



The State Bar of California

OPEN SESSION AGENDA ITEM 705 NOVEMBER 2022

DATE: November 17, 2022

TO: Members, Board of Trustees

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SUBJECT: Proposed Amendments to Rules Governing Minimum Continuing Legal Education: Request to Circulate for Public Comment

EXECUTIVE SUMMARY

This agenda item requests approval to circulate for public comment proposed changes to the existing State Bar Rules regarding Minimum Continuing Legal Education (MCLE) compliance and provider requirements, as set forth in Title 2, Division 4 and Title 3, Division 5, Chapter 1 of the State Bar Rules,¹ for a 60-day public comment period.

The proposed changes would add three topic requirements to the required courses that licensees must complete as part of their existing 25 credit hours per 36-month compliance period. Specifically, the changes would add one hour on civility in the legal profession, one hour on technology in the practice of law, and change the competence requirement from one to two hours. The proposal would also broaden the activities eligible for MCLE credit to include coaching, scoring, and serving as a presiding judge in mock trial and moot court programs. Finally, there are more general proposed changes to the existing MCLE compliance and provider rules to improve the administration of the MCLE program, increase efficiency, reduce duplicative language in the rules, and facilitate compliance by licensees and MCLE and LSMCLE providers.²

¹ All further references to the rules are to the Rules of the State Bar of California unless otherwise indicated.

² The Finance Committee will be considering proposed changes to the fees charged to MCLE providers and if those changes ultimately are adopted, then that action would result in additional MCLE rule changes for consideration by the Board.

BACKGROUND

The State Bar establishes and administers the MCLE program for attorneys licensed in California. (Bus. & Prof. Code, § 6070; Cal. Rules of Court, rule 9.31.) This includes regulating licensee compliance with the MCLE requirements and administering a system for approving the activities of MCLE providers under Title 2, Division 4 and Title 3, Division 5, Chapter 1 of the State Bar Rules, respectively.

This item presents changes to the MCLE requirements originating from several sources. The San Diego County Bar Association (SDCBA) submitted a request to the State Bar Board and Executive Director that the State Bar consider increasing the number of required hours for competence MCLE credit and to expand the topics recognized for credit within this category. As part of the California Civility Task Force's (CCTF) initial report, [“Beyond the Oath: Recommendations for Improving Civility”](#) (CCTF report), CCTF proposed requiring licensees to complete one hour of MCLE devoted to civility training as part of the existing MCLE requirements. The Board of Trustees (Board) directed staff to review CCTF's proposal, and bring a recommendation back to the Board for approval. Additionally, numerous stakeholders submitted letters to the State Bar urging it to authorize MCLE credit for attorney participation in mock trial activities.

In considering these proposals, staff surveyed other states and current California MCLE providers,³ as well as researched other jurisdictions' requirements. Based on this cumulative input and research, staff has developed the following proposed changes to the MCLE compliance and provider rules, and seeks the Board's approval to release them for a 60-day public comment period.

DISCUSSION

PROPOSED NEW MCLE COURSE REQUIREMENTS

Rule 2.72(B)(2) outlines the current MCLE requirements for licensees. Unless subject to certain exemptions, licensees must complete a minimum of 25 hours of MCLE credit every 36 months, including courses on the following subjects:

- four hours of legal ethics;
- two hours dealing with the recognition and elimination of bias, including one hour of implicit bias; and
- one hour of “education addressing substance abuse or other mental or physical issues that impair a licensee's ability to perform legal services with competence.”

³ The State Bar surveyed national MCLE providers and received responses from 13 jurisdictions on whether they have a civility requirement, if they provide credit for mock trial, the expansion of topics included in competence and whether they have a technology requirement. The State Bar also surveyed current California MCLE providers, asking for proposals to modify the existing MCLE course requirements. These responses are provided in Attachments F and G.

As set forth in detail below, in response to various requests from stakeholders and staff's research, proposed new subparagraph (C) to rule 2.72 would expand the course requirements beginning with the compliance period ending January 31, 2025. Licensees would continue to be required to complete a minimum of 25 hours of MCLE credit every 36 months, including courses on the following subjects:

- four hours of legal ethics;
- two hours dealing with the recognition and elimination of bias, including one hour of implicit bias;
- two hours of competence, including one hour of prevention and detection (revised);
- one hour of technology in the practice of law (new); and
- one hour of civility in the legal profession civility education (new).

These changes would provide for licensees to have 10 hours of required courses and 15 hours of general credits devoted to general practice.

Competence Credit

SDCBA submitted a request to the State Bar Board and executive director⁴ to expand the required hours for competence MCLE credit and the topics recognized for credit within this category. Specifically, SDCBA observed that the current limitation in competence education to the prevention and detection of mental illness and/or substance use disorder sends the wrong message to the legal community. They emphasized the need to provide lawyers with tools that can prevent and ameliorate mental illness and substance use by focusing on preventative care. SDCBA's proposal is aligned with a nationwide increase in recognition that wellbeing, stress management, education about mental illness, and preventative efforts are all important factors that contribute to attorney competence.⁵ Staff's research confirms that many jurisdictions, including Kansas, Montana, Illinois, Georgia, and Colorado, offer attorney wellbeing for MCLE general credit and stress the importance of the competence course material should be tied specifically to the practice of law.⁶

Staff agrees with SDCBA's recommendation, and that changes to the competence MCLE credit requirements would aid to prevent and reduce mental illness and substance use within the profession. Accordingly, staff recommends amendments to rule 2.72(C)(2)(a)(iii)⁷ that would require an additional hour of competence MCLE and expand the types of issues that would qualify for competence credit. One hour of the competence requirement would remain focused on prevention and detection education that addresses "substance [use] or other mental or physical issues that impair a licensee's ability to perform legal services with competence." However, it would be renamed to "prevention and detection competence." Additionally, the topics allowed for this course requirement would be moved to the provider rules, State Bar

⁴ SDCBA's letter is provided as Attachment E.

⁵ See, e.g., National Task Force on Lawyer Well-Being, ["The Path to Lawyer Well-Being"](#) (2017).

⁶ See Attachment F.

⁷ See Attachments A (clean) and B (redline).

Rule 3.601(F),⁸ to clarify the types of information an MCLE provider must offer for an activity to qualify for this competence credit.

The proposed amendments would also allow for licensees to complete a newly required, second hour of competence MCLE credit in broader competence-related topics, including physical and mental wellness and wellbeing or stress management as part of a new “wellness competence” credit, so long as the activity addresses the topics in the context of the practice of law and the impact these issues can have on an attorney’s ability to perform legal services with competence.

Technology in the Practice of Law Credit

Based on the responses to the State Bar issued survey that asked California MCLE providers for proposals to modify the MCLE course requirements, as well as research into other jurisdictions’ requirements,⁹ staff recommends that the State Bar establish a requirement focusing on technology in the practice of law. MCLE credit would be allowed for courses about cybersecurity, privacy, and data protection; the use of technology to create, receive, transmit, store, analyze, or delete client documents or client information; law practice management technology tools, including technology for virtual appearances before a tribunal; the use of applications to assist attorneys in advising clients, including artificial intelligence technology; and e-discovery.¹⁰

Comment [1] to rule 1.1 of the Rules of Professional Conduct provides that attorney competence includes “the duty to keep abreast of the changes in law and its practice, including the benefit and risks associated with relevant technology.” (See also Cal. State Bar Formal Opn. No. 2015-193 [Attorneys should have a basic understanding of technology to ensure competency in the practice as technology develops, evolves, and changes the way law is practiced.].) A requirement that licensees complete one hour of MCLE credit in technology in the practice of law would ensure that attorneys are aware of advances in technology and are competent in an ever-changing virtual world.

Civility in the Legal Profession Credit

As part of CCTF’s report, CCTF proposes adding one hour of civility training as part of the existing MCLE requirements. This requirement would “educate attorneys about the economic and human costs of incivility; provide lawyers with reasons and tools to change their own behavior if they are uncivil; teach lawyers how to help those who are uncivil change their behavior; help lawyers deal with stress and dissatisfaction caused by toxic uncivil behavior; and

⁸ See Attachments C (clean) and D (redline).

⁹ Florida, New York, North Carolina, and the U.S. Virgin Islands have technology education requirements. Additional jurisdictions do not require a technology course but have authorized the topic for general or ethics credit. Florida, North Carolina, and the U.S. Virgin Islands have a general technology requirement. Effective July 1, 2023, New York will be the first state to mandate attorneys take continuing legal education courses that focus on cybersecurity, privacy, and data protection.

¹⁰ The proposed technology in the practice of law MCLE course requirement is provided in rule 2.72(C)(2)(a)(iv). (See Attachments A (clean) and B (redline).) The proposed activity topics that would be eligible for this MCLE course credit are provided in rule 3.601(G). (See Attachments (C) clean and D (redline).)

reduce bias-driven incivility.” (CCTF report, pp. 8-9.) CCTF’s report notes that approved civility MCLE programs should highlight the link between bias and incivility and urge lawyers to eliminate bias-driven incivility. Similarly, a survey of MCLE providers indicates that providers generally support this proposal; however, they believe that the civility requirement should be included in the four hours of ethics credits that is currently required. As examples, Kansas, Texas, Minnesota, West Virginia, Illinois, Georgia, and Colorado include civility as part of professional responsibility and ethics credit requirements.

Staff agrees with CCTF’s recommendation to require one hour of civility in the legal profession as an MCLE requirement.¹¹ As noted in CCTF’s report, attorneys that currently participate in civility courses are self-selected. Making civility education mandatory would ensure those who need the education are completing this course. Also, like CCTF, staff recommends that a civility course should be a standalone requirement. Including it as part of the ethics requirement, as recommended by some MCLE providers, would reduce the number of courses required under ethics and would not be consistent with the State Bar’s efforts to promote attorney professional responsibility.

PROPOSED NEW ACTIVITY ELIGIBLE FOR PARTICIPATORY MCLE CREDIT – MOCK TRIAL AND MOOT COURT

The State Bar has received letters of support from stakeholders throughout the state seeking MCLE credit for mock trial and moot court activity.¹² The stakeholders highlight the benefits attorneys receive from such programs, including in furthering their knowledge and mastery of California law by reviewing and evaluating the students' knowledge and understanding of various aspects of law including applicable statutes and rules, preparing witnesses, and making legal arguments based on precedent, as well as reviewing and reinforcing concepts of trial procedure and maintaining professional standards. The stakeholders also highlight the benefits to the students in these programs, including an introduction to the law, legal systems, and legal process, and serving as a pathway into the legal profession. At least two jurisdictions, New York and Illinois, allow credit for these activities.¹³

Staff agrees with the recommendation to allow certain mock trial and moot court activity to be eligible for MCLE credit. Rules 2.81 and 2.82 allow for MCLE credit for speaking and teaching, respectively. Participation in mock trial and moot court programs requires similar learning and preparation by an attorney before participating in such programs. Proposed rule 2.84 would allow licensees to receive participatory MCLE credit for coaching students, serving as an attorney scorer, and/or presiding as judge over mock trial and moot court competitions at the

¹¹ The proposed civility in the legal profession MCLE course requirement is provided in rule 2.72(C)(2)(a)(v). (See Attachments A (clean) and B (redline). The proposed activity topics that would be eligible for this MCLE course credit are provided in rule 3.601(G). (See Attachments (C) clean and D (redline).)

¹² See Attachment H.

¹³ For example, in New York, credit may be earned for preparing students for and judging law competitions, mock trials, and moot court arguments, including those at the high school or college level. (N.Y. Comp. Codes Rules & Regs., title 22 § 1500.22(h); Ill. S. Ct. Rules, rule 795 (d)(6)(i).) Ethics and professionalism and diversity, inclusion, and elimination of bias credit hours are not available for participation in this type of CLE activity. Illinois limits credit to law school competitions.

high school, collegiate level, and law school level.¹⁴ Licensees would be able to claim up to 2 hours of general credit during a compliance period. Licensees would not receive credit for grading papers or briefs related to this activity and could not claim preparation time. Licensees would not be eligible to combine this credit with required subject area credits (i.e., legal ethics, recognition and elimination of bias, including implicit bias, competence, including prevention and detection, technology in the practice of law, or civility in the legal profession civility education).

OTHER PROPOSED AMENDMENTS TO THE MCLE COMPLIANCE AND PROVIDER RULES

In addition to the proposed changes to the credit requirements and activity eligible for MCLE credit, State Bar staff also recommends other changes to the MCLE compliance and provider rules. These changes will improve the administration of the program, increase efficiency, reduce duplicative language in the rules, and facilitate compliance by licensees and MCLE and LSMCLE providers. Some of the key changes include:

- Revising rule 3.600 (Definitions) to remove defined terms that were not used in subsequent rules, clarify and provide more detail within existing definitions, and add definitions where appropriate;
- Revising rule 3.601 (Standards for MCLE activity approval) to provide definitions and eligibility criteria for MCLE and LSMCLE activity accreditation, and add details pertaining to each subfield, including legal ethics, recognition and elimination of bias, implicit bias, prevention and detection competence, wellness competence, technology in the practice of law, civility in the legal profession, and legal specialization;
- Clarifying the basis for suspension or revocation of a provider's approval; and
- Revising existing rules and proposing new rules regarding the requirements for receiving Single Activity Provider status to offer a single MCLE or LSMCLE activity, receiving initial Multiple Activity Provider status or renewing Multiple Activity Provider status to offer MCLE or LSMCLE activities without requesting approval for each activity.

General Request for Public Comment

Recognizing that the specific rule change proposals described in this item do not reflect an exhaustive list of the potential options for MCLE expansion and revision, staff recommends that the Board issue, in addition to the proposed amendments to the State Bar Rules, the following general questions for public comment to assist in further development of the program:

- Should the State Bar consider adding a requirement for education that prepares lawyers for providing legal services in the aftermath of a disaster?
- Should the State Bar consider adding a requirement for education regarding opportunities for attorneys to render pro bono legal services?

¹⁴ Effective May 17, 2019, the Board of Legal Specialization no longer certifies or recertifies educational activities. (See rule 3.114.)

- Should the State Bar consider restricting eligible topics for general MCLE credits to only topics in the specific area of law that the individual licensee is practicing or exploring as a new area of law for expanding their practice?¹⁵

FISCAL/PERSONNEL IMPACT

None

AMENDMENTS TO RULES OF THE STATE BAR OF CALIFORNIA

Title 2, Division 4 and Title 3, Division 5, Chapter 1 of the rules of the State Bar

STRATEGIC PLAN GOALS & IMPLEMENTATION STEPS

Goal 3. Protect the Public by Regulating the Legal Profession

RECOMMENDATIONS

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

RESOLVED, that the Board of Trustees authorizes staff to make available for a 60-day public comment period the proposed amendments to Title 2, Division 4 of the rules of the State Bar attached hereto as Attachment A (clean) and Attachment B (redline);

FURTHER RESOLVED, that the Board of Trustees, authorizes staff to make available for a 60-day public comment period the proposed amendments to Title 3, Division 5, Chapter 1 of the rules of the State Bar attached hereto as Attachment C (clean) and Attachment D (redline); and it is

FURTHER RESOLVED, that this authorization for release of public comment is not, and shall not be construed as, a statement or recommendation of approval of the proposed amended State Bar Rules.

ATTACHMENTS LIST

- A.** Proposed Rules of the State Bar, Title 2, Division 4 (clean)
- B.** Proposed Rules of the State Bar, Title 2, Division 4 (redline)
- C.** Proposed Rules of the State Bar, Title 3, Division 5 (clean)
- D.** Proposed Rules of the State Bar, Title 3, Division 5 (redline)

¹⁵ For example, in Georgia, a trial attorney is required to complete three hours of MCLE involving trial skills (see Attachment F at page 14).

