

# IN THE SUPREME COURT OF TEXAS

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Misc. Docket No. 14-9247

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

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**ORDERED** that:

1. Article XII of the State Bar Rules is amended as follows, 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: December 16, 2014.

Nathan L. Hecht

Nathan L. Hecht, Chief Justice

Paul W. Green

Paul W. Green, Justice

Phil Johnson

Phil Johnson, Justice

Don R. Willett

Don R. Willett, Justice

Eva M. Guzman

Eva M. Guzman, Justice

Debra H. Lehrmann

Debra H. Lehrmann, Justice

Jeffrey S. Boyd

Jeffrey S. Boyd, Justice

John P. Devine

John P. Devine, Justice

Jeffrey V. Brown

Jeffrey V. Brown, Justice

## **ARTICLE XII—MINIMUM CONTINUING LEGAL EDUCATION**

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### **Section 4. Accreditation**

- (A) The Committee shall develop criteria for the accreditation of continuing legal education activities and shall designate the number of hours to be earned by participation in such activities, as approved by the Committee. In order for an activity to be accredited, the subject matter must directly relate to legal subjects and the legal profession, including professional responsibility, legal ethics, or law practice management. The Committee may, in appropriate cases, extend accreditation to qualified activities that have already occurred. The Committee shall not extend credit to activities completed in the ordinary course of the practice of law, in the performance of regular employment, as a volunteer service to clients or the general public, as a volunteer service to government entities, or in a member's regular duties on a committee, section or division of any bar related organization. The Committee may extend accredited status, subject to periodic review, to a qualified sponsor for its overall continuing legal education curriculum. No examinations shall be required.
- (B) Self-study credit may be given for individual viewing or listening to audio, video, or digital media; reading written material; attending organized in-office educational programs; or ~~such~~ other activities ~~as may be~~ approved by the Committee. No more than ~~five~~ (5) three hours of credit may be given during ~~any~~ compliance year for self-study activities. Time spent viewing or listening to audio, video, or digital media as part of an organized CLE activity approved by the Committee counts as conventional continuing legal education and is not subject to the self-study limitation.
- (C) Credit may be earned through teaching or participating in an accredited CLE activity. Credit shall be granted for preparation time and presentation time, including preparation credit for repeated presentations.
- (D) Credit may be earned through legal research-based writing upon application to the Committee provided the activity (1) produced material published or to be published in the form of an article, chapter, or book written, in whole or in part, by the applicant; (2) contributed substantially to the continuing legal education of the applicant and other attorneys; and (3) is not done in the ordinary course of the practice of law, the performance of regular employment, or as a service to clients.
- (E) The Committee may, in appropriate cases, charge a reasonable fee to the sponsor for accrediting CLE activities.
- (F) A member who holds a full-time faculty position in any law school which is approved by the American Bar Association may be credited as fulfilling the requirements of this article, except as to the minimum requirements for CLE in legal ethics and professional responsibility. A member who holds a part-time faculty position in any such law school

may claim participatory credit for the actual hours of class instruction time not to exceed ~~twelve~~-(12) hours per compliance year, except as to the minimum requirements for CLE in legal ethics and professional responsibility.

- (G) The Committee shall grant exemption from this Article to any emeritus member of the State Bar of Texas. (Emeritus as defined by the State Bar Act, Section 81.052 (e)).
  - (H) Credit to meet the minimum educational requirement shall be extended to attorneys who are members of the Senate and House of Representatives of present and future United States and Texas Legislatures for each regular session in which the attorney member shall serve.
  - (I) No credit shall be given for activities directed primarily to persons preparing for admission to practice law.
  - (J) Credit, not to exceed ~~thirty~~-(30) hours in any compliance year, may be earned for attending a law school class after admission to practice in Texas provided (1) that the member officially registered for the class with the law school; and (2) that the member completed the course as required by the terms of registration. Credit for approved attendance at law school classes shall be for the actual number of hours of class instruction time the member is in attendance at the law school course.
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## **Section 6. Minimum Educational Requirements**

