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# RULES OF THE CONTINUING LEGAL EDUCATION PROGRAM

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# SUPREME COURT OF PUERTO RICO

## **RULES OF THE CONTINUING LEGAL EDUCATION PROGRAM\***

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\*Adopted by the Supreme Court through Resolution ER-2017-4 of June 2, 2017, *In re Aprobación Reglamento PEJC*, 198 DPR 254 [98 PR Offic. Trans. 21] (2017), and amended by Resolution ER-2020-04 of June 15, 2020, *In re: Enmdas. Reglamento PEJC*, 204 DPR 347 [104 PR Offic. Trans. 29] (2020); Resolution ER-2020-02 of February 7, 2020, *In re: Enmiendas Reglamentos TS*, 203 DPR 966 [103 PR Offic. Trans. 56] (2020); Resolution ER-2018-04 of May 6, 2019, *In re: Aprob y Enmdas Reglamentos TS*, 202 DPR 426 [102 PR Offic. Trans. 20] (2019); and Resolution ER-2018-04 of October 12, 2018, *In re Aprob. y Enmdas Reglamentos TS*, 201 DPR 261 [101 PR Offic. Trans. 15] (2018).

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# RULES OF THE CONTINUING LEGAL EDUCATION PROGRAM

## CHAPTER I. GENERAL PROVISIONS

### ***Rule 1. Legal Basis***

These Rules are promulgated by virtue of the inherent power of the Supreme Court of Puerto Rico to regulate the practice of law in Puerto Rico.

### ***Rule 2. Title***

These Rules will be known as the Rules of the Continuing Legal Education Program.

### ***Rule 3. Mission***

The Supreme Court of Puerto Rico, by virtue of its inherent power to regulate the practice of law and the notarial profession in Puerto Rico, established a mandatory continuing legal education program that would encourage and contribute to the professional advancement of every person engaged in the practice of Law. It also created the Continuing Education Board, the body to which it delegated the necessary functions to carry out this program and ensure compliance with the requirements established in these Rules.

One of the Board's basic functions is to certify that law professionals comply with their duty to take the legal education courses approved by the Board to achieve the intended goals. To accomplish this mission, therefore, there must be an efficiently managed continuing legal education program that will enable law professionals to keep abreast on caselaw, legislation, doctrines, as well as on the skills needed to practice their profession at the highest levels of quality and competence.

The mechanisms established in these Rules allow the Board to achieve its mission and to perform the other tasks delegated to it. These Rules also aim to facilitate compliance of the ethical duty that all law professionals have to maintain the highest degree of excellence and competence in the legal services they provide.

### ***Rule 4. Applicability***

(A) The provisions of these Rules apply to any law professional admitted to the legal and notarial practice in Puerto Rico, and to those who have been suspended by the Supreme Court from the practice of their profession, either temporarily or for a specific period of time.

(B) Any law professional who has been permanently separated or indefinitely suspended from the legal profession by the Supreme Court or who voluntarily wishes to comply with the Continuing Legal Education Program requirements may do so.

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In the latter case, the Board may issue a certification stating the compliance status per request of a law professional or the Supreme Court.

(C) The following are excluded from the provisions of these Rules:

(1) judges of the General Court of Justice of Puerto Rico, for the term of their office, and former Justices of the Supreme Court of Puerto Rico;

(2) judges of the Federal Court for the District of Puerto Rico, of the Bankruptcy Court, and federal magistrates, for the duration of their term in office;

(3) law professionals under inactive or voluntary separation status as registered by the Clerk of the Supreme Court, for the duration of said status;

(4) law professionals who have been permanently separated from the practice of their profession by the Supreme Court. If they are reinstated, it will be incumbent upon the Court to decide how they will comply with the provisions of these Rules;

(5) law professionals during the 3 years following the date of their initial admission to the practice of law;

(6) law professionals who have completed a Master of Laws or Doctor of Juridical Science degree, or its equivalent, Doctor of Law, in a law school recognized by the American Bar Association, the Supreme Court of Puerto Rico, or an equivalent entity for a period of 3 years following the date on which they obtained the degree;

(7) law professionals who apply before the Board of Continuing Education and are granted exemption from the continuing legal education requirement for good cause during the term granted;

(8) members of the following bodies ascribed to the Supreme Court:

(a) Judiciary Discipline Commission

(b) Judiciary Evaluation Commission

(c) Board of Bar Examiners

(d) Committee on Character of Applicants for Admission to the Bar

(e) Continuing Legal Education Board

(f) item-writing and grading committees of the general bar examination and the notarial law examination

(g) law professionals, during their commission, who are serving in other committees, commissions, or boards that, according to the Supreme Court, should be exempted from compliance with the Continuing Legal Education Program;

(9) members of the following bodies ascribed to the United States District Court for the District of Puerto Rico:

(a) District Examination Committee;

(b) Committee on Admissions; and

(10) law professionals who teach law full time at a law school recognized by the Supreme Court or accredited by the American Bar Association, while performing that function.

