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# Report of the Committee on the Practice of Law

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**REPORT OF THE COMMITTEE ON THE  
PRACTICE OF LAW**

TO THE MINNESOTA STATE BAR ASSOCIATION :

Your Committee recommends :

**Recommendations**

1. That the Canons of Professional Ethics of the American Bar Association, as the same now are or hereafter may be amended, be adopted as the official code of the Minnesota State Bar Association.

2. That the Opinions of the Committee on Professional Ethics and Grievances of the American Bar Association be accepted by the Minnesota State Bar Association as the standard of interpretation of the Canons of Professional Ethics.

3. That the expenses of supervision of bar examinations and admissions to the practice of law, of supervision of complaints, grievances and discipline and of the suppression of unauthorized practice by laymen be financed by annual registration fees to be paid by all lawyers and by fees paid by applicants for admission to practice, into a special fund of the State of Minnesota which shall be used solely for bar purposes under supervision of the Supreme Court.

4. That the state bar examination fee be increased from \$25.00 to \$50.00.

5. That after the adoption of this plan there be an annual state registration fee for every lawyer of \$10.00 per year for each of the first two years, \$7.50 per year for each of the next two years and \$5.00 for each year thereafter, without penalty except that an unregistered attorney at law may not practice law while in default.

6. That the State Board of Law Examiners shall be composed of seven attorneys at law admitted to practice and registered, to be appointed by the Supreme Court for a term of seven years, one term expiring each year, the Board of Governors of Minnesota State Bar Association to be privileged to submit to the Supreme Court the names of three nominees for each vacancy, from which nominations the Supreme Court may fill such vacancy; and that such board be authorized to employ a necessary legal staff.

7. That the State Board of Law Examiners be authorized to investigate, suppress and prevent the unauthorized practice of law by laymen and lay groups, by means of criminal complaints, injunctions, contempt proceedings or any other methods.

8. That the present powers and duties of the State Board of Law Examiners over examinations and applicants for admission to the bar be continued.

9. That the State Board of Law Examiners be vested with the power to hear and determine complaints of improper profes-

sional conduct and petitions for reinstatement, and to render judgments of suspension, of disbarment and of reinstatement, all subject to review upon the full record by the Supreme Court.

### Report

The bar of this state has from time to time approved the Canons of Professional Ethics of the American Bar Association and the interpretations of the canons by its committee. There should be one standard of conduct for men of the law in this nation. An act which is not ethical in another jurisdiction is not ethical in Minnesota. The standards of conduct are a constantly growing and changing field. Our recommendations for approval and adoption of both Canons and Opinions are designed for continued unity and uniformity with other jurisdictions.

The proposed recommendations for the financing of bar examinations and supervision of practice and conduct are the result of studies undertaken at the insistence of men who have appeared before legislators to beg for funds for the State Board of Law Examiners with which to carry on work which all the members of our profession should finance. We, who have asked our officers to humiliate themselves before the legislature in behalf of the work of this committee, fail to appreciate the attitude of the man in the street toward the problem. Every other profession and many trades finance the activities of their boards. The bar should have been the first, not the last, of the professions to undertake to pay its own way. The lawyers should put the Board of Law Examiners on a self-sustaining basis without appropriations from the legislature.

The full development of the functions of any profession can best be accomplished by organization. The bar in Minnesota has been groping toward perfection. The Board of Governors of the Minnesota State Bar Association directed this committee to complete a survey of the other 47 states to ascertain what methods of supervision of the profession are currently used. The report, finally submitted to the Board of Governors in January, 1949, indicated a wide diversity in methods.

The study and discussion of the problem has resulted in comparisons with ways and means used to supervise other professions in Minnesota. It has been noted that the legal profession is the only one which has failed to finance its own regulation, and is the only one which has called upon the taxpayers of the state for funds for the State Board of Law Examiners to conduct the examination of candidates for admission to practice, and the investigations of charges of professional misconduct as well as the prosecution of disciplinary matters. The study showed that the full financing of admission and supervision is paid by annual fees for the physicians, dentists, pharmacists, registered nurses, osteopaths, chiropractors, chiropodists, masseurs, optometrists, dental hygienists, practical nurses, midwives, veterinarians and accountants. Certainly, if the physicians, dentists, pharmacists, and other professions finance the expense of their state boards in the handling of admissions and supervisions to the end that the people of Minnesota may be assured of a minimum standard of training and a minimum standard of proper conduct after admission, all of the lawyers of this state ought to get in line, and finance the work of the State Board of Law Examiners.

The question of revision of our policies was studied and discussed by the members of this committee at a meeting attended by the Executive Committee of the Minnesota State Bar Association and by the Minnesota State Board of Law Examiners. The plan for independent financing of the Board of Law Examiners, and for concentration of questions of practice in one group, was approved by these three groups and submitted to a committee from the three groups for further study and for action. The recommendations herewith submitted are the result of such study. The adoption of such a plan will require the willing cooperation of all members of our profession. The plan can be put into effect only by revision of rules of the