



The State Bar of California

Qualifying MCLE Activities for Providers

Before allowing providers to issue Minimum Continuing Legal Education (MCLE) credit, the State Bar evaluates the programs providers plan to present to practicing attorneys.

Programs that help an attorney prepare for public speaking may not count, for example, because the central theme is something other than the practice of law. But a program on avoiding a malpractice does count for MCLE credit because it deals with the professional standards attorneys are expected to maintain.

What the State Bar considers

In order to be approved for MCLE credit, providers must ensure that their programs:

- Relate to legal subjects relevant to attorneys or have significant and current professional or practical content
- Have presenters or faculty with significant professional or academic experience related to the subject matter
- Are primarily aimed at an audience of State Bar attorneys. Courses intended for paralegals or other professionals do not qualify
- Use written or electronic materials that are suitable and easily understood. All activities that are an hour or more must have substantive written materials available either before or during the activity
- Provide online materials for at least 30 calendar days after the MCLE activity

Helpful hints to qualify for MCLE credit

Consider activities relating to the management of a law practice or law office. They are eligible for approval if they have significant practical content, are directly relevant to members and are related to the practice of law. They include:

- Case management and effective calendaring
- Malpractice avoidance
- Maintenance of ethical attorney communications and attorney-client relationships
- Ethical management of client trust funds and other law office financial affairs
- Operational management of a solo law office, law firm or corporate law department

A provider may request MCLE credit for welcoming remarks, introductions of speakers, closing remarks and question and answer periods.

For a program or activity to be approved that is one hour or more in length, substantive written materials relevant to the program or activity must be prepared and made available to attendees, either before or during the activity.

Such materials must be relevant to the subject matter of the program and will be considered sufficiently substantive if they offer citations to or a discussion of any legal authority, published case law, statutes, law review articles or other published research or commentary that augment the educational experience of attorneys.

Special credit hours

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 state's Rules of Professional Conduct are eligible for MCLE legal ethics credit, but programs that focus on ethical dilemmas encountered in society, a business or a nonlegal profession do not.

Make sure to cite the specific rules of professional conduct for attorneys that the program relates to or discusses. The Rules of Professional Conduct are found on the State Bar website.

Recognition and elimination of bias in the legal profession and society

Activities that qualify include courses on any form of bias found in the legal profession or in society in general. Activities that qualify for credit include education in the recognition and elimination of impermissible bias in the courtroom, law office, attorney-client relationships and relationships with other attorneys, legal and nonlegal employment, the workplace, hiring, managing and terminating employees and in housing, accommodations and services.

Courses required by AB 1825 (mandatory sexual harassment awareness and prevention training for personnel managers) are approved for elimination of bias credit.

Substance abuse, mental or physical issues that impair professional competence

Approved activities must consist of education that identifies and discusses the detection of substance abuse, mental illness or other mental or physical issue that impairs an attorney's ability to perform legal services with competence.

Courses that discuss or provide treatment for any of the mental, emotional or physical issues that affect professional competence do not qualify for credit in this area. This includes programs primarily about alcohol and drug treatment, meditation or other forms of stress management.

Not acceptable for MCLE credit

- A legal subject taught to non-attorneys
- Programs or portions of an activity that teach attorneys how to improve marketing, develop new clients or increase revenue
- Nonlegal functions such as business development, team building, committee meetings or any recreational activity
- Writing for, to or on behalf of a client in the regular practice of law
- Programs that teach or enhance a person's ability to prepare and present an MCLE activity

- Reviewing and evaluating the legal work of associates or other attorneys by more experienced attorneys (for example, performance evaluations or a mentoring program)
- Programs that discuss pending court case or litigation, an appeal or any client matter by the participants in the pending case, litigation appeal or client matter
- Activities primarily intended to market or sell the presenter's technology, products, services or skills
- Time spent in conducting a roll call or connecting to the teleconference
- Online discussions or written comments posted on public forums
- Courses on general business writing or basic English grammar
- Informal discussion groups
- Preparation for admission to practice law in any state, the District of Columbia, and territory of the U.S., or any foreign jurisdiction, or for time spent actually taking such examinations
- Educational programs on mentoring new attorneys
- Registering for a program or viewing vendor exhibits and demonstrations
- Breaks or rest periods lasting more than five minutes, mealtimes without a scheduled speaker, receptions, evaluations, tours, certificates and/or awards or vendor demonstrations
- Networking, the use of social media to network or for marketing

Online activities

Online activities may be eligible for either self-study or verified (participatory) credit. Providers must ensure that:

- Activities offer attendees a reasonable opportunity to both view and participate in the program
- Credit is limited to the actual time spent in an online legal education activity
- Members can claim MCLE credit for speaking at or instructing in accordance with Rule 2.81. For example, a member who is an instructor of an online course may receive credit for the actual time spent speaking, multiplied by four
- Written materials are required for all activities that are one hour or more in length
- Evaluation forms and information about how to return them are provided to attendees
- Certificates of attendance are provided online and can be printed
- Attendees receive adequate advance written or electronic notification about accessing course materials
- Materials provided online must be available online for at least 30 calendar days following the activity.
- Providers of an online activity can obtain signatures electronically
- Providers keep copies of all electronic signatures (including all attendees' bar numbers), written material, evaluation forms and records of attendance that are open and available for audit

For questions contact the State Bar at:

MCLE Providers

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Related links

- [Participatory credit vs. self-study credit](#)