- E.** San Diego County Bar Association Request for Changes to MCLE Competence Credit
- F.** National MCLE Providers Survey for MCLE Offerings Results
- G.** California MCLE Providers Course Requirement Survey Results
- H.** Stakeholder Support for MCLE Credit for Mock Trial

TITLE 2. RIGHTS AND RESPONSIBILITIES OF LICENSEES

Adopted July 2007

DIVISION 4. MINIMUM CONTINUING LEGAL EDUCATION**Chapter 1. Purpose and scope****Rule 2.50 Purpose of MCLE**

Rules for Minimum Continuing Legal Education (MCLE) require active licensees 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. A licensee's involuntary enrollment as inactive for failing to comply with these rules is public information available on the State Bar Web site.

Rule 2.51 Definitions

- (A) An "MCLE activity" is minimum continuing legal education that is accredited by the State Bar as meeting the standards for MCLE credit.
- (B) An "LSMCLE" activity is legal specialty minimum continuing legal education that is accredited by the State Bar as meeting the standards for LSMCLE and MCLE credit as set forth in rule 3.114. Any requirements for an MCLE activity as set forth in these rules apply to an LSMCLE activity.
- (C) A "provider" is an individual or entity approved by the State Bar to grant MCLE or LSMCLE credit for MCLE or LSMCLE activity.
- (D) "MCLE credit" is the number of credit hours that a licensee may claim to meet the requirements of these rules.
- (E) A "credit hour" is sixty minutes actually spent in an MCLE activity. A credit hour is reported to the nearest quarter hour in decimals, and includes time for introductory and concluding remarks and for questions and answers. Time spent in breaks or lunch periods, and participating in any nonlegal education functions, including but not limited to networking, business meetings, tours, or demonstrations is not activity that may be applied to a credit hour or receive MCLE credit.
- (F) An "approved jurisdiction" is recognized by the State Bar as having MCLE requirements that substantially meet State Bar standards for MCLE activities and computing MCLE credit hours in a manner acceptable to the State Bar. Approved jurisdictions are listed on the State Bar Web site.
- (G) A "participatory activity" is an MCLE or LSMCLE activity for which the provider must

verify attendance. Participatory activities may be presented in person or delivered by electronic means.

- (H) A “self-study activity” is any MCLE activity identified in Rule 2.83. Self-study activities may be presented in person or delivered by electronic means.
- (I) State Bar New Attorney Training is MCLE that is developed and made available directly from the State Bar and is focused on law practice competency for newly admitted licensees.

Rule 2.52 MCLE Activities

To receive MCLE credit, a licensee must complete an MCLE activity that meets State Bar standards set forth in rule 3.601.

Rule 2.53 New licensees

- (A) A new licensee is permanently assigned to a compliance group on the date of admission.
- (B) The initial compliance period for a new licensee begins on the first day of the month in which the licensee 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.¹
- (C) A new licensee may not claim credit for education taken before the initial compliance period.
- (D) A new licensee is required to complete a State Bar New Attorney Training program during the first year of admission. New licensees who have completed any portion of the New Attorney Training program while enrolled in the State Bar’s Provisional Licensure Program² are deemed to have satisfied that portion of the requirement and, therefore, do not have to retake that portion of the New Attorney Training program.
- (E) New licensees can also apply New Attorney Training hours to their regular MCLE requirement, provided that the hours are completed within the licensee’s MCLE compliance period.

Rule 2.54 Exemptions

- (A) The following active licensees 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 Rule 2.72 (C).

² California Rule of Court, Rule 9.49

- (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 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 on a permanent or probationary basis, regardless of their working hours, who do not otherwise practice law.
- (B) Licensees 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 center³, 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.

Rule 2.55 Modifications

A licensee prevented from fulfilling the 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.

Chapter 2. Compliance

Rule 2.70 Compliance groups

A licensee is permanently assigned to one of three compliance groups on the basis of the first letter of the licensee's last name at the date of admission.⁴ The three groups are A-G, H-M, and N-Z. The licensee remains in the compliance group despite any subsequent change of last name.

Rule 2.71 Compliance periods

- (A) A compliance period 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 licensee must report MCLE

³ Business & Professions Code § 6213.

⁴ A historical exception exists. When the MCLE program was established in 1992, licensees were permanently assigned to compliance groups on the basis of their last names at the time, regardless of any different last names they might have used previously.

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.

- (B) Compliance with State Bar New Attorney Training must be effectuated and reported completed, in a manner established by the State Bar, by the last day of the month of an attorney's one-year anniversary as a State Bar licensee. Fees for noncompliance are set forth in the Schedule of Charges and Deadlines.

Rule 2.72 Requirements

- (A) Until December 31, 2021, all licensees shall be subject to the following:
 - (1) Unless these rules indicate otherwise, a licensee 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.⁵ Total hours must include no less than 6 hours as follows:
 - (a) at least four hours of legal ethics;
 - (b) 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
 - (c) at least one hour of education addressing substance abuse or other mental or physical issues that impair a licensee's ability to perform legal services with competence.
 - (2) Required education in legal ethics, elimination of bias, or competence issues may be a component of an approved MCLE activity that deals with another topic.
 - (3) A licensee may reduce the required twenty-five hours in proportion to the number of full months the licensee was inactive or exempt in the thirty-six-month compliance period. Up to half the reduced hours may be self-study.⁶ A tool for applying this formula is available at the State Bar Web site.
 - (4) Excess credit hours may not be applied to the next compliance period.⁷
- (B) On and after January 1, 2022, all licensees shall be subject to the following:
 - (1) Licensees reporting for the compliance periods ending January 31, 2022, shall be

⁵ Rule 2.83.

⁶ Rule 2.83.

⁷ But see Rule 2.93.

subject to the requirements set forth in paragraphs (A)(1), (A)(2), (A)(3), and (A)(4) for the compliance period ending January 31, 2022.

- (2) Beginning with the compliance period ending January 31, 2023, all licensees shall comply with the following:
 - (a) Unless these rules indicate otherwise, a licensee 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.⁸ Total hours must include no less than 7 hours as follows:
 - (i) at least four hours of legal ethics;
 - (ii) at least two hours 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;
 - 1. Of those two hours, at least one hour must focus on implicit bias and the promotion of bias-reducing strategies to address how unintended biases regarding race, ethnicity, gender identity, sexual orientation, socioeconomic status, or other characteristics undermine confidence in the legal system; and
 - (iii) at least one hour of education addressing substance abuse or other mental or physical issues that impair a licensee'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 approved MCLE activity that deals with another topic, consistent with the requirements of Rule 2.52(F).
 - (c) A licensee may reduce the required twenty-five hours in proportion to the number of full months the licensee was inactive or exempt in the thirty-six-month compliance period, except that the requirements of paragraphs (B)(2)(a)(ii) and (B)(2)(a)(iii) may not be reduced to less than one hour each. Up to half the reduced hours may be self-study.⁹ A tool for applying this formula is available at the State Bar website.
 - (d) Excess credit hours may not be applied to the next compliance period.¹⁰

⁸ Rule 2.83.

⁹ Rule 2.83.

¹⁰ But see Rule 2.93.

- (C) On and after January 1, 2024, all licensees shall be subject to the following:
- (1) Licensees reporting for the compliance period ending January 31, 2024, shall be subject to the requirements set forth in paragraphs (B)(1), (B)(2), (B)(3), and (B)(4) for the compliance period ending January 31, 2024.
 - (2) Beginning with the compliance period ending January 31, 2025, all licensees shall comply with the following:
 - (a) Unless these rules indicate otherwise, a licensee 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.¹¹ Total hours must include no less than 10 hours as follows:
 - (i) at least four hours of legal ethics;
 - (ii) at least two hours dealing with the recognition and elimination of bias, one hour of which must focus on implicit bias and the promotion of bias-reducing strategies;
 - (iii) at least two hours of education addressing competence, one hour of which must focus on prevention and detection;
 - (iv) at least one hour of education addressing technology in the practice of law; and
 - (v) at least one hour of education addressing civility in the legal profession.¹²
 - (b) Required education in legal ethics, elimination of bias, or competence, technology in the practice of law, and civility in the legal profession may be a component of an approved MCLE activity that deals with another topic, consistent with the requirements of Rule 2.52(F).
 - (c) A licensee may reduce the required twenty-five hours in proportion to the number of full months the licensee was inactive or exempt in the thirty-six-month compliance period, except that the requirements of paragraphs (C)(2)(a)(ii) and (C)(2)(a)(iii) may not be reduced to less than one hour each. Up to half the reduced hours may be self-study.¹³ A tool for applying this formula is available at the State Bar website.

¹¹ Rule 2.83.

¹² See rule 3.601 regarding the content requirements for these credit hours.

¹³ Rule 2.83.

- (d) Excess credit hours may not be applied to the next compliance period.¹⁴

Rule 2.73 Record of MCLE

For a year after reporting MCLE compliance, a licensee must retain and provide upon demand and to the satisfaction of the State Bar

- (A) a provider's certificate of attendance;
- (B) a record of self-study that includes the title, provider, credit hours, and date of each MCLE activity; or
- (C) proof of exempt status.

Chapter 3. MCLE Activities approved for MCLE credit

Rule 2.80 Attending programs and classes

A licensee may claim MCLE credit for attending a MCLE activity, such as a lecture, panel discussion, or law school class, in person or by technological means.

Rule 2.81 Speaking

A licensee may claim participatory MCLE credit for speaking at an approved MCLE activity.

- (A) A principal speaker, who is responsible for preparing and delivering a program or class and its related materials, may claim
 - (1) actual speaking time multiplied by four for the first presentation; or
 - (2) actual speaking time only for each time a presentation is repeated without significant change.
- (B) A panelist may claim
 - (1) either of the following for the first panel presentation:
 - (a) scheduled individual speaking time multiplied by four, plus the actual time spent in attendance at the remainder of the presentation; or
 - (b) when times have not been scheduled for individual speakers, an equal share of the total time for all speakers multiplied by four plus the actual time spent in attendance at the remainder of the presentation.

¹⁴ But see Rule 2.93.

- (2) actual speaking time only for each time a presentation is repeated without significant change.
- (C) A licensee who introduces speakers or serves as a moderator may claim only the MCLE credit available to any attendee.

Rule 2.82 Teaching

A licensee may claim participatory MCLE credit for teaching a law school course.

- (A) A licensee assigned to teach a course may claim no more than the credit hours granted by the law school multiplied by twelve or actual speaking time for required MCLE in legal ethics, elimination of bias, or competence issues.
- (B) A guest lecturer or substitute teacher may claim
 - (1) actual speaking time multiplied by four for the first presentation; or
 - (2) actual speaking time only for each time a presentation is repeated without significant change.

Rule 2.83 Self-study

A licensee may claim up to half the credit hours required in a compliance period for

- (A) completing MCLE activities for which attendance is not verified by a provider and the MCLE activities were prepared within the preceding two years;
- (B) taking an open- or closed-book self-test and submitting it to a provider who returns it with a grade and explanations of correct answers; or
- (C) authoring or co-authoring written materials that
 - (1) have contributed to the licensee's legal education;
 - (2) have been published or accepted for publication; and
 - (3) were not prepared in the ordinary course of employment or in connection with an oral presentation at an approved MCLE activity.

Rule 2.84 Mock Trial and Moot Court

- (A) A licensee may claim up to two hours of participatory MCLE credit for serving as an attorney coach or scorer or presiding judge for mock trials and moot court arguments involving substantive and procedural law at the high school, college, and law school levels.

- (B) MCLE credit hours are not available for grading written briefs or other written papers in connection with this type of MCLE activity.
- (C) Additional hours cannot be claimed for preparation time.
- (D) A licensee may not claim MCLE credit for legal ethics, elimination of bias, competence, technology in the practice of law, or civility in the legal profession as required by rule 2.72 for participation in this type of activity.

Rule 2.85 Education taken while physically out of state

- (A) A licensee may claim MCLE credit for an MCLE activity authorized by an approved jurisdiction if it meets the requirements of these rules and if the licensee attends or does the MCLE activity outside California. A licensee may not claim credit for such an activity, including self-study, when physically present in California unless the State Bar has specifically approved it.
- (B) A licensee who qualifies for an MCLE activity authorized by an approved jurisdiction may claim the amount of credit authorized by the jurisdiction. No special procedure is required to claim the credit.

Rule 2.86 Licensee credit request

A licensee may apply for MCLE credit for an educational activity directly relevant to the licensee's practice but not otherwise approved if the activity substantially meets State Bar standards. The application must be submitted with the appropriate fee.

Rule 2.87 Bar examinations and MPRE

A licensee may not claim MCLE credit for preparing for or taking a bar examination or the Multistate Professional Responsibility Examination (MPRE).

Chapter 4. Noncompliance

Rule 2.90 Definition

Noncompliance is failure to

- (A) complete the required education during the compliance period or an extension of it;
- (B) report compliance or claim exemption from MCLE requirements;
- (C) keep a record of MCLE compliance¹⁵; or

¹⁵ Rule 2.73.

- (D) pay fees for noncompliance.

Rule 2.91 Notice of noncompliance

- (A) A licensee who is sent a notice of noncompliance must comply with its terms or be involuntarily enrolled as inactive. An inactive licensee is not eligible to practice law.
- (B) If the notice requires the licensee to complete credit hours for the previous compliance period, any excess credit hours may be counted toward the current compliance period.

Rule 2.92 Enrollment as inactive for MCLE noncompliance

A licensee who fails to comply with a notice of noncompliance is enrolled as inactive and is not eligible to practice law. The enrollment is administrative and no hearing is required.

Rule 2.92 adopted effective January 1, 2008; amended effective January 25, 2019.

Rule 2.93 Reinstatement following MCLE noncompliance

Enrollment as inactive for MCLE noncompliance terminates when a licensee submits proof of compliance and pays noncompliance fees. Credit hours that exceed those required for compliance may be counted toward the current period.

TITLE 2. RIGHTS AND RESPONSIBILITIES OF LICENSEES

Adopted July 2007

DIVISION 4. MINIMUM CONTINUING LEGAL EDUCATION

Chapter 1. Purpose and scope

Rule 2.50 Purpose of MCLE

Rules for Minimum Continuing Legal Education (MCLE) require active licensees 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. A licensee's involuntary enrollment as inactive for failing to comply with these rules is public information available on the State Bar Web site.

Rule 2.51 Definitions

- (A) An "MCLE activity" is minimum continuing legal education that is accredited by the State Bar ~~approves~~ as meeting the standards for MCLE credit.
- (B) An "LSMCLE" activity is legal specialty minimum continuing legal education that is accredited by the State Bar as meeting the standards for LSMCLE and MCLE credit as set forth in rule 3.114. Any requirements for an MCLE activity as set forth in these rules apply to an LSMCLE activity.
- ~~(B)~~(C) A "provider" is an individual or entity approved by the State Bar to grant MCLE or LSMCLE credit for ~~an~~ MCLE or LSMCLE activity.
- ~~(C)~~(D) "MCLE credit" is the number of credit hours that a licensee may claim to meet the requirements of these rules.
- ~~(D)~~(E) A "credit hour" is sixty minutes actually spent in an MCLE activity. A credit hour is reported to the nearest quarter hour in decimals, and includes time for introductory and concluding remarks and for questions and answers. Time spent in breaks or lunch periods, and participating in any nonlegal education functions, including but not limited to networking, business meetings, tours, or demonstrations is not activity that may be applied to a credit hour or receive MCLE credit, less any time for breaks or other activities that lack educational content. A credit hour is reported to the nearest quarter hour in decimals.
- ~~(E)~~(F) An "approved jurisdiction" is recognized by the State Bar as having MCLE requirements that substantially meet State Bar standards for MCLE activities and computing MCLE credit hours in a manner acceptable to the State Bar. Approved jurisdictions are listed on the State Bar Web site.

