

ORDER OF THE SUPREME COURT OF TEXAS

MISC. DOCKET NO. 01-9145

ORDER AMENDING ARTICLE XII,
STATE BAR RULES

The State Bar of Texas has petitioned the Supreme Court of Texas to adopt amendments to Article XII, State Bar Rules.

Having considered the petition, the Court amends Article XII, State Bar Rules as follows:

Section 2. Definitions

(D) “Self-study” includes viewing videotapes, listening to audiotapes, reading written material, ~~or attending organized in-office educational programs, or such other activities as may be approved by the Board through the Committee.~~

(F) “Accredited sponsor” means any provider who receives approval of the ~~Board through the Committee~~ to conduct continuing legal education activities that satisfy the requirements of this Article.

(G) “CLE Credit Hours” means the actual amount of instruction time for an accredited continuing legal education activity expressed in terms of hours rounded to the nearest one-quarter hour. The number of CLE credit hours shall be based on ~~60~~ sixty (60) minutes of instruction per hour, unless otherwise specified herein.

(I) ~~“MCLE”~~“MCLE Annual Verification Report” means the written report containing a listing of all CLE credit hours recorded in a member’s MCLE compliance record for a an MCLE compliance year. This report shall be furnished to each member annually by the MCLE Department.

(K) “MCLE compliance record” means the official record of a member’s CLE credit hours earned during any MCLE compliance year that shall be maintained by the MCLE Department and ~~sued~~ used to verify a member’s compliance with the MCLE requirements. It shall be the responsibility of each member to ensure that his/her MCLE compliance record is accurate and complete.

(L) "MCLE compliance year" means the ~~12-twelve~~ (12) month period that begins each year on the first day of an attorney's birth month and ends on the last date of the month that immediately precedes the attorney's birth month in the following year.

Section 3. Committee on Minimum Continuing Legal Education

(A) There is hereby established the Committee which shall be composed of twelve (12) members. Nine (9) of the members shall be residents of this State who are active members of the State Bar, at least two (2) of whom shall be under the age of ~~36~~ thirty-six (36) years as of June 1 of the year being appointed. Of the nine (9) attorney members, not more than two (2) shall be judges. The remaining three (3) members of the Committee shall be residents of this ~~state~~ State who are not attorneys. ~~The initial members of the Committee shall be appointed by the President Elect of the State Bar, with the approval of the Board, to begin service at the beginning of the bar year during which he or she will be President. Of the original twelve appointments, four members shall serve for one year; four members shall serve for two years; and four members shall serve for three year terms.~~ The President-Elect, with the approval of the Board, shall appoint any Committee members whose term will begin at the beginning of the bar year during which he or she will be President. Should a vacancy on the Committee occur during the bar year, the President, with the approval of the Board, shall appoint a successor to fill the unexpired term. Each member of the Committee shall continue to serve until his or her successor is appointed and qualified. The President-Elect shall designate one (1) of the attorney members of the Committee to serve as chairperson during his or her term as President. The Board may remove a member of the Committee for good cause. No Committee member shall be appointed for more than two (2) terms. Committee members shall serve without compensation, but shall be reimbursed for reasonable and necessary expenses incurred in the performance of their official duties.

(C) The Committee, subject to these rules and such regulations as it may propose and may be adopted by the Board, shall administer the program of minimum continuing legal education established by this Article. It may propose regulations and prepare forms not inconsistent with this Article pertaining to its function and modify or amend the same from time to time. All such regulations, forms, modifications or amendments shall be submitted to the Board for approval, and, upon such approval, shall be published in the Texas Bar Journal.

Section 4. Accreditation

(B) Self-study credit may be given for viewing videotapes, listening to audiotapes, reading written material ~~or,~~ attending organized in-office educational programs, or such other activities as may be approved by the ~~Board through the~~ Committee. No more than five (5) hours of credit may be given during any reporting period for self-study activities. Time spent viewing videotapes as an

organized CLE activity approved by the Committee counts as conventional continuing legal education and is not subject to the self-study limitation.

(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.

(J) Credit, not to exceed thirty (30) hours in any reporting 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 number of credit hours awarded for the course by the law school. actual number of hours of class instruction time the member is in attendance at the law school course.

Section 6. Minimum Educational Requirements

(A) Every member shall complete fifteen (15) hours of continuing legal education during each reporting period as provided by this ~~article~~ Article. No more than ~~5 hours~~ five (5) credit hours may be given for self-study activities during any reporting period.

