

ARTICLE IV. PERIODIC REGISTRATION OF ATTORNEYS

Rule 1. Periodic registration of attorneys - (a) Every person who has been admitted to the bar of Rhode Island and who maintains active status in this State shall every year between April first and July first, or within three (3) months of taking the oath of attorney, pay a registration fee of \$200 and file a completed annual attorney registration statement prescribed by the Clerk of the Supreme Court.

(b) The annual attorney registration statement will contain a provision whereby the attorneys must certify that they have read and are complying with Article V, Rule 1.15 of the Rules of Professional Conduct (Safekeeping property) and whether they are currently covered by professional liability insurance. Each attorney shall be responsible to notify the Clerk of the Supreme Court of any change in the information previously submitted on the annual attorney registration statement within thirty (30) days of such change.

(c) Any attorney who discontinues the practice of law in this State may elect to change the attorney's status to inactive. Inactive attorneys shall pay an annual registration fee of \$50. Inactive attorneys will no longer be eligible to practice law in this State but shall continue to register annually with the Court for as long as the attorney remains inactive.

Inactive attorneys who are seventy (70) years of age or older are exempt from the annual attorney registration but must notify the Clerk within thirty (30) days of any change to their registration information.

Upon assuming inactive status, an attorney shall be removed from the rolls of those classified as active until and unless the attorney is granted reinstatement to the active rolls and pays the reinstatement fee required by these rules and complies with any outstanding continuing legal education requirements.

(d) The name of any person who has not on or before July first filed the current annual registration statement and paid the annual attorney registration fee shall be assessed a \$125 late fee and shall be removed from the Master Roll of Attorneys. 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 this Court.

(e) Any attorney whose name has been removed from the Master Roll for failure to comply with this rule, and/or who has been suspended from the practice of law for non-payment of Bar Association dues, has been removed from the Master Roll for failure to comply with Rule 3 (Mandatory Continuing Legal Education), or who

has been on inactive status and wants to return to active status, shall file an application with this Court seeking reinstatement.

If an applicant seeking reinstatement was removed from the Master Roll for failure to register or comply with Rule 3 (Mandatory Continuing Legal Education), suspended for non-payment of Bar Association dues, or inactive, for a period of six (6) months or more, the applicant for reinstatement shall submit an affidavit attesting that the applicant 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 and the Mandatory Continuing Legal Education Office shall provide this Court with a Report and Recommendation on the application within thirty (30) days.

Reinstatement to active status from inactive status requires payment of a \$200 fee.

Applications for reinstatement to the Master Roll after having been removed from active status for failing to register for a period of less than six (6) months requires payment of a \$325 fee; and, applications for reinstatement to the Master Roll after having been removed from inactive status for failing to register for a period of less than six (6) months requires payment of a \$175 fee.

Applications for reinstatement to active or inactive status after having been removed from the Master Roll for failing to register or comply with Rule 3 (Mandatory Continuing Legal Education) or suspended for non-payment of Rhode Island Bar Association dues for a period of six (6) months to three (3) years requires payment of a \$375 fee; and, applications for reinstatement to active or inactive status after having been removed from the Master Roll for failing to register or comply with Rule 3 (Mandatory Continuing Legal Education) or suspended for non-payment of Bar Association dues for a period in excess of three (3) years requires payment of a \$525 fee.

Applications for reinstatement within six (6) months of suspension for non-payment of bar dues, taking inactive status, or removal may be granted by rule of court. All other applications for reinstatement shall be forwarded to the Court for consideration.

(f) An attorney who wishes to resign from the practice of law in this State shall follow the procedures set forth in Article III, Rule 23 (Resignation). An attorney who resigns or who has been subject to disciplinary action shall continue to update the attorney's registration information with the Court for five (5) years thereafter in order that the attorney can be located in the event complaints are made about the attorney's conduct while the attorney was engaged in practice in this State. Any

attorney who has been subject to disciplinary action who seeks reinstatement shall proceed under Article III, Rule 16 (Reinstatement).

(g) An attorney in the practice of law in another jurisdiction and who is removed from the Master Roll for a period in excess of six (6) months shall, in addition to any other prerequisite contained in these rules before being returned to the Master Roll, first provide to this court a certificate from the appropriate disciplinary tribunal of the jurisdiction in which the attorney has been practicing law that (a) the attorney is a member in good standing of the bar in such jurisdiction, and (b) that no disciplinary action is pending against the attorney in the other jurisdiction.

(h) Members of the State and Federal judiciary are exempt from compliance with this rule.

(i) The annual attorney registration statements, registration fees, and changes to attorney registration information that must be submitted to the Court pursuant to this rule shall be submitted via the Rhode Island Supreme Court Attorney Portal, except that a single payment from an employer for five (5) attorneys or more may be submitted manually to the Court with confirmation, on the form prescribed by the Clerk of the Supreme Court, that each attorney for which payment is being submitted has updated the attorney's registration information on the Attorney Portal.

(j) Any attorney who is unable to comply with these requirements due to illness, financial, or personal difficulties, may petition the Court, with proper documentation, for an exemption to this rule. For an exemption to the electronic filing requirements in subsection (i) of this rule, an attorney may petition the Court in accordance with the waiver process as set forth in Article X, Rule 3(c).

(k) All funds collected pursuant to this rule and Rule 1A shall be deposited in a separate account entitled "Supreme Court Disciplinary Account" and shall be disbursed by the State Court Administrator upon the order of the Chief Justice.

Rule 1A. Periodic registration of limited liability entities. - (1) Every limited liability entity licensed by this Court shall on or before July first of every year file a completed annual limited liability entity registration statement prescribed by the Clerk and pay a two hundred dollar (\$200.00) registration fee if the limited liability entity has fewer than five (5) attorneys; a three hundred dollar (\$300.00) registration fee if the limited liability entity has five (5) to ten (10) attorneys; or a five hundred dollar (\$500.00) registration if the limited liability entity has eleven (11) or more attorneys.

The annual limited liability entity registration required by this section shall be submitted electronically through the electronic filing system of the Clerk's Office, when such systems are available. The annual limited liability entity registration

statement shall be submitted by a lawyer who is licensed and in good standing to practice law in this state. The Clerk is authorized to waive the electronic filing requirement in a given year if filing electronically will cause undue hardship.

(2) The license of any limited liability entity that fails to register on or before July first shall be revoked forthwith. A limited liability entity whose license has been revoked may be reinstated within six (6) months upon the filing of the registration statement, payment of the appropriate registration fee, and payment of a one hundred and twenty five dollar (\$125.00) late fee, which shall not be waived. A limited liability entity whose license has been revoked for more than six (6) months must petition the court for reinstatement with an affidavit attesting that the limited liability entity and its attorneys remain in good standing.

(3) If a limited liability entity notifies the Clerk, in writing, that it is no longer practicing law and is winding down the operations and final activities of the organization, no registration fees shall be owed and the limited liability entity shall be moved to inactive status for a period not to exceed one (1) year. If, at the end of that period, a copy of the articles of dissolution or certificates of cancellation or withdrawal have not been filed with the Clerk, the limited liability entity license shall be revoked forthwith.

