

Supreme Court

In re Amendment to Article IV, Rule 3 of the :
Supreme Court Rules :
(Mandatory Continuing Legal Education) :

ORDER

Article IV, Rule 3 of the Supreme Court Rules is hereby amended by adding thereto the attached new subdivision 3.3, captioned “Rhode Island Bridge the Gap” requirement, and by renumbering the current subdivision 3.3 and succeeding subdivisions as indicated.

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.

Rule 3. Mandatory Continuing Legal Education

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Sec. 3.3 “Rhode Island Bridge the Gap” requirement.

(a) Requirement - All newly admitted attorneys shall be required to take the one-day, mandatory “Rhode Island Bridge the Gap” course upon admission to the Rhode Island Bar unless at the time of admission he or she has been admitted in another jurisdiction for a period of three (3) years. The attorney shall submit a certificate of good standing to the commission attesting to the fact that he or she has been admitted in another jurisdiction for the prescribed period. No course substitution from other jurisdictions will be accepted for this requirement.

(b) Filing and Records - The course shall be taken by the end of the first full MCLE calendar year after the attorney is admitted to the Rhode Island Bar. On or before June 30 of that MCLE calendar year, each attorney shall file proof of attendance with the commission in such form as the commission shall prescribe, documenting compliance with this requirement. Each attorney shall maintain such records as may be required to substantiate his or her compliance for a period of three (3) years following the close of each reporting year.

(c) Course Offering - The “Rhode Island Bridge the Gap” course shall be sponsored by the Rhode Island Bar Association or an educational institution approved by the Supreme Court. The course curriculum shall be approved by the commission. The course shall be offered online as well. The fees for the course, whether in-person or online, shall be set by the Supreme Court as deemed necessary.

(d) No Exemptions or Extensions - Because the course will be offered online, there will be no exemptions or extensions granted by the commission except in exceptional circumstances. An attorney may file a written request for waiver or makeup consideration to the commission with full explanation of the extraordinary circumstances supporting the request. The commission shall review and approve or disapprove each request on an individual basis.

(e) No MCLE Credit - As this course contains mandatory content, the course shall not be applied toward any MCLE requirements.

(f) Failure to Comply - A newly admitted attorney who fails to fulfill the requirement under this section by June 30 following the end of the first full MCLE calendar year after the attorney is admitted to the Rhode Island Bar, shall be assessed a makeup fee and shall be removed from the Master Roll of Attorneys without further notice. Any person whose name is not on the Master Roll and who practices law or who holds himself or herself out in any manner to the public or to another person as being competent, qualified,

authorized, or entitled to practice law in this State is engaged in the unauthorized practice of law and may be subject to the disciplinary procedures of the Supreme Court.

1. An attorney whose name has been removed from the Master Roll for failure to comply with this rule may be reinstated upon completing the “Rhode Island Bridge the Gap” course and payment of the makeup fee, plus reimbursement of the costs of collection, if any, within six (6) months of the initial filing deadline.
2. 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.
3. 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.

(g) Effective Date – This rule will take effect on July 1, 2012. Individuals admitted as a Rhode Island attorney on or after January 1, 2011 shall be subject to this Section 3.3.

Sec. 3.34 Credits--Computation. Credit shall be awarded on the basis of one credit hour for each fifty (50) minutes of attendance at an approved course, program, or activity of legal education. Three (3) credit hours shall be awarded for each hour of teaching within an approved MCLE course, program, or activity, up to a maximum of six (6) credit hours per year.

Sec. 3.45 Sponsor Approval.

(a) Any person, firm, organization or other entity may apply to the MCLE Commission for designation as an approved sponsor of MCLE courses or activities in such manner as the commission shall prescribe. Courses offered by an approved sponsor shall be automatically approved for MCLE credit.

(b) The MCLE Commission may promulgate appropriate regulations establishing

standards and procedures for approval of sponsors of MCLE courses or activities. The MCLE Commission shall have the authority to monitor and review programs and may revoke the approval of a sponsor that fails to comply with this rule or with commission regulations.

