

# **VIRGIN ISLANDS BAR ASSOCIATION**

## **Mandatory Continuing Legal Education Regulations**

### **SECTION I. GENERAL PROVISIONS**

#### **MCLE Reg. 1. Scope of and Authority to Establish Regulations.**

(a) **Scope.** These Regulations, together with Supreme Court Rule 208, shall govern the administration of the Mandatory Continuing Legal Education requirements in the Virgin Islands. These Regulations may be cited as V.I. BAR MCLE REG.

(b) **Authority for Regulations.** These Regulations are promulgated pursuant to the authority granted to the Bar Association by Supreme Court Rule 208.2.

(c) **Definitions.** All word and phrases defined in Supreme Court Rule 208.1 shall have the same meaning when used in these Regulations. In addition, as used in these Regulations:

(A) “CLE Committee” refers to the Continuing Legal Education Committee of the Virgin Islands Bar Association, which shall consist of a Chair and at least two other members appointed by the President to staggered terms;

(B) “General Programming” means a CLE Program approved for credit, but not in a Specialized Area; and

(C) “Non-resident lawyer” refers to an active member of the Virgin Islands Bar Association who does not reside in the U.S. Virgin Islands.

#### **MCLE Reg. 2. Amendment.**

These Regulations may be amended by:

(A) the Supreme Court of the Virgin Islands;

(B) a majority vote of the Board of Governors, provided that the amendments are approved by the Supreme Court of the Virgin Islands in accordance with Supreme Court Rule 208.2; or

(C) the CLE Committee but only with respect to the list of reciprocal jurisdictions and approved providers, other than those automatically approved pursuant to Rule 208.5(E), provided that the addition or removal of a reciprocal jurisdiction or approved provider is not disapproved by the Supreme Court.

#### **MCLE Reg. 3. CLE Committee.**

The Virgin Islands Bar Association delegates its authority under Supreme Court Rule 208 to the CLE Committee, which shall be charged with the responsibility for the implementation of Rule 208, subject to the oversight of the Supreme Court of the Virgin Islands.

#### **MCLE Reg. 4. Executive Director.**

The Executive Director of the Bar Association shall provide administrative support to the CLE Committee. The Executive Director may also perform ministerial tasks, including but not necessarily limited to accepting certification reports from attorneys, conducting the annual audit,

and issuing Notices of Non-Compliance. However, the Executive Director may not perform substantive tasks, such as deciding whether to approve a program for CLE credit. For purposes of these Regulations, all references to the Executive Director shall be construed to include subordinate bar staff who have been delegated such responsibilities by the Executive Director.

**MCLE Reg. 5. Electronic Filing and Service.**

(a) Unless expressly provided otherwise in Rule 208, all documents filed with the Bar Association, the CLE Committee, or the Executive Director in accordance with Rule 208 and these Regulations shall be filed electronically, whether through e-mail to the Executive Director or through an electronic filing system on the Bar Association's website.

(b) All documents which must be served on a lawyer required to register under Supreme Court Rule 203(e) shall be served electronically at the e-mail address provided by the lawyer in the most recent Annual Registration Form.

(c) All documents which must be served on an individual who is not required to register under Supreme Court Rule 203(e) shall be served electronically at the e-mail address used by the individual when filing the initiating document.

(d) The Executive Director may, upon showing of good cause, accept conventionally-filed documents and effectuate service to a physical address. The grant of an exemption from electronic filing by the Supreme Court of the Virgin Islands in accordance with Rule 40 of the Virgin Islands Rules of Appellate Procedure shall constitute good cause for dispensing with mandatory electronic filing and service under these Regulations.

**SECTION II. PROCEDURE FOR EXEMPTIONS AND EXTENSIONS**

**MCLE Reg. 6. Automatic Exemptions.**

(a) The Executive Director shall maintain on behalf of the CLE Committee a list of all lawyers entitled to an automatic full or partial exemption under Rule 208.3(B)(1)-(2). A lawyer who believes that he or she is entitled to an automatic exemption under Rule 208.3(B)(1)-(2) shall advise the Executive Director, who shall either record the exemption or, if in doubt, refer the matter to the CLE Committee for a determination.

