



STATE
BAR
OF
CALIFORNIA

MCLE

Provider Press

Spring 2009

NEWS AND NOTES

Did You Know That:

- There are 164,151 Active Members of the State Bar of California who must take 25 hours of approved MCLE every three years?
- There are approximately 4,200 certified legal specialists who must take 45 hours of approved legal specialization education for initial certification and 60 hours of legal specialization education every 5 years for recertification?

Qualifying MCLE Education Programs

An MCLE education program must be directly relevant to active members of the State Bar. The content of the program must enhance the member's professional ability to practice law and be directly relevant to the member's current knowledge of the law, including the obligations and professional standards as a member of the State Bar of California.

Qualifying Legal Specialization Education Programs

A Legal Specialization education program must enhance the member's professional ability to practice law in the specialty area of law in which the Legal Specialist is certified and be directly relevant to the member's current knowledge of the law in that specialty area. MCLE subfield education programs, such as programs in elimination of bias, are not approved for legal specialization credit. However, Legal Specialists must take MCLE subfield education programs to meet the general MCLE requirements applicable to all active members of the State Bar.

Legal Specialization Has Added Two New Areas to the 2009 Specialization Exams

For those interested in becoming a Certified Legal Specialist, the Legal Specialist Exams will be given on Sunday, August 9, 2009 in San Francisco and Los Angeles.

Certification is currently offered in the following areas of law: Appellate; Bankruptcy; Criminal; Estate Planning, Trust & Probate; Family; Franchise & Distribution; Immigration & Nationality; Taxation; Workers' Compensation.

Admiralty & Maritime Law and Legal Malpractice Law are two new areas of specialty certification. For information on the types of education required under the program, on-line registration for the exam, and lists of certified specialists, visit www.californiaspecialist.org.

Elimination of Bias in the Legal Profession Subfield Program

Education activities focused on the recognition, identification, and prevention of bias in a legal setting, such as among attorneys, a law firm, or courtroom, may qualify for bias credit. The activity must address diversity or bias issues *in the legal profession*. A few examples of subjects previously approved for MCLE bias credit are the following:

- *How to Address Negative Attitudes or Comments of a Judge Toward Minority Attorneys*
- *Sexism in the Field of Criminal Law*
- *Elimination of Bias Against Women – Learning from History*
- *Diversity in the Legal Workplace*
- *Creating a Practice Free of Gender Identity Bias*
- *Cultural Sensitivity in Global Practice*
- *Accommodations in the Courtroom for Persons with Disabilities*

Activities addressing bias encountered in society in general and not specifically in the legal profession do NOT count for MCLE credit.

December 31 is the Renewal Deadline for Multiple Activity Providers

For those Multiple Activity Providers whose 3-year approval period expires in 2009, the renewal deadline is December 31, 2009, rather than August 31 as in past renewal cycles. The renewal application will be made available online in November 2009.

If you were required to renew your Multiple Activity Provider status last year (i.e. by December 31, 2008) but have not yet done so, please visit our website to print the Multiple Activity Provider Renewal Application form at: <http://calbar.ca.gov/calbar/pdfs/certification/MCLE-Provider-Renew.pdf>.

If you have any questions, contact us at: providers@calbar.ca.gov.

Avoid Problems with Your Multiple Activity Provider Renewal

Distinguish Between Activities with the Same Name

As part of your renewal application, you must submit documentation relating to 4 separate and different educational activities that you have performed within the previous 2 years. If any of your 4 activities have the same name, please include attachments to show how these activities are different, such as a timed agenda, and a record of attendance for each activity with the same name. A timed agenda should include a breakdown of topics discussed, the amount of time spent on each topic (plus breaks and/or lunches), and start and end times.

Provide a Copy of the Record of Attendance - Not Copies of the Certificates Given to Attendees

Providers are required to keep a record of the attorneys that attend their MCLE presentations (see Provider Rule 3.501). You must include a copy, not the original, of the attendance record as one of the attachments with your provider renewal application. Certificates of attendance should be issued to attendees at the end of the

educational activity and should state that the activity is acceptable for California CLE credit.

Properly Calculate the Length of Your Programs

Scheduled breaks, rest periods, or lunch hours do not qualify for credit. If you have a program that starts at 1:00 p.m., ends at 4:00 p.m., and has a 15-minute break, this is not a 3-hour class but a 2.75-hour class.

Calculating MCLE Credit for Speakers

General Rule

A speaker receives a one-time preparation credit equal to 4 times his or her scheduled speaking time for the class.

Example 1

A single speaker teaches the same one-hour class 3 times.

