

OCDC SPOTLIGHT

MCLE — It's Time Again

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Office of Chief Disciplinary Counsel

MCLE Annual Reports are due by July 31, 2005. All required credits for the reporting period should be completed by June 30, 2005.

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 of completing 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; and
 - 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. Failure to either complete the necessary CLE hours or report those hours can result in a lawyer's non-compliance being reported by The Missouri Bar to the Office of Chief Disciplinary Counsel. Our office has routinely contacted 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, the Office of Chief Disciplinary Counsel has requested lawyers to explain their apparent non-compliance with Rule 15.

HAVE YOU HEARD THIS ONE LATELY?

- I completed the MCLE hours but didn't know I had to report them.
- My secretary is responsible for completing the compliance form but she failed to submit it.
- I completed my MCLE requirements and I thought the sponsors of the CLE sent verification of my hours to the bar.

Each lawyer actively practicing law in Missouri is required to complete and report 15 hours of continuing legal education during the reporting period commencing July 1 and concluding June 30. Even if a lawyer has 15 carryover 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 that they may still need to file an annual report by July 31 of each year and claim the appropriate exemption.

Each lawyer is responsible for compliance with Rule 15. If you complete the necessary hours, make sure they get reported to The Missouri Bar in time.

WHY SHOULD LAWYERS COMPLY WITH RULE 15?

The Supreme Court of Missouri has determined that continuing legal education is important, and lawyers

should stay informed 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 the lawyer is subject to Rule 15, but 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.

NEED MORE INCENTIVE?

On February 3, 2005 the Supreme Court of Missouri adopted a new subdivision (f) of Rule 15.06, effective July 1, 2005. The adoption of this new subdivision will certainly impact lawyers who fail to comply with the requirements of Rule 15.

The Supreme Court of Missouri has provided even more incentive to complete those MCLE hours: automatic suspension.

The new subsection (f) provides:

The Missouri Bar shall annually report to 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 chief

disciplinary counsel or the Commission. Such lawyer's license may be reinstated as provided in Rule 5.28.

The requirement that The Missouri Bar annually report lawyers not meeting the requirements of Rule 15 is not new. What is new is the fact a lawyer's license to practice law in Missouri will be automatically suspended. It is anticipated the automatic suspension will become effective upon receipt of the list from The Missouri Bar to the Office of Chief Disciplinary Counsel for those lawyers who have not complied with the

requirements of Rule 15 for the reporting period of 2004-2005.¹

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.²

The Missouri Bar has an excellent discussion regarding the requirements of and exemptions of Rule 15 on its website at www.mobar.org. If you have

any questions regarding Rule 15, you can contact the Missouri Bar at 573-638-2233.

Footnotes

¹ The reporting period commencing July 1, 2004 and ending June 30, 2005. The list is received by the Office of Chief Disciplinary Counsel in the early part of the year following completion of the reporting period; early 2006 for the reporting period of 2004-2005.

² *In re Shelhorse*, 147 S.W.3d 79 (Mo. banc 2004).

NEWS TO USE

DEPARTMENT OF REVENUE INITIATES VOICE SYSTEM FOR OBTAINING DRIVER INFORMATION

On April 1, 2005, the Missouri Department of Revenue, Driver and Vehicle Services Bureau (DBSB), implemented an Interactive Voice Response (IVR) system for obtaining driver record and driver license reinstatement information 24 hours a day/seven days a week. The IVR system offers customers' answers to the following questions:

- What traffic tickets are on a person's driver record?
 - What license suspensions or revocations are on a person's driver record?
 - How can a person reinstate his/her driver license?
 - Where can a person go to complete a Substance Abuse Traffic Offender Program?
- The automated system also provides general information regarding the DVSB's mailing address, e-mail address,

fax numbers, office hours and location, who to make checks payable to for submitting reinstatement fees, and how to purchase a copy of a driving record. All information provided by this system is open to the public, as personal information from the driver's record is not available through this system.

Call (573) 526-2407 to learn more about how easy it is to obtain this information.

**Been in practice for awhile, but would like to have
a mentor to help you improve your practice?**



**For more information, contact The Missouri Bar Mentoring Program at
573-638-2262 or visit our website at www.mobar.org .**