the Board's Competency Study, articles related to bar admissions, and revisions to the testing accommodations process. In addition to the Board meetings, some members of the Board attended the National Conference of Bar Examiners Annual Bar Admissions Conference in Nashville, Tennessee for additional training. Board members also participate in committee meetings and character and fitness interviews.

In May, the Board moved from its offices near the river in St. Paul to the Minnesota Judicial Center. With more staff working a hybrid work schedule, this move allowed the Board to reduce its footprint and save on rent costs.

The Board administered both the February 2023 and July 2023 bar examinations in person at St. Paul's RiverCentre. 706 examinees sat for the examination in 2023. The Board office coordinated two admission ceremonies for the Court. The May 2023 Admission Ceremony for successful February 2023 examinees was held in the Minnesota Supreme Court Courtroom with a remote option. The October 2023 Admission Ceremony for successful July 2023 examinees took place in the House Chambers at the Minnesota State Capitol.

The Bar Admissions Advisory Council (BAAC) met in person on June 23, 2023. The BAAC is comprised of the Board, members from the three Minnesota Law Schools, and representatives from the MSBA. The BAAC meeting primarily focused on updates from the law schools, the NextGen examination, and discussions of the Competency Study report, filed by the Board on June 1, 2023.

BOARD OF LAW EXAMINERS 2023 ANNUAL REPORT

YEAR IN REVIEW – 2023 (CONT'D)

On June 1, 2023, the Board filed its Comprehensive Competency Study [Report](#) and Recommendations with the Court, available for review on the Board's website. The Board recommended that the Court:

- Adopt the NextGen Examination
- Make modest changes to the current Supervised Practice Rules
- Create an Implementation Committee to further explore and develop a curricular-based pathway for assessment
- Table a proposal to create a new supervised practice-based pathway for assessment and revisit that proposal following further study and experience with the curricular-based pathway

The Court put the matter out for public comment and held a public hearing. A decision is anticipated in 2024.

The Board undertook a comprehensive review of the testing accommodations process and forms, hiring an outside consultant to provide recommendations to make sure the Board is following best practices related to the testing accommodations practice to ensure fairness to all applicants to the Minnesota bar.

The Board continues to monitor the progress of the NextGen Exam being designed by the NCBE and continued to make progress on the Board's strategic plan.

Board staff and Board members also spoke at each of the Minnesota law schools about the admission process, addressing questions related to the examination and the character and fitness investigation. The Board also publishes information to the Board's website and routinely updates the FAQ section based on questions the office receives.

BOARD OF LAW EXAMINERS 2023 ANNUAL REPORT

BLE BACKGROUND

BACKGROUND

The Board is responsible for ensuring that those who are admitted to the bar in Minnesota have the necessary competence and character to justify the trust and confidence of clients, the public, and the legal profession. The Board accomplishes this task by investigating bar applicants' character and fitness for admission, administering the bar examination, and reviewing the eligibility of applicants who apply on motion to Minnesota.

The Board met nine times in 2023. Each Board meeting consists of a public portion of the meeting, followed by a confidential agenda. Rule 3C and Rule 14 govern which matters are public and which are confidential.

BOARD MEMBERS

The Board is comprised of nine members, including seven lawyer members and two public members. The Minnesota Supreme Court appoints all members to the Board. Each member is appointed for a three-year term, and each may be reappointed for two additional terms.

John Koneck served as President of the Board in 2023 and Hon. Juan Hoyos served as the Secretary.

The Chief Justice appoints a Minnesota Supreme Court Justice as the liaison between the Court and the Board. Justice G. Barry Anderson has served in this role since 2013.



2023 BOARD MEMBERS
President: John M. Koneck, Fredrikson & Byron, P.A., Minneapolis
Secretary: Hon. Juan Hoyos, 4 th District Judge, Minneapolis
Patricia Y. Beety, General Counsel League of MN Cities, St. Paul
Brian A. Bell, Dorsey and Whitney, Minneapolis
Thomas H. Boyd, Winthrop & Weinstine, P.A., Minneapolis
Wilbur W. Fluegel, Fluegel Law Office, Minneapolis
Ann M. Johnson, public member, St. Paul
Mark S. Kuppe, public member, St. Paul
Cheryl M. Prince, Hanft Fride Law Firm, Duluth

SUPREME COURT LIAISON
Justice G. Barry Anderson, MN Supreme Court
EXECUTIVE DIRECTOR
Emily Eschweiler

BOARD OF LAW EXAMINERS 2023 ANNUAL REPORT

BLE BACKGROUND (CONT'D)

BOARD COMMITTEES

In addition to the Board's commitment to its regular meetings, Board members are also asked to serve on committees of the Board, which meet on a regular basis. The standing committees in 2023 included:

2023 Board Committees
Rules & Policy Committee
Budget and Operations Committee
Character and Fitness Policy Committee
Character and Fitness Interview Committee
Conditional Admission Committee
Bar Exam Committee
Long Range Planning Committee
Special Committee - Comprehensive Competency Committee

BAR ADMISSIONS ADVISORY COMMITTEE (BAAC)

Rule 19 of the Rules for Admission to the Bar establishes an advisory committee comprised of three members appointed by the Minnesota State Bar Association (MSBA), the Deans of the three Minnesota law schools and their additional representatives, and members of the Board, which meets to discuss matters related to bar admissions. The BAAC met in June 2023, where the Board received updates from the law schools, the NextGen examination, and discussions of the Competency Study report, filed by the Board on June 1, 2023.

BOARD STAFF

The Board employs a staff of 12.1 FTE. The Director, Managing Attorney, Staff Attorney, Finance/IT Administrator, and two Office Assistants also work for the Board of Continuing Legal Education, the Board of Legal Certification, and the Lawyer Registration Office. In addition, the Board's staff includes an Attorney for Character and Fitness, a Bar Admissions Administrator, three Application Coordinators, and three Paralegals.

