

ORDERED that Supreme Court Rule 208(a)(2)(C) be **AMENDED** by striking the phrase “Continuing Legal Education” and replacing it with the word “CLE”. It is further

ORDERED that Supreme Court Rule 208(a)(2) be **AMENDED** by designating the following new language as Supreme Court Rule 208(a)(2)(D):

Report at least annually to the Supreme Court of the Virgin Islands and quarterly to the Board of Governors of the Virgin Islands Bar Association on the operation, compliance, and effectiveness of this Rule 208.

It is further

ORDERED that Supreme Court Rule 208(a)(3) be **AMENDED** by striking the existing language in its entirety and replacing it with the following new language:

This Rule sets forth various mandatory actions and duties that “shall” be performed. In particular, this Rule provides for various sanctions, including mandatory suspension, for non-compliance with its terms. The CLE Committee must administer this Rule as written and, absent specific provision to the contrary, lacks any discretion to deviate from those mandatory actions and duties, to waive compliance by any member of the Virgin Islands Bar, to excuse non-compliance, or to waive any sanction for non-compliance. Requests for any such waiver must be made not to the CLE Committee but rather via petition directly to the Supreme Court of the Virgin Islands pursuant to Rule 208(d)(2) and 208(d)(3).

It is further

ORDERED that Supreme Court Rule 208(b)(1) be **AMENDED** by

(1) Striking the word “at” between “attendance” and “a” and replacing it with the phrase “or participation in”;

(2) Striking the phrase “Continuing Legal Education (“CLE”)” and replacing it with the phrase “CLE credit”;

(3) Striking the phrase “required CLE courses” and replacing it with the phrase “required CLE credit hours”;

(4) Inserting the word “hour” between the words “credit” and “requirement”;

(5) Inserting the word “hour” between the words “credit” and “per”; and

(6) Inserting the following new language at the conclusion of the existing subdivision

(b)(1):

For purposes of this Rule 208, a “credit hour” consists of no less than 50 minutes of instruction or other approved activities. Pursuant to Rule 208(e)(1), it is not the duty of the CLE Committee but rather the duty of each active member to report his or her participation in approved CLE courses as well as the amount of CLE credit earned. This Rule sets forth the obligations and deadlines for compliance, and it is not the duty of the CLE Committee to provide further notice of either.

It is further

ORDERED that Supreme Court Rule 208(b)(2) be **AMENDED** by

- (1) Striking the phrase “annual requirement” and replacing it with the phrase “annual CLE credit hour requirement and to encourage members to exceed the minimum annual requirement while still ensuring that all members complete the minimum amount of CLE credits each year”;
- (2) Striking the phrase “one year” between the words “a” and “carry-over”;
- (3) Striking the phrase “from one year” between the words “forward” and “to”;
- (4) Striking the phrase “requirement for the next year” and replacing it with the phrase “requirements for later years”;
- (5) Striking the phrase “A member may carry forward a maximum of six (6) credit hours” and replacing it with the phrase “In any single year, a member may utilize a maximum of six (6) credit hours that were carried forward”;
- (6) Striking the last sentence in its entirety and replacing it with the sentence, “Credit hours that were carried forward expire three years after the year they were earned.”

It is further

ORDERED that Supreme Court Rule 208(b)(4) be **AMENDED** by striking the existing language following the catch-line in its entirety and replacing it with the following new language following the catch-line for that subdivision:

The CLE requirement may be met by completing or teaching CLE activities approved for CLE credit under Rule 208(f) or by active membership and participation in organizations approved for CLE credit as provided in Rule 208(f). Credit shall not be given for activities or memberships not specifically enumerated in Rule 208(f).

It is further

ORDERED that Supreme Court Rule 208(c)(1) be **AMENDED** by striking the existing language in its entirety and replacing it with the following new language:

- (A) *Reporting Requirement.* Unless exempt as provided in Rule 208(d), each active member shall submit to the Virgin Islands Bar Association, on or before January 31 of each year, Certifications of Attendance evidencing that the member has earned CLE credit for the minimum number of credit hours required during the previous year ending December 31. The CLE Committee may not extend or waive this deadline, except as provided in Rule 208(c)(1)(B).
- (B) *Extension of Time by CLE Committee.* The CLE Committee may, at its discretion, grant an active member an extension of time until April 30 to submit Certifications of Attendance evidencing that he or she earned the requisite CLE credit hours during the previous year ending December 31. All members requesting an extension of time shall be assessed a \$50.00 delinquency fee, payable to the Virgin Islands Bar Association. The CLE Committee may not waive the \$50.00 delinquency fee, nor grant any extension of time beyond April 30.
- (C) *Extension of Time by Supreme Court.* An active member who has had a request for an extension of time denied by the CLE Committee, or who seeks an extension beyond April 30, may file a petition to extend the time to submit Certifications of Attendance with the Supreme Court. Such petitions shall be assessed a \$105.00 filing fee, payable to the Clerk of the Supreme Court, in addition to the \$50.00 delinquency fee payable to the Virgin Islands Bar Association. Members seeking extensions for multiple reporting periods must file a separate petition for each period and pay separate fees for each period.
- (D) *Notice of Delinquency.* Notwithstanding Rules 208(c)(1)(B) and (C), a member may not request an extension of time from the CLE Committee or the Supreme Court if the CLE Committee has already sent the member a Notice of Delinquency pursuant to Rule 208(e)(3).

It is further

ORDERED that Supreme Court Rule 208(c)(3) be **AMENDED** by striking the existing language in its entirety and replacing it with the following new language:

Responsibility of Members. Every active member shall be responsible for ascertaining whether or not the particular course, membership, or activity satisfies the requirements of Rules 208(f)-(g). Absent prior approval in writing from the CLE Committee of a particular course, membership, or activity for CLE credit and a particular number of CLE credit hours, the CLE Committee is the arbiter of what courses, memberships, or activities are entitled to CLE credit as well as the number of applicable CLE credit hours. Members who object to or contest the CLE Committee's ruling as to the availability of CLE credit and/or the applicable amount of CLE credit hours may appeal the decision of the CLE Committee via petition to the Supreme Court of the United States Virgin Islands, focusing upon the relevant provisions of Rule 208(g). However, if the number of CLE credit hours found by the CLE Committee with respect to a particular CLE course under Rule 208(f)(1) is equivalent to the number of CLE credit hours set forth by the CLE provider, the CLE Committee's ruling is presumed to be accurate.

