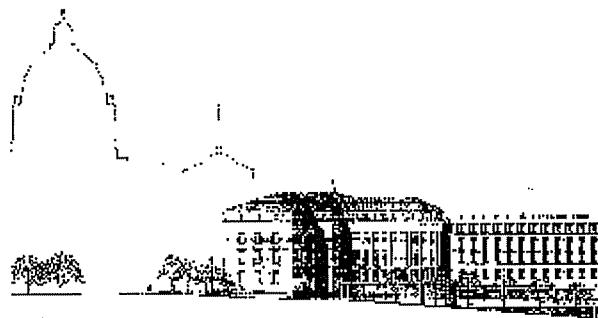


State of Minnesota

**Board
of
Legal Certification**



**ANNUAL REPORT
CALENDAR YEAR 2007**

MINNESOTA BOARD OF LEGAL CERTIFICATION ANNUAL REPORT: 2007

Since 1986, the Minnesota Board of Legal Certification ("Board") has accredited agencies that certify Minnesota lawyers as specialists in certain fields of law so that public access to appropriate legal services may be enhanced. The Board is comprised of twelve members. Nine of the members are Minnesota lawyers, while three are non-attorney public members. The primary duties of the Board are to review legal organizations seeking to be accredited to certify lawyers as specialists in Minnesota in a field of law and to monitor the accredited agencies and the certified lawyers.

The Board's accreditation functions include reviewing the proposed definitions of fields of law and the agency's standards for qualifying and testing attorneys before the agency awards specialist certification. The Board also monitors lawyers' public statements on specialty status.

In order to be certified as a specialist in Minnesota, a certifying agency must verify that the lawyer: a) is licensed to practice law and on active status in Minnesota; b) has "substantial involvement" in the field of law during the three-year period immediately preceding certification; c) has at least three verified peer recommendations in addition to references from lawyers and judges unrelated to and not in legal practice with the lawyer; d) successfully completes an examination of the lawyer's knowledge of the substantive, procedural and related ethical law in the field of law; and e) has provided evidence of completion of approved CLE activity in the certified specialist's field of law as well as compliance with the CLE credit requirements of every state of active licensure.

In Minnesota, lawyers may be certified as specialists in the following areas of law: civil trial practice; criminal law; real property; business bankruptcy; consumer bankruptcy; creditors' rights; elder law; and family law.

Four organizations are accredited by the Board to certify specialists in those eight fields of law. Those organizations are:

1. National Board of Trial Advocacy (NBTA) (also known as the National Board of Legal Specialty Certification (NBLSC))
2. Minnesota State Bar Association (MSBA)
3. American Board of Certification (ABC)
4. National Elder Law Foundation (NELF)

As of December 31, 2007, these organizations certified 849 Minnesota lawyers as specialists in Minnesota.

I. CERTIFYING ORGANIZATIONS

A. National Board of Trial Advocacy/National Board of Legal Special Certification

The National Board of Trial Advocacy ("NBTA") (also known as the National Board of Legal Specialty Certification) is a non-profit organization founded in 1977 and located in Boston, Massachusetts. NBTA was the first organization accredited to certify lawyers as specialists in Minnesota.

In Minnesota, NBTA certifies lawyers as specialists in the areas of Civil Trial Practice, Criminal Law, and Family Law Trial Advocacy. At the end of 2007, 145 lawyers were certified as Civil Trial specialists, 13 were certified as Criminal Law specialists, and five were certified as Family Law Trial Advocacy specialists. These numbers represent a slight decrease from previous years. (See Table 2 below.)

B. Minnesota State Bar Association

The Minnesota State Bar Association (MSBA) certifies attorneys as specialists in the areas of Civil Trial Practice and Real Property. Under the terms of a cooperative agreement with the NBTA, the MSBA uses the NBTA's Civil Trial Practice examination as its test instrument. Lawyers are tested simultaneously for certification by either or both agencies. The Real Property Section administers a multiple-choice test instrument every other year.

Over 75% of the Minnesota attorneys certified as specialists are certified by the MSBA. As of December 31, 2007, the MSBA had a total of 669 certified specialists. (See also Table 2 below.)

