



# The State Bar of California

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## **OPEN SESSION AGENDA ITEM 703 JULY 2021**

**DATE:** July 22, 2021

**TO:** Members, Board of Trustees

**FROM:** Randall Difuntorum, Director, Office of Professional Competence

**SUBJECT:** Approval of Proposed Plan for Preventative Education for Attorneys

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### **EXECUTIVE SUMMARY**

The Strategic Plan calls for the creation of a fully articulated preventative education plan. This agenda item presents a staff proposal for a five-year plan to develop and deploy both e-learning courses and self-assessment modules.

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### **BACKGROUND**

The 2017–2022 Strategic Plan includes Goal 2, Objective f, which provides for the State Bar to:

No later than July 1, 2021, create a fully articulated preventative education approach to include a self-assessment component as well as client trust accounting modules which may be mandatory for some attorneys.

The Board of Trustees first discussed the concept of a self-assessment program at its Strategic Planning meeting on January 26–27, 2018. This discussion included a presentation on the self-assessment program used in Colorado. A primary benefit of a self-assessment program is that it facilitates a practitioner's awareness of gaps in knowledge of, and compliance with, professional responsibilities. It can also be a method for delivering information and resources targeted to the learner's areas of weakness. For the learner, the goal is that gaining knowledge of these gaps and access to relevant resources provides an incentive to make improvements that enhance competent law practice. In turn, this enhanced competence can lead to avoidance of preventable attorney misconduct and ultimately protect clients. At the Board's July 2020

meeting, the Board approved proceeding with an online interactive format that will address multiple subjects in separate modules. The program would be voluntary, permit anonymous use, offer Minimum Continuing Legal Education (MCLE) credit, and collect only nonpersonalized, aggregated data. The first module developed would address client trust accounting practices. The adoption of an articulated plan proposed in this agenda item is the next step in advancing the Board's self-assessment initiative. The plan provides a road map for continued preventative education through both self-assessment modules and e-learning courses.

How is an e-learning course different from a self-assessment module? An e-learning course provides training and education using an online platform to deliver a media-rich interactive experience with links to available resources and knowledge check tests. Typically, however, the test results only tell a learner which questions were correctly and incorrectly answered, and invite the learner to retake the course. In addition, the questions only address the substantive points that are taught in the course and do not inquire about the learner's own practices. For example, the course might include a true or false question asking if the duties of attorneys require that they maintain an Interest on Lawyers' Trust Account (IOLTA) bank account when engaged in the practice of law. A correct answer would suggest that the attorney understood the teaching on this point, but that answer would not necessarily reveal any insights into their own practices.

A self-assessment deployed for the purpose of facilitating proactive risk-based regulation, on the other hand, can include the following:

1. In addition to asking questions about the substance of education and training, it asks the learner questions about their specific practices. For example, it might ask the learner if it is their practice to give notice to the State Bar when they open or close an IOLTA account.
2. The responses to the questions can be analyzed by the program to output references to specific resources tailored to the subject matter of the questions that were answered inconsistent with requirements or best practices.
3. Profile data can be collected from learners, aggregated, and used to generate reports on the answers to the self-assessment questions concerning the learners' practices. For example, reports can be used to explore whether there are any trends based on the size of an attorney's firm (e.g., solo, small, midsize, or large law firm) in regard to the practice of giving notice to the State Bar when they open or close an IOLTA account.
4. The reports on the data collected can be studied and used to inform the development of: new resources that target weaknesses in attorney knowledge and practices, such as e-learning courses, ethics opinions, or articles; and proactive enforcement strategies, such as mandatory education in certain courses for certain attorneys, self-reporting requirements, or diversion programs that mandate certain aspects of law practice management training.

E-learning courses and a comprehensive self-assessment are complementary tools for training, as they facilitate an attorney's understanding of professional responsibilities generally and offer insights on their own personal practices. Not all topics, however, lend themselves to questions about the learner's practices. For example, an e-learning course, which teaches about the statutory mandatory fee arbitration program and encourages attorneys to volunteer as fee arbitrators, would not be content suitable for asking questions about an attorney's current practices. This is because the target audience would be attorneys who may know little about mandatory fee arbitration and are not presently involved with any fee arbitration program.

With the forgoing in mind, the Office of Professional Competence (OPC) has prepared the proposed five-year plan discussed below for the strategic development and deployment of both e-learning courses and self-assessment modules.

## **DISCUSSION**

OPC's plan is set forth in Attachments A and B. Attachment A is an overview of the self-assessment modules component of the five-year preventative education plan. Attachment B is an overview of the e-learning courses component of the plan. Each component of the plan is explained below.

