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CLERK SUPREME COURT

CHAPTER 41

CONTINUING LEGAL EDUCATION FOR LAWYERS

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Rule 41.3 Continuing legal education requirement.

41.3(1) Each attorney admitted to practice in this state must complete a minimum of 15 hours of legal education accredited by the commission during each calendar year. The commission is authorized pursuant to guidelines established by the supreme court to determine the number of hours for which credit will be given for particular courses, programs, or other legal education activities. Under rules to be promulgated by the supreme court, an attorney may be given credit in one or more succeeding calendar years, not exceeding two such years, for completing more than 15 hours of accredited education during any one calendar year.

41.3(2) The 15 hours required by rule 41.3(1) must include a minimum of ~~3~~ 1 hours, ~~every two calendar years,~~ devoted exclusively to the area of legal ethics and 1 hour devoted exclusively to the area of either attorney wellness or diversity and inclusion. Excess hours of education devoted to legal ethics, attorney wellness, and diversity and inclusion can be carried over for purposes of the annual 15-hour requirement under rule 41.3(1) but cannot be carried over ~~beyond the two-year period~~ for the special legal ethics, attorney wellness, and diversity and inclusion requirements under this rule.

41.3(3) Up to 6 hours of the 15 hours required by rule 41.3(1) each calendar year may be obtained through completion of unmoderated legal education accredited by the commission.

Rule 41.4 Annual fee and report by attorneys to commission.

41.4(1) On or before March 10 of each year, each attorney admitted to practice in this state must pay to the commission a prescribed fee for costs of administering this chapter.

41.4(2) On or before March 10 of each year, each attorney admitted to practice in this state must make a written report to the commission, in such form as the commission prescribes, concerning completion of accredited legal education during the preceding calendar year. However, an attorney is not required to comply with this rule or comply with the continuing legal education requirements set forth in rule 41.3 for the year during which the attorney was admitted to practice in this state. Each annual report must be accompanied by proof satisfactory to the commission that the attorney has met the requirements

1 for continuing legal education for the calendar year for which such report is
2 made.

3 **41.4(3)** Each attorney admitted to practice in this state must make a written
4 report to the commission, in such form as the commission prescribes,
5 concerning completion of accredited legal ethics, attorney wellness, and diversity
6 and inclusion education. The report is to be filed on or before March 10 following
7 completion of each two-year period under the requirement. An attorney is not
8 required to comply with this requirement for the year of admission to practice.

9 **41.4(4)** All attorneys who fail by March 10 of each year to file the annual report
10 or to pay the prescribed fee must, in addition, pay a penalty as set forth in the
11 following schedule if either the annual report is filed or the prescribed fee is paid
12 after March 10. The penalty fees collected must be used to pay the costs of
13 administering this chapter, or for such other purposes within the office of
14 professional regulation as the supreme court may direct.

Penalty schedule:

If filed:	Penalty:
After March 10 but before April 12	\$10 0
After April 11 but before May 12	\$15 0
After May 11 but before June 12	\$20 0
After June 11	\$25 0

15 **41.4(5)** The commission may prescribe an electronic format for the annual
16 report and require submission of the report in that form.

17

18 **Rule 41.9 Attendance exemption for out-of-state attendance of equivalent**
19 **hours.**

20 **41.9(1)** An active member of the bar who resides in another state or the
21 District of Columbia, did not practice law in Iowa during the reporting period,

1 and who attends at least 15 clock-hours of continuing legal education accredited
2 by the continuing legal education regulatory body in his or her state of residence,
3 including ~~three~~one clock-hours in the area of legal ethics ~~every two-year~~
4 ~~biennium ending in the odd-numbered year, and one clock-hour of either~~
5 attorney wellness or diversity and inclusion is exempt from the attendance
6 requirements of rule 41.3. However, any member exempt from attendance under
7 this rule must file the annual report and pay the annual fee required under rule
8 41.4, and must certify qualification for the exemption on the annual report.

9 **41.9(2)** The commission may require any member who claims exemption
10 under this rule to provide proof of attending the accredited continuing legal
11 education in the other jurisdiction.