Rule 2. Trust account overdraft notification. - (1)(a) Lawyers and law firms who practice law in this state shall deposit all funds held in trust in accordance with Rule 1.15 of the Rules of Professional Conduct (Article V of the Supreme Court Rules) in accounts clearly identified as “trust,” “client” or “escrow” accounts, collectively referred to herein as “trust accounts,” and shall take all steps necessary to inform the depository institution in which the trust accounts are deposited of the purpose and identity of such accounts. For the purposes of this Rule 2, trust accounts shall not include funds held by a lawyer as trustee under an inter vivos or testamentary trust, guardian, executor, receiver or similar fiduciary capacity. Trust accounts shall be maintained only in financial institutions approved by this Court or this Court's Disciplinary Board. The names of financial institutions in which such trust accounts are maintained and identification numbers of each such account shall be recorded on the annual lawyer registration form filed with this Court. Trust accounts, and the maintenance thereof, shall be subject to the following additional provisions.

(b) A financial institution shall be approved as a depository for trust accounts if it shall file with this Court or this Court's Disciplinary Board an agreement, in a form provided by the Court or Disciplinary Board, to report to the Disciplinary Board in the event any properly payable instrument is presented against a trust account containing insufficient funds, irrespective of whether the instrument is honored. This

Court or Disciplinary Board shall establish rules governing approval and termination of approved status for financial institutions, and shall annually publish a list of approved financial institutions. No trust account shall be maintained in any financial institution which does not agree to make such reports. Any such agreement shall apply to all branches of the financial institution and shall not be cancelled except upon thirty (30) day's notice in writing to this Court or Disciplinary Board.

(c) The overdraft notification agreement shall provide that all reports made by financial institutions shall be in the following format:

(1) In the case of dishonored instrument, the report shall be identical to the overdraft notice furnished to the depositor;

(2) In the case of instruments that are presented against insufficient funds but which instruments are honored, the report shall be in similar form as in the case of a dishonored instrument and shall also include the date of presentation of the instrument for payment, as well as the amount of the overdraft created thereby.

Such reports shall be made simultaneously with, and within the time provided by law for notice of dishonor, if any, to depositors. If an instrument presented against insufficient funds is honored, then the report shall be made within five (5) banking days of the date of presentation for payment against insufficient funds.

(d) Every lawyer or law firm practicing or admitted to practice in this state shall, as a condition thereof, release a participating financial institution from any cause of action resulting from a report provided to the Court or the Court's Disciplinary Board and be conclusively deemed to have consented to the reporting and production requirements by financial institutions mandated by this rule.

(e) Nothing herein shall preclude a financial institution from charging a lawyer or law firm for the reasonable cost of producing the reports and records required by this rule.

Rule 3. Mandatory Continuing Legal Education.

Preamble: Of primary importance to the courts, the bar, and the public is that attorneys continue their legal education in order to have and maintain the requisite knowledge and skill necessary to fulfill their professional responsibilities. This rule is adopted to establish a program of mandatory continuing legal education (MCLE) and to set standards and minimum requirements for that program.

3.1. Commission. - (a) The Supreme_Court shall appoint a MCLE Commission which shall consist of eleven (11) members, one (1) of whom shall be a justice of the Supreme Court who shall serve at the pleasure of the Supreme Court, three (3) of whom shall be judicial officers of the trial courts, five (5) of whom shall be active

members of the bar of this State, and two (2) of whom shall be members of the general public. The Supreme Court shall appoint one (1) of the members of the MCLE Commission as its chair.

(b) When the MCLE Commission is first selected, three (3) of its members shall be appointed for a term of one (1) year, three (3) for a term of two (2) years, and three (3) for a term of three (3) years. All terms thereafter shall be for three (3) years. Five (5) members shall constitute a quorum, which shall be sufficient to conduct business.

(c) The MCLE Commission shall have the following powers and duties:
(1) To administer Sections 3.2 to 3.9 of this rule under the supervision of the Supreme Court;

(2) To adopt and promulgate, subject to the approval of the Supreme Court, such regulations and rules of procedure as the MCLE Commission determines are necessary to effectuate this rule;

(3) To designate any person, corporation, or other entity as a sponsor of approved MCLE courses, as provided herein;

(4) To approve courses for MCLE credit upon application of a sponsor, attorney, law firm, corporate legal department, or governmental agency, as provided herein;

(5) To refer attorneys who are not in compliance with this rule to the Supreme Court for the imposition of sanctions and removal from the Master Roll of Attorneys; and

(6) To set the fees required under this rule and any others that may be determined by the MCLE Commission to be necessary in order to contribute to the administrative costs of this program.

3.2. MCLE requirements. - (a) Except as provided in Section 3.2(b) of this rule, all attorneys admitted to practice in this state shall complete ten (10) hours of continuing legal education in each MCLE reporting year, at least two (2) hours of which shall be in the area of legal ethics. The MCLE reporting year shall be defined to include the period from July 1 to June 30.

(b) Section 3.2(a) of this rule shall not apply to:

(1) Attorneys who are listed as inactive or retired on the Master Roll of Attorneys of the Supreme Court;

(2) Attorneys holding a full-time federal, state, or municipal office and who are not engaged in the practice of law shall be exempt during their term(s) of office;

(3) Federal and state court judges and magistrates whose judicial duties are full-time and who are not engaged in the practice of law;

(4) All newly admitted attorneys for the current and next full MCLE reporting year;

(5) Attorneys who are seventy (70) years old or over, due to their stature in the profession. Although they are not required to participate in continuing legal education programs, attorneys in this category are encouraged to do so;

(6) Attorneys who are current members of the Rhode Island Board of Bar Examiners and the Committee on Character and Fitness, due to their unique contribution to the profession; and

(7) Attorneys who are current members of the Commission on Judicial Tenure and Discipline, MCLE Commission, the Disciplinary Board, and the Ethics Advisory Panel are exempt from reporting two (2) ethics credits due to their unique contribution to the profession:

(c) The MCLE Commission is authorized to exempt attorneys from MCLE requirements under Section 3.2(a) for good cause shown.

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 the attorney has been admitted in another jurisdiction for a period of three (3) years. The attorney shall submit a certificate of good standing to the MCLE Commission via the MCLE Portal attesting to the fact that the attorney 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 reporting year after the attorney is admitted to the Rhode Island Bar. On or before June 30 of that MCLE reporting year, each attorney shall file the date of attendance with the MCLE Commission via the MCLE Portal in such form as the Commission shall prescribe, documenting compliance with this requirement. The responsibility to ensure the accuracy and timely submission of the data rests solely with the reporting attorney. Each attorney shall maintain such records as may be required to substantiate the attorney’s compliance for a period of three (3) years following the close of each MCLE 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 MCLE Commission. The course shall be offered as a video replay as well as in-person. The fees for the course, whether in-person or on video replay, shall be set by the Supreme Court as deemed appropriate.

