

ATTACHMENT C

CALIFORNIA RULES OF COURT

Title 9. Rules on Law Practice, Attorneys and Judges

Chapter 3. Legal Education

Rule 9.31. Minimum continuing legal education

(a) Statutory authorization

This rule is adopted under Business and Professions Code section 6070.

(b) State Bar minimum continuing legal education program

The State Bar must establish and administer a minimum continuing legal education program under rules adopted by the Board of ~~Governors~~ Trustees of the State Bar. These rules may provide for ~~carryforward~~ carry forward of excess credit hours, staggering of the education requirement for implementation purposes, and retroactive credit for legal education.

(c) Recurrent minimum continuing legal education requirements

~~Each~~ An active member of the State Bar (1) not exempt under Business and Professions Code section 6070, (2) not a full-time employee of the United States Government, its departments, agencies, and public corporations, acting within the scope of his or her employment, and (3) not otherwise exempt under rules adopted by the Board of ~~Governors~~ Trustees of the State Bar, must, within 36-month periods designated by the State Bar, complete at least 25 hours of legal education approved by the State Bar or offered by a State Bar-approved provider. Four of those hours must address legal ethics. Members may be required to complete legal education in other specified areas within the 25-hour requirement under rules adopted by the State Bar. Each active member must report his or her compliance to the State Bar under rules adopted by the Board of ~~Governors~~ Trustees of the State Bar.

(d) First-year minimum continuing legal education requirements

A new member of the State Bar not otherwise exempt under rules adopted by the Board of Trustees of the State Bar is required to complete 10 hours of

legal education by the end of the first year following admission. These 10 hours are in addition to the 25 hours of legal education required under subpart (c). [Insert Text End]

([Delete Text Begin]d[Delete Text End][Insert Text Begin]e[Insert Text End]) Failure to comply with program

A member of the State Bar who fails to satisfy the requirements of the State Bar's minimum continuing legal education program must be enrolled as an inactive member of the State Bar under rules adopted by the Board of [Delete Text Begin]Governors[Delete Text End][Insert Text Begin]Trustees[Insert Text End] of the State Bar.

([Delete Text Begin]e[Delete Text End][Insert Text Begin]f[Insert Text End]) Fees and penalties

The State Bar has the authority to set and collect appropriate fees and penalties.

BUSINESS & PROFESSIONS CODE

Division 3. Professions and Vocations Generally

Chapter 4. Attorneys

Article 4.5. Mandatory Continuing Legal Education

6070. (a) The State Bar shall request the California Supreme Court to adopt a rule of court authorizing the State Bar to establish and administer a mandatory continuing legal education program. The rule that the State Bar requests the Supreme Court to adopt shall require that, within designated 36-month periods, all active members of the State Bar shall complete at least 25 hours of legal education activities approved by the State Bar or offered by a State Bar approved provider, with four of those hours in legal ethics. [\[Insert Text Begin\]Additionally, the rule shall require all newly admitted members to complete at least 10 hours of first-year continuing legal education.\[Insert Text End\]](#) A member of the State Bar who fails to satisfy the mandatory continuing legal education requirements of the program authorized by the Supreme Court rule shall be enrolled as an inactive member pursuant to rules adopted by the Board of Trustees of the State Bar.

(d) The State Bar shall provide and encourage the development of low-cost programs and materials by which members may satisfy their continuing education requirements. Special emphasis shall be placed upon the use of internet capabilities and computer technology in the development and provision of no-cost and low-cost programs and materials. Towards this purpose, the State Bar shall ensure that by July 1, 2000, any member possessing or having access to the Internet or specified generally available computer technology shall be capable of satisfying the full self-study portion of his or her [\[Insert Text Begin\]recurrent\[Insert Text End\]](#) MCLE requirement at a cost of fifteen dollars (\$15) per hour or less.

RULES OF THE STATE BAR OF CALIFORNIA

Title 2. Rights and Responsibilities of Members

Division 4. Minimum Continuing Legal [Delete Text Begin]EducationRule[Delete Text End]
[Insert Text Begin]Education[Insert Text End]

[Insert Text Begin]Rule[Insert Text End] 2.50 Purpose of MCLE

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. [Insert Text Begin]All new members must complete first-year MCLE regardless of status.[Insert Text End] A member's involuntary enrollment as inactive for failing to comply with these rules is public information available on the State Bar Web site.

