

**AMENDMENTS TO THE
RULES FOR THE GOVERNMENT OF THE BAR OF OHIO
AND THE GOVERNMENT OF THE JUDICIARY OF OHIO**

On October 23, 2012, the Supreme Court of Ohio adopted the following amendments to the Rules for the Government of the Bar of Ohio (Gov.Bar R. X and Appendix I) and the Supreme Court Rules for the Government of the Judiciary of Ohio (Gov.Jud.R. IV), effective January 1, 2014.

SUPREME COURT RULES FOR THE GOVERNMENT OF THE BAR OF OHIO

RULE X. CONTINUING LEGAL EDUCATION

Section 3. Continuing Legal Education Requirements for Attorneys.

(A) *Total credit hours.* Each attorney admitted to the practice of law in this state and each attorney registered for corporate status pursuant to Gov. Bar R. VI, Section 3 shall complete a minimum of twenty-four credit hours of continuing legal education for each biennial compliance period.

(B) *Professional conduct credit hours.* As part of the minimum twenty-four credit hours of continuing legal education required by division (A) of this section, an attorney shall complete a minimum of two and one-half credit hours of instruction on one or any combination of the following professional conduct topics:

(1) Legal ethics, which shall include instruction on the Ohio Rules of Professional Conduct;

(2) Professionalism, which shall include instruction on the role of attorneys in promoting ethics and professionalism among attorneys by facilitating compliance with the requirements of the Ohio Rules of Professional Conduct, “A Lawyer’s Creed,” “A Lawyer’s Aspirational Ideals,” and the “Statement Regarding the Provision of Pro Bono Legal Services by Ohio Lawyers” adopted by the Supreme Court;

(3) Alcoholism, substance abuse, or mental health issues, which shall include instruction on any of their causes, prevention, detection, and treatment alternatives, as applicable;

(4) Access to justice and fairness in the courts and how these issues impact public trust and confidence in the judicial system and the perception of justice in Ohio, which shall include instruction on one or any combination of the following topics:

(a) Interacting with self-represented litigants;

- (b) Encouraging pro bono representation;
- (c) Accommodating language interpretation;
- (d) Assuring fairness in matters of race, ethnicity, foreign origin, religion, gender, sexual orientation, disability, socio-economic status, or other relevant topics.

(C) *Single or multiple programs or activities.* The instruction related to professional conduct required by division (B) of this section may be obtained in a single program or activity or in separate programs or activities that include one or more of the subjects set forth in that division.

Section 4. Biennial Compliance Periods.

An attorney whose last name begins with a letter from A through L shall complete the number of continuing legal education credit hours required by Section 3 of this rule on or before December 31st of each odd-numbered year. An attorney whose last name begins with a letter from M through Z shall complete the number of continuing legal education credit hours required by Section 3 of this rule on or before December 31st of each even-numbered year. If the name of an attorney changes after the attorney is admitted to the practice of law or registers for corporate status pursuant to Gov. Bar R. VI, Section 3, the attorney shall remain in the same alphabetical grouping for purposes of meeting the requirements of this section.

Section 5. Allowance of Credit Hours.

(A) *Amount of credit hours.* Sixty minutes of actual instruction or other approved activity shall constitute one credit hour.

(B) *Continuing legal education teaching credit.* The Supreme Court Commission on Continuing Legal Education may allow up to three credit hours to an instructor for each credit hour taught in an approved continuing legal education program or activity the first time the program or activity is presented by that instructor, two credit hours for each credit hour taught as part of a panel presentation in an approved program or activity the first time the program or activity is presented by that instructor, and one credit hour for each credit hour taught in subsequent presentations of the same program or activity by that instructor, with a maximum of one-half the required credit hours for teaching during the biennial compliance period.

(C) *Law school teaching credit.* The Commission may allow one-half credit hour for each semester hour taught at a law school accredited by the American Bar Association. Prorated credit may be granted for quarter or trimester hours.

(D) *Publication of article or book credit.* The Commission may allow up to twelve credit hours for the publication of an article or book personally authored by the applicant, with a maximum of twelve credit hours for publications during a biennial compliance period.

(E) *Self-study credit.* The Commission may allow up to twelve credit hours for approved self-study during a biennial compliance period.

(F) *Law school course credit.* The Commission may allow three credit hours for each semester hour of a course taken at a law school accredited by the American Bar Association. Prorated credit may be granted for quarter or trimester hours.

(G) *Mayor's court education credit.* The Commission may allow one credit hour for every two credit hours of accredited mayor's court education completed by an attorney for the purpose of serving as a mayor's court magistrate pursuant to section 1905.05 of the Revised Code.

(H) *Pro bono credit.* The Commission may allow one credit hour for every six hours of pro bono legal service performed, with a maximum of six credit hours for service performed during a biennial compliance period. As used in this rule, "pro bono" means legal service provided to either a person of limited means or a charitable organization in which the legal service is assigned, verified, and reported to the Commission by any of the following:

(1) An organization receiving funding for pro bono programs or services from the Legal Services Corporation or the Ohio Legal Assistance Foundation;

(2) A metropolitan or county bar association;

(3) The Ohio State Bar Association;

(4) The Ohio Legal Assistance Foundation;

(5) Any other organization recognized by the Commission as providing pro bono programs or services in Ohio.

Section 6. Standards for Granting Credit Hours.

In establishing standards for the granting of credit hours for continuing legal education programs or activities, the Supreme Court Commission on Continuing Legal Education shall consider all of the following:

(A) The program or activity shall have significant intellectual or practical content and the primary objective shall be to improve the participant's professional competence as an attorney or judge;

(B) A program or activity for attorneys shall be an organized program of learning dealing with matters directly related to the practice of law, professional responsibility or ethical obligations, law office economics, or similar subjects that promotes the purposes of this rule. A program or activity for judges shall be an organized program of learning dealing with matters directly related to the law or judicial administration that promotes the purposes of Gov. Jud. R. IV.

(C) The program or activity may consist of live instruction or other methods as approved in advance by the Commission, including the use of self-study materials, and that are prepared and conducted by an individual or a group qualified by practical or academic experience;

(D) The program or activity shall be presented in a setting physically suited to the educational activity of the program or activity;

(E) The program or activity should include thorough, high-quality written materials.

Section 7. Proration of Credit Hours.

(A) *Attorney who becomes subject to rule during biennial compliance period.* An attorney who becomes subject to this rule during a biennial compliance period may have the continuing legal education requirements under Section 3 of this rule prorated by the Supreme Court Commission on Continuing Legal Education pursuant to CLE Regulation 305 for the biennial compliance period in which the attorney is subject to this rule.

(B) *Former inactive or retired attorney.* Upon registration as active, an attorney who was registered as inactive pursuant to Gov. Bar R. VI, Section 2 or as retired pursuant to former Gov. Bar R. VI, Section 3 may have the attorney's continuing legal education requirements under Section 3 of this rule prorated pursuant to CLE Regulation 305 for the biennial compliance period in which the attorney registers as active.

(C) *Attorney with military exemption.* An attorney who is granted a military exemption pursuant to Section 12(A)(1) of this rule and whose exemption is terminated may have the attorney's continuing legal education requirements under Section 3 of this rule prorated pursuant to CLE Regulation 305 for the prorated period in which the exemption ends.

(D) *Attorney exempt from rule for more than two years.* An attorney who was exempt for more than two years from the requirements of this rule pursuant to Section 12(A) of this rule may have the attorney's continuing legal education requirements prorated pursuant to CLE Regulation 305 for the biennial compliance period in which the exemption ends.

Section 8. Carryover of Credit Hours.

If the Supreme Court Commission on Continuing Legal Education determines that an attorney has timely completed in a biennial compliance period more than the number of continuing legal education credit hours required by Section 3 of this rule, the Commission may apply a maximum of twelve general credit hours to the next biennial compliance period.

Section 9. Newly-Admitted and Corporate Registered Attorneys.

(A) *Exemption from continuing legal education requirements.* An attorney newly admitted to the practice of law or registered for corporate status under Gov. Bar R. VI, Section 3 shall be exempt from the continuing legal educational requirements of Section 3 of this rule during the attorney's first biennial compliance period, provided that if the attorney is admitted to the

practice of law or registered for corporate status during the second year of the attorney's biennial compliance period, the attorney shall be exempt during the biennial compliance period that follows the attorney's year of admission or year of initial corporate registration. However, the attorney shall complete the New Lawyers Training instruction in accordance with Section 14 of this rule by the deadline set forth in this division.

(B) *Exemption from New Lawyers Training.* The following newly admitted attorneys shall be exempt from the New Lawyers Training instruction requirements of Section 14 of this rule, but shall otherwise comply with the applicable requirements of this rule:

- (1) An attorney registered as inactive pursuant to Gov. Bar R. VI, Section 2;
- (2) An attorney admitted to the practice of law in Ohio pursuant to Gov. Bar R. I, Section 9.

