

MINNESOTA BOARD OF LEGAL CERTIFICATION

2018 Annual Report



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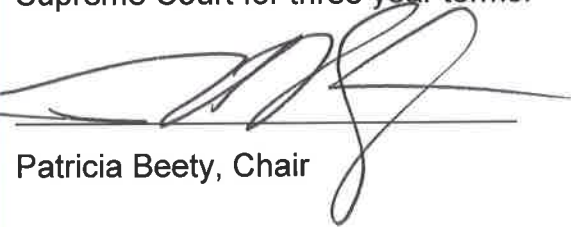
Who We Are

The Minnesota Board of Legal Certification authorizes legal agencies to certify Minnesota lawyers as specialists in defined fields of law. The Board's purpose is to provide the public with enhanced information about lawyers who specialize in one or more fields of law. The Board seeks to ensure that lawyers identifying themselves as "specialists" have the appropriate knowledge and expertise associated with the specialist designation.

To become accredited an agency must complete an application and provide necessary documentation verifying that the agency:

- Has personnel or Board members with expertise in the field of law
- Makes the certification available to lawyers without discrimination
- Agrees to publicize the program in Minnesota
- Agrees to comply with the regulatory Rules in Minnesota
- Agrees to keep statistics and report on an annual basis
- Agrees to provide notice to certified specialists of advertising requirements in Minnesota

The Board reviews each agency's standards and examinations at least once every three years. Members of the Certification Board are appointed by the Minnesota Supreme Court for three year terms.



Patricia Beety, Chair



Emily Eschweiler, Director

Legal Agencies that Certify Lawyers

These five legal agencies certify Minnesota lawyers as specialists:

- American Board of Certification (ABC), Cedar Rapids, IA
- Minnesota State Bar Association (MSBA), Minneapolis, MN
- National Association of Counsel for Children (NACC), Aurora, CO
- National Board of Trial Advocacy (NBTA), Wrentham, MA
- National Elder Law Foundation (NELF), Tucson, AZ



One or more of the legal agencies certify Minnesota lawyers as specialists in these fields of law:

- Business Bankruptcy (ABC)
- Child Welfare Law (NACC)
- Civil Trial Practice (MSBA and NBTA)
- Criminal Law (MSBA and NBTA)
- Consumer Bankruptcy (ABC)
- Creditors' Rights (ABC)
- Elder Law (NELF)
- Family Law (NBTA)
- Labor and Employment Law (MSBA)
- Real Property (MSBA)

New agency application:

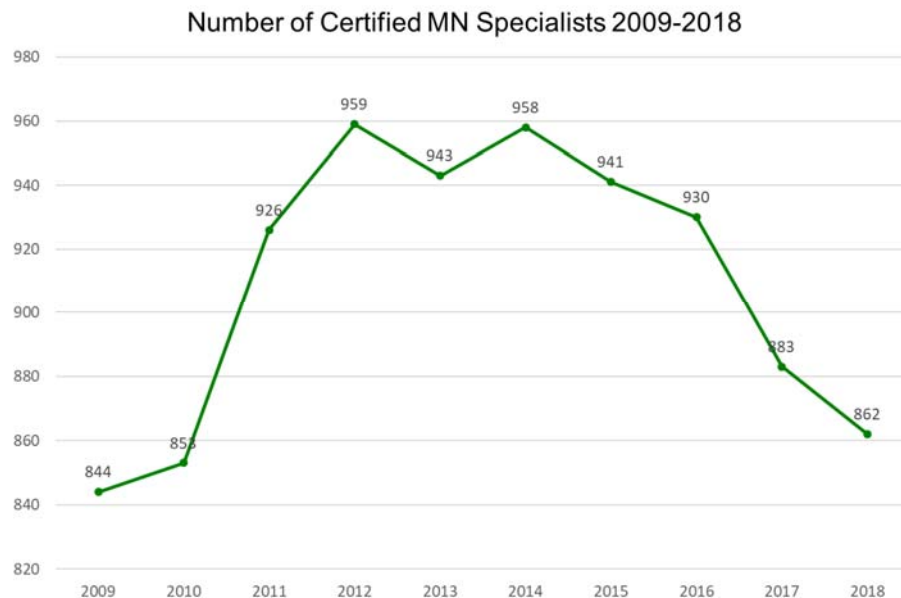
In 2018, the Board received a new application for accreditation from the International Association of Privacy Professionals (IAPP) to certify lawyers in the specialty field of Privacy Law. The Board is in the process of reviewing the application.