## **DEVELOPMENT OF SELF-ASSESSMENT MODULES**

As set forth in Attachment A, the plan for self-assessment modules following the completion of the client trust accounting module already approved by the Board and in the process of development includes the creation of the following nine self-assessment modules:

1. Competence and Diligence in Representing Clients
2. Fee Arrangements, Fee Disputes, and Fee Sharing
3. Law Office Management, Staffing, and Supervision
4. Conflicts of Interests
5. Client Files, Including Electronically Stored Information
6. Communications with Clients and Marketing
7. Duty of Confidentiality
8. Access to Justice
9. Attorney Wellness and Implicit Bias Recognition and Elimination

These courses would provide basic information about each topic for the purpose of establishing a foundation for attorneys to understand the self-assessment questions posed after the educational information is presented. Foundational understanding is key because if an attorney lacks a basic understanding of a substantive topic (e.g., conflicts of interests), then their assessment of whether they satisfy existing requirements or employ best practices may be inaccurate. The intent is that both content and questions developed will serve to improve an attorney's understanding of how to perform and as a diagnostic tool to facilitate identification of any trends in attorney performance of duties and best practices.

The proposed topics covered in these modules track the topics used in the Colorado self-assessment program; however, the module sequence is different. (The Colorado program can be accessed [here](#).) This proposed selection of topics has been reviewed by the Office of Chief Trial Counsel (OCTC) staff, who provided input on the sequence of topics based on the frequency and severity of issues being brought to OCTC's attention. Among other things, the issues of fee arrangements and fee sharing were moved earlier in the development process than otherwise proposed. OCTC staff also noted that technology issues should be included in these topics where appropriate. This change was based on the recent amendment to the attorney competence rule, which now includes a comment providing that: "The duties set forth in this rule include the duty to keep abreast of the changes in the law and its practice, including the benefits and risks associated with relevant technology." (Rule 1.1, Cmt. [1].) In Attachment A, the self-assessment modules that are anticipated to address technology issues are noted.

OPC's plan contemplates that, with sufficient staffing resources, two modules can be produced each year. The modules would be deployed in sequence as each one is produced, with the last completed in second quarter 2026. The six-month production time for a single course is an estimate based on OPC's experience in the production of an e-learning course. The incentive for a lawyer to take a self-assessment course would be the availability of MCLE credit—in most cases, one hour of legal ethics credit.

As an ongoing process, after each course has been deployed for six months, the plan contemplates that the self-assessment data collected on that course would be studied to ascertain any trends or other inferences that might be drawn. Further, this information would be used to inform the development of new resources or even new self-assessment modules that target any identified weaknesses in the understanding of, or compliance with, the duties covered in the course.

For example, the data collected might suggest that, among all practitioners who have taken the client trust accounting course, a solo practitioner has a higher incidence of noncompliance with the client trust accounting requirement to conduct a reconciliation of trust accounting records each and every month. (See Rule of Professional Conduct 1.15(d)(3), Board-adopted record-keeping Standard 1(d).) If so, then new resources, such as an ethics opinion, could be considered, and a possible new self-assessment module focused on client trust accounting for a solo practitioner might be developed and even considered as mandatory preventative training for some attorneys.

The plan indicates that in the five-year period up to eight new self-assessment modules could be developed that are informed by the data collected on the initial 10 self-assessment modules. The last entry in the plan is a 2027 first-quarter report to the Board on the experience with the five-year plan and a comprehensive evaluation of all of the courses, data, and resources developed.

## **Development of E-Learning Courses**

E-learning training and education separate and apart from the self-assessment program are also anticipated during this five-year period. Attachment B provides OPC's proposed plan for those courses. Some of the courses anticipate regulatory developments arising from the completion of the work of the California Paraprofessional Program Working Group (CPPWG) and the Closing the Justice Gap Working Group (CTJG). The former will report to the Board in September 2021 and the latter in September 2022. The planned courses for each year are summarized below:

### **2021<sup>1</sup>**

#### **1. Client Trust Accounting**

The content of this course will include the same information as, and build upon, the anticipated 2021 client trust accounting self-assessment but will not include a self-assessment component. As some attorneys may be reluctant to use the self-assessment version of this course, OPC believes the content should be offered as a regular e-learning course to enhance the potential for the widest possible use by attorneys. Issues in client trust accounting practices routinely appear in the discipline system and in calls to the Ethics Hotline. It is possible that after data is collected on the self-assessment version of the client trust accounting course, the e-learning version of the course could be used for mandatory training purposes.

#### **2. Elimination of Bias Course**

Production of this course is already in progress. The content of the course will satisfy changes to the MCLE requirements for this specialized credit.

#### **3. Updated New Rules of Professional Conduct Course**

Changes to the Rules of Professional Conduct have occurred after the comprehensive revisions operative in November 2018. These changes include revisions to the competence rule and the fee-sharing rule developed by the Task Force on Access Through Innovation of Legal Services (ATILS), along with revisions to the rules that address retention of closed criminal case files consistent with statutory and case law standards. OPC has begun the task of reviewing the content of the new rules course to make appropriate changes to capture these recent rule revisions.

#### **4. Probation Course**

Production of this course is already in progress and substantially completed. It is intended as a mandatory course for attorneys in the disciplinary system and will augment the requirement that arises when a respondent attorney is subject to a disciplinary order to "read the Rules of Professional Conduct."