**Rule 5. Definitions**

(A) Active Lawyer – any lawyer duly authorized by the Supreme Court to practice law.

(B) Inactive Lawyer – any lawyer duly authorized by the Supreme Court to change its status to inactive in the Master Roll of Attorneys of the Supreme Court of Puerto Rico.

(C) Reasonable Accommodation – a logical and reasonable adjustment of the requirements established in these Rules for the accreditation of continuous legal education courses in order to ameliorate the impact of a law professional's disability on his or her capacity to derive full and effective benefits from the courses, without said adjustment resulting in any of the following consequences:

(1) fundamentally altering the objective of the Continuing Legal Education Program, which is to encourage and contribute to the lawyer's professional advancement through their full and effective utilization of the courses offered, or

(2) imposing undue hardship on the Supreme Court and the Board in relation to the administrative function of certifying compliance with the continuing legal education requirement.

(D) Certificate of Attendance– A document issued by a provider certifying the attendance of a law professional at a course or activity related to continuing legal education. The certificate will include, as a minimum requirement, the title and date of the course, the participant's name, and the contact hours completed by the law professional.

(E) Approved Course – A continuing legal education course approved by the Program because it meets all the requirements established in these Rules.

(F) Continuing Legal Education Course – Any educational activity that addresses the professional advancement needs of law professionals and that is designed for the purpose of obtaining, developing, and preserving the knowledge and skills needed to practice the legal and notarial profession at the highest levels of quality and competence.

(G) Preapproved Course – A course offered by any of the organizations listed in Rule 18(B).

(H) Director – The person designated to perform the function of Executive Director of the Program.

(I) Effective Disclosure – The act of announcing the course to be offered to all members of the legal profession by publication in a daily newspaper of general circulation in Puerto Rico, radio, electronic mail, or by other alternative means of disclosure.

(J) Distance Learning – Any method of teaching or learning, whether synchronized or not, where the speaker and the participants are separated by time or physical distance, including, but not limited to, teleconferences, live seminars via the Internet, audio or videoconferences, either in real-time or prerecorded.

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(K) Private Professional Institution – A private law firm, partnership, professional corporation, organization, or entity whose members are mainly engaged in the practice of law.

(L) Public Professional Institution – Any organization or entity under an agency, department, corporation, instrumentality, entity, or body of the three branches of state, federal, or municipal government.

(M) Credit Hours – Hours dedicated to attend a continuing legal education course or seminar offered by a provider.

(N) Board – The Continuing Legal Education Board created by these Rules to manage the compliance of the continuing legal education requirement, including the development and recommendation of specific programs subject to the approval of the Supreme Court.

(O) Attendance Verification Procedures – The technological methods used by a provider to verify the law professional’s attendance at a course, in accordance with the parameters established by the Board, including procedures that allow for recording the law professional’s participation during the course, the time taken to complete it, and completion date of the course.

(P) Compliance Period – The three (3)-year period within which law professionals must complete 24 credit hours of continuing legal education, as prescribed by Rule 29 of these Rules, and in keeping with the staggered compliance mechanism provided in said Rule.

(Q) Law Professional – Any lawyer duly authorized by the Supreme Court to practice law in Puerto Rico, except those admitted by courtesy.

(R) Program – The Continuing Legal Education Program established by the Supreme Court, by virtue of its inherent power to regulate the practice of law, as a mandatory program to contribute to the advancement of the legal profession.

(S) Provider – A natural person or legal entity who offers continuing legal education courses pursuant to these Rules.

## CHAPTER II. THE CONTINUING LEGAL EDUCATION BOARD

### ***Rule 6. Members: Appointment, Powers, and Limitations***

(A) The Supreme Court will appoint a Board to oversee compliance with the requirements contained in these Rules. The Board will be comprised of 11 members who shall serve without compensation.

(B) The Chair of the Board will be appointed for a five-year term. The remaining members of the Board will be appointed to staggered terms of 2, 3, 4, and 5 years.

(C) The members of the Board will remain in their office until their successors are appointed. If a vacancy occurs, whoever succeeds will serve in the office until the completion of the remaining term.



