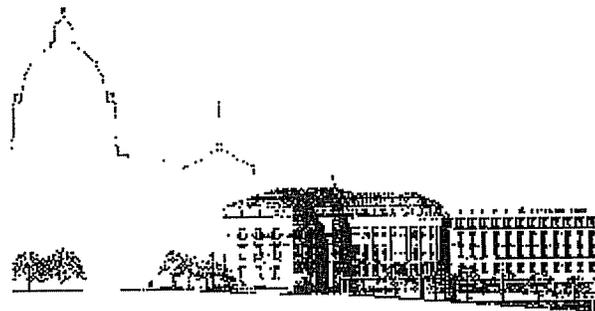


State of Minnesota

Board
of
Legal Certification



ANNUAL REPORT
CALENDAR YEAR 2009

MINNESOTA BOARD OF LEGAL CERTIFICATION ANNUAL REPORT: 2009

The purpose of the Minnesota Board of Legal Certification ("Board") is to accredit agencies that certify Minnesota lawyers as specialists in certain fields of law. By Minnesota Supreme Court rule, the Board is charged with enhancing public access to appropriate legal services and providing information about certification of lawyers as specialists for the benefit of the profession and the bar. The Board has been accrediting agencies to certify lawyers as specialists since 1986.

The Board is comprised of twelve members. Nine of the members are Minnesota lawyers, while three are non-attorney public members. The Board's primary duties are to review applications from legal organizations seeking to be accredited to certify lawyers as specialists in Minnesota in a field of law, to monitor the accredited agencies, and to monitor the public statements of certified lawyers to determine whether these statements are consistent with Rule 7.4 of the Rules of Professional Conduct.

Before the Board accredits the agency to certify specialists, it reviews the proposed definition of the field of law as well as the applicant agency's standards for qualifying and testing attorneys. Once a specialty field is accredited, the Board monitors the certified lawyers' public statements about their specialty status.

In order to be accredited to certify specialists 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) has successfully completed 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 requirements of every state of active licensure.

In Minnesota, lawyers may be certified as specialists in the following nine areas of law:

- civil trial practice
- criminal law
- real property
- business bankruptcy
- consumer bankruptcy
- creditors' rights
- elder law

- family law
- labor and employment law (as of November, 2009)

The four organizations accredited by the Board to certify specialists in those nine fields of law are the following:

- National Board of Legal Specialty Certification (NBLSC) (the parent organization of the National Board of Trial Advocacy (NBTA))
- Minnesota State Bar Association (MSBA)
- American Board of Certification (ABC)
- National Elder Law Foundation (NELF)

As of December 31, 2009, the above four organizations list 844 Minnesota lawyers as certified specialists.

I. CERTIFYING ORGANIZATIONS

A. National Board of Legal Specialty Certification

The National Board of Legal Specialty Certification (NBLSC) is a Boston Massachusetts-based non-profit organization founded in 1977. NBLSC was the first organization accredited to certify lawyers as specialists in Minnesota.

In Minnesota, NBLSC certifies lawyers as specialists in the areas of Civil Trial Practice, Criminal Law, and Family Law Trial Advocacy. As of December 31, 2009, NBLSC listed 138 lawyers as certified Civil Trial specialists; 13 Criminal Law specialists; and 4 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) is accredited by the Board to certify lawyers as specialists in the areas of Civil Trial Practice, Real Property, Criminal Law, and Labor & Employment Law. Criminal Law and Labor & Employment Law were added in 2009.

In the field of Civil Trial Practice, the MSBA and the NBLSC operate under a cooperative agreement whereby the MSBA uses the NBLSC's Civil Trial Practice examination as its test instrument. MSBA and NBLSC test lawyers simultaneously in order to determine eligibility for certification by either or both agencies. The Real Property Section administers a multiple-choice test instrument every other year and will administer its next examination in 2010.

Over 75% of the Minnesota attorneys certified as specialists are certified by the MSBA. As of December 31, 2009, the MSBA had a total of 669 certified specialists, 16 fewer lawyers than in 2008. (See also Table 2 below.)