~~(F)~~(G) A “participatory activity” is an MCLE or LSMCLE activity for which the provider must verify attendance. Participatory activities may be presented in person or delivered by electronic means. ~~Methods for verification include sign in writing or electronically at the start of the course.~~

~~(G)~~(H) A “self-study activity” is any MCLE activity identified in Rule 2.83. Self-study activities may be presented in person or delivered by electronic means.

~~(H)~~(I) State Bar New Attorney Training is MCLE that is developed and made available directly from the State Bar and is focused on law practice competency for newly admitted licensees.

Rule 2.52 MCLE Activities

To receive MCLE credit, a licensee must complete an MCLE activity that meets State Bar standards set forth in rule 3.601.

~~(A) — The MCLE activity must relate to legal subjects directly relevant to licensees 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, or competence issues.~~

~~(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 every MCLE 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.~~

~~(F)~~(A) On and after January 1, 2022, for all training dealing with, or including a component dealing with, implicit bias and the promotion of bias-reducing strategies, the MCLE provider must meet the requirements of Business and Professions Code section 6070.5.

Rule 2.53 New licensees

(A) A new licensee is permanently assigned to a compliance group on the date of admission.

(B) The initial compliance period for a new licensee begins on the first day of the month in

which the licensee 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.¹

- (C) A new licensee may not claim credit for education taken before the initial compliance period.
- (D) A new licensee is required to complete a State Bar New Attorney Training program during the first year of admission. New licensees who have completed any portion of the New Attorney Training program while enrolled in the State Bar's Provisional Licensure Program² are deemed to have satisfied that portion of the requirement and, therefore, do not have to retake that portion of the New Attorney Training program.
- (E) New licensees can also apply New Attorney Training hours to their regular MCLE requirement, provided that the hours are completed within the licensee's MCLE compliance period.

Rule 2.54 Exemptions

- (A) The following active licensees 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 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 on a permanent or probationary basis, regardless of their working hours, who do not otherwise practice law.
- (B) Licensees 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 center³, 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.

¹ Rule 2.72 (C).

² California Rule of Court, Rule 9.49

³ Business & Professions Code § 6213.

Rule 2.55 Modifications

A licensee prevented from fulfilling the 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.

Chapter 2. Compliance

Rule 2.70 Compliance groups

A licensee is permanently assigned to one of three compliance groups on the basis of the first letter of the licensee's last name at the date of admission.⁴ The three groups are A-G, H-M, and N-Z. The licensee remains in the compliance group despite any subsequent change of last name.

Rule 2.71 Compliance periods

- (A) A compliance period 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 licensee 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.
- (B) Compliance with State Bar New Attorney Training must be effectuated and reported completed, in a manner established by the State Bar, by the last day of the month of an attorney's one-year anniversary as a State Bar licensee. Fees for noncompliance are set forth in the Schedule of Charges and Deadlines.

Rule 2.72 Requirements

- (A) Until December 31, 2021, all licensees shall be subject to the following:
 - (1) Unless these rules indicate otherwise, a licensee 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.⁵ Total hours must include no less than 6 hours as follows:
 - (a) at least four hours of legal ethics;

⁴ A historical exception exists. When the MCLE program was established in 1992, licensees were permanently assigned to compliance groups on the basis of their last names at the time, regardless of any different last names they might have used previously.

⁵ Rule 2.83.

- (b) 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
 - (c) at least one hour of education addressing substance abuse or other mental or physical issues that impair a licensee's ability to perform legal services with competence.
- (2) Required education in legal ethics, elimination of bias, or competence issues may be a component of an approved MCLE activity that deals with another topic.
- (3) A licensee may reduce the required twenty-five hours in proportion to the number of full months the licensee was inactive or exempt in the thirty-six-month compliance period. Up to half the reduced hours may be self-study.⁶ A tool for applying this formula is available at the State Bar Web site.
- (4) Excess credit hours may not be applied to the next compliance period.⁷
- (B) On and after January 1, 2022, all licensees shall be subject to the following:
 - (1) Licensees reporting for the compliance periods ending January 31, 2022, shall be subject to the requirements set forth in paragraphs (A)(1), (A)(2), (A)(3), and (A)(4) for the compliance period ending January 31, 2022.
 - (2) Beginning with the compliance period ending January 31, 2023, all licensees shall comply with the following:
 - (a) Unless these rules indicate otherwise, a licensee 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.⁸ Total hours must include no less than 7 hours as follows:
 - (i) at least four hours of legal ethics;
 - (ii) at least two hours 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;
 - 1. Of those two hours, at least one hour must focus on

⁶ Rule 2.83.

⁷ But see Rule 2.93.

⁸ Rule 2.83.

implicit bias and the promotion of bias-reducing strategies to address how unintended biases regarding race, ethnicity, gender identity, sexual orientation, socioeconomic status, or other characteristics undermine confidence in the legal system; and

- (iii) at least one hour of education addressing substance abuse or other mental or physical issues that impair a licensee'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 approved MCLE activity that deals with another topic, consistent with the requirements of Rule 2.52(F).
- (c) A licensee may reduce the required twenty-five hours in proportion to the number of full months the licensee was inactive or exempt in the thirty-six-month compliance period, except that the requirements of paragraphs (B)(2)(a)(ii) and (B)(2)(a)(iii) may not be reduced to less than one hour each. Up to half the reduced hours may be self-study.⁹ A tool for applying this formula is available at the State Bar website.
- (d) Excess credit hours may not be applied to the next compliance period.¹⁰

(C) On and after January 1, 2024, all licensees shall be subject to the following:

- (1) Licensees reporting for the compliance period ending January 31, 2024, shall be subject to the requirements set forth in paragraphs (B)(1), (B)(2), (B)(3), and (B)(4) for the compliance period ending January 31, 2024.
- (2) Beginning with the compliance period ending January 31, 2025, all licensees shall comply with the following:
 - (a) Unless these rules indicate otherwise, a licensee 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.¹¹ Total hours must include no less than 10 hours as follows:
 - (i) at least four hours of legal ethics;
 - (ii) at least two hours dealing with the recognition and elimination of bias, one hour of which must focus on implicit bias and the

⁹ Rule 2.83.

¹⁰ But see Rule 2.93.

¹¹ Rule 2.83.

promotion of bias-reducing strategies;

(iii) at least two hours of education addressing competence, one hour of which must focus on prevention and detection;

(iv) at least one hour of education addressing technology in the practice of law; and

(v) at least one hour of education addressing civility in the legal profession.¹²

(b) Required education in legal ethics, elimination of bias, or competence, technology in the practice of law, and civility in the legal profession may be a component of an approved MCLE activity that deals with another topic, consistent with the requirements of Rule 2.52(F).

(c) A licensee may reduce the required twenty-five hours in proportion to the number of full months the licensee was inactive or exempt in the thirty-six-month compliance period, except that the requirements of paragraphs (C)(2)(a)(ii) and (C)(2)(a)(iii) may not be reduced to less than one hour each. Up to half the reduced hours may be self-study.¹³ A tool for applying this formula is available at the State Bar website.

(d) Excess credit hours may not be applied to the next compliance period.¹⁴

Rule 2.73 Record of MCLE

For a year after reporting MCLE compliance, a licensee must retain and provide upon demand and to the satisfaction of the State Bar

- (A) a provider's certificate of attendance;
- (B) a record of self-study that includes the title, provider, credit hours, and date of each MCLE activity; or
- (C) proof of exempt status.

Chapter 3. MCLE Activities approved for MCLE credit

Rule 2.80 Attending programs and classes

A licensee may claim MCLE credit for attending a MCLE activity, such as a lecture, panel discussion, or law school class, in person or by technological means.

¹² See rule 3.601 regarding the content requirements for these credit hours.

¹³ Rule 2.83.

¹⁴ But see Rule 2.93.

Rule 2.81 Speaking

A licensee may claim participatory MCLE credit for speaking at an approved MCLE activity.

- (A) A principal speaker, who is responsible for preparing and delivering a program or class and its related materials, may claim
 - (1) actual speaking time multiplied by four for the first presentation; or
 - (2) actual speaking time only for each time a presentation is repeated without significant change.
- (B) A panelist may claim
 - (1) either of the following for the first panel presentation:
 - (a) scheduled individual speaking time multiplied by four, plus the actual time spent in attendance at the remainder of the presentation; or
 - (b) when times have not been scheduled for individual speakers, an equal share of the total time for all speakers multiplied by four plus the actual time spent in attendance at the remainder of the presentation.
 - (2) actual speaking time only for each time a presentation is repeated without significant change.
- (C) A licensee who introduces speakers or serves as a moderator may claim only the MCLE credit available to any attendee.

Rule 2.82 Teaching

A licensee may claim participatory MCLE credit for teaching a law school course.

- (A) A licensee assigned to teach a course may claim no more than the credit hours granted by the law school multiplied by twelve or actual speaking time for required MCLE in legal ethics, elimination of bias, or competence issues.
- (B) A guest lecturer or substitute teacher may claim
 - (1) actual speaking time multiplied by four for the first presentation; or
 - (2) actual speaking time only for each time a presentation is repeated without significant change.

Rule 2.83 Self-study

A licensee may claim up to half the credit hours required in a compliance period for

- (A) completing MCLE activities for which attendance is not verified by a provider and the MCLE activities were prepared within the preceding ~~two~~five years;
- (B) taking an open- or closed-book self-test and submitting it to a provider who returns it with a grade and explanations of correct answers; or
- (C) authoring or co-authoring written materials that
 - (1) have contributed to the licensee's legal education;
 - (2) have been published or accepted for publication; and
 - (3) were not prepared in the ordinary course of employment or in connection with an oral presentation at an approved MCLE activity.

Rule 2.84 ~~Legal specialization~~Mock Trial and Moot Court

- (A) A licensee may claim up to two hours of participatory MCLE credit for serving as an attorney coach or scorer or presiding judge for mock trials and moot court arguments involving substantive and procedural law at the high school, college, and law school levels.
- (B) MCLE credit hours are not available for grading written briefs or other written papers in connection with this type of MCLE activity.
- (C) Additional hours cannot be claimed for preparation time.
- (D) A licensee may not claim MCLE credit for legal ethics, elimination of bias, competence, technology in the practice of law, or civility in the legal profession as required by rule 2.72 for participation in this type of activity.

~~A licensee may claim MCLE credit for educational activities that the California Board of Legal Specialization approves for certification or recertification.~~

Rule 2.85 Education taken while physically out of state

- (A) A licensee may claim MCLE credit for an MCLE activity authorized by an approved jurisdiction if it meets the requirements of these rules and if the licensee attends or does the MCLE activity outside California. A licensee may not claim credit for such an activity, including self-study, when physically present in California unless the State Bar has specifically approved it.
- (B) A licensee who qualifies for an MCLE activity authorized by an approved jurisdiction may

claim the amount of credit authorized by the jurisdiction. No special procedure is required to claim the credit.

Rule 2.86 Licensee credit request

A licensee may apply for MCLE credit for an educational activity directly relevant to the licensee's practice but not otherwise approved if the activity substantially meets State Bar standards. The application must be submitted with the appropriate fee.

Rule 2.87 Bar examinations and MPRE

A licensee may not claim MCLE credit for preparing for or taking a bar examination or the Multistate Professional Responsibility Examination (MPRE).

Chapter 4. Noncompliance

Rule 2.90 Definition

Noncompliance is failure to

- (A) complete the required education during the compliance period or an extension of it;
- (B) report compliance or claim exemption from MCLE requirements;
- (C) keep a record of MCLE compliance¹⁵; or
- (D) pay fees for noncompliance.

Rule 2.91 Notice of noncompliance

- (A) A licensee who is sent a notice of noncompliance must comply with its terms or be involuntarily enrolled as inactive. An inactive licensee is not eligible to practice law.
- (B) If the notice requires the licensee to complete credit hours for the previous compliance period, any excess credit hours may be counted toward the current compliance period.

Rule 2.91 adopted effective January 1, 2008; amended effective January 25, 2019.

Rule 2.92 Enrollment as inactive for MCLE noncompliance

A licensee who fails to comply with a notice of noncompliance is enrolled as inactive and is not eligible to practice law. The enrollment is administrative and no hearing is required.

¹⁵ Rule 2.73.

Rule 2.93 Reinstatement following MCLE noncompliance

Enrollment as inactive for MCLE noncompliance terminates when a licensee submits proof of compliance and pays noncompliance fees. Credit hours that exceed those required for compliance may be counted toward the current period.

TITLE 3. PROGRAMS AND SERVICES

Adopted July 2007

DIVISION 5. PROVIDERS OF PROGRAMS AND SERVICES**Chapter 1. Providers of Continuing Legal Education****Rule 3.600 Definitions**

- (A) An “MCLE activity” is minimum continuing legal education that is accredited by the State Bar as meeting the standards for MCLE credit.¹
- (B) An “LSMCLE” activity is legal specialty minimum continuing legal education that is accredited by the State Bar as meeting the standards for LSMCLE and MCLE credit as set forth in rule 3.114.
- (C) A “provider” is an individual or entity approved by the State Bar to grant MCLE or LSMCLE credit for MCLE or LSMCLE activity.
- (D) A “Single Activity Provider” is a provider approved to grant credit for a single MCLE activity after applying for and receiving approval of the activity in accordance with State Bar procedures and paying the appropriate fee(s).
- (E) A “Multiple Activity Provider” is a provider approved to grant credit for any MCLE activity after applying for and receiving approval for Multiple Activity Provider status in accordance with State Bar procedures and paying the appropriate fee(s).
- (F) A “Legal Specialty Credit Provider” is approved to grant credit for a single LSMCLE activity designed to attain and maintain proficiency in a specialty area of law or is an approved Multiple Activity Provider in a specialty area of law as set forth in rule 3.114.
- (G) “MCLE credit” is the number of credit hours that a licensee may claim to meet the requirements of these rules.
- (H) A “credit hour” is sixty minutes actually spent in an MCLE activity. A credit hour is reported to the nearest quarter hour in decimals, and includes time for introductory and concluding remarks and for questions and answers. Time spent in breaks or lunch periods, and participating in any nonlegal education functions, including networking, business meetings, tours, or demonstrations is not activity that may be applied to a credit hour or receive MCLE credit.

¹ 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.

- (I) A “participatory activity” is an MCLE or LSMCLE activity that qualifies for participatory MCLE or LSMCLE credit and for which the provider must verify attendance. Participatory activities may be presented in person or delivered by electronic means.
- (J) A “self-study activity” is any MCLE activity identified in State Bar Rule 2.83. Self-study activities may be presented in person or delivered by electronic means.
- (K) A “nontraditional format activity” is an activity held in any format other than a traditional live classroom format. Nontraditional formats include various forms of audio and video recordings, live broadcasts, teleconferences, videoconferences, web conferences, and online courses.

Rule 3.601 Standards for MCLE activity approval

To be eligible for MCLE accreditation, an MCLE activity must meet the following State Bar standards.

