

Have a bit of sage advice for a newcomer to your area of practice? Send us your "tips & traps"! Your colleagues will be grateful. Email suggestions, cautions, and tales of woe to bb@mnbar.org

▲ **Deposit Requirement**

In what may be a little-known municipal law provision, found in Minn. Stat. §415.021, a statutory or home rule charter city or a town, after the adoption of an ordinance, must furnish a copy of the ordinance to the city or town's county law library or a designated depository. The city or town may request to be reimbursed a reasonable charge from the law library for the furnished ordinance copy. An identical provision in Minn. Stat. §375.52 applies to counties.



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▲ **CLE Reporting**

To make CLE reporting easier, I keep a simple log in my computer of CLE events that I've attended. Every time I return from a



class, I add a line to the log noting the date, the title, the sponsor, and the number of credits. It only takes a couple of minutes, and certainly saves time at the end of the reporting period that would otherwise be spent sorting through a file of brochures, registration forms and outlines trying to locate, organize

and remember this information after the fact.

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▼ **Hiring a Foreign Employee**

Employers who want to sponsor H-1 workers should submit their petitions on April 1 or risk losing out on this year's H-1 quota. The H-1 work visa is the



most commonly used temporary work visa in the U.S. for "new hires" in specialty occupations (i.e., professional jobs that require at least a U.S. bachelor's degree or equivalent).

New H-1 work visas are subject to annual quotas and most employers are subject to these quotas. In recent years, employers filed many more applications than there were visas available, and the quota has been reached earlier in each of the last three years. In 2006, the quota ran out

less than two months after applications were allowed to be filed.

Applications can be filed up to six months before the start date of the job. A new quota of 65,000 H-1 visas will become available for use on October 1. Therefore, employers can start filing on April 1, 2007 for H-1B work visas that will be usable on October 1, 2007. With pent-up demand for foreign workers, it's not too early to make sure your employer clients have everything ready to file on April 1.

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▲ **Motion Practice**

Preparing motions is like taking a trip; it works best when the destination is known at the outset and the journey mapped in that direction. Therefore, when bringing a motion before a trial court or other judicial body, prepare the pleadings

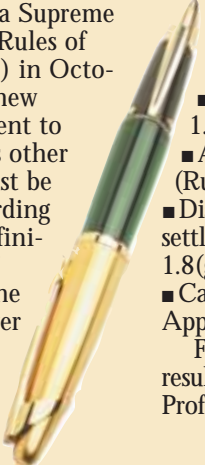
backwards. Draft the proposed order first, which will provide a sense of direction and clarity for the relief sought. Then, when preparing the supporting memorandum of law, draft the conclusion first. It ought not to be a boilerplate summation, but a statement of the remedy sought. Counsel opposing a motion should proceed in a similar way, drafting a conclusion first, indicating in summary fashion why the motion should be denied, before commencing the rest of the briefing. Starting at the end can help assure that counsel has a clear notion of what is being sought in presenting or opposing a motion and provide a framework for the balance of the briefing.



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▼ **Client Signatures Required**

Many lawyers have become aware that when the Minnesota Supreme Court revised the Minnesota Rules of Professional Conduct (MRPC) in October 2005, the Court adopted new requirements that client consent to conflicts of interest, as well as other disclosures to clients, now must be "confirmed in writing." According to MRPC Rule 1.0(b), the definition of "confirmed in writing" means either a writing from the client or a writing that a lawyer sends the client to document an oral discussion of the conflict. Lawyers may not realize, however, that five specific provisions in the MRPC require that the client's consent be confirmed in a writing *that is signed by*



- the client. The provisions are:
- An agreement for the advance payment of a nonrefundable fee (Rule 1.5(b));
 - A contingent fee agreement (Rule 1.5(c));
 - A business transaction with a client (Rule 1.8(a));
 - Disclosure of the terms of an aggregate settlement for multiple clients (Rule 1.8(g));
 - Cash payment of a lawyer's fee (Rule 1.15, Appendix 1).

Failure to comply with these rules may result in discipline by the Office of Lawyers Professional Responsibility.

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