

**STATE OF MISSISSIPPI
RULES AND REGULATIONS FOR
MANDATORY CONTINUING
LEGAL EDUCATION**

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Revised effective August 1, 1994

RULE 1. CONTINUING LEGAL EDUCATION COMMISSION

a. There is hereby established a Commission on Continuing Legal Education (hereinafter referred to as the Commission) consisting of nine (9) members who are resident members of the Bar of this state. The members shall be appointed by the Mississippi Supreme Court.

b. All appointments shall be for a term of three (3) years. Therefore, there shall be three (3) appointments each year, one from each state Supreme Court district. An appointment to fill any vacancy due to the death, resignation or disability of a member shall be for the unexpired term only.

c. The Commission shall have the following duties:

1. To exercise general supervisory authority over the administration of these rules.
2. To adopt, repeal and amend regulations consistent with these rules.
3. To make available for inspection by the Mississippi Supreme Court all minutes of the Commission, business records, and financial data.

d. **Financing:**

1. Sponsors of CLE programs to be held within the State of Mississippi shall, as a condition of accreditation, agree to remit a list of Mississippi attendees and to pay a fee of one dollar and fifty cents (\$1.50) per credit hour for each State Bar member who attends the program and is subject to mandatory continuing legal education. Such lists and fees shall be submitted to the Commission within thirty (30) days of said program.

2. Individual attorneys who either attend approved CLE programs outside the State of Mississippi, or attend unapproved CLE programs within the State of Mississippi that would have been approved for credit except for failure of the sponsor to pay the fee described in the preceding paragraph, shall pay a fee of one dollar and fifty cents (\$1.50) for each credit hour claimed. Such fees shall accompany the attorney's annual report of compliance to the Commission.

(Amended July 26, 2001)

Regulations

1.1 The Chairman of the Commission shall be elected by the nine (9) voting members of the Commission.

1.2 The Commission shall elect a Vice-Chairman and Secretary from among its members.

1.3 The Commission may organize itself into Committees of not fewer than three (3) voting members for the purpose of considering and deciding matters submitted to them, except five (5) affirmative votes shall be necessary for any action under Rule 6.

1.4 Members of the Commission in the performance of their official duties shall be reimbursed for expenses subject to reimbursement policies set by the Commission.

1.5 The Commission may designate such staff as may be necessary and may further delegate executive authority to such staff to conduct the business of the Commission within the scope of the Rules and Regulations, subject at all times, however, to continual review by the Commission.

RULE 2. SCOPE AND EXEMPTIONS

These rules shall apply to every attorney licensed to practice law in the State of Mississippi, except for the following persons who shall be exempt from the requirement of these rules:

- a. All attorneys shall be exempt from the requirement of these rules for the calendar year in which they are first admitted to practice.
- b. All attorneys licensed to practice law in the State of Mississippi residing outside of the state and not engaged in the practice of law in Mississippi.
- c. All attorneys licensed to practice law in the State of Mississippi residing in the state but not engaged in the practice of law in Mississippi.
- d. All full-time members of the United States Armed Forces.
- e. All of the Justices of the Mississippi Supreme Court, Circuit, Court of Appeals, Chancery, and County Judges, United States Magistrate Judges, Judges of the Bankruptcy Courts and the Judges of the Federal Courts. However, all members of the Judiciary are encouraged to attend and participate in continuing legal education programs.
- f. The Governor of the State of Mississippi.
- g. All members of the United States Senate and the United States House of Representatives.
- h. All members of the bar shall be exempt from the requirement of these rules on and after their seventieth birthday.

Regulations

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

2.2 Any member of the Mississippi State Bar licensed to practice law in the State of Mississippi but not engaged in the practice of law in Mississippi shall endorse and claim the exemption on the Annual Report required by Rule 5.

2.3 Any full-time member of the U.S. Armed Forces shall endorse and claim the exemption on the Annual Report required by Rule 5.