12 **41.9(3)** The practice of law as that term is employed in this rule includes: the
13 examination of abstracts; consummation of real estate transactions; preparation
14 of legal briefs, deeds, buy and sell agreements, contracts, wills, and tax returns;
15 representation of others in any Iowa courts; regular preparation of legal
16 instruments, securing of legal rights, advising others as to their legal rights or
17 the effect of contemplated actions upon their legal rights, or holding oneself out
18 to so do; instructing others in legal rights; being a judge or one who rules upon
19 the legal rights of others unless neither the state nor federal law requires the
20 person so judging or ruling to hold a license to practice law.

21 [Court Order November 20, 2015, effective January 1, 2016]

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23

1 (79) “Unmoderated activity” means a continuing legal education (CLE) activity
2 presented by delayed or on-demand transmission or broadcast, or pre-recorded
3 media, that has an interactive component and is approved by the commission
4 based on its guidelines. “Pre-recorded media,” for purposes of this rule, includes
5 but is not limited to audiotape, videotape, CD, podcast, CD-ROM, DVD, and self-
6 paced computer-based instruction.

7 (810) “Quorum” of the entire commission means six or more members of the
8 commission.

9 (911) “Moderated activity” includes the following:

10 a. *Standard (live)*. A live CLE activity presented in a suitable classroom setting
11 devoted to the program.

12 b. *Satellite*. A live CLE activity broadcast by satellite link to a classroom setting
13 or a central viewing or listening location. The attorney must be able to contact
14 the moderator or presenters during the activity to comment and ask questions.

15 c. *Video conference*. A live CLE activity broadcast by cable, wire, or fiber optic
16 link to a classroom setting or a central viewing or listing location. The attorney
17 must be able to contact the moderator or presenters during the activity to
18 comment and ask questions.

19 d. *Live webcast*. A live CLE activity broadcast over the Internet in audio or
20 audio plus video form to viewers at remote locations or at a central viewing or
21 listening location. The attorney must be able to contact the moderator or
22 presenters during the activity to comment and ask questions.

23 e. *Live teleconference*. A live CLE activity broadcast over the telephone in audio
24 or audio plus video form to listeners at remote locations or at a central viewing
25 or listening location. The attorney must be able to contact the moderator or
26 presenters during the activity to comment and ask questions.

27 f. *Video replay*. A recorded CLE activity presented in audio plus video form in
28 a suitable classroom setting or central viewing location to a broad attorney
29 population. The attorney must be able to contact a live moderator during the
30 activity to comment or ask questions.

31 g. *Audio replay*. A recorded CLE activity presented in audio form in a suitable
32 classroom setting, central listening location, or by telephone to a broad attorney
33 population. The attorney must be able to contact a live moderator during the
34 activity to comment or ask questions.

35 **Rule 42.2 Continuing legal education requirements.**

36 **42.2(1)** A minimum of 15 hours of continuing legal education must be

1 completed by each attorney for each calendar year in the manner stated in Iowa
2 Court Rule 41.3(1). Every ~~two~~ years each attorney must also complete a
3 minimum of ~~three~~ one hours of legal education devoted specifically to the area
4 of legal ethics and one hour of legal education devoted specifically to the area of
5 either attorney wellness or diversity and inclusion.

6 **42.2(2)** Hours of continuing legal education credit may be obtained by
7 attending or participating in a CLE activity, either previously accredited by the
8 commission or which otherwise meets the requirements herein and is
9 retroactively accredited by the commission pursuant to rule 42.4.

10 **42.2(3)** Hours of continuing legal education credit may be awarded for
11 preparation of an accredited continuing legal education presentation. An
12 attorney is entitled to one hour of preparation credit for each hour of accredited
13 continuing legal education for which they prepare written materials and present,
14 up to a maximum of three hours per calendar year. Hours of preparation credit
15 are credited against the regular attendance requirement of 15 hours per calendar
16 year, but not against the attendance requirement for legal ethics, attorney
17 wellness, and diversity and inclusion. Hours of preparation credit in excess of
18 three do not carry over to a subsequent year. Preparation credit may not be
19 awarded to:

20 a. An attorney who prepares written materials without making the
21 presentation or serving on a panel of speakers.

22 b. An attorney who makes a presentation or serves on a panel of speakers
23 without preparing written materials.

24 c. An attorney who prepares a course directed primarily to persons preparing
25 for admission to practice law.

26 d. An attorney who receives compensation, other than reasonable expenses,
27 for preparing or presenting the continuing legal education.