(C) *Attorney previously registered as inactive.* If an attorney has been exempt from the continuing legal educational requirements of Section 3 of this rule because the attorney has been registered as inactive and subsequently registers as active, the attorney shall complete the New Lawyers Training instruction in accordance with Section 14 of this rule by the end of the biennial compliance period in which active status is reinstated or, if the attorney's exemption ends on or after July 1st of the second year of the attorney's biennial compliance period, by the end of the next biennial compliance period.

(D) *Termination of exemption.* If an attorney has been granted an exemption by the Supreme Court Commission on Continuing Legal Education pursuant to Section 12(A) of this rule, which exempts the attorney from completing the New Lawyers Training instruction in accordance with Section 14 of this rule, and the exemption is subsequently terminated, the attorney shall complete the New Lawyers Training instruction by the end of the biennial compliance period in which the exemption is terminated or, if the exemption ends on or after July 1st of the second year of the attorney's biennial compliance period, by the end of the next biennial compliance period.

Section 10. Magistrates.

(A) *Definition.* As used in this section, "magistrate" means an individual appointed by a court pursuant to Rule 53 of the Ohio Rules of Civil Procedure, Rule 40 of the Ohio Rules of Juvenile Procedure, Rule 14 of the Ohio Traffic Rules, or Rule 19 of the Ohio Rules of Criminal Procedure.

(B) *Credit hours.* As part of the continuing legal education requirements of this rule, a magistrate shall complete a minimum of ten credit hours of continuing legal education for each biennial compliance period that are offered by the Supreme Court of Ohio Judicial College and that do not consist solely of the classroom instruction on professional conduct required by Section 3(B) of this rule.

(C) *Registration.* Each magistrate shall register annually with the Secretary of the Supreme Court Commission on Continuing Legal Education in a manner authorized by the Commission.

Section 11. Acting Judges.

(A) *Definition.* As used in this section, an “acting judge” means a person appointed by a judge of a municipal or county court pursuant to sections 1901.10, 1901.12, or 1907.14 of the Revised Code.

(B) *Credit hours.* As part of the continuing legal education requirements of this rule, an acting judge shall complete a minimum of ten credit hours of continuing legal education instruction for each biennial compliance period that are offered by the Supreme Court of Ohio Judicial College that do not consist solely of the classroom instruction on professional conduct required by Section 3(B) of this rule.

(C) *Registration.* Each acting judge shall register annually with the Secretary of the Supreme Court Commission on Continuing Legal Education in a manner authorized by the Commission.

(D) *Emergency appointment.* Divisions (B) and (C) of this section shall not apply to an acting judge appointed due to both of the following reasons:

(1) An event or circumstance that is unforeseen and requires the appointing judge to be away from the court, including but not limited to a family illness or death;

(2) No acting judge who is registered pursuant to division (C) of this section is available or the application for a visiting judge or retired judge sitting by assignment of the Chief Justice of the Supreme Court would be impracticable.

(E) *Length of emergency appointment.* The appointment of an acting judge to whom division (D) of this section applies shall last no longer than twenty-four hours or until the conclusion of the next day the court regularly is open if the appointment is made on a weekend, holiday, or other day on which the court is not open.

Section 12. Exemptions.

(A) *Exemption by Commission.* Upon approval by the Supreme Court Commission on Continuing Legal Education, the following attorneys may be exempted from the requirements of Section 3 of this rule:

(1) An attorney on full-time military duty who does not engage in the private practice of law in Ohio;

(2) An attorney suffering from severe, prolonged illness or disability preventing participation in accredited continuing legal education programs and activities for the duration of the illness or disability;

(3) An attorney who has demonstrated special circumstances unique to that attorney and constituting good cause to grant an exemption for a period not to exceed one year and subject to any prorated adjustment of the continuing legal education requirements.

(B) *Substitute program or activity.* An attorney who, because of a permanent physical disability or other compelling reason, has difficulty attending programs or activities may request, and the Commission may grant, approval of a substitute program or activity.

(C) *Temporary certified attorney, foreign legal consultant, or pro hac vice admitted attorney.* A person certified to practice law temporarily pursuant to Gov. Bar R. IX, a foreign legal consultant registered pursuant to Gov. Bar R. XI, or an attorney registered with the Office of Attorney Services for pro hac vice admission pursuant to Gov. Bar R. XII shall be exempt from the requirements of this rule.

(D) *Federal judges and magistrate judges.* The following attorneys are exempt from the requirements of this rule while in office:

(1) United States judges appointed to office for life pursuant to Article III of the United States Constitution;

(2) United States bankruptcy judges;

(3) United States magistrate judges.

(E) *Inactive and retired attorneys.* An attorney registered as inactive pursuant to Gov. Bar R. VI, Section 2 or as retired pursuant to former Gov. Bar R. VI, Section 3 shall be exempt from the requirements of this rule.

Section 13. Disciplined Attorneys.

An attorney against whom a definite or an indefinite suspension is imposed pursuant to Gov. Bar R. V shall complete one credit hour of continuing legal education for each month, or portion of a month, of the suspension. As part of the total credit hours of continuing legal education required under this section, the attorney shall complete one credit hour of the instruction related to professional conduct required by Section 3(B) of this rule for each six months, or portion of six months, of the suspension.

Section 14. New Lawyers Training.

(A) Requirement.

(1) Each attorney newly admitted to the practice of law or registered for corporate status under Gov. Bar R. VI, Section 3 shall complete a minimum of twelve credit hours of New Lawyers Training instruction in the time frame set forth in Section 9(A) of this rule. The twelve credit hours of instruction shall include both of the following:

(a) Three credit hours of instruction in professionalism, law office management, and client fund management consisting of sixty minutes of instruction on topics related to professional conduct, professional relationships, obligations of attorneys, or aspirational ideals of the profession; sixty minutes of instruction on topics related to fundamental law office management practices; and sixty minutes of instruction on topics related to client fund management;

(b) Nine credit hours of instruction in one or more substantive law topics that focus on handling legal matters in specific practice areas.

(2) An attorney newly admitted to the practice of law or registered for corporate status under Gov. Bar R. VI, Section 3 may satisfy the New Lawyers Training instruction requirement of division (A)(1) of this section by participating in and successfully completing the Supreme Court Lawyer to Lawyer Mentoring Program, provided the attorney also completes three credit hours of instruction on professionalism, law office management, and client fund management as required in division (A)(1)(a) of this section.

(B) Approval of activity. To be approved by the Supreme Court Commission on Continuing Legal Education as a New Lawyers Training activity, the activity shall satisfy the following standards, together with any other standards as established by regulation of the Commission:

(1) The activity shall consist of live instruction in a setting physically suited to the educational activity of the program;

(2) The activity shall be a minimum of one hour in length;

(3) The activity shall include thorough, high-quality, written materials that emphasize and include checklists of procedures to follow, practical instructions, and forms with guidance as to how they should be completed and when they should be used.

(C) Carryover hours. An attorney subject to Section 9(A) of this rule who completes more than the number of New Lawyers Training credit hours required under division (A)(1) of this section may be awarded a maximum of twelve general credit hours to the next biennial compliance period.

(D) *Awarding of general credit hours.* The Commission may award one credit hour of continuing legal education for every credit hour of New Lawyers Training instruction completed by an attorney not subject to Section 9(A) of this rule.

Section 15. Accreditation of Programs and Activities.

(A) *Accreditation procedures.* The Supreme Court Commission on Continuing Legal Education shall establish and publish written procedures for accreditation of continuing legal education programs and activities.

(B) *Accreditation term.* The Commission may establish the term for which the accreditation of a continuing legal education program or activity is effective. The Commission may renew accreditation of a program or activity.

(C) *Application decision.* The Commission shall render a decision on an application for accreditation of a continuing legal education program or activity within forty-five days after the date the Commission receives a completed application.

(D) *Prior approval.* The Commission may require prior approval of a continuing legal education program or activity.

(E) *Accreditation of out-of-state or national program or activity.* The Commission may accredit continuing legal education programs and activities of other states or national or state legal organizations.

(F) *Automatic accreditation.* The Commission may grant automatic accreditation for continuing legal education programs and activities offered by established sponsors, provided that the Commission shall monitor those programs and activities.

(G) *Notice and explanation of denial.* The Commission shall notify a continuing legal education program or activity sponsor if accreditation is not granted and explain the reasons for denial.

(H) *Calendar of programs and activities.* The Commission shall maintain a calendar of accredited continuing legal education programs and activities and shall make the calendar available on a regular basis.

(I) *Political involvement.* The Commission shall not accredit a continuing legal education program or activity, any proceeds from which are to be used to support a political party, political action committee, campaign committee of a candidate for public office, or candidate for public office.

Section 16. Evaluation of Programs and Activities.

(A) *Procedures for evaluation.* The Supreme Court Commission on Continuing Legal Education shall establish procedures for evaluating continuing legal education programs and activities offered under this rule.

(B) *Commission attendance at program or activity.* Commission representatives may attend any continuing legal education program or activity without notice or fee to evaluate the program or activity. No credit hours shall be awarded for attendance to evaluate a program or activity.

(C) *Revocation of accreditation.* The Commission may revoke accreditation for failure to comply with the requirements of this rule, regulations adopted pursuant to this rule, or for other good cause shown. An attorney or judge who attends an accredited continuing legal education program or activity for which accreditation is later revoked shall receive credit, provided the attendance occurred prior to notice of revocation.