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<sup>1</sup> There are additional State Bar e-learning projects pending in 2021. These include a project to develop a Board of Trustees orientation course and a course for training arbitrators to serve in the Mandatory Fee Arbitration Program. These courses are not included in the five-year plan as they are not preventative education for attorneys.

## 2022

### 1. Provision of Limited Scope Representation

Included in the comprehensive changes to the rules of professional conduct, which became operative in 2018, is new language concerning limited scope representation. Rule 1.2(b) provides that: “A lawyer may limit the scope of the representation if the limitation is reasonable under the circumstances, is not otherwise prohibited by law, and the client gives informed consent.” This change was identified by the legal services community as an important revision for promoting access to justice. However, an attorney’s understanding of the elements of the rule could be enhanced by a dedicated course on the rule; for example, training on what is “reasonable” in this context. Compare [\*In the Matter of Valinoti\*](#) (Review Dept. 2002) 4 Cal. State Bar Ct. Rptr. 498: Respondent attorney’s practice of limiting representation of immigration clients to only certain appearances in immigration proceedings is not a proper limited scope representation.

### 2. Fee Arrangements, Fee Disputes, and Fee Sharing

The content of this course will include the same information as, and build upon the anticipated 2022 fee arrangements and fee disputes self-assessment module, but will not include a self-assessment component. Because some attorneys may be reluctant to use the self-assessment version of this course, OPC believes the content should be offered as a regular e-learning course to enhance the potential for the widest possible use by attorneys.

## 2023

### 1. Overview of the Licensed Paraprofessional Program

This course is included in the five-year plan in anticipation of a pilot program implementation of a new paraprofessional licensing program. Currently, the CPPWG has drafted a comprehensive set of Paraprofessional Rules of Professional Conduct and an e-learning course on the anticipated new program and the rules would help protect the public as attorneys may very well collaborate with paraprofessionals and thus need a strong understanding of the rules of professional conduct that govern these individuals’ practice.

### 2. Lawyer Advertising and Solicitation

This course is included in the five-year plan in anticipation of possible implementation of amendments to the rules governing attorney advertising and solicitation developed by the CTJG. The charter for the working group includes an evaluation of California’s and the American Bar Association’s attorney advertising and solicitation rules to determine whether and to what extent these rules inhibit or advance innovation and access to legal services.

## 2024

### 1. **Overview of Regulatory Sandbox Program**

This course is included in the five-year plan in anticipation of a possible implementation of a regulatory sandbox that is currently being developed by the CTJG. That working group is scheduled to submit a final report and recommendations to the Board in September 2022. A determination by the State Bar and other regulatory partners to proceed with a sandbox may result in many questions from consumers, attorneys, and potential sandbox applicants. An e-learning program demystifying the regulatory sandbox should help avoid confusion and encourage sandbox participation.

### 2. **Lawyer Provision of Nonlegal Services and Fee Sharing with a Nonlawyer**

This course is included in the five-year plan in anticipation of possible Rule of Professional Conduct proposals developed by the CTJG. The working group's charter assigns a study of a possible new rule regarding the delivery of nonlegal services by attorneys or by businesses owned or affiliated with attorneys. The working group's charter also includes consideration of amendments to the rules governing an attorney's sharing of legal fees with a nonattorney.

## 2025

### 1. **Trial Conduct Duties**

Duties in conducting a trial relate to: candor to a tribunal; contact with judges, jurors, and witnesses; suppression and falsification of evidence; and trial publicity.

## 2026

### 1. **Begin Project to Completely Refresh the 10-Hour New Attorney Training Program**

By 2026, the 10-hour New Attorney Training Program will have been in operation for about seven years and be due for a comprehensive review to consider a new curriculum or at least updated content. This consideration will be informed by the data collected by the various self-assessment modules that will have been deployed by that time. It will also be informed by any impending changes to the California Bar Examination, made in response to the Blue Ribbon Commission on the Future of the Bar Exam.

## **FISCAL/PERSONNEL IMPACT**

The cost of a typical e-learning course is known but contracting for the development of a self-assessment program that includes both a one-hour e-learning module and a survey module is new and involves additional production costs. OPC has been working with information technology (IT) staff in meeting with possible vendors to ascertain a rough estimate of the potential cost of a self-assessment module. Actual costs will be identified in the procurement process.

## ESTIMATED COSTS OF E-LEARNING COURSES

The proposed five-year plan for e-learning courses includes a total of 12 projects, the majority of which are planned as one-hour courses. There are three projects already in progress, with the costs previously budgeted. These projects are the 2021 production of a probation course, an implicit bias course, and a very narrow project to update the new rules course. The nine other e-learning projects include eight new one-hour courses and a major project to refresh the 10-hour New Attorney Training Program. The vendor cost for a typical one-hour e-learning course is about \$36,000. This excludes any costs to retain subject matter experts where State Bar staff or committee volunteers cannot provide such expertise. Whether subject matter expertise is needed will depend on the details of individual course development. However, as was the case with the 10-hour New Attorney Training Program and the new Rules of Professional Conduct course, some legal ethics expertise can be provided by staff from OCTC and OPC. Based on the foregoing, the estimated costs for the proposed five-year plan for e-learning courses is described below.