In 2023, the Board office continued a more permanent hybrid approach to work location for staff. A rotating office schedule was produced every few months to allow work from home four days a week and one day in the office, for those that wished to work from home. By designating additional back-ups for in-office duties and responsibilities, the office was able to maintain in-office functions and a high level of customer service with less staff in the office, as compared to pre-pandemic.

While the offices remained open to visitors, stakeholders were encouraged to communicate with the Board office through their applicant portals, or by telephone, email, and mail.

BOARD OF LAW EXAMINERS 2023 ANNUAL REPORT

APPLICANTS TO THE MN BAR

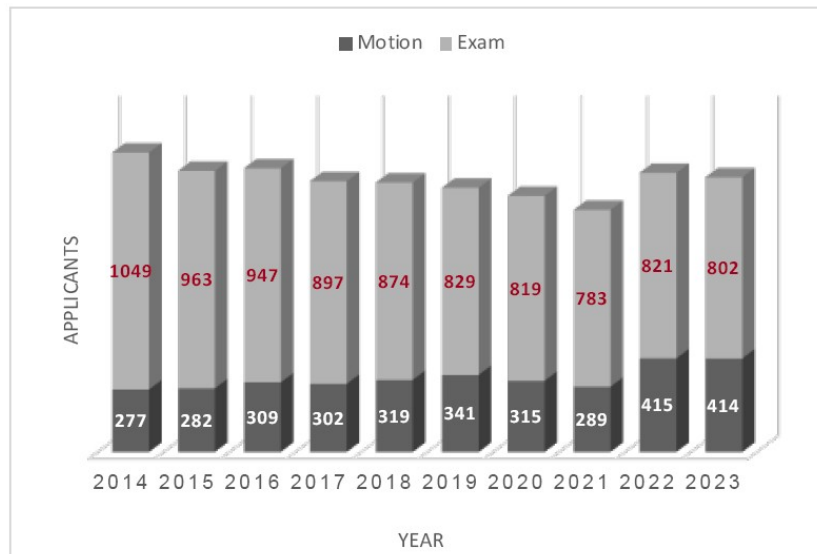
ALL APPLICANTS

New lawyers are admitted to the Bar in Minnesota by taking and passing the Uniform Bar Examination (UBE) or applying by motion. All applicants to the Minnesota Bar must submit proof that they have received a scaled score of at least 85 or higher on the Multi-State Professional Responsibility Examination (MPRE). The total number of exam applicants decreased by 19 in 2023 compared to 2022, or a 2.31% decrease. The total number of motion applicants stayed roughly the same in 2023, with only 1 less applicant than in 2022. Both 2022 and 2023 saw significant increases in motion applicants compared to 2014 through 2021.

The Board sees a significant number of Rule 7C applications following the release of examination results in jurisdictions with a higher cut score than Minnesota from applicants who do not meet the cut score eligibility requirements for that jurisdiction.

Overall, the total number of applicants decreased by 20, or 1.6% less than in 2022. **Graph 1** shows the number of exam and motion applicants for years 2014-2023.

Graph 1: Motion & Exam Applicants 2014-2023



2022 to 2023 Stats

- 2.31% Exam Applicants
- 0.24% Motion Applicants

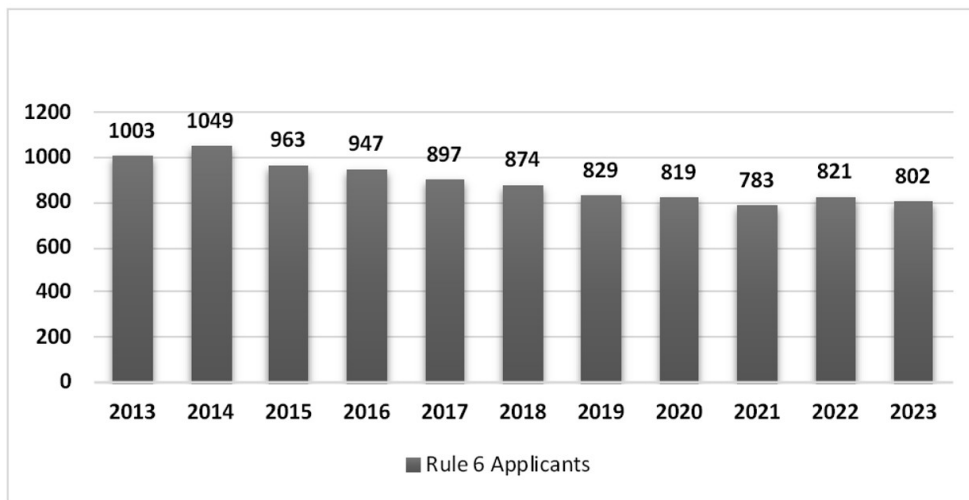
BOARD OF LAW EXAMINERS 2023 ANNUAL REPORT

APPLICATION FOR EXAMINATION

BAR EXAM

Since 2014, Minnesota has administered the Uniform Bar Examination (UBE), comprised of two 90-minute performance tests, six 30-minute essay questions, and 200 multiple choice questions. The test is developed by the National Conference of Bar Examiners and has been adopted by 41 jurisdictions. Scores achieved in other UBE jurisdictions may be used to seek admission in Minnesota or in any of the other UBE jurisdictions. Each jurisdiction sets its own cut score – the score required for admission in that state. In 2023, cut scores ranged from 260 to 273. Minnesota’s cut score is 260. The UBE is offered twice per year in February and July. The number of exam applicants in Minnesota has been dropping since 2014, with 2021 seeing the lowest number in 25 years (**Graph 2**). There was a slight increase in 2022, with 821 and then in 2023 a drop to 802 exam applicants.

Graph 2: Number of Exam Applicants per Year



The following tables, **Tables 1 and 2**, show the number of examinees who sat for and passed the February and July bar examinations over the past two years, by law school and exam, along with the passage rate for those taking the examination for the first time in Minnesota. **Table 3** contains the same data as combined totals by year.

