

CURRICULAR PATHWAY RULES

Overview and Draft Proposed Amendments

FILED

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OFFICE OF

APPELLATE COURTS

OVERVIEW

Implementation of the proposed Curricular Pathway for admission to the Minnesota Bar will require some amendments to the [Rules for Admission to the Bar](#) (Rules), which are promulgated by the Minnesota Supreme Court (Court). The eligibility provisions of Rule 4A require that an applicant either pass the bar exam pursuant to Rule 6 or show that they qualify for admission without examination pursuant to Rule 7. Rule 7 currently allows applicants to apply on motion based on years of practice in another jurisdiction or to transfer certain out-of-state bar exam scores to Minnesota. To implement the Curricular Pathway, a new non-exam provision will need to be added to Rule 7, the citations to Rule 7 in Rule 4A will need to be updated to include it, and minor provisions in Rule 7 will need to be renumbered.

Aside from updating Rule 12 to list the application fees once determined, the remaining Rules will not change. Rule 4A currently includes additional requirements related to legal education (for most applicants and participants of this program, obtaining an ABA-approved J.D. degree), passing the MPRE, and showing good character and fitness, which will all remain and be required of Curricular Pathway participants in the same way as any other Rule 7 applicant.

The Implementation Committee proposes that the specific procedures and requirements for the Curricular Pathway will be set forth in a separate set of policies and procedures for the program. It is not feasible to include these detailed and lengthy provisions in the Rules, and Court-approved rules also require petition and approval by the Court for every change. The Implementation Committee has determined that the level of specificity and flexibility required to implement this novel program is best achieved by creating a set of Board-administered provisions to complement the Rules. Rule 3B(8) authorizes the Board to adopt policies and procedures consistent with the Rules. A brief overview of relevant sections of the Rules is provided below. The full language is available at the above link.

RULE 4. GENERAL REQUIREMENTS FOR ADMISSION

- A. Eligibility for Admission.**
- B. Application for Admission.
- C. Evidence of Graduation (Conferral of Degree).
- D. Additional Filing When Admitted Elsewhere.
- E. Applicant Without MPRE Score.
- F. Additional Information Required.
- G. Continuing Obligation to Update Application.
- H. Required Cooperation.

- I. Repeat Examinee.
- J. Incomplete Application.
- K. Withdrawal of Application.

RULE 5. STANDARDS FOR ADMISSION

- A. Essential Eligibility Requirements.
- B. Character and Fitness Standards and Investigation.

RULE 6. ADMISSION BY EXAMINATION

[Subsections Omitted]

RULE 7. ADMISSION WITHOUT EXAMINATION

- A. Eligibility by Practice.
- B. Eligibility for Admission by MBE Score.
- C. Eligibility for Admission by UBE Score.
- D. Transfer of MBE or UBE Score.
- E. MBE Score Advisory.
- F. No Waiver of Time Requirements.
- G. Eligibility After Unsuccessful Examination.

DRAFT PROPOSED RULE AMENDMENTS

Edits to Rule 4A (Eligibility for Admission)

Rule 4A states that applicants must show their eligibility for admission by providing satisfactory evidence of various requirements related to legal education, passing the MPRE, good character and fitness, etc. Regarding bar exam passage or admission without examination, Rule 4A(4) currently states that an applicant must show evidence of:

- (4) Passing score on the written examination under Rule 6 or qualification under Rules 7A, 7B, 7C, 8, 9, or 10. An applicant eligible under Rule 4A(3)(b) but not under Rule 4A(3)(a) or 4A(3)(c) must provide satisfactory evidence of a passing score on the written examination under Rule 6 and is not eligible for admission under Rules 7A, 7B, 7C, 8, 9, or 10;

The language of Rule 4A(4) is currently the subject of an unrelated Rules petition regarding non-ABA and LL.M. applicants. Regardless of which version is in effect at the time, in each place the following list of non-exam rules appears in Rule 4A(4), it should be amended to read: “Rules 7A, 7B, 7C, 7D, 8, 9, or 10.”

New Provision (7D) in Rule 7 (Admission Without Examination)

D. Eligibility for Admission by Curricular Practice Portfolio. An applicant may be eligible for admission without examination under Rule 4A(4) if the applicant has successfully completed all requirements of the Board's Curricular Practice Portfolio Program (Curricular Program) and has received certification of program completion from the Board pursuant to the Curricular Program Policies and Procedures.