(B) At least ~~one hour~~ three (3) hours of the fifteen (15) hours shall be devoted to legal ethics/professional responsibility subjects.

(D) Accredited continuing legal education and self-study completed within a one (1) year period immediately preceding a member's initial reporting period may be used to meet the educational requirement for the initial year.

(E) Accredited continuing legal education and self-study completed during any reporting period in excess of the minimum fifteen (15) hour requirement for such period may be applied to the following period's requirement. This carryover provision applies to one (1) year only.

Section 7. Credit Computation

~~(D) Credit for approved law school course attendance shall be based on the number of credit hours awarded by the law school.~~

Section 8. Compliance

(A) On or about the beginning of month ten (10) of each MCLE compliance year, the Director shall cause to be ~~mail~~ mailed a preliminary MCLE Annual Verification Report to each member for whom said MCLE compliance year applies, who is not in one of the exempt or special case categories, and whose MCLE compliance record shows that the minimum CLE credits for said MCLE compliance year have not yet been obtained. If the Report does not accurately and completely reflect a member's CLE credits, then it should be annotated in accordance with the instructions on the Report and returned to the MCLE Department. However, a member is not subject to fine or suspension for failure to file or correct this report.

(B) The Director shall cause to be mailed an MCLE Annual Verification Report to each member on or about the first day of the month in which such member's birthday occurs ~~unless such member occupies one of the exempt or special case categories~~. Such MCLE Annual Verification Report shall be for the MCLE compliance year that ended immediately prior to said birth month.

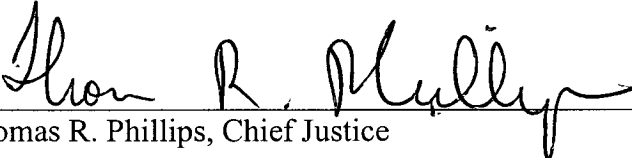
(D) On or about the ~~15th~~ fifteenth (15th) day of the month immediately following a member's birth month, the Director shall cause to be mailed a written notice to all members who are in non-compliance for the MCLE Compliance year just ended to advise such members of their non-compliance status. Such notice shall be mailed to each member at ~~his/her~~ his or her preferred and alternate (if any) mailing addresses that are then on file with the Membership Department of the State Bar.


Section 9. Review and Appeal

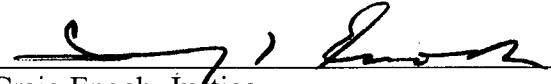
(C) Should the decision of the Committee be adverse to the member, the member may request the Board of Directors of the State Bar to review the decision by making such request in writing to the Executive Director of the State Bar within thirty (30) days of notification of the decision of the Committee. 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.


(D) Should the decision of the Board ~~to be~~ 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 ~~suite~~ 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 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.

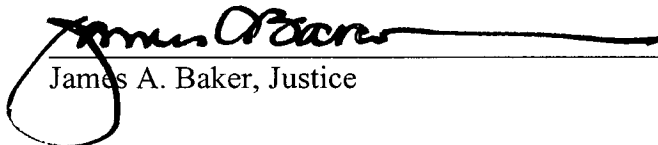
Signed this 28th day of August, 2001.

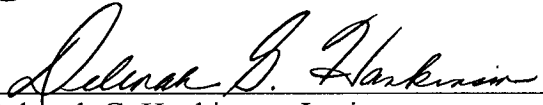

Thomas R. Phillips, Chief Justice

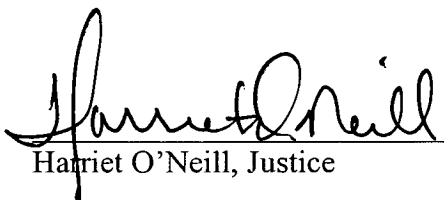

Nathan L. Hecht, Justice

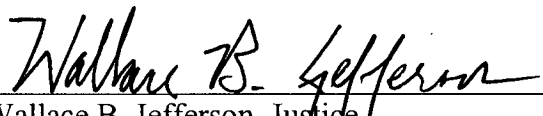

Craig Enoch, Justice


Priscilla R. Owen, Justice


James A. Baker, Justice


Deborah G. Hankinson, Justice


Harriet O'Neill, Justice


Wallace B. Jefferson, Justice

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