

Motion

By: Richard Hopp, Chairperson of the Legislative Information Committee (LIC); Email: Richard.H@VNNC.org

Offer Minimum Continuing Legal Education¹ (MCLE) program required of California attorneys. The Van Nuys Neighborhood Council (VNNC) will apply as a single activity provider² and to designate a VNNC MCLE custodian of records. Classes will be offered and presented by the Legislative Information Committee (LIC). The cost of said application is \$75.00. Initial classes to be offered at no cost, changed or discontinued at the board's pleasure. (Action & Funding).

Pursuant to Cal. Gov't Code, § 54954.1, the supporting documents will be provide electronically by Friday, January 6, 2017 to all VNNC boardmembers and for the general meeting agenda packet.

¹ 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.

² A "Single Activity Provider" is approved to grant credit for a single MCLE activity after submitting an application for its approval in accordance with State Bar procedures and paying the appropriate processing fee; Providers Rules of the State Bar, Title 3, Div. 5, Ch. 1; Attorneys Rules of the State Bar, Title 2, Div. 4

APPLYING FOR SINGLE ACTIVITY PROVIDER STATUS

What is an MCLE Single Activity Provider?

A Single Activity Provider (SAP) is approved to hold an educational program or activity once or the same approved program – without any changes multiple times for two years after approval. A provider may request California MCLE credit approval by submitting a State Bar of California MCLE Single Activity Provider application. An approved provider may then grant California MCLE credit to attorneys by using a State Bar of California Certificate of Attendance.

Submitting an MCLE Single Activity Provider application

To be approved, you must fill out a Single Activity Provider application and submit it with an agenda that provides length of time, the title, a brief description of the program or activity, the names and biographies (resumes) of each speaker and all other required documents listed under the Submission Checklist on the application along with a \$75 check for processing.

The review process may take up to six weeks. If we have any questions during the reviewing process, we will contact you. A letter approving the program or activity will be sent by email to the MCLE contact person listed on the application.

You may submit your application before or after the activity takes place, but if instruction is given before approval is granted, you will not be able to tell participants that they will receive credit until you have received an approval letter from the MCLE Provider Certification Department.

Also, if your activity is held before you receive an approval letter from the State Bar, you must notify attendees that you have not yet received State Bar approval. In this case, you must provide this written notice to attendees: “An application requesting MCLE credit for this activity is pending for approval by the State Bar of California.”

You may take attendance on the State Bar’s Record of Attendance and hand out State Bar Evaluation Forms, but you may not issue Certificates of Attendance until your program is approved. If your application is approved after the activity is held, you can send out certificates of credit dated retroactively as of the date of the program by any delivery method you choose.



**THE STATE BAR OF CALIFORNIA
OFFICE OF ADMISSIONS/MCLE PROVIDER CERTIFICATION**

180 Howard Street • San Francisco, CA 94105-1639 • (415) 538-2300

MCLE PROVIDER CERTIFICATION

Instructions for Completing a Single Activity Provider Application

Payment:

A non-refundable \$75 processing fee must be submitted with the Single Activity Provider Application. The fee will not be waived. Payment must be in the form of a check or credit card. Checks must be made payable to the State Bar of California. For fees paid by credit card, the Credit Card Payment Form may be accessed through the State Bar's website at: <http://mcle.calbar.ca.gov/Providers/Forms.aspx>. Please note, the State Bar does not accept American Express.

Agenda:

The proposed agenda must include the title of the activity and its start and end time. The proposed agenda must also include a time break down for each topic the activity covers, along with a brief description for each topic.

Biography(ies):

Each speaker's biography must contain his/her professional credentials, including all relevant work experience and academic achievements. A resume may be submitted as a biography.

Written Materials:

If an activity is one hour or more in length, substantive written materials are required and must be included with the application. The required "substantive written materials" must include all syllabi and/or handouts that are made available to all attendees before or during the activity. Written materials must discuss the content and/or legal authorities discussed during the MCLE activity. A PowerPoint presentation may be submitted as written materials.

