

# IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 17-9062

## ORDER APPROVING AMENDMENTS TO ARTICLE XII OF THE STATE BAR RULES

**ORDERED** that:

1. Article XII of the State Bar Rules is amended as set forth in this order. The amendments are effective immediately.
2. The Clerk is directed to:
  - a. file a copy of this order with the Secretary of State;
  - b. cause a copy of this order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*;
  - c. send a copy of this order to each elected member of the Legislature; and
  - d. submit a copy of the order for publication in the *Texas Register*.

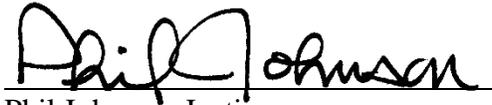
Dated: June 13, 2017.



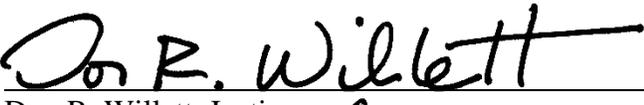
Nathan L. Hecht, Chief Justice



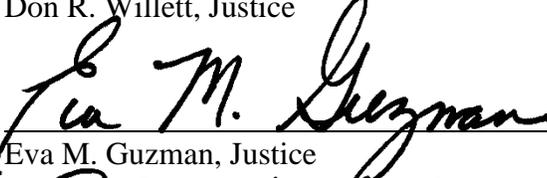
Paul W. Green, Justice



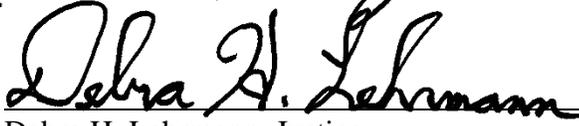
Phil Johnson, Justice



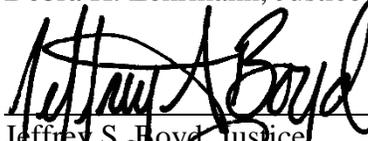
Don R. Willett, Justice



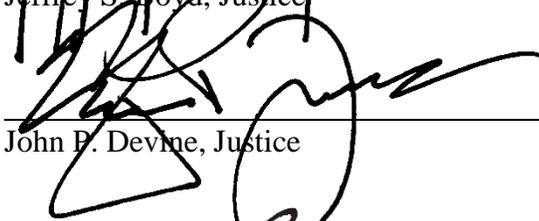
Eva M. Guzman, Justice



Debra H. Lehrmann, Justice



Jeffrey S. Boyd, Justice



John P. Devine, Justice



Jeffrey V. Brown, Justice

## Article XII—Minimum Continuing Legal Education

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### Section 4. Accreditation

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- G. Credit to meet the minimum educational requirement ~~shall~~ will be extended to attorneys who are members of the United States Congress or the Texas Legislature Senate and House of Representatives of present and future United States and Texas Legislatures for each year in which they serve, regular session in which the attorney member shall serve.

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### Section 6. Minimum Educational Requirements

- A. Every member must complete 15 hours of continuing legal education during each compliance year as provided by this article. No more than three credit hours may be given for completion of self-study activities during any compliance year.
- B. At least three of the 15 hours must be devoted to legal ethics/professional responsibility subjects. One of the three legal ethics/professional responsibility hours may be completed through self-study.
- C. A person who has elected inactive status, been suspended or disbarred, or resigned, and who desires to return to active status, must comply with the requirements of (A) and (B). The MCLE regulations may authorize the MCLE Department to automatically defer these requirements for a member who elects inactive status during a compliance year. All persons admitted, and any person who has been suspended, disbarred, or who has resigned pursuant to Article X of the State Bar Rules, or who has resigned pursuant to Article III of the State Bar Rules, or who has been suspended pursuant to Section 8 of this Article, or who has taken inactive status pursuant to Section 81.052, Texas Government Code, and who desires to return to active status shall be required, in addition to such other requirements as the State Bar Rules may contain, to comply with the requirements of Section 6(A) and 6(B) hereof.
- D. Accredited continuing legal education and self-study completed within a 12-month period immediately preceding a member's initial compliance year may be used to meet the educational requirement for the initial compliance year. ~~Exception:~~ Credit for the Justice James A. Baker Guide to Ethics and Professionalism in Texas,

~~educational activity entitled “The Guide to the Basics of Law Practice,” sponsored by the Texas Center for Legal Ethics and Professionalism, may count toward the MCLE requirements for a member’s initial compliance year if the course is completed anytime during the member’s third year of law school or the 12-month period preceding the member’s during the initial compliance year, may be used toward meeting the educational requirements for the initial compliance year.~~

- E. Accredited continuing legal education and self-study completed during any compliance year in excess of the minimum 15 hour requirement for such period will be applied to the following compliance year’s requirement. This carryover provision applies to one year only.

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## Section 9. Review and Appeal

- A. ~~For good cause, Aa member may file a written request anfor exemption from, or extension of time to complete, compliance with any of the requirements of this Article, an extension of time for compliance, an extension of time to comply with a deficiency notice, or an extension of time to file an annual activity report. TheSuch request for excuse or for extension shall will be reviewed and determined by the MCLE Department under regulations promulgated by the Committee or by such of its members as the chairperson may, from time to time, designate. The member shall be promptly notified of the Committee’s decision.~~
- B. “Good cause” shall exist when a member is unable to comply with this Article because of illness, medical disability, or other extraordinary hardship or extenuating circumstances that were not willful on the part of the member and were beyond his or her control.
- C. ~~A member may ask the Committee to review a decision of the MCLE Department by written request within thirty days of the MCLE Department’s decision. The Chair of the Committee may appoint a subcommittee to review the decision of the MCLE Department and make a recommendation to the Committee.~~
- DC. ~~A member may ask the Board to review the Committee’s decision by written request to the Executive Director within thirty days of the Committee’s decision. The Chair of the Board may appoint a subcommittee to review the decision of the Committee and make a recommendation to the Board. Should the decision of the Committee be adverse to the member, the member may request the Board of Directors of the State Bar to review the decision by making such request in writing to the Executive Director of the State Bar within thirty days of notification of the decision of the Committee. The Chairman of the Board may appoint a committee of the Board to~~

~~review the decision of the Committee and make a recommendation to the Board. The decision shall be made by the Board.~~

~~ED. A member may challenge the Board's decision by filing suit against the State Bar in Travis County district court. The suit must be filed within thirty days of the Board's decision, or the Board's decision will be final. Trial will be de novo and to the bench. The member has the burden to prove good cause by a preponderance of the evidence. Either the member or the State Bar may appeal the trial court's judgment. Should the decision of the Board be adverse to the member, the member may appeal such decision by filing suit within thirty (30) days of notification of the Board's action, failing which the decision of the Board shall be final. Such suit shall be brought against the State Bar, and shall be filed in a district court in Travis County, Texas. Trial shall be de novo, but (1) the burden of proof shall be on the member appealing; (2) the burden shall be by a preponderance of the evidence; and (3) the member shall prove the existence of "good cause" as defined herein. The trial court shall proceed to hear and determine the issue without a jury. Either party shall have a right to appeal.~~

~~FE. Any suspension of a member under this Article shall be vacated during the administrative review process and while any suit filed is pending.~~

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