

**Proposed Rule 9.31 of the Rules of Court
(Clean Version)**

Rule 9.31. Minimum continuing legal education

(a) Statutory authorization

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

(Subd (a) amended effective January 1, 2007.)

(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 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.

(Subd (b) amended effective August 1, 2017; previously amended effective September 27, 2000, and January 1, 2007.)

(c) Minimum continuing legal education requirements

Each active licensee 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 Trustees of the State Bar, must, within periods of not less than 36 months as 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. Licensees 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 licensee must report his or her compliance to the State Bar under rules adopted by the Board of Trustees of the State Bar.

(Subd (c) amended effective August 1, 2019; previously amended effective September 27, 2000, January 1, 2007, and August 1, 2017.)

(d) Failure to comply with program

A licensee 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 licensee of the State Bar under rules adopted by the Board of Trustees of the State Bar.

(Subd (d) amended effective January 1, 2019; previously amended effective January 1, 2007, and August 1, 2017.)

(e) Fees and penalties

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

(Subd (e) amended effective January 1, 2007.)

(f) One-time expungement of a record of inactive enrollment for failure to comply with program

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

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

(2) The period of inactive enrollment was for 90 days or less;

(3) The period of inactive enrollment ended at least seven years before the date of expungement;

(4) The licensee has no other record of suspension or involuntary inactive enrollment for discipline or otherwise.

(Subd (f) amended effective January 1, 2019; adopted effective August 1, 2017.)

(g) Records to be maintained by State Bar

Under (f) of this rule, the State Bar will remove or delete the record of such period of inactive enrollment from the licensee'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 licensee's eligibility for a judgeship under the California Constitution, article VI, section 15.

(Subd (g) amended effective January 1, 2019; adopted effective August 1, 2017.)

(h) Duty of disclosure by licensee

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

(Subd (h) amended effective January 1, 2019; adopted effective August 1, 2017.)

Rule 9.31 amended effective January 1, 2019; adopted as rule 958 effective December 6, 1990; previously amended effective December 25, 1992; previously amended by the Supreme Court effective September 27, 2000; previously amended and renumbered as rule 9.31 effective January 1, 2007; previously amended effective August 1, 2017.