



SUPREME COURT OF MISSOURI

en banc

November 16, 2009
Effective January 1, 2010

In re:

Repeal of Rule 15, entitled "Continuing Legal Education," consisting of subdivisions 15.01 to 15.06, inclusive, and in lieu thereof adoption of a new Rule 15, entitled "Continuing Legal Education," consisting of subdivisions 15.01 to 15.06, inclusive.

ORDER

1. It is ordered that effective January 1, 2010, Rule 15, consisting of subdivisions 15.01 to 15.06, inclusive, be and the same is hereby repealed and a new Rule 15, consisting of subdivisions 15.01 to 15.06, inclusive, adopted in lieu thereof to read as follows:

15.01 DEFINITIONS

As used in this Rule 15 the following terms mean:

- (a) "Accredited program or activity," a program or activity accredited by The Missouri Bar;
- (b) "Board," the board of governors of The Missouri Bar;
- (c) "Credit hour," at least 50 minutes of instruction or the equivalent;
- (d) "Lawyer," a member of The Missouri Bar;

(e) "Reporting year," the 12 months between July first of one year and June 30th of the following year.

15.02 [RESERVED]

15.03 DUTIES OF THE MISSOURI BAR

The Missouri Bar shall:

(a) Exercise general supervisory authority over the administration of this Rule 15;

(b) Accredite programs and activities and sponsors that satisfy the requirements of this Rule 15;

(c) Foster and encourage the offering of accredited programs and activities;

(d) Report at least annually to this Court concerning the status of minimum continuing legal education in this state;

(e) Fund the administration of this Rule 15 through enrollment fees paid by members of The Missouri Bar; and

(f) Promulgate regulations necessary to implement this Rule 15. The regulations shall be consistent with the provisions of this Rule 15 and shall become effective 60 days after submission unless disapproved by this Court. This Court may promulgate, amend, revise, or rescind any regulation. Copies of this Rule 15 and the regulations thereto shall be

published in a publication of general distribution to all lawyers and shall be furnished to interested parties upon request.

15.04 ACCREDITATION OF PROGRAMS, ACTIVITIES AND SPONSORS

(a) The Missouri Bar may designate a sponsor of continuing legal education programs or activities as an "accredited sponsor" if the sponsor has substantial recent experience in offering continuing legal education or a demonstrable ability to organize and effectively present continuing legal education programs and activities.

(b) A program or activity may be an accredited program or activity if it directly contributes to the professional competency of lawyers or judges and has significant intellectual or practical content related to the development or practice of law, professional responsibility, or law office management.

(c) A program or activity offered by an accredited sponsor shall be an accredited program or activity. Continuing legal education programs and activities of identified sponsors may be accredited programs and activities if so designated by The Missouri Bar. Self-study, videotape, audiotape, or other similar programs or activities may be accredited programs and activities if so designated by The Missouri Bar.

15.05 CONTINUING LEGAL EDUCATION REQUIREMENTS

(a) After July 1, 1988, except as provided in Rule 15.05(c), each lawyer shall complete and report during each reporting year at least 15 credit hours of accredited programs and activities. Credit hours of accredited programs and activities completed pursuant to Rules 15.05(e) and 15.05(f) may be used to fulfill the requirements of Rule 15.05(a). Not more than six other credit hours may consist of self-study, videotape, audiotape or other similar programs or activities that are accredited programs or activities. A speaker at an accredited program or activity may receive credit for preparation time and presentation time. An author of written material published or to be published by an accredited sponsor or in a professional journal or as a monograph may receive credit for research time and composition time.

(b) For purposes of Rule 15.05(a), a lawyer reporting completion of more than 15 credit hours of accredited programs and activities during one reporting year may receive credit in the next succeeding reporting year for the excess credit hours.

