

AGENDA ITEM

DATE: October 21, 2011

TO: Members, Task Force on Sections

FROM: Pam Wilson, Director, Section Education & Meeting Services

SUBJECT: Referral of Proposal to Offer Free Online MCLE in Ethics to Section Education Chairs

EXECUTIVE SUMMARY

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 State Bar members and further the Bar's overall mission of protecting the public.

BACKGROUND

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.

At the August 15, 2011 meeting of the Council, the Council voted unanimously to authorize the Section members of the Working Group on Free Online MCLE (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 Working Group presented a preliminary plan to the Board Committee on Operations at their September 17, 2011 meeting. The Board Committee on Operations referred the project to the Board Task Force on Sections to finalize the details of the plan and, thereafter, forward it to the Section Education Chairs for review and implementation at their meeting in January 2012.

DISCUSSION

The Working Group, consisting of members of the State Bar Sections, the Board, and the Director of the Office of Professional Competence prepared the following plan to provide members of the Bar with a curriculum of free online MCLE in legal ethics:

- 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 5 hours of free, participatory ethics MCLE offered 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.
- The Sections’ Education Chairs will be meeting at the Leadership Conference in January to develop a schedule for the first full year (2012).

FISCAL / PERSONNEL IMPACT:

No impact to the General fund.

BOARD BOOK IMPACT:

None.

RECOMMENDATION:

The following plan to provide members of the State Bar with a curriculum of free online MCLE in legal ethics will be referred to the Section Education Chairs for implementation:

- 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.
- 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.
- 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.
- Staff is instructed to implement this plan beginning in January 2012 with 5 hours of selected programming made available from existing on-line participatory ethics offerings until the development of new ethics programming in areas targeted by the Office of Professional Competence is available.

PROPOSED BOARD COMMITTEE RESOLUTION:

Should the Task Force on Sections agree with the above recommendation, the following resolution would be appropriate:

RESOLVED, that the Task Force on Sections requests the Section Education Chairs to implement the proposed plan to offer a curriculum of free online MCLE in legal ethics; and it is

FURTHER RESOLVED, a status report will be provided to the Task Force on Sections.