In 2007, the MSBA formed exploration committees in additional practice areas to determine if there was interest among members of the labor and employment law section and the criminal law section to become accredited in Minnesota. The Board looks forward to the possibility of additional certification specialties in 2008.

C. American Board of Certification

The American Board of Certification (ABC), of Cedar Falls, Iowa, is accredited to certify Minnesota lawyers in three areas: Consumer Bankruptcy, Business Bankruptcy and Creditors' Rights. ABC is "dedicated to serving the public and improving the quality of the bankruptcy and creditors' rights law bars."

As of December 31, 2007, there were fifteen Minnesota lawyers certified as specialists by ABC. (See also Table 2 below.)

D. National Elder Law Foundation

The National Elder Law Foundation (NELF) of Tucson, Arizona, was accredited in 1997 to certify specialists in Minnesota in the field of Elder Law. Elder Law specialists have expertise and experience in the areas of probate law and public benefits law, as well as in the social aspects of working with elderly clients. As of December 31, 2007, two Minnesota lawyers were certified as Elder Law specialists.

II. STATISTICAL PROFILE

Table 1 shows the number of certified specialists associated with each of the certifying agencies:

Table 1: Certified Specialists by Certifying Agency and Specialty Type

Certifying Agency	Specialty	Lawyers Newly Certified in 2007	Total Number of Certified Lawyers as of 12/31/07
NBTA	Civil Trial	3	145
NBTA	Criminal Law	0	13
NBTA	Family Law	0	5
MSBA	Civil Trial	1	320
MSBA	Real Property	0	349
ABC	Consumer Bankruptcy	0	5
ABC	Business Bankruptcy	0	7
ABC	Creditors' Rights	0	3
NELF	Elder Law	0	2
TOTAL	All Specialty Areas	4	849

Table 2 shows the total number of certified specialists in the past eight years and indicates a decline of the overall number of certified specialists in 2007.

Table 2: Total Number of Certified Specialists (2000-2007)

	2000	2001	2002	2003	2004	2005	2006	2007
NBTA Family Law	N/A	3	4	4	4	6	6	5
NBTA Civil Trial	154	157	157	160	156	159	154	145
NBTA Criminal Law	19	18	18	18	15	13	14	13
MSBA Civil Trial	342	333	336	339	336	326	326	320
MSBA Real Property	342	334	343	339	348	344	356	349
ABC Consumer Bankruptcy	3	3	4	5	6	6	4	5
ABC Business Bankruptcy	7	7	7	7	7	8	7	7
ABC Creditors' Rights	3	3	3	3	3	3	3	3
NELF Elder Law	1	1	1	1	2	2	2	2
TOTAL	871	859	873	876	877	867	872	849

III. FISCAL SUMMARY

The Minnesota Board of Legal Certification is funded by accredited agencies. It generates revenue from fees paid by certifying agencies. Fees are charged to the agency on an annual basis that is determined by the number of specialty fields and the number of certified lawyers.

A. Revenue

Agencies applying for accreditation pay an initial application fee of \$1,000. Thereafter, accredited agencies are required to pay an annual fee of \$250. In addition, every three years, each agency is assessed a re-certification fee in the amount of \$900. The board conducts a thorough review of all agency processes every three years. Agencies are also assessed an annual fee of \$45 per certified lawyer.

Because the number of certified specialists in Minnesota has remained relatively stable in the past year, revenue has not changed significantly. The current fee structure is expected to generate sufficient revenue to meet the expenses for next year.

Table 3 below shows the Board's sources of revenue and compares 2007 receipts with previous years. Revenue fluctuates based on how many specialty areas are due for recertification. For example, in 2003 and 2006, the Board received seven applications for recertification, while in 2004 and 2005 fewer recertifications were received resulting in lower Board revenue. The number of new lawyers who are added as certified specialists also influences the revenue stream. The Real Property section tests and certifies new specialists every other year, rather than every year, resulting in fluctuations in revenue.