(c) A lawyer is not required to complete or report any credit hours in the reporting year in which the lawyer is initially licensed to practice law in this state except as provided in Rules 15.05(d) and 15.05(e). Any lawyer not an active judge who, during a reporting year, has neither engaged in the active practice of law in Missouri nor held herself or himself out as an active practicing lawyer in Missouri shall not be required to complete or report any credit hours during that reporting year. Upon written application

and for good cause shown, waivers or extensions of time of the credit hour or reporting requirements of this Rule 15 may be granted in individual cases or classes of cases involving hardship or extenuating circumstances.

(d) A person seeking admission under Rule 8.10 shall, prior to being issued a license, attend The Missouri Bar annual law update program or a continuing legal education program accredited as provided in this Rule 15 that has intellectual and practical content substantially equivalent to The Missouri Bar annual law update program. Attendance shall be no earlier than 12 months prior to the date the application for admission under Rule 8.10 is filed. The person shall report the completion of this requirement to the board of law examiners as the board shall specify.

(e) Each lawyer who:

(1) Between June 30, 1990, and July 1, 2009:

(A) Is admitted to practice law;

(B) Has a license to practice law reinstated, except any license reinstated as a matter of course pursuant to Rule 6.01; or

(C) Becomes an active lawyer after previously declaring inactive status as provided Rule 6.03;

shall complete at least three credit hours of accredited programs and activities devoted exclusively to professionalism, legal or judicial ethics, or malpractice prevention. Such programs and activities shall be completed within 12 months of the event requiring compliance with this Rule

15.05(e). Completion of this requirement shall be reported to The Missouri Bar as specified by The Missouri Bar;

(2) After June 30, 2009:

(A) Is admitted to practice law;

(B) Has a license to practice law reinstated, except any license reinstated as a matter of course pursuant to Rule 6.01; or

(C) Becomes an active lawyer after previously declaring inactive status as provided Rule 6.03;

shall complete at least two credit hours of accredited programs and activities devoted exclusively to professionalism, legal or judicial ethics, or malpractice prevention. Such programs and activities shall be completed within 12 months of the event requiring compliance with Rule 15.05(e). Completion of this requirement shall be reported to The Missouri Bar as specified by The Missouri Bar.

(f) For each professionalism compliance period:

(1) Between July 1, 1990, and June 30, 2008, each lawyer shall complete at least three credit hours of accredited programs and activities devoted exclusively to professionalism, legal or judicial ethics, or malpractice prevention. Such programs and activities shall be completed on or before June 30, 1993, and at least every three years thereafter.

Completion of this requirement shall be reported to The Missouri Bar as specified by The Missouri Bar;

(2) On an after July 1, 2009, each lawyer shall complete and report at least two credit hours of accredited programs and activities devoted exclusively to professionalism, legal or judicial ethics, or malpractice prevention unless the lawyer has not actively practiced law in Missouri during the period or has given notice of inactive status pursuant to Rule 6.03. Completion of this requirement shall be reported to The Missouri Bar as specified by The Missouri Bar.

Credit hours of accredited programs and activities completed pursuant to Rule 15.05(e) may be used to fulfill the requirements of Rule 15.05(f).

Credit hours of accredited programs and activities devoted exclusively to professionalism, legal or judicial ethics, or malpractice prevention during the July 1, 2008, to June 30, 2009, reporting year shall apply to the professionalism compliance period for July 1, 2009, to June 30, 2010.

(g) Each judge of the family court division and each commissioner of the family court division shall complete not later than six months after designation or appointment a course of training in family law accredited by this Court's trial judge education committee. This requirement shall be in addition to the requirements contained in Rule 15.05(a), Rule 15.05(e), and Rule 15.05(f).

Each year thereafter, such judges and commissioners shall complete at least six hours of continuing legal education courses accredited by this

Court's trial judge education committee relating to family court issues and law. The hours completed on an annual basis may be used to fulfill the requirements of Rule 15.05(a).

Completion of the requirements of this Rule 15.05(g) shall be reported to The Missouri Bar as specified by The Missouri Bar.