(c) In order to obtain and maintain approval, sponsors of MCLE courses or activities must comply with the following minimum requirements:

- (1) The sponsor must develop and implement methods to evaluate its course offerings to determine their effectiveness and, upon request from the MCLE Commission, provide course evaluations by attendees.
- (2) The sponsor must provide courses consistent with the standards for individual course approval as set forth in Section 3.67 of this rule.

Sec. 3.56 Individual Course Approval.

(a) A non-approved sponsor or an individual attorney may apply to the MCLE Commission for approval for credit of a continuing legal education course or activity in such manner as the commission shall prescribe.

(b) A law firm, corporate legal department, or governmental agency may apply to the MCLE Commission for approval for credit of an in-house course or activity in such manner as the commission shall prescribe. A minimum of seven (7) lawyers, including the instructor, must attend the course or activity for it to qualify for MCLE credit.

Sec. 3.67 Standards. A continuing legal education course, program, or activity shall meet the following minimum standards in order to be approved for MCLE credit:

(1) It shall be of significant intellectual and practical content such that it will contribute to the growth of an attorney's professional competence and skills.

(2) Its subject matter shall be directly or supportively relevant to the practice of law and/or legal ethics.

(3) It shall be conducted by a person or persons qualified professionally to present the subject matter involved.

(4) It shall be presented in a classroom, meeting room, or lecture hall conducive to a meaningful educational experience.

(5) Its content shall be presented in a multi-mode fashion, utilizing oral presentations supplemented with written hand-outs and texts. All materials shall meet the highest professional standards in terms of their timeliness, organization, and detail.

(6) It shall utilize video and audio presentations only as an adjunct to oral and written presentations. Satellite presentations shall be approved only if an on-site presenter is in

attendance and interaction with participants is planned.

Sec. 3.78 Filing for MCLE Credit. On or before June 30 of each year, each attorney shall file transcripts or affidavits of attendance in such form as the commission shall prescribe, documenting compliance with the MCLE requirements set forth in Section 3.2(a) of this rule or stating the basis for his or her exemption under Section 3.2(b). Each attorney shall maintain such records as may be required to substantiate his or her compliance or exemption for a period of three (3) years following the close of each reporting year.

Sec. 3.89 Failure to Comply--Sanctions.

(a) Following the close of each reporting year the commission shall send a notice of delinquency to each attorney deemed not in compliance with the filing or educational requirements of this rule for that reporting year. If the attorney has failed to fulfill the educational requirements of this rule, he or she shall be required to file a makeup plan with the commission within thirty (30) days of the date of the delinquency notice in such manner as the commission shall prescribe. An attorney 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 the attorney shall be subject to possible sanction by this Court. Fees shall be assessed for filing a makeup plan and for late compliance with this rule.

(b) If an attorney does not 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, the commission shall file a notice of noncompliance with this Court. This Court shall issue an order directing the attorney to show cause why he or she should not be suspended from the practice of law.

(c) An attorney suspended pursuant to this rule who thereafter comes into compliance shall file a certificate of retroactive compliance with the commission in such form as the commission shall prescribe and shall also pay a reinstatement fee. Within thirty (30) days of the filing of said certificate, the commission shall file it with this Court with its approval noted thereon or shall inform the attorney that it has not been approved. An attorney aggrieved by the refusal of the commission to approve a certificate of retroactive compliance may file a petition for review with this Court.

(d) In the event that an attorney resides outside the State of Rhode Island and certifies that he or she has not practiced law in this state during the preceding reporting year, the clerk, with the concurrence of the Chief Justice, may waive the MCLE requirements for that preceding year. In the event that an attorney resides within the state of Rhode Island, but certifies that he or she has not practiced law during the preceding reporting year and has handled no cases in Rhode Island during that year, the clerk, with the concurrence of the Chief Justice, may waive the MCLE requirements for that year. Provided, however, such attorneys must pay the annual registration fee required by Rule 1.

Sec. 3.910 Effective Date. This rule will take effect immediately with respect to the

appointment of the commission and the performance by the commission of the adoption and promulgation of regulations and rules of procedure, the designation of persons, corporations or other entities as sponsors of automatically approved MCLE courses, and the approval of specific courses for MCLE credits. This rule will take effect with respect to compliance by members of the bar beginning July 1, 1993. At the discretion of the commission, credit may be given for courses taken in the 1993 calendar year prior to July 1.