

**KENTUCKY BAR ASSOCIATION
RULES OF THE SUPREME COURT OF KENTUCKY**

PRACTICE OF LAW

SCR 3.640 New Lawyer Program requirement

- (1) Within 12 months following the date of admission as set forth on the certificate of admission, each person admitted to membership in the Association shall complete the New Lawyer Program requirement.
- (2) At least twice each educational year, the Commission shall provide or cause to be provided a New Lawyer Program of not less than 12 credits. The Commission may in its discretion, accredit a New Lawyer Program proposed by other CLE providers.
- (3) Continuing legal education credits for the New Lawyer Program shall be awarded in a number consistent with the award of credits for other continuing legal education programs.
- (4) The New Lawyer Program shall include at least 2 hours of ethics, a course on law practice management and other subjects determined appropriate by the Commission.
- (5) The Commission or other provider accredited under SCR 3.640(2) may charge a reasonable registration fee approved by the Court for the New Lawyer Program.
- (6) Each individual attending the New Lawyer Program shall certify to the Director for CLE the completion of the Program on the attendance certificate provided for that purpose. Such certification shall be submitted to the Director for CLE upon completion of the program and in no case shall the certification be submitted later than 30 days after completion of the program. Continuing legal education credits awarded for the program shall be applied to the educational year in which the program is attended, and if applied to a year in which the individual so attending is otherwise exempt from CLE requirements under SCR 3.665(c), then said credits shall carry forward in accordance with SCR 3.645(3).
- (7) A member required to complete the New Lawyer Program pursuant to paragraph (1) of this Rule may, upon application to and approval by the Commission, be exempted from the requirement under the following circumstances:
 - (a) The member is admitted to practice in another jurisdiction for a minimum of 5 years, and will certify such prior admission to the Commission;
 - (b) The member has attended a mandatory new lawyer training program of at least 12 credits, including 2 ethics credits, offered by the state bar association of another jurisdiction and approved by the Director for CLE; or
 - (c) The member is an active member of the United States armed forces, who has completed a mandatory new lawyer training of at least 12 credits, including 2 ethics credits, offered by the United States armed forces branch in which he/she is an active member, and approved by the Director for CLE.
- (8) The time for completion and certification set forth in paragraphs (1) and (6) of this Rule may, upon written application to and approval by the Commission or its designee, be extended. Written application for an extension under this paragraph must be received by the Commission no later than 30 days after the member's deadline to complete the Program as set forth in paragraph (1) of this Rule. All applications must be signed by the member. The Commission may approve extensions for completing the Program under the following circumstances:
 - (a) Where the member demonstrates hardship or other good cause clearly warranting relief. Requests for relief under this subsection must set forth all circumstances upon which the request

is based, including supporting documentation. In these circumstances, the member shall complete the requirement set forth in paragraphs (1) and (6) as soon as reasonably practicable as determined by the Commission or its designee; or

(b) Where the member fails to demonstrate hardship or other good cause clearly warranting relief, the member must pay a fee of \$250.00 and complete the requirement set forth in paragraphs (1) and (6) at the next regularly scheduled New Lawyer Program.

(9) Non-compliance with the New Lawyer Program requirement: Failure to complete and certify attendance for the New Lawyer Program pursuant to this Rule shall be grounds for suspension from the practice of law in the Commonwealth or other sanctions as deemed appropriate by the Board.

(a) Ninety days prior to the end of the 12 month period all individuals not certifying completion of the New Lawyer Program pursuant to this Rule shall be notified in writing that the program must be completed before the end of the 12 month period, indicating the date.

(b) Names of all individuals not submitting certification of completion of the New Lawyer Program within the 12 month period or not being granted an extension of time, pursuant to paragraph (8) of this Rule, shall be submitted to the Board by the Director for CLE, certifying the member's failure to comply with the New Lawyer Program requirement.

(c) The Board shall cause to be sent to the member a notice of delinquency by certified mail, return receipt requested, at the member's bar roster address. Such notice shall require the attorney to show cause within 30 days from the date of the mailing why the attorney's license should not be suspended for failure to meet the New Lawyer Program requirement set forth in this Rule. Such response shall be in writing, sent to the attention of the Director of CLE, and shall be accompanied by costs in the amount of \$50.00 payable to the Kentucky Bar Association.

(d) Unless good cause is shown by the return date of the notice, or within such additional time as may be allowed by the Board, the lawyer will be stricken from the membership roster as an active member of the KBA and will be suspended from the practice of law or will be otherwise sanctioned as deemed appropriate by the Board. A copy of the suspension notice shall be delivered by the Director of CLE to the member, the Clerk of the Kentucky Supreme Court, and in the case of suspension, to the Circuit Clerk of the district wherein the member resides for recording and indexing as required by SCR 3.480.

(e) A member suspended under this Rule may apply for restoration to membership under the provisions of SCR 3.500.

(f) A member may appeal to the Kentucky Supreme Court from such suspension order within 30 days of the effective date of the suspension. Such appeal shall include an affidavit showing good cause why the suspension should be set aside.

HISTORY: Amended by Order 2017-18, eff. 1-1-2018; prior amendments eff. 1-1-16 (Order 2015-23, 1-1-16 (Order 2015-20); Adopted by Order 2013-12, eff. 1-1-2014