Promotional Materials:

If retroactive approval for an activity that has been offered is being sought, the promotional materials used for the activity must be submitted with the application.

Number of Credits:

The total number of hour(s) of credit intending to be issued for the activity must be indicated. The total amount of credit that is being sought must correspond with the times listed on the activity's agenda that is provided. Please note, credit for breaks or lunch is not permitted.

Signature:

The application must be signed in the appropriate fields. Failure to sign the application will delay the processing of an application.

Additional Tips for Completing a Single Activity Provider Application:

- The name of the activity should match the activity name field found on the application.
- If there is not a prospective date for the activity, "to be determined" should be inserted in the prospective date field. Please note that if approved, the program or activity has a two-year approval period and may be offered at any time during the approval period, as long as it is presented identically each time. If the date of the activity is not indicated, the approval period will begin as of the date the application is received.
- Only list one contact person.

- Customized Record of Attendance, Certificate of Attendance and/or Evaluation Forms may be created. Each form must include the same fields found on the samples available on the State Bar's website. Samples of the customized Record of Attendance, Certificate of Attendance and Evaluation Forms must be included with the application.
- Do not staple or bind the application or any of the required documents.
- Do not include originals of the Record of Attendance and Evaluation Forms with the application. The original forms must be maintained by the Provider in the event the State Bar requests copies of those records.
- Biographies and written materials may be submitted on a flash drive.

The application and all required materials must be submitted through the U.S. mail. Applications will not be accepted via email. Failure to submit any of the required documents will delay the processing of an application. Please note that the reviewing process may take up to six weeks to complete. Application processing cannot be expedited. In order for the activity to be approved before the activity is scheduled to take place, the application must be submitted at least six weeks before the date of the activity. If approval is not received before the date of the activity, the promotional materials must state that the activity is pending approval from the State Bar of California. Promotional materials must also state the number of hours of credit that are intended to be issued, along with the type of credit that is intended to be given. Certificates of Attendances may not be issued until an approval letter from the State Bar has been received by the Provider.

Additional Important Information

Maintaining Records:

The provider is responsible for maintaining the records. This includes:

- Maintaining the Record of Attendance (ROA) for four years from the date of the program.
- Maintaining all written materials, agenda and promotional materials for four years from the date of the program.
- Maintaining the Evaluation Forms for one year from the date of the program.

Copies of these documents may be requested of the State Bar. Copies of the Certificates of Attendance (COA) do not need to be kept.

Types of Credit:

- **General Credit:**
To issue general credit, the content of the program must be legal education intended for attorneys and the practice of law and provide appropriate legal content or practical legal skills.
- **Legal Ethics Credit:**
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. The content of the program must be legal ethics for attorneys based upon either the California Rules of Professional Conduct or the ABA Model Rules. Legal ethic rule(s) must be referenced in the content of the program. 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.
- **Recognition and Elimination of Bias Credit:**
Activities that qualify for such credit now include any form of bias found in either the legal profession or in society in general. Activities that now qualify for credit include education in the recognition and elimination of 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, housing, accommodations or the sale of goods and services. Courses required by AB1825 (mandatory sexual harassment awareness and prevention training for personnel managers) may be approved for credit regarding the recognition and elimination of bias in society.

- **Competence Issues Credit:**

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 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 credit in this subfield (e.g. alcohol and drug treatment, meditation or other forms of stress management.)