RULES OF THE STATE BAR OF CALIFORNIA

Title 2. Rights and Responsibilities of Members

Division 4. Minimum Continuing Legal Education

Rule 2.53 New members

[Insert Text Begin](A) A new member must complete first-year MCLE by the end of the first year following admission.[Insert Text End][Insert Text Begin]¹[Insert Text End]

([Delete Text Begin]A[Delete Text End][Insert Text Begin]B[Insert Text End]) A new member is permanently assigned to a compliance group on the date of admission [Delete Text Begin]¹[Delete Text End][Insert Text Begin]for recurrent MCLE requirements[Insert Text End][Insert Text Begin]²[Insert Text End].

([Delete Text Begin]B[Delete Text End][Insert Text Begin]C[Insert Text End]) The initial compliance period [Insert Text Begin]for recurrent MCLE[Insert Text End] for a new member begins on the first day of the month in which the member was admitted. It ends when the period ends for the compliance group. If the initial period is less than the period for the compliance group, the required credit hours may be reduced as provided in these rules.

([Delete Text Begin]C[Delete Text End][Insert Text Begin]D[Insert Text End]) A new member may not claim credit for education taken before the [Delete Text Begin]initial[Delete Text End][Insert Text Begin]applicable[Insert Text End] compliance period.

[Insert Text Begin]¹ Bus. & Prof. Code § 6070(a); Rule of Court, rule 9.31(d).[Insert Text End]

[Delete Text Begin]1 (c) [Delete Text End]

[Delete Text Begin]1 (c) [Delete Text End]

[Delete Text Begin]1 (c) [Delete Text End]

[Delete Text Begin]1 (c) [Delete Text End]

[Delete Text Begin]1 (c) [Delete Text End]

[Insert Text Begin]² Bus. & Prof. Code § 6070(a); Rule of Court, rule 9.31(c).[Insert Text End]

RULES OF THE STATE BAR OF CALIFORNIA

Title 2. Rights and Responsibilities of Members

Division 4. Minimum Continuing Legal Education

Rule 2.54 Exemptions

(A) The following active members are exempt from [\[Insert Text Begin\]recurrent\[Insert Text End\]](#) 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.

(B) Members whom this rule exempts by reason of their employment with the State of California or the United States government may provide pro bono legal services through a California qualified legal services project or a qualified support center , or through a legal services project or support center that primarily provides legal services without charge to indigent persons in another jurisdiction and is funded by the Legal Services Corporation or the Older Americans Act or receives funding administered by the jurisdiction's interest on lawyers trust accounts program.

[\[Insert Text Begin\]\(C\)New members who are admitted to the practice of law in good standing in another United States jurisdiction for at least four years are exempt from the six-hour first-year basic skills training requirements\[Insert Text End\]\[Insert Text Begin\]³\[Insert Text End\] \[Insert Text Begin\]provided they claim the exemption. The exemption must be claimed within the first year of admission when reporting compliance with the four-hour first-year legal ethics requirement.\[Insert Text End\]](#)

[\[Insert Text Begin\]³ State Bar Rule 2.72\(e\).\[Insert Text End\]](#)

RULES OF THE STATE BAR OF CALIFORNIA

Title 2. Rights and Responsibilities of Members

Division 4. Minimum Continuing Legal Education

Rule 2.55 Modifications

A member prevented from fulfilling ~~the~~any MCLE requirement for a substantial part of a compliance period because of a physical or mental condition, natural disaster, family emergency, financial hardship, or other good cause may apply for modification of MCLE compliance requirements. The State Bar must approve any modification.

RULES OF THE STATE BAR OF CALIFORNIA

Title 2. Rights and Responsibilities of Members

Division 4. Minimum Continuing Legal Education

Rule 2.71 Compliance periods

[Insert Text Begin](A) The first-year MCLE requirement may be satisfied no earlier than the four months preceding admission and must be completed no later than one year following the date of admission.[Insert Text End]

[Insert Text Begin](B)[Insert Text End] A compliance period [Insert Text Begin]for recurrent MCLE[Insert Text End] consists of thirty-six months. It begins on the first day of February and ends three years later on the last day of January. The three compliance groups begin and end their compliance periods in different years. A member must report MCLE compliance no later than the day following the end of the compliance period. The report must be made online using My State Bar Profile or with an MCLE Compliance Form. Fees for noncompliance are set forth in the Schedule of Charges and Deadlines.

