

Rule 791. Persons Subject to MCLE Requirements

(a) Scope and Exemptions

These Rules shall apply to every attorney admitted to practice law in the State of Illinois, except for the following persons, who shall be exempt from the Rules' requirements:

(1) All attorneys on inactive or retirement status pursuant to Supreme Court Rule 756(a)(5) or (a)(6), respectively, or on inactive status pursuant to the former Supreme Court Rule 770 or who have previously been placed on voluntarily removed status by the Attorney Registration and Disciplinary Commission ("ARDC");

(2) All attorneys on disability inactive status pursuant to Supreme Court Rules 757 or 758;

(3) All attorneys serving in the office of justice, judge, associate judge, or magistrate of any federal or state court;

(4) All attorneys serving in the office of judicial law clerk, administrative assistant, secretary, or assistant secretary to a justice, judge, associate judge or magistrate of any federal court or any court of the State of Illinois, or in any other office included within the Supreme Court budget that assists the Supreme Court in its adjudicative responsibilities, provided that the exemption applies only if the attorney is prohibited by the terms of his or her employment from actively engaging in the practice of law and is registered with the ARDC pursuant to Supreme Court Rule 756(a)(3)(B);

(5) All attorneys licensed to practice law in Illinois who are on active duty in the Armed Forces of the United States, until their release from active military service and their return to the active practice of law;

(6) An attorney otherwise subject to this rule is entitled to an exemption if the attorney meets all of these criteria:

(i) the attorney is a member of the bar of another state which has a comparable minimum continuing legal education requirement or is licensed to practice law under a limited license issued by another state which has a comparable minimum continuing legal education requirement;

(ii) the individual attorney's only or primary office is in that other state or, if the attorney has no office, the individual attorney's only or primary residence is in that state;

(iii) the attorney is required by that state to complete credits to be in compliance with the continuing legal education requirements established by court rule or legislation in that state; and

(iv) the attorney has appropriate proof that he or she is in full compliance with the continuing legal education requirements established by court rule or legislation in that state; and

(7) In rare cases, upon a clear showing of good cause, the Minimum Continuing Legal Education Board ("Board") may grant a temporary exemption to an attorney from the Minimum Continuing Legal Education ("MCLE") requirements, or an extension of time in which to satisfy them. Good cause for an exemption or extension may exist in the event of illness, financial hardship, or other extraordinary or extenuating circumstances beyond the control of the attorney. Attorneys denied a temporary exemption or extension may request

reconsideration of the initial decision made by the Director of MCLE (“Director”) by filing a request in a form approved by the Board (or a substantially similar form) no later than 30 days after the Director’s initial decision. The Director shall decide the request for reconsideration within 30 days of its receipt, and promptly notify the attorney. If the Director denies the request, the attorney shall have 30 days from the date of that denial to submit an appeal to the full Board for consideration at its next scheduled Board meeting. Submission of a request for reconsideration or an appeal does not stay any MCLE compliance deadlines or MCLE fee payments.

(b) Full Exemptions

An attorney shall be exempt from these Rules for an entire reporting period applicable to that attorney, if:

(1) The attorney is exempt from these Rules pursuant to paragraphs (a)(1), (a)(2), (a)(3), (a)(4),(a)(5), or (a)(6), on the last day of that reporting period;

(2) For the two-year periods ending June 30, 2019, and June 30, 2020, the attorney is exempt from these Rules pursuant to paragraphs (a)(1), (a)(2), (a)(3), (a)(4), (a)(5), or (a)(6), for at least 365 days of that reporting period. For all other reporting periods, the attorney is exempt from these Rules pursuant to paragraph (a)(6) for at least 365 days of that reporting period;

(3) The attorney is exempt from these Rules pursuant to paragraphs (a)(3), (a)(4), or (a)(5) for at least one day of the reporting period; or

(4) The attorney receives a temporary exemption from the Board pursuant to paragraph (a)(7), for that reporting period.

(c) Partial Exemptions

For the reporting periods ending June 30, 2019, and June 30, 2020, an attorney who is exempt from these Rules under paragraphs (a)(1), (a)(2), or (a)(6) for more than 60, but less than 365, days of a two-year reporting period, and who is not exempt for the entire reporting period pursuant to paragraph (b), shall be required to earn one-half of the CLE activity hours that would otherwise be required pursuant to Rule 794(a) and (d). In all subsequent reporting periods, there are no partial exemptions from the MCLE requirements.