Section 17. Sanctions for Failure to Comply.

(A) *Continuing legal education requirements.* An attorney, magistrate, or acting judge who fails to satisfy the applicable requirements of this rule, except for failure to complete the New Lawyers Training instruction as required by Section 14 of this rule, or a full-time judge, part-time judge, or retired judge who fails to satisfy the applicable mandatory continuing legal education requirements of this rule or Gov. Jud. R. IV shall be subject to one or both of the following sanctions:

- (1) A monetary penalty;
- (2) Suspension from the practice of law.

(B) *New Lawyers Training requirements.* An attorney who is required to complete the New Lawyers Training instruction as required by Section 14 of this rule and who, without good cause, fails to complete the requirements shall be suspended from the practice of law.

(C) *Sanctions.* A sanction imposed under this section shall not be considered in the imposition of a sanction under Gov. Bar R. V, Section 8.

Section 18. Enforcement Procedures.

(A) *Late compliance.* An attorney or judge who fails to meet the applicable requirements of this rule or Gov. Jud. R. IV, but does so within ninety days of the deadline set forth in Section 4 of this rule, shall be assessed a late fee in accordance with the late fee schedule in CLE Regulation 503.

(B) *Failure to comply.* An attorney or judge who fails to meet the applicable requirements of this rule or Gov. Jud. R. IV shall be notified of the apparent noncompliance by the

Supreme Court Commission on Continuing Legal Education. The Commission shall send notice of the apparent noncompliance by regular mail to the attorney or judge at the most recent address provided by the attorney or judge to the Office of Attorney Services. The notice shall inform the attorney or judge that the attorney or judge will be subject to one or both of the sanctions set forth in Section 17 of this rule unless, on or before the date set forth in the notice, the attorney or judge either files evidence of compliance with the applicable requirements of this rule or Gov. Jud. R. IV or comes into compliance. The attorney or judge shall come into compliance by taking sufficient credit hours to meet the requirements and paying the late fee set forth in CLE Regulation 503 by the date set forth in the notice of apparent noncompliance. If the attorney or judge does not file evidence of compliance or come into compliance on or before the date set forth in the notice, the attorney or judge shall be subject to sanction as set forth in Section 17 of this rule. The Commission shall send the sanction order by certified mail to the attorney or judge at the most recent address provided by the attorney or judge to the Office of Attorney Services. The Supreme Court Reporter shall publish notice of the Commission's sanction orders in the *Ohio Official Reports* and the *Ohio State Bar Association Report*.

Section 19. Reinstatement.

(A) *Application.* An attorney or judge who is suspended under this rule may be reinstated to the practice of law by applying for reinstatement with the Supreme Court Commission on Continuing Legal Education. The application for reinstatement shall be in a manner authorized by the Commission and accompanied by evidence that the attorney or judge has satisfied the deficiency that was the cause of the suspension under this rule, a reinstatement fee of three hundred dollars, and payment of all fees assessed for noncompliance with this rule.

(B) *Order and notice.* Upon receipt of a completed application for reinstatement and verification that the attorney has fulfilled the registration requirements of Gov. Bar R. VI, the Secretary shall issue an order of reinstatement and send notice of the reinstatement to the attorney.

(C) *Publication.* Any sanction or reinstatement ordered by the Commission pursuant to this rule shall be published by the Supreme Court Reporter in the *Ohio Official Reports* and the *Ohio State Bar Association Report*. Certified copies of any sanction or reinstatement order entered by the Commission pursuant to this rule shall be sent to those persons or organizations named in Gov. Bar R. V, Section 8(D)(1).

Section 20. Effective Date.

(R) The amendments to Sections 3 through 20 of this rule, adopted by the Supreme Court of Ohio on October 23, 2012, shall be effective January 1, 2014, and apply to the biennial compliance period ending on December 31, 2014, and all subsequent biennial compliance periods. Former Sections 3 through 8 of this rule shall apply to the biennial compliance period ending on December 31, 2013, and all prior biennial compliance periods.

[Effective: July 1, 1988 and January 1, 1989; amended effective January 1, 1989; July 1, 1989; December 15, 1989; May 28, 1990; September 1, 1990; January 1, 1991; February 18, 1991; September 1, 1991; January 1, 1992; July 1, 1992; January 1, 1994; January 1, 1995; January 1, 1996; January 1, 1998; November 1, 1998; January 1, 2000; May 8, 2000; July 1, 2001; January 21, 2002; July 1, 2002, September 1, 2004, November 7, 2005; November 1, 2007; November 1, 2008; December 1, 2011; January 1, 2014.]

APPENDIX I: ATTORNEY CONTINUING LEGAL EDUCATION REGULATIONS

Regulation 100: Definitions

In these Regulations, the following definitions shall apply:

(A) **Approved CLE Activity:** a CLE Activity that meets the standards set forth in Regulation 406 and either: (i) has been accredited by the Commission as provided in these Regulations; or (ii) is presented by an Established Sponsor.

(B) **Attendee:** an Attorney or Judge attending an Approved CLE Activity.

(C) **Attorney:** a person who is registered under Rule VI of the Supreme Court Rules for the Government of the Bar of Ohio.

(D) **CLE Activity:** a seminar, institute, course or other educational program of legal education as described in Regulations 401 through 405 and 407 through 412.

(E) **CLE Credit:** time earned toward meeting the CLE Requirements through participation in Approved CLE Activities that is awarded by the Commission.

(F) **CLE Record:** the record of CLE Credit maintained by the Commission for each Attorney and Judge that is the basis for enforcement of the CLE Requirements.

(G) **CLE Requirements:** the educational provisions of Rule X, Section 3 or Rule IV, Section 3, and these Regulations.

(H) **Commission:** the Supreme Court Commission on Continuing Legal Education.

(I) **Compliance:** conformity with the CLE Requirements.

(J) **Established Sponsor:** a person or organization whose entire continuing legal education program has been accredited by the Commission pursuant to Regulation 404 of these Regulations.

(K) **Exemption:** relief from the duty to meet the CLE Requirements of Rule X granted by the Commission or through the operation of Rule X, Sections 9(A) or (B) or 12 or Rule IV, Section 8. An Exemption specifically requested, if granted, is for a limited time as determined by the Commission.

(L) **Good Cause:** circumstances not within the reasonable control of the Attorney or Judge and having the effect of preventing, substantially hindering, or delaying Compliance, filing, or payment. Good Cause shall not include mere neglect or inadvertence. Good Cause may be taken into consideration when reviewing an Attorney's or Judge's failure to comply with the CLE Requirements or failure to pay any applicable fee.

(M) Judge: judicial officers subject to the Supreme Court Rules for the Government of the Judiciary. Unless otherwise provided in Rule X or Rule IV, Judge includes those considered full-time, part-time, or retired who are eligible for assignment to active duty.

(N) New Lawyers Training Instruction: an educational course for lawyers newly admitted to the practice of law that satisfies the requirements of Rule X, Section 14 and the requirements of Regulation 414 and is approved by the Commission pursuant to Regulation 414.

(O) Noncompliance: failure to be in Compliance with the CLE Requirements.

(P) Pro bono: the provision of legal service to either a person of limited means or a charitable organization in which the legal service is assigned, verified, and reported to the Commission by any of the following:

(1) An organization receiving funding for pro bono programs or services from the Legal Services Corporation or the Ohio Legal Assistance Foundation;

(2) A metropolitan or county bar association;

(3) The Ohio State Bar Association;

(4) The Ohio Legal Assistance Foundation;

(5) Any other organization recognized by the Commission as providing pro bono programs or services in Ohio.

(Q) Professional Conduct Requirement: the professional conduct requirement of Rule X, Section 3(B) and the judicial conduct requirement of Rule IV, Section (3)(C).

(R) Qualified Speaker: Sponsors may utilize videotape, motion picture, audiotape, simultaneous broadcast, computer-based education, or other such systems or devices, provided they meet the applicable standards of Regulation 406. If the faculty members are not available either in person or via live telecommunication, then a Qualified Speaker, familiar with the recorded materials, shall be present to expand upon and provide supplemental commentary and to answer questions posed by Attendees. The Qualified Speaker shall have reviewed the recorded materials in their entirety prior to the replay and shall remain in the room with the Attendees the entire time.

(S) Rule X: Supreme Court Rules for the Government of the Bar, Rule X, Continuing Legal Education for Attorneys.

(T) Rule IV: Supreme Court Rules for the Government of the Judiciary, Rule IV, Continuing Legal Education for Judges.

(U) Secretary: Secretary of the Supreme Court Commission on Continuing Legal Education.

(V) **Self-Study Activity:** a CLE Activity of individualized learning engaged in by an Attorney or Judge outside of the standard classroom or seminar setting, including but not limited to live interactive educational methods such as real-time video conference or teleconference. Special methods of instruction pursuant to Regulation 408 using electronic methodology, such as on-demand courses, DVDs, CDs, or MP3s, may be accredited as Self-Study Activities pursuant to Regulation 409.

