

MOC III-C - Attachment B

TITLE 3. PROGRAMS AND SERVICES

Adopted July 2007

(proposed amendments with additions underlined and deletions in strike out, for public comment, July 2013)

DIVISION 5. PROVIDERS OF PROGRAMS AND SERVICES

Chapter 1. Providers of Continuing Legal Education

Article 1. Global provisions

Rule 3.600 Definitions

- (A) An “[Insert begins]MCLE[Insert ends] activity” is ~~[Delete begins]MCLE[Delete ends]~~[Insert begins]minimum continuing legal education[Insert ends] that the State Bar approves as meeting standards for MCLE credit.
- (B) A “provider” is an individual or entity approved by the State Bar to grant MCLE credit for an ~~[Delete begins]educational[Delete ends]~~[Insert begins]MCLE[Insert ends] activity.
- (C) A “Single Activity Provider” is approved to grant credit for a single [Insert begins]MCLE[Insert ends] activity after submitting an application for approval of the activity in accordance with State Bar procedures and paying the appropriate processing fee.
- (D) A “Multiple Activity Provider” is approved to grant credit for any [Insert begins]MCLE[Insert ends] activity that complies with the terms of the Multiple Activity Provider Agreement.¹
- (E) “MCLE credit” is the number of credit hours that a member may claim to meet the requirements of these rules[Insert begins].[Insert ends]
- (F) A “credit hour” is sixty minutes actually spent in an ~~[Delete begins]educational[Delete ends]~~[Insert begins]MCLE[Insert ends] activity, less any time for breaks or other activities that lack educational content. A credit hour is reported to the nearest quarter hour in decimals. MCLE credit includes time for introductory and concluding remarks and for questions and answers.
- (G) An “approved jurisdiction” is recognized by the State Bar as having MCLE requirements that substantially meet State Bar standards for ~~[Delete begins]educational[Delete ends]~~ [Insert begins]MCLE[Insert ends] activities and computing MCLE credit hours in a manner acceptable to the State Bar. Approved jurisdictions are listed on the State Bar Web site.

¹ Business & Professions Code § 6070 (b) provides that programs offered by the California District Attorneys Association and the California Public Defenders Association are deemed to be approved MCLE.

[Insert begins](H) A “participatory activity” is an MCLE activity for which the provider must verify attendance. Participatory activities may be presented in person or delivered by electronic means. [Insert ends]

[Insert begins](I) A “self-study activity” is any MCLE activity identified in Rule 2.83. Self-study activities may be presented in person or delivered by electronic means. [Insert ends]

[Insert begins](J) “State Bar MCLE Activity Auditors” are individuals designated by the State Bar to conduct audits of MCLE activities on behalf of the State Bar for the purpose of evaluating compliance by providers with these rules.[Insert ends]

Rule 3.600 adopted as Rule 3.500 effective January 1, 2008; renumbered as Rule 3.600 effective November 4, 2011.

Rule 3.601 [Delete begins]Standards[Delete ends][Insert begins]MCLE Activities[Insert ends]

To be approved for MCLE credit, an [Delete begins]educational[Delete ends][Insert begins]MCLE[Insert ends] activity must meet State Bar standards.

- (A) The [Insert begins]MCLE[Insert ends] activity must relate to legal subjects directly relevant to members of the State Bar or have significant current professional and practical content.
- (B) The [Delete begins]provider[Delete ends][Insert begins]presenter of the MCLE activity[Insert ends] must have significant professional or academic experience related to its content.
- (C) Promotional material must state that the [Insert begins]MCLE[Insert ends] activity is approved for MCLE credit or that a request for approval is pending; specify the amount of credit offered; and indicate whether any of the credit may be claimed for required MCLE in legal ethics, elimination of bias, or [Delete begins]the prevention, detection, and treatment of substance abuse or mental illness that impairs professional [Delete ends]competence [Insert begins]issues.[Insert ends].²
- (D) [Delete begins]If the activity lasts more than an hour, [Delete ends]The provider must make substantive written materials [Insert begins]relevant to the MCLE activity[Insert ends] available either before or during [Insert begins]every MCLE[Insert ends] activity. Any materials provided online must [Delete begins]be available[Delete ends][Insert begins]remain[Insert ends] online for at least thirty calendar days following the activity.
- (E) Programs and classes must be scheduled so that participants are free of interruptions.

Rule 3.601 adopted as Rule 3.501 effective January 1, 2008; renumbered as Rule 3.601 effective November 4, 2011; amended effective January 1, 2013.