E-Learning Projects	Hour(s)	Estimated Cost
Eight new individual courses	One hour each for a total of eight hours	8 x \$36,000 = \$288,000
New attorney training refresh	10 hours	10 x \$36,000 = \$360,000
<b>Total</b>		<b>\$648,000</b>

## ESTIMATED COSTS OF SELF-ASSESSMENT MODULES

The proposed five-year plan for self-assessments includes production of a minimum of 10 modules, and up to eight more additional modules that will be determined based on the evaluation of data on the initial 10 modules. Each individual module is planned as a one-hour course. The vendor costs to produce a one-hour self-assessment is unknown. However, in interviewing potential vendors to research the costs, OPC and IT staff identified approximately \$45,000 as a rough estimate for a one-hour module. As noted above, this excludes any potential costs to retain subject matter experts. Based on the foregoing, the estimated costs for the proposed five-year plan for self-assessment modules is described below.

Self-Assessment Projects	Hour(s)	Estimated Cost
10 initial courses	One hour each for a total of 10 hours	10 x \$45,000 = \$450,000
Up to eight additional courses created after the evaluation of the data collected on the initial courses	One hour each for a total of eight hours	8 x \$45,000 = \$360,000
<b>Total</b>		<b>\$810,000</b>

It should be noted that OPC and IT staffs' research on self-assessment vendors has revealed that it might be prudent to consider separating the e-learning modules from the survey components. If this approach is ultimately used, then the production costs per course should be reduced, but there would be an additional cost for developing and implementing surveys in a separate platform. OPC anticipates that the procurement process for a vendor will reveal whether using a separate survey platform is a sound approach for producing the self-assessment modules.



## ESTIMATED COMBINED COURSE PRODUCTION COSTS FOR THE FIVE-YEAR PLAN

As specified below, the total estimated cost for the production of all e-learning courses and self-assessment modules included in the five-year plan is \$1,458,000.

Course Production Projects	Estimated Cost
All e-learning courses	\$648,000
All self-assessment modules	\$810,000
<b>Grand Total</b>	<b>\$1,458,000</b>

## STAFFING FOR THE PROPOSED PLAN

The proposed five-year plan requires a small infusion of staff resources or redirection of existing staff from currently identified priorities. While OPC has served in an oversight role for the State Bar's past e-learning initiatives and taken the lead on producing legal ethics related e-learning courses, OPC is not equipped to provide staffing for the proposed five-year plan. For example, as detailed in Attachment C, the year-by-year activity for the five-year plan includes more than one year where there are five or six courses scheduled to be produced. This volume of course production in a single year is beyond the capacity of current OPC staffing. Based on OPC's experience, adequate staffing for the five-year plan is likely to require the following dedicated staff: an attorney with legal ethics expertise; a program analyst or senior program analyst; and a program assistant II or III. These staff persons would handle all aspects of developing the courses: managing ongoing administration including learning management system (LMS) oversight, coordinating vendor and IT staff integration work, data collection, creating reports, arranging internal staff meetings to evaluate the data and reports, user trouble-shooting, and monitoring quality control. In particular, the attorney would serve as the resident legal ethics expert for the multiple self-assessment and e-learning courses that require legal ethics expertise.

In addition to the basic staffing needs for managing the work in the five-year plan, the following additional State Bar staff are anticipated to contribute staff time to this project.

Possible Additional Staffing	Activities
Office of Chief Trial Counsel attorneys	Review and testing of courses involving legal ethics and practice management
Office of Professional Competence attorneys	Review and testing of courses involving legal ethics and practice management
Office of Research & Institutional Accountability staff	Assistance in analyzing self-assessment data and producing reports
Office of Access & Inclusion staff	Subject matter experts for elimination of bias course(s)
Lawyer Assistance Program staff	Subject matter experts for attorney wellness course(s)
Information Technology staff	LMS management and ongoing integration administration

## **AMENDMENTS TO RULES OF THE STATE BAR**

None

## **AMENDMENTS TO BOARD OF TRUSTEES POLICY MANUAL**

None

## **STRATEGIC PLAN GOALS & OBJECTIVES**

Goal: 4. Ensure a timely, fair, and appropriately resourced admissions, discipline, and regulatory system for the more than 250,000 lawyers licensed in California.

Objective: d. No later than July 1, 2021, create a fully articulated preventative education approach to include a self-assessment component as well as client trust accounting modules which may be mandatory for some attorneys.