- (A) General MCLE activity must relate to legal subjects directly relevant to licensees of the State Bar and have current significant educational, professional, or practical content, with an objective to increase each participant’s professional competency as an attorney. Activities designed for non-attorney participants will not be approved for general MCLE credit. MCLE activities that may be eligible for general MCLE credit include those that provide education or practical instruction in:
 - (1) The practice of law;
 - (2) Litigation;
 - (3) Management of a solo law practice;
 - (4) Management of a law firm or corporate legal department;
 - (5) The management of client trust accounts;
 - (6) Law firm finances;
 - (7) Attorney-client communications;
 - (8) Case management;
 - (9) Effective calendaring;
 - (10) The avoidance of malpractice; or
 - (11) Opportunities to participate in pro bono legal services.
- (B) Legal ethics MCLE activity must focus on attorneys' professional responsibility, including education on and citation to the California Rules of Professional Conduct and the State Bar Act, and related authorities such as the professional conduct rules of a tribunal. Activities that focus on the ethics of business, corporate or government affairs, or society, in general, do not qualify for MCLE credit.

- (C) Recognition and elimination of bias MCLE activity must focus on education in the recognition and elimination of impermissible bias in the courtroom and law offices; attorney-client relationships and relationships with other attorneys; legal and nonlegal employment and workplaces, including hiring, managing, and terminating employees; and in housing, including accommodations and services. Courses required by Government Code section 12950.1 also qualify for recognition and elimination of bias credit.
- (D) Implicit bias and the promotion of bias-reducing strategies MCLE activity must meet the requirements of Business and Professions Code section 6070.5 and must focus on implicit bias and the promotion of bias-reducing strategies to address how unintended biases regarding race, ethnicity, gender identity, sexual orientation, socioeconomic status, or other characteristics undermine confidence in the legal system.
- (E) Prevention and detection competence MCLE activity must consist of education that relates to the prevention and detection of substance use disorders, mental illness, and other mental or physical issues that impair an attorney's ability to perform legal services with competence.
- (F) Wellness competence MCLE activity may include physical and mental wellness and well-being or stress management so long as the activity addresses these topics in the context of the practice of law and the impact these issues can have on an attorney's ability to perform legal services with competence.
- (G) Technology MCLE activity must consist of education that addresses technology in the practice of law. This includes education on technology tools, programs, or applications to assist attorneys in their law practice. Credit will not be awarded for course content consisting of marketing of a technology product or service. Examples of courses that would qualify for this credit include:
- (1) Cybersecurity, privacy, and data protection;
 - (2) Use of technology to create, receive, transmit, store, analyze, or delete client documents or client information;
 - (3) Law practice management technology tools, including technology for virtual appearances before a tribunal;
 - (4) Use of applications to assist attorneys in advising clients, including artificial intelligence technology; and
 - (5) E-discovery.
- (H) Civility MCLE activity must consist of education that addresses civility in the legal profession. This includes education that discusses the link between civility and bias, incivility that is directed at opposing parties or counsel, and incivility aimed at the judiciary.

- (I) Legal Specialist MCLE activity must provide high-quality legal education in one or more of the areas of the law eligible for LSMCLE credit as set forth in Title 3, Division 2, Chapter 2 of the State Bar Rules.
- (J) A presenter or presenters of an MCLE activity must have significant professional or academic experience related to its content.
- (K) Any information regarding an approved MCLE activity, including all promotional materials, must state that the activity is approved for California MCLE credit, specify the credit hours offered, and indicate whether any of the credit may be claimed for required MCLE in legal ethics, recognition and elimination of bias, implicit bias, prevention and detection competence, wellness competence, technology in the practice of law, civility in the legal profession, or a legal specialization.
- (L) If an MCLE activity is submitted for accreditation, but the provider has not received a determination on approval of the activity, any information regarding the proposed MCLE activity, including all promotional materials, must state that an application for California MCLE credit is pending approval.
- (M) If an MCLE activity is not approved, the provider must promptly provide written notice of the State Bar's denial to any registrant seeking California MCLE credit for the course or program.
- (N) If an MCLE activity lasts one hour or more, the provider must provide participants with substantive written materials relevant to the MCLE activity either before or during the activity. Any materials provided online must remain online for at least thirty (30) calendar days following the MCLE activity.
- (O) An MCLE activity must be conducted in a location or format conducive to learning and free of interruptions from telephone calls, electronic communications, and other office or personal matters.
- (P) A provider of an MCLE activity, including a nontraditional format activity, must verify whether an attorney completes the entire MCLE activity or an entire session of the activity. The provider's attendance verification procedure may not rely solely on verification by a participating attorney. Any application that does not set forth such verification procedures will not be approved.

Rule 3.602 Responsibilities of every provider

Every provider must:

- (A) Comply with any State Bar rules, standards, and terms applicable to an approved MCLE activity;

- (B) Take attendance using the State Bar's Record of Attendance form or its equivalent and retain the form for four years from the date of the MCLE activity. The form must include the following:
- (1) title of the MCLE activity;
 - (2) date of the MCLE activity;
 - (3) total hours awarded, including any credit hours or partial credit hours awarded for legal ethics, recognition and elimination of bias, implicit bias, prevention and detection competence, wellness competence, technology in the practice of law, civility in the legal profession, or legal specialization as a component of the activity;
 - (4) whether the activity is participatory or self-study; and
 - (5) the name and State Bar number of each California licensee.
- (C) Provide a copy of the record of attendance to the State Bar electronically through the State Bar's Provider Information Management Systems (PIMS) online portal or in another manner as required by the State Bar within thirty (30) days of completion of the activity.
- (D) For a participatory activity, provide participants with an MCLE Certificate of Attendance, either in written or electronic form, upon a participant's successful completion of the MCLE activity. Each certificate must include the following:
- (1) provider name;
 - (2) title of the MCLE activity;
 - (3) date of the MCLE activity;
 - (4) total hours awarded, including any credit hours or partial credit hours awarded for legal ethics, recognition and elimination of bias, implicit bias, prevention and detection competence, wellness competence, technology in the practice of law, civility in the legal profession, or legal specialization as a component of the topic of the activity; and
 - (5) whether the activity is participatory or self-study.
- (E) Certificates of Attendance and Certificates of Completion must be completed and signed by the provider or an agent thereof. The provider may not issue blank certificates. A provider shall not provide participants with a Certificate of Attendance or a Certificate of Completion until the end of an MCLE activity.
- (F) Provide each participant who completes an MCLE activity a State Bar MCLE Activity Evaluation Form or its equivalent, retain the completed evaluation form for at least one year, and submit it to the State Bar upon request.

- (G) Notify the State Bar in writing of any change to the provider's name, address, contact person, or other contact information required by the State Bar, including those of its affiliates, within thirty (30) days of the effective date of the change.

3.603 State Bar MCLE activity auditors

A State Bar MCLE Activity Auditor is a State Bar staff member, Board of Trustees member, California Board of Legal Specialization member, or other person designated by the State Bar to conduct an audit of an MCLE activity on behalf of the State Bar for the purpose of evaluating compliance by providers with these rules and to inform determinations regarding suspension or revocation of provider approval or status under rule 3.604. A State Bar MCLE Activity Auditor may not have a business, financial, or personal relationship with, or oversight responsibility for, the provider of the MCLE activity being audited. A State Bar MCLE Activity Auditor may audit the MCLE activity at no cost. Such attendance shall not qualify for MCLE credit.

Rule 3.604 Suspension or revocation of provider approval

The State Bar may suspend or revoke a provider's approval for failure to comply with these rules or a State Bar determination of the following:

- (A) Failure of the content of the course, the program materials, the quality of the MCLE activity or activities, or the provider's performance to meet the standards set forth in these rules;
- (B) Misuse of a Record of Attendance, Certificate of Attendance, activity evaluation form, or any other form given to a provider by the State Bar;
- (C) Failure to pay appropriate processing fees or any other applicable fees; and
- (D) Substantiated complaint(s) documented against the provider or against an activity offered by the provider.

Rule 3.605 Complaints about providers

The State Bar does not intervene in disputes between a provider and an attendee or potential attendee, but complaints the State Bar receives regarding a provider are considered in assessing the provider's compliance with these rules.

Rule 3.606 MCLE providers

- (A) Providers of MCLE or LSMCLE are categorized as either Single Activity or Multiple Activity Providers. Single Activity Providers are approved providers permitted to hold and grant MCLE or LSMCLE credit for a single MCLE or LSMCLE activity for a period of

two years from the date of the activity, provided that no substantive changes are made to the program.

- (B) Multiple Activity Providers are approved providers authorized to hold and grant MCLE credit for any MCLE or LSMCLE activity that complies with these rules without having to submit separate applications to request approval for each program.

Rule 3.607 Applying for Single Activity Provider status

- (A) To be considered for Single Activity Provider status, a provider must:

- (1) Apply using the State Bar's Single Activity Provider application form for each activity the provider plans to provide;
- (2) Submit the completed form in the manner prescribed by the State Bar, the appropriate processing fee, and the required supporting materials no less than sixty (60) days prior to the date for which the course or activity is scheduled;
- (3) Submit a separate application for each activity that is offered as part of an on-demand, multiday or multitrack, subscription based, bundled activity, or multiple sessions within a bundled activity.

Incomplete applications or applications that do not include the required supporting materials or the appropriate processing fee will not be considered for approval.

- (B) A Single Activity Provider application that requests retroactive approval of an activity may only be granted for an activity occurring within the past two years.

Rule 3.608 Applying for Multiple Activity Provider status

- (A) To be considered for Multiple Activity Provider status, a provider must:

- (1) Within a two-year period prior to submitting an application for Multiple Activity Provider status, receive State Bar approval for six different MCLE activities that are different and not repeat presentations of the same activity and held on six different dates;
- (2) Apply using the State Bar's Multiple Activity Provider application; and
- (3) Submit the completed application in the manner prescribed by the State Bar, the appropriate processing fee, and the required supporting materials for the six activities described in subparagraph (A)(1).

Incomplete applications or applications that do not include the required supporting materials or the appropriate processing fee will not be considered for approval.

- (B) Any activity that is held prior to approval of Multiple Activity Provider status must be submitted for Single Activity Provider approval under rule 3.607.

Rule 3.609 Renewing Multiple Activity Provider status

- (A) To be eligible for renewal of up to two years, a Multiple Activity Provider must:
- (1) Apply for renewal using the State Bar's Multiple Activity Provider renewal application;
 - (2) Submit evidence that it has offered six different MCLE activities that meet the requirements of these rules within the two years preceding its application for renewal;
 - (3) Submit the completed application in the manner prescribed by the State Bar, the required supporting materials for the six activities, and the appropriate processing fee on or before the deadline set by the State Bar; and
 - (4) Submit any complaints it may have received regarding compliance with these rules.

Incomplete applications or applications that do not include the required supporting materials or the appropriate processing fee will not be considered for approval.

- (B) A Multiple Activity Provider renewal application that is received two years or more after the renewal deadline set by the State Bar is ineligible for renewal under this rule. A Multiple Activity Provider who fails to renew their status within the two-year timeframe must submit any MCLE or LSMCLE activity offered during that timeframe for retroactive approval under rule 3.607.

Rule 3.610 Applying for Legal Specialty Provider Status

- (A) The State Bar certifies attorneys as specialists in certain areas of law. Certified specialists must take and report LSMCLE specific to the area(s) of their specialty, in addition to MCLE credit to maintain their certification. The State Bar may accredit specialty education as meeting the standards for LSMCLE activity. LSMCLE activity may also qualify as approved MCLE activity for legal ethics, recognition and elimination of bias, implicit bias, prevention and detection competence, wellness competence, technology in the practice of law, or civility in the profession.
- (B) A provider intending to offer LSMCLE must be approved by the State Bar as a Multiple Activity Provider in a specialty area of law in the manner set forth in rule 3.608 or must file an application for Single Activity Provider status for a single education activity designed to attain or maintain proficiency in a specialty area of law in the manner set forth in rule 3.607.

(C) Any requirements for an MCLE activity as set forth in these rules apply to an LSMCLE activity.²

Rule 3.611 MCLE Provider Fees

Providers are subject to application processing fees when seeking approval to grant credit for a single MCLE activity as a Single Activity Provider or applying for or seeking to renew their Multiple Activity Provider Status.

² See State Bar Rule 3.114.

TITLE 3. PROGRAMS AND SERVICES

Adopted July 2007

DIVISION 5. PROVIDERS OF PROGRAMS AND SERVICES

Chapter 1. Providers of Continuing Legal Education

Article 1. Global provisions

Rule 3.600 Definitions

(A) An “MCLE activity” is minimum continuing legal education that is accredited by the State Bar ~~approves~~ as meeting the standards for MCLE credit.¹

~~(B)~~ (B) An “LSMCLE” activity is legal specialty minimum continuing legal education that is accredited by the State Bar as meeting the standards for LSMCLE and MCLE credit as set forth in rule 3.114.

~~(B)(C)~~ A “provider” is an individual or entity approved by the State Bar to grant MCLE or LSMCLE credit for ~~an~~ MCLE or LSMCLE activity.

~~(C)(D)~~ A “Single Activity Provider” is a provider approved to grant credit for a single MCLE activity after ~~submitting an application~~ applying for and receiving approval of the activity in accordance with State Bar procedures and paying the appropriate ~~processing fee~~ (s).

~~(D)(E)~~ A “Multiple Activity Provider” is a provider approved to grant credit for any MCLE activity after applying for and receiving approval for Multiple Activity Provider status in accordance with State Bar procedures and paying the appropriate (fees) ~~that complies with the terms of the Multiple Activity Provider Agreement.~~²

(F) A “Legal Specialty Credit Provider” is approved to grant credit for a single LSMCLE activity designed to attain and maintain proficiency in a specialty area of law or is an approved Multiple Activity Provider in a specialty area of law as set forth in rule 3.114.

~~(E)(G)~~ “MCLE credit” is the number of credit hours that a licensee may claim to meet the requirements of these rules.

¹ 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.

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.~~

~~(F)(H)~~ A “credit hour” is sixty minutes actually spent in an MCLE activity, ~~less any time for breaks or other activities that lack educational content~~. A credit hour is reported to the nearest quarter hour in decimals, ~~and, MCLE credit~~ includes time for introductory and concluding remarks and for questions and answers. Time spent in breaks or lunch periods, and participating in any nonlegal education functions, including networking, business meetings, tours, or demonstrations is not activity that may be applied to a credit hour or receive MCLE credit.

~~(G)~~ An “approved jurisdiction” is recognized by the State Bar as having MCLE requirements that substantially meet State Bar standards for MCLE activities and computing MCLE credit hours in a manner acceptable to the State Bar. Approved jurisdictions are listed on the State Bar Web site.

~~(H)(I)~~ A “participatory activity” is an MCLE or LSMCLE activity that qualifies for participatory MCLE or LSMCLE credit and for which the provider must verify attendance. Participatory activities may be presented in person or delivered by electronic means. ~~Methods for verification include sign-in in writing or electronically at the state of the course.~~

~~(H)(J)~~ A “self-study activity” is any MCLE activity identified in Rule 2.83. Self-study activities may be presented in person or delivered by electronic means.