28 **42.2(4)** An attorney desiring to obtain credit for one or more succeeding
29 calendar years, not exceeding two such years, for completing more than 15 hours
30 of accredited legal education during any one calendar year, under Iowa Court
31 Rule 41.3(1), must report such “carry-over” credit at the time of filing the annual
32 report to the commission on or before March 10 of the year following the calendar
33 year during which the claimed additional legal education hours were completed.

34

35 **Rule 42.5 Hardships or extenuating circumstances.**

36 **42.5(1)** The commission may, in individual cases involving hardship or

1 extenuating circumstances, grant waivers of the minimum educational
2 requirements or extensions of time within which to fulfill the same or make the
3 required reports. No waiver or extension of time will be granted unless written
4 application therefor is made on forms prescribed by the commission. A ~~\$25-100~~
5 fee will be assessed on all waiver or extension of time applications received after
6 January 15 of the year following the year in which the alleged hardship occurred.

7 **42.5(2)** Waivers of the minimum educational requirements may be granted by
8 the commission for any period of time not to exceed one year. In the event that
9 the hardship or extenuating circumstances upon which a waiver has been
10 granted continue beyond the period of the waiver, the attorney must reapply for
11 an extension of the waiver. The commission may, as a condition of any waiver
12 granted, require the applicant to make up a certain portion or all of the minimum
13 educational requirements waived by such methods as may be prescribed by the
14 commission.

15 **42.5(3)** Extensions of time within which to fulfill the minimum educational
16 requirements may, in individual cases involving hardship or extenuating
17 circumstances, be granted by the commission for a period not to exceed six
18 months immediately following expiration of the year in which the requirements
19 were not met. Hours of minimum educational requirement completed within
20 such an extension period must be applied first to the minimum educational
21 requirement for the preceding year and will then be applied to the current or
22 following year only to the extent that such hours are not required to fulfill the
23 minimum educational requirement for the preceding year.

24

25 **Rule 42.7 Reinstatement of inactive practitioners.**

26 **42.7(1)** Inactive practitioners who have been granted a waiver of compliance
27 with these regulations and obtained a certificate of exemption must, prior to
28 engaging in the practice of law in the State of Iowa as defined in Iowa Court Rule
29 39.7, satisfy the following requirements for reinstatement:

30 a. Submit written application for reinstatement to the commission upon forms
31 prescribed by the commission together with a reinstatement fee of \$100 and all
32 late filing penalties due at the time the exemption was granted.

33 b. Furnish in the application evidence of one of the following:

34 (1) Having engaged in the full-time practice of law, as defined in Iowa Court
35 Rule 39.7, in another state of the United States or the District of Columbia and
36 completion of continuing legal education for each year of inactive status

1 substantially equivalent in the opinion of the commission to that required under
2 chapter 41 of the Iowa Court Rules.

3 (2) Successful completion of an Iowa state bar examination conducted within
4 one year immediately prior to the submission of such application for
5 reinstatement.

6 (3) Completion of a total number of hours of accredited continuing legal
7 education computed by multiplying 15 by the number of years a certificate of
8 exemption has been in effect for such applicant, but limited to a maximum
9 requirement of 100 hours. The continuing legal education required for
10 reinstatement must include hours devoted specifically to the area of legal ethics,
11 ~~computed as follows: three hours for every two calendar years in which a~~
12 ~~certificate of exemption was in effect, but limited to a maximum requirement of~~
13 ~~10 hours.~~ in accordance with the requirements in effect for the years the attorney
14 was in exempt or inactive status. Alternatively, the legal ethics requirement may
15 be satisfied by obtaining a scaled score of 80 or higher on the Multistate
16 Professional Responsibility Examination within one year immediately prior to
17 submission of the application for reinstatement.

18 c. An attorney reinstated under this rule shall have no CLE requirement
19 during the year of their reinstatement but is still required to file the annual CLE
20 report and pay the applicable CLE administrative fee.

21 **42.7(2)** Notwithstanding that an applicant for reinstatement has not fully
22 complied with the requirements for reinstatement set forth in rule 42.7(1)(b), the
23 commission may conditionally reinstate such applicant on such terms and
24 conditions as it may prescribe regarding the period of time in which the applicant
25 must furnish evidence of compliance with the requirements of rule 42.7(1)(b).

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