(d) *No Exemptions or Extensions* – Because the course will be offered as a video replay, there will be no exemptions or extensions granted by the MCLE Commission except in exceptional circumstances. An attorney may file a request for waiver or makeup consideration to the MCLE Commission via the MCLE Portal with full explanation of the extraordinary circumstances supporting the request. The MCLE 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 reporting year after the attorney is admitted to the Rhode Island Bar, shall be assessed a makeup filing fee and shall be removed from the Master Roll of Attorneys without further notice. An attorney whose name has been removed from the Master Roll and who practices law or holds 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 or late filing fee, plus reimbursement of the costs of collection, if any, within six (6) months of the initial filing deadline. Reinstatement after having been removed from the Master Roll for a period of less than six (6) months may be completed via the MCLE Portal.

(2) An 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, in accordance with Rule 1(c), and provide a copy to the Supreme Court’s Disciplinary Counsel and the MCLE Commission. The applicant for reinstatement shall submit an affidavit with the application attesting that the applicant 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, provide to the Supreme Court a certificate from the appropriate disciplinary tribunal

of the jurisdiction in which the attorney has been practicing law that:

- (i) The attorney is a member in good standing of the bar in such jurisdiction; and
- (ii) That no disciplinary action is pending against the attorney in the other

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. On July 1, 2012, individuals admitted as a Rhode Island attorney before January 1, 2011 shall be required to complete only the MCLE requirements set forth in Section 3.2.

3.4. Credits – Computation. - Credit shall be awarded on the basis of one (1) credit hour for each fifty (50) minutes of attendance at an approved course, program, or activity of legal education.

3.5. Accredited Sponsor Approval. - (a) Any person, firm, organization, or other entity may apply to the MCLE Commission for designation as an accredited sponsor of MCLE courses or activities via the MCLE Portal and 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 the course or activity to qualify for MCLE credit.

(c) 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 an accredited sponsor that fails to comply with this rule or with Commission regulations.

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

(1) The accredited 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 accredited sponsor must provide courses consistent with the standards for individual course approval as set forth in Section 3.7 of this rule; and

(3) The accredited sponsor must apply for course approval thirty (30) days prior to the course date as well as report attorney attendance no later than thirty (30) days after the course date via the MCLE Portal.

3.6. Individual course approval. - 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.

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

(1) Be of significant intellectual and practical content such that the course, program, or activity will contribute to the growth of an attorney's professional competence and skills;

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

(3) Be conducted by a person or persons qualified professionally to present the subject matter involved;

(4) Be presented in a classroom, meeting room, or lecture hall conducive to a meaningful educational experience;

(5) The content shall be presented in a multi-mode fashion, utilizing oral presentations and may be supplemented with written, digital, and/or electronic materials. All materials shall meet the highest professional standards in terms of their timeliness, organization, and detail; and

(6) Video and audio presentations may be utilized in addition to oral and written presentations.

3.8. Filing for MCLE credit. - On or before June 30 of each year, each attorney shall document compliance with the MCLE requirements set forth in Section 3.2(a) of this rule or state the basis for the attorney's exemption under Section 3.2(b) via the MCLE Portal in such form as the MCLE Commission shall prescribe. The responsibility to ensure the accuracy and timely submission of the data rests solely with the reporting attorney. Each attorney shall maintain such records as may be required to substantiate the attorney's compliance or exemption for a period of three (3) years following the close of each MCLE reporting year.

3.9. Failure to comply – Sanctions. - (a) Following the close of each MCLE reporting year, the MCLE 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, the attorney shall correct the attorney's failure to comply with the requirements within ninety (90) days of the date of the notice of delinquency or the attorney shall be subject to possible sanction by the Supreme Court. A fee

shall be assessed for makeup or late filing. For any makeup credits received after the ninety (90) day makeup period has elapsed, the attorney shall be assessed double the published makeup filing fee.

(b) If an attorney does not correct the attorney's failure to comply with the requirements of this rule within one hundred eighty (180) days of the date of the notice of delinquency, the attorney shall be removed from the Master Roll without further notice.

(c) An attorney whose name has been removed from the Master Roll for failure to comply with MCLE may be reinstated upon completing and filing the courses, payment of the makeup or late filing fee, filing certification of proof with the MCLE Commission via the MCLE Portal, and payment of a reinstatement fee within six (6) months of the removal date.

(d) An 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, in accordance with Rule 1(c), and provide a copy to the Supreme Court's Disciplinary Counsel and the MCLE Commission. The applicant for reinstatement shall submit an affidavit with the application attesting that the applicant 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.

(e) 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, provide to the Supreme Court a certificate from the appropriate disciplinary tribunal of the jurisdiction in which the attorney has been practicing law that:

- (1) The attorney is a member in good standing of the bar in such jurisdiction; and
- (2) That no disciplinary action is pending against the attorney in the other jurisdiction.

(f) An attorney removed from the Master Roll pursuant to this rule who thereafter comes into compliance shall file certification of proof with the MCLE Commission via the MCLE Portal in such form as the Commission shall prescribe and shall also pay a reinstatement fee and a makeup or late filing fee. An attorney aggrieved by the refusal of the MCLE Commission to approve the attorney's certification of proof may file a petition for review with the Supreme Court.

3.10. Effective date. - This rule will take effect immediately with respect to the appointment of the MCLE 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 MCLE Commission, credit may be given for courses taken in the 1993 calendar year prior to July 1. Changes to these rules will take effect on July 1, 2019.

MANDATORY CONTINUING LEGAL EDUCATION REGULATIONS

RULE 1.3.0. PURPOSE AND DEFINITIONS.

(a) The purpose of the Mandatory Continuing Legal Education (MCLE) Regulations is to expound on the guiding principles set forth in Article IV, Rule 3 of the Rhode Island Supreme Court Rules. These MCLE Regulations are adopted to implement a program of MCLE and to set standards and minimum requirements for the program.

(b) *Definitions.*

(1) “*Accredited Sponsor*” means a sponsor of continuing legal education activities accredited pursuant to Article IV, Rules 3.4 and 3.5 and MCLE Regulations §§1.3.4 and 1.3.5.

(2) “*Active Practitioner*” means an attorney who is required to pay the annual registration fee imposed by the Rhode Island Supreme Court for the current registration period. Attorneys who maintain active status during any portion of the MCLE Reporting Year are subject to MCLE requirements.

(3) “*Approved Program or Activity*” means a continuing legal education program that meets the requirements of MCLE Regulations §§ 1.3.4 and 1.3.7 and is offered by an Accredited Sponsor under MCLE Regulation § 1.3.5, or a program that otherwise meets the requirements of MCLE Regulations §§ 1.3.4 and 1.3.7 and is approved by the MCLE Commission pursuant to MCLE Regulation § 1.3.6.

(4) “*Article IV, Rule 3*” means the MCLE Rule of the Rhode Island Supreme Court.

(5) “*Director*” means the Executive Director of the MCLE Commission.

(6) “*In-house*” means continuing legal education programs sponsored by a single private law firm, a single corporate law department, or a single federal, state, or local governmental entity where the only participants are members or employees of the firm, department, or entity.

(7) “*In-person*” means a live continuing legal education program presented in a classroom setting devoted to the program with attendees in the same room as the instructor.

(8) “*Late Filing*” means the Active Practitioner did complete the requisite courses or credits during the current MCLE Reporting Year, but did not submit or certify the credits prior to June 30th of that reporting year.

(9) “*Makeup Filing*” means the Active Practitioner did not complete the requisite courses or credits during the current MCLE Reporting Year.

