

Draft (6-18-2009)

Language to be deleted is ~~struckthrough~~.
Language to be added is **bold** and underlined.

RULE 15. CONTINUING LEGAL EDUCATION

- 15.01 Definitions
- 15.02 [Repealed]
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- 15.05 Continuing Legal Education Requirements
- 15.06 Reporting Requirements -- Sanctions -- Review
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Rule 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;
- ~~(e) "committee", the Supreme Court Committee on Minimum Continuing Legal Education;~~
- (c) (d)** "credit hour", at least fifty minutes of instruction or the equivalent;
- (d)(e)** "lawyer", a member of The Missouri Bar **except lawyers paying an annual enrollment fee pursuant to Rule 6.01(j)(3)**;
- (e)(f)** "reporting year", the twelve months between July first of one year and June 30th of the following year.

Regulation 15.01. Definitions

As used in Regulations 15.01 through 15.06:

1. Accredited programs, seminars, or activities include:
 - a. programs, seminars, or activities offered by an accredited sponsor;
 - b. programs, seminars, or activities offered by an identified sponsor;
 - c. programs, seminars, or activities approved by The Missouri Bar pursuant to Regulation 15.04.3(c);
 - d. self-study pursuant to Regulation 15.04.5;
 - e. speaker or author credit pursuant to Regulation 15.05.1;
 - f. programs, seminars, or activities approved as an alternative method of meeting the requirements of Rule 15 pursuant to Regulation 15.05.3; or
 - g. programs, seminars, or activities for which a lawyer may receive credit pursuant to Regulations 15.05.4(b) and 15.05.5.
2. Minutes of instruction or the equivalent do not include introductory remarks, coffee or meal breaks or business meetings.

3. The number of credit hours of continuing legal education completed in any approved program, seminar, or activity by a lawyer shall be computed by determining the total minutes of instruction or the equivalent; dividing the total by fifty (50); and rounding the quotient up or down to the nearest one-tenth (1/10) of an hour.

4. An accredited sponsor is a sponsor all of whose programs, seminars, or activities are accredited.

5. An identified sponsor is a sponsor approved to offer a single accredited program, seminar, or activity.

6. Professionalism Programs, Seminars, or Activities.

Programs, seminars, and activities devoted to professionalism include but are not limited to programs, seminars, and activities or designated portions thereof with instruction concerning legal or judicial ethics; the duties of attorneys to the judicial system, courts, public, clients, and other attorneys; the concept of a profession; history of the legal profession; rules of professional conduct; comparison of the legal professions in different nations; and jurisprudence and philosophy of law.

7. Legal or Judicial Ethics Programs, Seminars, or Activities.

(a) Programs, seminars, and activities devoted to legal or judicial ethics include but are not limited to programs, seminars, or activities or designated portions thereof with instruction concerning Rules 2 and 4 of the Supreme Court Rules and the American Bar Association Model Rules of Professional Conduct and Code of Judicial Conduct.

(b) Legal or judicial ethics programs, seminars, or activities do not include programs, seminars, or activities or designated portions thereof with instruction on topics such as attorneys fees, client development, law firm administration, marketing or advertising, law office economics and practice systems, except to the extent that the topics set forth in (a) above are directly and substantially discussed in relationship with such topics.

8. Malpractice Prevention Programs, Seminars, and Activities.

Programs, seminars, and activities devoted to malpractice prevention include but are not limited to programs, seminars, or activities or designated portions thereof with instruction concerning law office systems and procedures which reduce the possibility of professional errors and omissions and instruction concerning the malpractice potential in substantive areas of law.

9. Professionalism, **Ethics, Malpractice Prevention** Compliance Period.

For purposes of the requirement of subdivision (f) of Rule 15.05, **for reporting years beginning on or after July 1, 2009** the compliance period shall be **one (1) ~~three (3)~~** reporting years. ~~The initial professionalism compliance period shall begin July 1,~~

~~1990 and end June 30, 1993.~~ Subsequent professionalism compliance periods shall be each sequential ~~three (3)~~ reporting-year ~~period~~ thereafter.