In 2009, the MSBA applied for accreditation to certify lawyers as specialists in two new fields of law for the MSBA: Criminal Law and Labor and Employment Law. The Board approved the applications in November 2009. The two new specialty fields of law are defined as follows:

Criminal Law specialty area is the practice of law dealing with the defense or prosecution of crimes in state and federal trial courts.

The Labor & Employment Law Specialty Field is the practice of law dealing with relationships among employers, employees, and labor organizations, except workers' compensation. It includes all aspects of labor relations and employment law, both public and private, employment-related statutes, employment-related torts and contracts, and employment discrimination. This definition includes all forms of labor and employment litigation, advice, counseling, negotiations, arbitration, mediation, and other forms of alternative dispute resolution before all tribunals.

The MSBA expects to certify its first specialists in Criminal Law and Labor & Employment law some time during 2010.

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, 2009 there were 15 Minnesota lawyers certified as specialists by ABC, the same number as in 2008. (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, 2009, five Minnesota lawyers are 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	Total Number of Certified Lawyer as of 12/31/08 2009	Lawyers Newly Certified in 2009	Lawyers who did not renew in 2009	Total Number of Certified Lawyers as of 12/31/09
NBLSC	Civil Trial Practice	139	1+3 ¹	5	138
NBLSC	Criminal Law	13	1	1	13
NBLSC	Family Law Trial Advocacy	4	0	0	4
MSBA	Civil Trial Practice	323	7	12	318
MSBA	Real Property	362	0	11	351
ABC	Consumer Bankruptcy	5	0	0	5
ABC	Business Bankruptcy	7	0	0	7
ABC	Creditors' Rights	3	0	0	3
NELF	Elder Law	4	1	0	5
TOTAL	All Specialty Areas	860	13	29	844

¹ This number includes 1 newly certified lawyer and 3 lawyers who were reinstated in 2009.

Table 2 shows the total number of certified specialists in the past eight years, a period during which the overall number of certified specialists decreased. Although the total number fluctuates from year to year, and tends to increase in even years when the MSBA's Real Property Section tests new applicants, overall, the past eight years has seen a decrease in specialists. The addition of two new specialty fields -- Criminal Law and Labor & Employment Law -- may reverse this trend and result in an increase in the total number of certified lawyers in Minnesota.

Table 2: Total Number of Certified Specialists (2002-2009)

	2002	2003	2004	2005	2006	2007	2008	2009
NBLSC Family Law Trial Advocacy	4	4	4	6	6	5	4	4
NBLSC Civil Trial Practice	157	160	156	159	154	145	139	138
NBLSC Criminal Law	18	18	15	13	14	13	13	13
MSBA Civil Trial Practice	336	339	336	326	326	320	323	318
MSBA Real Property	343	339	348	344	356	349	362	351
ABC Consumer Bankruptcy	4	5	6	6	4	5	5	5
ABC Business Bankruptcy	7	7	7	8	7	7	7	7
ABC Creditors' Rights	3	3	3	3	3	3	3	3
NELF Elder Law	1	1	2	2	2	2	4	5
TOTAL	873	876	877	867	872	849	860	844

III. FISCAL SUMMARY

The Minnesota Board of Legal Certification is funded by fees paid to the Board by accredited agencies. Agencies pay an annual fee that is determined by the number of certified lawyers the agency has in each of its specialty fields.

A. Revenue

Agencies applying for accreditation pay an initial application fee of \$1,000; thereafter, accredited agencies pay an annual fee of \$250, as well as an annual fee of \$45 per certified lawyer. 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 each agency's processes every three years.

Although the number of certified specialists in Minnesota has decreased slightly since 2002, the Board's revenue has remained stable. The Board anticipates an increase in the number of certified lawyers in 2010 and a corresponding increase in revenue. The current fee structure is expected to generate sufficient revenue to meet Board expenses for the next several years.

Table 3 below shows the Board's sources of revenue and compares 2009 receipts with previous years. Revenue fluctuates from year to year based on the number of specialty areas that are due for the three year recertification and the number of applicants for initial certification. In 2009, seven specialties applied for recertification, leading to an increase of \$4,054 in revenue over 2008. One certifying body, the Real Property Section of the MSBA, tests and certifies new specialists every other year, resulting in revenue fluctuations on the same schedule.