(10) “*MCLE Commission*” means the Rhode Island Mandatory Continuing Legal Education Commission.

(11) “*MCLE Credit Hour*” means fifty (50) minutes spent by an Active Practitioner in instructional programming at an approved continuing legal education activity.

(12) “*MCLE Regulations*” means the Mandatory Continuing Legal Education Regulations adopted by the MCLE Commission and approved by the Rhode Island Supreme Court from time to time.

(13) “*MCLE Reporting Year*” means the time period between July 1 and June 30 of any given fiscal year. The initial MCLE Reporting Year for newly admitted attorneys shall commence the second July 1 after the attorney is sworn in.

(14) “*Teleseminar*” means a live continuing legal education program broadcast via telephone to remote locations (i.e., a classroom setting or a central listening location) or to individual attendee telephone lines. Attendees may participate in the program in a group setting or individually. Question and answer opportunity is made available.

(15) “*Video Replay*” means continuing legal education programs delivered via the Internet, consisting of on-demand, not live, webcasts/webinars (recorded online courses), or video lectures. Question and answer opportunity is not made available.

(16) “*Webcast/Webinar*” means a live continuing legal education program broadcast via the Internet to remote locations (i.e., a classroom setting or a central viewing or listening location) or to individual attendees. Attendees may participate in the program in a group setting or individually. Question and answer opportunity is made available.

RULE 1.3.1 MCLE COMMISSION.

(a) The MCLE Commission shall meet at the office of the Rhode Island Supreme Court, Providence, Rhode Island at the discretion of its chair, and as necessary to fully conduct the business of the Commission.

(b) The Supreme Court shall appoint the chair from among the members of the MCLE Commission.

(c) Members shall be appointed for a three (3) year term. Five (5) members shall constitute a quorum, which shall be sufficient to conduct business.

RULE 1.3.2 MCLE REQUIREMENTS.

(a) Active Practitioners in Rhode Island shall complete ten (10) hours of continuing legal education in each MCLE Reporting Year. At least two (2) of the required ten (10) hours shall be in the area of legal ethics, as defined in **Appendix A**.

(b) *Exemptions* – Subsection (a) of § 1.3.2 shall not apply to the following:

(1) An Active Practitioner who suffers a disability which makes physical attendance at continuing legal education programs an extreme hardship may file annually via the MCLE Portal a request for a substitute program in lieu of attendance and shall therein propose the alternative continuing legal education program the Active Practitioner can undertake, together with a doctor's letter specifically stating the Active Practitioner's inability to participate in MCLE. The MCLE Commission shall review and approve or disapprove such alternate programs or waivers on an individual basis;

(2) Other requests for alternative continuing legal education programs, waivers, or exemptions for good cause shall be submitted annually to the MCLE Commission with full explanation of the circumstances supporting the request (**Appendix G** via the MCLE Portal);

(3) Attorneys who are listed as inactive or retired on the records of the Supreme Court shall be exempt;

(4) Attorneys holding a full-time federal, state, or municipal office and who are not engaged in the practice of law shall be exempt during their term(s) of office;

(5) Federal and state court judges and magistrates whose judicial duties are full-time and who are not engaged in the practice of law shall be exempt;

(6) All newly admitted attorneys for the current and next full MCLE Reporting Year;

(7) Active Practitioners who are current members of the Rhode Island Board of Bar Examiners and the Committee on Character and Fitness, due to their unique contribution to the profession;

(8) Active Practitioners who are current members of the Commission on Judicial Tenure and Discipline, the Disciplinary Board, and the Ethics Advisory Panel are exempt from reporting two (2) ethics credits due to their unique contribution to the profession;

(9) Notwithstanding any of the other provisions in this section, any attorney who reaches the age of seventy (70) during a reporting year shall be granted exemption for that year and thereafter;

(10) Attorneys who are active full-time, military personnel are exempt from the requirement, but must certify said status on the summary reporting form (**Appendix G** via the MCLE Portal); and

(11) The Chief Disciplinary Counsel, Deputy Disciplinary Counsel, Assistant Disciplinary Counsel, and Ethics Advisory Counsel staff attorney are exempt from reporting two (2) ethics credits due to their unique contribution to the profession.

RULE 1.3.3 “RHODE ISLAND BRIDGE THE GAP” REQUIREMENT.

(a) The “Rhode Island Bridge the Gap” requirement is a mandatory one-day course, which shall be taken by each newly admitted attorney no later than the end of the first full MCLE Reporting Year after admittance to the Rhode Island Bar.

(1) This requirement applies to all newly admitted attorneys to Rhode Island, unless the newly admitted attorney:

(i) Has been admitted in another jurisdiction for three (3) years or more; and

(ii) Submits a certificate of good standing to the MCLE Commission via the MCLE Portal attesting to the fact that the attorney has been admitted in another jurisdiction for the prescribed period.

(2) The effective date of this rule is January 1, 2012. Individuals admitted, as a Rhode Island attorney, on or after January 1, 2011 shall be required to take this course. On July 1, 2012, individuals admitted as a Rhode Island attorney before January 1, 2011 shall be required to complete only the MCLE requirements set forth in Article IV, Rule 3.2 and MCLE Regulation § 1.3.2.

(i) Example: An attorney admitted to the Rhode Island Bar in November 2012 must complete the “Rhode Island Bridge the Gap” course on or before June 30, 2014.

(3) Date of attendance shall be filed with the MCLE Commission via the MCLE Portal.

(b) *Filing and Records.* On or before June 30 of the MCLE Reporting Year, each attorney shall file the date of attendance with the MCLE Commission via the MCLE Portal documenting compliance with this requirement. The responsibility to ensure the accuracy and timely submission of the data rests solely with the reporting attorney. Each attorney shall maintain such records as may be required to substantiate the attorney’s compliance for a period of three (3) years following the close of the MCLE Reporting Year.

(c) The Rhode Island Bar Association or an educational institution approved by the Supreme Court shall sponsor the “Rhode Island Bridge the Gap” course. The course shall be offered as a Video Replay as well as In-person. The fees for the course, whether In-person or on Video Replay, shall be set by the Supreme Court as deemed necessary.

(d) The MCLE Commission shall grant no exemptions or extensions unless exceptional circumstances apply. An Active Practitioner may file a waiver or

makeup consideration with the MCLE Commission via the MCLE Portal fully explaining the exceptional circumstances that caused the need for a waiver or extension. The MCLE Commission shall review each request on an individual basis.

(e) As this course is mandatory for all newly admitted attorneys, no MCLE credits are given for this course.

(f) *Failure to Comply*. A newly admitted attorney who fails to comply with the requirements of Article IV, Rule 3.3 and this subsection by the end of the first full MCLE Reporting Year after the attorney is admitted to the Rhode Island Bar, shall be assessed a makeup filing fee and shall be removed from the Master Roll of Attorneys without further notice. An attorney whose name has been removed from the Master Roll of Attorneys and who practices law or holds 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 Article IV, Rule 3.3 and this subsection may be reinstated upon completing the “Rhode Island Bridge the Gap” course and payment of the makeup or late filing fee, plus reimbursement of the costs of collection, if any, within six (6) months of the initial filing deadline (June 30). (See **Appendix C**, Schedule of Fees.) Reinstatement after having been removed from the Master Roll for a period of less than six (6) months may be completed via the MCLE Portal.