~~(H)(K)~~ ~~“State Bar MCLE Activity Auditors” are individuals designated by the State Bar to conduct audits of MCLE activities on behalf of the State Bar for the purpose of evaluating compliance by providers with these rules. A “nontraditional format activity” is an activity held in any format other than a traditional live classroom format. Nontraditional formats include various forms of audio and video recordings, live broadcasts, teleconferences, videoconferences, web conferences, and online courses.~~

Rule 3.601 Standards for MCLE Activities activity approval

To be eligible for approved for MCLE accreditation credit, an MCLE activity must meet State Bar standards.³

~~(A)~~ The General MCLE activity must relate to legal subjects directly relevant to licensees of the State Bar ~~or and~~ have current significant educational, current professional, or and practical content, with an objective to increase each participant’s professional competency as an attorney. Activities designed for non-attorney participants will not be

³ 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 licensee may claim MCLE credit for educational activities that the California Board of Legal Specialization approves for certification or recertification.”

approved for general MCLE credit. MCLE activities that may be eligible for general MCLE credit include those that provide education or practical instruction in:

- (1) The practice of law;
- (2) Litigation;
- (3) Management of a solo law practice;
- (4) Management of a law firm or corporate legal department;
- (5) The management of client trust accounts;
- (6) Law firm finances;
- (7) Attorney-client communications;
- (8) Case management;
- (9) Effective calendaring;
- (10) The avoidance of malpractice; or
- (11) Opportunities to participate in pro bono legal services.

(B) Legal ethics MCLE activity must focus on attorneys' professional responsibility, including education on and citation to the California Rules of Professional Conduct and the State Bar Act, and related authorities such as the professional conduct rules of a tribunal. Activities that focus on the ethics of business, corporate or government affairs, or society, in general, do not qualify for MCLE credit.

(C) Recognition and elimination of bias MCLE activity must focus on education in the recognition and elimination of impermissible bias in the courtroom and law offices; attorney-client relationships and relationships with other attorneys; legal and nonlegal employment and workplaces, including hiring, managing, and terminating employees; and in housing, including accommodations and services. Courses required by Government Code section 12950.1 also qualify for recognition and elimination of bias credit.

(D) Implicit bias and the promotion of bias-reducing strategies MCLE activity must meet the requirements of Business and Professions Code section 6070.5 and must focus on implicit bias and the promotion of bias-reducing strategies to address how unintended biases regarding race, ethnicity, gender identity, sexual orientation, socioeconomic status, or other characteristics undermine confidence in the legal system.

(E) Prevention and detection competence MCLE activity must consist of education that relates to the prevention and detection of substances use disorders, mental illness, and other mental or physical issues that impair an attorney's ability to perform legal services with competence.

(F) Wellness competence MCLE activity may include physical and mental wellness and well-being or stress management so long as the activity addresses these topics in the context of the practice of law and the impact these issues can have on an attorney's ability to perform legal services with competence.

(G) Technology MCLE activity must consist of education that addresses technology in the practice of law. This includes education on technology tools, programs, or applications

to assist attorneys in their law practice. Credit will not be awarded for course content consisting of marketing of a technology product or service. Examples of courses that would qualify for this credit include:

- (1) Cybersecurity, privacy, and data protection;
- (2) Use of technology to create, receive, transmit, store, analyze, or delete client documents or client information;
- (3) Law practice management technology tools, including technology for virtual appearances before a tribunal;
- (4) Use of applications to assist attorneys in advising clients, including artificial intelligence technology; and
- (5) E-discovery.

(H) Civility MCLE activity must consist of education that addresses civility in the legal profession. This includes education that discusses the link between civility and bias, incivility that is directed at opposing parties or counsel, and incivility aimed at the judiciary.

(I) Legal Specialist MCLE activity must provide high-quality legal education in one or more of the areas of the law eligible for LSMCLE credit as set forth in Title 3, Division 2, Chapter 2 of the State Bar Rules.

(A)(J) The A presenter or presenters of the an MCLE activity must have significant professional or academic experience related to its content.

(B)(K) Any information regarding an approved MCLE activity, including all promotional materials, must state that the MCLE activity is approved for California MCLE credit, or that a request for approval is pending; specify the amount of credit hours offered; and indicate whether any of the credit may be claimed for required MCLE in legal ethics, recognition and elimination of bias, implicit bias, prevention and detection competence, wellness competence, technology in the practice of law, civility in the legal profession, or a legal specialization or competence issues.⁴

(L) If an MCLE activity is submitted for accreditation, but the provider has not received a determination on approval of the activity, any information regarding the proposed MCLE activity, including all promotional materials, must state that an application for California MCLE credit is pending approval.

(M) If an MCLE activity is not approved, the provider must promptly provide written notice of the State Bar's denial to any registrant seeking California MCLE credit for the course or program.

(C)(N) If the an MCLE activity lasts one hour or more, the provider must provide participants

⁴ See State Bar Rule 2.72 for a description of competence issues and elimination of bias.

~~with~~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 (30) calendar days following the MCLE activity.

~~(D)(O)~~ An MCLE activity must be conducted in a location or format conducive to learning and Programs and classes must be scheduled so that participants are free of interruptions from telephone calls, electronic communications, and other office or personal matters.

~~(E)(P)~~ A provider of an MCLE activity, including a nontraditional format activity, must verify whether an attorney completes the entire MCLE activity or an entire session of the activity. The provider's attendance verification procedure may not rely solely on verification by a participating attorney. Any application that does not set forth such verification procedures will not be approved On and after January 1, 2022, for all training dealing with, or including a component dealing with, implicit bias and the promotion of bias-reducing strategies, an MCLE provider must meet the requirements of Business and Professions Code section 6070.5.

Rule 3.602 Responsibilities of every provider

Every provider must:

(A) ~~comply~~Comply with any State Bar rules, standards, and terms applicable to an approved MCLE activity;

(B) ~~retain~~Take attendance using the State Bar's Record of Attendance form or its equivalent and retain the form for an MCLE activity for four years from the date of the MCLE activity, ~~and submit it to the State Bar upon request.~~ The ~~form~~record must include the following:

(1) title of the MCLE activity;

(2) date of the MCLE activity;

(3) total hours awarded, including any credit hours or partial credit hours any credits awarded for legal ethics, recognition and elimination of bias, implicit bias, prevention and detection competence, wellness competence, technology in the practice of law, civility in the legal profession, or legal specialization or competence issues as a component of the topic of the activity;

(4) and whether the activity is participatory or self-study; and

~~(4)(5)~~ the name and State Bar number of each California licensee attendee;

~~(B)(C)~~ Provide the record of attendance to the State Bar of California with electronically through the State Bar's Provider Information Management Systems (PIMS) online portal or in another manner as required by the State Bar within thirty (30) - attendance records in a form acceptable to the State Bar of California within 60 days of completion of the activity.

(D) For a participatory activity, provide participants with~~furnish~~ an MCLE Certificate of

Attendance, either in written or electronic form, upon a participant's successful completion of the program to each attendee who has met the requirements for the MCLE activity. ~~The Each~~ certificate must include the following:

- ~~(1) the provider name;~~
- ~~(2) title of the MCLE activity;~~
- ~~(3) date of the MCLE activity the course was completed;~~
- ~~(4) total hours awarded, any including any credits hours awarded for legal ethics, recognition and elimination of bias, implicit bias, prevention and detection competence, wellness competence, technology in the practice of law, civility in the legal profession, or legal specialization or competence issues as a component of the topic of the activity;~~ and
- ~~(4)(5)~~ whether the activity is participatory or self-study.

~~(E)~~ Certificates of Attendance and Certificates of Completion must be completed and signed by the provider or an agent thereof. The provider may not issue blank certificates. A provider shall not provide participants with a Certificate of Attendance or a Certificate of Completion until the end of an MCLE activity.

~~(C)(F)~~ Provide ~~give~~ each attendee participant 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.

~~(D)~~ ~~n~~ Notify the State Bar in writing of any change in to the provider's name, address, contact person, or other contact information required by the State Bar including those of its affiliates, within thirty (30) days of the effective date of the change. and

~~(E)~~ —

~~(F)~~ ~~beginning January 1, 2022, if providing training dealing with, or including a component dealing with, implicit bias and the promotion of bias-reducing strategies to address how unintended biases regarding race, ethnicity, gender identity, sexual orientation, socioeconomic status, or other characteristics undermine confidence in the legal system, attest to the following:~~

~~(1) The provider makes reasonable efforts to recruit and hire trainers who are representative of the diversity of persons that California's legal system serves.~~

~~(2) The trainers have either academic training in implicit bias or experience educating legal professionals about implicit bias and its effects on people accessing and interacting with the legal system.~~

~~(3) The training includes a component regarding the impact of implicit bias, explicit bias, and systemic bias on the legal system and the effect this can have on people accessing and interacting with the legal system.~~

~~(4) The training includes actionable steps licensees can take to recognize and~~

~~address their own implicit biases.~~

3.603 State Bar MCLE ~~A~~activity ~~A~~auditors

A State Bar MCLE Activity Auditor ~~may be~~is a State Bar staff member, Board of Trustees member, California Board of Legal Specialization member, or other person designated by the State Bar to conduct an audit of a ~~n-particular~~ MCLE ~~activity program or class~~ on behalf of the State Bar for the purpose of evaluating compliance by providers with these rules and to inform determinations regarding suspension or revocation of provider approval or status under rule 3.604. A State Bar MCLE Activity Auditor may not have a business, financial, or personal relationship with, or oversight responsibility for, the provider of the ~~program or class~~ MCLE activity being audited. A State Bar MCLE Activity Auditor may audit the ~~particular~~ MCLE ~~program or class~~ activity at no cost. Such attendance shall not qualify for MCLE credit.

Rule 3.604 Suspension or revocation of provider approval

The State Bar may suspend or revoke a provider's approval for failure to comply with these rules or a State Bar determination of the following:~~the terms of any applicable State Bar agreement only by majority vote of the Board of Trustees, after notice and hearing, and for good cause shown.~~

- (A) Failure of the content of the course, the program materials, the quality of the MCLE activity or activities, or the provider's performance to meet the standards set forth in these rules;
- (B) Misuse of a Record of Attendance, Certificate of Attendance, activity evaluation form, or any other form given to a provider by the State Bar;
- (C) Failure to pay appropriate processing fees or any other applicable fees; and
- (D) Substantiated complaint(s) documented against the provider or against an activity offered by the provider.

Rule 3.605 Complaints about Providers

The State Bar does not intervene in disputes between a provider and an attendee or potential attendee, but complaints the State Bar receives regarding a provider are considered in assessing the provider's compliance with these rules.

Rule 3.606 MCLE providers

- (A) Providers of MCLE or LSMCLE are categorized as either Single Activity or Multiple Activity Providers. Single Activity Providers are approved providers permitted to hold and grant MCLE or LSMCLE credit for a single MCLE or LSMCLE activity for a period of two years from the date of the activity, provided that no substantive changes are made to the program.

- (B) Multiple Activity Providers are approved providers authorized to hold and grant MCLE credit for any MCLE or LSMCLE activity that complies with these rules without having to submit separate applications to request approval for each program.

Article 2. ~~Multiple Activity Providers~~

Rule 3.607 Applying for Single Activity Provider status

- (A) To be considered for Single Activity Provider status, a provider must:
- (1) Apply using the State Bar's Single Activity Provider application form for each activity the provider plans to provide;
 - (2) Submit the completed form in the manner prescribed by the State Bar, the appropriate processing fee, and the required supporting materials no less than sixty (60) days prior to the date for which the course or activity is scheduled;
 - (3) Submit a separate application for each activity that is offered as part of an on-demand, multiday or multitrack, subscription based, bundled activity, or multiple sessions within a bundled activity.

Incomplete applications or applications that do not include the required supporting materials or the appropriate processing fee will not be considered for approval.

- (B) A Single Activity Provider application that requests retroactive approval of an activity may only be granted for an activity occurring within the past two years.

Rule 3.~~608620~~ Applying for Multiple Activity Provider status

- (A) To be considered for Multiple Activity Provider status, a provider must:
- (1) ~~Within a two-year period prior to submitting an application for Multiple Activity Provider status,~~ receive State Bar approval for ~~four-six~~ different MCLE activities that are different and not repeat presentations of the same activity and ~~hold them on four~~held on six different dates; and
 - (2) Apply using the State Bar's Multiple Activity Provider application; and
 - (3) ~~Submit the completed an application in the manner prescribed by the State Bar, and the appropriate processing fee, for Multiple Activity Provider status within that same period~~ and the required supporting materials for the six activities described in subparagraph (A)(1).

Incomplete applications or applications that do not include the required supporting materials or the appropriate processing fee will not be considered for approval.

- (B) Any activity that is held prior to approval of Multiple Activity Provider status must be submitted for Single Activity Provider approval under rule 3.607.

Rule 3.609~~621~~ Renewing Multiple Activity Provider status

(A) To be eligible for renewal of up to ~~three~~two years, a Multiple Activity Provider must:

- ~~(1) a~~(1) Apply for renewal using the State Bar's ~~form for~~ renewal application;
- ~~(1) — submit~~(1) Submit evidence that it has offered ~~four~~six different MCLE activities that meet the requirements of these rules within the two years preceding its application for renewal;
- ~~(2) submit~~(2) Submit the completed ~~form~~application in the manner prescribed by the State Bar, ~~the and any required documentation by~~supporting materials for the six activities, and the appropriate professing fee on or before the deadline set by the State Bar; ~~and~~
- ~~(3) submit~~(3) Submit any complaints it may have received regarding compliance with these rules; ~~and~~

~~pay the appropriate fees~~Incomplete applications or applications that do not include the required supporting materials or the appropriate processing fee will not be considered for approval.

~~(B) A Multiple Activity Provider renewal application that is received two years or more after the renewal deadline set by the State Bar is ineligible for renewal under this rule. A Multiple Activity Provider who fails to renew their status within the two-year timeframe must submit any MCLE or LSMCLE activity offered during that timeframe for retroactive approval under rule 3.607.~~

Rule 3.610 Applying for Legal Specialty Provider Status

~~(A) The State Bar certifies attorneys as specialists in certain areas of law. Certified specialists must take and report LSMCLE specific to the area(s) of their specialty, in addition to MCLE credit to maintain their certification. The State Bar may accredit specialty education as meeting the standards for LSMCLE activity. LSMCLE activity may also qualify as approved MCLE activity for legal ethics, recognition and elimination of bias, implicit bias, prevention and detection competence, wellness competence, technology in the practice of law, or civility in the profession.~~

~~(B) A provider intending to offer LSMCLE must be approved by the State Bar as a Multiple Activity Provider in a specialty area of law in the manner set forth in rule 3.608 or must file an application for Single Activity Provider status for a single education activity designed to attain or maintain proficiency in a specialty area of law in the manner set forth in rule 3.607.~~

~~(C) Any requirements for an MCLE activity as set forth in these rules apply to an LSMCLE~~

activity.⁵

Rule 3.611 MCLE Provider Fees

Providers are subject to application processing fees when seeking approval to grant credit for a single MCLE activity as a Single Activity Provider or applying for or seeking to renew their Multiple Activity Provider Status.

⁵ See State Bar Rule 3.114.

November 1, 2021

Dear State Bar of California Board of Trustees and Executive Director,

The San Diego County Bar Association (SDCBA) submitted a letter to the State Bar of California Board of Trustees dated November 13, 2020, advocating that the State Bar consider (1) increasing the number of required hours for competency MCLE credit, and (2) expanding the topics recognized for accreditation under the “competency” credit category.

These items were brought forward within the SDCBA by our Wellness Subcommittee, after research and examination of the ABA’s National Task Force on Lawyer Well-being and practices in other states, including Tennessee. In closing, our letter noted that by expanding competency credit hours and subject matter, the State Bar “can be on the leading edge to make a real and necessary difference in the lives of California attorneys” and sought an opportunity to speak with you further on this topic in an effort to assist in meeting this important goal.

