

## Standards and Requirements for Specialist Certification and Recertification

The Real Property Section of the Minnesota State Bar Association through the Real Property Certification Board (“Certification Board”) has adopted the following standards and requirements for certification and recertification of lawyers as Real Property Law Specialists. Recognition and continued recognition of specialists in real property law shall be governed by the Plan and Rules of the Minnesota State Board of Legal Certification (“MBLC”) supplemented by these standards.

### I. GENERAL REQUIREMENTS AND DEFINITIONS

- A. No standard shall in any way limit the right of a certified real property lawyer to practice in all fields of law. Any lawyer shall have the right to practice in all fields of law, even though recognized as a specialist in real property law.
- B. No lawyer shall be required to be certified as a real property specialist in order to practice in the field of real property law. Any lawyer shall have the right to practice in the field of real property law, even though he or she is not certified as a specialist in that field.
- C. The specialty field of real property law is the practice of law in Minnesota dealing with matters relating to real property transactions including, but not limited to, real estate conveyances, title searches, leases, condominiums, mortgages and other liens, property taxes, real estate development, real estate financing, and determination of property rights, all with consideration to related fields of law.
- D. Every applicant shall be admitted to practice on active status in this state and shall have been admitted in this State at least three (3) years prior to application.
- E. Certification shall be for a period of six (6) years.

### II. MINIMUM STANDARDS FOR CERTIFICATION

- A. Substantial Involvement.

To become certified as a real property law specialist, a lawyer shall demonstrate substantial involvement in this specialty in Minnesota during the three (3)-year period immediately preceding application. Substantial involvement means at least twenty-five (25%) of the attorney’s practice and not less than three hundred (300) hours per year is spent in the area of real property law. Teaching law school or continuing legal education courses in real property law may be included as a minor (i.e. no more than twenty (20)% part of the twenty-five (25)% or three hundred (300) hour requirement.

B. References.

1. The applicant shall submit the names and addresses of five (5) lawyers admitted to practice in Minnesota, who are not related to or engaged or previously engaged in legal practice with the applicant, to attest to the applicant's competence, involvement in the practice of real property law and reputation for ethical conduct. Such lawyers shall be familiar with the applicant's practice.
2. The Certification Board reserves the right to require the applicant to submit additional references.

C. Education.

1. The applicant shall demonstrate that he or she is current with continuing legal education credits.
2. The applicant shall demonstrate completion of thirty (30) credit hours of continuing legal education courses in the area of real property law within three (3) years immediately preceding application.

D. Professional Responsibility.

The applicant shall demonstrate adherence to a high standard of professional responsibility and ethical conduct. In determining whether an applicant meets this standard, the Certification Board may consider all relevant information, including records of disciplinary proceedings, malpractice claims and references. Denial of certification based upon this standard is discretionary. In exercising this discretion, the following factors shall be considered by the Certification Board:

1. The frequency, nature and seriousness of misconduct;
2. The nature of the penalty of discipline imposed;
3. The age and experience of the applicant at the time of the misconduct; and,
4. The subsequent passage of time and the applicant's experience and reputation since the incident.

Certification or recertification may be withheld pending the outcome of any pending disciplinary proceeding.

E. Examination.

The applicant shall pass with a grade of seventy-five 75% or better, a written examination to demonstrate sufficient knowledge and proficiency in real property law to justify the representation of special competence to the legal profession and to the public. The examination shall include a part devoted to professional responsibility and ethics as it relates to the practice of real property law.

F. Annual Requirements.

The certified attorney shall be sent an Annual Audit requesting:

1. Verification of continued substantial involvement, as defined in II(A);
2. Verification of continued licensure in Minnesota;
3. Disclosure of disciplinary actions and pending disciplinary actions, and of malpractice claims;
4. Submission of an annual fee, to be determined by the Certification Board; and
5. Submission of a copy of course information sent to the Minnesota State Board of Continuing Legal Education when the audit coincides with the CLE reporting year. Real property courses approved by the Certification Board must be verified.

III. STANDARDS FOR RECERTIFICATION

A. Substantial Involvement.

The applicant shall demonstrate substantial involvement in the practice of real property law throughout the period of certification. Substantial involvement means at least twenty-five percent (25%) of the attorney's practice and not less than three hundred (300) hours per year is spent in the area of real property law. Other forms of involvement in real property law, such as teaching law school or continuing legal education courses in real property law may be included as a minor (i.e. no more than 20%) of the twenty-five (25%) or three hundred (300) hour requirement.