BOARD OF LAW EXAMINERS 2023 ANNUAL REPORT

APPLICATION FOR EXAMINATION (CONT'D)

Table 1: February Bar Examination Participants, Passage Rate and First-time Exam Takers for 2022 and 2023

FEBRUARY	2022				2023			
	SAT	OVERALL PASSAGE	FIRST TIME	FIRST TIME	SAT	OVERALL PASSAGE	FIRST TIME	FIRST TIME
University of MN	10	7	70.00%	100.00%	10	5	50.00%	75.00%
St. Thomas	33	17	51.52%	75%	40	15	37.50%	56.25%
Mitchell Hamline	96	62	64.58%	78%	78	40	51.25%	70.73%
Other Schools	31	23	74.19%	72.73%	34	14	41.18%	45.00%
TOTAL – All Schools	174	109	62.64%	77.78%	165	74	44.85%	61.73%

Table 2: July Bar Examination Participants, Passage Rate and First-time Exam Takers for 2022 and 2023

JULY	2022				2023			
	SAT	OVERALL PASSAGE	FIRST TIME	FIRST TIME	SAT	OVERALL PASSAGE	FIRST TIME	FIRST TIME
University of MN	152	146	96.05%	96.97%	130	115	88.46%	90.40%
St. Thomas	134	107	79.85%	88.98%	143	111	77.62%	84.80%
Mitchell Hamline	168	129	76.79%	84.98%	148	111	75.00%	87.18%
Other Schools	114	90	78.95%	81.13%	114	86	75.44%	78.95%
TOTAL – All Schools	574	474	82.58%	87.79%	541	425	78.56%	85.53%

Table 3: February & July Bar Examination Participants, Passage Rate and First-time Exam Takers Totals for 2022 and 2023

TOTALS: FEBRUARY & JULY	2022				2023			
	SAT	OVERALL PASSAGE	FIRST TIME	FIRST TIME	SAT	OVERALL PASSAGE	FIRST TIME	FIRST TIME
University of MN	162	153	94.44%	96.08%	140	120	85.71%	89.92%
St. Thomas	168	124	73.81%	89.52%	183	126	68.85%	81.57%
Mitchell Hamline	264	191	72.35%	83.62%	226	151	66.81%	82.91%
Other Schools	145	113	77.93%	79.69%	148	100	67.57%	73.04%
TOTAL – All Schools	748	583	77.94%	86.56%	706	499	70.68%	81.99%

BOARD OF LAW EXAMINERS 2023 ANNUAL REPORT

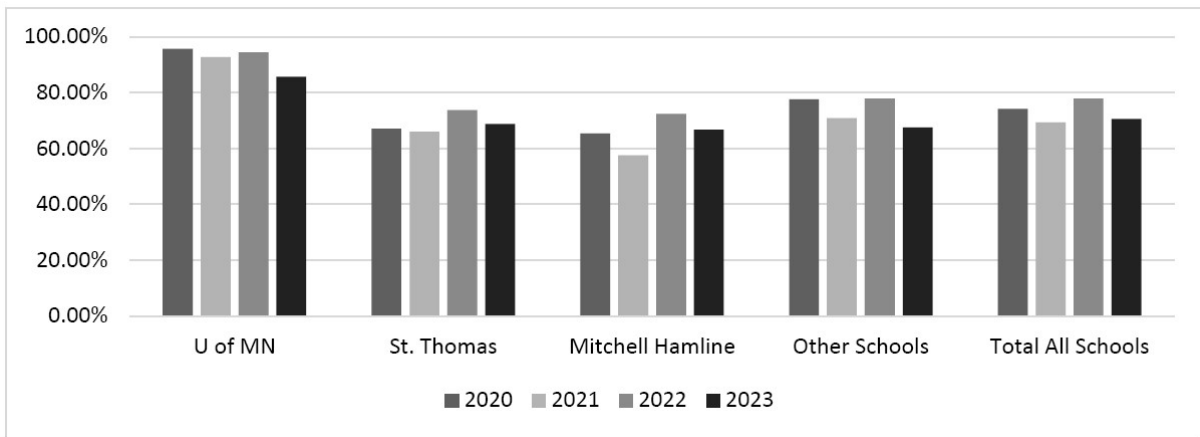
APPLICATION FOR EXAMINATION (CONT'D)

Table 4 below contains the overall passage rate for all February and July examinees and first-time examinees, by law school, for the last four years. **Graphs 3A and 3B** provide this same data in a visual format that displays trends over the last four years.

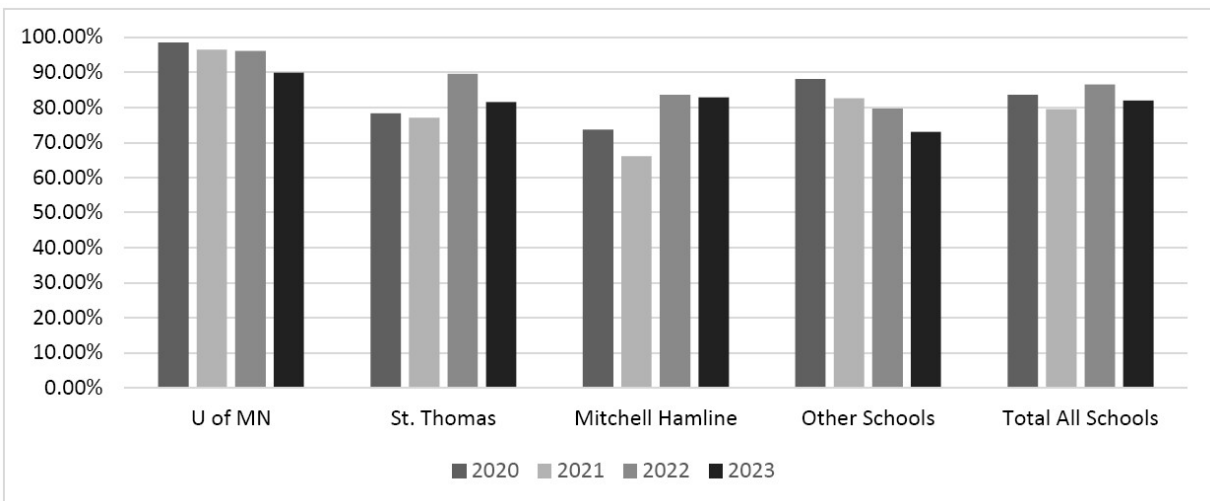
Table 4: Overall & First-Time Examinee Passage Rate Totals for Law Schools 2020-2023