RULE 3. CLE REQUIREMENT

Each attorney licensed to practice law in the State of Mississippi shall attend, or complete an approved substitute for attendance, a minimum of twelve (12) actual hours of approved Continuing Legal Education (“CLE”) during each successive twelve (12) month period (the “CLE year”) from and after August 1 of each year, of which one hour shall be in the area of legal ethics, professional responsibility, professionalism, malpractice prevention, substance abuse or mental health (the “ethics/professionalism hour”).

Regulations

3.1 The number of hours required means that the attorney must actually attend twelve (12) instruction hours of CLE per CLE year, with no credit given for introductory remarks, breaks, meal breaks, keynote or luncheon speakers or business meetings.

3.2 CLE hours shall be computed by the following formula:

$$\frac{\text{Total minutes of actual instruction}}{60} = \text{Total hours} \quad (\text{rounded to nearest } 1/10 \text{ of an hour})$$

3.3 No attorney shall be permitted to claim more than six (6) hours of CLE credit through the use of satellite-transmitted or electronically recorded or reproduced material, even though same is presented by an accredited sponsor. As part of the six (6) hours an attorney may claim up to six (6) hours of CLE credit for telephone seminars and/or approved online programs. Seminars offered by satellite-transmittal, electronic reproduction, telephone or online programs must be approved by the Commission and must comply with Regulation 4.9. Approved online programs further must comply with Regulation 4.10.

3.4 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 ability. 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.

3.5 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.

3.6 No credit will be allowed for self-study, except as specifically approved under Regulation 3.3 for approved on-line programs and Regulation 4.10.

3.7 Twelve (12) hours of credit in excess of the minimum annual requirement may be carried forward for credit in the succeeding CLE year. Such hours must, however, be reported in the annual report of compliance for the CLE year in which they were completed and must be designated as hours to be carried forward. This regulation applies to attorneys claiming exemptions also. Ethics hours in excess of the one-hour requirement for the year may not be carried over to another year as ethics hours, although they may be carried over as regular hours.

3.8 The maximum number of hours which may be claimed for credit in any one seminar is 18.

3.9 Credit may be earned through teaching in an approved continuing legal education activity. Presentations accompanied by thorough, high quality, readable, and carefully prepared written materials will qualify for CLE credit on the basis of six (6) hours of credit for each instructional hour of presentation. Presentations accompanied by one or two page outlines or not accompanied by written materials will qualify for CLE credit on the basis of three (3) hours of credit per hour of presentation. Repeat presentations qualify for one half of the credits available for the initial presentation. A maximum of twelve (12) hours of CLE credit shall be earned from teaching pursuant to these regulations in any CLE year.

3.10 No credit will be allowed for teaching a continuing legal education activity if the instructor is compensated in any manner, excluding reimbursement of reasonable and necessary expenses. Contributions of honorariums to a public service organization such as the Mississippi Bar Foundation shall preclude this regulation.

3.11 Credits may also be earned through authorship of a law journal article on matters of law published by an ABA or AALS approved law school. The Commission will award six (6) hours of CLE credit for each such article published.

3.12 Credit may be earned through service as a member of the Mississippi Board of Bar Admissions or as a bar examiner. The Board of Bar Admissions will be awarded a maximum of six (6) hours of CLE credit per CLE year for writing and grading the Mississippi Essay Examination or for grading either the Multistate Essay Examination or Multistate Performance Test including attendance at the grading seminar, unless compensated for such service excluding reimbursement of reasonable and necessary expenses.

3.12.1 Credit may be earned through service as a member of the Committee on Professional Responsibility, as a member of the Ethics Committee, as a member of the Unauthorized Practice of Law Committee, or as a member of the Professionalism Committee of the Mississippi Bar. A member of the Committee on Professional Responsibility, the Ethics Committee, the Unauthorized Practice of Law Committee, or the Professionalism Committee will be awarded a maximum of one (1) hour of CLE ethics/professionalism credit per CLE year for service on those committees.

