



April 2026 Tip of the Month

Changes to the Emeritus Status Rule

By Muria Kruger

Background:

In 2013, the Minnesota Supreme Court created the Emeritus Attorney rule, which allowed attorneys ages 68 and older to file for retirement status but still continue to provide pro bono services with a limited license. As a retired attorney on Emeritus Status, license fees are reduced to zero and the CLE requirements are reduced to just 5 every three years. The purpose of the rule was to remove barriers to volunteering and encourage retired attorneys to provide pro bono services, even long after their paying career had ended.

One of the critiques of the old Emeritus Status rule is that many attorneys are retiring earlier than age 68. Another issue that arose is the continued need for pro bono volunteers. Legal Aid organizations with staff attorney models are still only able to meet 45% of the need for free legal services in the state of Minnesota, with that percentage being even lower when it comes to full representation services.

In December 2025, in response to the consistent need for more volunteer attorneys to decrease the access to justice gap here in Minnesota, in addition to recognizing that many attorneys are retiring long before they reach age 68, the Minnesota State Bar Association, along with the Minnesota State Board of Continuing Legal Education filed a joint petition with the Minnesota Supreme Court to amend Rule 14 of the Rules of the Minnesota State Board of Continuing Legal Education.

The New Emeritus Status Rule:

In an order dated March 26, 2026, the Minnesota Supreme Court agreed to lower age at which lawyers qualify for Emeritus Status from 68 to 62. Attorneys between the ages of 62-68 will need to report doing at least 20 hours of pro bono services each year. The

new rule also alters CLE requirements slightly (see the chart below). The new rule comes into effect on May 1, 2026.¹

The following chart compares the difference between the old and new Emeritus Status rule:

| | Old Emeritus Status Rule | New Emeritus Status Rule as of May 1, 2026 |
|------------------------|---|---|
| Age | Must be 68 or older | Ages 62 and older, but attorneys ages 62-67 MUST provide at least 20 hours of pro bono service each year. |
| How requested | Must file a Retirement Affidavit and an Affidavit of Emeritus Status with the State Board of Continuing Legal Education | Same |
| Limitation of Practice | Only authorized to provide free legal services to clients referred from an approved legal service provider | Same |
| CLE requirements | You must provide a list of 5 CLE credit hours taken in the 90-day period immediately preceding the filing of your Emeritus Status Affidavit. The 5 credits must include: <ul style="list-style-type: none"> • 3 credits of substantive area of law of volunteering, • 1 ethics credit, and • 1 elimination of bias credit. | You must provide a list of courses taken in the 1-year period prior to filing of your Emeritus Status Affidavit which must include: <ul style="list-style-type: none"> • 1 ethics credit, • 1 elimination of bias credit, • 1 mental health and substance abuse credit, and • Either three credits of substantive law of the area of volunteering OR confirmation from the legal services provider that the lawyer is qualified to represent clients. |
| Renewal | Must be renewed every three years. Credit hours must be reported. | Same |

¹ Order Promulgating Amendments to the Rules of the Minn. State Bd. of Continuing Legal Educ. and the Rules on Lawyer Educ., Nos. ADM09-8008 & ADM10-8002 (Minn. Mar. 26, 2026).

The Process to Obtain Emeritus Status:

The process to elect Emeritus Status remains unchanged.

1. File a Retirement Affidavit pursuant to Rule 2(c)(5) of the Rules of the Supreme Court Lawyer on Registration (if you haven't already).
2. Complete the required 6 CLE credit hours, or 3 hours and a statement of your qualification from a legal service provider.
3. Submit an Affidavit of Emeritus Status (Appendix IV), which is available on the [Minnesota State Board of CLE website](#).

VLN can assist!

Here are some specific ways VLN can assist in your Emeritus Status volunteering:

- We provide many free or low cost CLEs in the areas you will be volunteering. You can find these CLEs on our specific program areas on our website (www.vlnmn.org/volunteer). Many of these CLEs are available on demand. And, if you can't find what you are looking for on our website, VLN staff are available to help you find available CLEs.
- Any case taken through VLN is covered by VLN malpractice insurance.
- We pre-screen clients for legal issue and income prior to placing them with you.
- We provide mentoring, training and lots of forms and resources to make your volunteering easier. We also have staff attorneys and case coordinators on call to assist with questions that may come up in your volunteer work.

If you have more questions about Emeritus Status volunteering or volunteering with VLN generally, please reach out! We'd love to hear from you.