

FILED

CNMI
SUPREME COURT

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BY: 
CLERK OF COURT

**IN THE SUPREME COURT OF THE
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**

**IN RE THE
COMMONWEALTH RULES FOR CONTINUING LEGAL EDUCATION**

JUDICIAL ADMINISTRATIVE ORDER NO. 2001-502.1

¶1 On January 19, 2005, the attached Amendments to the *Commonwealth Rules for Continuing Legal Education* were submitted to the Fourteenth Northern Mariana Islands Legislature for approval. Sixty (60) days have elapsed since submission and neither house of the Legislature has disapproved of the amended Rule.

¶2 IT IS HEREBY ORDERED that the amended *Commonwealth Rules for Continuing Legal Education* are permanent Rules pursuant to Article IV, § 9 of the Constitution of the Northern Mariana Islands. The amended Rules are effective as of March 19, 2005.

Dated this 18th day of April, 2005.


MIGUEL S. DEMAPAN, Chief Justice


ALEXANDRO C. CASTRO, Associate Justice


JOHN A. MANGLONA, Associate Justice

COMMONWEALTH RULES FOR CONTINUING LEGAL EDUCATION

Section 1: Purpose

The purpose of these rules is to establish minimal continuing legal education requirements for each active lawyer admitted to the practice of law in the Commonwealth of the Northern Mariana Islands in order to maintain and increase professional competence.

Section 2: Committee on Continuing Legal Education (CLE)

- (a) The CNMI Bar Association President shall appoint a Continuing Legal Education Committee (CLEC) composed of three (3) members.
- (b) The CLEC shall have the following duties:
 - (1) Administer this rule; and
 - (2) Report at least annually to the CNMI Bar and the Commonwealth Supreme Court.

Section 3: Continuing Legal Education Requirement

- (a) Every active lawyer in the Commonwealth shall complete twenty (20) hours of Continuing Legal Education every two years. An active lawyer is defined as a person who has active status in the CNMI Bar Association. The reporting requirement for lawyers who are not active lawyers for the entire compliance period shall be prorated based upon the month of admission. Provided that, former full time judges or justices of the courts of the Commonwealth of the Northern Mariana Islands, who are now active members of the CNMI Bar Association, shall be exempt from any of the Continuing Legal Education requirements provided for in these rules.
- (b) The CLE requirement may be met by either attending courses or by completing any other continuing legal education activity approved for credit by the ABA, approved CLE in other US jurisdictions, the CLEC, or the Commonwealth Supreme Court. Self-study, including viewing approved videotapes, audiotapes, other means of electronic communication, teaching, writing for CLE publications, pro bono services in family court and criminal actions, participation in educational activities involving the use of computer-based resources, participation in conferences, seminars and/or training programs, the Bar Association's Mock Trial Program, and in-office law firm continuing legal education efforts, may be considered for credit when they meet the conditions set forth in this rule.

- (c) In addition to the requirements under Section 3(a), every attorney admitted after July 1, 2002 shall attend and complete a course in Professionalism sponsored jointly by the Commonwealth Supreme Court and the CNMI Bar Association.

Section 4: Reporting CLE Credit

- (a) CLE credits shall be reported annually every other year, in the even-numbered years on or before February 15th. The two calendar year period (January 1 to December 31) immediately preceding the even year reporting shall hereinafter be referred to as the reporting period. Five credit hours of approved CLE credits earned in one reporting period but not used during that reporting period may be carried to over to the next reporting period.
- (b) A lawyer shall report approved activities in a statement of compliance which lists specifically courses taken, videotapes or audiotapes listened to, course of self-study, or pro bono work, the dates on which the activity took place, and the amount of time taken. The statement shall be certified as correct under penalty of perjury.

Section 5: Approved Educational Activities

- (a) Educational Activities From Other Jurisdictions: Courses or activities offered by a provider accredited or approved by a CLEC in another jurisdiction or a national CLE accrediting body will be approved automatically for credit. CLE programs sponsored by the federal or local judiciary in the CNMI or Guam, or by the CNMI or Guam Bar Associations are automatically approved for credit. Attendance and participation in conferences, seminars and/or training programs not otherwise accredited or approved by any jurisdiction's CLEC committee may be approved for credit upon review by the CLEC.
- (b) In-Office CLE: Courses offered by law firms, either individually or with other law firms, corporate legal departments, government attorneys or similar entities primarily for the education of their members may be approved for credit.
- (c) Self-Study: In addition to formal courses conducted in a class or seminar setting, the CLEC shall accredit self-study classes involving the use of audio or videotapes, computers, or correspondence. The CLEC shall initially list those audio and videotapes available to attorneys located in the courts and law libraries which qualify for credit and shall circulate this list among the active attorneys.
- (d) Teaching: A lawyer who teaches law classes or presents lectures on the law, whether to other lawyers or to members of the general public, shall be provided credit for his or her preparation time and teaching time. A one-time credit will be given for

teaching such a course or lecture. No further credit shall be given for subsequent presentations of the same material to different audiences.

- (e) Pro-Bono: A lawyer who renders pro bono legal services shall receive one credit hour for every four hours of legal services actually performed, not to exceed a total of five (5) CLE credits awarded for pro bono services in a calendar year or ten (10) per reporting period. A pro bono case is one taken initially with an agreement that there would be no charge for professional services. Credit for pro bono services will only be given for the period in which the work was performed.
- (f) Bar Committees: Any member who sits on a bona fide Bar Committee, is an appointed or elected bar representative or is an Officer or Board Member of the Bar shall receive two (2) credits hour for each year of service. A maximum of four (4) credit hours per reporting period may be earned in this way.
- (g) Writing a Professional Article: Any member who writes a professional article that is to be published may receive up to five credits per article.
- (h) Mock Trial: The Bar Coordinator of the Mock Trial shall be given five (5) hours per year of service, with a maximum of ten (10) credit hours per reporting period. Mock-trial Attorney-Coaches shall be given one credit for every one hour of coaching up to a maximum of five (5) credit hours per year and a maximum of ten (10) CLE credits for each reporting period. Attorneys who sit as judges or jurors in the actual competition are eligible for one (1) credit hour per year and a maximum of two (2) per reporting period.