Law School	2020		2021		2022		2023	
	Overall	1 st -Time	Overall	1 st -Time	Overall	1 st -Time	Overall	1 st -Time
U of MN	95.68%	98.48%	92.67%	96.43%	94.44%	96.08%	85.71%	89.92%
St. Thomas	67.09%	78.33%	66.12%	77.10%	73.81%	89.52%	68.85%	81.57%
Mitchell Hamline	65.40%	73.68%	57.52%	66.12%	72.35%	83.62%	66.81%	82.91%
Other Schools	77.71%	88.11%	70.86%	82.64%	77.93%	79.69%	67.57%	73.04%
Total All Schools	74.20%	83.64%	69.41%	79.51%	77.94%	86.56%	70.68%	81.99%

Graph 3A: Law School Overall Passage Rates for All Examinees



Graph 3B: Law School Passage Rates for First-Time Examinees



BOARD OF LAW EXAMINERS 2023 ANNUAL REPORT

APPLICATION FOR EXAMINATION (CONT'D)

TEST ACCOMMODATIONS

The Board grants test accommodations in accordance with the Americans with Disabilities Act, as amended, as well as with the Minnesota Human Rights Act. Accommodations are afforded to qualified applicants with disabilities who are otherwise eligible to take the Minnesota bar examination. Reasonable modifications are made in the administration of the examination, as appropriate.

An applicant seeking test accommodations must submit medical documentation of their disability and documentation of any history of accommodations in school and on standardized tests. Board staff then makes every effort to arrive at a test accommodation that meets the documented needs of the applicant while preserving the integrity of the exam and adhering to reasonable standards of test administration, relying on information provided by the applicant as well as the Board's outside consultants.

Requests for accommodations are considered and determined on a case-by-case basis after Board staff reviews the records submitted by the applicant, consults with the examinee (if any questions or deficiencies), reviews past accommodations, and in many cases, after referring the information for review by a medical expert.

When requests for accommodations are referred to one or more of the Board's expert medical evaluators, the evaluator prepares a written report detailing the applicant's diagnosis, the nature and extent of impairment, and the reasonableness of the requested accommodation. The evaluator offers an opinion as to what the evaluator considers to be the appropriate accommodation. After reviewing the medical evaluator's report and the information submitted by the applicant, the Director issues a written determination to grant, deny, or modify the applicant's request for test accommodations.

An applicant whose request is modified or denied may appeal the decision by requesting an expedited hearing. The Board President or a designated Board member conducts the expedited hearing by telephone. The President considers the evidence in the record as well as the evidence presented at the hearing, and issues a brief written decision within five business days. An applicant who is not satisfied with the expedited hearing decision may appeal the final decision to the Supreme Court under Rule 17.



Typical Accommodations Granted in 2023:

- Additional testing time
- Testing in a private or semi-private room
- Off-the-clock breaks

BOARD OF LAW EXAMINERS 2023 ANNUAL REPORT

APPLICATION FOR EXAMINATION (CONT'D)

As the numbers below indicate, the Board has seen a significant increase in the number of applicants who seek test accommodations to sit for the Uniform Bar Examination in Minnesota. The Board and its staff have attended conferences discussing test accommodations, heard from national experts, and routinely review materials related to test accommodations. The Board staff has also met with the three Minnesota law schools, had conversations with staff in other jurisdictions, and has carefully considered feedback provided by various parties, including applicants to the Minnesota bar. In 2023, the Board worked with an outside consultant to review the Board’s test accommodations policy, instructions, and forms. As a result of this work, the Bar Examination Committee met and discussed changes to the forms and process to simplify and streamline the application, to reduce the paperwork required for repeat applicants, and to provide applicants and potential applicants with additional guidance on the Board’s processes. The Board approved publishing the changes to the Board’s website at the December meeting and they are effective as of the July 2024 examination.

Table 5: Testing Accommodations Statistics for 2015 - 2023

Calendar Year of Exams	Total Exam Applicants	Number of Exam Applicants Requesting Testing Accommodations	Percentage of Applicants Requesting Testing Accommodations
2015	963	41	4.26%
2016	947	44	4.65%
2017	902	49	5.43%
2018	890	59	6.63%
2019	837	48	5.73%
2020	786	40	5.09%
2021	831	59	7.10%
2022	844	57	6.75%
2023	785	76	9.68%

Individual decisions related to test accommodation are confidential. Common reasons a testing accommodation request may be denied include:

- No history of test accommodations on high-stakes exams
- Insufficient objective evidence of functional impairment in real-world settings
- Lack of comprehensive diagnostic testing and/or rationale provided by treating provider

Recent Determinations: The Board received a total of 2,460 applications for examinations taking place in 2021, 2022, and 2023. Of those 2,460 applications, 192 (7.8%) included requests for test accommodation. Of those 192 requests, 143 test accommodation requests were granted in whole or in part (74%) and 29 were denied (15%). No test accommodation determination was made on 20 files. Reasons for “no determination” include improperly filed paperwork that the applicant didn’t cure when provided an opportunity to do so, requests granted through an informal “green card” process that did not require a formal test accommodation application, or withdrawal from the examination or request to carry forward examination fees to a future examination prior to the determination being made.

