

“The Unified Voice of Legal Services”



June 25, 2014

The State Bar of California
180 Howard St.
San Francisco, CA 94105
Sent via email to: dina.diloreto@calbar.ca.gov

Subject: Comment on proposed changes to California MCLE

On behalf of the Legal Aid Association of California, I am writing to comment on the proposed changes to the calculation of California's Minimum Continuing Legal Education requirements.

Founded in 1983, the Legal Aid Association of California (LAAC) is a non-profit organization created for the purpose of ensuring the effective delivery of legal services to low-income and underserved people and families throughout California. LAAC is the statewide membership organization for over 80 non-profit legal services organizations. We are an approved MCLE provider, and we provide dozens of hours of trainings every year to our members.

We wish to address the proposed changes to the calculation of proportional MCLE requirements, specifically the requirement of Elimination of Bias credit. ***LAAC supports keeping the Elimination of Bias requirement intact within every member's requirements, regardless of the pro-rated total number of hours due.***

We maintain that preventing bias within society should be an important goal of the legal profession. LAAC's member organizations serve a highly diverse population. Many LAAC members employ attorneys in their first years of practice and those otherwise facing proportional MCLE requirements. All attorneys, particularly providers of legal aid, seek and benefit from trainings related to cultural competency and elimination of bias. Requiring continuing education in elimination of bias of all attorneys will improve their ability to fairly and zealously represent their clients and will further the broader contributions of the legal profession to society.

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in black ink that reads "Salena Copeland". The signature is written in a cursive, flowing style.

Salena Copeland
Executive Director
Legal Aid Association of California

From: [Vincent Cox](#)
To: [DiLoreto, Dina](#)
Subject: Public Comment Re: MCLE Proportional Requirement Table
Date: Wednesday, June 25, 2014 4:41:57 PM

Dear Ms. DiLoreto:

I do not believe that the proposed amended proportionalization rule would result in a substantial public benefit. The proposed amendment to the calculation would keep the required Elimination of Bias hour and the required Substance Abuse/ Competence Issues hour intact within every member's requirement, regardless of the pro-rated total number of hours due.

While these courses have a legitimate place in the CLE curriculum, I believe that new admittees' primary and urgent professional challenge is the acquisition of substantive skill sets that will allow them to render high quality service to their clients, and thus to the public. My sense of newer admittees that I have met, albeit subjective and unscientific, is that they are less likely to be in need of training in the elimination of bias and substance abuse. If we are to tailor our CLE requirements to newer attorneys, it would be wise to focus upon such matters as trust account management, attorney fee agreement drafting and enforcement, malpractice avoidance, and to attempt to teach them how to adopt practices to keep their knowledge current.

Vincent Cox
Leopold, Petrich & Smith
2049 Century Park East
Suite 3110
Los Angeles, CA 90067
Tel 310.277.3333
Fax 310.277.7444
State Bar #70511



June 25, 2014

VIA EMAIL (dina.diloreto@calbar.ca.gov)

State Bar of California
180 Howard Street
San Francisco, CA 94105

RE: Comment on Proposed Changes to California MCLE

On behalf of Asian Americans Advancing Justice - Los Angeles (Advancing Justice - LA), I am writing to comment on the proposed changes to the calculation of California's Minimum Continuing Legal Education requirements. Specifically, Advancing Justice - LA supports the proposed amendment to keep the required Elimination of Bias hour intact within every member's requirement, regardless of the pro-rated total number of hours due.

Advancing Justice - LA is the nation's largest legal and civil rights nonprofit organization for Asian Americans, Native Hawaiians, and Pacific Islanders (NHPI). Founded in 1983 as Asian Pacific American Legal Center, Advancing Justice - LA serves more than 15,000 individuals and organizations every year. Through direct services, impact litigation, policy advocacy, leadership development, and capacity building, Advancing Justice - LA focuses on the most vulnerable members of Asian American and NHPI communities, particularly low-income, limited English proficient (LEP) immigrants, while also building a strong voice for civil rights and social justice. Advancing Justice - LA is a State Bar-approved MCLE provider.

Under the existing guidelines for meeting MCLE requirements, those attorneys who are eligible to pro-rate the required 25 hours of MCLE hours over the 36-month compliance period need not complete any Elimination of Bias activities. Attorneys who qualify for the proportional requirement include new admittees. As an increasing number of newly admitted attorneys seek pro bono opportunities in order to gain important practical skills (and may soon be required to do so, per pending proposals before the State Bar's Task Force on Admission Regulation Reform), we strongly believe that education related to cultural competency and elimination of bias is critical to improve their ability to fairly and zealously represent their clients. Exposure to cultural competency and elimination of bias should be a foundational requirement for newly admitted attorneys, and therefore the Elimination of Bias requirement should be kept intact within every member's MCLE requirement, regardless of the pro-rated total number of hours due.