It is further

ORDERED that Supreme Court Rule 208(d)(1) be **AMENDED** by striking the second sentence in its entirety and replacing it with the sentence: "A newly admitted member is a person who has only been admitted to practice law for less than a year and who has never previously been a member of the Virgin Islands Bar Association or any other bar association.". It is further

ORDERED that Supreme Court Rule 208(d)(2) be **AMENDED** by striking the phrase "filing a certification for the period" and replacing it with the phrase "the duty to prove that he or she earned the minimum CLE credit hours during the period of time". It is further

ORDERED that Supreme Court Rule 208(d)(2)(A) be **AMENDED** by inserting the phrase "or portion thereof" between the words "year" and "must". It is further

ORDERED that Supreme Court Rule 208(d)(2)(B) be **AMENDED** by striking the word "year" and replacing it with the phrase "previous year, for which". It is further

ORDERED that Supreme Court Rule 208(d)(3) be **AMENDED** in the following instances:

- (1) Striking the word "from" the first time it appears in the existing language and replacing it with the phrase "of time for"; and

- (2) Striking the phrase “filing a certificate of attendance for the period” and replacing it with the phrase “the duty to file Certificates of Attendance during the period of time”.

It is further

ORDERED that Supreme Court Rule 208(d)(3)(A) be **AMENDED** in the following instances:

- (1) Striking the word “from” and replacing it with the phrase “of time for satisfying”; and
- (2) Inserting the following new sentence at the conclusion of the existing language: “Such petitions shall be assessed a \$105.00 filing fee, payable to the Clerk of the Supreme Court.”

It is further

ORDERED that Supreme Court Rule 208(d)(3)(D) be **AMENDED** by inserting the phrase “of time” between the words “extension” and “will”. It is further

ORDERED that Supreme Court Rule 208(e)(2) be **AMENDED** in the following instances:

- (1) Striking the phrase “Virgin Islands Bar Association” and replacing it with the phrase “CLE Committee”; and
- (2) Striking the phrase “random audit of at least 15% of the active members” and replacing it with the phrase “full audit of all active members”.

It is further

ORDERED that Supreme Court Rule 208(e)(3) be **AMENDED** in the following instances:

- (1) Striking the word “random” before the word “audit”;

(2) Striking the phrase “Virgin Islands Bar Association” and replacing it with the phrase “CLE Committee”; and

(3) Inserting the following new language at the conclusion of the existing language:

The Notice of Delinquency must include a statement outlining the basis for the finding of a violation. Nothing herein shall be deemed to prevent the CLE Committee from sending a Notice of Delinquency to a member found, by means other than the annual audit, to have violated this Rule. The CLE Committee has no discretion to withhold sending a Notice of Delinquency to any member found to have violated this Rule for any prior year regardless of the means by which the violation was found.

It is further

ORDERED that Supreme Court Rule 208(e)(4) be **AMENDED** by striking the existing language in its entirety and replacing it with the following new language:

Cure.

- (1) Within ninety (90) days following service of a Notice of Delinquency, the member shall submit Certificates of Attendance, certifying that he or she has earned CLE credit hours necessary to meet the annual requirements of the Rule for the relevant year, along with a payment of a mandatory delinquency fee of \$75.00. However, if the Certificates of Attendance evidence that the minimum CLE credit hours for the relevant year were earned on or before December 31 of the relevant year, the mandatory delinquency fee shall be reduced to \$50.00 or the cost of delivery or service of the Notice of Delinquency, whichever is greater. Notwithstanding this Rule 208(e)(4)(1), no delinquency fee shall be assessed if a member demonstrates that all pertinent provisions of this Rule were timely complied with and that the Notice of Delinquency was sent in error.
- (2) If the member believes that the CLE Committee has made an error or otherwise wishes that the CLE Committee reconsider its finding of delinquency, he or she may, no later than thirty (30) days after service of the Notice of Delinquency, file a petition with the CLE Committee, accompanied with any supporting proofs. If the CLE Committee fails to rule on the petition within thirty (30) days, the petition shall be deemed denied. The filing of a petition with the CLE Committee shall not toll the ninety (90) day period to cure the issues identified in the Notice of Delinquency.
- (3) If the CLE Committee upholds its finding of delinquency, or fails to act on the petition within the thirty (30) day period, the member may file an appeal, accompanied with supporting proofs, with the Supreme Court of the United States Virgin Islands no later than fourteen (14) days after the CLE Committee has issued its decision or the expiration of the thirty (30) day period for it to render its decision. The timely filing of such an appeal shall toll the time for the CLE Committee to file a Notice of Non-Compliance; however, if the Supreme Court upholds the CLE Committee’s finding of delinquency, the member shall fully cure the deficiency, including payment of the

applicable delinquency fee, within thirty (30) days of the Supreme Court's order or the conclusion of the original ninety (90) day period, whichever is later, failing which the CLE Committee shall file a Notice of Non-Compliance.

It is further

ORDERED that Supreme Court Rule 208(e)(5) be **AMENDED** by striking the existing language in its entirety and replacing it with the following new language:

Failure to Cure. If the member fails to submit the requisite Certifications of Attendance sufficient to evidence the satisfaction of the minimum CLE credit hours for the relevant year, or to pay any applicable delinquency fees, the CLE Committee shall file a Notice of Non-Compliance with the Supreme Court of the United States Virgin Islands. The filing of the Notice of Non-Compliance by the CLE Committee is mandatory and may not be waived.

It is further

ORDERED that Supreme Court Rule 208(e)(6) be **AMENDED** by striking the existing language in its entirety and replacing it with the following new language:

Automatic Suspension. Except as otherwise provided in Rule 208(e)(2)-(3), failure to submit the requisite Certifications of Attendance sufficient to evidence satisfaction of the minimum CLE credit hour requirement for the relevant year, as well as any applicable delinquency fees to the satisfaction of the CLE Committee within ninety (90) days of service of the Notice of Delinquency, shall result in automatic suspension of the member from the practice of law by the Supreme Court of the United States Virgin Islands upon the filing of the Notice of Non-Compliance.

It is further

ORDERED that Supreme Court Rule 208(e)(7) be **AMENDED** in the following instances:

- (1) Striking the phrase "a Certification of Attendance certifying" and replacing it with the phrase "Certifications of Attendance evidencing";
- (2) Striking the phrase "completed the course" and replacing it with the phrase "earned the CLE credit"; and

- (3) Striking the phrase “the relevant year” and replacing it with the phrase “all relevant years”.

It is further

ORDERED that Supreme Court Rule 208(e)(8) be **AMENDED** by striking the phrase “attend CLE programs” and replacing it with the phrase “earn CLE credit hours”. It is further

ORDERED that Supreme Court Rule 208(f)(1) be **AMENDED** by striking the language presently designated as Rules 208(f)(1)(A)-(D) in its entirety and replacing it with the following new language:

