
IN THE SUPREME COURT

STATE OF UTAH

STATE OF UTAH	:	PETITION FOR MODIFICATION
SUPREME COURT	:	OF RULES AND REGULATIONS
BOARD OF CONTINUING	:	GOVERNING MANDATORY
LEGAL EDUCATION	:	CONTINUING LEGAL
	:	EDUCATION FOR THE STATE
	:	OF UTAH

Pursuant to Article II, Sections 1 (f) of the By-Laws of the State of Utah Supreme Court Board of Continuing Legal Education, as amended, the Board of Continuing Legal Education (the “Board”) hereby petitions the Court to amend Rule 14-404(a), Rule 14-404(b), Rule 14-404(c), Rule 14-414 (a) and Rule 14-414(b)(2) of the Rules and Regulations Governing Mandatory Continuing Legal Education for the State of Utah (the “Rules”) to be amended as follows:

Rule 14-404. Active Status Lawyers: MCLE, NLCLE and admission on motion requirements.

- (a) Active status lawyers. Commencing with calendar year 2009, each lawyer admitted to practice in Utah shall complete, during each two fiscal year period (July 1st through June 30th), a minimum of 24.0 hours of accredited CLE which shall include a minimum of three hours of accredited ethics or professional responsibility. One of the three hours of ethics or professional

responsibility shall be in the area of professionalism and civility. Lawyers on inactive status are not subject to the requirements of this rule.

Commencing with calendar year 2009, each active status lawyer who complies on the even year compliance cycle, will for the first reporting cycle only, be required to complete the mandatory CLE hours by June 30, 2010. With the implementation of the new reporting cycle, lawyers on the even year compliance cycle will have 18 months to complete the mandatory requirement. For the first reporting cycle only, the CLE requirement will be reduced to eighteen (18.0) hours of accredited CLE which shall include a minimum of two (2.0) hours of accredited ethics or professional responsibility. One of the hours of ethics or professional responsibility shall be in the area of professionalism and civility. Lawyers on inactive status are not subject to the requirements of this rule. Commencing with year 2010, each lawyer admitted to practice in Utah shall complete during each two fiscal year period, (e.g., July 1, 2010 through June 30, 2012) a minimum of 24.0 hours of accredited CLE which shall include a minimum of three hours of accredited ethics or professional responsibility. One of the three hours of ethics or professional responsibility shall be in the area of professionalism and civility. Lawyers on inactive status are not subject to the requirements of this rule.

Commencing with calendar year 2010, each active status lawyer who complies on the odd year compliance cycle, will for the first reporting cycle only, be required to complete the mandatory CLE hours by June 30, 2011. With the implementation of the new reporting cycle, lawyers on the odd year compliance

cycle will have 18 months to complete the mandatory requirement. For the first reporting cycle only, the CLE requirement will be reduced to eighteen (18.0) hours of accredited CLE which shall include a minimum of two (2.0) hours of accredited ethics or professional responsibility. One of the hours of ethics or professional responsibility shall be in the area of professionalism and civility. Lawyers on inactive status are not subject to the requirements of this rule. Commencing with year 2011, each lawyer admitted to practice in Utah shall complete, during each two fiscal year period, (e.g., July 2011 through June 30, 2013) a minimum of 24.0 hours of accredited CLE which shall include a minimum of three hours of accredited ethics or professional responsibility. One of the three hours of ethics or professional responsibility shall be in the area of professionalism and civility. Lawyers on inactive status are not subject to the requirements of this rule.

On or about June 1st of each year, a reminder letter and Certificate of Compliance will be included with the Utah State Bar Licensing Form information packet, which will be mailed to Utah State Bar members who have a compliance period ending on the next June 30th.

On or before July 31st of their reporting year, each lawyer shall file with the Board a Certificate of Compliance evidencing the lawyer's completion of accredited CLE courses or activities which the lawyer has completed during the applicable reporting period.

In August, a certified, return receipt request letter shall be mailed to

each Utah State Bar member who has failed to complete the MCLE requirements by the June 30 deadline and failed to file his/her Certificate of Compliance by the July 31 deadline. This letter gives the Utah State Bar member 30 days to complete the MCLE requirement before the MCLE Board submits a letter to the Utah Supreme Court requesting MCLE suspension.

