

Fairfax Bar Association CLE Committee

How to Organize a CLE

The purpose of the FBA CLE Committee is to organize and supervise the production of Continuing Legal Education (“CLE”) classes for members of the Virginia Bar, specifically those who are members of the Fairfax Bar Association (although all are welcome), and for the paralegals who assist those lawyers. Members of the Committee are expected to take an active role in that process, and assist in the production of at least one (1) CLE each year.

The CLE Committee provides guidance and support to FBA staff to ensure that the Fairfax Bar Association (FBA) provides quality programming for MCLE Credit, designed to reflect the practice area interests of our members and address new developments in the law.

The CLE Committee works in cooperation with the Executive Director and CLE/Special Events Coordinator of the Fairfax Bar Association.

The purpose of this document is to set forth the requirements for a CLE in Virginia, and the process by which a CLE can be organized and run, to ensure that lawyers who sign up for that CLE receive credit toward their yearly MCLE requirements and (hopefully) reap a benefit from the content of the program, making them better legal practitioners.

WHAT IS A CLE?

A CLE is a program, at least 30 minutes in length, which provides MCLE credit to its attendees. To receive credit, the Virginia State Bar Mandatory Continuing Legal Education Board¹ must find the following:

- “The course must have significant intellectual or practical content. Its primary objective must be to increase the attendee’s professional competence and skills as an attorney, and to improve the quality of legal services rendered to the public.”
- “The course must pertain to a recognized legal subject or other subject matter which integrally relates to the practice of law, or to the professional responsibility or ethical obligations of the participants.”
 - “A course which addresses law practice management may be approved so as to promote the efficient, economical and competent delivery of legal services. The course must cover topics that teach attorneys how to

¹ The Board’s posted Regulations are available online at <http://www.vsb.org/pro-guidelines/index.php/mcle-regs/>.

organize and manage their law practices and other law practice issues, which if improperly handled, could result in malpractice, disciplinary complaints or client dissatisfaction. A course which primarily focuses on marketing techniques, client development or other general business topics applicable to any business shall not be approved.”

- “A course which addresses substance abuse, stress management, or work/life balance issues may be approved if the topics relate to the practice of law and the quality of legal services rendered to the public.”
- “A course which addresses general skills topics such as time management, writing, communication or presentation skills may be approved provided the topics are specifically directed to an attorney audience and are covered in the context of the practice of law.”
- “A course may be approved for credit in the area of legal ethics or professionalism only to the extent that the course constitutes or contains one or more qualified ethics or professionalism components. Topics which will not generally be approved for ethics credit include ethics standards of conduct applicable to other professions such as government employees, government contractors, accountants and businesses including corporate compliance. Also, rules of procedure, rules of evidence and litigation tactics will not generally be approved for ethics credit. A minimum scheduling of thirty (30) minutes in the aggregate of one or more qualified ethics or professionalism components is required before an approved course can be approved for credit in the area of legal ethics or professionalism.”
- “Thorough, high quality instructional written materials which appropriately cover the subject matter must be distributed to all attendees at or before the time the course is presented. A mere agenda or topical outline will not be sufficient.”
 - Such materials “should be sufficient to assist the attendee when questions regarding the particular subject matter covered are raised at a later date and to serve as a general resource after course completion.” Materials must be “current and up-to-date” and “directly, concisely, and adequately cover the subject matter in such a way as to effectively and thoroughly instruct attendees on the topics covered during the program and assist course participants in improving their legal competence. These materials can include, by way of example and not limitation, the following: (a) Materials prepared specifically for the course; or (b) A book, chapter of a book, article, or other writing directly on point to the presentation. Distribution of primary sources, such as statutes, regulations, cases, briefs, pleadings, or motions may supplement thorough, high quality instructional materials; however, such primary resources alone are not adequate to satisfy the written materials requirement. Similarly,

compilations of articles and informational resources may also supplement thorough, high quality instructional materials; however, such compilations along, which require the attendee to research through the documentation in order to discern, ascertain or search for, the information conveyed during the program, will not satisfy the written materials requirement.” MCLE Opinion 14. Written materials consisting only of hypotheticals or a list of other reference materials (like Internet sites) will not suffice.

Each and every CLE produced by this Committee must meet with these requirements as set by the Virginia State Bar. Otherwise, the Bar will not approve the program for credit, and it will not qualify as a CLE.

In addition, the Committee has an interest in organizing CLEs that generate interest from FBA members. CLEs that attract more registrants serve more FBA members, and generate more income for the FBA. This does not mean that the Committee’s CLEs must all be generalist in nature. But gauging interest in certain topics is an important part of the Committee’s work in determining which CLEs should be organized. Other guiding principles for FBA CLEs:

- The Committee favors CLEs that feature, as a panelist, one or more judges from the bench of one or more of the Fairfax County courts, or from the local federal courts.
- The Committee disfavors CLEs that have the appearance of being a sales pitch to FBA members. This is particularly the case where a non-lawyer proposes to give a CLE on the kinds of services that the non-lawyer provides to lawyers.
- The Committee favors CLEs that are of particular importance to FBA members, or involve matters affecting Fairfax County or Virginia as a whole.
- The Committee disfavors CLEs that have no relation to Virginia law or practice.