Section 6: Sanctions

- (a) Notice of Delinquency: Within thirty (30) days after the annual reporting date the CLEC shall send each lawyer not in compliance with the requirement of this rule a notice of delinquency will post within the Bar's web site the names of the lawyers not in compliance with the requirements of this rule and mail via US Mail, return receipt requested, to each attorney, at the last mailing address provided to the Bar Association by the attorney, a notice of delinquency. A fee of \$100 must be paid to the CNMI Bar Association by any attorney who files his or her report in a reporting year after the February 15 deadline. Filing a report that indicates on its face that the minimum CLE requirement has not been met shall be deemed a non-filing.
- (b) Cure: Within ninety (90) days following the annual reporting date, the lawyer shall take steps necessary to meet the annual requirements of the rule for the prior reporting period, or submit a statement of compliance.
- (c) Failure to Cure: After this ninety (90) day period, if the lawyer fails to report CLE

credits sufficient to permit retroactive compliance with the rule or fails to submit a statement of compliance, the CLEC shall file a notice of noncompliance with the Commonwealth Supreme Court. An additional fee of \$150 (total \$250) must be paid to the CNMI Bar Association by any attorney who files his or her report in a reporting year after June 20.

- (d) Suspension and Reinstatement: Any order for suspension shall provide for reinstatement upon completion by the suspended attorney of the required hours as proven upon the lawyer's petition for reinstatement, complete payment of all fees as indicated above, and any other requirements the Supreme Court deems appropriate, including, but not limited to, payment of the Courts' and Bar Association's related costs. The petition for reinstatement shall be filed with the Commonwealth Supreme Court, with a copy provided to the CNMI Bar Association.

Section 7: Compliance

(a) Record Keeping

- (1) Every active member shall maintain records of participation in CLE activities for use in completing a compliance report and shall retain these records for a period of twelve months after the end of the member's reporting period.
- (2) In furtherance of its audit responsibilities, the CLEC may ask to review an active member's records of participation in CLE activities. Records which may satisfy such a request include, but are not limited to, certificates of attendance or transcripts issued by sponsors, CLE record keeping forms, cancelled checks or other proof of payment for registration fees or audio or video tapes, course materials, notes or annotations to course materials, or daily calendars for the dates of CLE activities. With regard to individually screened audio or video presentations, contemporaneously made records of screening dates and times may be required.
- (3) The CLEC is not required to maintain records of active members' participation in CLE activities, except as necessary to verify compliance with the CLE requirement.

(b) Audits

- (1) The CLEC may audit compliance reports selected because of facial defects or by random selection or other appropriate method.
- (2) For the purpose of conducting audits, the CLEC may request and review records of participation in CLE activities reported by active members.
- (3) Failure to adequately substantiate participation in CLE activities after request by CLEC shall result in disallowance of credits for the reported activity and assessment of the late filing fee(s) specified in Section 6.

- (c) Noncompliance.
- (1) Grounds. The following are considered grounds for a finding of non-compliance with these Rules:
 - (i) Failure to complete the CLE requirement for the applicable reporting period.
 - (ii) Failure to file a completed compliance report on time.
 - (iii) Failure to provide sufficient records of participation in CLE activities to substantiate credits reported, after request by the CLEC.
 - (2) Notice. In the event of a finding of noncompliance, the CLEC shall serve, by certified mail to the last mailing address provided to the Bar Association by the member, a written notice of noncompliance on the affected active member. The notice shall state the nature of the noncompliance and shall summarize the applicable rules regarding noncompliance and its consequences.
- (d) Cure.
- (1) Noncompliance for failure to file a completed compliance report by the due date can be cured by filing the completed report demonstrating completion of the CLE requirement during the applicable report period, together with the late fee specified Rule 6 above within ninety calendar days following mailing of the notice of noncompliance.
 - (2) Credit hours applied to a previous reporting period for the purpose of curing noncompliance may only be used for that purpose and may not be used to satisfy the CLE requirement for any other reporting period.
- (e) Suspension. If the noncompliance is not cured within the deadline specified in this Rule, the name of the lawyer shall be recommended to the Supreme Court for suspension.

Section 8: Review and Enforcement

- (a) Review.
- (1) Decisions of the CLE Committee. A decision, other than a suspension recommended pursuant to Section 7(e), affecting any active member is final unless a request for review is filed with the CLEC within 30 days after notice of the decision is mailed. The request for review may be by letter and requires no special form, but it shall state the decision to be reviewed and give the reasons for review. The matter shall be reviewed by the Bar Association Board of Directors (BOD) at its next regular meeting. An active member shall have the right, upon request, to be heard, and any such hearing request shall be made in the initial letter.

- (b) Decisions of the CLE Committee. A decision of the CLEC may be reviewed by the BOD on written request of the affected active member or sponsor.
- (c) Reinstatement. An active member suspended for noncompliance with the CLE requirement shall be reinstated only upon completion of the CLE requirement, submission of completed compliance report to the bar, payment of the late filing fee of \$250, and reinstatement fees, and compliance with the applicable provisions of the Rules of Procedure and any relevant orders of the Supreme Court.

Section 9: Citation

These rules may be cited as “Com.R.C.L.E. _____”.