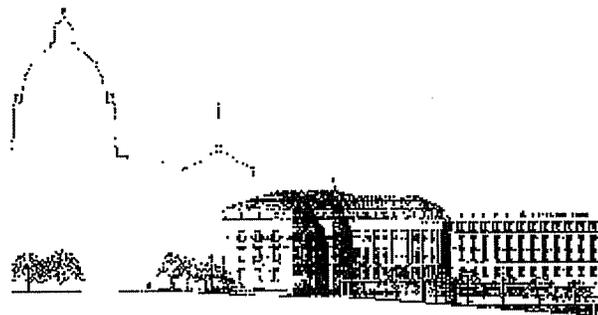


State of Minnesota

**Board
of
Legal Certification**



**ANNUAL REPORT
CALENDAR YEAR 2010**

MINNESOTA BOARD OF LEGAL CERTIFICATION ANNUAL REPORT: 2010

Since 1986, the Minnesota Board of Legal Certification (“Board”) has been accrediting 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 is comprised of twelve members; nine are Minnesota lawyers; three are non-attorney public members. The Board’s primary duties are: a) to review applications from legal organizations seeking to be accredited to certify lawyers as specialists in Minnesota in a field of law; b) to monitor the accredited agencies; and c) 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 an agency to certify specialists, it reviews the applicant agency’s proposed definition of the field of law as well as the agency’s standards for qualifying and testing attorneys. After review and sometimes modification, the Board adopts both a definition of the field of law as well as an agency’s proposed certification program. Once a specialty program has been accredited, the Board monitors the agency’s 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 credit requirements of every state of active licensure.

As of December 31, 2010, lawyers in Minnesota 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

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

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

As of December 31, 2010, the above four organizations report a total of 854 Minnesota lawyers who are certified specialists.

I. CERTIFYING ORGANIZATIONS

A. American Board of Certification

The American Board of Certification (ABC), of Cedar Rapids, 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." ABC has certified nearly 1000 lawyers nationwide and is sponsored by American Bankruptcy Institute and the Commercial Law League of America.

As of December 31, 2010, there were 15 Minnesota lawyers certified as specialists by ABC, the same numbers as in 2009. (See also 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, Criminal Law, Labor & Employment Law, and Real Property Law.

Over 80% of the Minnesota attorneys certified as specialists are certified by the MSBA. As of December 31, 2010, the MSBA had a total of 688 certified specialists, a slight increase over 2009. (See also Table 2 below.)

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. Five lawyers were newly certified in civil trial practice in 2010.

The Real Property Section administers a multiple-choice test instrument every other year; 2010 was an exam administration year. A total of 25 lawyers took the examination; 17 lawyers passed the examination, met the other requirements of certification, and were certified as Real Property Specialists.

The Criminal Law Section administered its first test in April 2010. A second exam was administered in October 2010 due to an increased number of applicants for this specialty field. It is anticipated in the future that the exam will be offered only once annually. As of December 31, 2010, the MSBA reported 12 certified specialists, and an additional 70 lawyers who were in the application process.

The Labor and Employment Law Section offered its first examination in October 2010. The number of lawyers who sat for the examination totaled 73. As of December 31, 2010, the MSBA reported 6 certified specialists, and an additional 70 lawyers who were in the application process.

Based on the MSBA's report of the number of pending applicants in the new fields of Criminal Law and Labor and Employment Law, the Board anticipates that the MSBA will certify a large number of new specialists in 2011.

C. National Board of Legal Specialty Certification

The National Board of Trial Advocacy, now a Division of the National Board of Legal Specialty Certification (NBLSC), was founded in 1977 and has been certifying lawyers as specialists in Minnesota since 1987. NBLSC certifies lawyers as specialists in the areas of Civil Trial Practice, Criminal Law, and Family Law Trial Advocacy. As of December 31, 2010, NBLSC listed 131 lawyers as certified Civil Trial specialists; 11 Criminal Law specialists; and 4 Family Law Trial Advocacy specialists. These numbers represent a slight decrease from previous years. (see 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 services aspect of working with elderly clients. As of December 31, 2010, 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 Lawyers as of 12/31/09	Lawyers Newly Certified in 2010	Lawyers who did not renew in 2010	Total Number of Certified Lawyers as of 12/31/10
ABC	Consumer Bankruptcy	5	0	0	5
ABC	Business Bankruptcy	7	0	0	7
ABC	Creditors' Rights	3	0	0	3
MSBA	Civil Trial Practice	318	5	8	315
MSBA	Criminal Law	0	12	0	12
MSBA	Labor & Employment Law	0	6	0	6
MSBA	Real Property	351	17	13	355
NBLSC	Civil Trial Practice	138	0	7	131
NBLSC	Criminal Law	13	0	2	11
NBLSC	Family Law Trial Advocacy	4	0	0	4
NELF	Elder Law	5	0	0	5
TOTAL	All Specialty Areas	844	40¹	30	854

¹ For 9 of the attorneys first certified in 2010, the initial certification fee was not paid until 2011.