(2) An attorney whose name has been removed from the Master Roll for failure to comply with subsection (f)(1) for a period in excess of six (6) months shall file an application with the Supreme Court seeking reinstatement, in accordance with Article IV, Rule 1(e), and provide a copy to the Supreme Court’s Disciplinary Counsel and the MCLE Commission. The applicant for reinstatement shall submit an affidavit with the application attesting that the applicant has not been disciplined in this or any other jurisdiction, that the applicant is not the subject of any pending disciplinary charges, and 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 after receiving the application.

(3) An attorney in the practice of law in another jurisdiction who is removed from the Master Roll for failure to comply with Article IV, Rule 3.3 and MCLE Regulation § 1.3.3 shall, in addition to the prerequisites stated above, provide to the Supreme Court a certificate from the appropriate disciplinary tribunal of the jurisdiction in which the attorney has been practicing law that:

- (i) The attorney is a member in good standing of the bar in such jurisdiction; and
- (ii) That no disciplinary action is pending against the attorney in the other jurisdiction.

RULE 1.3.4 CREDITS AND COMPUTATION.

(a) MCLE credit(s) for Approved Program or Activity attendance will be awarded on the basis of one (1) credit hour for each fifty (50) minutes actually spent in attendance. One-half credit shall be awarded for:

(1) Approved Programs or Activities exceeding standard credit increments by at least twenty-five (25) minutes (e.g. seventy-five (75) minutes = 1½ credits): and

(2) Legal ethics presentations of at least twenty-five (25) minutes duration, whether stand-alone or included in a larger program.

Credits are calculated by rounding down to the nearest half credit (e.g. 1.8 credits will be awarded 1.5 credits). NO credit will be allowed for any program of less than twenty-five (25) minutes duration, regardless of the topic.

(b) The burden of proving MCLE credit entitlement for attendance at a course offered shall be on the Active Practitioner who, upon demand, must submit all registration and course materials concerning said program.

(c) MCLE credit will not be given for any course taken before admission to the Rhode Island Bar. Although newly admitted attorneys are exempted from reporting in the current and next full MCLE Reporting Year, the attorney may submit a maximum of ten (10) credits from the date of the attorney's admission to be applied towards the first MCLE Reporting Year.

(d) MCLE credit may be earned through enrollment in formal education of a postgraduate nature, either for credit or by audit, in an ABA accredited law school. The MCLE Commission will award one (1) MCLE Credit Hour for each fifty (50) minutes of class attendance. The course credit hours allotted by the law school shall not be a consideration.

(e) MCLE Credit Hours may be obtained for attendance at In-house programs that meet the requirements of MCLE Regulations §§ 1.3.4 and 1.3.7 and are approved by the MCLE Commission pursuant to MCLE Regulation § 1.3.5 (**Appendix D**, Course Accreditation).

(f) No more than five (5) MCLE Credit Hours may be earned by an Active Practitioner in any MCLE Reporting Year through MCLE In-house activities.

(g) MCLE credit may be earned for certain activities crossing academic lines (e.g., accounting-tax). (See **Appendix A**, Accreditation Guidelines for Continuing Legal Education, for criteria.)

(h) The MCLE Commission will award teaching credits, with an annual limitation of six (6) credit hours, to an Active Practitioner who teaches an Approved Program or Activity and submits an **Appendix F** on the MCLE Portal. Rules for course accreditation, standards, and teaching qualifications are provided herein in **Appendix A**, Accreditation Guidelines for Continuing legal Education Activities, MCLE Regulation § 1.3.7, Standards, and **Appendix B**, Teaching Qualifications, respectively.

(i) Presenters who serve as members of a discussion or similar panel shall receive teaching credit only if they have made a presentation which conforms to the requirement of **Appendices A and B**.

(j) The MCLE Commission may award credit for research activities upon application via the MCLE Portal by attorneys engaged in such activities, provided the activity:

- (1) Has produced published findings in the form of articles, chapters, monographs, or books personally authored in whole, or in part, by the applicant; and
- (2) Contributes substantially to the continuing legal education of the applicant and other attorneys.

Such credit(s) shall not exceed five (5) MCLE Credit Hours per MCLE Reporting Year. The MCLE Commission will, upon publication and submittal, judge applications on a case-by-case basis as to acceptability, and if so found, the number of credit hours allowed. (**Appendix E**, Authorship Credit, via the MCLE Portal.)

(k) Provider shall issue proof of attendance to each attendee only at the conclusion of a seminar. The MCLE Commission recommends a sign-in/sign-out procedure and implementation of such a procedure shall afford the provider a “safe haven” should any problems concerning attendance arise.

(l) A maximum of six (6) credits per MCLE Reporting Year may be earned for Video Replay courses (see **Appendix D**).

(m) If an Active Practitioner earns more than ten (10) MCLE Credit Hours in a MCLE Reporting Year, the excess hours may be used to fulfill, as far as possible, the Active Practitioner’s MCLE requirement for the next ensuing year, but not thereafter. Excess credits must be reported in the year taken.

(n) An Active Practitioner who principally practices in any MCLE jurisdiction other than Rhode Island, who is deemed in compliance with that other jurisdiction’s MCLE requirement for the MCLE Reporting Year, shall be deemed in compliance with Rhode Island only if the MCLE Commission receives, by June 30 of the MCLE Reporting Year, an official transcript or certification from the other jurisdiction

accompanied by the filing form prescribed by the MCLE Commission and filed by the practitioner via the MCLE Portal.

(o) No more than one (1) MCLE credit will be granted for acting as a judge, facilitator, or trainer in a moot or mock trial competition or seminar per MCLE Reporting Year. Such credit will only be granted if student critiquing is part of the Active Practitioner's contribution to the competition.

RULE 1.3.5 ACCREDITED SPONSOR APPROVAL.

(a) In order to obtain and maintain accreditation, sponsors of MCLE courses or activities must comply with the following minimum requirements via the MCLE Portal:

(1) The sponsor must develop and implement methods to evaluate the sponsor's course offerings to determine their effectiveness and, upon request from the MCLE Commission, provide course evaluations by attendees; and

(2) The sponsor must provide courses consistent with the Standards for individual course approval as set forth in Article IV, Rule 3.7 and MCLE Regulation § 1.3.7.

(b) A law firm, corporate legal department, or government agency may apply to the MCLE Commission via the MCLE Portal for approval of credit for an In-house course or activity. In addition to the Standards set forth in Article IV, Rule 3.7 and MCLE Regulation § 1.3.7, a minimum of seven (7) lawyers, including the instructor, must attend the course or activity for the course or activity to qualify for MCLE credit, and the In-house MCLE activity shall meet the following minimum requirements:

(1) The course must be open to in-person monitoring/observation by any member of the MCLE Commission; and

(2) The activity must be scheduled at a time and location so as to be free of interruptions from telephone calls and other office activity.

(c) The MCLE Commission may, at its discretion, require an Accredited Sponsor to submit a report in writing of continuing legal education activities conducted during any given MCLE Reporting Year.