During the monthly CLE Committee meetings, members of the Committee will discuss potential topics for CLEs. These topics can come from anywhere – judges, non-Committee members, local business that provide legal services, and of course the Committee members themselves. Once the Committee agrees that a proposed topic or program curriculum appears to comply with the Bar’s CLE requirements, a Committee member (or two) will be charged with marshaling the CLE to realization.

YOU HAVE BEEN ASSIGNED A TOPIC – NOW WHAT?

I. Get A Panel And A Date.

Once the Committee has approved a particular topic to be used as the basis for a CLE, the first job of the Committee member(s) assigned to that CLE is to secure the participation of panelists for that CLE. Each CLE panel should have at least (1) a practitioner with significant knowledge of the CLE subject, and (2) a moderator. The Committee strongly prefers that a judge from a jurisdiction covering Fairfax (particularly from one of the Fairfax County courts) also be a panel member, although there are certain topics for which that might not be appropriate. Committee members are *not* excluded from serving in these roles.

Some preferences in selecting panelists:

- You should seek out judges that handle cases involving your topic. It makes little sense to seek out a Circuit Court judge to opine on a topic focusing on the General District Court's landlord/tenant docket, for example. The practitioners on your panel will usually have suggestions for judges who have handled cases on your topic and have shown a good grasp of that area of the law.
- Unless you have a particular judge in mind, the best way to solicit a judge's participation is to directly contact the Chief Judge of the Court you are seeking a judge from, and respectfully ask that the Chief Judge ask for a volunteer. It is best if you already have a date set for your CLE, and include that as part of your outreach to the Chief Judge.
- Practitioners should be highly experienced lawyers with particular expertise in the subject matter the CLE is expected to cover. FBA members have indicated a preference for lawyers from large or particularly well-established law firms.
- Moderators need not be experts in the CLE's topic, but need to have be conversant in that topic, and be a practicing lawyer.

To choose a date for your CLE, request a list of available dates from the FBA CLE Coordinator. You will want a date that is convenient for your panelists, and is not negatively impacted by state, federal, or religious holidays, or other FBA events. FBA members generally prefer CLEs that take place on Tuesday, Wednesday, or Thursday. **It is important to secure a date as soon as possible, before it is taken by other CLEs.** If you are scheduling your CLE for a date in December, January, or February, you should also select a "snow date" in April or May, in case the weather causes a cancellation.

II. Complete A CLE Proposal Form.

Once you have your panelists and a date for the CLE, you need to fill out a CLE Proposal form, a copy of which is appended at the end of this document, and is also available online at <http://www.fairfaxbar.org/page/CLEProposal>. This needs to be

submitted to the FBA CLE Coordinator and the Chair of the Committee. This will ensure that you have secured the date for your CLE. Important considerations at this point are:

- Have you chosen a title for the CLE yet?
- How long will the CLE be? FBA members generally prefer programs that are 2-3 hours in length.
- Will your program seek to provide ethics credit? If so, how many?
- Do any of the panelists anticipate using A/V equipment for his/her presentation?
- Any other special requirements, such as holding the CLE in a particular location, whether a liquor license will be needed, coordination with other events, transportation, etc.?

The Committee can help you address these logistics.

In addition, once a CLE Proposal Form is received, the FBA will be able to begin advertising your CLE to FBA members. The earlier you can get this process started, the better!

III. Get Your CLE Accredited By The Bar.

The next step is to get your CLE approved for credit by the Bar. If your CLE has a topic that meets with the Bar's CLE requirements, and you have already submitted your CLE Proposal Form, having secured the participation of the panelists and a date for the CLE, the only additional information you need to provide to get accreditation (if you are not seeking to provide ethics credits) is a Timed Outline. Below is a sample Timed Outline:

Name of the CLE

4:00 – 4:50 p.m.: First CLE Topic (Name of Panelist to Give Presentation)
List of sub-topics, or a narrative of what issues will be covered.

4:50 – 5:30 p.m.: Second CLE Topic (Name of Panelist to Give Presentation)
List of sub-topics, or a narrative of what issues will be covered.