The SDCBA’s November 2020 letter, signed by 2020 SDCBA President Johanna Schiavoni, was submitted by mail to the State Bar Board of Trustee. As we did not hear back and given ongoing remote working in late 2020, Ms. Schiavoni submitted the letter by email to the individual Trustees on January 25, 2021.

Unfortunately, the matter did not reach a Trustee agenda.

SDCBA Executive Director Jill Epstein and I reached out to Donna Hershkowitz and Dina DiLoreto to further discuss the SDCBA’s requests for consideration. We four, along with our Wellness Subcommittee leadership, Marta Manus and Julie Lopez, met in March of 2021. At that time, we were advised that our request would be strengthened by securing additional signatories and by clarifying our request for increasing the number of competency hours of MCLE credit.

We have done both, as requested, and are re-submitting the letter with minor changes. We are proud to have 19 other California bar associations as signatories to our letter and understand that more may be sending letters in support for portions of the letter.

We hope that the weight of this state-wide support indicates the importance of the request and that the Board of Trustees will add it as an agenda item for consideration.



Renée N.G. Stackhouse
President, San Diego County Bar Association

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Jill Epstein

November 1, 2021

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

Subject: Collaborative Submission from 22 Bar Associations Regarding Competency MCLE credit

Dear State Bar of California Board of Trustees,

There is a nationwide movement in the legal community towards recognizing wellbeing, stress management, stigma-reduction, and ameliorative efforts as indispensable components of competency. The ABA's National Task Force on Lawyer Well-being calls on stakeholders—such as bar associations—to take the lead in this movement.¹ In an effort to support this movement, the undersigned Bar Associations request that the California State Bar consider: (1) increasing the number of required hours for competency MCLE credit, and (2) expanding the topics recognized for accreditation under the “competency” credit.

Currently, The California State Bar of California requires only one hour of the specialized competency credit per three-year reporting period, and limits the programming qualifying for competency credit to that related only to the detection of mental illness and/or substance abuse. Programs that incorporate wellbeing, stress management, treatment, or presentations focused on reducing the stigma attached to mental illness and substance abuse in the legal profession are not recognized for competency accreditation.²

This limitation sends the wrong message to our legal community, and reinforces the barriers to wellness and recovery. We would not expect a patient with a broken leg to apply her own cast once the fracture is detected by an x-ray. Similarly, we cannot leave lawyers without the tools to prevent and ameliorate mental illness and substance abuse by (among other things) managing stress and maintaining well-being.

¹ National Task Force on Lawyer Well-Being, The Path to Lawyer Well-Being Report, available at: <https://www.americanbar.org/content/dam/aba/images/abanews/ThePathToLawyerWellBeingReportRevFINAL.pdf>

² The rule is not necessarily applied uniformly among multi-activity providers, which are usually organizations that have applied for and been granted accreditation for at least four single-activity programs. In practice, once an organization is granted multi-activity provider status, the organization determines how strictly the rule is applied. This approach is not ideal as it fosters inconsistency.

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Jill Epstein

The ABA's Task Force on Lawyer Well-Being unequivocally recommends expanding competency MCLE credit subjects beyond mere identification of mental illness or substance abuse:

Well-being efforts must extend beyond detection and treatment and address root causes of poor health. Additionally, **genuine efforts to enhance lawyer well-being must extend beyond disorder detection and treatment.** Efforts aimed at remodeling institutional and organizational features that breed stress are crucial, as are those designed to cultivate lawyers' personal resources to boost resilience. **All stakeholders should participate in the development and delivery of educational materials and programming that go beyond detection to include causes and consequences of distress. These programs should be eligible for CLE credit,** as discussed in Recommendation 20.3. Appendix B to this report offers examples of well-being-related educational content, along with empirical evidence to support each example. (ABA Task Force's "The Path to Lawyer Well-Being," p. 18, emphasis added.)

Appendix B of the Report sets forth the following suggested topics, along with empirical support for each subject's efficacy at promoting competence:

- Work engagement vs. burnout;
- Stress;
- Resilience and optimism;
- Mindfulness meditation;
- Rejuvenation periods to recover from stress;
- Physical activity;
- Control and autonomy;
- Conflict management;
- Work-life conflict;
- Meaning and purpose;
- Substance abuse and mental health disorders;
- Leader development and training.

The Task Force goes on to advise that: "At a minimum, training should cover the following... **How, why, and where to seek help** at the first signs of difficulty... Freedom from substance use and mental health disorders as an indispensable predicate to fitness to practice... How to approach a colleague who may be in trouble... How to thrive in practice and **manage stress** without reliance on alcohol and drugs... As noted above, **to help reduce stigma, such programs should consider enlisting the help of recovering lawyers who are successful members of the legal community.**" (*Id.*, at p. 17, emphasis added.)

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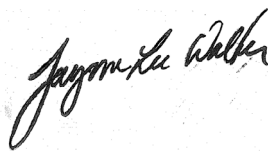
The Task Force recognizes Tennessee as “an example of a pioneering state that authorizes credit for a broad set of well-being topics. It...authorizes ethics and professionalism credit for programs that are designed, for example, to: enhance optimism, resilience, relationship skills, and energy and engagement in their practices; connect lawyers with their strengths and values; address stress; and to foster cultures that support outstanding professionalism. **We recommend that regulators follow Tennessee’s lead by revising CLE rules to grant credit for similar topics in California.** (*Id.*, at p. 27.) “[B]ar associations [are] closely watched for signals about what is expected” and have the opportunity to “support change through their own demonstrated commitment to core values and well-being....Critical to this complex endeavor will be the development of...state level action plans that continue the efforts started in [the Tasks Force report]. (*Id.* at pp, 12-13.)

As national leaders, California should be at the forefront of these efforts and part of its state level action plan should include increasing the number of required competency credit hours to signal the importance of the topic, and the need for mental health awareness in the legal profession. One hour of required competency credit is not sufficient to address the magnitude of the issue. Further, increasing the competency requirement still provides for 18 hours of General Credits.

By expanding competency credit hours and subject matter, The State Bar of California can be on the leading edge to make a real and necessary difference in the lives of California attorneys. That positive effect on the attorneys will transfer to, and benefit, the end-users of the attorney’s services, the consumers of California. This is truly a win-win for everyone.



Renée N.G. Stackhouse
 President, San Diego County
 Bar Association



Jayme Walker
 President, Alameda-Contra Costa
 Trial Lawyers’ Association



Diana Lytel
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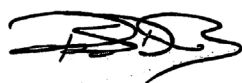
Diana Renteria
Vice President, Hispanic Bar
Association of the Inland Empire



Sarcout "Sed" Zangana
Chapter President, Iranian American
Bar Association - San Diego Chapter



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Association



Stephanie Hess
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Bar Association



Douglas Clark
Co-President, Tom Homann
LGBT Law Association



Raphael Moore
President, Yolo County
Bar Association

October 25, 2021

Renee Stackouse
President
San Diego County Bar Association
401 West A Street, Suite 1100
San Diego, CA 92101

Re: Supporting Letter to the San Diego Bar Association's Collaborative Submission from Bar Associations Regarding Competency MCLE Credit

Dear Renee:

I am a trustee of the Los Angeles County Bar Association ("LACBA") and chair of the Ad Hoc Committee formed to discuss support of attached letter from the San Diego County Bar Association (SDCBA) to the State Bar of California Board of Trustees, regarding competency MCLE credit ("Collaborative Submission").

With one exception in the next paragraph, the Ad Hoc Committee wholeheartedly supports the Collaborative Submission, calling for expansion of competency MCLE credit subjects beyond mere identification of mental illness or substance abuse. In particular, the committee supports the affirmative inclusion of discussion, treatments and activities regarding mental, emotional or physical issues that affect professional competence, including well-being, stress management, and the many other examples mentioned.

We do not support the expansion of the competency MCLE credit from the current one (1) hour every three years to two (2) hours every three years. We believe that this is burdensome on lawyers, particularly during the pandemic. We also believe competency programs can and should be regularly provided by bar associations either for general MCLE credit, or as additional competency MCLE specialty credit.

We thank the SDCBA for its leadership on this important topic.

Sincerely,

Caroline Vincent

Caroline Vincent
Chair, Ad Hoc Committee of LACBA Board of Trustees

Caroline Vincent, Attorney Mediator & Arbitrator
ADR Services, Inc.
cvincent@adrservices.com
Cell: 310.617.2042

Attachment:

San Diego County Bar Association's Collaborative Submission
from Bar Associations Regarding Competency MCLE Credit

Survey for MCLE Offerings

1. Does your state currently have the above civility requirement?	No
1a. If no, how is it counted?	We consider the topic part of the ethics and professionalism requirement.
2. Does your state approve CLE credit for mock trial programs?	No
2a. If no, how is it counted?	It is not counted. The requirement is a minimum one and should focus on an attorney's competence to practice law. Volunteering is something the attorney should do but not to meet the CLE requirement.
3. Does your state have a Competency CLE requirement?	No
4. What are your thoughts about the bullet-pointed topics listed above that California is being asked to consider? Please elaborate.	We include well-being as part of the ethics and professionalism requirement. Leader development and training would be considered law practice management credit and capped at 2 hours per compliance period. Guidelines for both are available at www.kscle.org .
5. Does your state currently have the above technology or cybersecurity requirement?	No
5a. If no, how is it counted?	This is considered general credit. If it is how to choose technology for your office, that would be considered law practice management.
6. Please identify any subjects your jurisdiction requires that California does not presently require, including but not limited to any requirement that the subject matter of CLE courses must be relevant to the attorney's area of practice (please see the State Bar website for	We do not require that attendance at a course be related specifically to an attorney's area of practice. General practitioners must be up to date on a variety of topics. We also don't know if the attorney is looking to change their area of practice and learning more about a new topic.

current MCLE requirements on ethics, competency, and elimination of bias and a description of each requirement on the Qualifying Activities page).

Just requiring a certain area of practice does not mean that the attorney is going to learn.

Name

Shelley Sutton

State (Jurisdiction)

Kansas

Email Address

suttons@kscourts.org

Survey for MCLE Offerings

1. Does your state currently have the above civility requirement?	No
1a. If no, how is it counted?	Courses, if related to the practice of law, would be currently counted as a general credit.
2. Does your state approve CLE credit for mock trial programs?	No
2a. If no, how is it counted?	No credit for volunteering for mock trial.
3. Does your state have a Competency CLE requirement?	Yes
3a. If yes, what topics are recognized for accreditation/credit?	Sort of. This would fall under our ethics credit. It includes accepted principles from the rules of professional conduct as well as programs on the relationship between substance abuse, chemical dependency, or mental illness as it relates to a lawyer's professional responsibilities.
4. What are your thoughts about the bullet-pointed topics listed above that California is being asked to consider? Please elaborate.	<p>How many of those topics fall on the responsibility of CLE to be covering in the programming, versus say, the lawyer assistance program? Too often, many of the courses that I see come across in applications for a number of those topics are more of HR-type courses that could be just as useful for someone in any other profession as they are for lawyers. The courses often lack the ties back to the legal profession.</p> <p>Also, some of those topics, like conflict management and leader development & training, seem to fall under what we would call law practice management, which is a general credit.</p>
5. Does your state currently have the above technology or cybersecurity requirement?	No

5a. If no, how is it counted?

It is typically under our ethics requirement as the rules of professional conduct specifically state that lawyers must stay up to date on technology and cybersecurity.

6. Please identify any subjects your jurisdiction requires that California does not presently require, including but not limited to any requirement that the subject matter of CLE courses must be relevant to the attorney's area of practice (please see the State Bar website for current MCLE requirements on ethics, competency, and elimination of bias and a description of each requirement on the Qualifying Activities page).

I think that California requires more specialty things than Montana.

Name

Jennifer Rickman

State (Jurisdiction)

Montana

Email Address

jrickman@montanabar.org

Survey for MCLE Offerings

1. Does your state currently have the above civility requirement?	No
1a. If no, how is it counted?	It is not a requirement, but it does fall under our current professional responsibility options where we calculate bias elimination separately.
2. Does your state approve CLE credit for mock trial programs?	Yes
2a. If yes, is the credit limited to law school mock trial programs? Please explain.	<p>May not truly yes. FL's mock trial is set up for attorneys under BLSE Policy 5.08(c).</p> <p>(c) Demonstrations and Moot Court. Trial and appeal demonstrations and moot court participation may receive up to 3 credit hours for each 50 minutes of participation. A member cannot claim more than 9 credit hours for these activities during a 3-year CLER reporting cycle.</p> <p>With that said, FL also allows CLE for Justice Teaching in classrooms. BLSE Policy 5.10(h).</p> <p>(h) Justice Teaching Classroom Presentations. Justice Teaching presentations are awarded CLE credit to support the Supreme Court of Florida's initiative to advance an understanding of Florida's justice system among elementary, middle school, and high school students. A member receives 1 general credit hour for each presentation, not to exceed 5 credit hours during a 3-year CLER reporting cycle.</p>
3. Does your state have a Competency CLE requirement?	Yes
3a. If yes, what topics are recognized for accreditation/credit?	Again, FL's substance abuse and mental illness fall under professional responsibility. It is not a

	separate required credit.
4. What are your thoughts about the bullet-pointed topics listed above that California is being asked to consider? Please elaborate.	Honestly I am not sure about my thoughts on this matter. I understand more needs to be done regarding mental health as a whole, not just in the legal field; however, I struggle with the concept of relating to "LEGAL" education. I see these topics as non-legal in nature and a personal improvement and personal accountability.
5. Does your state currently have the above technology or cybersecurity requirement?	Yes
5a. If yes, how many credit hours?	3
5b. Is it a standalone requirement? Please explain.	Yes, it is a stand-alone requirement. Credit is not awarded for marketing of a technology product or service. See BLSE Policy 5.09(g) https://www-media.floridabar.org/uploads/2021/12/500-CLE-Accreditation-2022_06-DEC-BLSE-Standing-Policies-12-3-2021-4.pdf
6. Please identify any subjects your jurisdiction requires that California does not presently require, including but not limited to any requirement that the subject matter of CLE courses must be relevant to the attorney's area of practice (please see the State Bar website for current MCLE requirements on ethics, competency, and elimination of bias and a description of each requirement on the Qualifying Activities page).	Below are FL's current requirements in Rule 6-10.3(b). Each member must complete a minimum of 33 credit hours of approved continuing legal education activity every 3 years. At least 5 of the 33 credit hours must be in approved legal ethics, professionalism, bias elimination, substance abuse, or mental illness awareness programs, with at least 1 of the 5 hours in an approved professionalism program, and at least 3 of the 33 credit hours must be in approved technology programs
Name	Maritza M. McGill
State (Jurisdiction)	Florida
Email Address	mmcgill@floridabar.org

Survey for MCLE Offerings

1. Does your state currently have the above civility requirement?	No
1a. If no, how is it counted?	The State Bar of Texas can approve civility courses as legal ethics/professional responsibility credit because it is part of the ethical duty of attorneys toward each other, their clients and the courts. A glossary of legal ethics and professional responsibility can be found on our Accreditation Standards at our website: https://www.texasbar.com/AM/Template.cfm?Section=MCLE_Sponsors&Template=/CM/ContentDisplay.cfm&ContentID=29172
2. Does your state approve CLE credit for mock trial programs?	Yes
2a. If yes, is the credit limited to law school mock trial programs? Please explain.	Attorneys are limited to self-study hours for judging mock trial competitions. Texas MCLE Regulations allow attorneys to claim 3.00 hours including 1.00 legal ethics in self-study each compliance year. Self-study is based on the honor system so attorneys do not have to document what has been studied. It can consist of (but is not necessarily limited to) reading bar journals, legal articles, advance sheets, case summaries, SCOTUS rulings and being a judge at a mock trial.
3. Does your state have a Competency CLE requirement?	No
4. What are your thoughts about the bullet-pointed topics listed above that California is being asked to consider? Please elaborate.	Referring back to the Accreditation Standards above, attorneys can receive legal ethics/professional responsibility credit for courses that meet the standard: Legal Professional Responsibility” shall include

programs that address substance use, depression, and other mental and physical health conditions that can impair an attorney's ability to provide competent legal services and to assist in the prevention of malpractice.