(d) If the MCLE Commission determines that an individual course offered by an Accredited Sponsor fails to meet the Standards for accreditation, the Commission may deny approval for the course even though offered by an Accredited Sponsor (**Appendix D**).

(e) The MCLE Commission may at any time reevaluate and, for cause, revoke the status of an Accredited Sponsor including, but not limited to, failure to comply with MCLE Regulation § 1.3.8(e).

(f) There are three (3) types of fees associated with Accredited Sponsor status. First, the Accredited Sponsor offering more than two (2) credits per MCLE Reporting Year shall pay an annual accreditation fee plus an application fee per course. In the remaining two (2) types, the Accredited Sponsor shall pay a limited annual accreditation fee based upon the number of credits (one (1) or two (2) credits) for the Approved Program or Activity within the MCLE Reporting Year. (See **Appendix C**, Schedule of Fees.)

(g) A sponsor wishing to apply for Accredited Sponsor status shall submit to the MCLE Commission via the MCLE Portal, information on any continuing legal education programs planned for the current application year. The MCLE Commission may, at its discretion, request submission of course materials for inspection (**Appendix D**).

(h) Sponsors of courses which have been accredited or approved may announce in informational brochures or registration materials: “Subject to Article IV, Rule 3 of the Rhode Island Supreme Court Rules, this course has been approved by the Mandatory Continuing Legal Education Commission for a maximum of _____ CLE credits, inclusive of _____ legal ethics credits.”

(i) At the conclusion of an Approved Program or Activity, each participating attorney should be given the opportunity to complete an evaluation form addressing the quality, effectiveness, and usefulness of the program or activity.

(j) Accredited Sponsors shall allow MCLE Commission members and staff to attend, free of charge, any continuing legal education program. Such attendance shall not qualify for MCLE.

(k) In case of In-person, Webcast/Webinar, and Teleseminar courses, a qualified person must be in attendance and shall be the one who, by academic or professional qualifications, possesses the knowledge to interact with the audience to supplement the presentation and answer questions. Commentary and question-and-answer segments should occur at a meaningful time during the program, preferably after each subject matter break.

(l) For Webcast/Webinar, Teleseminar, and Video Replay courses, attendance prompts are required.

Rule 1.3.6. INDIVIDUAL COURSE APPROVAL.

An individual attorney may apply to the MCLE Commission via the MCLE Portal for approval for credit of a continuing legal education course or activity in such manner as set forth in Article IV, Rule 3.7 and MCLE Regulation § 1.3.7. (As added by the court on July 1, 2012; amended July 1, 2018.)

Rule 1.3.7. STANDARDS.

(a) A continuing legal education course, program, or activity shall meet the following minimum standards in order to be approved for MCLE credit:

(1) Be of significant intellectual and practical content such that the course, program, or activity will contribute to the growth of an attorney’s professional competence and skills;

(2) The subject matter shall be directly or supportively relevant to the practice of law and/or legal ethics (**Appendix A**);

(3) Be conducted by a person or persons qualified professionally to present the subject matter involved;

(4) Be presented in a classroom, meeting room, or lecture hall conducive to a meaningful educational experience;

(5) The content shall be presented in a multi-mode fashion, utilizing oral presentations and may be supplemented with written, digital, and/or electronic materials. All materials shall meet the highest professional standards in terms of their timeliness, organization, and detail; and

(6) Video and audio presentations may be utilized in addition to oral and written presentations.

Rule 1.3.8. FILING AND RECORDS.

(a) When an Active Practitioner completes the annual MCLE requirements set forth in Article IV, Rule 3.2 and MCLE Regulation § 1.3.2, the Active Practitioner shall promptly report such fact to the Director via the MCLE Portal (**Appendix G**, Summary Reporting Form).

(b) In cases where a program sponsor either failed to supply certification, the same was supplied or lost, or certification was not available (e.g. scholarly writing), the Active Practitioner shall certify the Active Practitioner’s attendance in **Appendices D** and **G** via the MCLE Portal.

(c) Each Active Practitioner must report the status of the Active Practitioner’s compliance, waiver, or exemption annually not later than June 30 of each MCLE Reporting Year (**Appendix G** via the MCLE Portal).

(d) Any documentation received by the Director after July 15 (Tier I), October 1 (Tier II), or after January 1 (Tier III) for the prior MCLE Reporting Year will subject the Active Practitioner to a progressive makeup or late filing fee (**Appendix C**, Schedule of Fees). Submission of documentation for courses or credits taken three (3) years prior to the then current MCLE reporting year shall be subject to the

approval by the MCLE Commission.

(e) As set forth in Article IV, Rule 3.5(c)(3), any Accredited Sponsor must apply for course approval thirty (30) days prior to the course date as well as report attorney attendance no later than thirty (30) days after the course date via the MCLE Portal. Attorney attendance received by the MCLE Commission from the Accredited Sponsor after thirty (30) days from the date of the course will be subject to a late fee. (See Post 30-Day Accredited Sponsor Late Fee in **Appendix C**.)

(f) As soon as practical after the close of a MCLE Reporting Year, the Director shall send a notice of delinquency to any Active Practitioner who fails to submit satisfactory proof of either compliance or exemption. The Active Practitioner's failure to receive such notice does not constitute a waiver of noncompliance, and the burden of curing any noncompliance remains with the Active Practitioner at all times.

(g) Each Active Practitioner shall maintain a personal record of MCLE attendance or exemption from the MCLE Reporting Year for a period of three (3) years. Such records will be subject to review by the MCLE Commission upon request.

(h) The Active Practitioner may review the Active Practitioner's continuing legal education record via the MCLE Portal. The responsibility to ensure the accuracy and timely submission of the data rests solely with the reporting attorney.

Rule 1.3.9. FAILURE TO COMPLY – SANCTIONS.

(a) An Active Practitioner who fails to fulfill the educational requirements of MCLE shall correct the Active Practitioner's failure to comply with the requirements of this rule within ninety (90) days (Tier I) of the date of the notice of delinquency, or be subject to possible sanctions by the Supreme Court. A fee will be assessed for makeup filing or for late filing (see **Appendix C**, Schedule of Fees).

(b) For any makeup credits received after the ninety (90) day makeup period has elapsed (Tier II), the Active Practitioner shall be assessed double the published makeup filing fee (**Appendix C**).

(c) If an Active Practitioner does not correct the Active Practitioner's failure to comply with the requirements of MCLE within one hundred eighty (180) days of the date of the notice of delinquency (Tier III), the Active Practitioner shall be removed from the Master Roll of Attorneys without further notice.

(1) An Active Practitioner whose name has been removed from the Master Roll for failure to comply with MCLE may be reinstated, upon completing and filing the courses, payment of the makeup or late filing fee, filing certification of proof with the MCLE Commission via the MCLE Portal, and payment of a reinstatement fee

within six (6) months of the removal date.

(2) An Active Practitioner 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, in accordance with Article IV, Rule 1(e), and provide a copy to the Supreme Court's Disciplinary Counsel and the MCLE Commission. The applicant for reinstatement shall submit an affidavit with the application attesting that the applicant 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.