Links:

Single Activity Provider: <http://mcle.calbar.ca.gov/Providers/SingleActivityProviderStatus.aspx>

Qualifying Activities & Credit Descriptions:

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

Administration Requirements & Recordkeeping:

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

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



THE STATE BAR OF CALIFORNIA

Office of Admissions • MCLE Provider Certification
180 Howard St • San Francisco, CA 94105-1639
(415) 538-2126 • providers@calbar.ca.gov

FOR STATE BAR OF CALIFORNIA USE ONLY
DATE STAMP HERE

**Single Activity Provider Approval Application for
Minimum Continuing Legal Education**

1. This form must be submitted if an activity is held inside California, transmitted to California by any means, offered for downloading or viewing on the Internet, or offered in any other format, whether for sale or for free, within California.
2. This form does not need to be submitted if the activity is held outside of California AND California attorneys are outside of California while participating AND your activity has received MCLE approval (including any subfield credit) by an "Approved Jurisdiction" AND the activity meets our MCLE standards (see MCLE Rule 3.601). California attorneys may be issued an Approved Jurisdiction's credit on a "Uniform Certificate of Attendance for MCLE" form. A list of Approved Jurisdictions may be found at: <http://mcle.calbar.ca.gov/Attorneys/EducationOptions/ApprovedJurisdictions.aspx>.

PROVIDER CONTACT INFORMATION

Provider Name:

Provider Address:

City:

State:

Zip:

Contact Name:

Contact Email:

Provider Phone:

Provider Fax:

ACTIVITY INFORMATION

Activity Name:

Activity Date(s):

Activity Location (city, state):

If retroactive approval is sought, total number of attendees _____, including lawyers attending

Activity Format (check one or both): ☐ Participatory ☐ Self-Study

Delivery Method (if participatory): ☐ In person ☐ Online ☐ Conference Call ☐ Interactive
CD/Video

☐ Other (indicate method)

Total minutes of instruction (minus breaks and meals) = _____, then divide by 60 and round to nearest quarter
hour = _____ hours including any of the following subfield credits, if offered:

_____ hours of *Legal Ethics*;

_____ hours of *Recognition and Elimination of Bias*;

_____ hours of *Competence Issues*.

Provider Name:

Provide a short summary of the content of the activity and how it relates to MCLE Provider Rule 3.601:
(If you need more space than the three lines below, please attach a separate piece of paper.)

Provide a short summary to support any credit hours claimed for *Legal Ethics or Recognition and Elimination of Bias*; if seeking *Legal Ethics* credit, please cite specific ethics rule(s) being referenced:

Records: ☐ Using the State Bar's sample ROA, COA and Evaluation Form
☐ Independent ROA, COA and Evaluation Form (please attach samples of each)

Submission Checklist

Please indicate, by placing a checkmark in the box next to the item, that the following are included in this application or have been verified:

- ☐ \$75 check, made payable to the "State Bar of California" or Credit Card Authorization Form enclosed
- ☐ Copy of schedule/agenda, including list of topics with descriptions, for the activity
- ☐ Copy of speaker biographies for the activity
- ☐ Copy of written materials (substantive materials are required for all activities that are one hour or more in length)
- ☐ If seeking *retroactive* approval for an activity already presented, copies of the promotional materials used for that activity
- ☐ Claimed MCLE activity credit hours correspond to times on agenda
- ☐ Application is dated and has an original signature (section below)

Provider acknowledges that its approved activity status may be revoked for non-compliance with Title 3, Division 5 of the *Rules of the State Bar of California (MCLE Provider Rules)*, or for failure to comply with the agreements and certifications contained in this form. Provider agrees to comply with all other rules applicable to providers of Continuing Legal Education that are promulgated by the State Bar of California. Completion of this form does not constitute MCLE approval for an educational activity. If granted, approval will become effective on the date set forth in the notification of approval.

I declare, under penalty of perjury, under the laws of the State of California, that the foregoing and any attachments to it are true and correct.