- (A) CLE programs offered by the federal or local judiciary in the United States Virgin Islands, by the Bar Association of the Third Federal Circuit, or by the Virgin Islands Bar Association.
- (B) Live CLE programs offered by:
- (i) The highest court of another jurisdiction or its designee;
 - (ii) The American Bar Association or its Sections and Divisions;
 - (iii) The National Bar Association or its Sections and Divisions;
 - (iv) The American Law Institute;
 - (v) The National Institute of Trial Advocacy;
 - (vi) An ABA and/or AALS accredited law school;
 - (vii) The Bar Association of a State, the District of Columbia, or a Territory of the United States;
 - (viii) Attorneys Liability Protection Society (ALPS);
 - (ix) American Judicature Society;
 - (x) American Association of Justice, f/k/a American Trial Lawyers Association;
 - (xi) Defense Research Institute;
 - (xii) LexisNexis University;
 - (xiii) National Academy of Continuing Legal Education;
 - (xiv) National Association of Attorneys General;
 - (xv) National Association of Criminal Defense Lawyers;
 - (xvi) National College of Trial Advocacy;
 - (xvii) National District Attorneys Association;
 - (xviii) National Judicial College;
 - (xix) National Legal Aid and Defenders Association;
 - (xx) Office of Defender Services Training Branch
 - (xxi) Office of the Federal Public Defender for the District of the Virgin Islands;
 - (xxii) Practising Law Institute;

- (xxiii) Shriver National Center on Poverty Law Continuing Legal Education Programs;
- (xxiv) U.S. Air Force – Judge Advocate General School;
- (xxv) U.S. Army – Judge Advocate General School;
- (xxvi) U.S. Department of Justice – Office of Legal Education;
- (xxvii) U.S. Navy – Naval Justice School;
- (xxviii) Veterans Administration – Office of General Counsel; and
- (xxix) West LegalEdcenter.

A *live* course is one where there is an instructor in the room with the participants.

- (C) Self-study courses approved by or offered by the Virgin Islands Bar Association CLE Committee, the highest court of another United States jurisdiction or its designee, the American Bar Association, the National Bar Association, the Bar Association of the Third Federal Circuit, the National Institute of Trial Advocacy, or the American Law Institute. It is the duty of the reporting member to provide the CLE Committee with evidence that the course or activity is offered by or has been previously approved by such an entity.
- (D) Courses or activities approved by the Virgin Islands Bar Association CLE Committee, the highest court of another jurisdiction or its designee, the American Bar Association, the National Bar Association, the American Law Institute, or a State, the District of Columbia, or Territorial Bar Association.
- (E) Courses or activities, including self-study courses, offered by a provider accredited for automatic approval by the Virgin Islands Bar Association CLE Committee or the continuing legal education committee of the official bar association of another United States jurisdiction. It is the duty of the reporting member to provide the CLE Committee with evidence that the provider has been accredited for automatic approval by the continuing legal education committee of the official bar association of another United States jurisdiction. The Committee may at any time re-evaluate and grant or revoke automatic approval of a provider or course. However, such a revocation shall not function retroactively.
- (F) Any organization or provider not included in Rule 208(f)(1)(B) above, desiring to be accredited for automatic approval of its courses, programs, or activities shall apply to the CLE Committee by submitting an application on a form to be obtained from the CLE Committee and supporting documentation, together with any sponsorship fee as many be required by the CLE Committee. Members of the Virgin Islands Bar Association may also submit an application on behalf of such an organization or provider. The CLE Committee will advise the applicant in writing by mail within forty-five (45) days of the receipt of the completed application whether the organization or provider is granted accreditation for automatic approval or denial. Applicants denied selection for inclusion under Rule 208(f)(1)(B) may appeal such a decision by submitting a petition to the CLE Committee within twenty (20) days of service of the notice of denial.

It is further

ORDERED that Supreme Court Rule 208(f)(2) by **AMENDED** in the following

instances:

- (1) Striking the word “or” between the words “syllabus” and “statement” and inserting the following language in its place: “for self-study courses approved under Rules 208(f)(1)(C), (D), or (E). For in-office courses that do not qualify for credit under those categories, in addition to the required Certification of Attendance form, program schedule, or agenda and course syllabus, members must submit a”; and
- (2) Inserting the following new language after the word “matter”: “and provider sufficiently to satisfy all requirements of Rule 208(g).”

It is further

ORDERED that Supreme Court Rule 208(f)(3) be **AMENDED** in the following instances:

- (1) Striking the word “or” between the words “syllabus” and “statement” and inserting the following language in its place: “for self-study courses approved under Rules 208(f)(1)(C), (D), or (E). For self-study courses that do not qualify for credit under those categories, in addition to the required Certification of Attendance form, program schedule, or agenda and course syllabus, members must submit a”; and
- (2) Inserting the following new language after the word “matter”: “and provider sufficiently to satisfy all requirements of Rule 208(g).”

It is further

ORDERED that Supreme Court Rule 208(f)(4) be **AMENDED** in the following instances:

- (1) Striking the phrase “be given a credit” and replacing it with the phrase “earn CLE credit hours”;

(2) Striking the phrase “Virgin Islands Bar Association” and replacing it with the phrase “CLE Committee”; and

(3) Inserting the following new language at the conclusion of the existing language:

This provision allows credit for both actual lecture time as well as preparation time, as long as the member can document that time. The form in Appendix 1 sets forth what is needed to apply for lecturing and participation credits. In addition, the CLE Committee is empowered to provide members who act as presenters at Virgin Islands Bar Association CLE events a discount in the cost of attendance at certain other CLE courses offered by the Virgin Islands Bar Association.

It is further

ORDERED that Supreme Court Rule 208(g)(1) be **AMENDED** by striking the word “To” and replacing it with the phrase “For courses, which are not subject to automatic approval, to”. It is further

ORDERED that Supreme Court Rule 208(g)(1)(B) be **AMENDED** by inserting “and/” before the word “or”. It is further

ORDERED that Supreme Court Rule 208(g)(1) be **AMENDED** by inserting the following new language and designating it as Supreme Court Rule 208(g)(1)(C):

(C) For each such activity, the member must provide the CLE Committee with a copy of the program, written materials, the identity of the presenters, and related evidence to establish the presence of significant intellectual or practical content and substantive legal issues, legal skills, practice issues, and/or legal ethics and professional responsibility issues.

It is further

ORDERED that Supreme Court Rule 208(g)(2) be **AMENDED** in the following instances:

(1) Striking the word “shall” and replacing it with the word “must”;

(2) Striking the word “or” between “judicial” and “legal” and replacing it with a comma, and inserting another comma after “legal”;

- (3) Inserting the word “/or” after the word “and”;
- (4) Striking the phrase “responsibility or professionalism” and replacing it with the text “responsibility/professionalism”; and
- (5) Inserting “/attorney” after the second instance of the word “judicial”.

It is further

ORDERED that Supreme Court Rule 208(g)(3)(A) be **AMENDED** by inserting “/judge” after the word “lawyer”. It is further

ORDERED that Supreme Court Rule 208(g)(3)(C) be **AMENDED** by striking the phrase “in the same reporting year”. It is further

ORDERED that Supreme Court Rule 208(g)(4)(A) be **AMENDED** in the following instances:

- (1) Striking the phrase “An Approved” and replacing it with the word “A”;
- (2) Striking the comma after the word “substantial” and replacing it with the word “and”; and
- (3) Striking the comma after the word “recent”.

