

Lawyers Club of San Diego **CA State Bar Requirements to offer MCLE Programs**

Why is offering MCLE good? It benefits our members, attracts new members, increases event attendance, and bolsters our reputation and offerings as a bar association.

Why is compliance critical? LCSD is certified as a multiple activity provider. You must follow these guidelines to ensure that LCSD can provide all appropriate documentation to the Bar as required to maintain its CLE-provider status.

General info: To qualify as legal education, an education program must be directly relevant to current and active members of the State Bar. ***A significant portion of 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 member's obligations and professional standards.

<http://mcle.calbar.ca.gov/Providers.aspx>

Factors used in evaluating an activity

- The activity must relate to ***legal subjects*** relevant to members of the State Bar ***or*** must have ***significant and current professional or practical content***.
- The presenters or faculty must have significant professional or academic experience related to the topic being presented.
- The intended audience must be primarily members of the State Bar. (For example, courses intended for paralegals or other professionals do not qualify.)
- The written or electronic materials that accompany the activity must be suitable and easily understood; ***for all activities that are one hour or more in length, substantive written materials must now be made available either before or during the activity***.
- Any materials provided online must remain online for at least 30 calendar days

1 hour of MCLE must = 60 minutes of instruction (programs with less than 1 hour of instructions do not require substantive written materials)

Legal education is the actual length of time devoted to an acceptable and approved educational subject.

What counts in the 60 minutes of instruction?

- **YES:** welcoming remarks, introductions of instructors, closing remarks and question and answer periods. Roundtable discussion of otherwise-qualifying MCLE-presented topic in *facilitated Q&A* discussion does count as Q&A (J. Schiavoni teleconf. with CA Bar (Jonita in MCLE compliance) on 8/24/2015).
- **NO:** registration, vendor exhibits, demonstrations, breaks or rest periods over five minutes, mealtimes without a scheduled speaker, receptions, evaluations, tours, certificates and/or awards or vendor demonstrations.
- MCLE must **not** include topics on marketing, obtaining new clients, increasing a firm's income, networking or non-legal functions such as business, company or committee meetings.

For more information visit:

<http://mcle.calbar.ca.gov/Providers/EducationApproval/QualifyingActivities.aspx#specialcredit>

What you (or the speakers) must prepare before the session:

1. **Timed Agenda (required for all amounts of credit):** The agenda must include the title of the activity and its start and end time. The agenda must also include a break down for each topic the activity covers, along with a brief description for each topic.
2. **Biography(ies) (required for all amounts of credit):** Each speaker's bio must contain her/his professional credentials, including all relevant work experience and academic achievements. A resume may be submitted as a biography.
3. **Written materials (only required for programs with 60 minutes or more of instruction):** If an activity is one hour or more in length, substantive written materials are required. The "substantive written materials" should be materials that discuss the content and/or legal authorities discussed during the MCLE activity. The purpose is to augment the class discussion so that attendees have useful information that they can reference if they want to learn more. A PowerPoint presentation may be submitted as written materials. The materials must include all syllabi and/or handouts that are made available to all attendees BEFORE or DURING the activity.

For more information visit: http://rules.calbar.ca.gov/Portals/10/documents/Rules_Title3_Div5-Ch1-CLE-Providers.pdf

Types of credit: General, Recognition & Elimination of Bias , Legal Ethics, Competence Issues

General credit: The program content must be legal education intended for attorneys and the practice of law and provide appropriate legal content or practical legal skills.

Recognition and elimination of bias in the legal profession and society

Activities that qualify for such credit now include ***any form of bias found in either the legal profession or in society in general***. This includes the recognition and elimination of impermissible bias in the courtroom, law office, attorney-client relationships and relationships with other attorneys, legal and non-legal employment, the workplace, the hiring, management and termination of employees and in housing, accommodations and services. Courses required by AB1825 (mandatory sexual harassment awareness and prevention training for personnel managers) will now be approved for credit.

Legal ethics: Legal ethics must focus on the professional responsibility of attorneys and not on the ethics of business, corporate or government affairs or society in general. For example, activities that educate attorneys on the California Rules of Professional Conduct are eligible for ethics credit, but activities that focus on ethical dilemmas encountered in society, a business or a non-legal profession do not qualify for MCLE legal ethics credit.

Competence issues credit: Activities must consist of education that identifies and discusses the detection of substance abuse, mental illness or other mental or physical issue that impairs a member's ability to perform legal services with competence. Courses designed and offered that discuss or provide treatment for any of the mental, emotional, or physical issues that affect professional competence, or offer methods of stress relief, do not qualify.

For more information visit:

<http://mcle.calbar.ca.gov/Providers/EducationApproval/QualifyingActivities.aspx>

Checklist for program IF you are seeking MCLE Credit

<u>Timing</u>	<u>Co-Chairs</u>	<u>LCSD Staff</u>
1 st of month <i>before</i> program (e.g., Sept. 1 for Oct. luncheon or program)	Submit article to LC Newsletter	
5 weeks before program	<p>Step 1: Program title, speaker biographies, summary paragraph describing program, how it meets MCLE criteria, and category of MCLE credit sought</p> <p>Email to: sms@swanemploymentlaw.com <i>and</i> rhianna@lawyersclubsandiego.com to get MCLE pre-approval</p> <p>Step 2: Once pre-approved, email the <u>completed</u> Lawyers Club Event Information Form to sms@swanemploymentlaw.com <i>and</i> rhianna@lawyersclubsandiego.com</p>	
4 weeks before program		LCSD staff will create flyer/ open online registration
2-3 weeks before program	<p>Detailed timed agenda</p> <p>Email to: sms@swanemploymentlaw.com <i>and</i> rhianna@lawyersclubsandiego.com</p>	
1-2 weeks before program (last minute review of all materials and content)	<p>All <u>FINAL</u> substantive written materials for programs 60 minutes or more (including speaker's presentation, if app.)</p> <p>Email to: sms@swanemploymentlaw.com <i>and</i> rhianna@lawyersclubsandiego.com</p>	LCSD staff will create electronic webpage and distribute to registrants <u>before</u> the program.
Day of program	Coordinate with speaker and bring hard copies of materials (if applicable).	LCSD staff will bring copies of all MCLE forms (Certificate of Attendance, Record of Attendance, and Evaluation Form)