10. An accredited program, seminar or activity is not required to have a designated portion or portions devoted exclusively to professionalism, legal or judicial ethics or malpractice prevention. An accredited program, seminar or activity devoted exclusively to professionalism, legal or judicial ethics or malpractice prevention must include at least fifty (50) minutes of instruction or the equivalent, as required by Regulation 15.04.1 (d). If an accredited program, seminar or activity is not devoted exclusively to professionalism, legal or judicial ethics or malpractice prevention, to satisfy the requirements of subdivision (e) or (f) of Rule 15.05 the designated portion or portions of an accredited program, seminar or activity devoted to such topics must include at least twenty-five (25) minutes of instruction or the equivalent.

Rule 15.02. Repealed by order dated June 21, 1991

Regulation 15.02. Professionalism, Legal or Judicial Ethics and Malpractice Prevention Requirement.

~~1. On or before June 30, 1993, and during every professionalism compliance period thereafter, each lawyer shall complete at least three (3) credit hours of accredited programs, seminars, and activities devoted exclusively to professionalism, legal or judicial ethics, or malpractice prevention, unless during the concluding reporting year of the professionalism compliance period the lawyer has not actively practiced law in Missouri or the lawyer has given notice of inactive status pursuant to Rule 6.02 (b).~~

~~2. A lawyer may satisfy the requirement of subdivision (e) of Rule 15.05 by completion of accredited programs, seminars, or activities, or portions thereof, devoted exclusively to professionalism, legal or judicial ethics or malpractice prevention which have been designated by The Missouri Bar. When applying for accreditation of a program, seminar, or activity pursuant to Regulation 15.04.3, any lawyer or any sponsor may seek designation of a program, seminar, or activity or portion thereof as satisfying the requirement of subdivision (e) of Rule 15.05.~~

1. 3. A lawyer may satisfy the requirements of subdivision (e) and subdivision (f) of Rule 15.05 by completion of accredited programs, seminars, or activities, or designated portions thereof, devoted exclusively to professionalism, legal or judicial ethics or malpractice prevention as designated by The Missouri Bar or an accredited sponsor. When applying for accreditation of a program, seminar, or activity pursuant to Regulation 15.04.3, any lawyer or any sponsor not accredited pursuant to Regulations 15.04.2 or 15.04.3 (a) may seek designation of a program, seminar, or activity or portion thereof as satisfying the requirements of subdivision (e) and subdivision (f) of Rule 15.05.

~~4. Completion of the requirement established by subdivision (f) of Rule 15.05 shall be reported to The Missouri Bar on the written affidavit required by Regulation 15.06.1. Completion of the requirement of subdivision (f) of Rule 15.05 for the initial professionalism compliance period shall be reported by July 31, 1993. Completion of the requirement for each subsequent professionalism compliance period shall be reported by the July 31 immediately following each professionalism compliance period.~~

2. 5. Completion of the requirements established by subdivisions ~~(e)~~ ~~(d)~~ and ~~(f)~~ ~~(e)~~ of Rule 15.05 shall be reported to The Missouri Bar by the July 31 immediately following the reporting year in which the programs, seminars, and activities occurred. The programs, seminars, and activities shall be reported on the written affidavit required by Regulation 15.06.1.

Rule 15.03. Duties of The Missouri Bar

The Missouri Bar shall:

- (a) Exercise general supervisory authority over the administration of this Rule 15;
- (b) Accredit 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 ~~and the committee~~ 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 sixty 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.

Regulation 15.03. Duties of The Missouri Bar

1. Pursuant to Rule 15.03(e), The Missouri Bar shall report in writing to the Supreme Court of Missouri on or before December 31st of each year. The report shall include but not be limited to: the number of lawyers referred to the General Chairman of Bar Committees and the Commission on Retirement, Removal and Discipline for failure to comply with Rule 15 during the previous reporting year.

2. After February 1, 1988, notice of all Regulations to be promulgated implementing Rule 15 shall be sent sixty (60) days prior to promulgation to the Supreme Court of Missouri and the Committee for comment. These initial regulations shall take effect on the date directed by the Supreme Court of Missouri.

Rule 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.

Regulation 15.04. Accreditation of Programs, Seminars, Activities and Sponsors

1. Standards. In addition to the standards of Rule 15.04, the following standards apply to accredited programs, seminars, or activities offered by an accredited or identified sponsor or programs, seminars, or activities accredited pursuant to Regulation 15.04.3(c).