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(D) The functions of the Board will be the following:

- (1) certify compliance with the continuing legal education requirement;
- (2) consider noncompliance cases and submit the appropriate reports to the Supreme Court with its determinations and recommendations for pertinent actions, after giving the affected persons an opportunity to be heard;
- (3) exempt a law professional from the continuing legal education requirements upon a showing of good cause;
- (4) evaluate and recommend the approval of providers;
- (5) prepare periodic reports to the Supreme Court with recommendations to improve the performance of the Continuing Legal Education Program and the scholarship fund;
- (6) assess the scholarship fund created by these Rules to facilitate access to continuing legal education to law professionals who show financial need, and submit recommendations to the Supreme Court to ensure the optimal use of allocated funds; and
- (7) adopt the necessary rules for the efficient administration of these Rules.

(E) The Chair of the Board will have the power to designate one of the members as Acting Chair to substitute the Chair at any moment during a period of absence.

(F) The Board will have the power to form work committees and subcommittees composed of a minimum of 3 members for the purpose of addressing any matter that it deems as appropriate.

(G) During his or her term, no member of the Board may be a provider or have a financial interest or share in the business of continuing legal education providers. Neither may a Board member participate as a speaker in the activities developed by providers under the Continuing Legal Education Program. This prohibition will not apply to a judge who is a member of the Board and who participates as a speaker in activities of continuing legal education sponsored by the Puerto Rico Judicial Academy.

### ***Rule 7. Meetings***

(A) The Chair will call Board meetings. He or she may delegate this power to the Director.

(B) Meetings will be held in person or by telephone, videoconference, and any other reliable electronic means, as agreed by Board members, on the date and at the time and place stated in the summons. Board members can attend the meetings by telephone, videoconference, or any other reliable electronic means, provided it does not affect or interrupt the proceedings.

(C) The presence of four (4) Board members shall constitute a quorum. All decisions will be approved by a majority of those present.

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(D) Absent members may be consulted on matters that require immediate attention, whether by telephone, fax, or email.

(E) Meetings will be recorded when the Board so decides. Its deliberations will be confidential.

(F) Minutes will be taken of each meeting. The minutes must include a summary of issues discussed and all the agreements reached by the Board.

(G) Board members must attend all meetings or notify their absence when unable to attend.

(H) Board members will go over the minutes and will raise any objection thereto in writing or by phone, fax or email before the meeting, or in person during the meeting. If no objections are raised, the minutes will be deemed approved for all purposes, there being no need to bring up the issue again for consideration by the Board.

### ***Rule 8. Director***

The Supreme Court will appoint a Director, who will be in charge of the Program's direction and administration.

### ***Rule 9. Functions of the Director***

The Director is the administrative officer of the Program with the necessary functions to implement these Rules, among which are:

- (A) certify providers;
- (B) approve continuing legal education courses;
- (C) keep under his or her custody and control all documents, registries, records, and equipment;
- (D) issue certifications in keeping with these Rules;
- (E) direct, coordinate, and supervise the Board's administrative personnel;
- (F) prepare the minutes of Board meetings;
- (G) examine situations of noncompliance with the terms and requirements set forth in these Rules and recommend the pertinent action;
- (H) submit recommendations on any other matter related to the performance of his or her functions and the efficient administration of these Rules;
- (I) manage the scholarship fund created by these Rules and submit a report on the operation of the scholarship fund for the previous fiscal year to the attention of the Board no later than August 1 of each year; and
- (J) perform any other task necessary for the proper implementation of these Rules.

### CHAPTER III. CONTINUING LEGAL EDUCATION ACCREDITATION

#### ***Rule 10. Course Accreditation; requirements***

To be accredited, every continuing legal education course must meet the following requirements:

(A) have a significant intellectual and practical content directly related to the practice of law or the notarial profession, or to the ethical duties and obligations of law professionals;

(B) contribute directly to the development of professional competence or skills as applied to the practice of law or the notarial profession;

(C) include high quality educational materials to be distributed to each participant on or before the date the course is to be offered, either printed or electronically;

(D) its contents must show that speakers have devoted adequate time to its preparation and that it will indeed be useful for the advancement of law professionals;

(E) be presented in a suitable setting conducive to a worthwhile educational experience, providing the necessary electronic or technical equipment and adequate space for all registered participants;

(F) give participants an opportunity to pose questions to the speakers or to qualified persons, whether in person, in writing, or through electronic or technological means.

#### ***Rule 11. Course Approval; requirements***

(A)(1) The provider will comply with the following requirements for a course to be considered for approval:

(a) submit an application for course approval by filling out the application form provided by the Board no less than 45 days prior to the date on which the course will be offered; unless the Director shortens this term for good cause. Applications submitted after this deadline may be returned.