5. Does your state currently have the above technology or cybersecurity requirement?

No

5a. If no, how is it counted?

We currently do not have a technology competency requirement. My apologies, if I have misunderstood the question.

6. Please identify any subjects your jurisdiction requires that California does not presently require, including but not limited to any requirement that the subject matter of CLE courses must be relevant to the attorney's area of practice (please see the State Bar website for current MCLE requirements on ethics, competency, and elimination of bias and a description of each requirement on the Qualifying Activities page).

I am not sure if California has an age exemption from CLE requirements, but Texas repealed the exemption we had in 2016. It was found that more and more attorneys were continuing to practice past age 70 (which was the age of exemption) and it was determined they should be up to date on changes in the law.

Name

Lowry Kraft

State (Jurisdiction)

Texas

Email Address

lowry.kraft@texasbar.com

Survey for MCLE Offerings

1. Does your state currently have the above civility requirement?	No
1a. If no, how is it counted?	it would be considered ethics
2. Does your state approve CLE credit for mock trial programs?	No
2a. If no, how is it counted?	no credit for this type of activity
3. Does your state have a Competency CLE requirement?	No
4. What are your thoughts about the bullet-pointed topics listed above that California is being asked to consider? Please elaborate.	some of these could be included in our elimination of bias requirement and some may receive standard credit but all would have to be tied specifically to the practice of law to qualify for any type of credit
5. Does your state currently have the above technology or cybersecurity requirement?	No
5a. If no, how is it counted?	it depends on the topic, could be standard credit if just teaching about technology related to regular practice of law or could be ethics if showing how to keep documents and or client information secure
Name	Liz Vanderbeek
State (Jurisdiction)	Minnesota
Email Address	lvanderbeek@mbcle.state.mn.us

Survey for MCLE Offerings

1. Does your state currently have the above civility requirement?	No
1a. If no, how is it counted?	I do not understand the question "how is it counted". We have a new civility pledge in WV that all new WV attorneys must take and courses on civility can count towards their legal ethics requirements but a specific course in civility is not required.
2. Does your state approve CLE credit for mock trial programs?	No
2a. If no, how is it counted?	No CLE is given for participating in mock trial programs.
3. Does your state have a Competency CLE requirement?	No
4. What are your thoughts about the bullet-pointed topics listed above that California is being asked to consider? Please elaborate.	<p>Any time you start requiring very specific types of credits the logistics of accounting for those credits becomes more complex.</p> <p>Attorney well-being is one of the credits under our 3 credit "ethics" umbrella. Many of the subjects contemplated in the list above would fall in that category.</p>
5. Does your state currently have the above technology or cybersecurity requirement?	No
5a. If no, how is it counted?	<p>Courses on legal technology and cybersecurity would fall under our law office mgmt category which is under our 3 credit ethics umbrella.</p> <p>Attorneys have to get at least three credits per reporting period in legal ethics, law office mgmt, attorney well-being or elimination of bias in the legal profession.</p>

Name	Angie Volk
State (Jurisdiction)	West Virginia
Email Address	angiedv@suddenlink.net

Survey for MCLE Offerings

1. Does your state currently have the above civility requirement?	No
1a. If no, how is it counted?	For Illinois, civility is accredited as a professional responsibility topic.
2. Does your state approve CLE credit for mock trial programs?	No
2a. If no, how is it counted?	Volunteering for high school mock trial programs is not eligible for credit in Illinois.
3. Does your state have a Competency CLE requirement?	Yes
3a. If yes, what topics are recognized for accreditation/credit?	In Illinois, the requirement is not called Competency. Each attorney is required to earn at least one hour of mental health/substance abuse credit. Many of the topics listed above would be considered mental health credit if the content was focused on/tailored for attorneys.
4. What are your thoughts about the bullet-pointed topics listed above that California is being asked to consider? Please elaborate.	I would caution against awarding MCLE credit for an activity for high school students. Requests for credit for Boy Scout constitutional law courses, drama coaching, athletic coaching, etc. could follow.
5. Does your state currently have the above technology or cybersecurity requirement?	No
5a. If no, how is it counted?	In Illinois, technology or cybersecurity courses can be accredited as general MCLE credit.
6. Please identify any subjects your jurisdiction requires that California does not presently require, including but not limited to any requirement that the subject matter of CLE courses must be relevant to the attorney's area of practice (please see the State Bar website for	Illinois requires 30 hours of MCLE credit every two years, including six hours of professional responsibility credit with one of those hours approved as mental health/substance abuse and another hour approved as diversity/inclusion. Illinois does not require that CLE courses be

current MCLE requirements on ethics, competency, and elimination of bias and a description of each requirement on the Qualifying Activities page).

relevant to the attorney's specific area of practice.

Name

Karen Litscher Johnson

State (Jurisdiction)

Illinois

Email Address

mcle@mcleboard.org

Survey for MCLE Offerings

1. Does your state currently have the above civility requirement?	No
1a. If no, how is it counted?	Civility could qualify as professionalism if it meets the other requirements for professionalism. We have 1 professionalism hour and 1 ethics hour requirement per year.
2. Does your state approve CLE credit for mock trial programs?	Yes
2a. If yes, is the credit limited to law school mock trial programs? Please explain.	Georgia high school mock trial coaches receive a maximum of 3 CLE hours per year. Judges of our high school mock trial program receive a maximum of 1 CLE hour per year.
3. Does your state have a Competency CLE requirement?	No
4. What are your thoughts about the bullet-pointed topics listed above that California is being asked to consider? Please elaborate.	No to physical activity Georgia approves "wellness" topics that are geared toward attorneys but are not a separate requirement. These type of programs would count toward the general CLE requirement.
5. Does your state currently have the above technology or cybersecurity requirement?	No
5a. If no, how is it counted?	Approved and counts toward the general CLE requirement.
6. Please identify any subjects your jurisdiction requires that California does not presently require, including but not limited to any requirement that the subject matter of CLE courses must be relevant to the attorney's area of practice (please see the State Bar website for current MCLE requirements on ethics, competency, and elimination of bias and a	3 trial hours per year for trial attorneys.

description of each requirement on the Qualifying
Activities page).

Name	DeeDee Worley
State (Jurisdiction)	Georgia
Email Address	deedeew@gabar.org

Survey for MCLE Offerings

1. Does your state currently have the above civility requirement?	No
1a. If no, how is it counted?	Our rules changed last year to expand our ethics requirement. In the past it was 7 credits of legal ethics. Now, the category is called Professional Responsibility; 7 hours of professional responsibility of which 5 must be legal ethics/professionalism and 2 must be EDI (equity, diversity and inclusivity). The Committee wanted to have one hour of civility, but it was agreed that civility training would fall under the 5 hours or could potentially fall under the EDI requirement depending on the focus of the training.
2. Does your state approve CLE credit for mock trial programs?	No
2a. If no, how is it counted?	In 2018 the CLE rules and regulations were overhauled. Colorado created an independent study category and time volunteering at mock trial was included in the proposal. The Court rejected that change. Instead, they change it to that independent study credit can be given for participating in a training on how to be a mock trial judge, but no credit is to be given for participating as a judge. Independent study is capped at 9 general credits; they cannot earn ethics or EDI through independent study. Colorado requires 45 CLE hours every three years, so 9 general credits did not seem too much of a compromise to the Committee.
3. Does your state have a Competency CLE requirement?	No
4. What are your thoughts about the bullet-	These topics would be accredited under our

pointed topics listed above that California is being asked to consider? Please elaborate.

general CLE regulations. There has been discussion by the Committee in the past to require lawyer wellbeing and substance abuse as a mandatory requirement. It was decided that focus needed to be on allowing a larger expanse of programming to be approved for CLE rather than making it mandatory. Leadership, lawyer wellbeing, and law practice management would be the overarching subject areas that would include these bulleted sub-topics. I do not see anything in this list that we would not approve, as long as the course is geared towards lawyers and judges. Any course taken that is not geared towards lawyers and judges (and hence not creditable as CLE) but that the attorney feels would meet their professional development goals could be claimed as independent study credit.

5. Does your state currently have the above technology or cybersecurity requirement?

No

5a. If no, how is it counted?

These subjects would fall under law practice management; potentially could be ethics if they discuss the Rules of Professional Conduct and the requirement in the RPC about technological competency.

6. Please identify any subjects your jurisdiction requires that California does not presently require, including but not limited to any requirement that the subject matter of CLE courses must be relevant to the attorney's area of practice (please see the State Bar website for current MCLE requirements on ethics, competency, and elimination of bias and a description of each requirement on the Qualifying Activities page).

Colorado allows attorneys to decide for themselves which CLE would be relevant to their professional development. As a means to entice lawyers to find courses that would help them in their lives and careers to be a healthy, competent professional, the Committee added the option of the independent study category in 2018. The EDI requirement was just added last year, as well as an expansion of the definition of legal ethics to include general professionalism and civility.

Name

Dawn McKnight

State (Jurisdiction)

Colorado

Email Address

d.mcknight@csc.state.co.us

California MCLE Providers Course Requirement Survey Results

ATTACHMENT G

388 responses to the survey. Below only shows those who provided a description of their proposal or comments to the question.

331 responded “No” when asked “Do you have any proposals to modify the existing MCLE course requirements?”

57 responded “Yes” when asked “Do you have any proposals to modify the existing MCLE course requirements?”

Proposals? (Yes/No)	If yes, please describe the proposal, including the source of the proposal:	Name:	Email Address:
Yes	1. Trial lawyers have specific needs in CLE. Evidence, civil or criminal procedure etc. A category of trial credits make sense to satisfy this need. 2. The pandemic taught all of us that remote CLE and self study is a viable form of CLE. That should be expanded.	Roger Dodd	doddlaw@doddlaw.com
Yes	a help line or customer service email where you can reach someone with questions.	Jonathan Castro	jcastro@toddolivas.com
Yes	Accurate scene reconstruction and digital event reconstruction are increasingly necessary to satisfy fact finders that your client's case is both plausible and defensible. Emerging and maturing technological resources are making these tasks easier but may lull fact finders into believing anything they see. This course teaches which means and methods are generally accepted, which are potentially prone to inadvertent or purposeful improper manipulation, and recommendations to ensure work conducted on your client's behalf is foundationally sound. The sources of this proposal are my own company's work in this field, current training offered by laser scanning OEMs, and the literature.	James Gripp	jgripp@legalarts.com
Yes	Allow courses on grief support and referral to be included in ethics category.	Gregg Garfinkel	ggarfinkel@stonedeanlaw.com
Yes	Allow self reporting if and accept any CLE program approved by any state.		
Yes	An easier way to renew an existing approved course every 2 years, and to have it extended 2 years from the approval date, not the backdated date from when it originally is looked at.	Melissa L. Smith	melissa@enotrias.com
Yes	As a certified specialist, requiring 36 hours plus the additional ethics/bias requirements is excessive. Strongly request that any additional required units have an equal amount of deleted units		
Yes	As the director of education of the San Fernando Valley Bar Association for over 20 years, I would suggest instead of adding required hours just make the civility training as part of the 4 hours legal ethics requirement. It could easily fall under this category.	Linda Temkin	events@sfvba.org

Attachment G California MCLE Providers Course Requirement Survey Results

Proposals? (Yes/No)	If yes, please describe the proposal, including the source of the proposal:	Name:	Email Address:
Yes	<p>Broader and more flexible approval of courses related to law practice management. We offer CLE in multiple states and our CA attendees often end up frustrated by not getting CLE for ALL the skills they need to be effective lawyers.</p> <p>This is not related to the substance of MCLE course requirements but an online MCLE portal would be fantastic. Texas has a simple great MCLE provider portal through which we apply for the CLE accreditation including expedited requests. They will also list all the upcoming approved courses as they approve them which assists members looking for CLE.</p>		
Yes	Consider adding a cultural competency requirement, and more training on working with indigent or non-English speaking clients.	Uzoamaka Ogbodo	uogbodo@publiccounsel.org
Yes	Eliminate the two hours in elimination of bias, one hour of which must focus on implicit bias and bias-reducing strategies.		
Yes	Given the longstanding data on lawyer dysfunctionality and stress, it's time to bring back mandatory credits in what used to be called stress reduction. That label invited abuses. A more correct label in much use in the ABA and many state bar associations is "lawyer self care," meaning building skills to support a healthy professional life, and to avoid burnout and vicarious trauma. These skills are absolutely essential if one is to provide high quality services to clients. Through the Integrative Law Institute at Commonweal I have been providing workshops that meet this need, in many jurisdictions in North America and abroad, both where CLE credit is offered and where it is not. Lawyers are hungry for this kind of programming.	Pauline Tesler	phtesler@integrativelawinstitute.org
Yes	Good day and thanks for reaching out to the course providers. I have no specific approval requests. However, I would like information regarding my December 2021 request for more information about credit for California attorneys who attend out of state courses. I asked whether they can self report with proof of approval from another MCLE state. The website information looks as though that is allowed, however, several CA attorneys have informed me that they are not able to self report unless the sponsor has the course accredited in the state. Please confirm to ensure we are providing the correct information to our attendees. Thank you.	Caryn Nicole Pierce	cpierce@nsba.org

Attachment G California MCLE Providers Course Requirement Survey Results

Proposals? (Yes/No)	If yes, please describe the proposal, including the source of the proposal:	Name:	Email Address:
Yes	I am advocating for a mandatory course on disability bias and representing people with disabilities. There is currently no information given out to attorneys on these subjects and few to no MCLE courses even offered on these topics.	Areta Guthrey	AKGUTHREY@YAHOO.COM
Yes	I am in favor of adding a one hour minimum requirement for Civility. I would suggest making it a 4 hour requirement as part of the 25 hour total.		
Yes	I appreciate the importance of understanding substance use issues, but by the time you've been practicing 30 years, its not really useful or necessary information, in my opinion. Perhaps that is better reserved for newer lawyers who don't appreciate the stress of law and its implications. I like the civility idea a lot.		
Yes	I believe that there should be more of an emphasis on competence issues-- many newer lawyers simply do not have a good understanding about some of the basics that underlie the practice of law or running of law firm.	Sandra E. Stone	sstone@plawp.com
Yes	I certainly support increasing the number of MCLE hours to add in one hour devoted to civility training. I have been practicing law for almost 33 years and the level of incivility in our community is disturbing. I was recently at a hearing that centered around an instruction not to answer at a deposition. My opponent was a seasoned attorney and made his record. My response was to the effect "I just disagree with you but we can talk to the judge about that later." When we finally did speak to the judge, he commended me and my opponent for the professionalism displayed at the deposition noting that "Younger attorneys nowadays don't have that level of professionalism." Clearly there is an issue. When I stated practicing, email didn't exist and this form of communication can be problematic because once you press send, it is out there forever. While perhaps not a proposal, support for this 100%!		
Yes	I have no qualms about a civility requirement, but am skeptical that "civility" can be taught, or that those who choose not to be civil will be inclined to give up their incivility because they were forced to sit through an hour program every 3 years.	Neil	neil@relawapc.com
Yes	I like the idea of a one hour course devoted to civility training - the idea for which comes from above.	Douglas Crowder	dcrowder@crowderlaw.com