It is further

ORDERED that Supreme Court Rule 208(g)(4)(E) be **AMENDED** in the following instances:

- (1) Striking the word “matter” and replacing it with the word “manner”;
- (2) Striking “(a)” “(b)” “(c)” and “(d)” and replacing them, respectively, with “(i)” “(ii)” “(iii)” and “(iv)”;
- (3) Striking “104” wherever it appears and replacing it with “208”; and
- (4) Replacing the phrase “three (5)” with “three (3)”.

It is further

ORDERED that Supreme Court Rule 208(g)(4)(F) be **AMENDED** by inserting the following new language at the conclusion of the existing language: “, such as programs offered by accredited colleges and universities.” It is further

ORDERED that Supreme Court Rule 208(g)(5) be **AMENDED** by striking the existing language in its entirety, designating the first sentence of the current Supreme Court Rule 208(g)(6) as the new Supreme Court Rule 208(g)(6), and striking the last sentence of the current Supreme Court Rule 208(g)(6). It is further

ORDERED that the Supreme Court Rules 208(g)(7) and (8) be **AMENDED** by striking the existing language in its entirety, designating the current Supreme Court Rule 208(g)(9) as the new Supreme Court Rule 208(g)(7), with the following additional amendments:

- (1) Striking the phrase “An attorney” and replacing it with the phrase “A member, organization, or provider”;
- (2) Inserting the word “particular” between the words “a” and “course”;
- (3) Inserting the word “CLE” before the word “Committee” in every instance it appears, other than the new Supreme Court Rule 208(g)(7)(D);
- (4) Striking the phrase “applicant has attended a” in the same sentence and inserting the phrase “has been completed” between the words “program” and “the”;
- (5) Striking the last sentence of the new Supreme Court Rule 208(g)(7)(C) and replacing it with the following language: “Applicants denied approval for a course or program may appeal such a decision by filing a petition with the Supreme Court of the United States Virgin Islands within twenty (20) days of service of the CLE Committee’s notice of disapproval.”

It is further

ORDERED that the aforementioned amendments to Supreme Court Rule 208 **ARE**

HEREBY ADOPTED and WILL TAKE EFFECT on September 1, 2013, and **SHALL REMAIN IN EFFECT** unless modified as a result of comments from the public and the local Bench and Bar. It is further

ORDERED that, for the convenience of members of the Virgin Islands Bar, a version of Supreme Court Rule 208 showing the effect of these proposed amendments is hereto attached as Exhibit A. To the extent any conflict exists, the text of this Order shall control over Exhibit A. It is further

ORDERED that, pursuant to Supreme Court Rule 37, the public as well as members of the local Bench and Bar **MAY SUBMIT WRITTEN COMMENTS** on these proposed amendments to the Clerk of the Court within thirty (30) days of entry of this order. It is further

ORDERED that copies of this order be directed to the appropriate parties.

SO ORDERED this 8th day of October, 2013.

/s/ Ive Arlington Swan
IVE ARLINGTON SWAN
Associate Justice

/s/ Maria M. Cabret
MARIA M. CABRET
Associate Justice

/s/ Rhys S. Hodge
RHYS S. HODGE
Chief Justice

ATTEST:

VERONICA J. HANDY, ESQ.
Clerk of the Court

EXHIBIT A

Rule 208. MANDATORY CONTINUING LEGAL EDUCATION (as amended)

Continuing professional education of lawyers serves to improve the administration of justice and benefit the public interest. Regular participation in Continuing Legal Education ("[CLE](#)") programs will enhance the professional skills of practicing lawyers, afford them periodic opportunities for professional self-evaluation, and improve the quality of legal services rendered to the public. All active members of the United States Virgin Islands shall participate in the requisite number of hours, as set forth in this Rule, of further legal study throughout the period of their active practice of law, and failure to do so shall result in their suspension from membership in the Virgin Islands' Bar.

(a) Appointment of the Virgin Islands Bar Association for the Administration of this Rule.

(1) The Supreme Court of the United States Virgin Islands hereby appoints the Virgin Islands Bar Association to administer these Rules. The Virgin Islands Bar Association shall create a Continuing Legal Education and Admissions Committee ([the "CLE Committee"](#)) which shall be charged with the responsibility for implementation and administration of these rules

(2) The ~~Virgin Islands Bar Association Committee Continuing Legal Education and Admissions~~[CLE Committee](#) shall have the following duties:

(A) Accept the certification forms to be filed annually by each active member of the Virgin Islands' Bar. [A certification form can be found at Appendix 1 to Rule 208.](#)

(B) Conduct a compliance audit during the month following the end of each reporting period.

(C) Review and approve ~~Continuing Legal Education~~[CLE](#) courses and activities.

~~(D) Report at least annually to the Supreme Court of the Virgin Islands and quarterly to the Board of Governors of the Virgin Islands Bar Association on the operation, compliance, and effectiveness of this Rule 208.~~

(3) ~~Report at least annually to the Supreme Court of Virgin Islands and quarterly to the Board of Governors of the V. I. Bar Association, on the operation, compliance and effectiveness of these Rules. This Rule sets forth various mandatory actions and duties that "shall" be performed. In particular, this Rule provides for various sanctions, including mandatory suspension, for non-compliance with its terms. The CLE Committee must administer this Rule as written and, absent specific provision to the contrary, lacks any discretion to deviate from those mandatory actions and duties, to~~

waive compliance by any member of the Virgin Islands Bar, to excuse non-compliance, or to waive any sanction for non-compliance. Requests for any such waiver must be made not to the CLE Committee but rather via petition directly to the Supreme Court of the Virgin Islands pursuant to Rule 208(d)(2) and 208(d)(3).

(b) Continuing Legal Education (CLE) Requirement.

(1) **Annual Requirement.** Every active member of the United States Virgin Islands Bar shall complete and certify attendance ~~at or participation in~~ a minimum of twelve (12) hours per year of approved ~~Continuing Legal Education (“CLE”) courses~~ CLE credit of which at least two (2) hours shall be in the area of legal ethics or professionalism. Each member shall complete the required CLE ~~courses-credit hours~~ during the period of January 1 through December 31 of the same year. An “active member” is defined as a person who has active status in the Virgin Islands Bar Association. The annual credit hour requirement for lawyers who are active members for only a portion of the year shall be prorated at a rate of one (1) credit hour per month he or she claims active status, or any portion of a month thereof. For purposes of this Rule 208, a “credit hour” consists of no less than 50 minutes of instruction or other approved activities. Pursuant to Rule 208(e)(1), it is not the duty of the CLE Committee but rather the duty of each active member to report his or her participation in approved CLE courses as well as the amount of CLE credit earned. This Rule sets forth the obligations and deadlines for compliance, and it is not the duty of the CLE Committee to provide further notice of either.

