

Alabama Rules of Disciplinary Procedure

Rule 10.

Noncompliance with the Alabama state bar mandatory continuing legal education rules.

(a) *Suspension for Noncompliance.*

- (1) A lawyer is subject to the continuing legal education (CLE) requirement of Rule 3, Alabama State Bar Rules for Mandatory Continuing Legal Education, and to the professionalism requirement of Rule 9.A, Alabama State Bar Rules for Mandatory Continuing Legal Education, and will be deemed to not be in compliance with those rules if the lawyer:
 - (A) Fails to earn twelve (12) approved CLE credits by December 31 of a particular year;
 - (B) Fails to certify an annual report of compliance as required by Rule 7, Alabama State Bar Rules for Mandatory Continuing Legal Education;
 - (C) Fails to complete an approved plan for making up CLE credit deficiencies as required by Rule 8, Alabama State Bar Rules for Mandatory Continuing Legal Education; or
 - (D) Fails to complete the professionalism course as required by Rule 9.A, Alabama State Bar Rules for Mandatory Continuing Legal Education.
- (2) As soon as is practicable after January 31 of each year, the Chairman of the Commission on Continuing Legal Education shall furnish to the Secretary of the Alabama State Bar the list of those lawyers deemed not in compliance with Rule 3, Alabama State Bar Mandatory Continuing Legal Education Rules and Regulations.
- (3) As soon as is practicable after the first anniversary of the lawyer's admission to the Bar or of a lawyer's being licensed to practice law in Alabama, the Chairman of the Commission on Continuing Education shall furnish to the Secretary of the Alabama State Bar the list of those lawyers deemed not in compliance with Rule 9, Alabama State Bar Mandatory Continuing Legal Education Rules and Regulations.
- (4) The Chairman of the Disciplinary Commission shall then serve, by certified

mail, each lawyer whose name appears on the lists compiled pursuant to paragraphs (a)(2) and (a)(3) above with an order to show cause, within sixty (60) days, why the lawyer's license should not be suspended at the expiration of the sixty (60) days. Any lawyer so notified may, within sixty (60) days, furnish to the Disciplinary Commission an affidavit (a) indicating that the lawyer has complied with the CLE requirement before the expiration of the sixty (60) days, or (b) indicating that the attorney has completed the professionalism course required by Rule 9.A., or (c) setting forth a valid excuse for failure to comply with either requirement because of illness or other good cause. Payment of a fee in the amount of \$300.00 must accompany the affidavit. This sum is in addition to all late fees incurred before compliance.

- (5) At the expiration of sixty (60) days from the date of the order to show cause, the Disciplinary Commission shall enter an order suspending the license to practice law of each lawyer who fails to file an affidavit satisfactory to the Disciplinary Commission as described in paragraph (4) above.

(b) *Reinstatement.*

- (1) At any time within ninety (90) days after the order of suspension, a lawyer may file with the Disciplinary Commission an affidavit indicating compliance with Rule 3 or Rule 9.A., Alabama State Bar Rules for Mandatory Continuing Legal Education, and, if the affidavit is satisfactory to the Disciplinary Commission, the Disciplinary Commission shall forthwith enter an order reinstating the lawyer.
- (2) If a lawyer has been suspended by the Disciplinary Commission for more than ninety (90) days, the lawyer shall be required to file with the Disciplinary Board an affidavit, as described in paragraph (a)(3) above, together with a petition for reinstatement as provided in Rule 28 of these Rules and Appendix A to these Rules.

(c) *Appeals.*

A lawyer may appeal to the Disciplinary Board from an order of suspension or an order denying reinstatement entered by the Disciplinary Commission. Additionally, an affected lawyer may appeal the action of the Disciplinary Board to the Alabama Supreme Court in accordance with the procedure set out in Rule 12(f) of these Rules.

[Amended eff. 9-1-99; Amended 9-20-2016, eff. 1-1-2017.]

Note from the reporter of decisions: The order amending Rule 10, effective September 1, 1999, is published in that volume of *Alabama Reporter* that contains Alabama cases from 736 So.2d.

Note from the reporter of decisions: The order amending Rule 8(a) and (b), Rule 10(a) and (b), Rule 17(f), Rule 18, Rule 26(h)(2), Rule 28(e), and Appendix A, Ala. R. Disc. P., effective January 1, 2017, is published in that volume of *Alabama Reporter* that contains Alabama cases from ___ So. 3d.