

Serial: 119180

IN THE SUPREME COURT OF MISSISSIPPI

No. 89-R-99011-SCT

**FILED**

DEC 09 2004

OFFICE OF THE CLERK  
SUPREME COURT  
COURT OF APPEALS

*IN RE: COMMISSION ON MANDATORY  
CONTINUING LEGAL EDUCATION*

**ORDER**

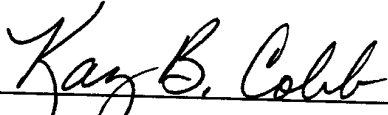
This matter is before the Court en banc on petition of the Mississippi Commission on Continuing Legal education to amend Regulations 3.3, 3.6, 4.7, 4.9 and 4.10 of the Rules and Regulations for Mandatory Continuing Education. Also before the Court is request from the Mississippi Bar for the adoption of a new Regulation 3.12.1 and 4.9.1 and an amendment to Regulation 4.10. Having considered the proposals, the Court finds that amendments and new regulations as hereinafter set forth will promote the fair and effective administration of justice and that they should be adopted as set forth herein after.

IT IS THEREFORE ORDERED that Regulations 3.3, 3.6, 4.7, 4.9 and 4.10 of the Rules and Regulations for Mandatory Continuing Education shall be amended and new Regulation 3.12.1 shall be adopted as set forth in Exhibits "A" and "B" to this Order

IT IS FURTHER ORDERED that the Clerk of this Court shall spread this order upon the minutes of the Court and that a true certified copy be forwarded forthwith to

West Publishing Company for publication in *Southern Reporter Second (Mississippi Edition)*  
and the *Mississippi Rules of Court*.

SO ORDERED, this the 6<sup>th</sup> day of December, 2004.

  
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KAY B. COBB, PRESIDING JUSTICE,  
FOR THE COURT

DIAZ, EASLEY, AND GRAVES, JJ., NOT PARTICIPATING.

## EXHIBIT "A" TO ORDER

### RULES AND REGULATIONS FOR MANDATORY CONTINUING LEGAL EDUCATION

#### 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 or malpractice prevention (the "ethics 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 three (3) hours of CLE credit for telephone seminars and/or approved online programs. ~~Credit for the ethics hour may not be claimed as part of an activity offered by satellite-transmittal, electronic reproduction or telephone.~~ Seminars offered by satellite-transmittal, electronic reproduction, or telephone or online programs must be approved by the Commission and must comply with Regulation 4.9 and 4.9.1. 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.

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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 or as a member of the Ethics committee of the Mississippi Bar. A member of the Committee on Professional Responsibility or the Ethics Committee will be awarded a maximum of one (1) hour of CLE ethics credit per CLE year for service on that Committee.

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[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 .]

**EXHIBIT "B" TO ORDER**  
**RULES AND REGULATIONS FOR**  
**MANDATORY CONTINUING LEGAL EDUCATION**

**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.

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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 ~~satellite transmittal or electronic reproduction]~~ 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 As a minimum, the activity must consist of not less than two (2) hours of actual instruction, except for programs dedicated solely to the one mandatory hour of legal ethics, which programs shall have a minimum length of sixty minutes. See Rule 3 and Regulation 3-7. 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.

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[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.]