## **RECOMMENDATIONS**

**Should the Board of Trustees concur in the proposed action, passage of the following resolution is recommended:**

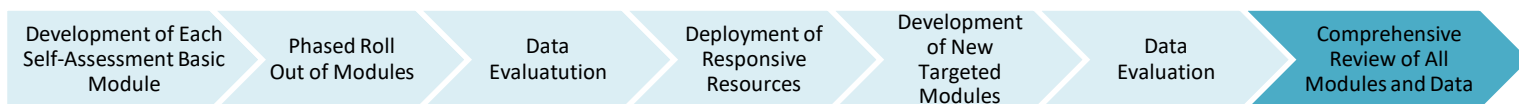
**RESOLVED**, that the Board of Trustees approves in concept the proposed five-year plan for a preventative education approach that includes self-assessment and e-learning components and contemplates the ongoing development of specific courses by staff in consultation with the leadership of the Regulation and Discipline Committee; and it is

**FURTHER RESOLVED**, that the Board of Trustees identifies the development of preventative education as a priority and directs staff to allocate appropriate funding for this purpose.

## **ATTACHMENT(S) LIST**

- A.** Overview of the Self-Assessment Component of a Preventative Education Plan
- B.** Overview of the E-Learning Component of a Preventative Education Plan
- C.** Year by Year Self-Assessment and E-Learning Activity Table

## Self-Assessment Component of a Preventative Education Plan



Deliverable Tracking Number	Project Schedule (target completion)	Stage One: Development of Self-Assessment Basic Modules to Gather Initial Diagnostic Data
1-1	2021 Q4	Client Trust Accounting (see Colorado #8) [includes a technology component]
1-2	2022 Q2	Competence and Diligence in Representing Clients (see Colorado #1) [includes a technology component]
1-3	2022 Q4	Fee Arrangements, Fee Disputes, and Fee Sharing (see Colorado #7)
1-4	2023 Q2	Law Office Management, Staffing, and Supervision (see Colorado #6)
1-5	2023 Q4	Conflicts of Interests (see Colorado #4)
1-6	2024 Q2	Client Files, including Electronically Stored Information (see Colorado #5) [includes a technology component]
1-7	2024 Q4	Communications with Clients and Marketing (see Colorado #2) [includes a technology component]
1-8	2025 Q2	Duty of Confidentiality (see Colorado #3) [includes a technology component]
1-9	2025 Q4	Access to Justice (see Colorado #9)
1-10	2026 Q2	Attorney Wellness and Implicit Bias Recognition/Elimination (see Colorado #10)

Deliverable Tracking Number	Project Schedule (each 12 months target completion)	Stage Two: Modules are Rolled Out in Sequence with Two Modules Deployed Approximately Every Twelve Months
2-1	2021 Y/E	<ul style="list-style-type: none"> <li>Client Trust Accounting</li> </ul>
2-2	2022 Y/E	<ul style="list-style-type: none"> <li>Competence and Diligence in Representing Clients</li> <li>Fee Arrangements, Fee Disputes, and Fee Sharing</li> </ul>
2-3	2023 Y/E	<ul style="list-style-type: none"> <li>Law Office Management, Staffing, and Supervision</li> <li>Conflicts of Interests</li> </ul>
2-4	2024 Y/E	<ul style="list-style-type: none"> <li>Client Files, including Electronically Stored Information</li> <li>Communications with Clients and Marketing</li> </ul>
2-5	2025 Y/E	<ul style="list-style-type: none"> <li>Duty of Confidentiality</li> <li>Access to Justice</li> </ul>
2-6	2026 Y/E	<ul style="list-style-type: none"> <li>Attorney Wellness and Implicit Bias Recognition/Elimination</li> </ul>

Deliverable Tracking Number	Project Schedule	Stage Three: Data from Modules is Evaluated to Diagnose Areas of Need for New Resources (Ongoing Data Evaluation is Followed by a Final Assessment Six Months after Each Module is Rolled Out)
3-1	2022 Q2	Client Trust Accounting (potential areas of need for new resources: recordkeeping; comingling; disputes over trust funds; duties to nonclients; issues in using accounting applications; Interest on Lawyers' Trust Accounts (IOLTA); and unclaimed trust funds)
3-2	2022 Q4	Competence and Diligence in Representing Clients (possible areas of need for new resources: acquiring competence (e.g., by associating another attorney); relationship to supervision duties; relationship to standard of care; declining representation; responding to delay issues in dealing with clients and opposing counsel; and specific technology issues)
3-3	2023 Q2	Fee Arrangements, Fee Disputes and Fee Sharing (see Colorado #7) (potential areas of need for new resources: hourly billing issues; entitlement to quantum meruit; focus on fee sharing arrangements, including referral fees; mandatory fee arbitration issues, including notice to client; fees paid in advance, including true retainer fees; focus on contingent fees; and best practices in promptly addressing fee disputes)
3-4	2023 Q4	Law Office Management, Staffing and Supervision (see Colorado #6) (potential areas of need for new resources: solo and small firm issues; supervisor-subordinate disagreements on questions of professional duty; supervision of nonlawyer assistants; outsourcing, including use of contract attorneys; use of disbarred or other lawyers who are not entitled to practice law; and specific technology issues)
3-5	2024 Q2	Conflicts of Interests (see Colorado #4) (potential areas of need for new resources: imputation of conflicts; comparison to common law civil disqualification standard; former client conflicts; dual/multiple client representation conflicts; personal interests/relationships conflicts; rule 1.7(c); liens for fees and other specific adverse pecuniary interests; and conflicts in representing organizations, including governmental organizations)
3-6	2024 Q4	Client Files, including Electronically Stored Information (see Colorado #5) (potential areas of need for new resources: closed client file retention/destruction; duty to release to client/successor counsel following termination/withdrawal; best practices for electronically stored information; and special issues for criminal case files under rules 1.16, Cmt. [5] and 3.8, Cmt. [7])
3-7	2025 Q2	Communications with Clients and Marketing (see Colorado #2) (potential areas of need for new resources: handling a client's repeated inquiries; provision of copies of documents, including electronic records; using subordinates to communicate with clients; communications with prospective clients; direct contact solicitation; and electronic media advertising, including social media)
3-8	2025 Q4	Duty of Confidentiality (see Colorado #3) [includes a technology component] (potential areas of need for new resources: relationship to attorney-client privilege; receipt of inadvertently sent confidential information; attorney use of confidential information; disclosure of information to prevent a prospective crime involving death or great bodily harm; confidentiality and metadata; Wi-Fi and cloud storage issues; and notification of breach to clients)
3-9	2026 Q2	Access to Justice (see Colorado #9) (potential areas of need for new resources: limited scope representation, including rule 6.5; focus on voluntary pro bono "duty;" best practices for bias interrupters; prohibited discrimination in the practice of law, including rule 8.4.1; membership in legal services organizations; and regulatory reforms [licensed paraprofessionals; sandbox providers])
3-10	2026 Q4	Attorney Wellness and Implicit Bias Recognition/Elimination (see Colorado #10) (potential areas of need for new resources: focus on alcohol/substance abuse issues; focus on mental health issues; and impaired colleague ethical issues.)