(a) It is desirable, although not required, that thorough, high quality written materials be made available to all participants at or before the time the program, seminar, or activity is presented.

(b) The program, seminar, or activity must be conducted in a comfortable physical setting, conducive to learning, and it is desirable although not required that there be suitable writing surfaces if the program, seminar, or activity is conducted in a lecture format.

(c) Programs, seminars, or activities where electronically presented live, recorded or reproduced material is used may be accredited programs, seminars, and activities and such programs, seminars, or activities will not be considered as self-study programs, seminars, or activities if a qualified instructor is available, either in person or via telephone or other means of communication, to comment and answer questions.

(d) The program, seminar, or activity must include at least fifty (50) minutes of instruction or the equivalent.

(e) Programs, seminars, or activities that cross professional lines, such as an accounting tax program or a medical legal program, shall be accredited programs, seminars, or activities if the standards of Rule 15.04 and Regulation 15.04.1 are satisfied.

(f) At the conclusion of an approved program, seminar, or activity conducted after July 1, 1988, each participating lawyer must be given the opportunity to complete an evaluation questionnaire addressing the quality, effectiveness and usefulness of the particular program, seminar, or activity. Summary results of the questionnaires applicable to each speaker must be provided to that speaker in a timely fashion. Sponsors must maintain the questionnaires for one year following a program, seminar, or activity pending a request for submission of them or a summary thereof to The Missouri Bar.

2. Accredited Sponsors by Designation. The following sponsors of programs, seminars, or activities are designated as accredited sponsors: American Bar Association; American Judicature Society; The American Law Institute; all United States Armed Forces legal service schools; the United States Coast Guard legal service school; Missouri Association of Trial Attorneys; The Missouri Bar; Bar Association of Metropolitan St. Louis; St. Louis County Bar Association; Kansas City Metropolitan Bar Association; National Academy of Arbitrators; National Bar Association; National Judicial College; Judicial Education Committee of the Supreme Court of Missouri; all law schools approved by the section of legal education and admissions to the bar of the American Bar Association; Missouri Office of Prosecution Services; Missouri Organization of Defense Lawyers; the Office of the State Public Defender, and the Practicing Law Institute.

3. Accreditation Process.

(a) Any sponsor desiring accreditation of all its continuing legal education programs, seminars, or activities must apply to The Missouri Bar for accredited sponsor status not less than sixty (60) days prior to presentation of its first program, seminar, or activity as an "accredited sponsor." Application shall be made on forms provided by The Missouri Bar and applicants may be required to provide information which demonstrated that the applicant satisfies the standards of Rule 15.04 and Regulation 15.04.1.

(b) Any sponsor not accredited pursuant to Regulations 15.04.2 or 15.04.3(a) and desiring approval of an individual program, seminar, or activity must apply to The Missouri Bar for identified sponsor status not later than sixty (60) days prior to the date on which the program, seminar, or activity is scheduled. Application shall be made on forms provided by The Missouri Bar and such applicants may be required to provide information which demonstrates that the program, seminar, or activity will satisfy the standards of Rule 15.04 and Regulation 15.04.1. The applicant may also be required to include a description of any written materials to be used in the program, seminar, or activity.

(c) Any lawyer may seek accreditation of a program, seminar, or activity by a sponsor other than an accredited or identified sponsor. The lawyer should apply either before the occurrence of the program, seminar, or activity or within thirty (30) days after completion of the program, seminar, or activity. The applicant lawyer should provide sufficient information to establish that the standards of Rule 15.04 and Regulation 15.04.1 are satisfied by the program, seminar, or activity. Ordinarily a brochure published by the sponsor of the program, seminar, or activity and a description of any written materials shall be sufficient information to make a determination of whether the program, seminar,

or activity satisfies the standards of Rule 15.04 and Regulation 15.04.1.

(d) Upon application of a lawyer or sponsor and the submission of sufficient information to make a determination, The Missouri Bar shall designate the programs, seminars, and activities or portions of activities which satisfy the requirements of subdivisions (e) and (f) of Rule 15.05.

