

MCLE RULES

5.2 After the above two year phase-in period, each active member of The West Virginia State Bar shall complete a minimum of twenty-four hours of continuing legal education, as approved by these rules or accredited by the Commission, every two fiscal years. At least three of such twenty-four hours shall be taken in courses in legal ethics, office management, substance abuse, and/or elimination of bias in the legal profession. On or before July 31, 1990, and every other July 31 thereafter, each attorney must file a report of completion of such activities. The Commission recommends that such a report be completed on Form C-Certification of Completion of Approved MCLE Activity.

5.3 Any lawyer not previously admitted to practice in West Virginia who is admitted during the first twelve months of any 24-month reporting period is required to complete 12 hours in approved MCLE activities including at least 3 hours in legal ethics, office management, substance abuse, and/or elimination of bias in the legal profession before the end of the current reporting period. Any lawyer not previously admitted during the second twelve months of any 24-month reporting period is exempt for that entire reporting period.

7.1 As soon as practicable after July 1, the Commission shall notify all active members of The West Virginia State Bar who are not in compliance with the reporting or minimum continuing education requirements of these rules of the specific manner in which such member has failed, or appears to have failed, to comply with these rules. **The Commission may by its rules and regulations establish a delinquency fee for any lawyer requiring this notice because of the extra administrative costs. [Emphasis added].** Any member of The West Virginia State Bar shall have until October 1 to correct such noncompliance or provide the Commission with proper and adequate information to establish that such member is in compliance with these rules. The following delinquency fee schedule for any lawyer requiring notice of noncompliance with reporting or minimum continuing legal education requirements is hereby established, effective July 1, 1990 (*revised 1/26/06*):

All credits not received by July 31.....	\$50.00
All credits not received by October 1.....	\$100.00
Request for Teaching or Publication Credit received after July 31.....	\$50.00

An additional fee of \$100.00 shall be paid upon application for reinstatement by those attorneys whose licenses have been suspended for failure to comply with the MCLE requirement. This fee is in addition to the reinstatement fee charged for non-payment of membership fees. The attorney will not be reinstated unless all outstanding fees have been paid.

7.2 As soon as practicable after October 1, the Commission shall give notice, by certified or registered mail to the most recent address maintained on the records of The West Virginia State Bar, to any active member of The West Virginia State Bar who has still not established himself or herself to be in compliance with these rules for the preceding two year reporting period that after thirty days, the Commission will notify the Supreme Court of Appeals of such fact and request the Court to suspend such lawyer's license until such time as the lawyer has established that he or she has complied with the requirements of these rules for the preceding two year reporting period.

7.3 During such thirty day period, any lawyer having received a thirty day notice may demand a hearing before the Commission. Any such hearing shall be conducted within a reasonable period of time after receipt of the demand. At such hearing the lawyer shall have the burden of establishing either (a) that her or she is in compliance with the requirements of these rules or (b) that he or she is entitled to an exemption. In the event such burden is not carried, the Commission shall by appropriate petition notify the Supreme Court of Appeals that the lawyer has failed to comply with the reporting or education requirements for the preceding two year reporting period and request the Court to enter an appropriate order suspending such lawyer's license to practice law in the State of West Virginia until such time as such lawyer has complied with such requirements. Any adverse decision by the Commission may be appealed to the Supreme Court of Appeals. In the event such lawyer does not prevail at such hearing or appeal, he or she shall be assessed with the costs thereof.

7.4 In the event no demand for a hearing is received within the thirty day period, the Commission shall by appropriate petition notify the Supreme Court of Appeals of the names of any members of The West Virginia State Bar who have failed to comply with the reporting or education requirements of these rules for the preceding two year reporting period and request the Court to enter an appropriate order suspending each such lawyer's license to practice law in the State of West Virginia until such time as such lawyer has complied with such requirements.

7.5 A lawyer who has not complied with the mandatory continuing legal education requirements by June 30 may thereafter obtain credits to be carried back to meet the requirements of the preceding two year reporting period. However, any credit obtained may only be used to satisfy the mandatory continuing legal education requirements for one reporting period.

7.6 No lawyer shall be permitted to make use of a transfer from active to inactive or active but not practicing membership in The West Virginia State Bar as a means to circumvent the requirements of these rules.