<b>Deliverable Tracking Number</b>	<b>Project Schedule</b>	<b>Stage Four: Data on Modules is Evaluated to Inform Development of New Modules Targeting Areas of Need (Ongoing Data Evaluation is Followed by a Final Assessment Six Months after Each Module is Rolled Out)</b>
4-1	2022 Q2	Client Trust Accounting (See above at 3-1 re new resources for potential topics for a new module(s).)
4-2	2022 Q4	Competence and Diligence in Representing Clients (See above at 3-2 re new resources for potential topics for a new module(s).)
4-3	2023 Q2	Fee Arrangements, Fee Disputes, and Fee Sharing (see Colorado #7) (See above at 3-3 re new resources for potential topics for a new module(s).)
4-4	2023 Q4	Law Office Management, Staffing, and Supervision (see Colorado #6) (See above at 3-4 re new resources for potential topics for a new module(s).)
4-5	2024 Q2	Conflicts of Interests (See above at 3-5 re new resources for potential topics for a new module(s).)
4-6	2024 Q4	Client Files, including Electronically Stored Information (See above at 3-6 re new resources for potential topics for a new module(s).)
4-7	2025 Q2	Communications with Clients and Marketing (See above at 3-7 re new resources for potential topics for a new module(s).)
4-8	2025 Q4	Duty of Confidentiality (see Colorado #3) [includes a technology component] (See above at 3-8 re new resources for potential topics for a new module(s).)
4-9	2026 Q2	Access to Justice (See above at 3-9 re new resources for potential topics for a new module(s).)
4-10	2026 Q4	Attorney Wellness and Implicit Bias Recognition/Elimination (See above at 3-10 re new resources for potential topics for a new module(s).)

<b>Deliverable Tracking Number</b>	<b>Project Schedule</b>	<b>Stage Five: Development of New Targeted Self-Assessment Modules (Development of up to Eight New Targeted Self-Assessment Modules with the Topics to be Determined; Note that Some Original Basic Topics May Warrant More than One New Targeted Module)</b>
5-1	2022 Q4	1st New Module Completed and Rolled Out
5-2	2023 Q2	2nd New Module Completed and Rolled Out
5-3	2023 Q4	3rd New Module Completed and Rolled Out
5-4	2024 Q2	4th New Module Completed and Rolled Out
5-5	2024 Q4	5th New Module Completed and Rolled Out
5-6	2025 Q2	6th New Module Completed and Rolled Out
5-7	2025 Q4	7th New Module Completed and Rolled Out
5-8	2026 Q2	8th New Module Completed and Rolled Out

<b>Deliverable Tracking Number</b>	<b>Project Schedule</b>	<b>Stage Six: Data from New Targeted Modules are Evaluated to Diagnose Any Further New Areas of Need (Ongoing Data Evaluation is Followed by a Final Assessment Six Months after Each Module is Rolled Out)</b>
6-1	2023 Q2	Evaluation of 1st New Module
6-2	2023 Q4	Evaluation of 2nd New Module
6-3	2024 Q2	Evaluation of 3rd New Module
6-4	2024 Q4	Evaluation of 4th New Module
6-5	2025 Q2	Evaluation of 5th New Module
6-6	2025 Q4	Evaluation of 6th New Module
6-7	2026 Q2	Evaluation of 7th New Module
6-8	2026 Q4	Evaluation of 8th New Module

<b>Deliverable Tracking Number</b>	<b>Project Schedule</b>	<b>Stage Seven: Comprehensive Review of All Modules and Data</b>
7-1	2027 Q1	Staff Report to Board on the Multiyear Self-Assessment Program

## E-Learning Component of a Preventative Education Plan

(These courses will not be self-assessment programs.)