(2) **Carry-Over.** In an effort to provide flexibility in fulfilling the annual CLE credit hour requirement and to encourage members to exceed the minimum annual requirement while still ensuring that all members complete the minimum amount of CLE credits each year, a ~~one-year~~ carry-over of credit hours is permitted, so that accrued credit hours in excess of one year’s requirement may be carried forward ~~from one year~~ to meet the requirements for the next later years. ~~A member may carry forward a maximum of six (6) credit hours~~ In any single year, a member may utilize a maximum of six (6) credit hours that were carried forward, two of which, if earned in legal ethics or professionalism, may be counted toward the two (2) hours required in legal ethics or professionalism. ~~Hours in excess of the minimum requirements defined in this Rule may not be carried forward for credit beyond the one year provided for in this Rule.~~ Credit hours that were carried forward expire three years after the year they were earned.

(3) **Prior Attendance.** Credit will be given for CLE hours accumulated within the year prior to admission to the Virgin Islands Bar.

(4) **Approved Courses and Activities.** ~~The CLE requirement may be met either by attending courses or completing any other continuing legal education activity automatically approved for credit as provided in this Rule. Self study, including the use of approved video or audio tapes, computer based resources, or participation in legal educational activities~~

~~involving correspondence technology, in-house law firm continuing legal education efforts, teaching, and participation in a committee of the Virgin Islands Bar Association or the Supreme Court of the United States Virgin Islands may be considered for credit when they meet the conditions set forth in this Rule. Credit shall not be given for activities not specifically enumerated in Section (g) of this Rule. The CLE requirement may be met by completing or teaching CLE activities approved for CLE credit under Rule 208(f) or by active membership and participation in organizations approved for CLE credit as provided in Rule 208(f). Credit shall not be given for activities or memberships not specifically enumerated in Rule 208(f).~~

(c) Reporting CLE Credit.

~~(1) **Reporting Requirement.** Unless exempt as provided in this Rule, each active member shall submit to the Virgin Islands Bar Association, on or before January 31 of each year, a Certification of Attendance certifying that the member has attended mandatory Continuing Legal Education course(s) for the minimum number of hours required during the previous year ending December 31. No member may submit a Certification of Attendance after January 31 without approval of the Supreme of the United States Virgin Islands upon written request by the member.~~

(A) Reporting Requirement. Unless exempt as provided in Rule 208(d), each active member shall submit to the Virgin Islands Bar Association, on or before January 31 of each year, Certifications of Attendance evidencing that the member has earned CLE credit for the minimum number of credit hours required during the previous year ending December 31. The CLE Committee may not extend or waive this deadline, except as provided in Rule 208(c)(1)(B).

(B) Extension of Time by CLE Committee. The CLE Committee may, at its discretion, grant an active member an extension of time until April 30 to submit Certifications of Attendance evidencing that he or she earned the requisite CLE credit hours during the previous year ending December 31. All members requesting an extension of time shall be assessed a \$50.00 delinquency fee, payable to the Virgin Islands Bar Association. The CLE Committee may not waive the \$50.00 delinquency fee, nor grant any extension of time beyond April 30.

(C) Extension of Time by Supreme Court. An active member who has had a request for an extension of time denied by the CLE Committee, or who seeks an extension beyond April 30, may file a petition to extend the time to submit Certifications of Attendance with the Supreme Court. Such petitions shall be assessed a \$105.00 filing fee, payable to the Clerk of the Supreme Court, in addition to the \$50.00 delinquency fee payable to the Virgin Islands Bar Association. Members seeking extensions for multiple reporting periods must file a separate petition for each period and pay separate fees for each period.

(D) Notice of Delinquency. Notwithstanding Rules 208(c)(1)(B) and (C), a member may not request an extension of time from the CLE Committee or the Supreme Court if the CLE Committee has already sent the member a Notice of Delinquency pursuant to Rule 208(e)(3).

(2) **Approved Forms.** A member may submit a Certification of Attendance form provided to the attendees at the CLE course (s) or, in the alternative, the form entitled *Attorney Application for CLE Credit/Certification of Attendance* attached as Appendix 1 to this Rule.

(3) **Responsibility of Members.** ~~Every active member shall be responsible for ascertaining whether or not the particular course satisfies the requirements of this Rule. Every active member shall be responsible for ascertaining whether or not the particular course, membership, or activity satisfies the requirements of Rules 208(f)-(g). Absent prior approval in writing from the CLE Committee of a particular course, membership, or activity for CLE credit and a particular number of CLE credit hours, the CLE Committee is the arbiter of what courses, memberships, or activities are entitled to CLE credit as well as the number of applicable CLE credit hours. Members who object to or contest the CLE Committee's ruling as to the availability of CLE credit and/or the applicable amount of CLE credit hours may appeal the decision of the CLE Committee via petition to the Supreme Court of the United States Virgin Islands, focusing upon the relevant provisions of Rule 208(g). However, if the number of CLE credit hours found by the CLE Committee with respect to a particular CLE course under Rule 208(f)(1) is equivalent to the number of CLE credit hours set forth by the CLE provider, the CLE Committee's ruling is presumed to be accurate.~~

(d) Exemptions.

(1) **New Members.** A newly admitted member shall not be exempt from filing a certification for the reporting period in which he or she is first admitted. ~~A newly admitted member is a person who has never previously been a member of the Virgin Islands Bar Association, or any other bar association for less than a year.~~ A newly admitted member is a person who has only been admitted to practice law for less than a year and who has never previously been a member of the Virgin Islands Bar Association or any other bar association.

(2) **Waivers.** A member who has been granted a waiver from compliance with the requirements of this Rule shall be exempted from the duty to prove that he or she earned the minimum CLE credit hours during the period of time filing a certification for the period for which the waiver is granted.

(A) A member seeking a waiver from the requirements for a reporting year or a portion thereof must submit a written petition, together with any appropriate or required material or documentation (e.g.

doctors' letter, medical records), to the Supreme Court of the United States Virgin Islands.

(B) A member should, whenever practicable, file his or her petition prior to the January 31 reporting deadline for the year-previous year, for which the member seeks a waiver. Failure to file a petition in a timely manner may be considered by the Supreme Court in determining whether to grant a waiver.

(C) A waiver shall not be granted unless good cause is shown.

(D) The filing of any petition for waiver will toll the running of any time limit set forth in this Rule up to, but not to exceed, thirty (30) days.

(3) **Extensions.** A member who has been granted an extension ~~from of time for~~ compliance with the requirements of this Rule shall be exempted from ~~filing a certification for the period~~ the duty to file Certificates of Attendance during the period of time for which the extension is granted.

(A) A member seeking an extension ~~from of time for satisfying~~ the requirements for a reporting year must submit a written petition, together with any appropriate or required material or documentation (e.g. doctors' letter, medical records), to the Supreme Court of the United States Virgin Islands. Such petitions shall be assessed a \$105.00 filing fee, payable to the Clerk of the Supreme Court.

(B) A member should, whenever practicable, file his or her petition prior to the January 31 reporting deadline for the year the member seeks an extension. Failure to file a petition in a timely manner may be considered by the Supreme Court in determining whether to grant an extension.

(C) An extension shall not be granted unless good cause is shown.

(D) The filing of any petition for extension of time will toll the running of any time limit set forth in this Rule up to, but not to exceed, thirty (30) days.