3.13 Credit may be earned through formal enrollment for audit or for credit for which regular fees are paid in an ABA or AALS accredited law school. Four (4) hours of CLE credit will be awarded for each credit hour of the particular course audited or taken for credit. A maximum of twelve (12) credit hours per CLE year will be awarded.

3.14 Credit may be earned through formal enrollment in a bar review course approved by the Commission. The attorney must already be admitted to practice in Mississippi or another state. Self-study bar review courses do not qualify for credit. A maximum of twelve (12) credit hours per CLE year will be awarded.

3.15 Credit may be earned through service as a member of the Supreme Court Advisory Committee on Rules. The Commission will award six (6) hours of CLE credit annually for service on this Committee.

3.16 Credit may be earned through service as a member of the Model Civil Jury Instructions Committee or the Model Criminal Jury Instruction Committee. The Commission will award six (6) hours of CLE credit annually for service on these committees.

3.17 Credit may be earned through service as Lieutenant Governor of the State of Mississippi or as a member of the Mississippi Legislature. The Commission will award six (6) hours of CLE credit annually to the Lieutenant Governor and to each attorney who certifies his/her membership in the Mississippi Senate or the House of Representatives.

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

approved law school. The Commission will award six (6) hours of CLE credit for each hour of academic credit awarded by the law school for the course.

3.19 Full-time employees of a governmental department or agency may earn up to twelve (12) hours of credit per year by attending approved CLE activities offered by their governmental department or agency for its employees.

3.20 Part-time employees of a governmental department or agency may earn up to six (6) hours of credit per year by attending approved CLE activities offered by their governmental department or agency for its employees.

[Amended effective August 1, 1995; amended January, 1998; Regulations 3.3 and 3.6 amended effective December 9, 2004, to provide for approved online programs; Regulation 3.12.1 adopted effective December 9, 2004 to allow credit for service on Committee on Professional Responsibility and Ethics Committee of the Mississippi Bar; amended effective January 25, 2007, to add professionalism as an option for CLE credit; amended effective August 1, 2008, to increase the number of hours allowed for telephone seminars and online programs; amended effective July 1, 2009 to allow one (1) hour of CLE ethics/professionalism credit for service on the Mississippi Bar's Unauthorized Practice of Law Committee.]

RULE 4. ACCREDITATION

Credit will be given only for CLE programs approved by the Commission. Such approval normally must be sought and granted prior to the occurrence of the activity, but may be given retroactively.

Regulations

4.1 The following standards will govern the approval of continuing legal education activities by the Commission.

4.2 The activity must be effectively open to all attorneys licensed to practice law in the State of Mississippi, unless offered by a governmental department or agency for employees of the governmental department or agency. By making an application for approval by the Commission, the seminar sponsor consents to the seminar being listed on the calendar of upcoming CLE events disseminated by the Commission.

4.3 The activity must have significant intellectual or practical content and its primary objective must be to increase the participant's professional competence as an attorney.

4.4 The activity must deal primarily with matters related to the practice of law, professional responsibility or ethical obligations of attorneys.

4.5 The activity must be offered by a sponsor having substantial, recent experience in offering continuing legal education or demonstrated ability to organize and present effectively continuing legal education. Demonstrated ability arises partly from the extent to which individuals with legal training or educational experience are involved in the planning, instruction and supervision of the activity.

4.6 The activity itself must be conducted by an individual or group qualified by practical or academic experience. The program, including the named advertised participants, must be conducted substantially as planned, subject to emergency withdrawals and alterations.

4.7 Thorough, high quality, readable, and carefully prepared written materials must be made available to all participants at or before the time the course is presented, unless the absence of such materials is recognized as reasonable and approved by the Commission; mere outline without citations or explanatory notations will not be sufficient. Materials in an electronic format may be acceptable in lieu of printed material as long as the attorney consents to receive such material. Printed material must be made available to those attorneys for whom the electronic format is not satisfactory.

