

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

PRACTICE OF LAW

SCR 3.666 Exemptions and removal of exemptions

(1) With respect to each educational year, the following members of the Association shall be exempt from the requirements of Rule 3.661:

(a) Members who, during any portion of that educational year, are serving as Justices or Judges of the Kentucky Court of Justice or Justices, Judges, or Magistrates of the Court of the United States, or full-time administrative law judges for an agency of the United States or Commonwealth of Kentucky executive branch, and because of such positions are prohibited from practicing law and have significant continuing education requirements by statute or rule of court as a result of the position they hold.

(b) Members who have not completed one full educational year of Association membership on or before the June 30 of their initial admission to membership provided, however, such persons shall be subject to the provisions of SCR 3.661(9) and 3.652(5)

(c) Members who are at least 75 years of age or at least 50 year members, including members who will become 75 years of age and those who become 50 year members within the educational year.

(2) Upon application to the Commission, the following members may be exempted from the requirements of Rule 3.661:

(a) Members who do not practice law, as defined in Rule 3.020, within the Commonwealth and agree to refrain from such practice until the Commission approves an application for removal of the exemption.

(b) Members who practice law within the Commonwealth, but demonstrate that meeting the requirements of Rule 3.661 would work an undue hardship by reason of age, disability, sickness, financial condition, or other clearly mitigating circumstances.

(c) Members required to complete the New Lawyer Skills program following procedures set forth in SCR 3.652(7).

(d) Any member who, for any portion of an educational year, was on active duty in the United States armed forces.

(3) Every member seeking an exemption from the mandatory continuing legal education requirement of Rule 3.661 pursuant to Rule 3.666(2) shall submit an application on forms provided by the Association or shall make other such written request providing information necessary for determination by the Commission of circumstances warranting exemption.

(4) Exemptions granted pursuant to Rule 3.666(2)(a) shall not be effective retroactively unless the applicant certifies that he or she has not practiced law, as defined in Rule 3.020, within the Commonwealth, for all time periods covered by such exemption. Members shall not practice law as defined in Rule 3.020 while said exemption is in effect. Practice of law as defined in Rule 3.020, within the Commonwealth, during the effective period of an exemption pursuant to Rule 3.666(2)(a) shall constitute unauthorized practice. Information known by the Commission regarding the practice of law during any period for which a member has certified non-practice status pursuant to SCR 3.666(2)(a) and SCR 3.666(3) is not confidential as provided at SCR 3.690 and shall be provided along with the member's continuing legal education transcript by the Director to the Office of Bar Counsel and the Inquiry Commission in writing.

(5) Exemptions granted pursuant to Rule 3.666(2)(b) and SCR 3.666(2)(d) based on hardship including military service are considered temporary in nature unless specifically designated otherwise. In order to maintain an exemption based on a temporary hardship, including an

exemption based on military service, annual application is necessary. Failure to so certify will result in loss of the exempt status.

(6) A member seeking removal of a non-practice exemption granted pursuant to Rule 3.666(2)(a) shall be required to file a written application with the Commission, addressed to the Director, for the removal of said exemption. Required as attachment to the application for removal of said exemption shall be certification of completion of sufficient continuing legal education credits to meet the minimum annual continuing legal education requirement for each educational year during which he or she was exempt, excluding the current educational year. The member shall be notified in writing, via certified mail, of the Commission's action on the application for the removal of the exemption. In no case shall a member be required to certify completion of more than twenty-five (25) credits, including applicable ethics credits, as a condition of removal of the exemption. Timely certification shall include only continuing legal education credits earned during the current educational year and two prior educational years. This Rule in no way affects the member's responsibility to complete the current year minimum annual education requirement by June 30th. The current year minimum educational requirement must be completed as set forth at SCR 3.661.

(7) Application for removal of an exemption as provided in SCR 3.666(6) shall be made by completion of forms provided by the Association. The application shall include certification of completion of such continuing legal education activities as required by these rules, including SCR 3.661(3), SCR 3.662, SCR 3.663, SCR 3.665, or as otherwise specified by the Commission.

(8) The Commission shall approve the application for removal of a non-practice exemption if it appears that the member has satisfied the requirements of this Rule.

(9) Application for removal of an exemption granted pursuant to SCR 3.666(2)(a) may not be made within thirty (30) days of the granting of the exemption.

HISTORY: Amended by Order 2006-09, eff. 1-1-07; prior amendments eff. 1-1-06 (Order 2005-10); 3-1-98 (Order 97-3), 7-1-95 (Order 95-1), 9-1-93, 8-1-92, 11-15-91, 9-15-90, 1-1-89, 1-1-88, 10-29-85, 6-25-85; adopted eff. 7-1-84