(b) Any lawyer who ceases to be eligible for an automatic exemption shall notify the Executive Director, in writing, of the change of circumstances no later than thirty (30) days from the date of the event that caused the lawyer to no longer qualify for an automatic exemption. A lawyer who fails to timely notify the Executive Director that he or she no longer qualifies for an automatic exemption shall, in addition to any sanctions imposed for his or her non-compliance with Rule 208.3(A), be referred to the Board on Professional Responsibility and the Office of Disciplinary Counsel for any other appropriate action.

**MCLE Reg. 7. Discretionary Exemptions: For Medical Issues or Good Cause.**

(a) A lawyer seeking a discretionary exemption under Rule 208.3(B)(3)(b)-(c) shall file a petition with the Executive Director, which shall set forth in detail the reasons in support of the request, along with any necessary supporting materials. In accordance with Rule 208.3(B)(3), any decision of the CLE Committee granting the petition shall be transmitted to the Supreme Court, which may reject or modify the exemption within 30 days.

(b) A lawyer who files a petition for a discretionary exemption under Rule 208.3(B)(3)(b)-(c) prior to expiration of the reporting period shall pay a \$75.00 filing fee, which shall be payable to the Virgin Islands Bar Association. If the lawyer does not file the petition for discretionary exemption until after the reporting period has ended, the lawyer shall also be assessed a \$100.00 late fee. If a lawyer files a petition without payment of all applicable fees, the Executive Director shall dismiss the petition without referral to the CLE Committee.

**MCLE Reg. 8. Discretionary Exemptions: Non-Resident Attorneys**

(a) A lawyer seeking a discretionary exemption under Rule 208.3(B)(3)(a) on grounds that he or she does not reside in the U.S. Virgin Islands and is admitted to the practice of law in another United States jurisdiction that has enacted MCLE requirements greater or equal to those proscribed by Rule 208.3(A)(1) shall file a petition with the Executive Director, which shall set forth in detail the reasons in support of the request. The petition must be accompanied with a copy of the other jurisdiction's MCLE Rule applicable to the attorney that in the opinion of the attorney establishes MCLE requirements greater than or equal to those proscribed by Rule 208.3(A)(1), as well as evidence that the lawyer has actually complied with those requirements for the reporting period.

In accordance with Rule 208.3(B)(3), any decision of the CLE Committee granting the petition shall be transmitted to the Supreme Court, which may reject or modify the exemption within 30 days.

(b) A lawyer seeking a discretionary exemption under Rule 208.3(B)(3)(a) from earning credits in a Specialized Area on grounds that he or she does not reside in the U.S. Virgin Islands and it is not possible to earn such credits where he or she resides shall file a petition with the Executive Director, which shall set forth in detail the reasons in support of the request. A lawyer shall not receive any exemption from earning credits in any Specialized Areas, including the area of Virgin Islands Law Programming, solely because courses are not available in an in-person format in the jurisdiction in which the non-resident lawyer resides. To receive an exemption from earning credits in any Specialized Area, the lawyer must establish that it is not possible to earn any CLE credit hours in the Specialized Area, whether through moderated programming, non-moderated programming, in-house programming, or self-study.

In accordance with Rule 208.3(B)(3), any decision of the CLE Committee granting the petition shall be transmitted to the Supreme Court, which may reject or modify the exemption within 30 days.

(c) A lawyer who files a petition for discretionary exemption under Rule 208.3(B)(3)(a) shall not be assessed a filing fee if the petition is filed prior to the end of the reporting period for which the exemption is sought. If the lawyer does not file the petition for discretionary exemption

until after the reporting period has ended, the lawyer shall also be assessed a \$75.00 application fee and a \$100.00 late fee. If a lawyer files a petition without payment of all applicable fees, the Executive Director shall dismiss the petition without referral to the CLE Committee.

**MCLE Reg. 9. Discretionary Exemptions: Decision of CLE Committee.**

(a) After receiving the petition and all applicable fees, the Executive Director shall assign the petition a case number and transmit it to the CLE Committee for a decision. The CLE Committee shall issue a decision in writing, which the Executive Director shall serve on the lawyer, with a copy also transmitted to the Supreme Court's Office of Bar Admissions. If the CLE Committee fails to issue a decision within thirty (30) days of the date of transmittal, the Executive Director shall serve the lawyer with notice that the petition has been deemed denied. If the CLE Committee grants the petition, it shall state in its decision whether the exemption is valid only for the current reporting period, or may continue for future reporting periods; *provided, however*, that in the case of exemptions granted for future reporting periods, the CLE Committee may at any time reasonably inquire as to whether the circumstances that justified the original exemption continues to justify an on-going exemption.