Signature:

Date:

Print Name:

Title:

TITLE 3. PROGRAMS AND SERVICES

Adopted July 2007
Amended effective July 1, 2014

DIVISION 5. PROVIDERS OF PROGRAMS AND SERVICES

Chapter 1. Providers of Continuing Legal Education

Article 1. Global provisions

Rule 3.600 Definitions

- (A) An “MCLE activity” is minimum continuing legal education that the State Bar approves as meeting standards for MCLE credit.
- (B) A “provider” is an individual or entity approved by the State Bar to grant MCLE credit for an MCLE activity.
- (C) A “Single Activity Provider” is approved to grant credit for a single MCLE activity after submitting an application for approval of the activity in accordance with State Bar procedures and paying the appropriate processing fee.
- (D) A “Multiple Activity Provider” is approved to grant credit for any MCLE activity that complies with the terms of the Multiple Activity Provider Agreement.¹
- (E) “MCLE credit” is the number of credit hours that a member may claim to meet the requirements of these rules.
- (F) A “credit hour” is sixty minutes actually spent in an MCLE activity, less any time for breaks or other activities that lack educational content. A credit hour is reported to the nearest quarter hour in decimals. MCLE credit includes time for introductory and concluding remarks and for questions and answers.
- (G) An “approved jurisdiction” is recognized by the State Bar as having MCLE requirements that substantially meet State Bar standards for MCLE activities and computing MCLE credit hours in a manner acceptable to the State Bar. Approved jurisdictions are listed on the State Bar Web site.
- (H) A “participatory activity” is an MCLE activity for which the provider must verify attendance. Participatory activities may be presented in person or delivered by electronic means.

¹ Business & Professions Code § 6070 (b) provides that programs offered by the California District Attorneys Association and the California Public Defenders Association are deemed to be approved MCLE.

- (I) A “self-study activity” is any MCLE activity identified in Rule 2.83. Self-study activities may be presented in person or delivered by electronic means.
- (J) “State Bar MCLE Activity Auditors” are individuals designated by the State Bar to conduct audits of MCLE activities on behalf of the State Bar for the purpose of evaluating compliance by providers with these rules.

Rule 3.600 adopted as Rule 3.500 effective January 1, 2008; renumbered as Rule 3.600 effective November 4, 2011; amended effective July 1, 2014.

Rule 3.601 MCLE Activities

To be approved for MCLE credit, an MCLE activity must meet State Bar standards.

- (A) The MCLE activity must relate to legal subjects directly relevant to members of the State Bar or have significant current professional and practical content.
- (B) The presenter of the MCLE activity must have significant professional or academic experience related to its content.
- (C) Promotional material must state that the MCLE activity is approved for MCLE credit or that a request for approval is pending; specify the amount of credit offered; and indicate whether any of the credit may be claimed for required MCLE in legal ethics, elimination of bias, or competence issues.²
- (D) If the activity lasts one hour or more, the provider must make substantive written materials relevant to the MCLE activity available either before or during the activity. Any materials provided online must remain online for at least thirty calendar days following the MCLE activity.
- (E) Programs and classes must be scheduled so that participants are free of interruptions.

Rule 3.601 adopted as Rule 3.501 effective January 1, 2008; renumbered as Rule 3.601 effective November 4, 2011; amended effective January 1, 2013; amended effective July 1, 2014.

Rule 3.602 Responsibilities of every provider

Every provider must

² Business & Professions Code § 6070 (b) provides that programs offered by the California District Attorneys Association and the California Public Defenders Association are deemed to be approved MCLE. State Bar Rule 2.84 provides that “A member may claim MCLE credit for educational activities that the California Board of Legal Specialization approves for certification or recertification.” See State Bar Rule 2.72 for a description of competence issues and elimination of bias.