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Proposals? (Yes/No)	If yes, please describe the proposal, including the source of the proposal:	Name:	Email Address:
Yes	I propose that the elimination of bias requirement be increased to 4-8 hours minimum. This topic is extremely complexed and based upon where we are in today's racial climate and issues that continue to plague America (particularly the pervasiveness of antiblack racism in American law enforcement and legal processes) this requirement needs to be increased exponentially.	Dante k King	dante@danteking.com
Yes	<p>I represent a couple of providers of MCLE and from that standpoint, reporting MCLE based on physical sign-in sheets is entirely too tedious with large conferences. IT doesn't matter how many times people are told to sign in, sign in, sign in for each session, people still forget. Physician reporting, for example, is on an honor system. Attendees still sign in or are electronically checked in but the hours that are reported are based on good faith.</p> <p>Access to provider resources beyond the website would also be helpful. i.e. being able to speak to someone or get replies that are not simply quoting the rules (I can find and read those).</p>	Alexandra Kerstner	alex@groupconcepts.org
Yes	<p>I think adding an additional one-hour civility training is now going to push MCLE into the realm of administrative overkill. MCLE currently now has so many required mandated hours (e.g., substance abuse) that it's squeezing out the most important function of MCLE-- that is, to keep up with changes to substantive law so that lawyers do not malpractice. I cannot begin to describe the eye-rolling among lawyers regarding how MCLE now seems to be a social experiment to the point that practitioners are simply seeking the cheapest courses to fulfill requirements. The fact is, there is very little change that goes on within the subject areas of the MCLE mandated hours. Because of that-- and due to the mandates-- providers have to rehash and rephrase course content to the point that practitioners aren't really learning anything new within these mandated hours.</p> <p>The current proposal on adding a one-hour civility MCLE is just a further example of constant MCLE mirco management. Lawyers already passed the ethics bar and a big component of passing that bar was on dealing with civility. Civility has always been the same. Civility isn't an area subject to</p>	Thomas Ogden	thomas@ogdentaxlaw.com

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Proposals? (Yes/No)	If yes, please describe the proposal, including the source of the proposal:	Name:	Email Address:
	<p>much change. It's how lawyers behave/etiquette. It's going to cause a lot of boredom as there are only so many ways to learn and repeat the area of "civility."</p> <p>To now mandate a one-hour MCLE on how to properly behave is going to further alienate lawyers with what the true function of MCLE is. That is, it is for an attorney to decide where they need to expand and continue to educate themselves so they can better excel in their practice area. Moreover, civility is already a subset of "ethics." To add in one-hour "civility" component is going to now effectively make ethics a 5 hour requirement. To further mandate hours is simply-- at a macro-economic scale-- cause lawyers to actually learn less in their substantive field.</p> <p>State bar mandates are already at 7 hours of the 25 hour required component. It's beyond the point of micro-management, and I know talking to lawyers that attitude is that MCLE has turned into the playground of political whim.</p>		
Yes	I thought civility training was part and parcel of ethics training.		
Yes	I would like to see the requirements for competence come back -- require some sort of technology continuing education each year.	Lori A Hunt	lori@manfredhunt.com
Yes	I would recommend that sponsors have the ability to submit the course application and information electronically.	Vanessa Griffin	vgriffin@nelc-law.org
Yes	I would suggest requiring some sort of mediation training program, or a number of credits devoted to mediation CLE. I practice in federal court and only 1% of cases go to trial. Yet I've done loads of trial-based CLE over the years, and almost no mediation-based CLE. It seems to me lawyers should get training in mediation, instead of just winging it and thinking it's common sense, as is currently the norm. Thanks	David Mannion	dmannion@blakeleylc.com
Yes	In light of the new developments in terms of Zoom presentations rather than in-person presentations- I think it would be helpful to have more specific guidance on what providers need to do to qualify their presentations when they are via Zoom rather than in person.	Karen Kaseno	kkaseno@fraudsafecpa.com
Yes	In my experience, competence is a much greater problem than bias. I would adjust the minimums accordingly.		

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Proposals? (Yes/No)	If yes, please describe the proposal, including the source of the proposal:	Name:	Email Address:
Yes	Include more directed MCLE. Allowing participants to take the majority of MCLE in random categories is not necessarily meaningful. While courses within their field of expertise are valuable, attorneys may need to be more broadly trained and self-aware. More substance abuse and mental health MCLE would be good. As would MCLEs that focus on helping clients find resources for their needs: Mental health, public assistance, job training, substance abuse etc. Getting the best outcome for clients should include improving their overall ability to support themselves and seek much needed services to improve their mental health, day to day functioning and financial well being.		
Yes	Law practice management		
Yes	MCLE application materials should be submitted electronically. Mailing in the MCLE application materials is outdated and time-consuming. Submitting the application electronically would shorten the response and approval turnaround. Instead of having a credit card authorization form create a database where MCLE providers can pay online via credit card. And those who still use checks can still mail their checks.		
Yes	more hours of elimination of bias needed		
Yes	North Carolina and Florida have started requiring credits focused on Technology competence for attorneys. This is an important area for attorneys to stay up-to-date in, especially with regards to data privacy. This could potentially fall under Competence Issues as a sub-type of credit for California.	Meredith Cohen	meredith.cohen@lawline.com
Yes	Our suggested changes are to lower the required number of specialization hours and to eliminate the subject specific requirements as those programs are often lacking in meaningful substance.	Wendy Ikebe	Wenikebe@gmail.com
Yes	Please create a sponsor portal that allows sponsors to apply for CLE over the Internet rather than via snail mail.	Renee C. Quinn	rene.quinn@ipwatchdog.com
Yes	Please see attachment. Thank you! https://fs16.formsite.com/SB_RRC/files/f-128-86-15530509_jC8yBW0C_2022_provider_survey_proposal.pdf	BeiBei Song	bsong@essinova.com
Yes	Please update/make the MCLE Forms for Providers more user friendly with fill ins, consistent font, longer fields, etc. Thank you!		

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Proposals? (Yes/No)	If yes, please describe the proposal, including the source of the proposal:	Name:	Email Address:
	Also, a quicker turnaround for email responses would be great and cut down on time consuming phone call follow ups.		
Yes	Remove all the specialized training except for ethics. The other categories are purely performative and accomplish little other than annoy members and create bureaucracy for the Bar. An added course on civility would be a nightmare for qualified providers to find speakers and would simply be a waste of time.		
Yes	<p>Stop treating lawyers like children.</p> <p>(1) Eliminate required hours on Bias, it is not substantive law.</p> <p>(2) Eliminate required hours on Drugs/Competency, it is not substantive law.</p> <p>(3) "bias and bias-reducing strategies" are more froofy references to kindergarten subjects.</p> <p>(4) "Competency will improve by CLE hours spent on technical legal subjects rather than empty froofy wastes of time."</p>	NoOne	
Yes	Technology is changing the way lawyers practice. Having an awareness of technology helps lawyers competently represent clients. We propose requiring 2 hours of technology per CLE compliance period.	Simcha Dornbush	sdornbush@nacle.com
Yes	<p>The FL Bar requires an hour on technology, which is an interesting idea. We don't hold any of these, but given the need for attorneys to file things electronically, including briefs, etc., and how far behind in tech competence some attorneys are, it's not a bad idea.</p> <p>You'll get push back, but CA doesn't require as many hours as other states, so you could increase that in general.</p> <p>You'll get push back on civility - it's usually discussed during ethics courses. I don't think I would put on a course just dedicated to civility. That topic is discussed in pretty much every single course we put on by our speakers - they always discuss it, it is just not a specific/solo topic on the agenda.</p>	Faith Pincus	faith@pincuscommunications.com
Yes	The following proposals are feedback of our colleagues/attorneys:	Stacy Saetta, Chief Deputy County	saettasl@co.monterey.ca.us

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Proposals? (Yes/No)	If yes, please describe the proposal, including the source of the proposal:	Name:	Email Address:
	<p>1. Requirement for more MCLE required credits on elimination of bias</p> <p>2. More training opportunities on some of the newer or less commonly-explored categories under Government Code section 12940(a)</p> <p>3. More programs addressing unconscious bias</p> <p>4. Adding a requirement of at least an hour every three years on unconscious bias.</p>	Counsel, County of Monterey	
Yes	The idea to add a course devoted to Civility is a great idea, why not take that one step further and incorporate Diversity, Equity, Empathy and Inclusion topic.	Aline R Babaian	ababaian@schmidvoiles.com
Yes	The San Diego County Bar has requested the State Bar to consider increasing the competency credit from 1 hours to 2 hours.	Sarah Harris	sharris@sdcb.org
Yes	The State of IL requires attorneys to earn six (6) hours of professional responsibility hours. Those six PR hours must include one hour accredited for diversity/inclusion PR CLE and another one hour accredited for mental health/substance abuse PR CLE. PR topics include professionalism, diversity and inclusion, mental health and substance abuse, civility, and legal ethics.	Jennifer Weed	jennifer.weed@calcpa.org
Yes	There are states that have begun instituting a Technology requirement, and we find that attorneys benefit from these courses. Specifically, cybersecurity and protecting client data have become increasingly important and relevant.	Danielle Graziano, Esq.	danielle@trtcle.com
Yes	There are ways, in some kinds of cases or situations, to shorten discovery and trial proceedings that do not sacrifice the rights of the contesting	Deanne Siemer	deannesiemer@gmail.com

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Proposals? (Yes/No)	If yes, please describe the proposal, including the source of the proposal:	Name:	Email Address:
	parties. A course in litigation efficiency, perhaps not required but recommended, could be a useful addition to the MCLE program.		
Yes	There are ways, in some kinds of cases or situations, to shorten discovery and trial proceedings that do not sacrifice the rights of the contesting parties. A course in litigation efficiency, perhaps not required but recommended, could be a useful addition to the MCLE program.		
Yes	There is a need to expand the specific scope of what the MCLE requirements entail, specifically on the upcoming implicit bias requirements.	Hadssah Hayashi	hadassah@acbanet.org
Yes	<p>There should be a course requirement for trauma-informed justice because traumatized parties are never heard and in fact often wind up misrepresented. This occurs in family court, criminal court, and will only become more prevalent as homelessness and mental health needs rise. It likely occurs throughout standard civil court hearings as well, though less obviously.</p> <p>Further, judges should be required to take the special MCLE courses on implicit bias and trauma-informed justice.</p> <p>WEAVE would be an excellent place to start. I would assist with such a project (trauma-informed justice education) if desired.</p>	Laura Dougherty	laura.lawyer.mom@gmail.com
Yes	<p>There should be a requirement re IOLTA handling which compares CA to other jurisdictions other than CTA school because attorneys state that they have received conflicting information from CTA school.</p> <p>There should be a requirement to increase the number of ethics courses required by attorneys, re fee splitting and capping with non attorneys in PI cases and why it is wrong, Family law, probate, and any other practice areas that rely heavily on marketing firms. Attorneys are being tricked by marketing first promising them clients and leads when they marketing firm is actually going out and soliciting clients through their own third party vendors. This is capping and it is illegal. Immigration and Bankruptcy may have different requirements.</p>		

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Proposals? (Yes/No)	If yes, please describe the proposal, including the source of the proposal:	Name:	Email Address:
Yes	This does not directly address the question, but I submitted a CLE proposal to the State Bar a couple of years ago and found the process to be difficult and time-consuming, and then I never received a response to the proposal. Efforts to simplify or streamline that approval process would be welcome.		
Yes	We propose a modification that would require 1-2 hours be related to service of underserved or low income populations. We are a non-profit organization, working with low-income communities on a daily basis, and we believe it would be beneficial for others, who may not be in the non-profit sector, to be formally trained to interact with these populations.	Monica Rodas	mrodas@lajlj.org
Yes	We propose a requirement that CA attorneys take at least one credit hour of Cyber-Security awareness and training. Cyber crime is prevalent more than ever and attorneys are increasingly the target of these attacks that can steal or ransom their clients' information. Other states have proposed a similar requirement and we feel it is an important training for all attorneys to have as part of their professional responsibility. Thank you	Josh Rosengartem	info@unitedcle.com
Yes	We surveyed our California-admitted lawyers to inquire whether they had any proposals to modify the existing MCLE course requirements and received the following comments and suggestions: (a) require fewer MCLE hours overall, (b) eliminate the subject-specific MCLE course requirements, which impose financial and time costs on lawyers to find courses to satisfy the very specific requirements (at a minimum, they suggested providing courses that satisfy the subject-specific MCLE course requirements on the state bar website), and (c) add the one-hour civility training requirement as long as the total number of MCLE hours required remains the same. From our perspective, more clear and detailed program requirements for what content will qualify for each kind of specialty credit (including any new specialty credit) would be helpful.	Jessica Hoffman	jessica.hoffman@bakerbotts.com
Yes	Yes to a requirement of civility training. No to classes on bias.		
No	A better understanding of how to follow up with the correct dept or person after submission.	Michael H. Kaplan	michael@medicalsettlementspecialists.com
No	Although I have no additional proposals, I would support the State Bar's addition of civility training.		

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Proposals? (Yes/No)	If yes, please describe the proposal, including the source of the proposal:	Name:	Email Address:
No	I do NOT think we need to add a new requirement for a one hour course devoted to civility training.		
No	I think adding a civility course is an excellent idea.		
No	My only suggestion is to hire more staff to review the MCLE single activity provider applications. I currently have 7 pending courses and cannot seem to get ahold of anyone to tell me whether or not they have been approved.	Caitlin Niedzwiecki	cniedzwiecki@foleymansfield.com
No	We have no specific proposal but suggest the State Bar greatly improve communication when requirements change. The new one re implicit bias, for example, was not communicated well to providers or members.	Belinda Macauley	bmacauley@bhba.org

Stakeholder Support for MCLE Credit for Mock Trial

Name	County	Stakeholder	Date Received
Michael Arkelian	Sacramento	Constitutional Rights Foundation	3/23/2022
Alan Slater	Orange	Constitutional Rights Foundation of Orange County	9/9/2022
Craig Irish	Sacramento	Sacramento County Office of Education	10/18/2022
Cheryl Goulart	Stanislaus	Stanislaus County Office of Education	10/19/2022
Andrea Rubin	Ventura	Ventura County Office of Education	10/19/2022
Melissa Aaron	Fresno	Fresno County Office of Education	10/19/2022
Ana Danielson	Mono	Mono County Office of Education	10/19/2022
Joyce Breckenridge	Monterey	The Lyceum of Monterey County	10/19/2022
John W. Fricks, Esq.	San Luis Obispo	San Luis Obispo Mock Trial	10/19/2022
Kelly Sutherland	San Joaquin	Attorney Coach	10/20/2022
Greg Jouriles	San Mateo	San Mateo County Mock Trial	10/20/2022
Michelle Noble McCain	San Joaquin	Attorney Coach	10/21/2022
Shara Beral Witkin, Esq. (Executive Director)	Orange	Constitutional Rights Foundation of Orange County	10/25/2022
Christine Goedhart-Humphrey	Kern	Kern County Mock Trial Coordinator	10/25/2022
Charles Des Roches	Monterey	The Lyceum of Monterey County	10/26/2022
Kerry D. Rosado	San Francisco	The Bar Association of San Francisco	10/27/2022
Zachary A. Streiff (MCBA CLE Chair) & Christine Fenech (MCBA Board President)	Monterey	Monterey County Bar Association	10/31/2022

*Copies of the letters in support are on file with the Office of Professional Competence and are available upon request. *