5:30 – 5:50 p.m.: The View from the Bench (Judge Panelist Name)

5:50 – 6:00 p.m.: Q&A

You should work with the panelists to develop the content of the CLE, and make sure they are comfortable with the issues assigned to each to be presented. **Make sure the panelists receive and approve the Timed Outline before you submit it to the CLE Coordinator for credit.** Some considerations on timing:

- No time should be included for a moderator to give an introduction or overview at the outset of the CLE (even though this will inevitably occur).
- If you are seeking to provide ethics credit in your program, you must allot a full hour (or half-hour) to the ethics topic to get accreditation for a full hour (or half-hour) of ethics. In the timed outline above, if the First CLE Topic was on an ethical issue, the Bar would only grant 0.50 hours of ethics credit because the ethics portion did not go for a full hour. The Bar would approve 2.00 hours of regular CLE credit for that program.
- The list of sub-topics does not need to be comprehensive or extensively detailed. It needs to be enough that the Bar is able to discern that your CLE meets with its basic requirements for accreditation.
- You will need to work closely with the panelists to make sure that the program is long enough (or not too long) to fit the amount of material to be presented. You do not want a situation where there are four topics to be discussed but all the time winds up being spent on presenting just one of those topics. You also do not want the panelists to run out of things to talk about.
- Even though most CLE programs take questions during presentations, it is always good to leave ten minutes at the end for Q&A. At the least, it allows the moderator some extra time in case a presenter winds up going a little too long.

The Bar will also require that you submit your written materials along with your Timed Outline for review. Work with your presenters to develop these materials, as they cannot simply be a collection of statutes, cases, or forms, but must include some kind of material prepared for the CLE itself. Some presenters may choose to make PowerPoint presentations. Some may want to take the Timed Outline and beef it up with narrative explanations, case and statute excerpts, and the like. Some may want to draft a more free-form discourse on the CLE topic. Make sure the presenters are aware of the Bar's requirements on materials from the very beginning.

Once you provide the Timed Outline and the written materials to the CLE Coordinator, the CLE Coordinator will submit your CLE to the Bar for approval and will keep you apprised of when/if the Bar approves the credits. **Timed Outlines and**

written materials should be provided to the CLE Coordinator at least two (2) months before the date of your CLE, preferably three (3).

IV. Preparing for the CLE.

Now that the administrative aspects of the CLE are complete, your next task is to make sure that the CLE itself goes off without a hitch. There are several aspects to this, including:

- Making sure that the panelists are in communication with each other, further developing the content of the CLE. Are there any new developments in the law?
- Obtaining written materials, to include a table of contents, brief presenter biographies not to exceed 100-150 words and written in the third person, and any additional materials beyond what was already submitted to the Bar, and providing them to the CLE Coordinator at least two (2) weeks before the date of your CLE.²
- Addressing any issues raised by the panelists, including last-minute needs for A/V access, schedule conflicts, and so forth.
- Keeping an eye on the number of registrants – the FBA prefers that there be at least ten (10) people registered for a CLE to go forward. The decision to cancel a program is ultimately that of the FBA and the panelist(s).
- Watching the weather in case of a potential court closure or cancellation, and advising the panelists accordingly.

You should make sure you are in contact with the CLE Coordinator throughout this time, and let him or her know if any issues arise. If your CLE needs to be rescheduled, the CLE Coordinator will provide dates to you (unless you already have a snow date) and circulate a cancellation notice to the registrants.

On the day of the CLE, even if you are not participating as a panelist, it is best if you attend the CLE and help the FBA staff with the logistics. Be sure to thank the panelists in person for volunteering to participate, and send them a thank-you email the next day.

V. Anything Else?

² To cut down on paper costs, the FBA's policy is to provide written materials to registrants via email. If the presenters would like a paper copy, please let the CLE/Special Events Coordinator know.

Feel free to raise questions at the Committee's monthly meetings, or contact the Committee Chair directly.

Thank you for serving on the FBA CLE Committee!



CLE PROPOSAL FORM

GENERAL INFORMATION

Submitter's Name: _____ Date: _____

E-mail Address: _____

Telephone: _____

PROGRAM INFORMATION

I. Topic, Title, & Description

A. Topic: _____

B. Title: _____

C. Brief description of substance to be covered: _____

II. Has the program been previously presented? Yes No Unsure

If yes:

A. When and where? _____

B. What was your involvement? _____

III. Speakers

A. Number of Speakers Proposed: _____

B. Identity of Speakers (if known): _____

IV. Type of Program (Select One):

Panel Program Demonstration Lecture Combination

V. Start Time: _____ AM/PM End Time: _____ AM/PM

VI. Total Hours of CLE Instruction: _____

VII. Summary of written material which will be available for distribution:

A. Who will write the materials? _____

B. Is any of the material already written? _____

C. When can the material be completed? _____

VIII. What, if any, special equipment will your program require? _____

Indicate anything else which may be helpful for evaluating your proposal(s):

PLEASE SUBMIT COMPLETED FORM TO:

Fairfax Bar Association
4110 Chain Bridge Road, Suite 216
Fairfax, VA 22030
ATTN: MCLE/Special Events Coordinator
Email: fa@fairfaxbar.org; Fax: (703) 273-1274

(FBA Staff will forward to the CLE Committee for consideration.)