Table 3: BLC Receipts for Calendar Years 2001-2007

	2001	2002	2003	2004	2005	2006	2007
Agency Fees							
Application Fee	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Recertification	\$1,800	\$0	\$6,300	\$1,800	\$0	\$6,300	\$900
Annual Fee	\$1,750	\$2,250	\$2,500	\$2,000	\$2,250	\$2,000	\$1500
Lawyer Fees							
Initial Fee	\$2,200	\$3,400	\$1,300	\$2,600	\$600	\$3,300	\$300
Annual Fee	\$33,623	\$44,078	\$41,083	\$12,060	\$38,250	\$37,530	\$30,060
Total	\$39,373	\$49,728	\$51,183	\$18,460*	\$41,000	\$49,130	\$32,760

*In 2004, the MSBA asked to submit the \$45 per attorney annual fee in January rather than December. The lower revenue received in 2004 reflects that the payment was made by the MSBA in January 2005.

B. Expenses

The Board shares office space with the Board of Law Examiners and the Board of Continuing Legal Education and contributes 5% to overhead expenses. In 2007, the Boards moved to a new location and incurred move-related expenses.

The Board also shares personnel with the Board of Law Examiners and the Board of Continuing Legal Education. In 2007, salary apportionments were adjusted to better reflect the time spent by office staff. Between 2006 and 2007, the allocation of the Director's salary was reduced from 5% to 3%; the Office Administrator's salary allocation was reduced from 5% to 2%; the Office Assistant's salary allocation was reduced from 10% to 5%; a new Staff Assistant position was added and allocated 15% to BLC; and the Staff Attorney's salary allocation increased from 5% to 15%.

The Board operates on a conservative budget and anticipates generating sufficient revenue to meet the Board's expenses for 2008.

IV. MISCELLANEOUS

A. Lawyer Advertising

The Board's staff continues to monitor lawyer advertisements in Minnesota telephone directories and other publications in an effort to identify lawyer advertisements that may violate Rule 7.4(b) of the Minnesota Rules of Professional Conduct. Rule 7.4(b) prohibits all but certified lawyers from advertising as specialists or certified specialists. The Board reviews violations of Rule 7.4(b), and notifies the attorney so that the advertisement can be corrected. If the matter is not resolved, the Board forwards the information to the Lawyer's Board for investigation.

B. Highlights of 2007 Board Activities

During 2007, the Board reviewed and approved nine agency annual reports and reviewed each specialty examination. The Board's comments on the examinations were forwarded to the certifying agencies. The Board also reviewed and approved the MSBA's Real Property section's 2007 Application for Recertification.

The Board reviewed and discussed the report of the Supreme Court Task Force on Legal Representation. The Task Force report concluded that the public in Minnesota benefits from the existence of the lawyer specialist certification process. The report also concluded that certification in Minnesota should be encouraged and increased. In response to the report, the Board's liaison to the Minnesota Supreme Court, Justice Lorie Gildea, convened an ad hoc joint working group of members of the Board and the MSBA to brainstorm ways to increase the number of Minnesota attorneys who are certified. Minnesota Lawyer's Mutual (MLM), a legal malpractice provider in Minnesota, has proposed offering a credit, perhaps up to 5%, on lawyers' malpractice premiums for lawyers certified as specialists in Minnesota by an agency accredited by the Board.

The Board also reviewed the report's references to financial issues, and explored ways to reduce costs to agencies and certified specialists while still retaining the high quality accreditation program described by the Task Force's report.

No new applications for accreditation were received in 2007. The application for "Social Security Disability Law" that was pending at the end of 2006 has been placed on hold by NBTA until the fall of 2008. As discussed above, the Board anticipates receiving additional applications in 2008 from the MSBA.

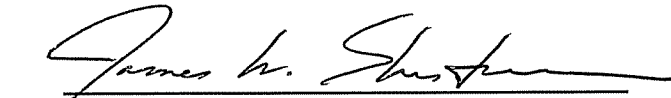
V. CONCLUSION

The number of certified lawyers in Minnesota has decreased slightly in the past year. Both the Board and the MSBA are exploring ways to encourage certification by Minnesota attorneys and to reduce costs. The Board continues to operate a strong


program for accrediting organizations that certify lawyers as specialists. The Board is committed to enforcing high standards among accredited agencies thus assuring a high level of legal expertise for all those who are qualified to use the designation "specialist" or "certified specialist" in Minnesota.

Respectfully submitted,

MINNESOTA BOARD OF LEGAL CERTIFICATION



James M. Sherburne
Chair



Margaret Fuller Corneille
Director

Dated: 6-6-08