(d) Nonexemptions

Beginning with the reporting periods ending June 30, 2021, and June 30, 2022, an attorney who is not exempt for the entire reporting period pursuant to paragraph (b) shall be required to earn all of the CLE activity hours required pursuant to Rule 794(a) and (d).

(e) Resuming Active Status

(1) An attorney who was on inactive, retirement, or disability inactive status pursuant to Supreme Court Rules 756(a)(5) or (a)(6), 757, or 758 or on inactive status pursuant to the former Supreme Court Rule 770 or who was previously placed on voluntarily removed status by the ARDC shall, upon return to active status, be required to complete the CLE credit required for the reporting period in which the attorney returns to active status unless the attorney is otherwise fully

exempt from those requirements pursuant to paragraph (b).

(2) An attorney who is exempt pursuant to paragraph (b)(1) for two consecutive reporting periods due to inactive, retirement, or disability status but who also was on active status in both reporting periods must complete 60 total hours of credit, including at least 12 hours of professional responsibility if that attorney subsequently returns his or her license to active status in the third reporting period. Included in the 12 hours of professional credit must be at least 2 hours in the area of diversity and inclusion and at least 2 hours in the area of mental health and substance abuse. The credits must be completed within 365 days of the attorney returning to active status in the third reporting period, and they must be completed even if the attorney returns his or her license to inactive, retirement, or disability inactive status. These 60 total hours of credit are in addition to any credits that may need to be completed for that third reporting period.

If the attorney does not earn the required credits and report their compliance no later than 365 days after returning to active status in the third reporting period, the attorney shall pay a late fee, in an amount as set by the Board in the Court-approved fee schedule, and the attorney shall be referred to the ARDC pursuant to Rule 796(e).

(f) Attorneys on Discipline Status

Paragraphs (f)(1) and (2) shall apply to attorneys on discipline status for reporting periods ending June 30, 2012, and thereafter.

(1) Discipline Imposed Pursuant to Rule 770(a), (b), (c) and (e)

(i) An attorney whose discipline is imposed pursuant to Rule 770(a), (b), (c) and (e) is not required to comply with the MCLE requirements for any reporting period in which the discipline is in effect.

(ii) If the attorney is reinstated to the master roll by order of the Supreme Court (“Court”), the attorney must thereafter earn no less than 30 hours of MCLE credit and no more than 90 hours of MCLE credit which will be set by the MCLE Board based on the length of the attorney’s discipline and whether credits need to be earned for the current reporting period. Those MCLE credits shall be earned and reported to the MCLE Board no later than 365 days after entry of the order reinstating the attorney to the master roll. The attorney shall contact the MCLE Board promptly after entry of the order reinstating the attorney to the master roll to establish the number of credits that need to be earned by the attorney. The attorney may apply any MCLE credits earned while the discipline imposed pursuant to Rule 770(a), (b), (c) or (e) was in effect. If the attorney does not earn the needed credits and report no later than 365 days after entry of the order reinstating the attorney to the master roll, the attorney shall pay a late fee, in an amount as set by the Board in the Court-approved fee schedule, and the attorney shall be referred to the ARDC pursuant to Rule 796(e). A reinstated attorney then needs to comply with the MCLE requirements for the two-year reporting period that begins after the attorney’s reinstatement and all reporting periods thereafter.

(2) Discipline Pursuant to Rule 770(d), (f), (g) and (h)

An attorney whose discipline is imposed pursuant to Rule 770(d), (f), (g) and (h) is

required to comply with the MCLE requirements for all reporting periods in which the discipline is in effect.

(g) Foreign Legal Consultants

Beginning with the reporting period ending June 30, 2012 and thereafter, the MCLE Rules do not apply to foreign legal consultants licensed under Rule 712.

Adopted September 29, 2005, effective immediately; amended December 6, 2005, effective immediately; amended February 10, 2006, effective immediately; amended September 27, 2011, effective immediately; amended December 7, 2011, effective immediately; amended June 5, 2012, eff. immediately; amended Jan. 29, 2019, eff. Mar. 1, 2019.