

SECOND REGULAR SESSION

HOUSE BILL NO. 2301

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES HUNTER (Sponsor) AND SCHARNHORST (Co-sponsor).

Read 1st time February 28, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

5151L.01I

AN ACT

To amend supreme court rules 6.01 and 15.01, for the purpose of clarifying Missouri Bar membership.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Missouri supreme court rules 6.01 and 15.01 are amended to read as follows:

6.01. Annual Enrollment Fee and Statement - Exemptions - Penalties - Pro Hac Vice

2 Fee.

3 (a) Fee Due. Each person licensed to practice law in this state **who elects to become a**
4 **member of The Missouri Bar** shall pay to the clerk of this Court on or before January 31st of
5 each year an enrollment fee, which shall be the total of the sums approved by this Court as the
6 bar fee and the advisory committee fee. The fee is due and shall be paid regardless of any
7 assessment, notice or demand by the clerk of this Court. Payment of the annual enrollment fee
8 on or before January 31st of each year under this Rule 6.01 means either receipt thereof by the
9 clerk on or before January 31st or the placing of the fee in the United States mail addressed to
10 the clerk of this Court on or before January 31st. If January 31st is a Saturday, Sunday, or a legal
11 holiday, payment of the enrollment fee must be made by the end of the next day that is neither
12 Saturday, Sunday, nor a legal holiday.

13 (b) Information to be Furnished to the Clerk of this Court. At the time of payment of the
14 enrollment fee **or notice to the clerk of this Court that the person licensed to practice law**
15 **in this state elects not to become a member of The Missouri Bar**, a lawyer shall furnish to the

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 clerk of this Court an annual enrollment statement, on a form to be prescribed by the clerk, that
17 shall provide:

18 (1) The lawyer's name;

19 (2) The lawyer's current mailing address and e-mail address;

20 (3) The lawyer's attorney enrollment number, as assigned by the clerk upon the lawyer's
21 admission to the bar;

22 (4) The county, or city of St. Louis, if applicable, and, if other than Missouri, the state
23 in which the lawyer maintains his or her residence; and

24 (5) **For any lawyer electing to become a member of The Missouri Bar**, the voting
25 place designated by the lawyer for purposes of voting for members of The Missouri Bar board
26 of governors.

27 In addition to the information on the annual enrollment statement, the lawyer shall notify
28 the clerk of this Court of every change in the lawyer's current mailing or e-mail address.

29 (c) Initial Fee for New Members. A person admitted to the bar for the first time in this
30 state, except a person admitted under Rule 8.10, Rule 8.105, Rule 9.09, or Rule 13.06, shall not
31 be required to pay an enrollment fee until the 31st of January next following admission to the
32 bar.

33 A person admitted to the bar of this state under Rule 8.10, Rule 8.105, Rule 9.09, or Rule
34 13.06 shall pay a proportional enrollment fee when first admitted. The proportional fee shall be
35 calculated on the basis of the enrollment fee for the category selected by the person in effect on
36 the date the person is admitted multiplied by the number of full months remaining in the calendar
37 year the person is admitted divided by twelve.

38 (d) Persons Exempt from Fee. A person who is in good standing as a member of The
39 Missouri Bar and:

40 (1) Is a retired judge, or

41 (2) Is a retired commissioner of a Missouri court of record, or

42 (3) Has been licensed to practice in this state for fifty years or more, or

43 (4) Has reached the age of seventy-five years
44

45 is excused from the payment of enrollment fees becoming due and payable thereafter.

46 (e) Receipt from Clerk. The clerk of this Court shall give each person paying the
47 enrollment fee or excused from paying the enrollment fee a receipt therefor, which shall be
48 evidence of the lawyer's good standing.

49 (f) Automatic Suspension. No lawyer shall be permitted to practice law or undertake or
50 attempt to do a law business after the time when such enrollment fee is due unless the same has
51 been paid. In default thereof, the lawyer shall be automatically suspended. Any lawyer thus

52 suspended for such nonpayment shall be retroactively reinstated as a matter of course upon
53 paying the enrollment fee prescribed for each calendar year of the suspension plus the
54 accumulated penalty. If any lawyer remains delinquent for three consecutive years in the
55 payment of any annual enrollment fee, the lawyer shall be required to apply to this Court under
56 Rule 5.28 for reinstatement as a member in good standing.

57 (g) Additional Penalty for Nonpayment. A penalty of \$50.00 shall be paid if a member
58 is delinquent in the payment of fees. In addition, a penalty of \$5.00 per month shall be paid for
59 each month or fraction thereof during which a member is delinquent in payment of fees
60 beginning with the month of March next following January 31st.

61 (h) Waiver of Fees and Penalties by Advisory Committee. Penalties and past due
62 enrollment fees may be waived by the advisory committee upon proof satisfactory to it that any
63 delinquency was caused by reason of physical or mental incapacity to engage in the practice of
64 law. The advisory committee shall notify the chief disciplinary counsel of each such waiver
65 granted and the reason therefor.

66 (i) Voting for Board of Governors. For purposes of Rule 6.01(b)(5), the voting place
67 designated shall be the place where the lawyer is employed or maintains his or her principal
68 office for the full-time practice of law. The voting place designated at the time of the payment
69 shall be one of the following:

- 70 (1) The city of St. Louis,
71 (2) The Kansas City portion of Jackson County,
72 (3) The portion of Jackson County that does not include Kansas City, or
73 (4) Any county other than Jackson County.