(d) An Active Practitioner engaged in the practice of law in another jurisdiction who is removed from the Master Roll for failure to comply with this Regulation shall, in addition to the prerequisites contained in these Regulations, provide to the Supreme Court a certificate from the appropriate disciplinary tribunal of the jurisdiction in which the attorney has been practicing law that:

(1) The Active Practitioner is a member in good standing of the bar in such jurisdiction; and

(2) That no disciplinary action is pending against the Active Practitioner in the other jurisdiction.

(e) An Active Practitioner aggrieved by the refusal of the MCLE Commission to approve the Active Practitioner's certification of proof may file a petition for review by the Supreme Court.

Rule 1.3.10 HEARINGS.

(a) If requested in writing, the MCLE Commission shall grant a hearing to anyone aggrieved by the operation and/or application of these rules.

(b) At the discretion of the MCLE Commission, the hearing may be held before the entire Commission or a three-member panel thereof. If a hearing is held before a three-member panel, the panel shall report its findings and recommendations to the full MCLE Commission for action.

(c) Hearings, when held, shall follow the course of proceedings before the Disciplinary Board of the Rhode Island Supreme Court.

Rule 1.3.11 REINSTATEMENT PROCEDURES.

Any attorney removed from the Master Roll for failure to comply with Article IV, Rule 3 and the MCLE Regulations, may be reinstated in accordance with Article IV, Rules 1(c) and 3.9 and MCLE Regulations §§ 1.3.9(c) and/or (d).

Rule 1.3.12. FEES.

(a) The administrative costs of the MCLE program shall, to the extent possible, not be met by direct assessment of the Active Practitioners.

(b) Each MCLE provider who applies for Accredited Sponsor status shall be assessed fees (**Appendix C**).

(c) Accredited Sponsors including In-house qualifiers, who offer not more than two (2) credit hours in any MCLE Reporting Year, shall pay a separate fee for the first and the second offering. (**Appendix C**). In-house programs may exceed the two (2) credit limit without further Accredited Sponsor fees.

(d) In the case of “NO FEE” programs presented on a not-for-profit basis, neither the provider nor the attendee shall be liable for the application fee charge provided herein.

(e) The MCLE Commission shall review and revise the Schedule of Fees (**Appendix C**) as it deems necessary.

(f) Should the forgoing method(s) of funding prove either inadequate or unworkable, the MCLE Commission may from time to time alter this Regulation.

Rule 1.3.13. COMMISSION, STAFF, AND EXPENSES.

A Director, appointed by the Chief Justice of the Supreme Court, with such other staff as may be reasonably necessary, shall conduct the business of the MCLE Commission subject to these Regulations and to Article IV, Rule 3.

Rule 1.3.14. CONFIDENTIALITY.

Subject to the direction of the Supreme Court, the files, records, and proceedings of the MCLE Commission, as they may relate to or arise out of the failure of an attorney to satisfy these continuing legal education requirements, shall be confidential. When the Director issues a notice of delinquency that an Active Practitioner is not in compliance with the filing or educational requirements set forth in these rules, the MCLE record of that attorney shall be open to public inspection during the time that the attorney is noncompliant. Notwithstanding the foregoing, MCLE Commission work product and attorney requests for waivers shall not be subject to public inspection. The MCLE Commission may, in anonymous fashion, abstract statistical studies for use by the Commission.

MAILING ADDRESS OF COMMISSION.

Subject to change by order(s) of the MCLE Commission from time to time, the official address of the Commission is:

Rhode Island MCLE Commission
Rhode Island Supreme Court
24 Weybosset Street
Providence, RI 02903
(401) 222-4942

APPENDIX A
ACCREDITATION GUIDELINES FOR CONTINUING
LEGAL EDUCATION ACTIVITIES

Pursuant to the authority granted to the Mandatory Continuing Legal Education (MCLE) Commission to administer Article IV, Rule 3 of the Supreme Court Rules, the following accreditation criteria are hereby adopted as Appendix A to be used to determine if continuing legal education activities submitted for MCLE accreditation satisfy the general Standards specified in Article IV, Rule 3.7 and MCLE Regulation § 1.3.7.

Continuing legal education activities shall be accredited for MCLE in Rhode Island if they meet the following accreditation criteria:

(a) The activity consists of an organized program of education dealing with:

- (1) Substantive or procedural subjects of law;
- (2) Technical, scientific, or other bodies of knowledge that are so inextricably intertwined with an area of law practice as to be tantamount to a subject of law;
- (3) Legal skills and techniques;
- (4) Legal ethics and/or professional responsibility; or
- (5) Law office management.

(b) The instructors or lecturers are either qualified attorneys or judges, or they are experts in the subject area based on their education and background;

(c) The activity is primarily designed and targeted to attorneys and other professionals who would require the same level of instruction as attorneys in the area of study that is the subject of the activity;

(d) The activity is not a meeting of a bar association, committee, section, or other entity composed of attorneys that is designed to be a general business or work session as opposed to a continuing legal education activity;

(e) The activity is not training in the actual use of specific hardware, software, or other tools that are specific products of a particular company or person, unless such training is merely a method of explaining the overall concept being taught; and

(f) High quality written materials should be distributed to all participants at or before the time the activity is offered.

“Legal ethics” shall include programs that deal with usages and customs among members of the legal profession, involving their moral and professional duties toward one another, toward clients, and toward the courts.

“Professional responsibility” shall include programs that deal with maintaining the integrity and competence of the Bar so that legal services are delivered with the highest degree of professional conduct.

Examples of such programs shall include, but is not limited to, those involving disciplinary rules, rules of professional conduct, malpractice avoidance, substance abuse and stress as an impairment on law practice, alternate dispute resolution, pro bono legal services, and the participation of women and minorities in the legal profession.

“Law office management” shall include programs on topics that relate strictly to law offices and legal departments, and to the development and training of lawyers in the actual practice of law, as opposed to other businesses or professions, and in assisting them in providing high quality legal services to their clients.

Examples of such programs shall include, but is not limited to, those involving: (1) administrative and organizational structure and planning for law firms; (2) case management and docket control; (3) accounting systems and time and billing systems for lawyers; (4) client filing and monitoring systems; (5) computerization, automation and data processing for law firms; and (6) personnel management.

“Law office management” shall NOT include programs involving: (1) individual money management or investing; (2) personal development; (3) techniques designed and marketed solely to increase profits of a lawyer or firm; (4) general time management and personal organizational skills; and (5) individual communication and interpersonal skills such as interview skills.

APPENDIX B TEACHING QUALIFICATIONS

Teaching an Approved Program or Activity to persons pursuing a degree other than a J.D., L.L.B., L.L.M., or S.J.D degree for a semester (fifteen (15) weeks) or a trimester (ten (10) weeks) will qualify for teaching credit at a rate of six (6) teaching credits per MCLE Reporting Year.

Teaching an Approved Program or Activity to persons pursuing a J.D., L.L.B., L.L.M., or S.J.D degree for a semester (fifteen (15) weeks) or a trimester (ten (10) weeks) will qualify for teaching credit at a rate of six (6) teaching credits per MCLE Reporting Year.

A single instructor of an Approved Program or Activity teaching for less than a semester (fifteen (15) weeks) or trimester (ten (10) weeks) will qualify for teaching credits by multiplying the total number of minutes of instruction by three (3) and dividing this total by fifty (50) minutes for the MCLE Credit Hour.

