



The State Bar *of California*

MCLE Rules: Return from Public Comment and Request for Second Public Comment on Select Rules

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Presentation Overview

1

Discuss the public comment on attorney credit requirements and credit eligibility

2

Discuss revised proposed amendments to rule 2.72 to expand credit eligibility

3

Discuss the public comment on the MCLE Provider Rules

4

Discuss revised proposed amendments to select MCLE Provider Rules

5

Review resolutions for Board approval



Attorney Credit Hour Requirements & Activities Eligible for MCLE Credit



Comments on Credit Hours and Activity Eligibility

Competence

8 comments (3 agree, 1 agree if modified, 4 disagree)

- Proposed additional hour of competence (2 total), allowing for 1 hour of attorney wellness to qualify

Technology

5 comments (2 agree, 3 disagree)

- Proposed new hour of technology in the practice of law

Civility

21 comments (17 agree, 4 disagree)

- Proposed new hour of civility training

Mock Trial/Moot Court

113 comments (110 agree, 2 agree if modified, 1 disagree)

- Proposed credit eligibility for attorneys that participate in mock trial and moot court activities



MCLE credit for mock trial and moot court activities

- Up to 2 hours of participatory, general MCLE credit for serving as an attorney coach, scorer, or presiding judge over mock trials, moot court arguments, negotiation competitions, arbitration competitions, and mediation competitions at the middle school, high school, collegiate, graduate, and law school levels.
- **Expanded after public comment** to include:
 - Negotiation competitions, arbitration competitions, and mediation competitions
 - Allow credit for activities at the middle school and graduate levels



MCLE Provider Rules



25 Comments (8 agree if modified, 17 disagree)

- General concerns regarding proposed amendments:
 - Impractical for providers
 - Difficult for providers to enforce the rules because doing so requires monitoring attorney behavior
 - Imposes unnecessary administrative and financial burdens
- Staff withdraws some proposed amendments and revised proposed amendments based on comments to specific rules



Withdrawn Proposed Amendments

Rule 2.83 (MCLE self-study)

Rule 3.600(K) (proposed new paragraph under “Definitions” for non-traditional format MCLE)

Rule 3.601(O) (proposed new paragraph; activities are free from interruptions)

Rule 3.601(P) (proposed new paragraph; attendance records)

Rule 3.602 (proposed amendment to paragraph (C); attendance records)

Revised Proposed Amendments



**Rule 3.602 (D) & (E):
Certificates of Attendance & Completion**



**Rule 3.609:
Renewing Multiple Activity Provider Status**



**Rule 3.610:
Applying for Legal Specialty Provider status**



**Rule 3.611:
MCLE Provider Fees**

Resolutions



Presentation Overview

RESOLVED, that the Board of Trustees, sitting as the Regulation and Discipline Committee, authorizes staff to make available for public comment, for a period of 30 days, propose amendments to State Bar rules 2.84 (Mock Trial, Moot Court, and Other Competition Activity); 3.601 (Standards for MCLE activity approval); 3.602 (Responsibilities of evert provider); 3.609 (Renewing Multiple Activity Provider status); and 3.610 (Applying for legal specialty provider status) as set forth in Attachment A; and it is

FURTHER RESOLVED, that, if the Board of Trustees authorizes the recommended fee increases and fee structure changes set forth in Agenda Item 709 then the Board of Trustees, sitting as the Regulation and Discipline Committee, authorizes staff to make available for public comment, for a period of 30 days, proposed amendments to State Bar rule 3.611 (MCLE provider fees) as set forth in Attachment A; 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.