Deliverable Tracking Number	Project Schedule (target completion)	2021 Courses
1-1	2021 Q4	Client Trust Accounting Course (the content of this course will include the same information as the anticipated 2021 client trust accounting self-assessment course but without a self-assessment module requirement)
1-2	2021 Q4	Office of Access & Inclusion Implicit Bias Course
1-3	2021 Q4	Updated New Rules of Professional Conduct Course
1-4	2021 Q4	Probation Course

Deliverable Tracking Number	Project Schedule (target completion)	2022 Courses (Topics are Tentative and Subject to Change)
2-1	2022 Q2	Provision of Limited Scope Representation
2-2	2022 Q4	Fee Arrangements, Fee Disputes, and Fee Sharing (the content of this course will include the same information as the anticipated 2022 fee arrangements, fee disputes, and fee sharing self-assessment course but without a self-assessment module requirement)

Deliverable Tracking Number	Project Schedule (target completion)	2023 Courses (Topics are Tentative and Subject to Change)
3-1	2023 Q2	Overview of the Licensed Paraprofessional Program, including Paraprofessional Rules of Professional Conduct (if a paraprofessional program is implemented)
3-2	2023 Q4	Lawyer Advertising and Solicitation (including any rule changes resulting from the Closing the Justice Gap Working Group (CTJG) study)

Deliverable Tracking Number	Project Schedule (target completion)	2024 Courses (Topics are Tentative and Subject to Change)
4-1	2024 Q2	Overview of Regulatory Sandbox Program (if a sandbox is implemented)
4-2	2024 Q4	Lawyer Provision of Nonlegal Services and Fee Sharing with a Nonlawyer (if rule amendments are implemented on these topics as a result of the CTJG study)

Deliverable Tracking Number	Project Schedule (target completion)	2025 Courses (Topics are Tentative and Subject to Change)
5-1	2025 Q2	Trial Conduct Duties

Deliverable Tracking Number	Project Schedule (target completion)	2026 Courses (Topics are Tentative and Subject to Change)
6-1	2026 Q4	[Begin Project to Completely Refresh the 10-Hour New Attorney Training Program]

## Year by Year Self-Assessment and E-Learning Activity Table

(including course/module production, data evaluation, and production of new modules)

2021					
	Q1	Q2	Q3	Q4	Notes
1			E-Learning: Client Trust Accounting Course Production (start)	(finish)	
2		E-Learning: Implicit Bias Course Production (start)		(finish)	
3		E-Learning: Updated New Rules Course Production (start)		(finish)	
4	E-Learning: Probation Course Production (start)			(finish)	This project started in 2020.
5			Self-Assessment: Client Trust Accounting Module Production (start)	(finish)	Start contingent on securing vendor(s).

Note: E-learning courses are highlighted in blue and self-assessment modules are highlighted in green. Course/module production work is highlighted in yellow and data evaluation work is highlighted in pink.




2022					
	Q1	Q2	Q3	Q4	Notes
1	E-Learning: Limited Scope Representation Course Production (start)	(finish)			
2			E-Learning: Fee Arrangements, Fee Disputes, and Fee Sharing Course Production (start)	(finish)	
3	Self-Assessment: Competence and Diligence in Representing Clients Module Production (start)	(finish)			
4			Self-Assessment: Fee Arrangements, Fee Disputes, and Fee Sharing Module Production (start)	(finish)	
5		Self-Assessment: Client Trust Accounting Data Evaluation for Possible New Resources and New Modules		Self-Assessment: Competence and Diligence in Representing Clients Data Evaluation for Possible New Resources and New Modules	
6			Self-Assessment: 1st New Targeted Module Production (start)	(finish)	The topic of the 1st new targeted module could respond to the data evaluation of the module on Client Trust Accounting.

Note: E-learning courses are highlighted in blue and self-assessment modules are highlighted in green. Course/module production work is highlighted in yellow and data evaluation work is highlighted in pink.

2023					
	Q1	Q2	Q3	Q4	Notes
1	E-Learning: Overview of the Licensed Paraprofessional Program Course Production (start)				
2			E-Learning: Lawyer Advertising and Solicitation Course Production (start)		
3	Self-Assessment: Law Office Management, Staffing, and Supervision Module Production (start)				
4			Self-Assessment: Conflicts of Interests Module Production (start)		
5		Self-Assessment: Fee Arrangements, Fee Disputes, and Fee Sharing Data Evaluation for Possible New Resources and New Modules			
6				Self-Assessment: Law Office Management, Staffing, and Supervision Data Evaluation for Possible New Resources and New Modules	
7	Self-Assessment: 2nd New Targeted Module Production (start)				The topic of the 2nd new targeted module could respond to the data evaluation of the module on Competence and Diligence in Representing Clients.