(b) The following information and attachments must be included with the application:

(i) title, general description of the course, educational objectives, and the educational methodology;

(ii) location, date, and time;

(iii) duration of the course and contact hours;

(iv) time allotted for ethical or notarial aspects, where applicable;

(v) outline of course contents containing a description of the topics and a list of the applicable legal sources;

(vi) names and professional credentials of the speakers and, for the purposes of the Program, a statement of compliance with the continuing legal education requirements;

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(vii) copies of the materials to be distributed or shown to participating law professionals. If authorized by the Director, the materials may be submitted 10 days prior to the date on which the course will be offered, provided that a detailed description of the content of the materials is included with the application;

(viii) course costs;

(ix) provider's name, address, telephone number, fax number, and email.

(c) The application and attachments must show that the course meets the requirements as provided in Rule 10.

(A)(2) The Director's decision will be notified to the provider within 15 days of filing the application or notification of repetition of an approved course. All incomplete applications for course approval or notifications of repetition for lack of required information or supplementary documents will be returned and will not be considered as filed for the purposes of these Rules. If the Director does not notify his or her decision within 15 days as provided in these Rules, the course will be approved.

(A)(3) Within 30 days following the date on which the course was offered, the provider must submit the following to the Program:

(a) a list of the names, Supreme Court number, and credit hours completed by the law professionals who attended the course;

(b) a certification stating that the course was available to the public and that it was offered as informed in the application; or, if there were changes, a description of such changes and an explanation on how these should not affect course approval;

(c) in the form provided by the Board, a brief report of the course evaluation by the law professionals who attended; and

(d) a \$3.00 fee per each credit hour taken by each law professional.

(A)(4) The provider will ensure that the participating law professionals complete the evaluation form provided by the Program. Board members and Program administrative officials may attend the educational activity to evaluate compliance with the requirements established in these Rules.

(A)(5) A course will be approved for a period of 1 year. The provider may repeat the course during this period provided it notifies the date when it will be offered again with at least 15 days prior thereto, unless the Board shortens this term for good cause. The notification of repetition of an approved course will include the course title, the course code assigned by the Program, the date(s) when it will be offered, a certification that the course will be offered as originally approved and that it has been updated.

(B) Law professionals must comply with the following requirements to have courses accredited as a continuing legal education activity:

(1) The application for accreditation of a course must be submitted within six (6) months after the course was offered, unless the Director extends this term for good cause, but never more than 1 year after the participant completed the course.

(2) The application must be submitted in the form provided by the Board and include the following information:

(a) a general description of the course and any materials made available by the provider explaining its contents, the name of the speaker, the location, date, and time, the number of contact hours, the registration fee, and the time allotted to course work on notarial practice or ethics, if applicable;

(b) any information on the provider that may help the Board to evaluate the provider's background and history to determine whether to accept the application; and

(c) a certificate of attendance.

(3) The application and its attachments must show that the course meets the requirements established in Rule 10 of these Rules.

(4) The application must be accompanied by a fee equivalent to 5% of the attendance fee or \$15.00 per credit hour, whichever is less.

***Rule 12. In-House Courses Offered by Private For-Profit or Nonprofit Professional Institutions; requirements***

(A) Private for-profit or nonprofit professional institutions interested in offering a course to its members must meet the following requirements to receive accreditation as a continuing legal education activity:

(1) submit an application as prescribed in Rule 11(A)(1) to (A)(5);

(2) include with the application the information and documents needed to show that the course meets the Rule 10 requirements;

(3) show that the course will be offered at a reasonable cost, based on the fee regularly charged for a similar course in the Puerto Rico market;

(4) separate at least 25% of available spaces for outside law professionals who may be interested in taking the course as a continuing legal education activity;

(5) comply with the effective disclosure requirement provided in Rule 17;

(6) admit applications from outside participants, who are not associated with the private professional institution, pursuant to the number of seats in a course set apart under these Rules. If, at the time of admission, there are more applications from outside applicants than available spaces, the participants will be chosen in the order the application was received; if, after being chosen, any of the outside participants cancels his or her participation or fails to send the payment on time, a substitute participant will be immediately chosen from the remaining outside applicants in the same order the applications were received;

(7) within 30 days after the course was offered:

(a) certify that the effective disclosure requirement provided in subdivision (A)(5) of this Rule was met;

(b) identify the law professionals who associated with the private professional institution and those who are not in order to verify compliance with the

required number of reserved seats for law professionals who are not associated or affiliated with the private professional institution;

(c) comply with the Rule 11(A)(3) requirement.

(B) All courses approved under the provisions of subdivision (A) of this Rule will receive credit for up to 1/3 of the total hours required for each compliance period.

