

# AGENDA ITEM

115 JULY 17 2014

**DATE:** July 10, 2014

**TO:** Members, Board Committee on Operations

**FROM:** Joseph L. Dunn, Chief Executive Officer  
Pam Wilson, Senior Director, Office of Education

**SUBJECT:** Legal Education Seminars for Other State Agencies

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## EXECUTIVE SUMMARY

Attorneys employed full-time by the State of California are exempt from the Minimum Continuing Legal Education (MCLE) requirements. Notwithstanding that exemption, we have received requests from heads of various state agencies – attorneys with large attorney staffs – who want to provide legal education seminars, including ethics, for the agency attorneys. Staff recommends that the Board of Trustees endorse a plan for the State Bar to provide in-house continuing legal education, particularly in legal ethics, elimination of bias, and competence issues, at no cost to attorneys employed by state agencies.

Questions on this item should be directed to Pam Wilson at (415) 538-2395 or [Pam.Wilson@calbar.ca.gov](mailto:Pam.Wilson@calbar.ca.gov).

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## BACKGROUND / ISSUE

Attorneys employed full-time by the State of California are exempt from the Minimum Continuing Legal Education (MCLE) requirements. Notwithstanding that exemption, we have received requests from heads of various state agencies – attorneys with large attorney staffs – who want to provide legal education seminars, including ethics training, for the agency attorneys. In response to those requests, and in an effort to better protect the public, staff recommends developing a plan for the State Bar to provide in-house continuing legal education, particularly in legal ethics, elimination of bias, and competence issues, at no cost to attorneys employed by state agencies.

## DISCUSSION

Rules for Minimum Continuing Legal Education (MCLE) require active members of the State Bar of California to remain current regarding the law, the obligations and standards of the legal profession, and the management of their practices. However, there are exemptions to these requirements, as follows.

Rules of the State Bar, Title 2, Div. 4, Rule 2.54 Exemptions:

- (A) The following active members are exempt from MCLE requirements, provided they claim the exemption in their assigned compliance periods using My State Bar Profile online or an MCLE Compliance Form:
- 1) officers and elected officials of the State of California;
  - 2) full-time professors at law schools accredited by the State Bar of California or the American Bar Association;
  - 3) those employed full-time by the State of California as attorneys or administrative law judges on a permanent or probationary basis, regardless of their working hours, who do not otherwise practice law; and
  - 4) those employed full-time by the United States government as attorneys or administrative law judges on a permanent or probationary basis, regardless of their working hours, who do not otherwise practice law.

Heads of various state agencies have expressed a desire to provide legal education, including ethics training, to the agency attorneys, notwithstanding the exemption for attorneys employed full-time by the State of California. In response, and in an effort to better protect the public, staff recommends developing a plan for the State Bar to provide in-house continuing legal education, particularly in legal ethics, elimination of bias, and competence issues, at no cost to attorneys employed by state agencies.

The State Bar Office of Education is well situated to develop a plan to coordinate State Bar resources and make available a team of experts to provide that in-house continuing legal education. Preliminarily, the Public Law Section has expressed interest in working with the State Bar Office of Education in exploring that concept.

**FISCAL / PERSONNEL IMPACT:**

Reimbursement of travel expenses for speakers who provide the in-house legal training.

**RULE AMENDMENTS:**

None

**BOARD BOOK IMPACT:**

None

## **RECOMMENDATION**

Staff recommends that the Board of Trustees endorse a plan for the State Bar to provide in-house continuing legal education, particularly in legal ethics, elimination of bias, and competence issues, at no cost to attorneys employed by state agencies.

## **PROPOSED BOARD COMMITTEE RESOLUTION:**

Should the Board Committee on Operations agree with the above recommendation, the following resolution would be appropriate:

**RESOLVED**, that the Board Committee on Operations recommends that the Board of Trustees endorse a plan for the State Bar to provide in-house continuing legal education, particularly in legal ethics, elimination of bias, and competence issues, at no cost to attorneys employed by state agencies.

## **PROPOSED BOARD RESOLUTION:**

Should the Board of Trustees agree with the above recommendation, the following resolution would be appropriate:

**RESOLVED**, that the Board of Trustees endorses a plan for the State Bar to provide in-house continuing legal education, particularly in legal ethics, elimination of bias, and competence issues, at no cost to attorneys employed by state agencies.