(1) **Curricular Program Policies and Procedures.** The Board shall adopt policies and procedures governing the Curricular Program. The Curricular Program Policies and Procedures shall address:

- (a) participant eligibility and duties;
- (b) procedures for applying to the Curricular Program;
- (c) required components and deadlines for the Curricular Practice Portfolio;
- (d) procedures for submitting the Curricular Practice Portfolio; and
- (e) procedures and criteria for evaluating and certifying participants' Curricular Practice Portfolios.

The Curricular Program Policies and Procedures may address other topics governing the program consistent with these Rules.

(2) **Compliance with Curricular Program Policies and Procedures.** A Curricular Program participant must comply with all Curricular Program Policies and Procedures and the Board will certify a participant's completion of the program only if the participant has complied with all applicable provisions. An applicant for admission pursuant to this rule must also comply with the bar application deadlines in the Curricular Program Policies and Procedures. Late applications or reapplication pursuant to this rule will not be accepted.

(3) **Insufficient Submissions or Noncompliance.** A determination that a Curricular Program participant has failed to satisfactorily complete one or more program requirements is a final decision of the Board and does not afford the participant the appeal and hearing rights set forth in Rule 15.

[Renumber administrative provisions in current Rules 7D-7G as 7E-7H]

CURRICULAR PRACTICE PORTFOLIO PROGRAM
POLICIES AND PROCEDURES
DRAFT EXAMPLE OUTLINE¹

SECTION 1: PURPOSE AND AUTHORITY

- 1.1: Purpose
- 1.2: Regulatory Authority
- 1.3: Amendments

SECTION 2: DEFINITIONS

SECTION 3: PARTICIPANT ELIGIBILITY AND DUTIES

- 3.1: Eligibility to Apply
- 3.2: Maintaining Eligibility
- 3.3: Compliance with Policies and Procedures
- 3.4: Required Cooperation
- 3.5: Dismissal from Program

SECTION 4: APPLICATION REQUIREMENTS

- 4.1: Initial Application
 - (a) Application
 - (b) Deadlines
 - (c) Law School Verification
- 4.2: Review and Approval to Participate
 - (a) Enrollment Cap
 - (b) Selection Process
 - (c) Notification to Applicant
 - (d) Payment of Fee

¹ The Implementation Committee recognizes that its recommendations regarding a proposed curricular pathway are subject to the Court's approval, likely following the receipt of additional public comments, and anticipates that the detailed provisions governing the program would be drafted as its final requirements and procedures are determined.

4.3: Continued Participation and Bar Application

- (a) Board Notice to Participant
- (b) Continued Participation
- (c) Bar Application Required
- (d) Deadlines
- (e) Law School Verification

SECTION 5: EVALUATION AND CERTIFICATION OF COMPETENCY

5.1: Competencies Assessed

5.2: Foundational Coursework

5.3: Experiential Coursework

5.4: Portfolio

5.5: Certification By Board

SECTION 6: REQUIRED PORTFOLIO COMPONENTS

6.1: Written Legal Work

6.2: Client Interactions

6.3: Professional Responsibility Journals

6.4: Reflections on Learning

SECTION 7: SUBMISSION OF PORTFOLIO COMPONENTS

7.1: Submission Method

7.2: Grading Windows and Deadlines

7.3: Submission Requirements

- (a) Cover Sheets
- (b) Redaction of Work Product
- (c) Use of Models and AI
- (d) Supervisor Attestations

7.4: Deficient Submissions

- (a) Rejection

(b) Cure and Resubmission

7.5: Insufficient Submissions

(a) Resubmission Prohibited

(b) Replacement

SECTION 8: PORTFOLIO EVALUATION

8.1: Evaluators

8.2: Anonymous Evaluation

8.3: Conflicts of Interest

8.4: Rubrics

8.5: Determination

8.6: Qualified Submissions Added to Portfolio

SECTION 9: PROGRESS BENCHMARKS AND DEADLINES

9.1: Schedule of Interim Submissions – May graduates

9.2: Schedule of Interim Submissions – December graduates

9.3: Insufficient Progress by Participant

9.4: Deadline for Final Portfolio

SECTION 10: FINAL REVIEW AND DETERMINATION

10.1: Final Portfolio

10.2: Review

10.3: Determination

SECTION 11: FEES [*unless entirely in Rules, TBD*]

SECTION 12: ADMINISTRATIVE PROVISIONS [?]

SECTION 13: PROGRAM REVIEW