(W) **Skills-Based Activity:** educational training by doing or performing. In contrast to education based on mastery of written materials, such as statutes and case law, it is education on how to act or perform. The training teaches Attorneys effective and appropriate behaviors and methods for handling particular problems or situations.

(X) **Special Program:** a CLE Activity sponsored by a law firm; a corporation, including a corporate legal department; a governmental agency; a group of Attorneys in public service, for example the Ohio Attorney General's office, a County Prosecuting Attorney's office, a U.S. Attorney's office, a Public Defender's office, a legal department of a State or Federal agency, a legal services program, or a law department of a municipal corporation; or a similar entity primarily for the education of its employees, members, associates, or clients.

(Y) **Sponsor:** a person or organization that is responsible for the costs associated with conducting or presenting a CLE Activity.

(Z) **Transcript:** a copy of the CLE Record.

Regulation 200: Administration

Regulation 201: Secretary's Determinations and Review

201.1 The Secretary, pursuant to these Regulations, shall initially take action on all applications for accreditation of CLE Activities for CLE Credit, the award of CLE Credit to Attorneys and Judges, and Exemptions. The Secretary shall notify the applicant of the decision on the application within forty-five days after the application is deemed complete. In the case of requests for the award of CLE Credit, the posting of hours to the record of an Attorney pursuant to Regulation 302.4 shall constitute the decision of the Secretary.

201.2 The action of the Secretary shall constitute the action of the Commission unless and until the Commission determines otherwise. At each meeting of the Commission, the Secretary shall report to the Commission all actions taken.

201.3 All actions taken by the Secretary pursuant to these Regulations shall be subject to review and approval, disapproval, or modification by the Commission, *sua sponte*, or upon appeal by any person or entity adversely affected by the decision. The appeal shall be in the manner authorized by the Commission and shall be received by the Commission within thirty days after the Secretary's determination or interpretation appealed from.

201.4 If the Commission finds that the Secretary has incorrectly interpreted or applied Rule X, Rule IV, or these Regulations, the Commission shall take such action as it deems appropriate. In such instance the Commission shall notify the appellant of its decision.

201.5 When any person requests review of any matter within the jurisdiction of the Commission, the Chairman may appoint a committee to consider the appeal. Such committee shall be comprised of a minimum of three members of the Commission who shall hear the issues presented by the appeal and report its findings and recommendations to the Commission. The report of the committee or, if there is no committee appointed, the appeal shall be heard by the Commission at its next regularly scheduled meeting. In either event, the person adversely affected by the determination being appealed may present information relevant to the appeal to the committee or to the Commission, in writing, in person, or both.

Regulation 300: Continuing Legal Education Requirements

Regulation 301: Requests for CLE Credit

301.1 Except as otherwise provided by these Regulations, Rule X, or Rule IV, CLE Credit shall be awarded only for personal attendance at or participation in an Approved CLE Activity, for a minimum of one hour.

301.2 A request for CLE Credit shall be submitted by or on behalf of an Attorney or Judge for each Approved CLE Activity for which credit is sought. The request shall be in a manner authorized by the Commission.

(A) Each request for the award of CLE Credit shall be acknowledged by the Attorney or Judge requesting the credit at the conclusion of the Attorney's or Judge's attendance at or participation in the CLE Activity for which the Attorney or Judge seeks the award of CLE Credit.

(B) Each request for the award of CLE Credit submitted to the Commission by an Attorney or Judge shall include the name, Supreme Court attorney registration number, and any other information requested by the Commission.

Regulation 302: Record of CLE Credit

302.1 The Commission shall maintain a CLE Record for each Attorney and Judge. The CLE Record shall contain all of the following:

(A) Approved CLE Activities for which the Attorney or Judge has been awarded CLE Credit during the Attorney's or Judge's current biennial compliance period;

(B) CLE Credit hours earned to date;

(C) The date on which the Attorney's or Judge's current biennial compliance period ends.

302.2 In any proceeding authorized by the provisions of Rule X, Rule IV, or these Regulations, a Transcript of an Attorney's or Judge's record, when certified as correct by the Secretary, is rebuttably presumed to correctly show the number of CLE Credit hours that have been awarded by the Commission to the Attorney or Judge during the applicable biennial compliance period.

302.3 The Commission may maintain the information required by Regulation 302.1 in an electronic system of record storage.

302.4 CLE Credits requested by an Attorney or Judge shall be posted by the Commission to the Attorney's or Judge's CLE Record within forty-five days following the submission of the Attorney's or Judge's request for the award and is deemed complete except when either of the following apply:

(A) When the Commission defers the award of CLE Credit pending an investigation of a request for CLE Credit;

(B) When the Commission denies the award of CLE Credit following an investigation of a request for CLE Credit.

302.5 The Secretary shall notify an Attorney or Judge requesting CLE Credit of any decision denying or deferring the award of CLE Credit or granting fewer than the requested number of hours of CLE Credits within thirty days after such determination. Only that number of CLE Credit hours approved by the Commission shall be posted to an Attorney's or Judge's CLE Record.

302.6 In any case in which an Attorney is awarded fewer than the total number of CLE Credit hours requested, the request for credit shall be kept by the Commission for two years following its receipt by the Commission.

Regulation 303: Attorney's and Judge's Review of Transcript

Each Attorney or Judge shall have a continuing obligation to review the Attorney's or Judge's Transcript and inform the Commission if information contained in the CLE Record is inaccurate or if information that should be contained in the record is missing.

Regulation 304: Requests for Exemption From CLE Requirements

304.1 Persons meeting either of the following criteria may request Exemption by the Commission from some or all of the CLE Requirements of Rule X or Rule IV:

(A) An Attorney on full-time military duty who does not engage in the private practice of law in Ohio;

(B) An Attorney or Judge suffering from severe and prolonged illness or disability preventing participation in Approved CLE Activities pursuant to these Regulations.

304.2 The effective date for any Exemption granted under Regulation 304.1 shall be the date the Attorney or Judge submits the request for Exemption, unless another effective date is warranted upon review of the Request.

304.3 An Attorney or Judge may request an Exemption for a period not to exceed one year by submitting a request in which the Attorney or Judge demonstrates special circumstances unique to that Attorney or Judge constituting Good Cause for the grant of the Exemption.

304.4 An Attorney or Judge for whom attendance at CLE activities is difficult because of a permanent physical disability or other compelling reason may request approval of a substitute program by submitting a request specifying the components of the proposed substitute program. A proposed substitute program may include courses of self-study or Special Programs.

304.5 An Attorney or Judge requesting an Exemption under this Regulation from some or all of the CLE Requirements of Rule X shall submit a request in a manner authorized by the Commission within a reasonable time after the basis for the Exemption arises. The request shall describe the facts and circumstances upon which the request is based and, if applicable, the date on which the need for an Exemption will terminate. The Commission may require the Attorney or Judge to submit additional documentation before considering the request.

304.6 Upon receipt of a request for Exemption, the Commission shall consider the request and the facts supporting it and shall notify the Attorney or Judge submitting the request of its decision to grant, deny, or grant with modifications the relief requested.

304.7 Regulation 305 shall apply upon the expiration or termination of any Exemption granted by the Commission or allowed under Rule X or in these Regulations.

Regulation 305: Proration of Credit Hour Requirements

Except as is otherwise provided by Rule X, Section 7 or Rule IV, Section 6, the CLE Requirements for Attorneys or Judges becoming subject thereto after the commencement of a biennial compliance period shall be adjusted as follows:

(A) If the Attorney or Judge becomes subject to Rule X or Rule IV after January 1st of the first year of the biennial compliance period, but before July 1st of the first year of the period, there shall be no reduction in the CLE Requirement;

(B) If the Attorney or Judge becomes subject to the CLE Requirements after July 1st of the first year of the biennial compliance period, but before January 1st of the second year of the Attorney's or Judge's period, the Attorney or Judge shall be required to complete three-quarters of the required CLE Credit hours and the entire Professional Conduct Requirement during the remainder of the period;

(C) If the Attorney or Judge becomes subject to the CLE Requirements after January 1st of the second year of the biennial compliance period, but before July 1st of the second year of

the Attorney's or Judge's period, the Attorney or Judge shall complete one-half the required CLE Credit hours and the entire Professional Conduct Requirement during the remainder of the period. Upon timely application made to the Commission, the Commission may vary the provisions of this paragraph where prejudice would result.

Regulation 306: Attorney Signature

In all cases where the signature of the Attorney or Judge is required under Rule X, Rule IV, or these Regulations, the signature shall constitute verification by the Attorney or Judge that the form has been read by the Attorney or Judge and, to the best of the Attorney's or Judge's knowledge, information, and belief, the form is complete and is accurate. A signature may be any electronic symbol or process that is attached to or associated with a form or other writing required to be submitted under Rule X, Rule IV, or these Regulations and that is intended to express the required verification.

