

PROPOSED MCLE RULE AMENDMENT TO REMOVE NLMP MENTORS FOR DISCIPLINE

Pursuant to the MCLE Rules, the Supreme Court may appoint OSB members to serve as mentors in the OSB New Lawyer Mentoring Program (NLMP) as long as the member is “in good standing with at least five years of experience in the practice of law, and [has] a reputation for competence and ethical and professional conduct.” (Rule 2.4)

However, the current rules do not provide for removal of NLMP mentors in circumstances where they no longer meet the qualifications to serve. As a matter of public protection, the BOG recommends that a lawyer against whom charges of misconduct have been approved for filing by the State Professional Responsibility Board or who has been suspended under Bar Rule 7.1 for failure to respond to a subpoena shall be removed from participation in the NLMP until those charges have been resolved by final decision or order.

If an NLMP mentor is suspended from the practice of law as a result of a final decision or order in a disciplinary proceeding, the BOG recommends that the member may not resume service as an NLMP mentor until the member is once again authorized to practice law.

In order to add these conditions for removal of NLMP mentors, the BOG approved [proposed amendments to MCLE Rules 2 and 7](#). The bar welcomes member feedback on the proposed amendments before they are considered by the Supreme Court on January 11, 2022.

You may submit comments to feedback@osbar.org through December 31, 2021. All feedback received will be shared with the Court.

Proposed Amendment to MCLE Rules to remove NLMP mentors against whom charges of misconduct have been approved for filing by SPRB

(Approved by OSB Board of Governors on November 20, 2021 for consideration by the Supreme Court on January 11, 2022)

**Rule Two
Administration of Minimum Continuing Legal Education**

2.4 Appointment of NLMP Mentors.

(a) The Supreme Court may appoint NLMP mentors recommended by the BOG. Except as otherwise provided

in these rules, to qualify for appointment, the mentor must be a member of the OSB in good standing with at least five years of experience in the practice of law, and have a reputation for competence and ethical and professional conduct.

(b) Attorneys in good standing in another United States jurisdiction who are not OSB members, but are qualified to represent clients before the Social Security Administration, the Internal Revenue Service, the United States Patent and Trademark Office, or the United States Citizenship and Immigration Services office are eligible to be appointed as mentors, provided they meet the other requirements of these rules.

(c) Attorneys in good standing in another United States jurisdiction who are not OSB members are eligible to be appointed as mentors with the recommendation of the NLMP Coordinator, provided they meet the other requirements of these rules.

(d) An NLMP Mentor against whom charges of misconduct have been approved for filing by the State Professional Responsibility Board or who has been suspended under BR 7.1 for failure to respond to requests for information or records or to respond to a subpoena shall be removed from participation in the NLMP until those charges have been resolved by final decision or order. If an NLMP mentor is suspended from the practice of law as a result of a final decision or order in a disciplinary proceeding, the member may not resume service as an NLMP mentor until the member is once again authorized to practice law. For the purposes of this rule and rule 7.8(a), charges of misconduct include authorization by the SPRB to file a formal complaint pursuant to BR 4.1, Disciplinary Counsel's notification to the court of a criminal conviction pursuant to BR 3.4(a), and Disciplinary Counsel's notification to the court of an attorney's discipline in another jurisdiction pursuant to BR 3.5(a).

**Rule Seven
Compliance**

7.8 Removal of NLMP Mentors

(a) Within 14 days of receipt by OSB of notice of charges against an NLMP mentor pursuant to 2.4(d) or suspension of an NLMP mentor pursuant to BR 7.1, the NLMP Coordinator shall provide written

notice by email to the NLMP mentor and new admittee that the NLMP mentor is removed from serving as a mentor pursuant to MCLE Rule 2.4(d).

(b) Within 30 days, or as soon as reasonably practical, of removal of an NLMP mentor pursuant to Rule 2.4(d), the NLMP Coordinator shall select a new mentor for the new admittee pursuant to the criteria set forth in Regulation 3.700(b), and shall issue a notice to the new admittee and new NLMP mentor as soon as a new NLMP match is confirmed.