In November of 2018, the Board advised the American Board of Certification that the Board would be rescinding its certification for failure to comply with Rule 116, which requires that an agency submit an application for recertification every three years. The agency appealed and the matter was pending at the end of 2018.

The Board also advised the National Board of Trial and Advocacy, that it was rescinding its certification for failure to comply with 116(a)(3), which requires agencies to provide copies of the most recent examination administered since the last renewal of accreditation. The agency complied with this obligation following receipt of the Board's determination and we anticipate this will resolve in 2019.

Certified Specialists

Each year, certifying agencies submit annual reports to the Board showing the number of Minnesota lawyers certified, recertified, and decertified, as well as how many new lawyers have applied for their programs. The chart below shows the number of certified specialists over the last several years. There continues to be a decrease in the number of certified specialists. Agencies have noted that many lawyers are retiring, while lawyers indicate it is harder to obtain certification due to some of the practice requirements. The Board has discussed ways to encourage promotion of certification in Minnesota and routinely asks agencies for additional information on how the agency promotes certification.



Certified Minnesota Specialists by Specialty

	2014	2015	2016	2017	2018
ABC Consumer Bankruptcy	3	3	3	3	3
ABC Business Bankruptcy	6	6	5	5	5
ABC Creditors' Rights	1	1	1	1	1
MSBA Civil Trial Practice	291	292	281	268	253
MSBA Criminal Law	55	59	63	59	65
MSBA Labor & Employment Law	116	115	117	112	113
MSBA Real Property	361	343	341	322	317
NACC Child Welfare Law	-	0	0	0	0
NBTA Family Law Trial Advocacy	4	7	12	13	13
NBTA Civil Trial Practice	109	103	95	89	81
NBTA Criminal Law	8	8	8	8	8
NELF Elder Law	4	4	4	3	3
Total	958	941	930	883	862

*Accredited in 2015

The Certification Board is self-funded through certified lawyers and certifying agency fees. Fees collected include:

- Agency application fees: \$1,000
- Agency annual fees: \$250 per specialty field
- Lawyer annual fee: \$45
- Initial lawyer certification fee: \$100

The Board has a cash-carry-forward fund balance that is close to its annual expenses, and is in stable financial condition.

Revenue: Calendar Years 2015-2018

	2015	2016	2017	2018
Agency Application Fees	\$0	\$0	\$0	\$1,000
Annual Agency Fees	\$2,500	\$2,750	\$3,250	\$2,750
Annual Lawyer Fees	\$38,835	\$39,825	\$38,250	35,865
New Lawyer Fees	\$1,200	\$3,100	\$300	\$3,100
Total	\$42,535	\$45,675	\$41,800	\$42,715

Expenses: Calendar Years 2015-2018

	2015	2016	2017	2018
Salaries	\$27,803	\$31,517	\$33,846	\$27,026
Rent	\$5,390	\$5,441	\$5,370	\$5,082
Other (supplies, equipment, etc.)	\$10,752	\$9,146	\$6,170	\$4,773
Total	\$43,945	\$46,104	\$45,386	\$36,881

Board Members and Staff

The Supreme Court Appoints twelve (12) members to serve on the Board, nine (9) of whom have active licenses to practice law in the state and three (3) who are public members. The Minnesota State Bar Association nominates three of the attorney members. The court designates one member to serve as Chair. No member may serve more than two, three-year terms except for the Chair, who may be appointed for longer

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2018 Board Members

- Patricia Beety, Chair, League of Minnesota Cities, St. Paul
- Linda S Birnbaum, Public Member, Mendota Heights
- Martin A. Cole, St. Paul
- V. John Ella, Trepanier MacGillis Battina, P.A., Minneapolis
- Thomas A. Jacobson, Swenson Lervick Syverson Trosvig, Alexandria
- Justice Ericson Lindell, Winthrop and Weinstine, Minneapolis
- Marc J Manderscheid, Briggs and Morgan, Minneapolis
- Elizabeth Martin, Public Member, Eden Prairie
- Todd V. Peterson, Todd Peterson Law, Sauk Rapids
- Penelope J. Phillips, Felhaber, Larson, Fenlon & Vogt, P.A., Minneapolis
- Andrew J. Pratt, Eckberg Lammers, St. Paul
- Aimee Zweber, Public Member, Minneapolis

2018 Supreme Court Liaison

- Hon. John Rodenberg, Court of Appeals

2018 Board Staff

- Emily Eschweiler, Director
- Natasha Karn, Managing Attorney
- A.J. Dordel, Staff Attorney
- Kirsten Hedin, Office Administrator - Finance and Technology
- Lacey Bialke, Executive Assistant