In accordance with Rule 208.3(B)(3), any decision of the CLE Committee granting the petition shall be transmitted to the Supreme Court, which may reject or modify the exemption within 30 days.

(b) An attorney who has petitioned for a discretionary exemption on any ground possesses an affirmative obligation to inform the Executive Director of any changed circumstances or other material information that may affect the propriety of the exemption, even if the CLE Committee has issued a decision granting the exemption. Information that must be disclosed includes, but is not limited to, the removal of any medical condition or disability; changes in the attorney's residence; changes in the other jurisdiction's MCLE requirements; or the failure of a attorney to comply with the MCLE requirements of the other jurisdiction.

The lawyer shall notify the Executive Director, in writing, of the change of circumstances no later than thirty (30) days from the date of the event. A lawyer who fails to timely notify the Executive Director in accordance with this Regulation shall, in addition to any sanctions imposed for his or her non-compliance with Rule 208.3(A), be referred to the Board on Professional Responsibility and the Office of Disciplinary Counsel for any other appropriate action.

**MCLE Reg. 10. Extension of Time to Report Compliance.**

(a) A lawyer seeking an extension of time under Rule 208.7(C) shall file a petition with the Executive Director, which shall set forth in detail the reasons in support of the request.

(b) A lawyer who files a petition for extension of time prior to expiration of the reporting period shall pay a \$75.00 filing fee, which shall be payable to the Virgin Islands Bar Association. If the lawyer does not file the petition for extension of time until after the reporting period has ended, the lawyer shall also be assessed an additional \$100.00 late fee. If a lawyer files a petition without payment of all applicable fees, the Executive Director shall dismiss the petition without referral to the CLE Committee.

(c) After receiving the petition and all applicable fees, the Executive Director shall assign the petition a case number and transmit it to the CLE Committee for a decision. The CLE Committee shall issue a decision in writing, which the Executive Director shall serve on the lawyer, with a copy also transmitted to the Supreme Court. If the CLE Committee fails to issue a decision within thirty (30) days of the date of transmittal, the Executive Director shall serve the lawyer with notice that the petition has been deemed denied.

### **SECTION III. PROCEDURE FOR ACCREDITATION & APPROVAL**

#### **MCLE Reg. 11. Reciprocal Jurisdictions.**

(a) In accordance with Rule 208.5(F)(1), the following United States jurisdictions are known to grant reciprocal approval to programs accredited for CLE credit in the Virgin Islands without further application, review, or payment of any fee, and are therefore presumed to comply with the standards set forth in Rule 208.4 without further application, review, or payment of any fee:

#### General Programming

Alaska  
Arkansas  
California\*  
Colorado  
Connecticut  
Florida  
Guam  
Hawaii\*  
Maine  
Montana  
New Jersey  
North Dakota  
Northern Mariana Islands  
Wisconsin\*

\* Reciprocity excludes programs taken in the U.S. Virgin Islands.

\*\* Reciprocity excludes on-demand and self-study programs.

#### Ethics and Professionalism Programming

Alaska  
Arkansas  
California\*  
Colorado  
Connecticut  
Florida  
Guam  
Hawaii\*

Maine  
Montana  
New Jersey  
North Dakota  
Wisconsin\*\*

\* Reciprocity excludes programs taken in the U.S. Virgin Islands.

\*\* Reciprocity excludes on-demand and self-study programs.

### Mental Health and Substance Use Disorders Programming

California\*  
Florida

\* Reciprocity excludes programs taken in the U.S. Virgin Islands.

### Technology Programming

Florida

### Virgin Islands Law Programming

None

(b) In accordance with Rule 208.5(F)(2)-(3) the CLE Committee may decline to grant reciprocal approval to a program accredited by a United States jurisdiction listed in section (a) if:

(1) it is discovered that the United States jurisdiction no longer grants reciprocal approval to programs accredited for CLE credit in the Virgin Islands without further application, review, or payment of any fee, and the program is not sponsored by an approved provider, even if the lawyer attended the program before the other jurisdiction withdrew its reciprocal approval; or

(2) the CLE Committee disapproves the program pursuant to Regulation 20.

(c) Reciprocal approval of programs under this provision does not extend to other MCLE-qualifying activities, such as credit for teaching, writing, or board and committee service, which may be authorized by the other United States jurisdiction. Any lawyer seeking credit for MCLE-qualifying activities, whether conducted within the U.S. Virgin Islands or another United States jurisdiction, must seek approval in accordance with Rule 208.6 and Regulation 19.

### **MCLE Reg. 12. Approved Providers: General Programming.**

In accordance with Rule 208.5(B), the following Sponsors of CLE Programs are approved providers of General Programming, and all programs by the Sponsor automatically accredited if the Sponsor certifies that the program qualifies for credit:

American Association of Justice  
 American Bar Association  
 American Law Institute  
 Attorneys Liability Protection Society (ALPS)  
 Defense Research Institute  
 District Court of the Virgin Islands\*  
 Judicial Branch of the Virgin Islands\*  
 National Association of Attorneys General  
 National Association of Criminal Defense Lawyers  
 National Bar Association  
 National Center for State Courts  
 National College of Trial Advocacy  
 National Conference of Bar Presidents  
 National District Attorneys Association  
 National Judicial College  
 National Institute of Trial Advocacy  
 National Legal Aid and Defenders Association  
 Office of Defender Services Training Branch  
 Office of the Federal Public Defender for the District of the Virgin Islands  
 Practising Law Institute  
 Shriver National Center on Poverty Law  
 Superior Court of the Virgin Islands\*  
 Supreme Court of the Virgin Islands\*  
 United States Air Force Judge Advocate General School  
 United States Army Judge Advocate General School  
 United States Court of Appeals for the Third Circuit  
 United States Department of Justice – Office of Legal Education  
 Virgin Islands Bar Association\*  
 West LegalEdcenter

\* Automatically accredited for all programs pursuant to Rule 208.5(E).

**MCLE Reg. 13. Approved Providers: Ethics and Professionalism Programming.**

In accordance with Rule 208.5(B), the following Sponsors of CLE Programs are approved providers of Ethics and Professionalism Programming, and all programs by the Sponsor automatically accredited as such if the Sponsor certifies that the program qualifies for credit in that area:

American Association of Justice  
 American Bar Association  
 American Law Institute  
 Attorneys Liability Protection Society (ALPS)  
 Defense Research Institute  
 District Court of the Virgin Islands\*  
 Judicial Branch of the Virgin Islands\*  
 National Association of Attorneys General

National Association of Criminal Defense Lawyers  
National Bar Association  
National Center for State Courts  
National College of Trial Advocacy  
National Conference of Bar Presidents  
National District Attorneys Association  
National Judicial College  
National Institute of Trial Advocacy  
National Legal Aid and Defenders Association  
Office of Defender Services Training Branch  
Office of the Federal Public Defender for the District of the Virgin Islands  
Practising Law Institute  
Shriver National Center on Poverty Law  
Superior Court of the Virgin Islands\*  
Supreme Court of the Virgin Islands\*  
United States Air Force Judge Advocate General School  
United States Army Judge Advocate General School  
United States Court of Appeals for the Third Circuit  
United States Department of Justice – Office of Legal Education  
Virgin Islands Bar Association\*  
West LegalEdcenter

\* Automatically accredited for all programs pursuant to Rule 208.5(E).

**MCLE Reg. 14. Approved Providers: Mental Health and Substance Use Disorders Programming**

In accordance with Rule 208.5(B), the following Sponsors of CLE Programs are approved providers of Mental Health and Substance Use Programming, and all programs by the Sponsor automatically accredited as such if the Sponsor certifies that the program qualifies for credit in that area:

American Bar Association  
District Court of the Virgin Islands\*  
Judicial Branch of the Virgin Islands\*  
Superior Court of the Virgin Islands\*  
Supreme Court of the Virgin Islands\*  
Virgin Islands Bar Association\*

\* Automatically accredited for all programs pursuant to Rule 208.5(E).

**MCLE Reg. 15. Approved Providers: Technology Programming.**

In accordance with Rule 208.5(B), the following Sponsors of CLE Programs are approved providers of Technology Programming, and all programs by the Sponsor automatically accredited as such if the Sponsor certifies that the program qualifies for credit in that area:

American Bar Association  
District Court of the Virgin Islands\*  
Judicial Branch of the Virgin Islands\*  
Superior Court of the Virgin Islands\*  
Supreme Court of the Virgin Islands\*  
Virgin Islands Bar Association\*

\* Automatically accredited for all programs pursuant to Rule 208.5(E).

**MCLE Reg. 16. Approved Providers: Virgin Islands Law Programming.**

In accordance with Rule 208.5(B), the following Sponsors of CLE Programs are approved providers of Virgin Islands Law Programming, and all programs by the Sponsor automatically accredited as such if the Sponsor certifies that the program qualifies for credit in that area:

Judicial Branch of the Virgin Islands\*  
Superior Court of the Virgin Islands\*  
Supreme Court of the Virgin Islands\*  
Virgin Islands Bar Association\*

\* Automatically accredited for all programs pursuant to Rule 208.5(E).

**MCLE Reg. 17. Process for Approval: Individual Courses.**

(a) A Sponsor may seek accreditation of individual CLE programs offered in the U.S. Virgin Islands, or offered in another United States jurisdiction that is not a reciprocal jurisdiction, by filing with the Executive Director an “Application for Accreditation of an Individual Course,” together with a \$50.00 filing fee and all relevant supporting materials. Relevant supporting materials include, but are not necessarily limited to: a course outline; the accreditation status of the program in any other jurisdictions; faculty biographies; the written materials used for the course; and for non-moderated programming, the attendance verification procedure utilized.

(b) Applications for approval of individual courses are timely filed if they are submitted at least 14 days prior to the occurrence of the course. Untimely applications may be considered but shall be accompanied with an additional \$100.00 late fee. The Executive Director shall dismiss any application without referral to the CLE Committee if it is filed without payment of the filing fee or, if applicable, the late fee.

(c) An attorney may file an application for an individual course to be approved on his or her own behalf, even if the Sponsor does not file an application. An attorney applying for approval of an individual course shall file the same application and pay the same fees and shall otherwise be held to the same standard as the Sponsor would had it filed the application.

(d) The Executive Director shall assign each application a case number and transmit it to the CLE Committee for a decision. In reviewing the application, the CLE Committee shall consider only whether the course meets the standards set forth in Rule 208.4. If the CLE Committee concludes that the program meets the Rule 208.4 standards, it will approve the

application and grant accreditation to the individual course; otherwise, it will deny the application. The decision of the CLE Committee shall be in writing, and in the case of a denial must give reasons to support its decision. A Sponsor or attorney who has received an adverse decision may file an appropriate petition with the Supreme Court in accordance with Rule 208.5(H).

**MCLE Reg. 18. Process for Approval: Approved Providers.**

(a) A Sponsor who wishes to be added to the list of Approved Providers in Regulation 12 through 16, and thus have all of its CLE programs automatically accredited, shall file with the Executive Director an "Application for Approved Provider Status," together with a \$500.00 filing fee and all relevant supporting materials. Relevant supporting materials include, but are not necessarily limited to: a list of all courses the Sponsor has organized and administered within at least the last three years, together with titles, dates, locations, and faculty names and biographies; course outlines and complete written materials for the last three CLE programs offered in the U.S. Virgin Islands, or offered in another United States jurisdiction that is not a reciprocal jurisdiction; and, if the Sponsor offers non-moderated programming, copies of its last two recorded CLE programs. The application shall further specify whether the Sponsor desires Approved Provider status only for General Programming, or for one or more Specialized Areas as well.

(b) An attorney may not file an application to designate a Sponsor as an Approved Provider, but may submit a letter of recommendation or other testimonial in support of an application filed by a Sponsor.

(c) The Executive Director shall assign each application a case number and transmit it to the CLE Committee for a decision. In reviewing the application, the CLE Committee shall consider only whether the courses produced by the Sponsor consistently meet the standards set forth in Rule 208.4, and whether such courses are produced in sufficient volume to warrant Approved Provider status.

