

Rules for Mandatory Continuing Legal Education

Rule 2.

Scope and exemptions.

A. These Rules shall apply to every person whose qualification to practice law is subject to *Code of Alabama*, 1975, Section 40-12-49.

B.1. An attorney who has reached the age of 65 years or an attorney who has reached the age of 62 years and is receiving Social Security retirement benefits, is exempt from the continuing legal education (CLE) requirement of these rules.

B.2. An attorney is exempt from the requirement of these rules for the year during which he or she was first admitted to practice.

C.1. All persons who are by Constitution, law or regulation prohibited from the private practice of law by virtue of their occupation of public office shall be exempt from these rules during each calendar year during which they hold such office; also exempt are members of the United States Senate, the United States House of Representatives, the Armed Forces, the Senate of Alabama and its secretary and the Alabama House of Representatives and its clerk.

C.2. In any event, however, assistant or deputy attorneys general and district attorneys, assistant or deputy district attorneys, and public defender are not so exempt, and Rule 2.C.1. shall have no application to them.

[Adopted 3-20-1981; Amended 9-1-1981; Amended 1-26-1983; Amended 6-14-1983; Amended 1-22-1991; Amended eff. 1-9-2004.]

REGULATIONS

2.1 Nonresident attorneys from other jurisdictions who are temporarily admitted to practice for a case or proceeding shall not be subject to these rules.

2.2 An attorney who is exempt from the requirement on the basis of age may endorse and claim the exemption on the annual report as provided under Regulation 5.1. This exemption shall extend from and include the calendar year in which he or she becomes sixty-five (65) years of age.

2.3 An attorney who is exempt during the calendar year in which he or she was first admitted to the Alabama State Bar may endorse and claim the exemption on the annual report required by Rule 5. Credits earned during the calendar year of admission may be carried over to the next compliance year if attorney reports them on the annual report of compliance no later than January 31. Credits earned prior to admission date to the Alabama State Bar may not be claimed.

2.4 Special, nonpracticing members, as defined in Sections 34-3-17 and 34-3-18 *Code of Alabama* (1975), are not subject to the CLE requirement, subject to the provisions of Regulation 2.5., except as provided in Rule 2.C.2., Rules for Mandatory Continuing Legal Education.

2.5 Attorneys who hold an occupational license during any part of a calendar year are required to earn and report twelve (12) hours of continuing legal education, 1 hour of which shall be ethics or professionalism, by December 31 of the year the license is held, even if attorney has changed to special status or inactive status or recently changed from special status or inactive status, except as provided in Rule 2.C.1.

2.6 Attorneys serving as judicial law clerks or judicial staff attorneys who are prohibited from the private practice of law for any part of a calendar year are exempt from the CLE requirement.

2.7 An attorney who resides and maintains a principal office for the practice of law in another state that requires Mandatory Continuing Legal Education (MCLE) and who can demonstrate compliance with the MCLE requirements of his or her principal state of practice is exempt from these rules, except as provided in Rules 5 and 9. [Amended eff. 12-4-1998; 1-9-2004; 3-9-2007.]

Note from the reporter of decisions: The order adopting Regulation 2.7 to Rule 2 and amending Rule 2.C.2., Rule 3, Rule 5.B., Rule 6.A., and Rule 6.B., effective January 9, 2004, is published in that volume of *Alabama Reporter* that contains Alabama cases from 862 So.2d.

Note from the reporter of decisions: The order amending Rule 6.B. and Regulation 2.7 to Rule 2, effective March 9, 2007, is published in that volume of *Alabama Reporter* that contains Alabama cases from 949 So.2d.