BOARD OF LAW EXAMINERS 2023 ANNUAL REPORT

APPLICATION FOR EXAMINATION (CONT'D)

LAPTOP TESTING

Since February 2003, examinees have been permitted to write the performance test and essay portions of the examination using their own laptop computer. Examinees are required to download blocking software to their computers, which prevents the applicant from accessing any other program or files during the examination. An additional fee of \$100 is charged to examinees to offset the increased costs associated with the use of laptops. **Table 6** shows the number of applicants that chose to handwrite the exam or utilize their laptops to take the exam for the previous five years.



In 2023, 683 or 96.74% of all examinees took the bar examination on a laptop. This was a slight decrease from the 748 examinees (97.59%) taking the examination on a laptop in 2022.

Table 6: Individuals Taking the Essay Examination by Laptop (Past 5 Years)

	2019	2020*	2021	2022	2023
Laptop	742	723	718	730	683
Handwritten	28	25	34	18	23
Total	770	748	752	748	706
Percentage by Laptop	96.40%	96.66%	95.48%	97.59%	96.74%

BOARD OF LAW EXAMINERS 2023 ANNUAL REPORT

APPLICATION ON MOTION

APPLICATION ON MOTION

Rules 7, 8, 9, 10, and 11 allow certain applicants to apply for licensure in Minnesota on motion (without sitting for the exam in Minnesota), provided the applicant meets the Rule requirements. Applicants who are admitted on motion are required to meet all of the other requirements to practice law in Minnesota, including a positive character and fitness determination and a determination that they meet all other eligibility criteria. The charts below show the number of admissions under these motion types between 2014 and 2023.

In 2023, 393 individuals were admitted on motion without examination, compared to 350 in 2022, an increase of 12.29% and the most recently admitted in a single year. The Board had previously seen a decline in motion applications in 2020 and 2021. Minnesota typically sees a large number of examinees applying under Rule 7C following score release in other UBE jurisdictions, and the prior decrease was likely related to a number of jurisdictions not administering the UBE in July 2020. Three years later, motion application volume has exceeded its pre-pandemic highs.

Graph 4 on the next page shows the number of applicants admitted under Rule 7. The difference between application numbers and admission numbers is partially due to the timing of when the applications were received and recommended for admission after completion of the Board's review, which sometimes takes place in different calendar years. The section below provides additional detail regarding various types of motion applicants.

RULE 7

Rule 7A permits applicants to be admitted without examination in Minnesota if they are licensed and in good standing in another jurisdiction and have the requisite years of practice. In 2023, 113 applications were submitted under Rule 7A, compared to 115 in 2022. During 2023, 99 Rule 7A applicants were admitted, which is a decrease from 119 Rule 7A admissions in 2022.

Rule 7B permits applicants to be admitted without examination in Minnesota if they have received a scaled score of 145 or above on an MBE taken within the past three years as part of another jurisdiction's bar exam, if they passed and were admitted in that jurisdiction. The Board received 17 Rule 7B applications in 2023, compared to 22 applications in 2022. In 2023, 18 applicants were admitted under Rule 7B, compared to 21 in 2022. As more and more states adopted the UBE over the last 12 years, the number of applications under Rule 7B continues to decline.

MOTION TYPES

- Rule 7A** – Practiced law, as principal occupation, for 36 of the last 60 months in another jurisdiction and in good standing in each jurisdiction in which licensed.
- Rule 7B** – Transfer of a scaled Multistate Bar Examination (MBE) score of 145 or higher on an MBE taken within the last 3 years.
- Rule 7C** – Transfer of a Uniform Bar Examination (UBE) score taken in another jurisdiction within the last 3 years.
- Rule 8** – Temporary Legal Services License
- Rule 9** – Temporary House Counsel License
- Rule 10** – Permanent House Counsel License
- Rule 11** – Foreign Legal Consultant

Rule 7 Applications - 2022 to 2023

- 7A:** 1.74% ↓ Applications
- 7B:** 22.73% ↓ Applications
- 7C:** 3.34% ↑ Applications

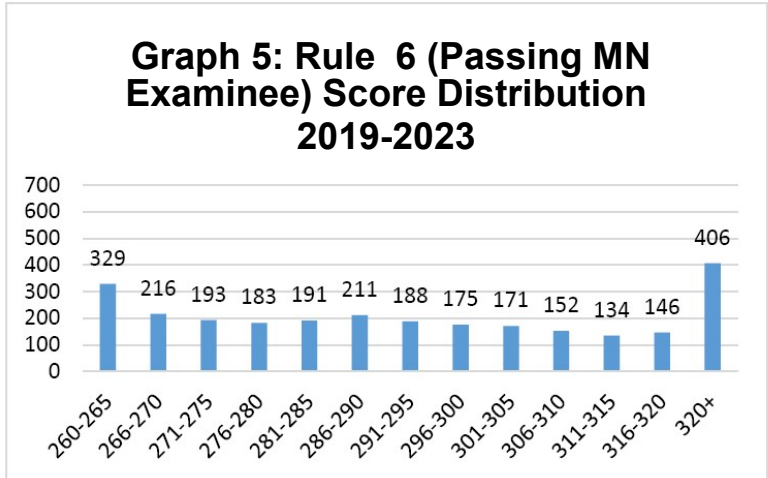
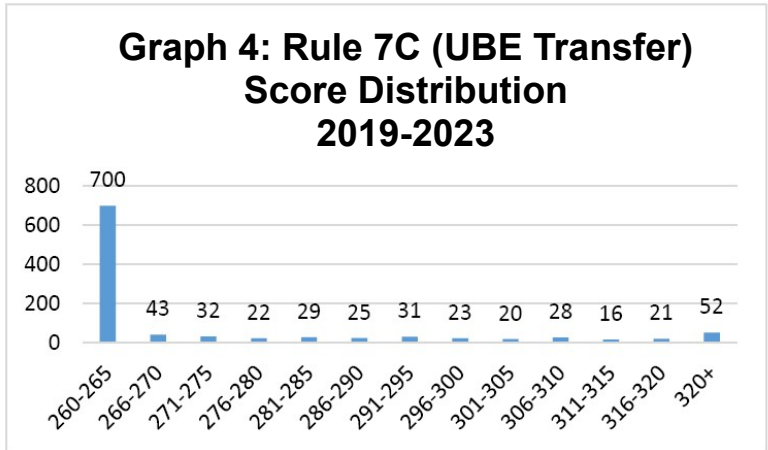
BOARD OF LAW EXAMINERS 2023 ANNUAL REPORT