² Business & Professions Code § 6070 (b) provides that programs offered by the California District Attorneys Association and the California Public Defenders Association are deemed to be approved MCLE. State Bar Rule 2.84 provides that “A member may claim MCLE credit for educational activities that the [Insert begins]California[Insert ends] Board of Legal Specialization approves for certification or recertification.[Insert begins]” See State Bar Rule 2.72 for a description of competence issues and elimination of bias.[Insert ends]

Rule 3.602 Responsibilities of every provider

Every provider must

- (A) comply with any State Bar rules and terms applicable to an approved [Insert begins]MCLE[Insert ends] activity;
- (B) retain the Record of Attendance for an [Insert begins]MCLE[Insert ends] activity for four years from the date of the activity and submit it to the State Bar upon request[Delete begins];[Delete ends][Insert begins]. The record must include the title of the MCLE activity, date, total hours awarded, any credits awarded for legal ethics, elimination of bias, or competence issues as a component of the topic of the activity, and whether the activity is participatory or self-study;[Insert ends]
- (C) furnish [Delete begins]a[Delete ends][Insert begins]an[Insert ends] MCLE Certificate of Attendance to each attendee who has met the requirements for the [Insert begins]MCLE[Insert ends] activity[Insert begins]. The certificate must include the provider name, title of the MCLE activity, date, total hours awarded, any credits awarded for legal ethics, elimination of bias, or competence issues as a component of the topic of the activity, and whether the activity is participatory or self-study;[Insert ends]
- (D) give each attendee who completes an [Insert begins]MCLE[Insert ends] activity a State Bar MCLE Activity Evaluation Form or its equivalent; retain the completed form for at least one year; and submit it to the State Bar upon request;[Insert begins] and[Insert ends]
- [Delete begins](E) permit State Bar auditors to attend or otherwise audit an activity at no cost; and[Delete ends]
- [(Delete begins)F[Delete ends][Insert begins]E[Insert ends]] notify the State Bar in writing of any change in the name, address, or other contact information required by the State Bar.

Rule 3.602 adopted as Rule 3.502 effective January 1, 2008; renumbered as Rule 3.602 effective November 4, 2011.

[Insert begins]Rule 3.603 State Bar MCLE Activity Auditors[Insert ends]

[Insert begins]A State Bar MCLE Activity Auditor may be a State Bar staff member, Board of Trustees member, California Legal Specialization Board or Commission member, California Young Lawyers Association member or other person designated by the State Bar to conduct an audit of a particular MCLE program or class on behalf of the State Bar. A State Bar MCLE Activity Auditor may not have a business, financial or personal relationship with or oversight responsibility for the provider of the program or class being audited. A State Bar MCLE Activity Auditor may audit the particular MCLE program or class at no cost. [Insert ends]

Rule [Delete begins]3.603 Rule 3.603[Delete ends][Insert begins]3.604[Insert ends] Suspension or revocation of provider approval

The State Bar may suspend or revoke a provider's approval at any time for failure to comply with these rules or the terms of any applicable State Bar agreement.

Rule 3.603 adopted as Rule 3.503 effective January 1, 2008; renumbered as Rule 3.603 effective November 4, 2011.

[Insert begins]Rule 3.605 Complaints about Providers[Insert ends]

[Insert begins]The State Bar does not intervene in disputes between a provider and an attendee or potential attendee, but complaints the State Bar receives regarding a provider are considered in assessing the provider's compliance with these rules.[Insert ends]

Article 2. Multiple Activity Providers

Rule 3.620 Applying for Multiple Activity Provider status

To be considered for Multiple Activity Provider status, a provider must

- (A) within a two-year period receive State Bar approval for four different MCLE activities and hold them on four different dates; and
- (B) submit an application and processing fee for Multiple Activity Provider status within that same period.

Rule 3.620 adopted as Rule 3.520 effective January 1, 2008; renumbered as Rule 3.620 effective November 4, 2011.

Rule 3.621 Renewing Multiple Activity Provider status

To be eligible for renewal of up to three years, a Multiple Activity Provider must

- (A) apply for renewal using the State Bar form for Multiple Activity Provider Renewal;
- (B) submit evidence that it has offered four different [Insert begins]MCLE[Insert ends] activities that meet the requirements of these rules within the two years preceding its application for renewal;
- (C) submit the completed form and any required documentation by the deadline set by the State Bar; [Delete begins] and[Delete ends]

[Insert begins](D) submit any complaints it may have received regarding compliance with these rules; and[Insert ends]

([Delete begins]D[Delete ends][Insert begins]E[Insert ends]) pay the appropriate fees.

Rule 3.621 adopted as Rule 3.521 effective January 1, 2008; renumbered as Rule 3.621 effective November 4, 2011.

Summary Report: Litéra® Change-Pro ML 6.5.0.441 Document Comparison done on 7/2/2013 12:33:09 PM	
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