***Rule 13. In-House Courses Offered by Public Professional Institutions; requirements***

(A) Public professional institutions interested in offering a continuing legal education course must meet the following requirements so employees of the institution who are law professionals may receive accreditation:

(1) submit an application in the form provided by the Board within 45 days before the date when the course is to be offered, unless the Board shortens this term for good cause;

(2) include the information and documents needed to show that the course meets Rule 10 requirements;

(3) comply with Rule 11(A)(3) requirements. When the course is offered by the public professional institution to its employees free of charge, the \$3.00 fee per each credit hour taken by each law professional will not apply.

***Rule 14. Computation of Credit Hours***

The required 24 credit hours of continuing legal education will be calculated as follows:

(A) one credit hour will consist of 60 minutes of actual participation in continuing legal education activities;

(B) the credit hours earned in excess of the total credit hours required may be carried over to the next compliance period, as long as they do not exceed 24 credit hours; and

(C) credit hours will not be awarded for a repeated continuing legal education course, unless 1 year (365 days) has passed between each course offering.

***Rule 15. Distance Learning Courses***

(A) Distance education courses that employ teaching or learning methods, synchronized or not, may receive accreditation, provided that the attendance verification procedures are in place and that the courses comply with the provisions of Rule 10 of these Rules.

(B) The application for approval of a distance learning course shall comply with the Rule 11 requirements.

(C) “Synchronized methods” refer to the simultaneous interaction between the speaker and the participant. “Unsynchronized methods” refer to the non-contemporaneous communication between the speaker and the participant.

(D) Credit hours will not be awarded for self-study courses.

***Rule 16. Accreditation of Activities Related to Continuing Legal Education***

Law professionals may apply to the Program for accreditation of continuing legal education credit hours for educational activities that are not exclusively designed as continuing legal education courses, provided that the activity complies with the following:

(A) provide high intellectual and practical content related with the practice of law, the notarial practice, or law professionals' ethical obligations, and

(B) contribute directly to the development of professional competency and skills for the practice of law or the notarial practice.

The Board will determine, at its discretion, whether to approve an application submitted by a law professional in accordance with these Rules. The law professional shall attach the certificate of attendance issued by the sponsoring institution, detailing the total amount of contact hours, the syllabus or materials distributed in the activity, and a \$15 fee for each activity requested. The Board may approve the application with any necessary adjustments between the contact hours and credit hours awarded, up to a maximum of 12 credits of continuing legal education per compliance period.

***Rule 17. Effective Disclosure Requirement***

(A) Providers seeking approval of course accreditation may publish their course offering through any effective disclosure method addressed to law professionals who may be interested in taking these courses. Once the course is approved, the provider must announce it in keeping with the definition set forth in Rule 5(I).

(B) The Board will announce the courses approved for credit on the Judicial Branch website based on the information contained in its administrative records, which must be constantly updated.

**CHAPTER IV. PROVIDERS**

***Rule 18. Providers; requirements***

(A) Any natural person or legal entity who shows the capacity to offer continuing legal education courses must meet the following requirements to be considered as a provider:

(1) show that the mission of its continuing legal education program is the advancement of law professionals through continuing legal education;

(2) show that it is financially sound to support a continuing legal education program of the highest quality; and

(3) agree to comply with the Program's mission and purpose.

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(B) The following organizations are presumed to comply with the provisions of Chapter IV of these Rules, and its courses will be considered preapproved:

- (1) Puerto Rico Judicial Academy
- (2) American Bar Association and its sections
- (3) American Bankruptcy Institute
- (4) American Immigration Lawyers Association
- (5) American Law Institute
- (6) Association of Defense Trial Attorneys
- (7) Puerto Rico Lawyers Association and its affiliated institutions
- (8) Bar Association of Puerto Rico and its affiliated institutions
- (9) Puerto Rico College of Notaries
- (10) Pontifical Catholic University of Puerto Rico School of Law and its affiliated institutes
- (11) University of Puerto Rico School of Law and its affiliated institutes
- (12) Interamerican University of Puerto Rico School of Law and its affiliated institutes
- (13) Federal Bar Association
- (14) Institute for the Training and Development of Judicial Thought at the Department of Justice
- (15) National Bar Association
- (16) National Employment Law Institute
- (17) National Institute for Trial Advocacy
- (18) National Judicial College
- (19) Judge Advocate General's School of the U.S. Army
- (20) Any other organization that the Board may include by Resolution.