(e) Upon application of a lawyer or sponsor and the submission of sufficient information to establish that the standards of Rule 15.05 (d) and Regulation 15.04.7 are satisfied, The Missouri Bar shall designate a program, seminar, or activity as substantially equivalent to The Missouri Bar Annual Law Update.

(f) The Missouri Bar shall advise the applicant in writing within thirty (30) days of the receipt of the application whether the application for accredited or identified sponsor status or for accreditation or designation of a program, seminar, or activity is approved or disapproved. Applicants denied approval may submit a letter of reconsideration setting forth the basis for reconsideration to The Missouri Bar within fifteen (15) days of the receipt of notice of disapproval.

4. Sponsor Reports and Recordkeeping.

(a) By July 31 of each year, commencing July 31, 1988, each accredited sponsor shall file a report with The Missouri Bar, on a form provided by The Missouri Bar, which lists all accredited programs, seminars, and activities conducted by the sponsor during the preceding reporting year and the number of credit hours for each program, seminar, or activity. The report shall indicate the number of credit hours of each program, seminar, or activity designated which satisfy the requirements of subdivisions (e) and (f) of Rule 15.05.

(b) Each accredited or identified sponsor shall retain records of attendance at all programs, seminars, and activities for at least three (3) years after the date of completion of the program, seminar, or activity. A record of attendance by an individual lawyer shall be made available to the lawyer or his or her attorney upon request and The Missouri Bar upon its request.

5. Self-Study.

(a) Any lawyer may receive up to six hours of self-study credit in a reporting year by studying law-related materials, including but not limited to videotapes, audiotapes and advance sheets, in furtherance of general academic and professional competence.

(b) Self-study credit may not be reported to satisfy the requirements of Rule **15.05 (e) or Rule 15.05 (f)** ~~that a lawyer complete at least three credit hours of programs, seminars, and activities devoted exclusively to professionalism, legal or judicial ethics or malpractice prevention every three years~~, unless approval is obtained pursuant to Rule 15.05 (c) and Regulation 15.05.3 based upon hardship or extenuating

circumstances.

(c) A lawyer may receive in excess of six credit hours for self-study in a reporting year if the self-study in excess of six hours is approved by The Missouri Bar as an alternative method of compliance with Rule 15 pursuant to Rule 15.05 (c) and Regulation 15.05.3.

(d) Self-study credit shall be accounted for on the affidavit required by Rule 15.06.1.

6. In-House Program, Seminar, or Activity Accreditation.

(a) A private law firm, corporate law department, federal, state or local government agency or similar entity may apply for accredited sponsor status or identified sponsor status and shall be approved or disapproved for accredited or identified sponsor status under the same standards applicable to all other applicants for accredited or identified sponsor status.

(b) An in-house program, seminar, or activity, such as a program, seminar, or activity limited only to the lawyers of a private law firm, corporate law department, or a federal, state or local government agency, which is offered by an accredited or identified sponsor, shall be an accredited program, seminar, or activity if the standards of Rule 15.04 and Regulation 15.04.1 are satisfied.

7. Intellectual and Practical Content Substantially Equivalent to The Missouri Bar Annual Law Update Program.

(a) At least 9 hours of instruction, and

(b) the program content includes information on substantially all of the following topics: practice and procedure before Missouri and federal courts, domestic relations, estate planning and administration, business organizations, real estate, criminal practice and workers' compensation. The instruction on substantial law topics shall focus upon Missouri law and the program shall include practice tips in the various subject areas as well as instruction on substantive law.

8. Deadline Waivers. By its own application or upon written request for good cause shown, or in the interest of justice, The Missouri Bar shall waive application and reporting deadlines in Regulation 15.04. The application deadlines of Regulation 15.04.3 are waived for applications filed within sixty (60) days after the date of the publication of these regulations in a publication of general distribution to all lawyers as required by Rule 15.03(g).

9. Records Confidential.

(a) Unless otherwise directed by the Supreme Court of Missouri, the files, records and proceedings to The Missouri Bar, as they may relate to or arise out of a lawyer attempting to satisfy the continuing legal education requirements of Rule 15, shall be confidential

and shall not be disclosed except in furtherance of the duties of The Missouri Bar or as provided in Regulation 15.04.8(b).

