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NoraV Borja

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

**IN RE ADOPTION OF THE NMI
RULES FOR CONTINUING LEGAL EDUCATION**

ADMINISTRATIVE ORDER 2023-ADM-0010-RUL

ORDER ADOPTING RULES FOR CONTINUING LEGAL EDUCATION

¶1 On March 13, 2023, the proposed *NMI Rules for Continuing Legal Education* were submitted to the Twenty-Third Northern Marianas Commonwealth Legislature for approval. On May 10, 2023, the House of Representatives approved the proposed rules. The Senate did not disapprove the proposed rules during the sixty-day period.

¶2 IT IS HEREBY ORDERED that the *NMI Rules for Continuing Legal Education* are adopted pursuant to Article IV, § 9 of the NMI Constitution. These rules supersede any previous conflicting court rules and became effective May 14, 2023.

SO ORDERED this 19th day of May, 2023.

/s/

ALEXANDRO C. CASTRO
Chief Justice

/s/

JOHN A. MANGLONA
Associate Justice

/s/

PERRY B. INOS
Associate Justice



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NORTHERN MARIANA ISLANDS RULES FOR CONTINUING LEGAL EDUCATION

Effective May 14, 2023

EXHIBIT

TABLE OF CONTENTS

RULE 1. PURPOSE	I
RULE 2. COMMITTEE ON CONTINUING LEGAL EDUCATION (CLEC)	1
RULE 3. CONTINUING LEGAL EDUCATION REQUIREMENTS	1
RULE 4. REPORTING CLE CREDITS	2
RULE 5. APPROVED EDUCATIONAL ACTIVITIES	2
(a) Educational Activities from Other Jurisdictions.	2
(b) In-Office CLE	2
(c) Self-Study	2
(d) Teaching	2
(e) Pro Bono	3
(f) Bar Committees	3
(g) Court Rules	3
(h) Writing a Professional Article	3
(i) Mock Trial.....	3
(j) Law in the Community Lecture Series and Summer Pre-Law Program.....	3
RULE 6. REVIEW OF CLEC DECISIONS	3
(a) In General.....	3
(b) Decisions of the CLE Committee.....	4
RULE 7. COMPLIANCE	4
(a) Record Keeping.....	4
(b) Audits.....	4
(c) Noncompliance.....	5
(d) Cure	5
RULE 8. SANCTIONS	5
(a) Failure to Cure Noncompliance.....	5
(b) Suspension	6
(c) Reinstatement.	6
RULE 9. CITATION	6

Rule 1. Purpose

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

Rule 2. Committee on Continuing Legal Education (CLEC)

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

Rule 3. Continuing Legal Education Requirements

- (a) Every active attorney in the Commonwealth shall complete 20 hours of Continuing Legal Education (“CLE”) every two years. An active attorney is defined as a person who has active status in the CNMI Bar Association. The reporting requirements for the compliance period shall be prorated based upon the number of months which the attorney is active for. For the purpose of this calculation, an attorney is considered active for a month if they are active on any days of that month. Provided that, current and former full-time judges or justices of the courts of the Commonwealth of the Northern Mariana Islands shall be exempt from any of the Continuing Legal Education requirements provided for in these rules.
- (b) The CLE requirements may be met by any one or more of the following activities and as approved by this Rule:
 - (1) Attending courses;
 - (2) Completing any other continuing legal education activities; and
 - (3) Self-studying, teaching, writing for CLE publications, conducting pro bono services in family court and criminal actions, participating in educational activities, participating in conferences, seminars and/or training programs, participating in the CNMI Bar Association committees and Supreme Court rules committees, the Mock Trial and Summer Pre-Law programs, and in-office law firm continuing legal education efforts.

- (c) In addition to the requirements under Rule 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.

Rule 4. Reporting CLE Credits

- (a) CLE credits shall be reported to the CNMI Bar Association every other year, in the even-numbered years on or before February 15. 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. Ten credit hours of approved CLE credits earned in one reporting period but not used during that reporting period may be carried over to the next reporting period.
- (b) An attorney 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 and places on which the activities took place, and the amount of time taken. The statement shall be certified as correct under penalty of perjury.