This Rule 15.05(g) shall apply to all reporting years beginning on or after July 1, 1993. This Rule 15.05(g) shall not apply to judges who are temporarily transferred or assigned to family court divisions; however judges who have met the requirements of this Rule 15.05(g) shall be preferred for such transfers and assignments.

(h) Each lawyer who is a member of the general assembly may report in each reporting year credit for 15 hours of continuing legal education for service during that reporting year's regular legislative session. Such credit shall not include credit for programs required by Rule 15.05(f).

15.06 REPORTING REQUIREMENTS - SANCTIONS - REVIEW

(a) On or before July 31st of each year after 1988, each lawyer shall report the number of credit hours of accredited programs or activities in which the lawyer participated in the preceding reporting year, except that lawyers paying the annual enrollment fee under Rule 6.01(j)(3) for the entire reporting year and lawyers who have given notice of inactive status under Rule 6.03 are not required to report completion or exemption from

the annual requirements of Rules 15.05(a) and 15.05(f). All lawyers must report completion of the requirement of Rule 15.05(e).

(b) Every lawyer failing to meet the requirements of this Rule 15 by September 30 shall be notified by mail addressed to the lawyer's last known address. The notice shall advise the lawyer that the lawyer has not filed the required report or the required number of credit hours and that the lawyer, if subject to Rule 15, may file within 30 days of the date the notice was mailed information establishing compliance with this Rule 15. Within 30 days of the receipt of the information, it shall be determined if the lawyer has participated in the required number of credit hours of accredited programs or activities or if the lawyer is entitled to a waiver of the requirement or an extension of time to comply with the requirement. If it is determined that the lawyer has participated in the required number of credit hours, is entitled to waiver, or is entitled to an extension of time, the lawyer shall be so notified within 15 days of the decision. If it is determined that the lawyer has not participated in the required number of credit hours, is not entitled to a waiver and is not entitled to an extension of time, the lawyer shall be so notified.

(c) Every lawyer to whom a notice is sent pursuant to Rule 15.06(b) shall pay a late filing fee of \$35.00. Payment of this fee shall accompany the late-filed information establishing compliance with Rule 15. Failure to pay the fee shall be considered a failure to comply with the requirements of

Rule 15. The fee collected pursuant to Rule 15.06(c) shall be paid to The Missouri Bar for deposit in the advisory committee fund.

(d) Upon written request filed within 15 days of the date of notice to the lawyer of the decision concerning compliance with this Rule 15, a hearing shall be granted within 30 days of the date of the request. The hearing shall be held before a panel of three lawyers appointed by the president of The Missouri Bar. The lawyer shall be sent notice of the hearing at least ten days prior to the hearing. At the hearing the lawyer may be represented by counsel, witnesses shall be sworn, and, if requested by the lawyer, a complete electronic record shall be made.

(e) Within 15 days of the hearing it shall be determined if the lawyer has complied with this Rule 15. The lawyer shall be so notified within five days of the decision.

(f) On or before March 1, The Missouri Bar shall annually report to the clerk of this Court, the chief disciplinary counsel, and the Commission on Retirement, Removal and Discipline, as the case may be, the name of each lawyer not meeting the requirements of this Rule 15. Every lawyer so reported is automatically suspended from the practice of law on the date the report is received by the clerk of this Court. Any lawyer automatically suspended for failing to comply with this Rule 15 shall be retroactively reinstated as a matter of course upon certification to the clerk of this Court by The Missouri Bar that the lawyer is in full compliance with this Rule 15 within three years of the date of the lawyer's suspension and the payment of

an additional \$100 late fee. The late fee shall be paid to The Missouri Bar for deposit in the advisory committee fund. Any lawyer not reinstated as a matter of course shall apply for reinstatement as provided in Rule 5.28.

2. It is ordered that notice of this order be published in the Journal of The Missouri Bar.

3. It is ordered that this order be published in the South Western Reporter.

Day - to - Day

WILLIAM RAY PRICE, JR.
Chief Justice