

Rules for Mandatory Continuing Legal Education

Rule 2.

Scope of rules; waivers and exemptions.

A. *Scope*

Except as provided herein, these rules shall apply to every person whose qualification to practice law is subject to the Code of Alabama 1975, § 40-12-49 (occupational licenses), § 34-3-17 (qualified lawyers holding public office), and § 34-3-18 (lawyers not engaged in active practice), and shall be applicable for the compliance year beginning January 1, 2013.

B. *Waivers*

The MCLE Commission may waive the requirements of these rules for a period of one year or longer, upon a finding of undue hardship or of extenuating circumstances beyond the control of the attorney seeking such waiver, which prevent him or her from complying in any reasonable manner with these rules. Upon expiration of the waiver, the MCLE Commission may impose additional mandatory-continuing-legal-education ("MCLE") requirements as may be deemed appropriate under the circumstances.

C. *Exemptions*

1. **New Admittee.** An attorney holding an occupational license is exempt from the requirements of these rules for the balance of the year during which he or she was first admitted to practice.

2. **Public Office.** All attorneys who by Constitution, law, or regulation are prohibited from the private practice of law by virtue of their occupation of public office shall be exempt from these rules for the entire calendar year(s) 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). This exemption DOES NOT apply to those

attorneys serving as assistant or deputy attorneys general and district attorneys, assistant or deputy district attorneys, and public defenders.

3. **Age.** An attorney holding an occupational license is exempt from the requirements of these rules for the year in which he or she begins receiving Social Security benefits or reaches the age of 65, whichever occurs first.

[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; Amended 4-26-2012, eff. 1-1-2013; Amended 9-20-2018.]

REGULATIONS

2.1. Nonresident attorneys from other jurisdictions who are temporarily admitted to practice in Alabama pursuant to Rule VII of the Rules Governing Admission to the Alabama State Bar (pro hac vice rules) shall not be subject to these rules.

2.2. An attorney who is exempt during the calendar year in which he or she was first admitted to the ASB may earn up to 12 MCLE credits during the calendar year of admission, which may be carried over to the next compliance year if the attorney reports the credits on his or her annual report of compliance no later than February 15. Credits earned prior to the attorney's admission date to the ASB may not be claimed.

2.3. 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 MCLE requirement for that year.

2.4. An attorney who is exempt from these rules on the basis of age shall notify the MCLE Commission in writing of his or her claim of such exemption.

2.5. Special members of the ASB are not subject to the MCLE requirement except as provided in Rule 2.C.2.

2.6. An attorney seeking a waiver of these rules shall submit such request in writing on forms approved by the MCLE Commission.

2.7. An attorney who maintains a residence and a principal office for the practice of law in a state other than Alabama that requires MCLE and who can demonstrate compliance with the MCLE requirements of that state is exempt from these rules, except as provided in Rules 7 and 9. Any attorney claiming this exemption shall submit an affidavit to the MCLE Commission, in such form as its executive director shall prescribe, accompanied by a filing fee of \$25.00.

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.

Note from the reporter of decisions: The order amending the Alabama State Bar Rules for Mandatory Continuing Legal Education is published in that volume of *Alabama Reporter* that contains Alabama cases from 84 So. 3d.

Note from the reporter of decisions: The order amending Regulation 2.7 and Regulation 4.1 and adopting Regulation 3.9 effective September 20, 2018, is published in that volume of *Alabama Reporter* that contains Alabama cases from ____ So. 3d.