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An Ounce of Prevention

My husband is extremely sensitive to poison ivy. I mean one drop of the resin on his fingernail and he will be covered from head to heel in the stuff. I, on the other hand, appear to have absolute immunity. I could wear it like a Hawaiian lei and suffer no consequences, but not him. He has to be responsible for taking the necessary precautions to avoid a potentially very dangerous health risk. Likewise, this article warning of two common filing errors will have no effect on the majority of you as readers. Because most of you, fortunately, can find comfort in knowing that you do what is needed to come into compliance and do so in a timely manner. But, for the readers who know that this danger exists for them, it is important that they read and follow these simple instructions to prevent those little irritations this December like getting a pink slip at an old address...or the much more serious repercussion of facing an unnecessary suspension.

Of the individuals certified for 2005 and 2006, there were at least two common errors that I have identified that need addressing:

1. Failures to provide the Membership Department with contact information changes and/or
2. Misuse or non-use of MCLE Regulation 2.7 when applicable.

I am hopeful that this short article will prevent you from failing to meet the MCLE requirements for 2007.

Updating contact information

Attorneys are responsible for providing current contact information to the ASB Membership Department. If we do not have a good address on record for you, you will not receive your notice of non-compliance and may be certified for failure to report compliance. Updating your contact information is easy. Simply e-mail your changes to the ASB Membership Department at ms@alabar.org.

Understanding MCLE 2.7

Under Alabama MCLE Regulation 2.7, an attorney *who resides and maintains a principal office for the practice of law in another state that requires Mandatory Continuing Legal Education* (MCLE) and who can demonstrate compliance with the MCLE requirements of his or her principal state of practice is exempt from Alabama's MCLE rules, except as provided in MCLE rules 5 and 9.

How to file under MCLE 2.7

If you have fulfilled the requirements of your home state and expect to claim compliance in Alabama under this regulation, you may complete the affidavit below and return it with CLE verification from your home state.

Claiming compliance under Regulation 2.7 does not affect your status with the



bar, but merely puts you in CLE compliance for that year. If you desire to change your membership status, you will need to contact the membership department.

Once your request for compliance under this regulation has been granted, a code will be documented in the database indicating compliance *rather than your actual hours being posted to your transcript*.

Filing an affidavit under MCLE Regulation 2.7 does not exempt you from the MCLE Rule 9

Note that new admittees claiming compliance under Regulation 2.7 must still comply with the mandatory professionalism requirements of MCLE Rule 9.

As this article goes to print, I will be celebrating my second anniversary with the Alabama State Bar. I appreciate the support (and patience) you have shown me in this

position. July's annual meeting offered a great opportunity for my fellow bar staff members and me to visit with many of you. But, as fall and winter roll around, I know that I can expect to hear from many, many more of you as your attention turns to CLE compliance. It has been my desire since joining the bar to make MCLE regulation as "attorney-friendly" as possible within the confines of the MCLE Rules and Regulations. In 2005, we launched the "Don't Panic" slogan for MCLE urging you to get your CLE and timely report and don't panic at the end of the year. In 2006, we focused on stressing that the deadline for completion is December 31 each year. Both of these efforts proved successful and the number of certified attorneys has dramatically dropped. I am hopeful that this short article will prevent those few of you out there who might need the reminder that there are still some thorns to avoid, even in a rose garden. If not, call us *before* the end of the year and we might let you borrow some Calamine. ■

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Attorney Affidavit for MCLE Regulation 2.7

I am a licensed attorney, residing and practicing in the state of _____. Continuing Legal Education is mandatory in that state. My principal office is located there. I have fulfilled the MCLE requirements of that state.

Pursuant to MCLE Regulation 2.7, I am requesting an exemption from the requirements of MCLE imposed by the Alabama State Bar for the current year. I have attached hereto my latest compliance statement from the above mentioned state.

Signed: _____ Date: _____

Print: _____ ASB: _____ - _____

Witness: _____

Checklist for Claiming Compliance under Regulation 2.7:

- I have completed the above affidavit.
- I have attached written verification of current CLE compliance from the state wherein I practice.
- I have returned this package by January 31, 2008 to: