

FIRST REGULAR SESSION

# HOUSE BILL NO. 1010

## 99TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE MCGAUGH.

1894H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To amend supreme court rule 15.05, for the purpose of allowing legislative staff members to report in each reporting year credit for continuing legal education for employment during that reporting year's regular legislative session.

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

Section A. Missouri supreme court rule 15.05 is amended to read as follows:

#### RULE 15.05 CONTINUING LEGAL EDUCATION REQUIREMENTS

2 (a) After July 1, 1988, except as provided in Rule 15.05(c), each lawyer shall complete  
3 and report during each reporting year at least 15 credit hours of accredited programs and  
4 activities. Credit hours of accredited programs and activities completed pursuant to Rule 15.05(e)  
5 and Rule 15.05(f) may be used to fulfill the requirements of Rule 15.05(a). Not more than six  
6 other credit hours may consist of self-study, videotape, audiotape or other similar programs or  
7 activities that are accredited programs or activities. A speaker at an accredited program or  
8 activity may receive credit for preparation time and presentation time. An author of written  
9 material published or to be published by an accredited sponsor or in a professional journal or as  
10 a monograph may receive credit for research time and composition time.

11 (b) For purpose of Rule 15.05(a), a lawyer reporting completion of more than 15 credit  
12 hours of accredited programs and activities during one reporting year may receive credit in the  
13 next succeeding reporting year for the excess credit hours.

14 (c) A lawyer is not required to complete or report any credit hours in the reporting year  
15 in which the lawyer is initially licensed to practice law in this state except as provided in Rules  
16 15.05(d) and 15.05(e). Any lawyer not an active judge who, during a reporting year, has neither  
17 engaged in the active practice of law in Missouri nor held himself out as an active practicing

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.

18 lawyer in Missouri shall not be required to complete or report any credit hours during that  
19 reporting year. Upon written application and for good cause shown, waivers or extensions of  
20 time of the credit hour or reporting requirements of this Rule 15 may be granted in individual  
21 cases or classes of cases involving hardship or extenuating circumstances.

22 (d) A person seeking admission under Rule 8.10 shall, prior to being issued a license,  
23 attend The Missouri Bar annual law update program or a continuing legal education program  
24 accredited as provided in this Rule 15 that has intellectual and practical content substantially  
25 equivalent to The Missouri Bar annual law update program. Attendance shall be no earlier than  
26 12 months prior to the date the application for admission under Rule 8.10 is filed. The person  
27 shall report the completion of this requirement to the board of law examiners as the board shall  
28 specify.

29 (e) Each lawyer who:

30 (1) Between June 30, 1990 and July 1, 2009:

31 (a) Is admitted to practice law;

32 (b) Has a license to practice law reinstated, except any license reinstated as a matter of  
33 course pursuant to Rule 6.01; or

34 (c) Becomes an active lawyer after previously declaring inactive status as provided Rule  
35 6.03;

36

37 shall complete at least three credit hours of accredited programs and activities devoted  
38 exclusively to professionalism, legal or judicial ethics, or malpractice prevention. Such programs  
39 and activities shall be completed within 12 months of the event requiring compliance with this  
40 Rule 15.05(e). Completion of this requirement shall be reported to The Missouri Bar as specified  
41 by The Missouri Bar;

42 (2) After June 30, 2009:

43 (a) Is admitted to practice law;

44 (b) Has a license to practice law reinstated, except any license reinstated as a matter of  
45 course pursuant to Rule 6.01; or

46 (c) Becomes an active lawyer after previously declaring inactive status as provided Rule  
47 6.03;

48

49 shall complete at least two credit hours of accredited programs and activities devoted exclusively  
50 to professionalism, substance abuse and mental health, legal or judicial ethics, or malpractice  
51 prevention. Such programs and activities shall be completed within 12 months of the event  
52 requiring compliance with Rule 15.05(e). Completion of this requirement shall be reported to  
53 The Missouri Bar as specified by The Missouri Bar.

54 (f) For each professionalism compliance period:

55 (1) Between July 1, 1990 and June 30, 2008, each lawyer shall complete at least three  
56 credit hours of accredited programs and activities devoted exclusively to professionalism, legal  
57 or judicial ethics, or malpractice prevention. Such programs and activities shall be completed  
58 on or before June 30, 1993 and at least every three years thereafter. Completion of this  
59 requirement shall be reported to The Missouri Bar as specified by The Missouri Bar;

60 (2) On and after July 1, 2009, each lawyer shall complete and report at least 2 credit  
61 hours of accredited programs and activities devoted exclusively to professionalism, substance  
62 abuse and mental health, legal or judicial ethics, or malpractice prevention unless the lawyer has  
63 not actively practiced law in Missouri during the period or has given notice of inactive status  
64 pursuant to Rule 6.03. Completion of this requirement shall be reported to The Missouri Bar as  
65 specified by the Missouri Bar.

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67 Credit hours of accredited programs and activities completed pursuant to Rule 15.05(e) may be  
68 used to fulfill the requirements of Rule 15.05(f).

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70 Credit hours of accredited programs and activities devoted exclusively to professionalism, legal  
71 or judicial ethics, or malpractice prevention during the July 1, 2008 to June 30, 2009, reporting  
72 year shall apply to the professionalism compliance period for July 1, 2009 to June 30, 2010.

73 (g) Each judge of the family court division and each commissioner of the family court  
74 division shall complete not later than six months after designation or appointment a course of  
75 training in family law accredited by this Court's trial judge education committee. This  
76 requirement shall be in addition to the requirements contained in Rule 15.05(a), Rule 15.05(e),  
77 and Rule 15.05(f).

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79 Each year thereafter, such judges and commissioners shall complete at least six hours of  
80 continuing legal education courses accredited by this Court's trial judge education committee  
81 relating to family court issues and law. The hours completed on an annual basis may be used to  
82 fulfill the requirements of Rule 15.05(a).

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84 Completion of the requirements of this Rule 15.05(g) shall be reported to The Missouri Bar as  
85 specified by The Missouri Bar.

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87 This Rule 15.05(g) shall apply to all reporting years beginning on or after July 1, 1993. This  
88 Rule 15.05(g) shall not apply to judges who are temporarily transferred or assigned to family

89 court divisions; however judges who have met the requirements of this Rule 15.05(g) shall be  
90 preferred for such transfers and assignments.

91 (h) Each lawyer who is a member of the general assembly **or who is a legislative staff**  
92 **member** may report in each reporting year credit for 15 hours of continuing legal education for  
93 service **or employment** during that reporting year's regular legislative session. Such credits shall  
94 not include credit for programs required by Rule 15.05(f).

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