(e) **Sanctions.**

(1) **Self-Reporting.** This Rule establishes a self-reporting system.

(2) **Annual Auditing.** During the month following the annual reporting deadline, the ~~Virgin Islands Bar Association~~ CLE Committee shall conduct a ~~random-full~~ audit of ~~at least 15% of the active members to determine compliance with this Rule~~ all active members.

(3) **Notice of Delinquency.** After completion of the ~~random~~ audit, the ~~Virgin Islands Bar Association~~ CLE Committee shall send a Notice of Delinquency to each member found to have violated this Rule for any prior year. The Notice of Delinquency must include a statement outlining the basis for the finding of a violation. Nothing herein shall be deemed to prevent the CLE Committee from sending a Notice of

Delinquency to a member found, by means other than the annual audit, to have violated this Rule. The CLE Committee has no discretion to withhold sending a Notice of Delinquency to any member found to have violated this Rule for any prior year regardless of the means by which the violation was found.

~~(4) **Cure.** Within ninety (90) days following the receipt of the Notice of Delinquency, the member shall submit a Certification of Attendance, certifying that he or she has taken course hours necessary to meet the annual requirements of the Rule for the relevant year, along with a payment of a delinquency fee of \$50.00.~~

(1) Within ninety (90) days following service of a Notice of Delinquency, the member shall submit Certificates of Attendance, certifying that he or she has earned CLE credit hours necessary to meet the annual requirements of the Rule for the relevant year, along with a payment of a mandatory delinquency fee of \$75.00. However, if the Certificates of Attendance evidence that the minimum CLE credit hours for the relevant year were earned on or before December 31 of the relevant year, the mandatory delinquency fee shall be reduced to \$50.00 or the cost of delivery or service of the Notice of Delinquency, whichever is greater. Notwithstanding this Rule 208(e)(4)(1), no delinquency fee shall be assessed if a member demonstrates that all pertinent provisions of this Rule were timely complied with and that the Notice of Delinquency was sent in error.

(2) If the member believes that the CLE Committee has made an error or otherwise wishes that the CLE Committee reconsider its finding of delinquency, he or she may, no later than thirty (30) days after service of the Notice of Delinquency, file a petition with the CLE Committee, accompanied with any supporting proofs. If the CLE Committee fails to rule on the petition within thirty (30) days, the petition shall be deemed denied. The filing of a petition with the CLE Committee shall not toll the ninety (90) day period to cure the issues identified in the Notice of Delinquency.

(3) If the CLE Committee upholds its finding of delinquency, or fails to act on the petition within the thirty (30) day period, the member may file an appeal, accompanied with supporting proofs, with the Supreme Court of the United States Virgin Islands no later than fourteen (14) days after the CLE Committee has issued its decision or the expiration of the thirty (30) day period for it to render its decision. The timely filing of

such an appeal shall toll the time for the CLE Committee to file a Notice of Non-Compliance; however, if the Supreme Court upholds the CLE Committee's finding of delinquency, the member shall fully cure the deficiency, including payment of the applicable delinquency fee, within thirty (30) days of the Supreme Court's order or the conclusion of the original ninety (90) day period, whichever is later, failing which the CLE Committee shall file a Notice of Non-Compliance.

(5) **Failure to Cure.** If the member fails to submit the requisite Certifications of Attendance sufficient to evidence the satisfaction of the minimum CLE credit hours for the relevant year, or to pay any applicable delinquency fees, the CLE Committee shall file a Notice of Non-Compliance with the Supreme Court of the United States Virgin Islands. The filing of the Notice of Non-Compliance by the CLE Committee is mandatory and may not be waived.~~If the member fails to submit the requisite Certification of Attendance sufficient to permit retroactive compliance with the Rule, the Virgin Islands Bar Association shall file a Notice of Non-Compliance with the Supreme Court of the United States Virgin Islands.~~

(6) **Automatic Suspension.** Except as otherwise provided in Rule 208(e)(2)-(3), failure to submit the requisite Certifications of Attendance sufficient to evidence satisfaction of the minimum CLE credit hour requirement for the relevant year, as well as any applicable delinquency fees to the satisfaction of the CLE Committee within ninety (90) days of service of the Notice of Delinquency, shall result in automatic suspension of the member from the practice of law by the Supreme Court of the United States Virgin Islands upon the filing of the Notice of Non-Compliance.~~Failure to take steps to certify compliance with this Rule within ninety (90) days of receiving the Notice of Delinquency shall result in automatic suspension by the Supreme Court of the United States Virgin Islands.~~

(7) **Reinstatement.** In order to be reinstated, a member suspended for violating this Rule shall file a petition for reinstatement with the Supreme Court of the United States Virgin Islands along with a reinstatement fee of \$200.00. The petition for reinstatement shall include a Certification of Attendance certifying Certifications of Attendance evidencing that the suspended attorney has completed the course earned the CLE credit hours necessary to meet the annual requirements of this Rule for the all relevant years.

(8) **Continuing Responsibility.** A suspension for violating this Rule shall not relieve the delinquent member of his annual responsibility to attend CLE programs earn CLE credit hours or to pay his dues to the Virgin Islands Bar Association.

(9) **Representations by Members.** A member who makes a materially false statement in any document filed with the Virgin Islands Bar Association or the Supreme Court of the United States Virgin Islands shall be subject to appropriate disciplinary action.

(f) **Approved Educational Activities.**

(1) **Courses automatically approved.** The following CLE courses will be automatically approved for credit.

~~(A) Live CLE programs offered by the federal or local judiciary in the United States Virgin Islands, or by the Virgin Islands Bar Association. A live course is one where there is an instructor in the room with the participants.~~

~~(B) Self-study courses listed for automatic approval by the Virgin Islands Bar Association. (See Section 7(c) of this Rule, below).~~

~~(C) Courses or activities approved by the highest court of another jurisdiction or its designee, the American Bar Association, the National Bar Association, the American Law Institute or a state, the District of Columbia or territorial bar association.~~

~~(D) Courses or activities offered by a provider accredited by the official CLE committee of another jurisdiction or a national CLE accrediting body.~~

(A) CLE programs offered by the federal or local judiciary in the United States Virgin Islands, by the Bar Association of the Third Federal Circuit, or by the Virgin Islands Bar Association.