- (A) comply with any State Bar rules and terms applicable to an approved MCLE activity;
- (B) retain the Record of Attendance for an MCLE activity for four years from the date of the activity and submit it to the State Bar upon request. The record must include the title of the MCLE activity, date, total hours awarded, any credits awarded for legal ethics, elimination of bias, or competence issues as a component of the topic of the activity, and whether the activity is participatory or self-study;
- (C) furnish an MCLE Certificate of Attendance to each attendee who has met the requirements for the MCLE activity. The certificate must include the provider name, title of the MCLE activity, date, total hours awarded, any credits awarded for legal ethics, elimination of bias, or competence issues as a component of the topic of the activity, and whether the activity is participatory or self-study;
- (D) give each attendee who completes an MCLE activity a State Bar MCLE Activity Evaluation Form or its equivalent; retain the completed form for at least one year; and submit it to the State Bar upon request; and
- (E) notify the State Bar in writing of any change in the name, address, or other contact information required by the State Bar.

Rule 3.602 adopted as Rule 3.502 effective January 1, 2008; renumbered as Rule 3.602 effective November 4, 2011; amended effective July 1, 2014.

3.603 State Bar MCLE Activity Auditors

A State Bar MCLE Activity Auditor may be a State Bar staff member, Board of Trustees member, California Legal Specialization Board or Commission member, California Young Lawyers Association member or other person designated by the State Bar to conduct an audit of a particular MCLE program or class on behalf of the State Bar. A State Bar MCLE Activity Auditor may not have a business, financial or personal relationship with or oversight responsibility for the provider of the program or class being audited. A State Bar MCLE Activity Auditor may audit the particular MCLE program or class at no cost.

Rule 3.603 adopted effective July 1, 2014.

Rule 3.604 Suspension or revocation of provider approval

The State Bar may suspend or revoke a provider's approval at any time for failure to comply with these rules or the terms of any applicable State Bar agreement.

Rule 3.604 adopted as Rule 3.503 effective January 1, 2008; renumbered as Rule 3.603 effective November 4, 2011; renumbered as Rule 3.604 effective July 1, 2014.

Rule 3.605 Complaints about Providers

The State Bar does not intervene in disputes between a provider and an attendee or potential attendee, but complaints the State Bar receives regarding a provider are considered in assessing the provider's compliance with these rules.

Rule 3.605 adopted effective July 1, 2014

Article 2. Multiple Activity Providers

Rule 3.620 Applying for Multiple Activity Provider status

To be considered for Multiple Activity Provider status, a provider must

- (A) within a two-year period receive State Bar approval for four different MCLE activities and hold them on four different dates; and
- (B) submit an application and processing fee for Multiple Activity Provider status within that same period.

Rule 3.620 adopted as Rule 3.520 effective January 1, 2008; renumbered as Rule 3.620 effective November 4, 2011.

Rule 3.621 Renewing Multiple Activity Provider status

To be eligible for renewal of up to three years, a Multiple Activity Provider must

- (A) apply for renewal using the State Bar form for Multiple Activity Provider Renewal;
- (B) submit evidence that it has offered four different MCLE activities that meet the requirements of these rules within the two years preceding its application for renewal;
- (C) submit the completed form and any required documentation by the deadline set by the State Bar;
- (D) submit any complaints it may have received regarding compliance with these rules; and
- (E) pay the appropriate fees.

Rule 3.621 adopted as Rule 3.521 effective January 1, 2008; renumbered as Rule 3.621 effective November 4, 2011; amended effective July 1, 2014.

TITLE 2. RIGHTS AND RESPONSIBILITIES OF MEMBERS

Adopted July 2007
Amended effective July 1, 2014

DIVISION 4. MINIMUM CONTINUING LEGAL EDUCATION

Chapter 1 Purpose and scope

Rule 2.50 Purpose of MCLE

Rules for Minimum Continuing Legal Education (MCLE) require active members of the State Bar of California to remain current regarding the law, the obligations and standards of the legal profession, and the management of their practices. A member's involuntary enrollment as inactive for failing to comply with these rules is public information available on the State Bar Web site.

Rule 2.50 adopted effective January 1, 2008.

