ORIGINAL

FILED
11/04/2026
Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA
Case Number: AF 06-0163

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. AF 06-0163

FILED
NOV 04 2026
Bowen Greenwood
Clerk of Supreme Court
State of Montana

IN RE THE RULES OF CONTINUING LEGAL EDUCATION

ORDER

The Montana Commission on Continuing Legal Education and the State Bar of Montana have jointly petitioned this Court to amend Rules 13 and 14 of the Montana Rules for Continuing Legal Education. The proposed amendments would replace the current involuntary transfer to inactive status for MCLE noncompliance with an administrative suspension process consistent with the State Bar of Montana's membership requirements. The proposed revisions seek to streamline the noncompliance process and reduce the need for Court involvement in routine reinstatement matters.

IT IS THEREFORE ORDERED that all members of the bench and bar of Montana and any other interested persons are granted 30 days from the date of this Order in which to file with the Clerk of this Court appropriate comments and/or suggestions to the attached Proposed Revisions to the Montana Rules and Regulations for Continuing Legal Education.

IT IS FURTHER ORDERED that this Order and the attached Proposed Revisions to the Montana Rules and Regulations for Continuing Legal Education shall be posted on the websites of the Montana Judicial Branch and the State Bar of Montana. The State Bar of Montana is further requested to provide notice to the membership by publication in the Montana Lawyer magazine and through other electronic and timely means.

IT IS FURTHER ORDERED that the Clerk of this Court shall provide copies of the Proposed Revisions to the State Bar of Montana and shall provide to each District Court Judge and each Clerk of the District Court a copy of this Order with a request that each Clerk of the District Court make the Order available for public review in the Office of the Clerk of the District Court. The additional documents referenced in this Order may be viewed on the Court's electronic public view docket:

https://supremecourtdocket.mt.gov/search

Dated this 4th day of November, 2026.

For the Court,

By _____
Chief Justice

approval, together with a timed agenda, a detailed summary for each topic/session, and the filing fee.

C. The Commission will determine the number of CLE credit hours allowed, if any, and advise the applicant in writing.

D. The Commission will not accredit an activity without application and approval. Accreditation in another jurisdiction will not guarantee accreditation in Montana.

E. Any delay in accreditation caused by the timing of the submission of the application or by an incomplete or unclear application does not exempt an attorney from complying with the Rules and paying the applicable fees.

Rule 12 – Appeals

An attorney or sponsoring agency disagreeing with a determination of the Commission, the Accreditation Committee, or the MCLE Administrator, other than the noncompliance provisions of Rule 13, shall submit his or her statement, together with supporting data, to the Commission. The Commission shall consider the matter at its next regular meeting. The Commission shall send written notice to the sponsoring agency or attorney advising of the date, time, and location of the meeting and advise that he or she has the right to appear at the meeting and present any evidence on his or her behalf. Consideration of the matter is not an adversarial or contested proceeding, and formal rules of evidence shall not apply. The Commission shall determine the matter by majority vote of those present and its decision shall be final.

Rule 13 – Noncompliance

A. Notice of Noncompliance.

The Commission shall~~, by June 1 of each year,~~ send a written notice of noncompliance to each member who has not fulfilled the CLE requirements for the previous year as documented by the official report compiled through the procedure outlined in Rule 7. The notice of noncompliance shall describe the nature of the noncompliance and shall state that, unless the member files an acceptable update to the official report with the Commission ~~by July 1 of that year~~within 30 days showing that the noncompliance has been corrected and pays the appropriate fees, the Commission will provide notice to the State Bar of Montana that the member is not in compliance with the MCLE Rules and should have their membership suspended by the State Bar until such time as ~~direct the State Bar of Montana to transfer the member to inactive status until~~ the noncompliance, including any additional credits owed during the suspension, is corrected and the fees required by Rule 7 are paid. The Commission shall notify the State Bar when the member has come back into compliance with the MCLE Rules.

B. Notice of SuspensionTransfer.

The MCLE Commission will certify to the State Bar notice of non-compliance. The State Bar shall provide notice of the suspension in accordance with its Bylaws. No later than ten business days after July 1, the Commission shall furnish the names of the members and the effective date of their transfers to inactive status to the named members, to the Montana Supreme Court, to the Clerk of the Montana Supreme Court, to the Clerks of the District Courts of the State of Montana with the request that they provide a copy to the district judges in their judicial districts, to the Clerk of the Federal District Court of the District of Montana with a request that the Clerk provide a copy to the United States District Judges in Montana, and to the Clerk of the Circuit Court of Appeals of the Ninth Circuit.

C. Transfer Not Punishment.

The transfer of a member to inactive status pursuant to this Rule shall not be deemed a punishment or disciplinary action for purposes of the Montana Rules of Professional Conduct or the Montana Rules for Lawyer Disciplinary Enforcement.

D. Fee for Reinstatement.

A member transferred to inactive statussuspended pursuant to this Rule shall apply for reinstatement as provided in Article I, Section 3(e), of the Bylaws of the State Bar of Montana and shall pay to the State Bar of Montana a fee equal to the greater a reinstatement fee of $200.00, or the usual and customary fee charged by the State Bar of Montana for transferring a member from inactive to active status.

Rule 14 – CLE Requirement Upon Reinstatement to Active Status or After Suspension

This Rule applies to a member transferred to inactive status in accordance with Rule 13 or suspended from the practice of law who applies for reinstatement to active status. A member may be administratively returned to active status by the State Bar within three years of the date of suspension. After three years, the member must petition the Court to return to active status. By either method, the member must The Court may reinstate the member upon the payment of all fees required by the State Bar and these Rules, and the Commission Commission and certification by the Commissionmust certify that the member has completed the minimum CLE requirements of 15 hours of approved CLE for each 12-month period the member was suspended from the practice of law. The total CLE requirements under all of the foregoing shall not exceed 30 hours.. The member shall have completed 15 hours of approved CLE for each 12-month period the member was on inactive status or suspended from the practice of law. The total CLE requirements under all of the foregoing shall not exceed 30 hours. The Commission may consider hours of approved CLE that the member has completed within 24 months prior to the application for reinstatement.