

OCDL SPOTLIGHT

MCLE — It's Time Again

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It's that time again. MCLE Annual Reports are due by July 31, 2003. All required credits for the reporting period should be completed by June 30, 2003.

Lawyers practicing in Missouri should be familiar with the requirements of Supreme Court Rule 15, Continuing Legal Education. If you are not otherwise exempt from the requirement to complete 15 hours of continuing legal education and you fail to comply with the mandate of Rule 15, you are subjecting your license to possible discipline.

Rule 15.05 requires lawyers to:

- Complete *and* report
- during each reporting period
- at least fifteen (15) credit hours
- of accredited programs and activities
- Complete at least three (3) credit

hours of accredited programs and activities devoted exclusively to professionalism, legal or judicial ethics or malpractice prevention. (These three hours must be completed within a specified three-year period and may be used to satisfy the 15-hour requirement.)

The Missouri Bar has the supervisory authority to administer the requirements of Rule 15. Compliance forms should be sent to The Missouri Bar, not the Office of Chief Disciplinary Counsel. Failure to either complete the necessary CLE hours or report those hours can result in a lawyer's non-compliance being reported to the Office of Chief Disciplinary Counsel by The Missouri Bar. Our office routinely contacts lawyers who are listed as not in compliance with CLE requirements. When there is reason to believe they are practicing law in Missouri or holding themselves out as active practicing lawyers in Missouri, lawyers are requested to explain their apparent non-compliance with Rule 15.

Because the Office of Chief Disciplinary Counsel does not administer Rule 15, our office will request that the lawyer directly contact The Missouri Bar to correct any error in recording compliance or to establish a plan to comply with the mandate of Rule 15. Once the Office of Chief Disciplinary Counsel has contacted the lawyer, our office should be kept informed by the lawyer of the status of the CLE delinquency and any plan to satisfy such delinquency. Failure to respond to an Office of Chief Disciplinary Counsel inquiry regarding a lawyer's CLE, including a request to keep the Office of Chief Disciplinary Counsel updated on the status of efforts to complete the necessary MCLE credit hours, could result in a separate violation of Rule 4-8.1(b) of the Rules of Professional Conduct.

WHY SHOULD LAWYERS COMPLY WITH RULE 15?

The Supreme Court of Missouri has determined that continuing legal education is important and lawyers should stay abreast of developments in the law. Not enough incentive to comply? How about the unauthorized practice of law? Rule 4-5.5(c) provides that a lawyer shall not practice law in Missouri if a lawyer, subject to Rule 15, has failed to comply with Rule 15 and The Missouri Bar has referred that lawyer's name to the Office of Chief Disciplinary Counsel.

Failure to comply with Rule 15 can put your bar license in jeopardy, affect the representation of your clients, and cost you time and money, including payment to The Missouri Bar of a late filing fee as an additional requirement to comply with Rule 15.

Since 2001, at least 13 admonitions have been issued to lawyers for violation of Rule 4-5.5(c). As recently as May 27, 2003 the Supreme Court of Missouri suspended the license of a lawyer for violation of several Rules of Professional Conduct, including Rule 4-5.5(c).

Each lawyer actively practicing law in Missouri is required to complete 15 hours of continuing legal education during the reporting period commencing July 1 and concluding June 30. Even if a lawyer has 15 carry-over hours from the preceding reporting period, an annual report must be filed.

Exceptions to the requirements of Rule 15 exist. Although the exemptions will not apply to the majority of lawyers licensed in Missouri, a lawyer who believes he or she is exempt should review Rule 15. Lawyers who believe they are exempt should keep in mind they may need to file an annual report by July 31 of each year and claim the appropriate exemption.

The Missouri Bar has an excellent discussion regarding the requirements of, and exemptions to, Rule 15 on its website at www.mobar.org. If you have any questions regarding Rule 15, you should contact The Missouri Bar at 573-638-2233.

CONCLUSION

Whether you believe that MCLE is a valuable learning experience, a necessary evil or a waste of time, the fact remains the Supreme Court Rules require a lawyer to complete and report MCLE hours for each reporting period. Failure to do so can result in disciplinary action against a lawyer.