RULES OF THE STATE BAR OF CALIFORNIA

Title 2. Rights and Responsibilities of Members

Division 4. Minimum Continuing Legal Education

Rule 2.72 Requirements

(A) Unless these rules indicate otherwise, a member who has been active throughout a thirty-six-month compliance period must complete twenty-five credit hours of MCLE activities. No more than twelve and a half credit hours may be self-study. Total hours must include no less than 6 hours as follows:

- (1) at least four hours of legal ethics;
- (2) at least one hour dealing with the recognition and elimination of bias in the legal profession and society by reason of, but not limited to, sex, color, race, religion, ancestry, national origin, physical disability, age, or sexual orientation; and
- (3) at least one hour of education addressing substance abuse or other mental or physical issues that impair a member's ability to perform legal services with competence.

(B) Required education in legal ethics, elimination of bias, or competence issues may be a component of an [Delete Text Begin]approved [Delete Text End]MCLE activity that deals with another topic.

(C) A member may reduce the required twenty-five hours in proportion to the number of full months the member was inactive or exempt in the thirty-six-month compliance period. Up to half the reduced hours may be self-study. A tool for applying this formula is available at the State Bar Web site.

(D) Excess credit hours may not be applied to the next compliance period.

[Insert Text Begin](E)Unless these rules indicate otherwise, a new member regardless of status must complete first-year MCLE requirements, which consist of ten credit hours of MCLE activities including four hours of first-year legal ethics and six hours of first-year basic skills training. None of these hours may be self-study.[Insert Text End]

RULES OF THE STATE BAR OF CALIFORNIA

Title 3. Programs and Services

Division 5. Providers of Programs and Service

Chapter 1. Providers of Continuing Legal Education

Article 1. Global provisions

Rule 3.601 MCLE Activities

To be approved for MCLE credit, an MCLE activity must meet State Bar standards.

- (A) The MCLE activity must relate to legal subjects directly relevant to members of the State Bar or have significant current professional and practical content.
- (B) The presenter of the MCLE activity must have significant professional or academic experience related to its content.
- (C) Promotional material must state that the MCLE 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, ~~[Delete Text Begin]~~or ~~[Delete Text End]~~competence issues~~[Insert Text Begin]~~, first-year legal ethics, or first-year basic skills training~~[Insert Text End]~~.²
- (D) If the activity lasts one hour or more, the provider must make substantive written materials relevant to the MCLE activity available either before or during the activity. Any materials provided online must remain online for at least thirty calendar days following the MCLE activity.
- (E) Programs and classes must be scheduled so that participants are free of interruptions.

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 California Board of Legal Specialization approves for certification or recertification.” See State Bar Rule 2.72 for a description of competence issues and elimination of bias.

RULES OF THE STATE BAR OF CALIFORNIA

Title 3. Programs and Services

Division 5. Providers of Programs and Service

Chapter 1. Providers of Continuing Legal Education

Article 1. Global provisions

Rule 3.602 Responsibilities of every provider

Every provider must

- (A) comply with any State Bar rules and terms applicable to an approved MCLE activity;
- (B) retain the Record of Attendance for an MCLE activity for four years from the date of the activity and submit it to the State Bar upon request. The record must include the title of the MCLE activity, date, total hours awarded, any credits awarded for legal ethics, elimination of bias, ~~[Delete Text Begin]~~or ~~[Delete Text End]~~competence issues[Insert Text Begin], first-year legal ethics, or first-year basic skills training~~[Insert Text End]~~ as a component of the topic of the activity, and whether the activity is participatory or self-study;
- (C) furnish an MCLE Certificate of Attendance to each attendee who has met the requirements for the MCLE activity. 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, ~~[Delete Text Begin]~~or ~~[Delete Text End]~~competence issues[Insert Text Begin], first-year legal ethics, or first-year basic skills training~~[Insert Text End]~~ as a component of the topic of the activity, and whether the activity is participatory or self-study;
- (D) give each attendee who completes an MCLE 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; and
- (E) notify the State Bar in writing of any change in the name, address, or other contact information required by the State Bar.