Table 2 shows the total number of certified specialists in the past eight years. 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 have seen a decrease in specialists. The addition of two new specialty fields – Criminal Law and Labor & Employment Law – is expected to reverse this trend and result in an increase in the total number of certified lawyers in Minnesota by the end of 2011.

Table 2: Total Number of Certified Specialists (2003-2010)

	2003	2004	2005	2006	2007	2008	2009	2010
ABC Consumer Bankruptcy	5	6	6	4	5	5	5	5
ABC Business Bankruptcy	7	7	8	7	7	7	7	7
ABC Creditors' Rights	3	3	3	3	3	3	3	3
MSBA Civil Trial Practice	339	336	326	326	320	323	318	315
MSBA Criminal Law ²	-	-	-	-	-	-	0	12
MSBA Labor & Employment Law ³	-	-	-	-	-	-	0	6
MSBA Real Property	339	348	344	356	349	362	351	355
NBLSC Family Law Trial Advocacy	4	4	6	6	5	4	4	4
NBLSC Civil Trial Practice	160	156	159	154	145	139	138	131
NBLSC Criminal Law	18	15	13	14	13	13	13	11
NELF Elder Law	1	2	2	2	2	4	5	5
TOTAL	876	877	867	872	849	860	844	854

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

² The MSBA Criminal Law Section was accredited to certify lawyers in the specialty field of Criminal Law in November 2009.

³ The MSBA Labor and Employment Law Section was accredited to certify lawyers in the specialty field of Labor and Employment Law in November 2009.

a re-certification fee in the amount of \$900. The Board conducts a thorough review of each agency's program every three years.

The number of certified specialists in Minnesota increased slightly in 2010, due to an increase in the number of real property specialists, as well as the addition of two new specialty fields – criminal law and labor and employment law. Based on the number of applications for certification that are currently pending with the MSBA, the Board anticipates an increase in the number of certified lawyers in 2011 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 2010 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. The revenue in 2010 reflects a decrease in the revenue received from recertification fees compared to 2009, but an increase in the number of initial fees collected from lawyers.

Table 3: BLC Receipts for Calendar Years 2005-2010

	2005	2006	2007	2008	2009	2010
Agency Fees						
Application Fee	\$0	\$1,000	\$0	\$0	\$2,000	\$0
Recertification Fee	\$0	\$6,300	\$900	\$900	\$6,300	\$1,800
Annual Fee	\$2,250	\$2,000	\$2,250	\$2,500	\$2,000	\$2,500
Lawyer Fees						
Initial Fee	\$600	\$3,300	\$500	\$3,900	\$1,000	\$2,900
Annual Fee	\$38,250	\$37,530	\$37,800	\$36,990	\$37,045	\$36,720
Total	\$41,100	\$50,130	\$41,450	\$44,290	\$48,345	\$43,920

B. Expenses

The Board shares resources and 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 2010, the salary allocation for staff was as follows: Director: 3%; BLC/CLE Administrator: 10%; Staff Attorney: 5%; Director's Assistant: 5%; and Staff Assistant: 15%.

The Board continues to operate conservatively and anticipates generating sufficient revenue to meet the Board's expenses for 2011.

IV. 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 may be improperly referencing specialty status or certified status in possible 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 voluntarily, the Board forwards the information to the Lawyers Professional Responsibility Board for investigation. In 2010, the Board contacted 4 lawyers who appeared to be inappropriately referring to themselves as specialists or certified specialists. Each of those contacted agreed to discontinue use of the inappropriate advertisement.

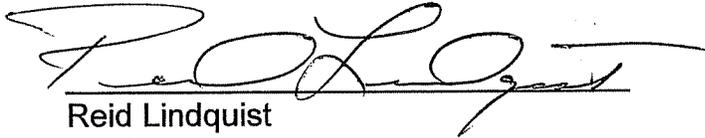
V. CONCLUSION

Although the Board did see a slight increase in the number of certified lawyers in 2010, overall the number of certified lawyers is down 2.5% from the number of certified lawyers eight years ago. Based on the MSBA's report at the end of 2010 that almost 150 lawyers were in the process of completing applications for certification in the two new specialty areas, the Board expects to see an increase in certified specialists in 2011.

The Board continues to operate a strong accreditation program 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 "specialist" or "certified specialist" in Minnesota have significant legal experience and a high level of legal expertise.

Respectfully submitted,

MINNESOTA BOARD OF LEGAL CERTIFICATION

A handwritten signature in black ink, appearing to read "Reid Lindquist", written over a horizontal line.

Reid Lindquist
Chair

A handwritten signature in black ink, appearing to read "Margaret Fuller Corneille", written over a horizontal line.

Margaret Fuller Corneille
Director

Dated: 9-15-11