Regulation 400: Hours and Accreditation

Regulation 401: Credit for Teaching

401.1 Continuing Legal Education Teaching Credit

(A) An Attorney or Judge may receive three hours of CLE Credit for each hour taught in an Approved CLE Activity the first time the program is presented by the Attorney or Judge, two hours of CLE Credit for each hour taught as part of a panel presentation the first time the program is presented by the Attorney or Judge, and one hour of CLE Credit for each hour taught during subsequent presentations of the same CLE Activity. An Attorney or Judge may receive a maximum of one-half the required hours of CLE Credit for such teaching during a biennial compliance period.

(B) The Attorney or Judge shall submit an application for credit in a manner authorized by the Commission within thirty days after the last presentation of the Approved CLE Activity.

401.2 Law School Teaching Credit

(A) An Attorney or Judge may receive one-half hour of CLE Credit for each semester hour taught at an ABA-accredited law school. Prorated credit will be granted for quarter or trimester hours.

(B) The Attorney or Judge shall submit an application for credit in a manner authorized by the Commission within thirty days after the last day of the course.

(C) An Attorney or Judge shall not receive CLE Credit for hours taught at any other accredited higher education institution.

401.3 Lawyer to Lawyer Mentoring Program Teaching Credit

An Attorney or Judge may receive twelve hours of CLE Credit, including two and one-half hours of instruction related to professional conduct pursuant to Rule X, Section 3(B), by participating as a mentor in the Supreme Court Lawyer to Lawyer Mentoring Program.

Regulation 402: Law School Course Credit

(A) An Attorney or Judge may receive three hours of CLE Credit for each semester hour of a course completed at an ABA-accredited law school. Prorated credit will be granted for quarter or trimester hours.

(B) Taking an examination is not required for CLE Credit. The course may be completed for academic credit or on an audit basis.

(C) An Attorney or Judge shall submit an application for CLE Credit in a manner authorized by the Commission within thirty days after the last day of the course.

Regulation 403: Publication of Article or Book Credit

(A) An Attorney or Judge may receive up to twelve hours of CLE Credit per biennial compliance period for the publication of articles or books authored or prepared by the Attorney or Judge.

(B) The article or book shall concern matters directly related to the practice of law, judicial administration, professional conduct, ethical obligations, law office economics, or other subjects that will maintain and improve the quality of legal services in Ohio.

(C) The article or book shall be intended primarily for reading or use by an Attorney or Judge.

(D) The article or book shall be of substantial or scholarly quality. Insubstantial articles or books, such as self-published materials or blogs, shall not be eligible for credit.

(E) Credit shall not be given for preparation of meeting, seminar, or conference materials for which the Attorney or Judge has received teaching credit pursuant to Regulation 401.1.

(F) The Attorney or Judge shall submit an application in a manner authorized by the Commission within ninety days of publication or by the end of the biennial compliance period, whichever is later. Credit shall be awarded for the year in which the article or book is published.

Regulation 404: Accreditation of Established Sponsors and Established Self-Study Sponsors

404.1 (A) The Commission may, upon submission of an application in a manner authorized by the Commission, designate Established Sponsors of CLE Activities.

(B) The Commission may grant to a Sponsor of CLE Activities designation as an Established Sponsor if the Sponsor is not primarily a provider of Special Programs and the Sponsor demonstrates to the Commission, by clear and convincing evidence, that CLE Activities offered by it have consistently met the standards set forth in Regulation 406.

(C) The Commission may grant to a Sponsor of Self-Study Activities designation as an Established Self-Study Sponsor if the Sponsor demonstrates to the Commission, by clear and convincing evidence, that the Self-Study Activities offered by it have consistently met the standards set forth in Regulation 409.

(D) Designation as an Established Sponsor or Established Self-Study Sponsor shall be for a term not to exceed one year and may be renewed by the Commission annually if the Established Sponsor or Established Self-Study Sponsor continues to meet the criteria set forth in these Regulations. Established Sponsor or Established Self-Study Sponsor status may be revoked by the Commission if, upon review of the CLE Activities or Self-Study Activities presented, the Commission determines that the quality of those CLE Activities or Self-Study Activities does not meet the standards set forth in these Regulations; the annual fee has not been paid; or the Commission finds violations of any other applicable Regulations.

(E) CLE Activities presented by Established Sponsors, other than New Lawyers Training courses, and Self-Study Activities presented by Established Self-Study Sponsors shall be deemed to be approved and shall not individually be subject to the approval process set forth in these Regulations. However, individual activities presented by Established Sponsors and Established Self-Study Sponsors may be reviewed and subject to denial if the Secretary determines they do not meet the requirements of Rule X or these Regulations.

(F) Established Sponsors and Established Self-Study Sponsors shall pay the annual fee by March 1st of each year.

(G) An Established Sponsor shall announce each CLE Activity in a manner authorized by the Commission a minimum of thirty days prior to the presentation of the CLE Activity. An Established Self-Study Sponsor shall announce each Self-Study Activity in a manner authorized by the Commission a minimum of thirty days prior to the date of initial availability of the Self-Study Activity.

(H) Within thirty days after presentation of a CLE Activity, an Established Sponsor and Established Self-Study Sponsor shall submit to the Commission all requests for CLE Credit in a manner authorized by the Commission. Established Sponsors shall retain attendance records for two years following the presentation of a CLE Activity.

(I) Established Sponsors shall pay fees in connection with their designation as established by the Commission.

(J) Any violations of these Regulations shall subject the Established Sponsor or Established Self-Study Sponsor to late fees established by the Commission or other sanctions as provided in Rule X or these Regulations.

404.2 An ABA-accredited law school acting as a Sponsor of CLE Activities shall be considered an Established Sponsor under this Regulation. The announcement required by Regulation 404.1(G) shall be accompanied by the applicable fee.

Regulation 405: Accreditation of Programs

(A) Any Sponsor who has not been designated as an Established Sponsor may apply to the Commission for accreditation of a CLE Activity in a manner authorized by the Commission. The application for accreditation shall be accompanied by the applicable fee.

(B) Application for accreditation of a CLE Activity shall be submitted a minimum of sixty days prior to the date of presentation of the program.

(C) Any representation that the CLE Activity has been accredited is prohibited until accreditation is granted, unless prior approval is granted by the Commission.

(D) The CLE Activity shall meet the standards set forth in Regulation 406.

(E) Within thirty days after presentation of the CLE Activity, the Sponsor of a CLE Activity approved under this Regulation shall submit to the Commission all requests for CLE Credit in a manner authorized by the Commission. The Sponsor shall retain attendance records for two years following the presentation of the CLE Activity.

(F) Any violations of these Regulations shall subject the Sponsor to late fees established by the Commission or other sanctions as provided in Rule X or these Regulations.

(G)(1) A Sponsor who violates these Regulations two or more times in any six-month period shall be certified to the Commission as a habitual offender.

(2) Upon certification as a habitual offender, any application for accreditation by this Sponsor shall require the approval of the Commission.

(3) Upon demonstration of a commitment to Compliance and application to the Commission, the Sponsor's name will be removed from the habitual offender's status.

Regulation 406: Standards for Accreditation

CLE Activities approved for CLE Credit shall meet the following standards:

(A) The CLE Activity shall have significant intellectual or practical content, the primary objective of which is to improve the participants' professional competence as an Attorney or Judge;

(B) The CLE Activity shall be an organized program of learning dealing with matters directly related to the practice of law, professional conduct or ethical obligations, law office economics, or other subjects that will maintain and improve the quality of legal services in Ohio;

(C) The program leaders or lecturers shall be qualified by education or have the necessary practical skill to conduct the program effectively;

(D) Before or at the time of the CLE Activity, each Attendee shall be provided with course materials in the form of written, electronic, or other format that are of such quality and quantity to indicate that adequate time has been devoted to their preparation and that they will be of value to the participants. Although a Sponsor may provide materials only in electronic format, the Sponsor shall make materials available in written format prior to the activity upon request from an Attendee. Course materials in Power Point or other format shall be subject to the same criteria as other materials.

(E) The CLE Activity shall be presented in a suitable setting, conducive to a good educational environment;

(F) The Sponsor shall submit information concerning the CLE Activity, including the brochure describing the CLE Activity, the names and qualifications of the speakers, the method or manner of presentation of materials, the agenda with a detailed time schedule, and, if requested, a set of the materials;

(G) The Sponsor shall develop and implement methods to evaluate its course offerings to determine their effectiveness and the extent to which they meet the needs of Attorneys and Judges and, upon a request from the Commission, provide course evaluations by Attendees;

(H) Attendance at the CLE Activity shall be open to all Attorneys and Judges and shall consist of a minimum of one uninterrupted hour of instruction. CLE Credit shall not be awarded for breaks or opening or closing remarks. Only time of actual instruction shall count toward a credit hour. Partial hours over the minimum shall be rounded to the nearest one-quarter of an hour and should be expressed as decimals.

(I) The Sponsor shall make reasonable efforts to insure that participating Attorneys or Judges are actively engaged in the CLE Activity. Such reasonable efforts include, but are not limited to, an announcement at the beginning of the program and after all breaks asking participants to turn off phones or electronic devices and to put away newspapers and other materials not related to the CLE Activity.