4.8 The activity must be conducted in a physical setting conducive to learning.

4.9 Activities offered by any sponsor must provide a qualified on-site moderator and question-and-answer session. Telephone seminars must be conducted "live," not pre-recorded, and must provide a question-and-answer session. As a minimum the activity must consist of not less than one (1) hour of actual instruction.

4.10 Each online program or online seminar will be reviewed for approval on a case by case basis. The course content, interactivity, as well as the effectiveness of the delivery method will be considered in the approval process. Applications for approval must be submitted by the sponsor and submitted 30 days prior to the beginning date of the program. Applications will not be approved retroactively. Sponsors must be able to verify attorney attendance and the number of hours attended. Attorney attendance must be reported to the Mississippi Commission on CLE immediately following the conclusion of the program.

4.11 Activities that cross academic lines, such as an accounting-tax seminar, may be considered for approval.

4.12 At the conclusion of an approved program or activity, each participating attorney must be given the opportunity to complete an evaluation questionnaire addressing the quality, effectiveness and usefulness of the particular activity. Within thirty (30) days of the conclusion of the activity, a summary of the results of the questionnaire must be forwarded to the Commission. If requested, copies of the questionnaires must also be forwarded to the Commission. Sponsors must maintain the questionnaires for a period of 90 days following a program pending a request for submission of them to the Commission.

4.13 The costs of the program itself to the participating attorney, apart from optional meals, lodging, travel, etc., must be reasonable considering the subject matter, instructional level, etc.

4.14 Continuing legal education activities sponsored by the following organizations (hereinafter referred to as Sponsors) are presumptively approved for credit, provided the standards set out in Regulations 4.1 through 4.13 are met.

Abbott & Weems "Recent Mississippi Law"
Accredited law schools (ABA or AALS)
Alabama Institute for CLE
American Academy of Hospital Attorneys
American Academy of Judicial Education
American Agricultural Law Association
American Association of Railroad Trial Counsel
American Bar Association and Bar Sections
American Bankers Association (legal programs only)
American Business Law Association
American Board of Trial Advocates
American College of Mortgages Attorneys
American College of Trust and Estate Counsel
American College of Real Estate Lawyers
American College of Trial Lawyers
American Corporate Counsel Association
American Institute for Justice
American Institute on Federal Taxation
American Intellectual Property Law Association
American Judicature Society
American Law Institute

American Society for Law and Medicine
Association of Insurance Attorneys
Association of Trial Lawyers of America
Bar Associations of Other States, the District of Columbia, Puerto Rico and Trust Territories
Boackle, K.F.
Bureau of National Affairs
Central Mississippi Legal Services
CLE International
Commercial Law League of America Fund for Public Education
Construction Education Management Corp. (legal programs only)
Copyright Society of the U.S.A.
Council of School Board Attorneys, MS School Boards Association
Court Practice Institute, Inc.
Credit Union National Association, Inc. (legal programs only)
Cumberland School of Law Institute for CLE
Defense Research Institute
East Mississippi Rural Legal Services
Eastern Mineral Law Foundation
Edison Electric Institute
Federal Bar Association
Federal Energy Bar Association
Federal Insurance Counsel
Federal Judicial Center
Federal Publications, Inc.
Food Marketing Institute
Government Institutes, Inc.
Gulf Coast Law Institute
International Association of Defense Counsel
International Association of Insurance Council
Jackson Young Lawyers Association
Law Journal Seminars Press
Legal Education Institute
Legal Sections, agency programs - U.S. and state government
Library of Congress - Legislative Service
Library of Congress (American Law Division)
Louisiana Trial Lawyers Association
Magnolia Bar Association
Maritime Law Association
Medi-Legal Institute
Memphis Bar Association