Note: E-learning courses are highlighted in blue and self-assessment modules are highlighted in green. Course/module production work is highlighted in yellow and data evaluation work is highlighted in pink.

2023					
	Q1	Q2	Q3	Q4	Notes
8			Self-Assessment: 3rd New Targeted Module Production (start)	(finish) 	The topic of the 3rd new targeted module could respond to the data evaluation of the module on Fee Arrangements, Fee Disputes, and Fee Sharing.
9		Self-Assessment: 1st New Targeted Module Data Evaluation for Further Areas of Need			
10				Self-Assessment: 2nd New Targeted Module Data Evaluation for Further Areas of Need	

Note: E-learning courses are highlighted in blue and self-assessment modules are highlighted in green. Course/module production work is highlighted in yellow and data evaluation work is highlighted in pink.

2024					
	Q1	Q2	Q3	Q4	Notes
1	E-Learning: Overview of Regulatory Sandbox Course Production (start)				
2			E-Learning: Lawyer Provision of Nonlegal Services and Fee Sharing with a Nonlawyer Course Production (start)		
3	Self-Assessment: Client Files, including Electronically Stored Information Module Production (start)				
4			Self-Assessment: Communications with Clients and Marketing Module Production (start)		
5		Self-Assessment: Conflicts of Interests Data Evaluation for Possible New Resources and New Modules			
6				Self-Assessment: Client Files, including Electronically Stored Information Data Evaluation for Possible New Resources and New Modules	

Note: E-learning courses are highlighted in blue and self-assessment modules are highlighted in green. Course/module production work is highlighted in yellow and data evaluation work is highlighted in pink.

2024					
	Q1	Q2	Q3	Q4	Notes
7	Self-Assessment: 4th New Targeted Module Production (start)	 (finish)			The topic of the 4th new targeted module could respond to the data evaluation of the module on Law Office Management, Staffing, and Supervision.
8			Self-Assessment: 5th New Targeted Module Production (start)	 (finish)	The topic of the 5th new targeted module could respond to the data evaluation of the module on Conflicts of Interests.
9		Self-Assessment: 3rd New Targeted Module Data Evaluation for Further Areas of Need			
10				Self-Assessment: 4th New Targeted Module Data Evaluation for Further Areas of Need	

Note: E-learning courses are highlighted in blue and self-assessment modules are highlighted in green. Course/module production work is highlighted in yellow and data evaluation work is highlighted in pink.

2025					
	Q1	Q2	Q3	Q4	Notes
1	E-Learning: Trial Conduct Duties Course Production (start)	→ (finish)			
2	Self-Assessment: Duty of Confidentiality Module Production (start)	→ (finish)			
3			Self-Assessment: Access to Justice Module Production (start)	→ (finish)	
4		Self-Assessment: Communications with Clients and Marketing Data Evaluation for Possible New Resources and New Modules			
5				Self-Assessment: Duty of Confidentiality Data Evaluation for Possible New Resources and New Modules	
6	Self-Assessment: 6th New Targeted Module Production (start)	→ (finish)			The topic of the 6th new targeted module could respond to the data evaluation of the module on Client Files, including ESI.
7			Self-Assessment: 7th New Targeted Module Production (start)	→ (finish)	The topic of the 7th new targeted module could respond to the data evaluation of the module on Communications with Clients and Marketing.

Note: E-learning courses are highlighted in blue and self-assessment modules are highlighted in green. Course/module production work is highlighted in yellow and data evaluation work is highlighted in pink.

2025					
	Q1	Q2	Q3	Q4	Notes
8		Self-Assessment: 5th New Targeted Module Data Evaluation for Further Areas of Need			
9				Self-Assessment: 6th New Targeted Module Data Evaluation for Further Areas of Need	

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Note: E-learning courses are highlighted in blue and self-assessment modules are highlighted in green.  
Course/module production work is highlighted in yellow and data evaluation work is highlighted in pink.

2026					
	Q1	Q2	Q3	Q4	Notes
1	E-Learning: 10-Hour New Attorney Training Refresh Project- Course Production (start)			(finish)	
2	Self-Assessment: Attorney Wellness and Implicit Bias Recognition and Elimination Module Production (start)	(finish)			
3		Self-Assessment: Access to Justice Data Evaluation for Possible New Resources and New Modules			
4				Self-Assessment: Attorney Wellness and Implicit Bias Recognition and Elimination Data Evaluation for Possible New Resources and New Modules	
5	Self-Assessment: 8th New Targeted Module Production (start)	(finish)			The topic of the 8th new targeted module could respond to the data evaluation of the module on the Duty of Confidentiality.
6		Self-Assessment: 7th New Targeted Module Data Evaluation for Further Areas of Need			
7				Self-Assessment: 8th New Targeted Module Data Evaluation for Further Areas of Need	

Note: E-learning courses are highlighted in blue and self-assessment modules are highlighted in green. Course/module production work is highlighted in yellow and data evaluation work is highlighted in pink.