Thank you for your consideration of these comments.

Sincerely,

Nisha N. Vyas
Pro Bono Director



THE STATE BAR OF CALIFORNIA California Young Lawyers Association

June 27, 2014

VIA EMAIL (dina.diloreto@calbar.ca.gov)

ATTN: Dina DiLoreto
The State Bar of California
180 Howard Street
San Francisco, California 94105

Re: CYLA Public Comments to State Bar of California Proposed Changes to Calculation of Proportional MCLE Requirements

Dear Ms. DiLoreto:

The Board of Directors of the California Young Lawyers Association (CYLA) supports the proposed changes to the calculation of proportional MCLE requirements. With over 40,000 new and young lawyer members, CYLA's Board of Directors understand the impact of the proposed changes. Specifically, we are mindful of the State Bar's concern that new lawyers often are not exposed to an Elimination of Bias or a Prevention, Detection and Treatment of Substance Abuse or Mental Illness course before having lived through several years of practice, due to the way proportional requirements are calculated.

In light of this concern, we support the State Bar's proposed amendment to the calculation which would keep the required Elimination of Bias hour and the required Substance Abuse/Competence Issues hour intact within every member's requirement, regardless of the pro-rated total number of hours due. We believe that the proposed changes would 1) protect the public; and 2) assist young and new lawyers.

I. THE PROPOSED CHANGES SUPPORT THE STATE BAR'S PUBLIC PROTECTION MISSION, & EARLY EDUCATION ABOUT SUBSTANCE ABUSE AND ELIMINATION OF BIAS CAN HELP ATTORNEYS AVOID POTENTIAL PROBLEMS LATER IN THEIR CAREERS.

Knowledge about prevention, detection, and treatment of substance abuse or mental illness can help all attorneys better serve their clients. Most attorneys likely will face significant stress throughout their careers. Unfortunately, substance abuse or mental illness issues have played a

prominent role for some of the attorneys who have gone through the State Bar's disciplinary system. By taking a course on the prevention, detection, and treatment of substance abuse or mental illness early in their careers, attorneys can better understand the resources available, which hopefully will assist them in preempting or proactively addressing issues regarding substance abuse or mental illness should they arise in their personal lives. In addition, these courses may also help attorneys identify substance abuse or mental illness issues relating to their clients, third-party witnesses, or other persons involved in a case.

Similarly, early education about elimination of bias can assist attorneys in ensuring the fair administration of justice as officers of the court and increase young attorney awareness of access to justice issues and subtle biases involved in a case or transaction.

Finally, it does not appear that the proposed changes would impose additional costs or burdens for new and young attorneys because these are courses that all active attorneys already must complete. While CYLA understands that taking these courses results in some costs, we believe the useful information provided in the courses are worthwhile based on the even more significant costs of a State Bar disciplinary process or personal costs for those who are mired in substance abuse.

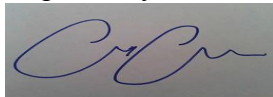
Together with the State Bar's proposed changes of possibly adding additional ethics courses requirements in the form of "applied ethics" in the first year for new admittees (based on the Task Force on Admission Regulation Reform recommendations), which is aimed at helping attorneys gain an early understanding of potential ethical scenarios and dilemmas, the aforementioned changes can protect the public and help attorneys avoid the State Bar disciplinary system. CYLA has also been closely monitoring the Task Force's meetings and is always looking to provide input on behalf of new and young lawyers.

II. CYLA CAN ASSIST WITH THE IMPLEMENTATION OF THE PROPOSED CHANGES ONCE THEY ARE APPROVED.

Should the proposed changes be approved, CYLA is prepared to assist the State Bar in implementing the changes. This can be in the form of disseminating to and sharing information with CYLA's 40,000 members, providing MCLE program speakers, and any other appropriate ways the State Bar sees fit.

Please contact me if you have any questions. If invited, CYLA Board Members can also participate in future hearings about the proposed changes.

Respectfully submitted,



Alexander Calero
CYLA Chair 2013-2014



Emily Aldrich
CYLA Vice-Chair/Chair Elect 2013-2014