(b) The files, records and proceedings as they may relate to or arise out of a lawyer attempting to satisfy the continuing legal educational requirements of Rule 15, shall be disclosed to the lawyer affected upon written request by the lawyer affected or by his or her attorney.

(c) The Missouri Bar shall retain the affidavits of compliance for the three reporting years prior to the current reporting year. Affidavits not required to be retained may be disposed of by The Missouri Bar but only in a manner that preserves the confidentiality of the affidavits required by Regulation 15.04.9(a).

Rule 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 fifteen credit hours of accredited programs and activities. Credit hours of accredited programs and activities completed pursuant to subdivisions (e) and (f) of this Rule 15.05 may be used to fulfill the requirements of this subdivision (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) A lawyer **reporting completing** more than fifteen 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 **to apply to the requirement of subdivision (a) of Rule 15.05**. Credit hours for accredited programs or activities completed within six months before July 1, 1988, may be reported to comply with the provisions of this Rule 15 for the initial reporting year.

(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 subdivisions (d) and (e) of this Rule 15.05. Any lawyer not an active judge who, during a reporting year, has neither engaged in the active private or public practice of law in Missouri nor held 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, after June 30, 1990:

- (1) Is admitted to practice law;
- (2) Has a license to practice law reinstated, except any license reinstated as a matter of course pursuant to Rule 6.01; or
- (3) 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 twelve 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.

(f) **Except as provided in Rule 15.05(c), e** Each lawyer shall complete **and report** at least ~~two three~~ credit hours of accredited programs and activities devoted exclusively to professionalism, legal or judicial ethics, or malpractice prevention **each reporting year beginning on or after July 1, 2009. A lawyer reporting more than two credit hours of accredited programs and activities devoted exclusively to professionalism, legal or judicial ethics or malpractice prevention during one reporting year may receive credit in the next succeeding reporting year for the excess hours to apply to the requirement of subdivision (f) of Rule 15.05.** Credit hours of accredited programs and activities completed pursuant to subdivision (e) of this Rule 15.05 may be used to fulfill the requirements of this subdivision (f). ~~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.

(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 judicial 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 judicial 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) **and (f)**.

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 fifteen 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).

Regulation 15.05. Credit and Exemptions

1. Speaker and Author Credit.

(a) Any lawyer who participates as a speaker at an accredited program, seminar, or activity and does not receive compensation, other than reasonable expenses, shall receive credit for the following:

- (1) actual presentation time, including both initial and repeat presentations; and
- (2) actual preparation time up to a maximum of fifteen (15) credit hours for each 50 minutes of presentation time as determined by Regulation 15.01.

(b) Any lawyer who is the author of written material published or to be published without compensation by an accredited or identified sponsor or in a professional journal or as a monograph shall receive credit for actual research and writing time, but not to exceed fifteen (15) credit hours for any one such work.

(c) The standards set forth in Regulation 15.01 shall determine the number of credit hours to be received for the presentation time, preparation time and research and writing time and the number of credit hours to be received by a lawyer shall be reported on the affidavit required by Regulation 15.06.1.

(d) A lawyer may satisfy the requirements of subdivisions (e) and (f) of Rule 15.05 by speaker or author credit ~~under Rule 15.05 (a)~~ if the presentation or work or a designated portion thereof is devoted exclusively to professionalism, legal ethics or judicial or malpractice prevention.

2. Exemptions.

(a) Visiting Attorneys. Visiting attorneys from other jurisdictions who are permitted to practice for a case or proceeding pursuant to Supreme Court Rule 9.03 and who are not otherwise subject to Rule 15 shall not be subject to Rule 15.05.

(b) Non-Practicing Lawyers. Any lawyer not an active judge who, during a reporting year, has neither engaged in the active private or public practice of law in Missouri nor held himself or herself out as an active practicing lawyer in Missouri shall not be required

to complete or report any credit hours during that reporting year unless the lawyer is subject to the requirements of subdivisions (e) ~~or (f)~~ of Rule 15.05 or the lawyer elects to receive reciprocal credit under Regulation 15.05.5. A lawyer may claim the exemption on the affidavit required by Regulation 15.06.1 which shall be in such form as provided by The Missouri Bar.