74 If the lawyer is a resident of Missouri but is not employed or engaged in the practice of
75 law in Missouri, the voting place shall be the place in which the lawyer resides. The voting place
76 designated shall be deemed the place of enrollment for the purposes of Rule 7.03.

77 A lawyer in category (3) under Rule 6.01(j) is ineligible to vote for election of members
78 of The Missouri Bar board of governors. A lawyer in category (3) may elect to pay the same
79 enrollment fee assessed for lawyers in category (1) or, if eligible, the fee assessed for category
80 (2) and become eligible to vote for the election of members of the board of governors. In the
81 event of such election, the lawyer shall designate, for voting purposes, the voting place where
82 the lawyer either last resided or maintained an office for the full-time practice of law or was
83 employed.

84 (j) Setting Bar Fee. The board of governors of The Missouri Bar is hereby authorized
85 to fix the amount of the bar fee to be paid by each person licensed to practice law in this state
86 **who elects to become a member of The Missouri Bar.** Such fee may be fixed at a different
87 amount for each of the following categories of persons:

- 88 (1) All persons licensed and not included in category (2) or (3);
89 (2) Persons licensed less than three years, except those admitted to the bar without
90 examination;
91 (3) Persons licensed but who neither reside, nor practice, nor are employed in this state;
92
93 provided, however, that any person included in both categories (2) and (3) need pay only the
94 lesser of the two amounts applicable.

95 A certified copy of a resolution fixing the bar fee shall be filed with this Court on or
96 before October 15th of the year prior to the effective date of any change in amount of the bar fee
97 for any category of persons. The fee shall be effective January 1st next thereafter, unless this
98 Court shall by order on or before November 1st following the date the resolution is filed
99 disapprove the same in whole or in part.

100 The board shall file with its resolution a certified copy of:

101 (1) The financial statement of The Missouri Bar for the immediately preceding calendar
102 year and an interim report for the current year to a date not more than forty-five days prior to
103 filing of the resolution, and

104 (2) Its proposed budget for the next two calendar years thereafter.

105 The board shall inform members of the bar of its intent to change the bar fee and the
106 amount thereof as well as the amount of the advisory committee fee fixed by this Court for the
107 next ensuing year. Members shall be informed by letter or by publication of notice thereof in any
108 publication of The Missouri Bar circulated to its members fifteen days next before the adoption
109 of such resolution. The letter or notice shall designate therein the time and place of the board
110 meeting where such resolution will be considered.

111 The board shall provide for a reasonable time during the meeting in which a resolution
112 to change the amount of the bar fee is being considered for expression of views of members of
113 The Missouri Bar concerning the same.

114 (k) Setting Advisory Committee Fee. This Court shall fix the amount of the advisory
115 committee fee by order. The fee may be fixed at a different amount for each of the categories
116 of persons described above. The fee shall be fixed not later than August 31st of each year, and
117 the board of governors of The Missouri Bar shall be informed thereof not later than September
118 5th next thereafter. The fee shall be deposited in the advisory committee fund.

119 If the chief disciplinary counsel deems it necessary that the amount of the advisory
120 committee fee for the next ensuing year be changed, the chief disciplinary counsel shall so advise
121 this Court not later than July 15th prior thereto and the amount recommended. The
122 recommendations of the chief disciplinary counsel shall be accompanied by:

(1) A financial statement of the advisory committee fund for the immediately preceding calendar year and an interim report for the calendar year to a date not more than 45 days prior to filing of the recommendation, and

(2) The proposed budget of the chief disciplinary counsel for the next two calendar years thereafter.

(l) Current Fee. The amounts fixed by this Court for the bar fee and the advisory committee fee shall be as follows for each of the categories of persons described above:

	Advisory Committee		Total Annual
	Bar Fee	Fee	Enrollment Fee
Category (1)	\$204.00	\$101.00	\$305.00
Category (2)	149.00	101.00	250.00
Category (3)	119.00	101.00	220.00

The total amount of the bar fee and the advisory committee fee for each category shall be the enrollment fee for that category for the year 2003 and the subsequent years unless and until changed as herein-above provided.

(m) Pro Hac Vice Fee. An attorney seeking to appear pursuant to Rule 9.03 shall pay a fee of \$100 for each case in each court or administrative tribunal in which the attorney seeks to appear. The fee shall be paid to the clerk of this Court.

The clerk shall issue a receipt indicating the case and court in which the attorney seeks to appear. The fee will not be refunded if the court refuses to permit the attorney to appear.

15.01. Definitions

As used in this Rule 15 the following terms mean:

(a) "accredited program or activity", a program or activity accredited by The Missouri Bar;

(b) "board", the Board of Governors of The Missouri Bar;

(c) "committee", the Supreme Court Committee on Minimum Continuing Legal Education;

(d) "credit hour", at least fifty minutes of instruction or the equivalent;

(e) "lawyer", **any person licensed to practice law in this state who elects not to become a member of The Missouri Bar and** a member of The Missouri Bar except lawyers paying an annual enrollment fee pursuant to Rule 6.01(j)(3);

(f) "reporting year", the twelve months between July first of one year and June 30th of the following year.

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