B. Education.

The certified attorney must complete thirty (30) approved CLE credit hours (of which no more than ten (10) are at a basic level) in the area of real property law each reporting period of the Minnesota State Board of Continuing Legal Education.

C. Professional Responsibility.

The certified attorney shall demonstrate continued adherence to a high standard of professional responsibility and ethical conduct.

D. Examination.

The Certification Board reserves the right to require re-examination in exceptional circumstances.

IV. STANDARDS FOR RECERTIFICATION WITH SENIOR SPECIALIST DESIGNATION

Every lawyer applying to be recertified as a Real Property Law Senior Specialist must demonstrate that:

- A. Active License. The applicant is admitted to practice law in Minnesota and is on active status.

B. The lawyer has been certified as a MSBA Certified Real Property Law Specialist for a minimum of 12 years (upon completion of second recertification) immediately preceding the application for Senior Specialist.

C. Substantial Involvement.

The applicant shall demonstrate substantial involvement in the practice of real property law throughout the period of certification. Substantial involvement means at least twenty-five percent (25%) of the attorney's practice.

D. Education.

The certified attorney must complete thirty (30) approved CLE credit hours (of which no more than ten (10) are at a basic level) in the area of real property law each reporting period of the Minnesota State Board of Continuing Legal Education.

E. Professional Responsibility.

The certified attorney shall demonstrate continued adherence to a high standard of professional responsibility and ethical conduct.

F. Title.

All lawyers that are certified as Senior Specialists must display the designated "Senior" title in all places where the lawyer displays the designation as a Certified Specialist.

## V. STANDARDS FOR DECERTIFICATION

A. Automatic Denial or Revocation of Certification.

The certification of an attorney will be automatically denied or revoked if:

1. The attorney fails to maintain thirty (30) approved CLE credit hours (of which no more than ten (10) are at a basic level) in the area of real property law each reporting period of the Minnesota State Board of Continuing Legal Education;
2. The attorney is suspended or disbarred from the practice of law in any jurisdiction in which the attorney is licensed;
3. The attorney is suspended in Minnesota for nonpayment of license fees or for failing to maintain mandatory continuing legal education credits for the attorney's license.
4. The attorney fails to satisfactorily complete recertification;
5. The attorney fails to pay the required fee established by the Certification Board;  
or
6. The attorney seeks decertification and advises the MBLC and the Certification Board in writing.

B. Discretionary Denial or Revocation of Certification.

The certification of an attorney may be denied or revoked if:

1. The authority of the Certification Board is rescinded by the MBLC. The MBLC has the authority to determine how the certification of attorneys certified by the Certification Board shall be affected;
2. The attorney falsely or improperly announces the specialty area of certification;
3. The attorney falsifies credentials during the certification process, or submits references from persons not familiar with the attorney's skills;
4. Certification was granted contrary to the Rules of the MBLC and the Certification Board;
5. The attorney ceases to meet the qualifications for recertification as a specialist;
6. The attorney fails to file the Annual Audit; or,
7. The attorney fails to demonstrate adherence to a high standard of professional responsibility and ethical conduct.

VI. STANDARDS FOR REAPPLICATION AFTER A LAPSE IN CERTIFICATION.

A. A certified attorney who has voluntarily relinquished certification or whose certification has been revoked or suspended for failure to file the Annual Audit or to satisfactorily complete the recertification process, failure to pay fees, or ceasing to meet qualifications for certification, may reapply for certification if the attorney meets the following requirements:

1. If the lapse in certification has been for three (3) years or less, the attorney must complete a Recertification Application and pay the fee(s)
2. If certification has lapsed for more than three (3) years, the attorney must also pass a written examination on real property law when next offered after application for recertification.

B. A Specialist whose certification has been revoked in accordance with Section V(A)(2) suspended or disbarred; V(A)(3) suspended for attorney license fee/CLE violations; V(B)(2) false announcement of certification; V(B)(3) false credentials or references; V(B)(5) certification contrary to MBLC and Certification Board Rules; or V(B)(5) failure to meet Section II Minimum Standards voted by five (5) Certification Board members; may be considered for re-admission to the Real Property Law Specialist program under terms and conditions established by the Certification Board based on the circumstances of the individual case. Upon request, the Certification Board shall inform such applicants in writing of the standards they must meet in order to be recertified. There will be no right to reconsideration of Certification Board determinations made pursuant to this provision.

VII. RIGHT OF APPEAL.

A lawyer who is refused certification or recertification or whose certification is revoked shall have the right to petition the Certification Board for reconsideration in accordance with rules and regulations as it may prescribe.

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