

Supreme Court

In re Amendments to Mandatory Continuing :
Legal Education Regulations :

ORDER

Pursuant to Article IV, Rule 3.1(c)(2) of the Supreme Court Rules, the attached amendments to Rules 2, 4, 8, 10, and 11 and to Appendix C (schedule fees) of the Mandatory Continuing Legal Education Regulations, adopted by the Mandatory Continuing Legal Education Commission, are hereby approved by the Supreme Court.

Entered as an Order of this Court this *10th* day of *June 2011*.

/s/
Suttell, C. J.

/s/
Goldberg, J.

/s/
Flaherty, J.

/s/
Robinson, J.

/s/
Indeglia, J.

MANDATORY CONTINUING LEGAL EDUCATION REGULATIONS

RULE 2: DEFINITIONS.

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2.12 **On-line:** continuing legal education programs delivered via internet consisting of ~~live~~ on demand webcast or video lecture in which attendance monitors are present, and question and answer opportunity is a part.

2.13 **Simulcast:** contemporaneous broadcast of a continuing legal education program.

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RULE 4: CREDITS AND COMPUTATION.

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4.12 A maximum of three (3) credits may be earned for on-line courses (see also MCLE 6.12 hereof and Appendix D). Except where carryover credit limitation applies there is no limit on simulcast credit accrual.

4.13 If an attorney earns more than ten (10) MCLE credit hours in a registration period the excess hours may be used as carryover to fulfill, as far as possible, the attorney's MCLE requirement for the next ensuing year, but not thereafter. Excess credits must be reported in the year taken.

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RULE 8: FAILURE TO COMPLY – SANCTIONS.

8.01 An active practitioner who fails to fulfill the educational requirements of MCLE shall correct his or her failure to comply with the requirements of this rule within ninety (90) days of the date of the notice of delinquency, or be subject to possible sanction by the Supreme Court. A fee will be assessed for ~~filing~~ make-up credits filing and or for late ~~compliance~~ filing. For any make-up credits received after the 90-day make-up period has elapsed, the active practitioner shall be assessed double the published make-up fee. ~~Active practitioners reporting compliance by make-up credit will not be eligible for carry forward credit~~ (Appendix C).

8.02 If an active practitioner does not correct his or her failure to comply with the requirements of MCLE within ~~ninety (90)~~ one hundred eighty (180) days of the date of the notice of delinquency, the ~~Executive Director shall file a notice of non-compliance~~

~~with the Supreme Court, which may, in its discretion, issue an order directing said attorney to show cause why he or she should not~~ attorney shall be suspended from the practice of law. removed from the Master Roll without further notice.

(a) An attorney whose name has been removed from the Master Roll for failure to comply with mandatory continuing legal education may be reinstated upon completing and filing the courses and payment of the makeup filing fee, plus a certificate of retroactive qualification and fee within six (6) months of the removal date.

(b) Any attorney whose name has been removed from the Master Roll for failure to comply with this rule for a period in excess of six (6) months shall file an application with the Supreme Court seeking reinstatement and provide a copy to the Supreme Court's Disciplinary Counsel. The applicant for reinstatement shall submit an affidavit attesting that he or she has not been disciplined in this or any other jurisdiction, that the applicant is not the subject of any pending disciplinary charges, and that the applicant is not aware of any reason why the application should not be granted. Disciplinary Counsel shall provide the Supreme Court with a Report and Recommendation on the application within thirty (30) days.

(c) An attorney in the practice of law in another jurisdiction who is removed from the Master Roll for failure to comply with this rule shall, in addition to any other prerequisite contained in these rules before being returned to the Master Roll, first provide to the Supreme Court a certificate from the appropriate disciplinary tribunal of the jurisdiction in which he or she has been practicing law that (a) he or she is a member in good standing of the bar in such jurisdiction, and (b) that no disciplinary action is pending against him or her in said jurisdiction.

8.03 An active practitioner ~~suspended~~ removed from the Master Roll pursuant to this rule who, thereafter, comes into compliance shall file a certificate of retroactive ~~compliance~~ qualification with the Commission in such form as the Commission shall prescribe and pay a reinstatement fee (Schedule Appendix C). ~~Within thirty (30) days of the filing of said certificate, the Executive Director, if satisfied, shall file the same with the Commission's approval noted thereon with the Supreme Court for the Court's information.~~

8.04 An active practitioner aggrieved by the refusal of the Commission to approve a certificate of retroactive ~~compliance~~ qualification may file a petition for review by the Supreme Court.

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RULE 10: REINSTATEMENT PROCEDURE.

Any attorney ~~suspended from practice~~ removed from the Master Roll for failure to comply with IV.3 "Mandatory Continuing Legal Education" may be reinstated in accordance with ~~pursuant to Article II, 42-16 of the Rhode Island Supreme Court Rules.~~

MCLE 8.02 and 8.03.

RULE 11: FEES.

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11.04 ~~Providers shall, in addition, remit to the Commission within thirty (30) days of program presentation, a sum computed on the basis of a charge per hour or permitted fraction. (Appendix C).~~ ~~MCLE credit~~

In the case of "NO FEE" programs presented by not-for-profit providers, neither the provider nor the attendee shall be liable for the ~~hour based~~ application fee charge provided herein.

~~11.05 In the case of qualifying courses offered by non-approved providers, either the provider or the attendee must pay the fee indicated by in the schedule of fees (Appendix C) before the active practitioner can receive credit. (See also 4.02 above).~~

11.06~~5~~ The Commission shall review and revise Schedule C as it deems necessary.

11.07~~6~~ Should the foregoing method(s) of funding prove either inadequate or unworkable, the Commission may from time to time alter this regulation. If deemed absolutely necessary, a one time start up assessment may be made during the first five (5) years of the MCLE operation.

11.08~~7~~ Any attorney requesting replacement of a lost transcript will be assessed a \$5 fee.

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APPENDIX C SCHEDULE OF FEES

The following fee schedule is adopted by the Mandatory Continuing Legal Education Commission ~~to be effective beginning July 1, 1994 (Effective as amended August 16, 1996):~~

<u>MCLE Rule No.</u>	<u>For</u>	<u>Amount</u>
7.04	Late Filing of Qualification Status . If filed July 15 to September 30	\$ 25.00 <u>\$50.00</u>
December 31	\$ 50.00 <u>\$100.00</u>	October 1 to
January 1 to June 30		\$ 75.00
		<u>\$150.00</u>

8.01	Make-Up Plan Filing	\$ 50.00
<u>\$100.00</u>		
8.03	Certif. of Retroactive Qualification Filing Reinstatement Fee	\$ 75.00
11.02	Approved Sponsor Annual Fee	\$125.00
<u>\$250.00</u>		
11.03	Approved Sponsors Limited Annual Fee	
	1st hour	\$ 75.00
	2nd hour	\$ 25.00
11.04	Per MCLE Credit Hour	\$ 1.50
	<u>Application Fee</u>	<u>\$45.00</u>
	Per Half (.5) MCLE	\$.75
	Credit Hour	
11.05	Active Practitioners will pay a processing fee of \$5.00 per application for approval of a course offered by a non-accredited sponsor.	\$ 5.00
11.08 <u>5</u>	Replacement transcript	\$ <u>5.00</u>