APPLICATION ON MOTION (CONT'D)

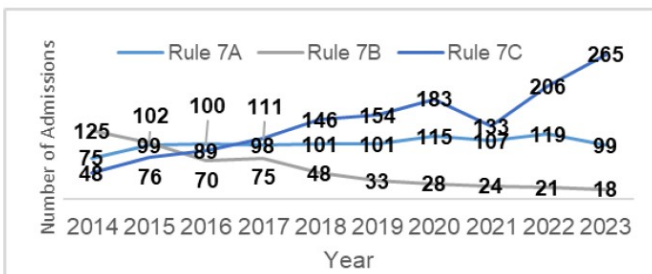
In 2013, Minnesota began to accept transferred UBE scores under Rule 7C. This provision permits applicants to be admitted without examination in Minnesota if they have achieved a scaled score of 260 or above on a certified UBE taken in another jurisdiction. Applicants do not need to be admitted or have received what is considered a passing score in the jurisdiction where they achieved the UBE score. Over the past five years, 68% of Rule 7C applicants transferred a UBE score to Minnesota that was not considered a passing score by the jurisdiction where they took the exam.¹

The Board receives a large number of Rule 7C applications from individuals who achieved scores of 260-265 in another UBE jurisdiction.²

Graphs 4 and 5 show the distribution of UBE scores transferred as part of Rule 7C applications during the past five years, along with Rule 6 (Minnesota examinee) data for reference.



Graph 6



In 2023, 278 applications were filed under Rule 7C, compared to 269 in 2022, and 140 in 2021 an increase of 98.14% from 2021. In 2023, 265 Rule 7C applicants were admitted, compared to 206 in 2022, and 133 in 2021 an increase of 99.2%. **Graph 6** represents the number of Rule 7 admissions from 2014-2023.

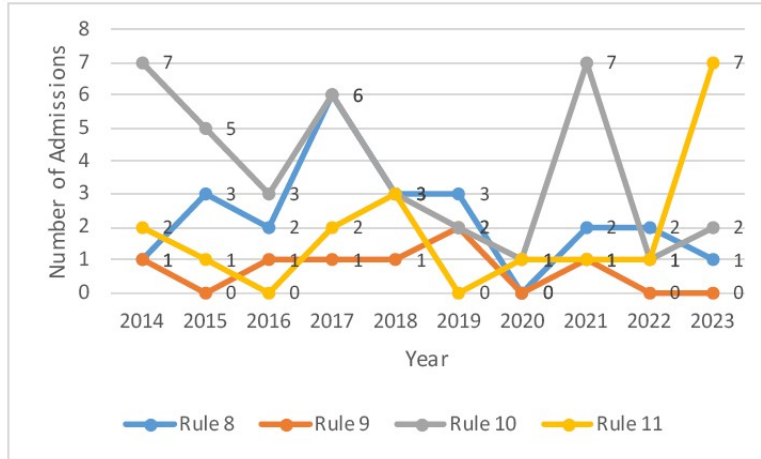
¹ The Board received 117 applications from North Dakota examinees, all of whom passed that exam because North Dakota also has a UBE cut score of 260. Of the remaining 925 Rule 7C applicants, 77% did not achieve a passing score in the jurisdiction where they took the exam. The North Dakota applicants have a median UBE score of 290, compared to a median score of 264 for the remaining Rule 7C applicants.

² Of the 41 UBE jurisdictions, 33 have a cut score between 266 and 270.

BOARD OF LAW EXAMINERS 2023 ANNUAL REPORT

APPLICATION ON MOTION (CONT'D)

Graph 7: Rule 8, 9, 10, and 11 Admissions



RULES 8, 9 AND 10

Rule 8 permits a lawyer licensed in another jurisdiction who has accepted legal employment with a Minnesota legal services program to obtain a temporary license (valid for 15 months) to practice law in Minnesota for the legal services program. One lawyer was admitted under Rule 8 in 2023, one less than in 2022

Rule 9 and Rule 10 licenses permit the admission of lawyers who are employed in Minnesota solely for a corporation or other non-law firm entity and who limit their practice to representation of the corporation or other entity. Under Rule 9 and Rule 10, applicants must have at least three years of active and lawful practice in another jurisdiction during the past five years. If a lawyer licensed under Rule 9 or 10 leaves employment with the corporation which sponsored the application, the license is no longer valid.

Rule 9 permits house counsel applicants to be licensed on a temporary basis. The application process under Rule 9 is expedited in order to permit the house counsel lawyer to be licensed as quickly as possible. There were no Rule 9 admissions in 2023; the Board averages about one per year. There were two Rule 10 admission in 2023, which is similar to the one in 2022 and a large decrease from the seven reported in 2021. **Graph 7** (above) displays the number of admissions pursuant to Rules 8, 9, 10, and 11 from 2014 to 2023. The chart below shows the number of applications in 2023.

