

DATE: September 6, 2011

TO: Board Committee on Operations

FROM: Working Group on Free Online MCLE

RE: Provision of Core Curriculum of Free Online MCLE in Legal Ethics

Background and Introduction

At the July Member Oversight Committee (MOC) meeting, the Council of State Bar Sections (Council) requested that a proposed plan to offer 25 hours of free online MCLE be tabled until interested members of the Board of Governors (Board) could work with the Sections to develop a mutually beneficial plan to offer free, online, participatory ethics training. The request was accepted, and this report to the Board Committee on Operations outlines the progress of the Working Group on Free Online MCLE (Working Group).

At the August 15, 2011 meeting of the Council, the Council voted unanimously to authorize the Section members of the Working Group to create a plan on behalf of the Sections in conjunction with members of the Board and the Office of Professional Competence.

The Section leadership possesses great expertise and collective wisdom regarding what works and what does not work when providing MCLE programs to California lawyers. As the central component of the educational arm of the State Bar, the Sections are perfectly positioned to develop and implement a plan to provide the Bar with a core curriculum in legal ethics that would benefit all Bar members and further the Bar's overall mission of protecting the public.

Proposal for Free Participatory MCLE Credit in Ethics

The Working Group, consisting of members of the State Bar Sections, the Board, and the Director of the Office of Professional Competence, met to discuss and further refine the plan outlined to MOC in July which it met with enthusiasm. The recommended plan is as follows:

- The Sections will work directly with the Office of Professional Competence on an ongoing basis to develop programs designed to address issues identified as particular problem areas and frequent causes of violations by lawyers. Sections will develop MCLE programs in these topic areas to increase the competency of lawyers and to protect the public.
- Sections will accept the responsibility of offering a monthly one-hour MCLE program in ethics, to be made available online at no charge on a 24/7 basis for the month. The free "program of the month" will rotate among the Sections on a monthly basis.

- To implement this plan without undue delay that may result from the development of new ethics programming in areas targeted by the Office of Professional Competence, selected Sections will make available existing on-line participatory ethics offerings.

The following is a sample of some of the existing on-line offerings by Sections that can be presented until additional archived programming is up and running:

January	Trusts & Estates Section <i>Estate Planning: Dealing with Ethical and Conflict of Interest Issues</i>
February	Criminal Law Section <i>Ethical Considerations for Prosecutors and Criminal Defense Attorneys</i>
March	Litigation Section <i>How Litigators Get in Hot Water with The State Bar and How to Avoid Getting Burned</i>

- In addition to the free “program of the month”, there will be four hours of ethics made available 24/7 on a rotating basis as deemed appropriate. These programs will include those offered by the Office of Professional Competence, and will focus on major issues affecting attorneys generally, regardless of any particular practice area.
- The foregoing programs will be advertised in a manner designed to encourage lawyers to take advantage of them on a monthly basis.
- This plan will result in up to 60 hours of free, participatory ethics MCLE offered per year (5 hours per month) – thereby providing a greater variety of ethics offerings that are timely, strategically planned in relation to content, and not subject to “cramming” at the end of a compliance period. Thus, attorneys will be more likely to absorb the information provided to them from these classes.
- It is anticipated that the Sections’ Education Chairs will be meeting at the Leadership Conference in January to develop a schedule for the first full year (2012).

Conclusion

The Working Group recommends that the Board Committee on Operations refer this project to the Board Task Force on Sections to finalize the implementation details of the plan. Thereafter, the plan will be forwarded to the Section Education Chairs for review and implementation at their meeting in January. Regular progress reports will be made to the Task Force on Sections and an annual report will be made to the Board.