If the CLE Committee concludes that the Sponsor meets the Rule 208.4 standards, the Executive Director shall transmit to the Supreme Court a copy of the proposed decision to amend the Regulations to add the Sponsor to the list of Approved Providers for General Programming or one or more Specialized Areas. The Supreme Court may, in its discretion, approve or disapprove the addition, or take other action it deems appropriate. If the Supreme Court does not act on the within seven (7) days, the addition of the Sponsor to the list of Approved Providers shall be deemed approved, and the Executive Director shall transmit the decision to the Sponsor.

The CLE Committee will deny the application if it determines that the Sponsor does not meet the standards of Rule 208.4. The decision of the CLE Committee shall be in writing and must give reasons to support its decision. A Sponsor who has received an adverse decision may file an appropriate petition with the Supreme Court in accordance with Rule 208.5(H).

(d) A fee shall not be charged for a Sponsor to maintain Approved Provider status. However, in accordance with Rule 208.5(B)(3), a Sponsor must permit representatives of the Virgin Islands Bar Association to audit any program offered, without advance notice and without payment of costs, to ensure that all programs organized by the Sponsor continue to meet the standards of Rule 208.4. A Sponsor who refuses to be audited in such a manner shall automatically be stripped of its Approved Provider status without further notice or opportunity to be heard, and

all programs that had not yet occurred as of the date of such revocation must be approved individually in accordance with Regulation 17 in order to qualify for CLE credit.

If, as a result of such an audit, the CLE Committee determines that one or more programs fail to meet the standards of Rule 208.4, the CLE Committee shall provide the Sponsor with notice of the deficiencies and an opportunity to take appropriate corrective action by a date certain in order to maintain its Approved Provider status. The CLE Committee may, after providing notice and a right to be heard, revoke the Approved Provider status of a Sponsor who fails to take such corrective action or otherwise does not cure any deficiencies previously noticed, and all programs that had not yet occurred as of the date of such revocation must be approved individually in accordance with Regulation 17 in order to qualify for CLE credit.

### **MCLE Reg. 19. Process for Approval: Other MCLE-Qualifying Activities.**

(a) A lawyer who wishes to earn CLE credit for teaching or writing in accordance with Rule 208.6(A)-(B) shall file a statement describing the activity, along with all relevant supporting materials. Relevant supporting materials include, but are not necessarily limited to, a copy of the course syllabus or written work. The description shall include the estimated number of hours the lawyer spent on the activity, which may include preparation time. To qualify for teaching or writing credit, the topic of the lecture or written work must be a recognized legal topic, or a topic closely related to the practice of law. Once credit has been given for teaching or writing, no further credit shall be given for a subsequent delivery of the same material to a different audience.

(b) A lawyer who wishes to earn CLE credit for service on a board or committee in accordance with Rule 208.6(C) shall submit a statement describing the nature of such service, including the scope of the lawyer's participation and the number of hours actually expended on attending meetings or working on the assigned tasks, together with any relevant supporting materials. The CLE Committee may, in its discretion, verify the representations in the application, such as by requesting confirmation from the chair of the board or committee.

(c) All CLE credits awarded for teaching, writing, or board or committee service shall be general credits, except that in accordance with Rule 208.6(C) members of the Virgin Islands Board of Professional Responsibility, the Virgin Islands Board on Unauthorized Practice of Law, the Committee of Bar Examiners, and the Commission on Judicial Conduct claiming credit under this Rule shall automatically be awarded credit hours in the area of Ethics and Professionalism Programming, while members of the Advisory Committee on Rules shall automatically be awarded credit hours in the area of Virgin Islands Law Programming. A lawyer who seeks credit in a Specialized Area for teaching, writing, or board or committee service shall include with the statement an explanation as to why such credit is warranted.

(d) A lawyer seeking CLE credit for teaching, writing, or board or committee service need not obtain approval from the CLE Committee in advance, but may submit the statement and relevant supporting materials as part of the proof of compliance filed after conclusion of the reporting period. However, lawyers are strongly encouraged to obtain advance approval, so that the lawyer has sufficient time to earn additional CLE credits in the event the CLE Committee declines to award credit for the activity or awards fewer credits than requested.