Rule Type	Number of 2023 Applications
Rule 8	3
Rule 9	0
Rule 10	1
Rule 11	2

BOARD OF LAW EXAMINERS 2023 ANNUAL REPORT

APPLICATION ON MOTION (CONT'D)

RULE 11

Rule 11 allows a lawyer admitted and practicing law in a country other than the United States to apply for a Foreign Legal Consultant License. This license permits the individual to advise clients on the law of the country in which the foreign legal consultant is admitted as a lawyer, counselor at law, or equivalent. A foreign legal consultant cannot represent individuals in matters outside of the limited scope of the Foreign Legal Consultant License, unless the lawyer is licensed as a house counsel foreign legal consultant. Foreign legal consultants who are admitted as house counsel may practice law for the corporate entity without the restrictions that apply to private foreign legal consultants. There were three new foreign legal consultant admissions in 2023, an increase from one in 2022. Four legal consultants renewed their license in 2023.

APPLICATION ON MOTION TOTALS

As is shown by **Table 7** below, 2023 had the most attorneys admitted by motion since at least 2013. This is attributable to the large increase in Rule 7C admissions, as the overall total for other motion application types decreased by 11%. The total admissions for 2023 is a 12.28% increase from 2022, which is less than the 27% increase between the years 2021 and 2022 and more in line with increases of previous years.

Table 7: Lawyers Admitted on Motion (Without Examination)

	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Rule 7A (years of practice)	82	75	99	100	98	101	101	115	107	119	100
Rule 7B (MBE score)	133	125	102	70	75	48	33	28	24	21	18
Rule 7C (UBE score)³	17	48	76	89	111	146	154	183	133	206	265
Rule 8 (Temp Legal Services)	2	1	3	2	6	3	3	0	2	2	1
Rule 9 (Temp House Counsel)	1	1	0	1	1	1	2	0	1	0	0
Rule 10 (House Counsel License)	2	7	5	3	6	3	2	1	7	1	2
Rule 11 (Foreign Legal Consultant)	0	2	1	0	2	3	0	1	1	1	3
TOTAL	237	259	286	265	299	305	295	328	275	350	390

³ 2013 was the first year applicants could apply under Rule 7C.

BOARD OF LAW EXAMINERS 2023 ANNUAL REPORT

APPLICANT CHARACTER & FITNESS

INVESTIGATION PROCESS

The Board of Law Examiners conducts an investigation of the background of each applicant to the bar. The focus of the investigation is to determine whether an applicant demonstrates the ability to meet the essential eligibility requirements to practice law.

Board staff relies on policies and written procedures to ensure that character and fitness investigations are conducted in a thorough, fair, efficient, and consistent manner. Full and complete disclosure is important. Applications that raise serious character and fitness concerns are brought to the Board for review. The more serious the misconduct in the applicant's past, the more evidence of rehabilitation the applicant will be required to provide. Dishonesty is the most frequent reason for denial of a bar application. Failure to provide thorough responses is the most frequent reason for delay.

RULE 5A - ESSENTIAL ELIGIBILITY REQUIREMENTS

The ability to be honest and candid with clients, lawyers, courts, the Board, and others;

The ability to reason, recall complex factual information, and integrate that information with complex legal theories;

The ability to communicate with clients, lawyers, courts, and others with a high degree of organization and clarity;

The ability to use good judgment on behalf of clients and in conducting one's professional business;

The ability to conduct oneself with respect for and in accordance with the law;

The ability to avoid acts which exhibit disregard for the rights or welfare of others;

The ability to comply with the requirements of the Rules of Professional Conduct, applicable state, local, and federal laws, regulations, statutes, and any applicable order of a court or tribunal;

The ability to act diligently and reliably in fulfilling one's obligations to clients, lawyers, courts, and others;

The ability to use honesty and good judgment in financial dealings on behalf of oneself, clients, and others; and

The ability to comply with deadlines and time constraints.

For most applicants taking the bar examination, the Board completes its investigation by the time the bar examination results are published. There are some applicants each examination cycle who wait until the results are released before providing responses to inquiries that Board staff previously posted. This may result in applicants who are unable to attend the admission ceremony. In 2023, 83.3% of successful February applicants and 93.6% of successful July applicants were cleared in time to participate in the admission ceremony. Applicants who did not clear character and fitness prior to the admission ceremony either failed to respond to Board requests in a timely manner or had more serious issues in their file that warranted further investigation or consideration. In addition, some applicants did not qualify to attend the ceremony because they had not yet submitted a qualifying MPRE score.

During the Character & Fitness process, the Board views favorably any measures taken by applicant to proactively address concerns.

BOARD OF LAW EXAMINERS 2023 ANNUAL REPORT

APPLICANT CHARACTER & FITNESS (CONT'D)

CHEMICAL DEPENDENCY AND EMOTIONAL CONDITIONS

Board inquiries into mental health and chemical dependency issues are narrowly focused to meet the Board's responsibility to protect the public and to determine whether an applicant meets the essential eligibility requirements. The Board recognizes the stresses that law school and other factors may place on applicants and encourages applicants to seek psychological counseling or treatment whenever the applicant believes it beneficial to do so. The Board views the decision to seek treatment as a positive factor in evaluating applications and regularly recommends admission of applicants who have addressed their issues and who have the current ability to meet the essential eligibility requirements to practice law.

MENTAL HEALTH EVALUATIONS

The Minnesota Bar Application includes several paragraphs explaining that written policies and procedures are not intended to discourage mental health treatment. When an applicant discloses, or the Board's investigation identifies conduct that suggests a mental or neurological condition that appears likely to prevent the applicant from fulfilling the essential eligibility requirements for the practice of law as set forth in Rule 5A, the Board may refer the applicant for a comprehensive psychological evaluation. Such referrals are rare and when requested, are conducted at the Board's expense.

CONDITIONAL ADMISSIONS

Rule 16 permits the Board to conditionally admit applicants whose past conduct raises concerns under Rule 5, but whose current record of conduct evidences a commitment to rehabilitation and an ability to meet the essential eligibility requirements for the practice of law. An applicant may be placed on conditional admission for issues such as current criminal probation, financial irresponsibility (e.g. failure to pay taxes or child support), or recent conduct related to substance abuse, chemical dependency, or mental health.