Rule 2.51 Definitions

- (A) An "MCLE activity" is continuing legal education that the State Bar approves as meeting standards for MCLE credit.
- (B) A "provider" is an individual or entity approved by the State Bar to grant MCLE credit for an MCLE activity.
- (C) "MCLE credit" is the number of credit hours that a member may claim to meet the requirements of these rules.
- (D) A "credit hour" is sixty minutes actually spent in an MCLE activity, less any time for breaks or other activities that lack educational content. A credit hour is reported to the nearest quarter hour in decimals.
- (E) An "approved jurisdiction" is recognized by the State Bar as having MCLE requirements that substantially meet State Bar standards for MCLE activities and computing MCLE credit hours in a manner acceptable to the State Bar. Approved jurisdictions are listed on the State Bar Web site.
- (F) A "participatory activity" is an MCLE activity for which the provider must verify attendance. Participatory activities may be presented in person or delivered by electronic means.
- (G) A "self-study activity" is any MCLE activity identified in Rule 2.83. Self-study activities may be presented in person or delivered by electronic means.

Rule 2.51 adopted effective January 1, 2008; amended effective July 1, 2014.

Rule 2.52 MCLE Activities

To receive MCLE credit, a member must complete an MCLE activity that meets State Bar standards.

- (A) The MCLE activity must relate to legal subjects directly relevant to members of the State Bar or have significant current professional and practical content.
- (B) The presenter of the MCLE activity must have significant professional or academic experience related to its content.
- (C) Promotional material must state that the MCLE activity is approved for MCLE credit or that a request for approval is pending; specify the amount of credit offered; and indicate whether any of the credit may be claimed for required MCLE in legal ethics, elimination of bias, or competence issues.
- (D) If the activity lasts one hour or more, the provider must make substantive written materials relevant to the MCLE activity available either before or during every MCLE activity. Any materials provided online must remain online for at least thirty calendar days following the MCLE activity.
- (E) Programs and classes must be scheduled so that participants are free of interruptions.

Rule 2.52 adopted effective January 1, 2008; amended effective January 1, 2013; amended effective July 1, 2014.

Rule 2.53 New members

- (A) A new member is permanently assigned to a compliance group on the date of admission.
- (B) The initial compliance period for a new member begins on the first day of the month in which the member was admitted. It ends when the period ends for the compliance group. If the initial period is less than the period for the compliance group, the required credit hours may be reduced as provided in these rules.¹
- (C) A new member may not claim credit for education taken before the initial compliance period.

Rule 2.53 adopted effective January 1, 2008.

Rule 2.54 Exemptions

¹ Rule 2.72 (C).

- (A) The following active members are exempt from MCLE requirements, provided they claim the exemption in their assigned compliance periods using My State Bar Profile online or an MCLE Compliance Form:
- (1) officers and elected officials of the State of California;
 - (2) full-time professors at law schools accredited by the State Bar of California or the American Bar Association;
 - (3) those employed full-time by the State of California as attorneys or administrative law judges on a permanent or probationary basis, regardless of their working hours, who do not otherwise practice law; and
 - (4) those employed full-time by the United States government as attorneys or administrative law judges on a permanent or probationary basis, regardless of their working hours, who do not otherwise practice law.
- (B) Members whom this rule exempts by reason of their employment with the State of California or the United States government may provide pro bono legal services through a California qualified legal services project or a qualified support center², or through a legal services project or support center that primarily provides legal services without charge to indigent persons in another jurisdiction and is funded by the Legal Services Corporation or the Older Americans Act or receives funding administered by the jurisdiction's interest on lawyers trust accounts program.

Rule 2.54 adopted effective January 1, 2008; amended effective November 4, 2011.

Rule 2.55 Modifications

A member prevented from fulfilling the MCLE requirement for a substantial part of a compliance period because of a physical or mental condition, natural disaster, family emergency, financial hardship, or other good cause may apply for modification of MCLE compliance requirements. The State Bar must approve any modification.

Rule 2.55 adopted effective January 1, 2008.

