AGENDA ITEM

708 DECEMBER 2017

DATE: **November 22, 2017**

TO: **Members, Board of Trustees**

FROM: **Randall Difuntorum, Program Manager, Professional Competence**

SUBJECT: **Update on the Ten-Hour New Attorney Training Program**

EXECUTIVE SUMMARY

At its October 6, 2017, meeting, the Board of Trustees ("Board") approved the procurement of an e-learning vendor to consult with the State Bar and to develop ten hours of continuing legal education courses that will implement the State Bar's 10-Hour New Attorney Training Program. This item provides a status report on the project and seeks the Board's concurrence with staff's plan to proceed with the February 1, 2018 start date with less than all of the e-learning modules completed.

BACKGROUND

The "New Attorney Training Program," under Rule 2.53(D) of Title 2, Division 4, Chapter 1 of the Rules of the State Bar ("Rule 2.53(D"), becomes operative on February 1, 2018, and provides that: "A new member is required to complete a State Bar New Attorney Training program during the first year of admission which can also be applied to the regular MCLE requirement."

A staff working group was established to guide the development of the curriculum and oversee implementation. The working group is comprised of staff from the Offices of the Chief Trial Counsel, Member Records and Compliance, Professional Competence, and Research and Institutional Accountability.[1] Following Board action to approve the procurement of InfoPro Learning, Incorporated ("InfoPro") as the vendor for producing the e-learning modules, the vendor agreement was executed by InfoPro on October 10, 2017 and by the State Bar on October 11, 2017. In addition, consultant agreements were executed with three subject matter

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[1] At the start of this project, the staff working group obtained participation from external stakeholders to assist in studying the subjects to include in the ten-hour curriculum. The external stakeholders included representatives from the Task Force on Admissions Regulation Reform, California Young Lawyers Association, and Committee of Bar Examiners. Liaisons from Supreme Court staff and the Board's Committee on Admissions and Education also participated and provided valuable guidance.

experts retained to work closely with InfoPro on the substantive content of the e-learning modules.

DISCUSSION

On October 26 – 27, 2017, State Bar staff and the subject matter experts met with the InfoPro team. This two-day kick-off meeting included an orientation, subject matter expert on-boarding sessions, project planning, and design workshops. Since that meeting, InfoPro has held numerous meetings with subject matter experts to develop the e-learning modules and several modules have progressed to the storyboard stage of production.

Although significant progress continues, the InfoPro project manager has advised State Bar staff that it is likely that some of the modules will not be completed in time for the February 1, 2018 start date. The current estimate is that six of the nine individual modules[2] will be timely completed with the remaining three modules completed by February 18, 2017.

State Bar staff is planning to launch the training program as scheduled with the six modules together with a clear notice that the requirement is for completion of all nine modules and a statement that the remaining modules would be available by March 1, 2017. The March 1, 2017 date allows for possible delays in uploading the remaining modules to the learning management system.

MCLE compliance staff has considered this plan and does not believe that full compliance will be adversely impacted based on the State Bar's past experience with lawyer compliance behavior with continuing legal education deadlines. The anticipated peak times for demand of the modules will be when new attorneys approach their one year anniversaries in 2019, as well as in January every year, just prior to regular MCLE compliance reporting on February 1st. Additionally, the peak months for new attorney enrollment are traditionally June and December, when the vast majority of attorneys are sworn in, following Bar Exam results. Accordingly, it is not expected that many lawyers would seek to fulfill the new requirement in its entirety during the month of February of 2018.

If, instead, the Board believes that it would be preferable to start the new program only with all of the modules completed, then the Board retains the authority to change the operative date of Rule 2.53(D). Should the Board elect to take this approach, staff recommends a new operative date of March 1, 2018.

FISCAL/PERSONNEL IMPACT

The agreement for the services of an e-learning vendor is a budgeted expenditure. The total cost of the "New Attorney Training Program" is not expected to exceed $250,000.

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[2] The ten hours of curriculum will be produced as nine separate e-learning modules providing: four hours of legal ethics (formation of the lawyer-client relationship, communication duties, duties to a tribunal, trust accounting, and more); three hours of basic skills (voluntary pro bono, civility and professionalism, use of technology, law practice management, and more); one and a half hours of competency (detection of substance abuse, mental health issues, and more); and one and a half hours of elimination of bias (understanding implicit bias, strategies for overcoming bias, and more).

RULE AMENDMENTS

None

BOARD BOOK IMPACT

None

BOARD GOALS & OBJECTIVES

Goal: 2. Ensure a timely, fair, and appropriately resourced admissions, discipline, and regulatory system for the more than 250,000 lawyers licensed in California.

Objective: d. Develop and implement new attorney MCLE requirements and evaluate their impact and effectiveness.

RECOMMENDATION

Staff recommends that the Board of Trustees approve the following resolution:

> **RESOLVED**, that the Board of Trustees approves the February 1, 2018 start date of the State Bar New Attorney Training program implemented pursuant to Rule 2.53(D) of Title 2, Division 4, Chapter 1 of the Rules of the State Bar, with most but not all of the nine e-learning modules available on that date and provided that any remaining modules will be available, at the latest, on March 1, 2018.

ATTACHMENT(S) LIST

None.