The speaker receives 4 hours of credit for preparing for and teaching the class the first time. The speaker receives 2 hours of credit for teaching the same one-hour class two additional times. The total is 6 hours of credit.

Multiple Speakers

If there are multiple speakers for a class, each speaker receives a one-time preparation credit equal to 4 times his or her scheduled speaking time. If the speakers do not have scheduled speaking times, each speaker receives a one-time preparation credit equal to the length of the class divided by the number of speakers. Speakers receive the same credit as attendees for the portion of the class time for which they did not receive preparation credit.

Example 2

Three speakers teach a 3-hour class one time. There are no scheduled speaking times.

Each speaker receives 4 hours of preparation credit (3) hours of class time divided by 3 speakers yields 1 hour then multiplied by 4 equals 4 hours preparation time, plus 2 hours of credit for the portion of the class that they are not speaking, for a total of 6 hours of credit. (If the speakers teach the same class a second time, each speaker would receive an additional

3 hours of credit for teaching the same class a second time.)

Example 3

Three speakers teach a 2-hour class one time. Speaker A is scheduled to speak for 1 hour and Speakers B and C are each scheduled to speak for 1/2 an hour.

Speaker A would receive 4 hours of preparation credit plus 1 hour of credit for the portion of the class that he or she is not speaking for a total of 5 hours of credit. Speakers B and C would each receive 2 hours of preparation credit plus 1.5 hours of credit for the portion of the class that he or she is not speaking for a total of 3.5 hours of credit each. (If the speakers teach the same class a second time, each speaker would receive 2 hours of credit for teaching the same class a second time.)

Moderators

A moderator who introduces other speakers and/or performs administrative duties but does not present substantive material does not receive preparation credit but does receive the same credit hours as attendees.

Notify Us in Writing When Your MCLE Contact Information Changes

If you have:

- a new address,
- a new MCLE contact person,
- a name change, etc.,
- a telephone number change
- an email address change

notify this office in writing. A facsimile sent to 415-538-2180 or an email notice is acceptable, but verbal notice is **not** acceptable. Notify us by email at providers@calbar.ca.gov.

Know the Rules

- You must retain the record of attendance, agenda, and any written materials for 4 years from the date of the presentation.
- Your certificates of attendance to each attendee must identify any subfield, such as Ethics, and the hours of credit for that subfield.

- To maintain your multiple activity provider status, you are required to hold a minimum of four separate and different activities during the two years prior to renewing your approved multiple activity provider status.

Education Activities That Do Not Qualify for MCLE Credit:

- A legal subject taught to non-attorneys
- Programs or portions of an activity designed to teach attorneys how to improve marketing to new clients or increase profits
- Writing for or on behalf of a client in the regular practice of law
- Jury duty
- Train the trainer programs or programs designed to enhance a person's ability to present CLE education
- Reviewing and evaluating legal work of associates and others less experienced on a one-on-one basis (for example, a mentor program)
- Grading the California bar exam
- Acting as a judge pro tem, mediator, arbitrator or settlement judge
- Acting as a Supervising Attorney in the State Bar Law Office Study Program
- Classes in which there is a focus directly on a pending case by in-house providers by the participants in the pending case
- Activities used to market or sell the presenter's technology, products, services or skills
- Time spent in conducting a roll call or connecting to the teleconference
- Chat room discussions
- General business courses in writing , management, etc.
- Informal discussion groups
- Education activities on the moral issues facing society in general
- Preparation for an examination for admission to practice law in any state, the District of Columbia, or territory of the U.S., or any foreign jurisdiction, or for time spent actually taking such examinations

- Time spent in reading or studying of published or printed material before taking a self-assessment test
- Participating in a moot court activity
- Government Code Section 12950.1 (a) (the law requiring training on the prohibition and prevention of sexual harassment) courses do not qualify for elimination of bias credit
- Education programs on mentoring new attorneys

Courses in Management of a Law Practice Qualify for MCLE Credit

These courses qualify for credit if they have significant practical content directly relevant to members. Courses that may qualify include docket control, malpractice avoidance, improvement of attorney communication skills with current clients, or improvement in the attorney-client relationship. The course must be related to the practice of law. General business courses on writing or managing an office would NOT qualify. A few examples of subjects previously approved for MCLE credit are the following:

- A Master Class for the New Practice Group Leader
- Concepts of Accounting for Attorneys

Contact Us

Let us hear from you. If you have any other questions or concerns, visit The State Bar Web page at: www.calbar.ca.gov. Or contact us at providers@calbar.ca.gov.