Conditional admission occurs with the consent of the applicant and permits the applicant to begin practicing law while continuing in his or her program of rehabilitation. Conditional admission terms depend on the reason for conditional admission, but may include documented payment plans and timely payment, working with a mentor, compliance with the terms of probation, or submitting to urinalysis. The period of conditional admission ranges from six to 60 months. The conditional license status is confidential and is not disclosed to the public.

ADVERSE DETERMINATION

When the Board concludes that an applicant has failed to meet their burden to prove their good character and fitness to practice law, the Board issues an adverse determination providing the grounds for its decision. Applicants may request a hearing before the full Board and present additional evidence. If the applicant does not do so, the adverse determination becomes final and the application is denied.

**Conditional
Admission
2009-2023:**

187 Total
Lawyers

154 Total
Lawyers
Successfully
Completed

30 Lawyers on
Conditional
Admission as of
Dec. 31, 2023

BOARD OF LAW EXAMINERS 2023 ANNUAL REPORT

PRO HAC VICE

On November 24, 2020, the Minnesota Supreme Court adopted a petition filed by the Legal Services Advisory Committee (LSAC) to amend Rule 5 of the General Rules of Practice to establish a registration process and impose a fee on lawyers seeking *pro hac vice* admission in Minnesota state court.

Out-of-state lawyers admitted to practice in the trial courts of any other jurisdiction and who have been retained to appear in a particular case pending in a district court in Minnesota may appear in the matter at the discretion of the district court upon a written application to appear as counsel *pro hac vice*. Before applying, the out-of-state lawyer should carefully review Rule 5 of the General Rules of Practice.

Effective June 1, 2021, the Minnesota Supreme Court has implemented a new process for out-of-state lawyers seeking *pro hac vice* admission in Minnesota. The revised Rules set out a two-step process. The Minnesota Board of Law Examiners handles Step 1 on behalf of the Minnesota Supreme Court. Applicants must file an electronic application, submit a certificate of good standing from the jurisdiction in which the lawyer primarily practices, and submit electronic payment in the amount of \$450, unless the matter qualifies for waiver under Rule 5.02(b) of the General Rules of Practice. All fees received are allocated to the Lawyer Services Advisory Council. LSAC received \$243,000 in 2023, an increase from \$225,900 in 2022.

In 2023, a total of 545 applications were processed. The application totals by month through the end of 2023 are listed below.

Pro Hac Vice Applications by Month

	2021		2022		2023	
	Total Applications	Fee Exempt	Total Applications	Fee Exempt	Total Applications	Fee Exempt
January	N/A	N/A	36	7	42	0
February	N/A	N/A	36	1	67	0
March	N/A	N/A	41	4	31	0
April	N/A	N/A	34	3	38	0
May	N/A	N/A	41	6	57	2
June	29	3	50	3	49	0
July	32	6	58	0	36	1
August	45	25	37	0	44	0
September	66	36	67	7	34	0
October	51	5	108	51	41	1
November	62	12	60	7	76	1
December	30	13	23	0	30	0
Totals	315	100	591	89	545	5

BOARD OF LAW EXAMINERS 2023 ANNUAL REPORT

SUPERVISED PRACTICE

The revised Supervised Practice Rules were adopted by the Minnesota Supreme Court on July 1, 2020. These Rules broadened the scope of and superseded the former Student Practice Rules.

The Board office processes requests that are received from Minnesota and out-of-state law schools daily. There are three types of certification requests. One is for certification as a Law Student Practitioner, for a student currently enrolled in law school who will be supervised by a lawyer to perform work in a practice placement, such as an externship, or as part of a clinical law course. Another is for a Student Observer, for a law student to observe the work of a licensed attorney, which may include confidential matters. Lastly, the law school may request a graduate to be certified as a Supervised Practitioner so they can work with a supervising lawyer after graduation and before receiving bar exam results. In 2023, there were 462 law students who submitted their initial request for certification, which does not include students who recertified in 2023. This is an increase from 422 in 2022. There were 50 Supervised Practitioners certified in 2023, which is a decrease from 66 in 2022.

FUNDING

Board revenues are generated from bar application fees and from a \$29 per lawyer allocation from the Lawyer Registration fee. **Table 8** shows the 2023 fees received by category, compared to the fees received in the previous four calendar years. Total revenue in 2023 decreased by \$22,197, or 1.1%, compared to 2022.

Table 8: BLE Receipts for Calendar Years 2019-2023

	2019	2020	2021	2022	2023
Lawyer Registration fees	\$872,934	\$872,571	\$885,991	\$876,402	\$885,587
Bar Exam Application fees	\$469,300	\$531,050	\$495,000	\$521,800	\$506,900
Motion Application fees	\$335,570	\$349,100	\$318,700	\$463,375	\$459,050
Misc. Fees (including laptop and Rule 8-11 fees)	\$91,938	\$95,120	\$92,700	\$96,018	\$83,861
Total	\$1,769,742	\$1,847,841	\$1,792,391	\$1,957,595	\$1,935,398

BOARD OF LAW EXAMINERS 2023 ANNUAL REPORT

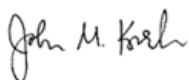
CONCLUSION

The Board continued to reliably administer the bar examination and to conduct the entire admission process in a fair and conscientious manner by processing each application as expeditiously as possible following standard processes.

The Board continues to educate lawyers on the bar application process and provide transparency on the types of circumstances that will lead to delay. The Board looks forward to continuing the work it has begun on studying the bar examination and alternative methods of licensure to ensure that those who are licensed maintain the high standards set by the Court.

Respectfully submitted,

MINNESOTA BOARD OF LAW EXAMINERS



John Koneck, President



Emily J. Eschweiler, Director