- (A) Every member ~~shall~~ must complete ~~fifteen~~-(15) hours of continuing legal education during each compliance year as provided by this article. No more than ~~five~~-(5) three credit hours may be given for completion of self-study activities during any compliance year.
- (B) At least three ~~(3)~~ hours of the ~~fifteen~~-(15) hours ~~shall~~ must be devoted to legal ethics/professional responsibility subjects. One ~~(4)~~ of the three ~~(3)~~ legal ethics/professional responsibility hours may be completed through self-study.
- (C) 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

educational activity entitled "The Guide to the Basics of Law Practice," sponsored by the Texas Center for Legal Ethics and Professionalism, completed anytime during the third year of law school or 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 fifteen (15) hour requirement for such period will be applied to the following compliance year's requirement. This carryover provision applies to one (1) year only.

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## **Section 8. Compliance**

- (A) Two months prior to before the end of the a member's MCLE compliance year, the Director shall must send the member an a-preliminary MCLE Annual Verification Report, to each member's Preferred Address for who said MCLE compliance year applies. The Director may send the report by email to a member who has an email address on file with the State Bar. Upon receipt of the MCLE Annual Verification Report, the Members shall must review the report for accuracy, and completeness. If the report is accurate and shows that the member has completed all MCLE requirements for the MCLE compliance year or that the member is exempt from MCLE, accurately reflects the member's MCLE compliance record for the current MCLE compliance year, and it shows that the minimum CLE credit hours requirements have been met, then no additional action is required by the member. If the report is inaccurate, Report does not accurately and completely reflect a member's CLE credits, then the member shall must correct his or her MCLE compliance record by following according to the instructions on the Report. To avoid a fines and/or suspension, all CLE credit hours must be completed, and all corrections and additions to a member's the MCLE compliance record must shall be completed, filed and received by the MCLE Director, on or before the end of the member's MCLE compliance year.
- (B) On or about the first day of the birth month, the Director shall make available to the member, a report of amendments that have been made to the MCLE record for the compliance year that ended immediately prior to said birth month. The Director shall also notify any member who has not completed MCLE requirements for the compliance year that ended immediately prior to said birth month. A member, who has not completed his or her CLE requirements by the first day of the birth month, will receive an automatic grace period through the last day of the birth month to complete and report any remaining CLE credits. Members shall not be fined or penalized for completing and reporting CLE credits by the last day of the birth month (grace period).
- (C) On or about the twelfth (12<sup>th</sup>) 12th day of the month immediately following a member's birth month, the Director shall notify all members who are in non-compliance for the MCLE compliance year just ended to advise such members of their non-compliance status. Such notice shall be in the form of a written notice, and sent to each member at the

Preferred Address and via one (1) Secondary Address (if any) that is then on file with the Membership Department of the State Bar.

- (D) On or about the first (1<sup>st</sup>) day of the third month immediately following a member's birth month, the Director shall send final notice to any member who has not cured their non-compliance status. Such notice shall be in the form of a written notice, and sent to each member at the Preferred Address and via one (1) Secondary Address (if any) that is then on file with the Membership Department of the State Bar.
- (E) If by the last business day of the fourth month following the birth month (or reporting month if the member has been granted an extension in accordance with this article for completion of CLE requirements) the member has still not cured his or her non-compliance, the member shall be automatically suspended from the practice of law in Texas as directed by Order of the Supreme Court dated December 23, 2002.
- (F) Upon the execution of suspension, the Director shall cause to be sent a written notification to each member who is suspended from practice by the order. Said notification shall be sent to each member at his or her Preferred Address and via one (1) Secondary Address (if any) that is then on file with the Membership Department of the State Bar.

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### **Section 13. Effective Date**

~~The effective date of amendments to this Article shall be February 1, 2005.~~