(B) Live CLE programs offered by:

- (i) The highest court of another jurisdiction or its designee;
- (ii) The American Bar Association or its Sections and Divisions;
- (iii) The National Bar Association or its Sections and Divisions;
- (iv) The American Law Institute;
- (v) The National Institute of Trial Advocacy;
- (vi) An ABA and/or AALS accredited law school;
- (vii) The Bar Association of a State, the District of Columbia, or a Territory of the United States;
- (viii) Attorneys Liability Protection Society (ALPS);
- (ix) American Judicature Society;
- (x) American Association of Justice, f/k/a American Trial Lawyers Association;
- (xi) Defense Research Institute;
- (xii) LexisNexis University;
- (xiii) National Academy of Continuing Legal Education;
- (xiv) National Association of Attorneys General;
- (xv) National Association of Criminal Defense Lawyers;
- (xvi) National College of Trial Advocacy;
- (xvii) National District Attorneys Association;
- (xviii) National Judicial College;

- (xix) National Legal Aid and Defenders Association;
- (xx) Office of Defender Services Training Branch
- (xxi) Office of the Federal Public Defender for the District of the Virgin Islands;
- (xxii) Practising Law Institute;
- (xxiii) Shriver National Center on Poverty Law Continuing Legal Education Programs;
- (xxiv) U.S. Air Force – Judge Advocate General School;
- (xxv) U.S. Army – Judge Advocate General School;
- (xxvi) U.S. Department of Justice – Office of Legal Education;
- (xxvii) U.S. Navy – Naval Justice School;
- (xxviii) Veterans Administration – Office of General Counsel; and
- (xxix) West LegalEdcenter.

A live course is one where there is an instructor in the room with the participants.

- (C) Self-study courses approved by or offered by the Virgin Islands Bar Association CLE Committee, the highest court of another United States jurisdiction or its designee, the American Bar Association, the National Bar Association, the Bar Association of the Third Federal Circuit, the National Institute of Trial Advocacy, or the American Law Institute. It is the duty of the reporting member to provide the CLE Committee with evidence that the course or activity is offered by or has been previously approved by such an entity.
- (D) Courses or activities approved by the Virgin Islands Bar Association CLE Committee, the highest court of another jurisdiction or its designee, the American Bar Association, the National Bar Association, the American Law Institute, or a State, the District of Columbia, or Territorial Bar Association.
- (E) Courses or activities, including self-study courses, offered by a provider accredited for automatic approval by the Virgin Islands Bar Association CLE Committee or the continuing legal education committee of the official bar association of another United States jurisdiction. It is the duty of the reporting member to provide the CLE Committee with evidence that the provider has been accredited for automatic approval by the continuing legal education committee of the official bar association of another United States jurisdiction. The Committee may at any time re-evaluate and grant or revoke automatic approval of a provider or course. However, such a revocation shall not function retroactively.
- (F) Any organization or provider not included in Rule 208(f)(1)(B) above, desiring to be accredited for automatic approval of its courses, programs, or activities shall apply to the CLE Committee by submitting an application on a form to be obtained from the CLE Committee and supporting documentation, together with any sponsorship fee as many be required by the CLE Committee. Members of the Virgin Islands Bar Association may also submit an application on behalf of such an organization or provider. The CLE Committee will advise the applicant in writing by mail within forty-five (45) days of the receipt of the completed

application whether the organization or provider is granted accreditation for automatic approval or denial. Applicants denied selection for inclusion under Rule 208(f)(1)(B) may appeal such a decision by submitting a petition to the CLE Committee within twenty (20) days of service of the notice of denial.

(2) **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. Members who seek credit for in-office courses shall submit, with the required certification of attendance form, the program schedule or agenda and course syllabus for self-study courses approved under Rules 208(f)(1)(C), (D), or (E). For in-office courses that do not qualify for credit under those categories, in addition to the required Certification of Attendance form, program schedule, or agenda and course syllabus, members must submit ~~a~~ statement describing the subject matter and provider sufficiently to satisfy all requirements of Rule 208(g). If the program does not cover a recognized legal topic, the member must attach a statement of how the course relates to his or her practice.

(3) **Self Study.** In addition to formal courses conducted in a class or seminar setting, approved self-study courses involving the use of video or audio tapes, computer resources (e.g. CD-ROM and internet), or correspondence courses (e.g. satellite and teleconference) may be used to satisfy the credit requirements of this Rule. Members who seek credit for self-study courses shall submit, with the required certification of attendance form, the program schedule or agenda and course syllabus for self-study courses approved under Rules 208(f)(1)(C), (D), or (E). For self-study courses that do not qualify for credit under those categories, in addition to the required Certification of Attendance form, program schedule, or agenda and course syllabus, members must submit ~~a~~ statement describing the subject matter. If the program does not cover a recognized legal topic, the member must attach a statement of how the course relates to his or her practice. The Virgin Islands Bar Association shall make available to the members of the Association a list of self-study courses that will be automatically approved for credit.

(4) **Teaching or Lecturing.** Members who teach legal courses or deliver lectures on law, whether to other attorneys or to members of the general public may ~~be given credit~~ earn CLE credit hours for the time spent in preparation and time spent teaching or lecturing. A member seeking credit for teaching or lecturing must obtain prior approval from the Virgin Islands Bar Association CLE Committee. Members who seek credit for teaching or lecturing shall submit, with the required certification of attendance form, the course syllabus, lecture outline or statement describing the subject matter. If the program does not cover a recognized legal topic,

the member must attach a statement of how the course relates to his or her practice. Once credit has been given for teaching a course or delivering a lecture, no further credit shall be given for a subsequent delivery of the same material to a different audience. [This provision allows credit for both actual lecture time as well as preparation time, as long as the member can document that time. The form in Appendix 1 sets forth what is needed to apply for lecturing and participation credits. In addition, the CLE Committee is empowered to provide members who act as presenters at Virgin Islands Bar Association CLE events a discount in the cost of attendance at certain other CLE courses offered by the Virgin Islands Bar Association.](#)

(5) Service on the Virgin Islands Bar Association Committees or Supreme Court of the United States Virgin Islands Committees, or in the Annual Moot Court Competition. Members who are officers of the Virgin Islands Bar Association or sit on and actively participate in a committee of the Virgin Islands Bar Association or federal or local Courts of the United States Virgin Islands may be given credit for such participation. Members who seek credit for such participation shall submit, with the required certification of attendance form, a statement describing the officer's or committee's tasks, the scope of the member's participation and the number of hours actually expended attending meetings or working on assigned tasks. No more than two credit hours attributed to participation as an officer or a committee member may be awarded for each committee activity to satisfy the annual CLE requirement. Participants in the Moot Court competition shall be awarded one (1) credit hour for every six (6) 50-minute hours (300 minutes) of eligible service in the Moot Court competition. A maximum of four (4) CLE credit hours may be earned during any one reporting cycle for any of the above eligible activities.

(g) Standards for Approval of Courses.

(1) General Standards. ~~For~~ [For courses, which are not subject to automatic approval,](#) be approved for credit, the CLE course or activity must satisfy the following:

(A) The activity must have significant intellectual or practical content with the primary objective of increasing the participant's professional competence as a lawyer;

(B) The activity must deal primarily with substantive legal issues, legal skills, practice issues, [and/or](#) legal ethics and professional responsibility.

[\(C\) For each such activity, the member must provide the CLE Committee with a copy of the program, written materials, the identity of the presenters, and related evidence to establish the presence of significant intellectual or practical content](#)

and substantive legal issues, legal skills, practice issues, and/or legal ethics and professional responsibility issues.