Regulation 407: Accreditation of Special Programs

407.1 (A) A law firm; a corporation, including a corporate legal department; a governmental agency; or a group of Attorneys in public service, for example the Ohio Attorney

General's Office, a County Prosecuting Attorney Office, a U.S. Attorney Office, a Public Defender Office, a legal department of a State or Federal agency, a legal services program, or a law department of a municipal corporation, may make application for accreditation of a Special Program pursuant to Regulation 405 and this Regulation 407.1. Sponsors shall submit an application for approval of such Special Program, in a manner authorized by the Commission, a minimum of sixty days prior to the date of presentation.

(B) A Special Program shall meet the standards set forth in Regulation 406.

(C) One or more speakers at a Special Program shall not be a member, partner, associate, client, or employee of the sponsoring organization.

(D) A Special Program shall be open to Attorneys and Judges not associated with the Sponsor, who shall assure that a minimum of one-quarter of the available seating at the Special Program is made available to Attendees not associated with the Sponsor. Skills-Based Activities shall be exempt from this requirement.

(E) If a fee is charged, it shall be reasonably related to the total cost of the Special Program and any fee shall be disclosed on the application.

(F) If confidential information is discussed, a Special Program shall not be eligible for CLE Credit.

(G) The Commission may, upon such terms and conditions as it deems proper, grant a variance from the provisions of this Regulation upon application in support of such variance.

(H) Within thirty days after presentation of a Special Program, the Sponsor shall submit to the Commission requests for CLE Credit of all Attorneys and Judges in attendance in a manner authorized by the Commission. The Sponsor shall retain attendance records for two years following the presentation of the Special Program.

(I) The Sponsor of a Special Program shall advise the Commission within thirty days after the date of the Special Program if any change was made in the program format, subject matter, or speakers, in which event accreditation of the Special Program for CLE Credit may be reconsidered by the Secretary or the Commission.

(J) A Special Program shall be scheduled under circumstances so as to be reasonably free of interruption by unrelated matters.

(K) Any violations of these Regulations shall subject the Sponsor to late fees established by the Commission or other sanctions as provided in Rule X or these Regulations.

407.2 (A) Not more than twelve hours of CLE Credit for any biennial compliance period may be earned by an Attorney or Judge for attendance at Special Programs sponsored by an entity with which the Attorney or Judge is associated.

(B) Notwithstanding Regulation 407.2(A), Attorneys in public service, for example the Ohio Attorney General's Office, a County Prosecuting Attorney Office, a U.S. Attorney Office, a Public Defender Office, a legal department of a State or Federal agency, a legal services program, or a law department of a municipal corporation, may obtain up to twenty four hours of CLE Credit for Skills-Based Activities for any biennial compliance period.

407.3 Special Programs sponsored by the Department of Justice Office of Legal Education and the Federal Public Defender shall meet the standards of these Regulations, provided that Regulations 407.1(C), 407.1(D), and 407.1(F) shall not apply. Attorneys attending Special Programs sponsored by the Department of Justice Office of Legal Education and the Federal Public Defender may obtain up to twenty four hours of CLE Credit for any biennial compliance period for attendance at such programs.

Regulation 408: Sponsors and Special Methods of Instruction

408.1 Sponsors may utilize videotape; motion picture; audiotape; simultaneous broadcast including videoconferencing, teleconferencing, and audio-conferencing; computer-based education; or other such systems or devices, provided they meet all standards of Regulation 406 in addition to the following standards:

(A) There shall be an opportunity for Attendees to ask questions of the program faculty during or immediately following the presentation. Such questions may be asked verbally, via email, or via webcast questioning technology.

(B) If the faculty members are not available, either in person or via live telecommunication during the presentation, or if a Qualified Speaker is not present, then participants shall be provided a methodology to ask questions and receive responses from faculty members within seventy-two hours of the presentation. Records of such questions and responses shall be retained by the Sponsor for one year and provided to the Commission upon request.

(C) If the instruction is based on previously presented materials, the materials shall be current and, in any event, shall have been prepared no earlier than the calendar year immediately preceding the date the application for accreditation is filed.

408.2 The Commission may, upon such terms and conditions as it deems proper, grant a variance from the provisions of this regulation upon application in support of the variance.

408.3 Special methods of instruction that do not meet the provisions of Regulation 408.1 shall be considered a Self-Study Activity and will be approved for credit if they meet the standards set forth in Regulation 409.

Regulation 409: Self-Study

409.1 (A) A Self-Study Activity may be approved for CLE Credit if it meets the requirements of this Regulation. The Self-Study Activity shall also meet the standards set forth in Regulation 406 to the extent they are applicable to a program of individualized learning.

(B) Any Sponsor who has not been designated as an Established Self-Study Sponsor shall submit an application for approval in a manner authorized by the Commission a minimum of sixty days prior to the date of initial availability of the Self-Study Activity, together with the applicable fee. Only Sponsors may apply for accreditation of Self-Study Activities. Attorneys and Judges may not apply on their own behalf for accreditation of Self-Study Activities.

(C) An application shall contain each of the following:

(1) A description of the subject matter of the Self-Study Activity and method of instruction;

(2) The names and qualifications of the speakers, the agenda with a detailed time schedule and, if requested, a set of the materials;

(3) Information on how and when the Self-Study Activity can be obtained;

(4) The length of the Self-Study Activity and number of credit hours requested;

(5) The date on which the Self-Study Activity was produced.

(D) The Self-Study Activity shall include a minimum of one sixty-minute hour of substantive legal instruction.

(E) The Commission, upon such terms and conditions as it deems proper, may grant a variance from the provisions of Regulation 409.1 upon application in support of the variance.

(F) Within thirty days, the Sponsor shall submit to the Commission in a manner authorized by the Commission a request for CLE Credit for each Attorney or Judge who has successfully completed the Self-Study Activity. The Sponsor shall retain attendance records for two years following the completion of each Self-Study Activity.

(G) The Sponsor shall notify the Commission within thirty days if a material change is made to the Self-Study Activity, including a change in internet service providers. Upon notice of the change, the Secretary or Commission may reconsider accreditation of the Self-Study Activity and shall notify the Sponsor if accreditation of the Self-Study Activity is modified or revoked. An Attorney or Judge who completed a Self-Study Activity for which accreditation is later modified or revoked shall receive credit that was originally awarded for the Self-Study Activity, provided completion of the Self-Study Activity occurred prior to notice of the modification or revocation.

(H) The Sponsor shall demonstrate it can identify the Attorneys or Judges who engaged in the Self-Study Activity using a minimum of two of the following methods of identification:

email address and confidential password combinations, security or challenge questions, image and image phrases authentication, or other methods acceptable to the Commission.

(I) The Sponsor shall certify that the Attorney or Judge who engaged in the Self-Study Activity has obtained the minimum competency and has actively participated in the Self-Study Activity for an amount of time equivalent to the number of CLE Credit hours requested. Participation may be confirmed via polling, verification codes, completion of test questions demonstrating understanding of the material presented, or other methods acceptable to the Commission.

(J) CLE Credit approved under this Regulation is Self-Study Credit.

(K) The Sponsor of a Self-Study Activity shall provide to Attendees of Self-Study Activities mandatory evaluation forms, with evaluation data submitted to the Commission every six months, beginning six months from the date of accreditation of the Self-Study Activity.

(L) The Sponsor of each Self-Study Activity shall inform all Attendees of the twelve hour limitation on Self-Study CLE Credit provided in Rule X, Section 5(E) and Regulation 409.2.

(M) The Sponsor of each Self-Study Activity shall provide a Certificate of Completion for each Attorney or Judge who successfully completes the Self-Study Activity. The Certificate shall include the Ohio Activity Code, the title of the program, the name of the Sponsor, the number and type of CLE Credits earned, and the date upon which the Self-Study Activity was completed by the Attorney or Judge.

(N) The Sponsor shall provide the Self-Study Activity's approval status in Ohio and the name of the Sponsor to participants before they pay for the Self-Study Activity.

(O) Self-study materials shall be current and, in any event, shall have been prepared no earlier than the calendar year immediately preceding the date the application for accreditation is filed.

(P) Any violation of these Regulations shall subject the Established Sponsor or Sponsor to late fees established by the Commission.

409.2 Not more than twelve hours of CLE Credit for any biennial compliance period may be earned by an Attorney or Judge under this Regulation except as provided in Regulation 304.4.

Regulation 410: Post-Program Approval

410.1 An Attendee at or a Sponsor of an out-of-state CLE Activity or an out-of-state New Lawyers Training course may seek post-program approval if such approval is applied for within sixty days after the program is presented.

410.2 Such application shall be in a manner authorized by the Commission and shall be accompanied by the applicable fee. The program shall meet the standards set forth in Regulation 406 and, if applicable, Regulation 407.

410.3 Within thirty days of approval of the CLE Activity, the Sponsor shall submit to the Commission requests for CLE Credit of all Attorneys and Judges in attendance in a manner authorized by the Commission.

410.4 Any violation of these Regulations shall subject the Sponsor, Attorney, or Judge to late fees established by the Commission or other sanctions as provided in Rule X or these Regulations.

