

**Supreme Court**

In Re: Mandatory Continuing Legal :  
Education Commission :  
(Adoption of New Regulations) :

**ORDER**

Pursuant to Article IV, Rule 3.1(c)(2) of the Supreme Court Rules, effective July 1, 2012, the Mandatory Continuing Legal Education Commission’s actions repealing its current regulations and adopting the new regulations attached to this Order are approved by the Supreme Court.

Entered as an Order of this Court this *20<sup>th</sup>* day of *June 2012*.

\_\_\_\_\_/s/\_\_\_\_\_  
Suttell, C. J.

\_\_\_\_\_/s/\_\_\_\_\_  
Goldberg, J.

\_\_\_\_\_/s/\_\_\_\_\_  
Flaherty, J.

\_\_\_\_\_/s/\_\_\_\_\_  
Robinson, J.

\_\_\_\_\_/s/\_\_\_\_\_  
Indeglia, J.

## **Mandatory Continuing Legal Education Regulations**

### **§ 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.

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

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

(9) “**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.

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

(11) “**Online**” means continuing legal education programs delivered via the Internet, consisting of on-demand webcast or video lecture in which attendance monitors are present and question and answer opportunity is included.

(12) “**Simulcast**” means contemporaneous broadcast of a continuing legal education program.

**§ 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. Seven (7) members shall constitute a quorum.

**§ 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 Rhode Island Supreme Court Attorney 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 Rhode Island Supreme Court Attorney 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, 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) In the event an Active Practitioner does not practice throughout the MCLE Reporting Year, a waiver of that year's MCLE requirement may be requested (refer to Article IV, Rule 3.9(g)); and

(11) 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 Rhode Island Supreme Court Attorney Portal).

### **§ 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 Rhode Island Supreme Court Attorney Portal attesting to the fact that he or she 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 Rhode Island Supreme Court Attorney 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 Rhode Island Supreme Court Attorney Portal 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 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 Online as well as in-person, and the Supreme Court shall set the fees for the course.

(d) The MCLE Commission shall grant no exemptions or extensions unless exceptional circumstances apply. An Active Practitioner may file a waiver or make up consideration with the MCLE Commission via the Rhode Island Supreme Court Attorney 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 - An attorney's failure to comply with the requirements of Article IV, Rule 3.3 and MCLE Regulation § 1.3.3 by the end of the first full MCLE Reporting Year after said attorney is admitted to the Rhode Island Bar shall be assessed a make up 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 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 Article IV, Rule 3.3 and MCLE Regulation § 1.3.3 may be reinstated upon completing the required course and paying the make up filing fee plus additional costs of collection, if any, within six (6) months of the initial filing deadline (June 30). (See **Appendix C**, Schedule of Fees.)

(2) If an attorney's failure to comply exceeds the six (6) month period set forth in subsection (f)(1), the attorney shall file an application with the Supreme Court seeking reinstatement and provide a copy to the Supreme Court's Disciplinary Counsel and the MCLE Commission. 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 the applicant is not aware of any reason why the application should not be granted. The 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, shall 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:

- (i) he or she is a member in good standing of the bar in such jurisdiction; and
- (ii) that no disciplinary action is pending against him or her in said jurisdiction.

#### **§ 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 (i) Approved Programs or Activities exceeding standard credit increments by at least twenty-five (25) minutes (e.g. 75 minutes = 1 1/2 credits), and (ii) ethics presentations of at least twenty-five (25) minutes duration, whether stand-alone or included in a larger program. 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.

(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 credit 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 two (2) extra credit hours for each fifty (50) minutes that an Active Practitioner spends teaching an Approved Program or Activity, i.e., a total of three (3) hours for each fifty (50) minutes with an annual limitation of six (6) credit hours. Rules for course accreditation, Standards, and teaching qualifications are provided herein in **Appendix A**, MCLE Regulation § 1.3.7, 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 Rhode Island Supreme Court Attorney 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 annual registration period. 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 Rhode Island Supreme Court Attorney 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 three (3) credits may be earned for Online courses (see also MCLE Regulation § 1.3.5(k) and **Appendix D**). Except where carryover credit limitation applies there is no limit on Simulcast credit accrual.

(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 Rhode Island Supreme Court Attorney Portal.

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

### **§ 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 Rhode Island Supreme Court Attorney Portal:

(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; 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 Rhode Island Supreme Court Attorney 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 it 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 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 Rhode Island Supreme Court Attorney 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 \_\_\_\_\_ 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 telephonic, video, and sound tape presentations, 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. In the case of Online courses, instruction must occur via a live webcast or video of lecture and attorneys must be able to interact with faculty via email or other contemporaneous method such as a discussion board. Attendance prompts or other computerized monitoring are required.

### **§ 1.3.6 Individual Course Approval.**

An individual attorney may apply to the MCLE Commission via the Rhode Island Supreme Court Attorney 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.

### **§ 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) 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 (**Appendix A**);

(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; and

(6) It shall utilize video and audiotape presentations only as an adjunct to oral and written presentations.

### **§ 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, he or she shall promptly report such fact to the Director via the Rhode Island Supreme Court Attorney 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 his or her attendance in **Appendices D** and **G** via the Rhode Island Supreme Court Attorney Portal.

(c) Each Active Practitioner must report the status of his or her compliance, waiver, or exemption annually not later than June 30 of each MCLE Reporting Year (**Appendix G** via the Rhode Island Supreme Court Attorney 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 late filing fee (**Appendix C**, Schedule of Fees).

(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 Rhode Island Supreme Court Attorney 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 his or her continuing legal education record via the Rhode Island Supreme Court Attorney Portal.

### **§ 1.3.9 Failure to Comply – Sanctions.**

(a) 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 (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 make up filing or for late filing (see **Appendix C**, Schedule of Fees).

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

(c) If an Active Practitioner does not correct his or her 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 attorney whose name has been removed from the Master Roll for failure to comply with MCLE may, **within six (6) months** of the removal date, be reinstated via the Rhode Island Supreme Court Attorney Portal upon completion and filing of the courses, payment of the make up filing fee, filing certification of proof with the MCLE Commission via the Rhode Island Supreme Court Attorney Portal, and payment of a reinstatement fee.

(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 and the MCLE Commission. 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. The Disciplinary Counsel shall provide the Supreme Court with a Report and Recommendation on the application within thirty (30) days.

(d) An attorney 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, shall 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:

(1) he or she is a member in good standing of the bar in such jurisdiction; and

(2) that no disciplinary action is pending against him or her in said jurisdiction.

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

### **§ 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.

### **§ 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, Rule 3.9 and MCLE Regulations §§ 1.3.9(c) and/or (d).

### **§ 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.

### **§ 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.

### **§ 1.3.14 Confidentiality.**

Subject always 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 continuing legal education requirements, shall be confidential. At such time as the Director issues a notice that an Active Practitioner has failed to meet MCLE requirements, in accordance with federal and state law, the MCLE record of that attorney shall be open to public scrutiny. 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 under the following circumstances does not qualify for teaching credit at a rate of three (3) credits for each mandatory continuing legal education hour of presentation:

1. Actual instruction time was less than twenty-five (25) minutes.
2. Written materials were not distributed.
3. Teaching was directed to an audience of which a majority was non-lawyers.
4. Presentation was to persons pursuing a degree other than a J.D., L.L.B., L.L.M., or S.J.D.
5. Presentation was to persons preparing for admission to the practice of law.

## APPENDIX C

### Schedule of Fees

The following fee schedule is adopted by the Mandatory Continuing Legal Education Commission to be effective July 1, 2012:

<b>MCLE Regulation Section Number</b>		<b>Amount</b>
§ 1.3.3(f)	Rhode Island Bridge the Gap Make Up Filing Fee	\$ 100.00
§ 1.3.5(f)	Accredited Sponsor Annual Fee	\$ 250.00
§ 1.3.5(f)	Accredited Sponsor Limited Annual Fee	
	One Credit per MCLE Reporting Year	\$ 75.00
	Two Credits per MCLE Reporting Year	\$ 100.00
§ 1.3.5(f)	Application Fee per Course	\$ 45.00
§ 1.3.8(d)	Late Filing of MCLE. If filed:	
	July 15 to September 30	\$ 50.00
	October 1 to December 31	\$ 100.00
	January 1 to June 30	\$ 150.00
§ 1.3.8(e)	Post 30-Day Accredited Sponsor Late Fee	\$ 30.00
§ 1.3.9(a)	Make Up Filing Fee (Tier I)	\$ 100.00
§ 1.3.9(b)	Make Up Filing Fee (Tier II)	\$ 200.00
§ 1.3.9(c)	Reinstatement Fee	\$ 75.00

## APPENDIX D

### COURSE ACCREDITATION

**1. Sponsor Details**

Sponsor name	Contact person title
Business address	Business telephone

**2. Methods of Presentation**

Faculty in room with participants	Telephone to broadcast site
Satellite	Audiotape presentation
Videotape presentation	Discussion leader present
Online course	

**3. Advertised**

Lawyers  
Other – Specify

**4. Educational Activity**

Course title	Location
Date	Writing surface available

**5. In-house Activity**

**6. Method of Evaluation**

Participant critique	Other
Independent evaluator	None

**7. Description of Materials to be Distributed**

Total pages	Bound
Loose-leaf	CD/DVD

**8. When are Materials Distributed?**

Before program	Other
At program	

**9. Required Attachments to the Application**

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 G**

### **SUMMARY REPORTING FORM**

#### **MCLE REPORTING YEAR ENDS JUNE 30**

The paper Appendix G form has been replaced by electronic filing via the Rhode Island Supreme Court Attorney Portal located at [www.courts.ri.gov](http://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.

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\*NOTE: Online (on-demand) Internet courses are limited to three (3) credits per year. Simulcast (live webinars) via Internet is 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.