

## **Rules for Mandatory Continuing Legal Education**

### **Rule 3.**

#### **CLE Requirement.**

Each attorney admitted to practice in this state whose qualification to practice law is subject to *Code of Alabama* (1975), Section 40-12-49, shall attend, or complete an approved substitute for attendance, a minimum of 12 actual hours of approved continuing legal education, 1 hour of which shall be ethics or professionalism, each calendar year, beginning January 1, 2004.

[Adopted 3-20-1981; Amended 2-22-1983; Amended eff. 1-9-2004.]

#### **REGULATIONS**

3.1 Attorneys who have a permanent physical disability which makes attendance of CLE programs inordinately difficult may file a request for a permanent substitute program in lieu of attendance and shall therein set out continuing legal education plans tailored to their specific interests and physical abilities. Such request shall be accomplished by a physician's statement addressing the necessity for such a program. The commission shall review and approve or disapprove such plans on an individual basis and without delay. Rejection of any requested substitute for attendance will be reviewed as provided in Rule 6. prior to any sanction being imposed.

3.2 Other requests for substituted compliance, partial waivers or other exemptions for hardship or extenuating circumstances may be granted by the commission upon written application of the attorney and may likewise be reviewed as provided in Rule 6. Requests based on physical limitations shall be accompanied by a physician's statement addressing the attorney's inability to meet the CLE requirement in the usual manner.

3.3 Credit will be given only for continuing legal education activities approved by the commission. Such approval normally must be sought and granted at least 30 days prior to the occurrence of the activity but may be given retroactively. No program submitted more than 60 days after December 31 of the compliance year will be approved.

3.4 Credit may be earned through teaching in an approved continuing legal education activity. Presentations accomplished by thorough, high quality, readable and carefully prepared written materials qualify for CLE credit on the basis of six (6) credits for each hour of presentation. Presentations accompanied by one or two page outlines, or not accompanied by written materials, do not qualify for extra credit. When a presentation is made by a panel, the credit will be divided equally among the panel members, unless they advise the Commission otherwise.

Repeat presentations qualify for half the credits available for an initial presentation, provided each lawyer shall receive at least one (1) credit for each hour of individual presentation or service on a panel.

Credit also may be earned through teaching a course in an ABA or AALS approved

law school or any other law school approved by the commission. The commission will award six (6) hours of CLE credit for each hour of academic credit awarded by the law school for the course. For purposes of these rules, Jones School of Law, Miles College of Law and Birmingham School of Law are considered approved.

3.5 The number of hours required means that the attorney must actually attend twelve (12) instructional hours of CLE per year with no credit given for introductory remarks, meal breaks or business meetings. An instructional hour will, in all events, contain at least sixty (60) minutes.

3.6 Hours of credit in excess of the minimum annual requirement may be carried forward and applied to succeeding calendar year's requirement only; however such hours must be reported on the annual report of compliance for the year in which they were completed and must be designated as hours to be carried forward.

3.7 Credit may be earned through service as a bar examiner in Alabama or in any of the sister states. The commission will award twelve (12) hours of CLE credit annually for the preparation and grading of one or more bar examination questions during a given year.

3.8 Credit may be earned through formal enrollment and education of a postgraduate nature, either for credit or by audit, in an accredited law school. The commission will award one (1) credit for each hour of class attendance.

3.9 Any bar member earning fifty (50) or more credits in a given year, excluding credits brought forward from the previous year and teaching credits earned, shall qualify for a continuing legal education recognition award. (Amended eff. 1-1-1993; 12-4-1998.)

**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.