(2) **Legal Ethics or Professionalism Standards.** In order to satisfy the legal ethics or professionalism credit requirement, the course or activity shall must be devoted to the study of judicial or legal ethics and and/or professional responsibility /-or professionalism, and shall include discussion of applicable judicial/attorney conduct codes, disciplinary rules, or statements of professionalism.

(3) **The following activities shall not be accredited:**

(A) Activities that would be characterized as dealing primarily with personal self-improvement unrelated to professional competence as a lawyer/judge;

(B) Activities designed primarily to sell services or equipment;

(C) Repeat live, video, audio, or CD-ROM CLE courses for which the member has already obtained CLE credit in the same reporting year.

4) Standards for Approval of Program and Sponsors.

(A). An Approved CLE program or activity must be offered by a sponsor having substantial and, recent, experience in offering continuing legal education or demonstrated ability to organize and present effectively continuing legal education. Demonstrated ability arises partly from the extent to which individuals with legal training or educational experience are involved in the planning, instruction and supervision of the program.

(B) The program or activity itself must be conducted by an individual or group qualified by practical or academic experience. The program, including the named advertised participants, shall be conducted substantially as planned, subject to emergency withdrawals and alterations.

(C.) Thorough, high quality, readable and carefully prepared written materials shall be made available to all participants at or before the time the course is presented, unless the absence of such materials is recognized as reasonable and approved by the Committee. A mere outline without citations or explanatory notations shall not be sufficient.

(D) The program shall be conducted in a comfortable physical setting, conducive to learning and equipped with suitable writing surfaces.

(E) Approval may be given for programs where audio-visual recorded or reproduced material is used. Television, computer, videotape, audiotape, simultaneous broadcast, teleconference, computer network and motion picture programs with sound shall qualify for CLE credit in the same ~~matter-manner~~ as a live CLE program provided: (a) the original CLE program was approved for CLE credit as provided in these rule or the visual recorded program has been approved by the Committee under these Rules; (b) each person attending the visual presentation is provided written material as provided in Rule ~~104-208~~(g)(4)(C) each program is conducted in a location as required in Rule ~~104-208~~(g)(4)(D); and (c) there are a minimum of three (~~5~~) persons enrolled and in attendance at the presentation of the visually recorded program.

(F) Programs that cross academic lines may be considered for approval, such as programs offered by accredited colleges and universities.

5. ~~Approved Sponsors:~~

~~Continuing legal education programs sponsored by the following organizations as well as all organizations in good standing with the Association of Continuing Legal Education Administrators (ACLEA) shall be presumptively approved for credit, provided that the standards set forth in the Regulation (g) (4) through (g)(7) are met:~~

~~————Accredited Law Schools (ABA, AALS)
————Administrative Conference on the United States
————American Bar Association and Bar Sections and Divisions
American Judicature Society
American Law Institute — American Bar Association Committee on
————Continuing Professional Education
Attorneys Liability Protection Society (ALPS)
American Association for Justice, formerly American Trial Lawyers Association
Defense Research Institute
National Association of Attorneys General
National Bar Association and Bar Sections and Divisions
National College of Trial Advocacy
National District Attorneys Association
National Institute of Trial Advocacy
National Judicial College
Practicing Law Institute
U.S. Air Force Judge Advocate General School —
U. S. Army Judge Advocate General School
U. S. Department of Justice Office of Legal Education
U. S. Navy Naval Justice School
Veterans Administration Office of General Counsel~~

~~V.I. Bar Association and other state and territorial bar and trial lawyer associations~~

~~6~~—Approved seminars may be advertised in informational brochures and program materials provided by the sponsoring body. ~~Organizations listed in Regulation 4.2 whose programs are presumptively approved shall give adequate notice that a program or seminar it conducts is not approved for MCLE credit in the event the program or seminar does not meet the standards set forth in Rules 104 (g)(4)(A) through Rule 104 (g)(4)(E)~~

~~7. The Committee may at any time re-evaluate and grant or revoke presumptive approval of a provider.~~

~~8~~—Any organization not included in Rule 104 (g) (5) above, desiring approval of a course or program shall apply to the Committee by submitting an application on a form to be obtained from the Committee and supporting documentation at least forty five (45) days prior to the date for which the course or program is scheduled, together with any sponsorship fee as may be required by the Committee. The Committee will advise the applicant in writing by mail within ten (10) days of the receipt of the completed application whether the program is approved or disapproved. Applicants denied approval of a program may appeal such a decision by submitting a letter of appeal to the Committee within fifteen (15) days of the receipt of the notice of disapproval.

~~9. An attorney member, organization, or provider~~ desiring approval of a particular course or program which has not otherwise been approved shall apply to the CLE Committee by submitting an application on a form to be obtained from the CLE Committee and supporting documentation as follows:

(A) If approval is requested before the course or program is presented the application and supporting documentation shall be submitted at least forty-five (45) days prior to the date for which the course or program is scheduled.

(B) If approval is requested after the ~~applicant has attended a~~ course or program has been completed the application and supporting documentation shall be submitted within ninety (90) days after the date the course or program was presented or prior to the end of the calendar year in which the course or program was presented, whichever is earlier.

(C)The CLE Committee shall advise the applicant in writing by mail within ten (20) days of the receipt of the completed application whether the program is approved or disapproved. Applicants denied approval for a course or program may appeal such a decision by filing a petition with the Supreme Court of the United States Virgin Islands within twenty (20) days of service of the CLE Committee's notice of

~~disapproval Applicants denied approval of a program may appeal such a decision by submitting a letter of appeal to the Committee within fifteen (20) days of the receipt of the notice of disapproval.~~

(D) The provider of an approved continuing legal education program may announce or indicate as follows:

The course has been approved by the V. I. Bar Association Committee on Legal Education and Admissions to the Bar for _____ hours of CLE credit.

(E) Within forty-five (45) days following an approved legal education program conducted in the Virgin Islands, the sponsor shall furnish the Executive Director of the of V. I. Bar Association a list of V. I. Bar Association attendees.

(h) Effective Date.

The effective date of this Rule shall be January 1, 2008. Starting January 1, 2008, and every year thereafter, unless otherwise ordered by this court, active members shall complete the total number of CLE course hours as required in this Rule.

materials (table of contents) *or* statement describing the subject matter (information is needed to determine whether course shall be approved for credit)

7. **Required Attachments for members seeking credit for Teaching or Lecturing:**

- a. Statement certifying the number of hours spent in preparation for the class or lecture and number of hours spent delivering lecture to the audience (times are needed to verify credit hours), *and*
- b. Course syllabus, lecture outline *or* statement describing the subject matter (information is needed to determine whether activity shall be approved for credit)

8. **Required Attachments for members seeking credit for VIBA participation:**

- a. Statement describing the officer's or committee's tasks, the scope of the member's participation and the number of hours actually expended attending meetings or working on assigned tasks

9. **CERTIFICATION:** I certify under the penalty of perjury that I attended _____ hours, including (____) Ethics hours, of the above-named courses.

Signature of Attorney: _____ Date: _____.”