### **MCLE Reg. 20. Disapproval of Credit for Particular Program.**

(a) Notwithstanding Regulations 11 through 19, the CLE Committee may disapprove credit for an individual program sponsored by an accredited provider or accredited by a reciprocal jurisdiction upon determining that the program fails to meet the minimum standards set forth in Rule 208.4; provided, however, that the CLE Committee may not disapprove a program sponsored by the Judicial Branch of the Virgin Islands, the Supreme Court of the Virgin Islands, the Superior Court of the Virgin Islands, or the United States District Court of the Virgin Islands. The CLE Committee shall only disapprove credit for a program under this provision after providing reasonable notice and an opportunity to be heard by the Sponsor and any lawyer who has claimed CLE credit for the program.

(b) A Sponsor or lawyer who has received an adverse decision from the CLE Committee pursuant to this Regulation may seek review with the Supreme Court of the Virgin Islands in accordance with Rule 208.5(H).

### **SECTION IV. REPORTING PROCEDURE & SANCTIONS**

### **MCLE Reg. 21. Responsibility of Lawyer; Availability of Advisory Opinions.**

(a) Each lawyer is responsible for ascertaining his or her own compliance with the requirements of Rule 208 and these Regulations, including, but not necessarily limited to, whether the lawyer has earned the minimum number of total required credits or the requisite credits in each Specialized Area, whether any particular program or activity qualifies for credit, and whether any particular Sponsor is an Accredited Provider.

(b) A lawyer who has doubts as to whether a particular program or activity qualifies or has been approved for credit, whether through reciprocity or otherwise, or any other issue related to his or her compliance with Rule 208, may file a petition with the Executive Director, which shall set forth all relevant information, including and the reasons why the lawyer is uncertain. The Executive Director shall transmit the petition to the CLE Committee, which shall promptly issue an advisory opinion to the lawyer. Such petitions shall not be assessed a filing fee but must be filed no later than seven (7) days before the date the lawyer attends the program or undertakes the activity or, in the case of inquiries not related to a specific program or activity, no later than fourteen (14) days before the conclusion of the lawyer's Reporting Period. Untimely petitions shall be denied by the Executive Director without transmittal to the CLE Committee.

(c) The Executive Director shall transmit a copy of all proposed advisory opinions to the Supreme Court prior to its issuance to the lawyer. The Supreme Court may, in its discretion, approve or disapprove the proposed advisory opinion, issue its own advisory opinion, or take other action it deems appropriate. If the Supreme Court does not act on the proposed advisory opinion within seven (7) days, the proposed advisory opinion shall be deemed approved, and the Executive Director shall transmit the advisory opinion to the lawyer.

(d) An advisory opinion rendered by the CLE Committee shall be binding only on the lawyer who filed the petition and shall excuse that lawyer from any sanctions for non-compliance

with Rule 208 for that Reporting Period which are predicated on that lawyer's reasonable reliance on the advisory opinion. However, neither the CLE Committee nor the Supreme Court shall be bound by informal advice provided by the Executive Director or individual members of the CLE Committee or the Board of Governors provided outside of the advisory opinion process.

### **MCLE Reg. 22. Reporting Compliance.**

(a) A lawyer shall electronically file proof of compliance with Rule 208 with the Executive Director in accordance with Regulation 5 on or before January 31 of the year following the conclusion of the lawyer's Reporting Period, or, if the lawyer has received an extension, by the date set by the CLE Committee or the Supreme Court.

(b) Late filings shall not be accepted until and unless the lawyer has filed a petition for extension of time, together with all requisite filing fee, with the CLE Committee. To obtain an extension from the CLE Committee, the lawyer shall file a petition explaining the reason for the late filing, together with a \$75.00 filing fee. The CLE Committee may grant the petition and accept the late filing or may deny the petition; provided, however, that if the CLE Committee does not act on the petition within thirty (30) days, it shall be deemed to have been denied. A lawyer who has received an adverse decision from the CLE Committee pursuant to this Regulation may seek review with the Supreme Court of the Virgin Islands in accordance with Rule 208.7(C).

### **MCLE Reg. 23. Audit; Sanctions.**

The Chair of the CLE Committee, with the assistance of the Executive Director, shall oversee the audit required by Rule 208.7(D)(1), and ensure timely issuance of any notices of delinquency. The Chair of the CLE Committee shall be responsible for filing any petitions for suspension pursuant to Rule 208.7(D)(e),