

## Supreme Court

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

### ORDER

Article IV, Rule 3.9 of the Supreme Court Rules is hereby amended to read as follows:

#### **Sec. 3.9 Failure to Comply--Sanctions.**

(a) Following the close of each reporting year the commission shall send a notice of delinquency to each attorney deemed not in compliance with the filing or educational requirements of this rule for that reporting year. If the attorney has failed to fulfill the educational requirements of this rule, ~~he or she shall be required to file a makeup plan with the commission within thirty (30) days of the date of the delinquency notice in such manner as the commission shall prescribe. An~~ the attorney shall correct his or her failure to comply with the requirements ~~of this rule~~ within ninety (90) days of the date of the notice of delinquency or the attorney shall be subject to possible sanction by this Court. A Fees shall be assessed for ~~filing a make-up filing plan and or~~ for late filing ~~compliance with this rule.~~ For any make-up credits received after the ninety (90) day make-up period has elapsed, the attorney shall be assessed double the published make-up filing.

(b) If an attorney does not correct his or her failure to comply with the requirements of this rule within ~~ninety (90)~~ one hundred eighty (180) days of the date of the notice of delinquency, ~~the commission shall file a notice of noncompliance with this Court. This Court shall issue an order directing the attorney to show cause why he or she should not be suspended from the practice of law. 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 mandatory continuing legal education may be reinstated upon completing and filing the courses and payment of the

makeup filing fee, plus a certificate of retroactive qualification and fee within six (6) months of the removal date.

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

(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, first provide to the Supreme Court a certificate from the appropriate disciplinary tribunal of the jurisdiction in which he or she has been practicing law that (a) he or she is a member in good standing of the bar in such jurisdiction, and (b) that no disciplinary action is pending against him or her in said jurisdiction.

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

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