Chapter 2. Compliance

Rule 2.70 Compliance groups

² Business & Professions Code § 6213.

A member is permanently assigned to one of three compliance groups on the basis of the first letter of the member's last name at the date of admission.³ The three groups are A-G, H-M, and N-Z. The member remains in the compliance group despite any subsequent change of last name.

Rule 2.70 adopted effective January 1, 2008.

Rule 2.71 Compliance periods

A compliance period consists of thirty-six months. It begins on the first day of February and ends three years later on the last day of January. The three compliance groups begin and end their compliance periods in different years. A member must report MCLE compliance no later than the day following the end of the compliance period. The report must be made online using My State Bar Profile or with an MCLE Compliance Form. Fees for noncompliance are set forth in the Schedule of Charges and Deadlines.

Rule 2.71 adopted effective January 1, 2008.

Rule 2.72 Requirements

- (A) Unless these rules indicate otherwise, a member who has been active throughout a thirty-six-month compliance period must complete twenty-five credit hours of MCLE activities. No more than twelve and a half credit hours may be self-study.⁴ Total hours must include no less than 6 hours as follows:
 - (1) at least four hours of legal ethics;
 - (2) at least one hour dealing with the recognition and elimination of bias in the legal profession and society by reason of, but not limited to, sex, color, race, religion, ancestry, national origin, physical disability, age, or sexual orientation; and
 - (3) at least one hour of education addressing substance abuse or other mental or physical issues that impair a member's ability to perform legal services with competence.
- (B) Required education in legal ethics, elimination of bias, or competence issues may be a component of an approved MCLE activity that deals with another topic.
- (C) A member may reduce the required twenty-five hours in proportion to the number of full months the member was inactive or exempt in the thirty-six-month

³ A historical exception exists. When the MCLE program was established in 1992, members were permanently assigned to compliance groups on the basis of their last names at the time, regardless of any different last names they might have used previously.

⁴ Rule 2.83.

compliance period. Up to half the reduced hours may be self-study.⁵ A tool for applying this formula is available at the State Bar Web site.

- (D) Excess credit hours may not be applied to the next compliance period.⁶

Rule 2.72 adopted effective January 1, 2008; amended effective July 1, 2014.

Rule 2.73 Record of MCLE

For a year after reporting MCLE compliance, a member must retain and provide upon demand and to the satisfaction of the State Bar

- (A) a provider's certificate of attendance;
- (B) a record of self-study that includes the title, provider, credit hours, and date of each MCLE activity; or
- (C) proof of exempt status.

Rule 2.73 adopted effective January 1, 2008; amended effective July 1, 2014.

Chapter 3. MCLE Activities approved for MCLE credit

Rule 2.80 Attending programs and classes

A member may claim MCLE credit for attending a MCLE activity, such as a lecture, panel discussion, or law school class, in person or by technological means.

Rule 2.80 adopted effective January 1, 2008.

Rule 2.81 Speaking

A member may claim participatory MCLE credit for speaking at an approved MCLE activity.

- (A) A principal speaker, who is responsible for preparing and delivering a program or class and its related materials, may claim
 - (1) actual speaking time multiplied by four for the first presentation; or
 - (2) actual speaking time only for each time a presentation is repeated without significant change.
- (B) A panelist may claim

⁵ Rule 2.83.

⁶ But see Rule 2.93.

- (1) either of the following for the first panel presentation:
 - (a) scheduled individual speaking time multiplied by four, plus the actual time spent in attendance at the remainder of the presentation; or
 - (b) when times have not been scheduled for individual speakers, an equal share of the total time for all speakers multiplied by four plus the actual time spent in attendance at the remainder of the presentation.
 - (2) actual speaking time only for each time a presentation is repeated without significant change.
- (C) A member who introduces speakers or serves as a moderator may claim only the MCLE credit available to any attendee.

Rule 2.81 adopted effective January 1, 2008; amended effective July 1, 2014.