Once the preapproved course has been offered, the provider must meet the Rule 11(A)(3)(a) and 11(A)(3)(d) requirements, certify that the speaker(s) is (are) in compliance with these Rules at the moment the course is offered, and complete and submit the form provided by the Program. Whenever a law professional requests accreditation, he or she must meet the Rule 11(B)(1), 11(B)(2)(c), and 11(B)(4) requirements. The Director, in the exercise of his or her authority, may deny accreditation of a preapproved course if he or she determines, in writing and stating the reasons therefor, that the course does not meet the Rule 10 requirements.

(C) The Director, in the exercise of his or her authority, may request the information he or she deems pertinent to verify that the courses offered comply with the requirements established herein.

***Rule 19. Providers; procedure***

A natural person or legal entity who wishes to be licensed as a provider must submit an application to the Board with the following information:



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(A) the provider's name, address, telephone number, fax, email address, and website address, if any;

(B) the name and title of the contact person;

(C) a description of the experience in the field of law, of its physical facilities, and the professional preparation of the persons that are in charge of the organization, teaching, and supervision of the program;

(D) certificate of Good Standing issued by the Puerto Rico Department of State, if the provider is a corporation;

(E) a statement of compliance with the continuing legal education program mission and with all the other requirements established by the Supreme Court in these Rules and related provisions.

### ***Rule 20. Provider's Duties Regarding Academic Achievement***

(A) Providers must make continuous, systematic evaluations regarding the achievement of educational goals, program design, teaching methods, contents of materials, and quality of speaker(s), among others.

(B) At the Program's request, providers will render a report on how the mechanisms used furthered academic achievement in its courses, program objectives, continued attendance, and the real and effective participation of the attendees.

(C) The Program may verify the effectiveness of these mechanisms through the procedures it will establish for that purpose. Providers must keep for a period of 5 years all documents and records related to their compliance with this rule for future examination by the Program.

### ***Rule 21. Course Speakers***

(A) Providers will establish the necessary mechanisms to guarantee that speakers who participate as continuing legal education resources have the necessary qualifications, professional competence, and teaching skills to provide a worthwhile learning experience.

(B) Providers will certify that the law professionals who participate as continuing legal education speakers are not in noncompliance with the requirements of continuing legal education.

### ***Rule 22. Activities Unrelated to Continuing Legal Education***

If the provider combines a course with other non-creditable activities, it must state in the documents submitted the exact amount of time devoted to continuing legal education and the time allotted for other activities.

***Rule 23. Duty to Provide Reasonable Accommodation***

Providers must make reasonable accommodation for any law professional who may seek such accommodation by reason of disability in order to comply with the mandatory continuing legal education requirement.

***Rule 24. Course Records***

(A) Providers must keep for a period of 5 years the records of the courses offered for accreditation purposes and will make them available to the Program for its inspection upon request.

(B) The records must include the following information, which is essential for granting accreditation to the continuing legal education courses:

- (1) identification of the courses;
- (2) participating speaker(s);
- (3) roll of attendance bearing the signatures of course attendees;
- (4) course evaluation by attending law professionals;
- (5) issued certificates of attendance and other related certifications;
- (6) use of technological or other mechanisms for individual or distance learning;
- (7) evaluation reports on academic achievement in the courses; and
- (8) any other relevant information.

**CHAPTER V. PROCEDURES BEFORE THE BOARD**

***Rule 25. Applications***

(A) Any person interested in a Board determination may submit a written application for any of the following actions:

- (1) license to act as a provider under Rule 18 and Rule 19;
- (2) course approval under Rule 11(A);
- (3) course accreditation under Rule 11(B);
- (4) exemption under Rule 4;
- (5) appeal under Rule 27;
- (6) accreditation of activities related to continuing legal education under Rule 16.
- (7) any other request that may result from the application of these Rules.

(B) Requirements:

(1) The application must be submitted in the form provided by the Board, giving a clear and detailed description of the purpose and including the appropriate supporting documents. In the absence thereof, the application will be submitted in any written form.

(2) The application for accreditation of courses will include the information required under Rule 11, except for the providers with preapproved courses under Rule 18(B).

***Rule 26. Evaluation; determination***

(A) The Director will evaluate all duly submitted applications.

(B) The Director may deny incomplete applications or applications that do not meet the requirements set forth in these Rules.

(C) When evaluating the application, the Director may require additional information from the applicant.

(D) The Director may grant the application in whole or in part or may deny it. In either case, the Director must notify his or her decision to the applicant.

(E) If the Director does not grant or denies the application within a period of 45 days, the application will be approved.

***Rule 27. Review of Director's Determinations***

(A) *Reconsideration of other applications submitted to the Director*

Any person who disagrees with the Director's determination may seek reconsideration within 15 days after the determination was notified, stating the grounds for such disagreement. He or she may request an informal hearing, which may be held at the Director's discretion. The Director must adjudicate the petition for reconsideration within 10 days after the filing date of the petition, except when there is a request for an informal hearing, in which case the term will be interrupted until the Director makes a determination and notifies it.