Regulation 411: Accreditation Procedures

411.1 Applications for accreditation, whether by Sponsors or Attendees, shall be in a manner authorized by the Commission and shall be deemed complete when the application, applicable fee, and all information requested by the Commission are received.

411.2 If a CLE Activity has been accredited, the Sponsor may announce in informational brochures and registration materials: "This program has been approved by the Supreme Court of Ohio Commission on Continuing Legal Education for ___ hours of CLE Credit."

Regulation 412: Monitoring of Programs

The Commission shall have authority to monitor any program for which CLE Credit is to be granted to Attorneys or Judges. Advance notice of such attendance need not be given.

Regulation 413: Accreditation of Out-of-State CLE Programs and Activities

The Commission may accredit programs and activities of other states or national or state legal organizations.

Regulation 414: Accreditation of New Lawyers Training Courses

414.1 A Sponsor may apply for accreditation of a New Lawyers Training course to be presented by the Sponsor in a manner authorized by the Commission. The application for accreditation shall be accompanied by a nonrefundable fee of twenty-five dollars.

414.2 Application for accreditation of a New Lawyers Training course shall be submitted a minimum of thirty days prior to the date of the presentation.

414.3 Within thirty days after presentation of a New Lawyers Training course, the Sponsor shall submit to the Commission requests for CLE Credit of all Attorneys and Judges in attendance in a manner authorized by the Commission. The Sponsor shall retain attendance records for two years following the presentation of the course.

414.4 To be accredited by the Commission, a New Lawyers Training course shall satisfy the requirements of Rule X, Section 14 and comply with the following standards:

(A) The course shall satisfy the standards of Regulation 406 and, if applicable, Regulation 408;

(B) The instruction shall be live, including in-person instruction, live webcast, or live teleconference. Sponsors are encouraged to use a variety of methods of instruction, including lectures, panels, workshops, and other forms of participatory or interactive learning where appropriate.

(C) The course shall be a minimum of one hour in length;

(D) The Sponsor shall assure that a minimum of twenty-five percent of the available seating at the course is made available to Attorneys subject to Rule X, Section 14.

414.5 The Commission may revoke its accreditation of a New Lawyers Training course if it determines that the course is not in Compliance with the requirements of this regulation. Revocation shall not be retroactive, but shall affect only presentations of the program occurring after the effective date of the revocation.

414.6 The Commission shall evaluate Rule X, Section 14 and these Regulations every five years to determine if they effectively regulate the educational training of lawyers newly admitted to the practice of law in Ohio. The first evaluation shall occur five years from the date of adoption of this regulation and every five years thereafter.

Regulation 415: Credit for Pro Bono Legal Service

An Attorney or Judge may receive up to one hour of CLE Credit for each six hours of pro bono legal services performed. An Attorney or Judge may receive a maximum of six hours CLE Credit for such services performed during a biennial compliance period.

Regulation 500: Sanctions and Enforcement Procedures

Regulation 501: Rule X Provisions

The provisions of Rule X, Sections 17 through 19 shall govern all sanctions and enforcement procedures under these Regulations.

Regulation 502: Commission Not Precluded

502.1 An error or inaccuracy in the CLE Record or any Transcript, or the failure by the Commission to furnish a Transcript to the Attorney or Judge, shall not preclude the Commission from enforcing Rule X, Rule IV, or these Regulations or from imposing sanctions for Noncompliance, but may be considered in making a determination of Good Cause.

502.2 An Attorney or Judge whose record is not in full Compliance because of failure to inform the Commission of any inaccurate or missing information cannot claim Good Cause that would require the grant of carryover credit.

Regulation 503: Sanctions

503.1(A) If an Attorney, other than with respect to New Lawyers Training requirements, or a Judge, without Good Cause, is not in Compliance, the Commission shall impose the sanctions contained in Rule X, Section 17(A).

(B) The Commission may impose the following monetary penalty sanctions pursuant to Rule X, Section 17(A)(1) for failure to satisfy the CLE Requirements, including any applicable modifications of those requirements contained in Regulation 305:

DEFICIENCY:	RECOMMENDED SANCTION:
Six hours or less	\$75
More than six hours but not more than 12 hours	\$150
More than twelve hours but not more than eighteen hours	\$225
More than eighteen hours	\$300

503.2 The sanctions contained in Rule X, Section 17(A) and Regulation 503.1 may be cumulative.

503.3 CLE Credit obtained to make up a deficiency for a prior biennial compliance period shall not be applied to satisfy the CLE Requirement for the period in which the Credit is obtained.

503.4 If an Attorney, without Good Cause, is not in Compliance with Rule X or these Regulations for failure to timely complete the New Lawyers Training requirements, the Commission shall impose the sanction of suspension as provided in Rule X, Section 17(A)(2). However, if prior to the imposition of the sanction of suspension, the Attorney completes the New Lawyers Training requirements, demonstrates to the Commission Compliance with Rule X and these Regulations, and pays a late filing fee of three hundred dollars, the Commission shall not impose the sanction of suspension.

Regulation 504: Enforcement Procedures

504.1 If an Attorney or Judge fails to comply with Rule X, Rule IV, or these Regulations, the Commission shall send the Attorney or Judge a notice of Noncompliance. The notice shall specify the nature of the Noncompliance and state that unless the Attorney or Judge comes into Compliance or files evidence of Compliance that is satisfactory to the Commission by the date set forth in the notice, the Commission shall issue an order imposing a sanction consistent with

Commission regulation. As a condition of acceptance of late Compliance, the applicable fee shall accompany the Attorney's or Judge's report of completion.

504.2 If the Attorney or Judge submits evidence by the date set forth in the notice that establishes timely Compliance or late Compliance, the notice of Noncompliance shall be withdrawn and the Commission shall so advise the Attorney or Judge.

504.3 If the Attorney or Judge does not come into Compliance or file evidence of Compliance that is satisfactory to the Commission by the date set forth in the notice, the Commission shall issue an order imposing a sanction consistent with Commission regulation.

Regulation 900: Fees

901: The Commission shall from time to time establish fees to be charged by the Commission and publish a schedule of such fees. Such fees shall bear a reasonable relation to the actual necessary costs incurred by the Commission in connection with the performance of the duties and responsibilities imposed upon it by Rule X and these Regulations.

Regulation 1000: Effective Date

Regulation 1001: Effective Date of Regulations

1001.1 (A) These Regulations shall be effective January 1, 1989.

(L) Amendments to the Regulations adopted by the Supreme Court on June 24, 2008, shall be effective November 1, 2008, except that programs offered to satisfy former Gov. Bar R. X, Section 3, shall comply with former Regulation 100(N) and former Regulation 414.

(M) Amendments to the Regulations adopted by the Supreme Court on October 23, 2012, shall be effective January 1, 2014, and apply to the biennial compliance period ending on December 31, 2014, and all subsequent biennial compliance periods. Former Regulations shall apply to the biennial compliance period ending on December 31, 2013, and all prior biennial compliance periods.

[Effective: January 1, 1989; amended effective December 15, 1989, May 29, 2000, August 7, 2000; July 1, 2001, July 1, 2002, September 1, 2004, November 7, 2005; December 26, 2005; November 1, 2007; November 2008; January 1, 2014.]

**SUPREME COURT RULES FOR THE
GOVERNMENT OF THE JUDICIARY OF OHIO**

RULE IV. Continuing Legal Education for Judges

Section 1. Purpose.

To serve the public interest that mandates the competent performance of the duties of judicial office in Ohio, each full-time judge, part-time judge, and retired judge shall participate in continuing legal education programs and activities in compliance with this rule and Rule X of the Supreme Court Rules for the Government of the Bar of Ohio.

Section 2. Definitions.

As used in this rule:

(A) “Judge” means an individual who currently holds judicial office by reason of election or gubernatorial appointment.

(B) “Retired judge” means an individual who has left judicial office either voluntarily by reason of resignation or retirement or involuntarily by reason of Article IV, Section 6(C) of the Ohio Constitution, is eligible for assignment to active duty pursuant to that section, and has been approved for assignment to active duty pursuant to the Guidelines for Assignment of Judges issued by the Chief Justice of the Supreme Court.

Section 3. Continuing Legal Education Requirements for Judges.

(A) *Total credit hours.* Each full-time judge, part-time judge, and retired judge shall complete a minimum of forty credit hours of continuing legal education for each two-year period on subjects devoted to the law and judicial administration.

(B) *Judicial College credit hours.* As part of the minimum forty credit hours of continuing legal education required by division (A) of this section, each full-time judge, part-time judge, and retired judge shall complete a minimum of ten credit hours of instruction offered by the Supreme Court of Ohio Judicial College.