Table 3: BLC Receipts for Calendar Years 2004-2009

	2004	2005	2006	2007	2008	2009
Agency Fees						
Application Fee	\$0	\$0	\$1,000	\$0	\$0	\$2,000
Recertification Fee	\$1,800	\$0	\$6,300	\$900	\$900	\$6,300
Annual Fee	\$2,000	\$2,250	\$2,000	\$2,250	\$2,500	\$2,000
Lawyer Fees						
Initial Fee	\$2,600	\$600	\$3,300	\$500	\$3,900	\$1,000
Annual Fee	\$12,060	\$38,250	\$37,530	\$37,800	\$36,990	\$37,045
Total	\$18,460*	\$41,000	\$50,130	\$41,450	\$44,290	\$48,345

*The 2004 revenue total is reduced due to fee payments being received in the following January, rather than in December when due.

B. Expenses

The Board shares facilities with the Board of Law Examiners and the Board of Continuing Legal Education and contributes 5% to overhead expenses. The Board also shares personnel with the Board of Law Examiners and the Board of Continuing Legal Education. In 2009, the salary expenses were reduced based on reallocation of position responsibilities. In 2009, the salary allocation for staff was as follows: Director: 3%; BLC/CLE Administrator: 10%; Staff Attorney: 5%; Office Administrator: 2%; and Staff Assistant: 15%.

The Board continues to operate conservatively and anticipates generating sufficient revenue to meet the Board's expenses for 2010.

IV. MISCELLANEOUS

A. Lawyer Advertising

The Board's staff monitors lawyer advertisements found in Minnesota telephone directories, firm websites, online directories and other publications in an effort to identify lawyers who are improperly referencing specialty status or certified status in violation of Rule 7.4(d) of the Minnesota Rules of Professional Conduct. Rule 7.4(d) prohibits all but certified lawyers from referring to themselves as "specialists" or "certified specialists."

When the Board identifies a possible violation of Rule 7.4(d), it advises the lawyer and asks the lawyer to conform the advertisement to the requirements of Rule 7.4(d) or discontinue the use of the advertisement. If the matter is not resolved in this way, the Board forwards the information to the Lawyers Professional Responsibility Board for investigation. In 2009, the Board contacted 7 lawyers who were inappropriately referring to themselves as specialists or certified specialists. Each of those contacted agreed to discontinue use of the inappropriate advertisement.

B. 2009 Highlights

During 2009, the Board reviewed and approved seven recertification applications.² The Board also received and reviewed applications from the MSBA for accreditation of the specialty fields of Criminal Law and Labor & Employment Law and approved both of those applications in November 2009.

The National Board of Legal Specialty Certification withdrew its application to certify lawyers as specialists in the area of Social Security Disability. The application had been pending since 2006, following the Board's request for additional information from NBLSC regarding its proposed certification program.

Because it now has two new specialty fields, the Board anticipates seeing an increase in the number of certified specialists in 2010.

V. CONCLUSION

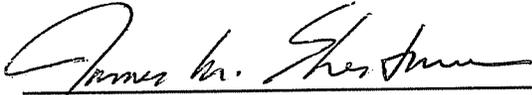
Over the past eight years, the number of certified lawyers in Minnesota decreased by approximately 3.3%. In 2009, 16 fewer lawyers were certified specialists, decreasing total numbers of certified specialists from 860 to 844. The addition in 2009 of two new specialty fields in Minnesota is expected to result in an increase in certified specialists, reversing the downward trend. The Board continues to operate a strong program of reviewing and accrediting organizations that certify lawyers as specialists. The Board is committed to enforcing high standards among accredited agencies thus ensuring the public that those who are qualified to use the designation

² One application was reviewed in 2009, but approved by the Board in February 2010.

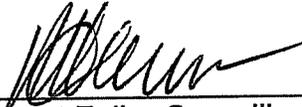
"specialist" or "certified specialist" in Minnesota have significant legal experience and a high level of legal expertise.

Respectfully submitted,

MINNESOTA BOARD OF LEGAL CERTIFICATION



James M. Sherburne
Chair



Margaret Fuller Corneille
Director

Dated: 8-27-10