(B) *Appeal Before the Board*

Any person who disagrees with the Director's determination on reconsideration may file an appeal before the Board within 10 days after the decision was notified.

(C) The above terms must be strictly complied with.

***Rule 28. Review before the Supreme Court***

Board decisions will be final. These decisions may be reviewed by the Supreme Court upon the filing of a petition for certiorari within 10 days after the Board decision was notified. Said term must be strictly complied with.

**CHAPTER VI: COMPLIANCE BY LAW PROFESSIONALS**

***Rule 29. Compliance***

(A) All active law professionals must comply with a minimum of 24 credit hours of continuing legal education within each period of 3 years. At least 4 of the 24 credit-hour requirement must be Professional Ethics credits. At least 9 of the

24 credit-hour requirement must be notarial Law credits if the law professional has active-notary status when the compliance period ends. The credit hours earned in excess of the total credit hours required may be carried over to the next compliance period, as long as they do not exceed 24 credit hours. At the end of each compliance period, the law professional must verify that compliance with the credit-hour requirements has been accredited by the Program. If there are any discrepancies, the law professional must submit proof of compliance.

Pursuant to Rule 13(a) of the Rules of the Supreme Court of Puerto Rico (4 LPRA App. XXI-B), the law professional who has not engaged in the practice of the notarial profession for more than 5 years must complete 12 Notarial Law credit hours as a condition for admission or readmission to said practice. Likewise, the Supreme Court may require the law professional to cure credit-related debts from prior compliance periods and to take the amount of credits it may deem appropriate.

(B) Each law professional's compliance period begins on the first day of his or her birth month and will extend for a period of 36 months until the last day of the month prior to his or her birth month, starting from the effective date of these Rules or the law professional's practice admission date, whichever is applicable.

(C) All notifications required by these Rules will be sent to the law professional's address listed in the Master Roll of Attorneys (RUA, for its Spanish acronym).

### ***Rule 30. Noncompliance***

(A) Once a minimum of 60 days has elapsed from the end of each compliance period, the Program will send a Notice of Noncompliance to all law professionals who failed to comply with the required credits.

(B) Upon issuance of a Notice of Noncompliance, the law professional may:

(1) set forth in writing the reasons for noncompliance and present whatever evidence in support thereof, within a period of 30 days, or;

(2) request in writing, within 15 days, an informal hearing, which may be held at the Director's discretion. In the request, the law professional will set forth the reasons why he or she cannot present his or her reasons in writing and why an informal meeting is warranted in his or her situation.

(C) If the law professional fails to set forth the reasons for noncompliance or to request an informal meeting in writing within the term provided in subdivision (B), it will be presumed that the Notice of Noncompliance was issued correctly and that the Program gave the law professional the opportunity to present his or her arguments and objections. Thus, the law professional must comply with the credit-hour requirement within 60 days from the date of the Notice of Noncompliance.

(D) If the law professional notifies his or her reasons in writing in relation to the Notice of Noncompliance or requests an informal hearing within the term provided in subdivision (B) of this Rule, the Director will examine the reasons set

forth and issue a determination on the matter, in accordance with the applicable rules. The Director's determination will be timely served upon the law professional. The submission of any reasons in writing in relation to the Notice of Noncompliance or the request for an informal hearing will not automatically interrupt the term provided in subdivision (C) of this Rule.

(E) The law professional to whom a Notice of Noncompliance has been sent must pay a \$50 noncompliance fee within 60 days from the notice date. An appearance to exercise any of the alternatives established in this Rule or compliance with the required credit hours following a Notice of Noncompliance will not excuse the law professional from payment of the noncompliance fee, unless he or she proves that the requirement was met during the respective compliance period.

***Rule 31. Informal Hearing***

(A) When the Director decides to hold an informal hearing as requested under Rule 30, the Director will summon the law professional. The summons will be issued in writing and include the following information: the purpose of the hearing, the date and place of the hearing, and the period of noncompliance.

(B) The law professional summoned to an informal hearing for noncompliance must set forth the reasons for his or her noncompliance and present whatever evidence he or she may have.

(C) The Director will weigh the reasons for noncompliance and decide in accordance with the applicable rules and regulations.

(D) When an authorized representative holds the informal hearing, this person must prepare and send a report with his or her recommendations to the Director.

(E) In the event of nonappearance, the Board may directly forward the matter to the Supreme Court.

(F) Any determination made by the Director will be timely notified to the law professional in question.