Multiple instructors (more than one (1) instructor presenting during the course or session), moderators of a panel, and/or panel participants on a teaching panel will qualify for teaching credit by multiplying the total number of minutes of instruction by two (2) and dividing this total by fifty (50) minutes for the MCLE Credit Hour.

An attorney shall not receive participation or ethics credits in addition to teaching credits. If an attorney has reached six (6) teaching credits for the MCLE Reporting Year and the attorney teaches additional courses or sessions, the attorney shall not receive participation credit.

Teaching an Approved Program or Activity under the following circumstances does not qualify for teaching credit:

1. Actual instruction time was less than twenty-five (25) minutes;
2. Materials were not distribute; and
3. Presentation was to less than six (6) students not including the instructor.

**APPENDIX C
SCHEDULE OF FEES**

The following fee schedule is adopted by the Mandatory Continuing Legal Education Commission to be effective July 1, 2019:

| MCLE Regulation Section Number | Amount |
|--|-----------------------|
| § 1.3.3(f) Rhode Island Bridge the Gap Late Filing Fee | \$ 50.00 |
| § 1.3.3(f) Rhode Island Bridge the Gap Makeup Filing Fee | \$ 100.00 |
| § 1.3.5(f) Accredited Sponsor Annual Fee | \$ 250.00 |
| § 1.3.5(f) Accredited Sponsor Limited Annual Fee | |
| One (1) Credit per MCLE Reporting Year | \$ 75.00 |
| Two (2) Credits per MCLE Reporting Year | \$ 100.00 |
| § 1.3.5(f) Application Fee per Course | \$ 45.00 ¹ |
| § 1.3.8(d) Late Filing of MCLE. Late Filing Fee if filed: | |
| July 15 to September 30 (Tier I) | \$ 50.00 |
| October 1 to December 31 (Tier II) | \$ 100.00 |
| January 1 to June 30 (Tier III) | \$ 150.00 |
| § 1.3.8(e) Post 30-Day Accredited Sponsor Late Attendance Fee | \$ 30.00 |
| § 1.3.9(a) Makeup Filing Fee (Tier I) | \$ 100.00 |
| § 1.3.9(b) Makeup Filing Fee (Tier II) | \$ 200.00 |
| § 1.3.9(c) Reinstatement Fee for a Period Less Than Six (6) Months | \$ 75.00 |

| Reinstatement Fees for a Period in Excess of Six (6) Months Pursuant to Article IV, Rule 1(e) | Amount |
|--|---------------|
|--|---------------|

| | |
|------------------------------|-----------|
| Less Than Three (3) Years | \$ 375.00 |
| Greater Than Three (3) Years | \$ 525.00 |

¹ Sponsor submission of courses/programs for approval by the MCLE Commission should adhere to the following procedures depending upon mode of instruction. If a course is offered as In-person and/or Webcast/Webinar AND as a Video Replay, the sponsor shall submit two (2) course applications as indicated below:

1. In-person and/or Webcast/Webinar (any number of credits) – Completion of Appendix D and payment of a \$45.00 course application fee; and
2. Video Replay (a minimum of .50 credits and a maximum of six (6) credits) - Completion of Appendix D, course title must be followed by wording of “- Video Replay,” and payment of a \$45.00 course application fee.

**APPENDIX D
COURSE ACCREDITATION**

1. Sponsor Details

| | |
|------------------|----------------------|
| Sponsor name | Contact person title |
| Business address | Business telephone |

2. Methods of Presentation

| | |
|--------------|-----------------|
| In-person | Teleseminar |
| Video Replay | Webcast/Webinar |

3. Advertised

Lawyers
Other – Specify

4. Educational Activity

| | |
|--------------|----------|
| Course title | Location |
| Date | |

5. In-house Activity

6. Method of Evaluation

| | |
|-----------------------|-------|
| Participant critique | Other |
| Independent evaluator | None |

7. Description of Materials to be Distributed

| | |
|-------------|--------------------|
| Total pages | Unbound copies |
| Bound/Book | CD/DVD/Flash drive |

8. When are Materials Distributed?

| | |
|----------------|-------|
| Before program | Other |
| At program | |

9. Required Attachments to the Application

Certificate of Attendance/Agenda/time schedule (brochure, course outline, course description)
Faculty name(s) and credentials (if not in brochure or description)

10. Total Minutes of Instruction, not Including Breaks, Meals, or Introductions

General (nonethics)

Ethics

Total

APPENDIX E AUTHORSHIP CREDIT

1. Title of article, chapter, monograph, or book
2. Publisher
3. Volume and Number
4. Date of publication
5. Type of publication
6. Subject matter
7. Number of hours spent directly in preparation
8. Submit a copy of the publication
9. Active Practitioner address

APPENDIX F
TEACHING ACCREDITATION

1. Sponsor Details

| | |
|--------------|-----------|
| Year | Address |
| Sponsor Name | Telephone |

2. Instructor Classification

Served as instructor – Single instructor – One (1) session only (maximum of six (6) teaching credits per MCLE Reporting Year)

Served as instructor – Panel member – More than one (1) instructor during session (maximum of six (6) teaching credits per MCLE Reporting Year)

Served as instructor – Moderator of panel (maximum of six (6) teaching credits per MCLE Reporting Year)

Served as instructor – Semester/trimester course teaching to non-attorneys, non-legal degree seeking students (awarded maximum of six teaching (6) credits per MCLE Reporting Year)

Served as instructor – Semester/trimester course teaching to attorneys or legal degree seeking students (awarded maximum of six (6) teaching credits per MCLE Reporting Year plus four (4) general credits for a total of ten (10) credits)

2. Educational Activity

| | |
|--------------|----------|
| Course title | Location |
| Date | |

3. Description of Materials to be Distributed

| | |
|--------------------|----------------|
| Bound/Book | Unbound copies |
| CD/DVD/Flash drive | |

4. When are Materials Distributed?

| | |
|----------------|-------|
| Before program | Other |
| At program | |

5. Required Attachments to the Application

Syllabus/Timed agenda/Course description
Instructor credentials /Curriculum vitae

6. Total Minutes of Instruction

Teaching credits
General credits
Total

**APPENDIX G
SUMMARY REPORTING FORM**

MCLE REPORTING YEAR ENDS JUNE 30

The paper Appendix G form has been replaced by electronic filing via the MCLE Portal located at www.courts.ri.gov. The electronic Appendix G must be completed annually no later than June 30 certifying accrual of a minimum of ten (10) MCLE credits inclusive of a minimum of two (2) legal ethics credits.

Failure to comply with Article IV, Rule 3 of the Rhode Island Supreme Court Rules and the MCLE Regulations may result in the imposition of sanctions including, but not limited to, late fees or removal from the Master Roll of Attorneys.

*NOTE: Video Replay courses are limited to six (6) credits per year. Webcast/Webinar and Teleseminar course credits are unlimited.

Teaching credits are limited to six (6) credits per year.

In-house credits are limited to five (5) credits per year.

Authorship credits are limited to five (5) credits per year.

Judge, facilitator, or trainer in a moot or mock trial competition or seminar is limited to one (1) credit per year.