Rule 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, by the CNMI or Guam Bar Associations, or by the ABA 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 Bar members may be approved for credit.
- (c) **Self-Study.** Attorneys may earn CLE credits through self-study material approved by the CLEC that is produced for legal education purposes.
- (d) **Teaching.** An attorney who teaches law classes or presents lectures on the law, whether to other attorneys or to members of the general public, shall receive one credit hour. A maximum

of one credit hour may be earned in a calendar year. A maximum of two credit hours per reporting period may be earned.

- (e) **Pro Bono.** An attorney who renders pro bono legal services shall receive one credit hour for every four hours of legal services performed, not to exceed a total of ten CLE credits awarded for pro bono services in a calendar year or 20 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.** An attorney 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 credit hours for each year of service. A maximum of four credit hours per reporting period may be earned.
- (g) **Court Rules.** An attorney who sits on a Supreme Court Rules Committee shall receive five credit hours for each year of service. A maximum of ten credit hours per reporting period may be earned this way.
- (h) **Writing a Professional Article.** An attorney who writes a professional article that is to be published may receive up to five credits per article.
- (i) **Mock Trial.** The Bar Coordinator of the Mock Trial shall be given five hours per year of service, with a maximum of ten 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 ten credit hours per year and a maximum of 20 credit hours for each reporting period. Attorneys who sit as judges or jurors in the actual competition are eligible for one credit hour per year and a maximum of two per reporting period.
- (j) **Law in the Community Lecture Series and Summer Pre-Law Program.** For each Law in the Community Lecture Series presentation attended, one CLE credit will be granted, with a maximum of four CLE credits that may be earned per year and a maximum of eight CLE credits for each reporting period. Summer Pre-Law Program Attorney-Mentors shall be given one credit for every one hour of mentoring up to a maximum of four credit hours per year and a maximum of eight CLE credits for each reporting period.

Rule 6. Review of CLEC Decisions

- (a) **In General.** A decision, other than a suspension, affecting any active attorney is final unless a request for review is filed with

the CLEC within 30 days after notice of the decision is mailed or emailed. 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 attorney.

Rule 7. Compliance

(a) Record Keeping.

- (1) Every active attorney shall maintain records of participation in CLE activities for use in completing a compliance report and shall retain these records for a period of 12 months after the end of the attorney's reporting period.
- (2) In furtherance of its audit responsibilities, the CLEC may ask to review an active attorney'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.

The CLEC is not required to maintain records of active attorneys' 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, 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 attorneys.
- (3) Failure to adequately substantiate participation in CLE activities within 30 days after request by the CLEC shall result in disallowance of credits for the reported activity

and assessment of the late filing fee(s) specified in Rule 7(d)(2).

(c) Noncompliance.

- (1) *Grounds.* The following are considered grounds for a finding of noncompliance with these rules:
 - (A) Failure to complete the CLE requirement for the applicable reporting period;
 - (B) Failure to file a completed compliance report on time; and
 - (C) Failure to provide sufficient records of participation in CLE activities to substantiate credits reported, after request by the CLEC.
- (2) *Notice.* By March 15, the President of the CNMI Bar Association or their designee shall send each attorney not in compliance with the requirement of these rules a notice of delinquency via email or U.S. Mail, return receipt requested, at the last email or mailing address provided to the Bar Association. Such notice will also be posted on the Bar's website. 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 reporting period together with the late fee specified by Rule 7(d)(2) by June 15.
- (2) A fee of \$100 must be paid to the CNMI Bar Association by any attorney who files their report in a reporting year after the February 15 deadline. An additional fee of \$150, for a total of \$250, must be paid to the CNMI Bar Association by any attorney who files their report in a reporting year after May 15.
- (3) 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.

Rule 8. Sanctions

- (a) **Failure to Cure Noncompliance.** If an attorney does not cure the noncompliance by June 15, the Bar President shall by July 15 file a petition to suspend with the Commonwealth Supreme

Court. The petition shall list all attorneys who failed to timely cure their noncompliance and be supported by a declaration that a notice of delinquency was sent as provided in Rule 7(c)(2). The filing fee shall be waived for this petition.

- (b) Suspension.** The Supreme Court may suspend the attorney after receiving the petition for suspension from the Bar President.
- (c) Reinstatement.** Any order for suspension shall provide for reinstatement upon completion by the suspended attorney of the required hours as proven upon the attorney'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 Court's 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.

Rule 9. Citation

These rules shall be known as the NMI Rules for Continuing Legal Education and shall be cited as "NMI R. CLE".