Rule 2.82 Teaching

A member may claim participatory MCLE credit for teaching a law school course.

- (A) A member assigned to teach a course may claim no more than the credit hours granted by the law school multiplied by twelve or actual speaking time for required MCLE in legal ethics, elimination of bias, or competence issues.
- (B) A guest lecturer or substitute teacher may claim
 - (1) actual speaking time multiplied by four for the first presentation; or
 - (2) actual speaking time only for each time a presentation is repeated without significant change.

Rule 2.82 adopted effective January 1, 2008; amended effective July 1, 2014.

Rule 2.83 Self-study

A member may claim up to half the credit hours required in a compliance period for

- (A) completing MCLE activities for which attendance is not verified by a provider and the MCLE activities were prepared within the preceding five years;
- (B) taking an open- or closed-book self-test and submitting it to a provider who returns it with a grade and explanations of correct answers; or

- (C) authoring or co-authoring written materials that
 - (1) have contributed to the member's legal education;
 - (2) have been published or accepted for publication; and
 - (3) were not prepared in the ordinary course of employment or in connection with an oral presentation at an approved MCLE activity.

Rule 2.83 adopted effective January 1, 2008; amended effective July 1, 2014.

Rule 2.84 Legal specialization

A member may claim MCLE credit for educational activities that the California Board of Legal Specialization approves for certification or recertification.

Rule 2.84 adopted effective January 1, 2008; amended effective July 1, 2014.

Rule 2.85 Education taken while physically out of state

- (A) A member may claim MCLE credit for an MCLE activity authorized by an approved jurisdiction if it meets the requirements of these rules and if the member attends or does the MCLE activity outside California. A member may not claim credit for such an activity, including self-study, when physically present in California unless the State Bar has specifically approved it.
- (B) A member who qualifies for an MCLE activity authorized by an approved jurisdiction may claim the amount of credit authorized by the jurisdiction. No special procedure is required to claim the credit.

Rule 2.85 adopted effective January 1, 2008; amended effective July 1, 2014.

Rule 2.86 Member credit request

A member may apply for MCLE credit for an educational activity directly relevant to the member's practice but not otherwise approved if the activity substantially meets State Bar standards. The application must be submitted with the appropriate fee.

Rule 2.86 adopted effective January 1, 2008; amended effective July 1, 2014.

Rule 2.87 Bar examinations and MPRE

A member may not claim MCLE credit for preparing for or taking a bar examination or the Multistate Professional Responsibility Examination (MPRE).

Rule 2.87 adopted effective January 1, 2008.

Chapter 4. Noncompliance

Rule 2.90 Definition

Noncompliance is failure to

- (A) complete the required education during the compliance period or an extension of it;
- (B) report compliance or claim exemption from MCLE requirements;
- (C) keep a record of MCLE compliance⁷; or
- (D) pay fees for noncompliance.

Rule 2.90 adopted effective January 1, 2008.

Rule 2.91 Notice of noncompliance

- (A) A member who is sent a notice of noncompliance must comply with its terms or be involuntarily enrolled as inactive. An inactive member is not eligible to practice law.
- (B) If the notice requires the member to complete credit hours for the previous compliance period, any excess credit hours may be counted toward the current compliance period.

Rule 2.91 adopted effective January 1, 2008.

Rule 2.92 Enrollment as inactive for MCLE noncompliance

A member who fails to comply with a notice of noncompliance is enrolled as inactive and is not eligible to practice law. The enrollment is administrative and no hearing is required.

Rule 2.92 adopted effective January 1, 2008.

Rule 2.93 Reinstatement following MCLE noncompliance

Enrollment as inactive for MCLE noncompliance terminates when a member submits proof of compliance and pays noncompliance fees. Credit hours that exceed those required for compliance may be counted toward the current period.

Rule 2.93 adopted effective January 1, 2008.

⁷ Rule 2.73.