In September, the Board shall submit a letter to the Utah Supreme Court requesting that the Court approve the change of status for Emeritus Bar members from “Active Emeritus” to “Inactive Emeritus” for those Emeritus Bar members who did not complete the required number of hours (12), or did not request a waiver of the CLE requirements. Secondly, the Board will request that the Utah Supreme Court approve the change of status from “Active Status” to “MCLE Suspension” for those Bar members who did not comply with the continuing legal education requirements and did not file any documentation with the Utah State Board of CLE disclosing facts justifying their non-compliance.

(b) NLCLE. A lawyer who fulfills the requirements of the NLCLE program shall be deemed to have satisfied the accredited MCLE requirements of this rule for the period ending June 30 of the second complete year following the lawyer’s year of admission to the Bar. New admittees admitted under the Bar’s full exam shall meet their first two-year requirement through the NLCLE program by:

(b)(1) attending the mandatory NLCLE ethics seminar which is offered at least annually by the Bar;

(b)(2) accruing 12 credit hours of approved live NLCLE courses sponsored by the Bar; and

(b)(3) accruing 12 credit hours of approved CLE.

Paragraph (b)(1) can be waived if the lawyer resides out-of-state.

Paragraph (b)(2) can be fulfilled by self-study if the lawyer resides outside of Salt Lake County.

(c) Admission on motion lawyers. A lawyer who fulfills the requirements by admission on motion as prescribed in Rule 14-705 shall be deemed to have satisfied the accredited MCLE requirements of this rule for the reporting period ending June 30 of the second complete fiscal year following the lawyer's year of admission. In addition, the lawyer must complete and certify no later than six months following the lawyer's admission that he or she has attended at least 15 hours of NLCLE on Utah practice and procedure and ethics requirements as follows.

(c)(1) Nine credit hours must be comprised of NLCLE courses

(c)(2) Six credit hours must be comprised of the professional ethics course presented in OPC's ethics school.

(c)(3) Twelve of the 15 hours may be completed through self-study through the Bar's online CLE system. The above 15 hours will apply toward the 24 hours required per two-year compliance period. The Board of Bar Commissioners may

specify the number of the required 15 hours that must be in particular areas of practice, procedure and ethics.

Rule 14-414. Certificate of compliance, filing, late, and reinstatement fees; suspension; reinstatement.

(a) Certificate of Compliance. On or before July 31 of alternate years, each lawyer subject to MCLE requirements shall file a certificate of compliance with the Board, in such form as the Board shall prescribe, evidencing the lawyer's completion of accredited CLE courses or activities ending the preceding 30th day of June. The certificate of compliance shall include the title of programs attended, or the audio or video presentation, the computer interactive telephonic program viewed or listened to, the sponsoring entity, the number of hours in actual attendance at each program, or the number of hours of such audio or video presentation, and other information as the Board shall require.

(b) Filing Fee, late fees and reinstatement fees

(2) Any lawyer who fails to complete the MCLE requirement by the June 30, deadline shall be assessed a \$100.00 late fee.

The amendments to Rule 14-404(a), Rule 14-404(b), Rule 14-404(c), Rule 14-414(a), and Rule 14-414(b)(2) of the Rules articulate the intention to coordinate the mandatory CLE compliance cycle to coincide with the Utah State Bar licensing cycle. The Board of CLE and the Utah State Bar feel that by allowing lawyers to complete both MCLE compliance and Bar licensing at the same time will be beneficial to lawyers, Board of CLE staff and Utah State Bar staff. A copy of the proposed rules as amended is attached hereto as an exhibit and made a part hereof by this reference.

Summary

The Board believes that the requested modifications in the Rules will draw the attention of Bar members to the commitment of the Utah State Bar and Utah Judiciary to continued improvement of the quality of legal services available in Utah. The Board hopes that the requested modifications in the Rules to allow changing the CLE compliance deadline from December 31 to June 30 will ease the year end rush. By making the change in compliance dates, Bar members can complete and file CLE compliance information in conjunction with the Utah State Bar annual licensing renewal process.

Finally, the Board is hopeful that with this change, the MCLE department's efforts to administer and enforce CLE compliance will be more streamlined, and will be more efficient for Bar members by sending compliance information and licensing renewal information under the same mailing.

RESPECTFULLY SUBMITTED this _____ day of _____ 2008.

Chair