***Rule 32. Noncompliance; Referral to the Continuing Legal Education Board***

(A) The Director will refer the noncompliant law professional to the Board when:

(1) at least sixty (60) days have lapsed since the Notice of Noncompliance was served and the law professional has not responded in writing, requested an informal hearing, or notified compliance with the required credit hours or paid the noncompliance fee; or when

(2) having concluded the procedure provided in Rule 30(D) allowing for review by the Director of any written response to the Notice of Noncompliance, the law professional has not certified compliance with the required credit hours or paid the noncompliance fee.

(B) The Board shall examine the matter and issue a determination, which will be timely notified to the law professional in question.

(C) After the procedures established in these Rules have concluded without the law professional having justified his or her noncompliance, the Board will refer the matter to the Supreme Court.

(D) When the Board determines to refer the noncompliant law professional to the Supreme Court, a \$100 penalty maybe assessed against the law professional. This penalty is in addition to the fee established in Rule 30(E) of these Rules. This penalty may not be waived upon a showing of compliance with the required credit hours after the matter has been forwarded to the Supreme Court.

### ***Rule 33. Reinstatement***

(A) A law professional who has been suspended for noncompliance with the requirements established in these Rules is not exempt from curing this noncompliance or from completing the number of credit hours the Supreme Court may determine that apply to the period that was running at the time the law professional was suspended.

(B) A law professional who wishes to be reinstated to the practice of law must submit a petition in writing to the Supreme Court. The petition must state precisely how the law professional has complied with the continuing legal education requirement, in accordance with subdivision (A).

## **CHAPTER VII: ALTERNATIVE COMPLIANCE MECHANISMS**

### ***Rule 34. Participation as Speaker***

Law professionals who participate as continuing legal education speakers or who teach Law part-time at law schools recognized by the Supreme Court or accredited by the American Bar Association may receive credit for performing those functions by submitting an application to the Board and attaching the provider's certification attesting to their participation and the number of teaching hours.

### ***Rule 35. Publication of Law-Related Works***

Law professionals who publish law-related books and articles in well-known law reviews will receive credit for publications, which may not exceed 2 compliance periods, when they submit their request to the Program accompanied by the pertinent evidence of publication and of the time devoted to it. It will be incumbent upon the Director, and ultimately upon the Board, to determine the number of credit-hours earned for said publication.

***Rule 36. Pro Bono Service***

Law professionals who wish to receive continuing legal education credit hours for pro bono service offered pursuant the Rules for the Appointment of Counsel in Puerto Rico must submit an application to the Program for the accreditation of pro bono service hours, thereto attaching a certification issued by the court or the pro bono service accrediting document issued by an entity or organization authorized by the Office of Court Administration, as the case may be.

The computation of credit hours for pro bono service will be equal to 1 general credit hour for each 5 hours of work, up to a maximum of 6 credit hours per compliance period. Pro bono service hours rendered in excess of this accreditation limit will not be accredited as continuing legal education credit hours.

Pro bono service hours may not replace the 4 credit hours in Professional Ethics or the 9 credit hours in Notarial Law required for each compliance period.

**CHAPTER VIII. GENERAL PROVISIONS**

***Rule 37. Collection of Fees and Fines***

Up to a third of the monies collected from fees and fines established by these Rules shall be used to award scholarships to facilitate access to continuing legal education to law professionals who show financial need.

The Chief Justice shall determine the use of the remaining portion to defray the administrative costs of the Continuing Legal Education Program, finance and develop technology to improve the efficiency of programs created through regulation of the Supreme Court or operated by any of its administrative units, and for other related purposes to improve access to justice.

***Rule 38. Notice of the Director or of the Board; service***

All notices given by the Director or by the Board to law professionals and to providers may be sent by regular mail, fax, or through electronic means.

***Rule 39. Confidentiality***

All documents related to the continuing legal education requirement shall be confidential and will not be disclosed, except upon request by the law professional as they relate to him or her or for use as evidence in any judicial proceeding.

***Rule 40. Unforeseen Situations***

The Director, with the approval of the Chair of the Board, may take steps to address unforeseen situations in the manner that, in his or her judgment, best serves the interests of all the parties.

***Rule 41. Separability Clause***

If, by virtue of legislation or judicial decision, any provision of these Rules is declared void or ineffective in whole or in part, said provision will be deemed as not included herein and will not affect the validity of the remaining provisions, which will continue in full force and effect.

***Rule 42. Effective Date***

These Rules will become effective immediately. The Rules of Continuing Legal Education of 1998 and the Rules of Continuing Legal Education of 2005 are hereby repealed. Any initiative or proceeding initiated under the repealed Rules shall remain in force, insofar as they are compatible with these Rules.