(c) Governmental Officials. Any lawyer who is not a judge may, upon application to The Missouri Bar within ninety (90) days of the end of each reporting year, be exempt from Rule 15.05 **(a) and Rule 15.05 (f)** if he or she is a full-time governmental official and is not engaged in public or private practice of law. The application shall state reasons in support of the requested exemption. A lawyer exempted under this section shall still be required to file the affidavit required by Regulation 15.06.1.

3. Hardship and Extenuating Circumstances. Any lawyer for whom compliance with Rule 15 is unreasonable difficult due to

(a) a physical or mental disability; or

(b) military or other governmental service at an isolated place of duty; or

(c) age or any other good cause upon a written request setting forth the grounds therefor shall be granted a waiver, extension of time, or permission to comply with Rule 15 by an alternative method which may included in excess of six hours of self-study credit. A lawyer should make the written request at least sixty (60) days prior to the end of the reporting year except in cases when such a deadline is impractical or inappropriate. The Missouri Bar shall review and approve or disapprove such requests on an individual basis and without delay. Rejection of any such request shall be reviewed as provided in Rule 15.06(d).

4. Credit for Programs, Seminars, and Activities Which Occur Between January 1, 1988 and June 30, 1988. A lawyer who attends continuing legal education programs, seminars, or activities or participates as a speaker or author in such programs, seminars, or activities between January 1, 1988 and June 30, 1988 shall receive credit for and may report:

(a) The actual credit hours for the program, seminar, or activity as determined by Regulation 15.01 if the program, seminar, or activity (1) was conducted by a sponsor who is designated or approved as an accredited sponsor prior to June 30, 1988, or by an identified sponsor who is accredited pursuant to Regulation 15.04.3 (b) or (2) is an accredited program, seminar, or activity pursuant to Regulation 15.04.3 (c) and

(b) a maximum of fifteen credit hours for any continuing legal education programs, seminars, and activities conducted by a sponsor other than an accredited or identified sponsor and not accredited pursuant to Regulation 15.04.3 (c) if, at the time of the programs, seminars, or activities, the lawyer had reason to believe that the programs, seminars, or activities substantially conformed to the standards for accreditation of Rule

15.05. The hours of credit for all such programs, seminars, and activities shall be determined by Regulation 15.01.

5. Reciprocal Credit. Any lawyer whose principal place of practice is in a state other than Missouri which has a continuing legal education requirement substantially similar to that of Missouri can satisfy the requirements of Rule 15, if applicable, by making the appropriate designation on the affidavit required by Regulation 15.06.1 that he or she is in compliance with the requirements of the state of his or her principal place of practice. Any lawyer whose principal place of practice is in a state other than Missouri which does not have a continuing legal education requirement substantially similar to that of Missouri can satisfy the requirements of Rule 15, if applicable, by completing accredited programs, seminars, or activities as defined in Regulation 15.01.1 or by completing programs, seminars, or activities offered by his or her state bar association.

6. Carryover Credit Hours.

(a) A lawyer ~~reporting~~ **completing** more than fifteen credit hours of accredited programs, seminars, or activities, exclusive of self-study, ~~[during]~~ for one reporting year shall receive credit in the next **succeeding** reporting year for such excess credit hours **to apply toward the requirement of subdivision (a) of Rule 15.05** if the excess credit hours are reported on the lawyer's affidavit for the reporting year for ~~[in]~~ which they were completed and are designated as hours to be carried forward.

(b) Credit hours of programs, seminars, and activities devoted exclusively to professionalism, legal or judicial ethics or malpractice prevention may be included in determining the amount of carryover credit which a lawyer may report pursuant to Regulation 15.05.6a. Credit hours in excess of the requirements of subdivisions ~~(e) and~~ (f) of Rule 15.05 may ~~not~~ be carried forward to **apply toward satisfy** the requirement of subdivision (f) of Rule 15.05 in **the next succeeding reporting year a subsequent professionalism compliance period**.

Rule 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 he participated in the preceding reporting year.

