

## ATTACHMENT 2

### Rule 9.31. Minimum continuing legal education

#### (a) Statutory authorization

This rule is adopted under Business and Professions Code section 6070.

#### (b) State Bar minimum continuing legal education program

The State Bar must establish and administer a minimum continuing legal education program under rules adopted by the Board of ~~Governors~~ Trustees of the State Bar. These rules may provide for carryforward of excess credit hours, staggering of the education requirement for implementation purposes, and retroactive credit for legal education.

#### (c) Minimum continuing legal education requirements

Each active member of the State Bar (1) not exempt under Business and Professions Code section 6070, (2) not a full-time employee of the United States Government, its departments, agencies, and public corporations, acting within the scope of his or her employment, and (3) not otherwise exempt under rules adopted by the Board of ~~Governors~~ Trustees of the State Bar, must, within 36-month periods designated by the State Bar, complete at least 25 hours of legal education approved by the State Bar or offered by a State Bar-approved provider. Four of those hours must address legal ethics. Members may be required to complete legal education in other specified areas within the 25-hour requirement under rules adopted by the State Bar. Each active member must report his or her compliance to the State Bar under rules adopted by the Board of ~~Governors~~ Trustees of the State Bar.

#### (d) Failure to comply with program

A member of the State Bar who fails to satisfy the requirements of the State Bar's minimum continuing legal education program must be enrolled as an inactive member of the State Bar under rules adopted by the Board of ~~Governors~~ Trustees of the State Bar.

#### (e) Fees and penalties

The State Bar has the authority to set and collect appropriate fees and penalties.

#### (f) One-time expungement of inactive enrollment for failure to comply with the minimum continuing legal education program

The State Bar is authorized to expunge a public record of inactive enrollment for failure to comply with the minimum continuing legal education program for those members who meet all of the following criteria:

- (1) The member has not on any previous occasion obtained an expungement under the terms of this rule or rule 9.6:

- (2) The inactive enrollment was for 90 days or less;
- (3) The inactive enrollment ended at least seven years before the date of expungement;
- (4) The member has no other record of suspension or involuntary inactive enrollment for discipline or otherwise.

**(g) Records to be maintained by State Bar**

Under (f) of this rule, the State Bar will remove or delete the record of such inactive enrollment from the member's record. Notwithstanding any other provision of this rule, the State Bar must maintain such internal records as are necessary to apply the terms of (f) of this rule and to report to the Commission on Judicial Nominees Evaluation or appropriate governmental entities involved in judicial elections the member's eligibility for a judgeship under the California Constitution, article VI, section 15.

**(h) Duty of disclosure by member**

Expungement of a member's inactive enrollment under (f) of this rule will not relieve the member of his or her duty to disclose the inactive enrollment for purpose of determining the member's eligibility for a judgeship under the California Constitution, article VI, section 15. For all other purposes, the inactive enrollment expunged under (f) of this rule is deemed not to have occurred and the member may answer accordingly any question relating to his or her membership record.

**(i) Authorization for the Board of Trustees of the State Bar to adopt rules and regulations**

The Board of Trustees of the State Bar is authorized to adopt such rules and regulations as it deems necessary and appropriate in order to comply with (f) of this rule.

**(j) Inherent power of Supreme Court**

Nothing in this rule may be construed as affecting the power of the Supreme Court to exercise its inherent power to direct the State Bar to expunge its records.