(C) *Judicial conduct credit hours.* As part of the minimum ten credit hours of Judicial College instruction required by division (B) of this section, each full-time judge, part-time judge, and retired judge shall complete a minimum of three credit hours of instruction offered by the Judicial College on one or any combination of the following four judicial conduct topics:

(1) Judicial ethics, which shall include instruction on one or any combination of the Ohio Code of Judicial Conduct, the Ohio Rules of Professional Conduct, the Judicial Creed, and Ohio ethics laws;

(2) Professionalism, which shall include instruction on one or both of the following topics:

(a) The role of judges in promoting ethics and professionalism within the judiciary;

(b) The role of judges in promoting ethics and professionalism among attorneys by facilitating compliance with the requirements of the Ohio Rules of Professional Conduct, “A Lawyer’s Creed,” “A Lawyer’s Aspirational Ideals,” and the “Statement Regarding the Provision of Pro Bono Legal Services by Ohio Lawyers” adopted by the Supreme Court;

(3) Alcoholism, substance abuse, or mental health issues, which shall include instruction on any of their causes, prevention, detection, and treatment alternatives, as applicable;

(4) Access to justice and fairness in the courts and how these issues impact public trust and confidence in the judicial system and the perception of justice in Ohio, which shall include instruction on one or any combination of the following topics:

(a) Interacting with self-represented litigants;

(b) Encouraging pro bono representation;

(c) Accommodating language interpretation;

(d) Assuring fairness in matters of race, ethnicity, foreign origin, religion, gender, sexual orientation, disability, socio-economic status, or other relevant topics.

(D) *Single or multiple courses.* The Judicial College instruction related to judicial conduct required by division (C) of this section may be obtained in a single program or activity or in separate programs or activities that include one or more of the subjects set forth in that division.

Section 4. Biennial Compliance Periods.

A full-time judge, part-time judge, or retired judge whose last name begins with a letter from A through L shall complete the number of continuing legal education credit hours required by Section 3 of this rule by December 31st of each odd-numbered year. A full-time judge, part-time judge, or retired judge whose last name begins with a letter from M through Z shall complete the number of continuing legal education credit hours required by Section 3 of this rule by December 31st of each even-numbered year. If the name of a judge changes after being admitted to the practice of law, the judge shall remain in the same alphabetical grouping for purposes of meeting the requirements of this section.

Section 5. Allowance of Credit Hours.

(A) *Amount of credit hours.* Sixty minutes of actual instruction or other approved activity shall constitute one credit hour.

(B) *Continuing legal education teaching credit.* The Supreme Court Commission on Continuing Legal Education may allow up to three credit hours for each credit hour taught by a full-time judge, part-time judge, or retired judge at an approved continuing legal education program or activity the first time the program or activity is presented by the judge, two credit hours for each credit hour taught as part of a panel presentation in an approved program or activity the first time the program or activity is presented by the judge, and one credit hour for each credit hour taught in subsequent presentations of the same program or activity by the judge, with a maximum of one-half the required credit hours for teaching during the biennial compliance period.

(C) *Law school teaching credit.* The Commission may allow one-half credit hour for each semester hour taught by a full-time judge, part-time judge, or retired judge at a law school accredited by the American Bar Association. Prorated credit may be granted for quarter or trimester hours.

(D) *Publication of article or book credit.* The Commission may allow up to twelve credit hours for the publication of an article or book personally authored by a full-time judge, part-time judge, or retired judge, with a maximum of twelve credit hours for publications during a biennial compliance period.

(E) *Self-study credit.* The Commission may allow up to twelve general credit hours for approved self-study by a full-time judge, part-time judge, or retired judge during a biennial compliance period.

(F) *Law school course credit.* The Commission may allow three general credit hours for each semester hour of a course taken by a full-time judge, part-time judge, or retired judge at a law school accredited by the American Bar Association. Prorated credit may be granted for quarter or trimester hours.

Section 6. Proration of Credit Hours.

A full-time judge, part-time judge, or retired judge who becomes subject to this rule during a biennial compliance period may have the continuing legal education requirements under Section 3 of this rule prorated by the Supreme Court Commission on Continuing Legal Education pursuant to CLE Regulation 305 for the biennial compliance period in which the judge is subject to this rule.

Section 7. Carryover of Credit Hours.

If the Supreme Court Commission on Continuing Legal Education determines that a full-time judge, part-time judge, or retired judge has timely completed in a biennial compliance period more than the number of continuing legal education credit hours required by Section 3 of this rule, the Commission may apply a maximum of twenty general credit hours to the next biennial compliance period.

Section 8. Exemptions.

(A) *Illness, disability, or special circumstances.* The Supreme Court Commission on Continuing Legal Education may grant a temporary exemption from the continuing legal education requirements of Section 3 of this rule to either of the following:

(1) A full-time judge, part-time judge, or retired judge suffering from severe, prolonged illness or disability preventing participation in accredited continuing legal education for the duration of the illness or disability;

(2) A full-time judge, part-time judge, or retired judge who has demonstrated special circumstances unique to that judge constituting good cause to grant an exemption not to exceed one year and subject to any prorated adjustment of the credit hour requirements.

(B) *Substitute program or activity.* A full-time judge, part-time judge, or retired judge who, because of a permanent physical disability or other compelling reason, has difficulty attending continuing legal education programs or activities may request, and the Commission may grant, approval of a substitute program or activity.

Section 9. Administration of Continuing Legal Education for Judges.

The Supreme Court Commission on Continuing Legal Education shall be responsible for administration of the continuing legal education requirements of Section 3 of this rule. The Commission shall accredit continuing legal education programs, activities, and sponsors; maintain records of continuing legal education credit; issue transcripts and reports; enforce and determine compliance with the provisions of this rule and Gov. Bar R. X; recommend sanctions for the failure to comply with the requirements of this rule or Gov. Bar R. X; and perform other functions necessary to carry out the duties of the Commission and facilitate the purpose of this rule.

Section 10. Judicial Orientation Program.

(A) *Requirement.* A person who, after January 1, 2007, is appointed by the governor or elected to a judgeship and who has not completed the Supreme Court of Ohio Judicial College Judicial Orientation for that jurisdiction shall complete the Judicial Orientation Program developed and accredited by the Judicial College. Except as provided in division (B)(3) of this section, this provision does not apply to any person reelected to the same judicial position.

(B) *Program parts.* The Judicial Orientation Program shall consist of the following four parts:

(1) Part I, which shall consist of a general and specific curriculum applicable to the jurisdictions of the attendees. The Judicial College shall conduct Part I each year after the November election but before the commencement of judicial terms in the following year.

(2) Part II, which shall consist of a general and specific curriculum applicable to the jurisdiction of the attendees. The Judicial College shall conduct Part II within six months after the conclusion of Part I.

(3) Part III, which shall consist of a capital case seminar offered or approved by the Judicial College. A judge of the common pleas court in the general division who is elected or appointed to the bench shall complete the seminar within twenty-four months of assuming the bench. A retired judge shall complete the seminar before accepting assignment to a capital case. All judges in divisions of the common pleas court other than the general division may take the capital case seminar. Judges in divisions of the common pleas court other than the general division who take the capital case seminar shall be eligible to preside over a capital case or participate in a capital case as a member of the three judge panel.

(4) Part IV, which shall be the Judicial College Mentor Program. The program shall pair a newly elected or appointed full-time judge or part-time judge with an experienced judge-mentor within the same subject matter jurisdiction. Each judge required by division (A) of this section to participate in the mentor program shall have regular contact with the mentoring judge for a minimum of one year. This program shall not apply to Supreme Court justices.

(C) *Supreme Court Justices.* A person elected or appointed to the Supreme Court shall complete only those portions of Parts I and II that are relevant to appellate or Supreme Court jurisdiction.

(D) *Later appointments.* Any judge appointed after the conclusion of Part I but before the beginning of Part II shall complete Part II.

(E) *Change in jurisdiction.* A sitting judge who changes jurisdictions shall complete only the portions of Parts I and II that are specifically designed for the new jurisdiction.

(F) *Tuition and costs.* The Judicial College shall not charge tuition for participation in Parts I and II and, pursuant to the “Guidelines for Reimbursement of Travel and Education Expenses for Appellate Judges” adopted by the Supreme Court, shall pay or reimburse the participating judges for the costs of mileage, lodging, and meals while attending Parts I and II.

(G) *Delayed or excused completion of program parts.*

(1) For good cause, the Executive Committee of the Judicial College Board of Trustees may delay or excuse completion of Part I or Part II, but not both.

(2) For good cause, the Chief Justice of the Supreme Court may delay or excuse completion of Part III.

(3) For good cause, the Executive Committee of the Judicial College Board of Trustees may delay or excuse completion of Part IV.

Section 11. Sanctions for Failure to Comply.

Failure to comply with the requirements of this rule shall result in sanctions as set forth in Section 9 of this rule, but shall not affect the force or validity of any order entered by a judge.

Section 12. Effective Dates.

(O) The amendments to Sections 1 through 12 of this rule, adopted by the Supreme Court on October 23, 2012, shall take effect on January 1, 2014, and apply to the biennial compliance period ending on December 31, 2014, and all subsequent biennial compliance periods. Former Sections 1 through 7 of this rule shall apply to the biennial compliance period ending on December 31, 2013, and all prior biennial compliance periods.

[Effective: January 1, 1981; amended effective July 1, 1989; April 16, 1990; January 1, 1991; January 1, 1992; January 1, 1993; January 1, 1994; January 1, 1999; July 1, 2002; September 1, 2004; January 1, 2007; November 1, 2007; March 1, 2008; May 1, 2009; January 1, 2014.]