Mississippi Association of County Board Attorneys
Mississippi Bankruptcy Conference
Mississippi Bar Association, and Bar Sections, Local, County and Regional Bar Associations
in Mississippi
Mississippi Chapter, Federal Bar Association
Mississippi College School of Law
Mississippi Defense Lawyers Association
Mississippi Institute of Continuing Legal Education
Mississippi Judicial College
Mississippi Law Institute
Mississippi Legal Services Coalition
Mississippi Municipal Attorneys Association
Mississippi Oil and Gas Lawyers Association
Mississippi Pro Bono Project
Mississippi Prosecutors College
Mississippi Society of Certified Public Accountants
Mississippi Tax Institute
Mississippi Trial Lawyers Association
Montgomery County, Maryland Bar Foundation
Motor Carrier Lawyers Association
National Association of Bond Lawyers
National Association of Attorneys General
National Association of College and University Attorneys
National Association of Criminal Defense Lawyers
National Association of Railroad Trial Counsel
National Bar Association
National Business Institute
National College of District Attorneys
National College of Juvenile Justice
National Contract Management Association
National District Attorneys Association
National Employment Law Institute
National Health Lawyers Association
National Institute for Trial Advocacy
National Institute of Municipal Law Officers
National Judicial College
National Legal Aid and Defender Association
National Organization of Social Security Claimants' Representatives
National Practice Institute
National Rural Electric Cooperative Association (legal programs only)

New Mexico Trial Lawyers
New Orleans Orthopaedic Clinic (legal programs only)
New York University School of Continuing Education in Law & Taxation
North Carolina Academy of Trial Lawyers
North Mississippi Rural Legal Services
Norton Institutes (CRR Publishing Co.)
National Association of Bond Lawyers
Patent Resources Group, Inc.
Practicing Law Institute
Prentice Hall Law and Business, Inc.
Professional Education Systems, Inc.
Professional Trial Lawyers Institute, Inc.
Rocky Mountain Mineral Law Foundation
Securities Industry Association (legal programs only)
South Mississippi Legal Services
Southeast Mississippi Legal Services
Southeastern Bankruptcy Law Institute, Inc.
Southern Federal Tax Institute, Inc.
Southwest Mississippi Legal Services
Southwestern Legal Foundation
Tennessee Association of Criminal Defense Lawyers
Tennessee Trial Lawyers Association
The National Center for Justice and the Rule of Law
The Southern California Tax & Estate Planning Forum
The Southern Trust School (Alabama)
Transportation Lawyers Association
Uniform Commercial Code Institute
University of Mississippi Center for Continuing Legal Education
U.S. League of Savings Association (legal programs only)
U.S. Department of Justice, Office of Legal Education
Veterans Administration (Office of General Counsel)
Westcott Communications

Other Sponsors may be added to this list as their identities and programs are confirmed by the Commission.

4.15 The Sponsor of an approved CLE activity may announce in informational literature or program materials as follows:

"THIS COURSE OR A PORTION THEREOF HAS BEEN APPROVED BY THE

MISSISSIPPI COMMISSION ON CONTINUING LEGAL EDUCATION FOR A MAXIMUM OF _____ HOURS OF CREDIT.”

The sponsor of a CLE activity which has applied for but not received approval prior to the printing of informational literature or program materials may announce as follows:

"THE SPONSOR HAS APPLIED TO THE MISSISSIPPI COMMISSION ON CONTINUING LEGAL EDUCATION FOR APPROVAL OF THIS COURSE OR A PORTION THEREOF FOR A MAXIMUM OF _____ HOURS OF CREDIT."

4.16 The Commission may at any time reevaluate a program and revoke approval of the Sponsor or of a particular seminar.

4.17 Any Sponsor not included in Regulation 4.14 above, desiring approval of a course, program, or other activity, will apply to the Commission by submitting a required application form and supporting documentation no less than forty-five (45) days prior to the date for which the course or program is scheduled. The Commission will advise the applicant in writing by mail within thirty (30) days of the receipt of the completed application whether the activity is approved or disapproved. Applicants denied approval of a program or activity may appeal such a decision by submitting a letter of appeal to the Commission within fifteen (15) days of the receipt of the notice of the disapproval.