(b) Every lawyer failing to meet the requirements of this Rule 15 **by October 1** shall be notified by mail addressed to the lawyer's last known address. ~~The notice shall be mailed not later than (October first) of each year.~~ The notice shall advise the lawyer that he 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 thirty days of the date the notice was mailed information establishing compliance with this Rule 15. Within thirty 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 fifteen 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 subdivision (b) of this Rule 15.06 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 this subdivision (c) shall be paid to The Missouri Bar for deposit in the Advisory Committee Fund.

(d) Upon written request filed within fifteen days of the date of notice to the lawyer of the decision concerning compliance with this Rule 15, a hearing shall be granted within thirty 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 fifteen 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.

Regulation 15.06. Reporting Requirements

1. Annual Affidavit. On or before July 31, 1989, and annually by July 31 every year thereafter, each lawyer shall report, by written affidavit to The Missouri Bar, the lawyer's completion of or exemption from the requirements ~~of~~ ~~of~~ Rule 15. **All lawyers must report completion of the requirement of subdivision (e) of Rule 15.05. Lawyers paying the annual enrollment fee pursuant to Rule 6.01(j)(3) for the entire reporting year and lawyers who have given notice of election of inactive status pursuant to Rule 6.03 are not required to report completion or exemption from the annual requirements of subdivision (a) and subdivision (f) of Rule 15.05.** If applicable, the

affidavit shall include the number of all credit hours of accredited programs, seminars, or activities which the lawyer completed for ~~him~~ the applicable reporting year, the number of credit hours to be carried forward from the immediately preceding reporting year, the number of credit hours to be carried over to the next succeeding reporting year, the number of credit hours of programs, seminars, and activities devoted exclusively to professionalism, legal or judicial ethics and malpractice prevention as required by subdivisions (e) and (f) of Rule 15.05, **the number of credit hours of programs, seminars or activities required by Rule 15.05(g)**, any other credit hours to which the lawyer is entitled and completion of The Missouri Bar Annual Law Update or its substantial equivalent, if required by subdivision (d) of Rule 15.05. The initial reporting period is from January 1, 1988 through June 30, 1989. The form for such affidavit shall be provided to the lawyer by The Missouri Bar on or before June 30. The affidavit filed by a lawyer shall establish compliance with the requirements of Rule 15.05 and the reporting requirement of Rule 15.06 unless the affidavit is incomplete or otherwise does not demonstrate compliance with the requirements of Rules 15.05 and 15.06.

2. Failure to Report. Except as provided in Regulations 15.05.2, 15.05.3 and 15.06.3, in the event that a lawyer fails to file an affidavit, files an incomplete affidavit or files an affidavit which does not demonstrate compliance with the requirements of Rules 15.05 and 15.06, the provisions of Rule 15.06 (b), (c), (d), (e) and (f) shall be applicable, including the late-filing fee requirement established by Rule 15.06 (c).

3. Education Deficiency Plans. In the event that a lawyer shall fail to complete or is not otherwise entitled to report at least fifteen credit hours of accredited programs, seminars, and activities during a reporting year or has not satisfied the requirements of subdivisions ~~(d), (e), or (f)~~ **or (g)** of Rule 15.05 during the applicable **reporting year compliance period** and the provisions of Regulations 15.05.2 or 15.05.3 are not applicable, there may be attached to the report required by Rule 15.06 a statement by the lawyer setting forth a specific plan for making up the deficiency by September 30 immediately following the end of the reporting year. This plan shall be deemed accepted unless within 15 days after receipt of the affidavit and statement the lawyer is notified to the contrary. Full compliance with the lawyer's plan shall be reported by the lawyer not later than September 30 immediately following the end of the reporting year. All credit hours from any accredited program, seminar or activity set forth in the plan for making up the deficiency shall be included on the written affidavit for the reporting year for which the deficiency plan was submitted and shall be included in the determination of carryover credit for that year. Failure of the lawyer to complete the plan and report completion by September 30 shall be considered failure to comply with requirements of Supreme Court Rule 15.

4. Noncompliance Report. The Missouri Bar shall annually reporting in writing to the General Chairman of The Missouri Bar Committees and the Commission on Retirement, Removal and Discipline, as the case may be, in accordance with Rule 15.06(f) as of March 1, following completion of each reporting year.

Rule 15.07. Repealed by order dated Jan. 22, 1988, eff. July 1, 1988