[Amended effective August 1, 1995; Regulations 4.7, 4.9 and 4.10 amended effective December 9, 2004 to allow limited use of approved on-line programs; amended effective July 1, 2009 to add two approved sponsors to Regulation 4.14.]

RULE 5. ANNUAL REPORT

On or before August 15 of each year, each attorney admitted to practice in the State, unless exempted from making a report under the provisions of Rule 2 hereof and regulations thereunder, shall make a written report to the Commission, in such form as the Commission shall prescribe, concerning his or her completion of accredited legal education during the CLE year having ended on July 31 of such year.

Regulations

5.1 On or before August 15 of each year, each attorney will submit a report on a form as the Commission shall provide concerning such attorney's completion of, exemption from or approved substitute for the minimum hours of instruction, including

reference to hours earned during that CLE year and hours to be carried forward to the next CLE year.

5.2 The files and records of the Commission are deemed confidential and shall not be disclosed except in furtherance of the duties of the Commission; statistical abstracts may, however, be drawn therefrom in an anonymous fashion.

5.3 Each attorney failing to timely submit the reports of compliance required by Regulation 5.1 hereof shall, at the time of filing such report, pay a late fee to the Commission in the sum of Twenty-five Dollars (\$25.00). The Commission shall treat all delinquently filed reports not accompanied by the late fee required hereunder as not having been filed.

RULE 6. NON-COMPLIANCE AND SANCTIONS

a. As soon as practicable after August 15 of each year, the Commission shall compile the following:

1. A list of attorneys who have filed annual reports of compliance for the next preceding CLE year ending July 31, as required by Rule 5, Mississippi Rules of Mandatory Continuing Legal Education.

2. A list of attorneys who have filed annual reports of compliance on or before the next preceding July 31 indicating that they have not complied with the requirement of Rule 3, Mississippi Rules for Mandatory Continuing Legal Education.

3. A list of attorneys who have failed to file annual reports of compliance for the next preceding CLE year as required by Rule 5, Mississippi Rules for Mandatory Continuing Legal Education.

b. The Commission shall then serve, by certified mail, each attorney whose name appears upon the lists compiled by the Commission who has not complied with Rules 3 and 5, Mississippi Rules for Mandatory Continuing Legal Education, with an Order to Show Cause, within sixty (60) days, why the attorney's license should not be suspended. Said attorney shall furnish the Commission with an affidavit:

1. Indicating that the attorney has complied with the requirement prior to expiration of the sixty (60) days, or

2. Setting forth a valid excuse for failure to comply with the requirements because of illness or other good cause.

c. At the expiration of sixty (60) days from the date of the Order to Show Cause, the Commission shall notify the Supreme Court of Mississippi of each attorney who fails to file an affidavit satisfactory to the Commission as described in (b)(1) and (b)(2) above and recommend appropriate sanctions to the Supreme Court, which may include, among others, that the attorney's license to practice law be suspended.

d. At any time after notice of noncompliance to the Supreme Court, an attorney may file with the Commission an affidavit indicating compliance with Rule 3, Rules for Mandatory Continuing Legal Education and if satisfactory to the Commission, it shall forthwith notify the Supreme Court for appropriate action, including reinstatement.

e. Administration of this program is complicated by attorneys who fail to comply with these rules. Accordingly, the Commission and/or the Supreme Court is authorized to assess costs against such delinquent and/or non-filing attorneys in the form of a reasonable fee for filing late, filing an annual report reflecting a deficiency and/or not filing during the reporting period. Such costs can be increased proportionately by an attorney's late compliance or non-compliance for two successive CLE years.

RULE 7. SUNSET REVIEW

The sunset provision for the Rules was deleted by order entered October 5, 2006.