

IMPORTANT INFORMATION REGARDING

Minimum Continuing Legal Education (MCLE)

Congratulations on passing the California bar examination. Once you are sworn in as a licensed attorney, you will be subject to the Minimum Continuing Legal Education (MCLE) requirement. Please read the following information carefully, so that you will know how to comply.

YOUR COMPLIANCE GROUP

Upon admission to the State Bar, you will be assigned permanently to one of three Compliance Groups based on the first letter of your last name. **You will always remain in your original Compliance Group ("Group"), even if you subsequently change your last name.**

Members of each Group report their compliance in different years. Members of all three Groups are required to complete 25 hours of approved continuing legal education every 36 months.

COMPLIANCE GROUPS

The three different MCLE compliance groups are listed below along with the first relevant compliance periods for new admittees:

<u>COMPLIANCE GROUP</u>	<u>COMPLIANCE PERIOD</u>
Group 1 - A-G (1st letter of surname)	2/01/2016 - 1/31/2019
Group 2 - H-M (1st letter of surname)	2/01/2018 - 1/31/2021
Group 3 - N-Z (1st letter of surname)	2/01/2017 - 1/31/2020

REGULAR MCLE REQUIREMENT

TOTAL HOURS REQUIRED: **25 hours** required (incl. a maximum of 12.5 hours self-study)

SPECIAL REQUIREMENTS within total hours required (may be taken as participatory or self-study):

Legal Ethics - **4 hours**

Competence Issues (formerly known as Prevention, Detection & Treatment of Substance Abuse or Mental Illness) - **1 hour**

Elimination of Bias - **1 hour**

CALCULATING YOUR PROPORTIONAL MCLE REQUIREMENT

Please keep in mind that you will begin accruing a requirement, and can count earned MCLE credit, starting **the first day of the calendar month in which you are admitted to the bar** (ie. the date you are sworn in, not the date you pass the bar examination). At that time, you join the appropriate compliance period already in progress (see box above). For example, someone sworn-in on 12/15/17 is admitted to the bar effective 12/15/17, and their compliance period starts on 12/01/17.

Since your compliance period is already in progress, you do not have to comply with the entire requirement. Instead, you must complete a proportional MCLE requirement for your first compliance period. If there are four months or less remaining in your initial compliance period when you are admitted, you will not be required to comply (neither earn credits nor report compliance) with the education requirement for that period.

Please note that any MCLE hours earned above the amount required during a particular compliance period may not be carried over to the next period.

Determine the number of months remaining in your compliance period and consult the "Proportional Requirement Table" below (and available online) to calculate the number of total hours and legal ethics hours required. (Note that total hours listed include legal ethics, competence, and elimination of bias hours.) Examples:

- If you are sworn in during December 2017, and assigned to **Group 1 (A-G)**, there will be 14 months remaining in your initial compliance period, which ends January 31, 2019. As outlined in the table below, you will be required to complete 10 hours of approved education, of which 2 hours must be in legal ethics, 1 hour must be in competence issues, and 1 hour must be in elimination of bias. Up to, but no more than, one-half of your total hours may be completed through self-study activities.
- If you are sworn in during December 2017 and assigned to **Group 2 (H-M)**, there will be fewer than 4 months left in the current compliance period ending January 31, 2018. As outlined in the table below, you have NO education requirement for that compliance period. Your first relevant compliance period starts on February 1, 2018 and ends on January 31, 2021. You will have to complete the total 25-hour requirement. For the breakdown of required hours, see the box on page 1 that lists the "Regular" (Total) MCLE Requirement. **Please note that only courses taken on or after February 1, 2018, may be applied to the February 1, 2018 - January 31, 2021 compliance period.**
- If you are sworn in during December 2017, and assigned to **Group 3 (N-Z)**, there will be 26 months remaining in your initial compliance period, which ends January 31, 2020. As outlined in the table below, you will be required to complete 19 hours of approved education, of which 3 hours must be in legal ethics, 1 hour must be in competence issues, and 1 hour must be in elimination of bias. Up to, but no more than, one-half of your total hours may be completed through self-study activities.

Please note that new admittees may claim MCLE credit only for education activities completed on or after the first day of the month of their admission to the State Bar.

To determine the hours of your initial MCLE requirement, please refer to the [MCLE PROPORTIONAL REQUIREMENT TABLE](#) available online.

PARTICIPATORY VS. SELF-STUDY CREDIT

As mentioned, you must fulfill at least half of your MCLE requirement with "participatory" activities, while the rest may be fulfilled with "self-study" activities. Participatory activities typically are thought of as "live" activities, but may also include online education and other media as long as an Approved Provider has identified them as such. To qualify for participatory credit, the Approved Provider must keep track of your attendance, in person or electronically. Essentially, your attendance at a participatory activity is verified by an Approved Provider, while you alone verify your self-study activities.

For example, if an Approved Provider shows an approved DVD, and tracks your attendance, your viewing will be counted as participatory credit, because the provider confirms your actual participation and issues a certificate of attendance. However, if you watch the same approved DVD at home, your viewing will be counted as self-study because you alone verify your activity. Approved materials used in this way for self-study credit, must have been prepared within the preceding 5 years.

APPROVED EDUCATION ACTIVITIES

You may claim MCLE credit only for "approved" education, whether the activity is participatory or self-study. An approved activity may be held in any location, not necessarily California. There are 5 ways an activity can be approved:

1. The provider has been designated as an Approved Provider by the State Bar of California;
2. The State Bar of California has approved the individual activity;
3. The State Bar of California has granted you approval, on a case-by-case basis, for an activity that has not been approved generally;
4. The California Board of Legal Specialization has approved the activity for certification or recertification credit; or
5. The activity is of a type the MCLE Rules describe as acceptable, is held outside California (and you are physically participating while outside California), and is approved for CLE credit by a state on California's approved list (see "Approved Jurisdictions" at <http://www.calbar.ca.gov/Attorneys/MCLE-CLE/Requirements/Approved-Jurisdictions>).

FINDING APPROVED EDUCATION

The most common ways to find approved education include contacting your local bar association, reviewing CLE promotional materials received by mail and in legal publications, performing internet searches, and visiting the State Bar's website: mcle.calbar.ca.gov. You may also access the "Provider" tab from this page, where you can search for Approved Providers of MCLE education.

EXEMPT STATUS

Only four categories of attorneys on Active status are exempt from having to earn MCLE credits. Three were included by the Legislature in Business and Professions Code section 6070: full-time law school professors, officers and elected officials of California, and State of California employees who are employed as attorneys (and do not practice law outside the scope of their employment). The fourth type, federal employees (who do not practice law outside the scope of their employment), was included by the California Supreme Court in Rule of Court 9.31. No other groups are exempt from the MCLE requirement.

Note that even if you are exempt for the entire compliance period, you are still required to report, by claiming the exemption when your group's compliance is due. Failure to do so constitutes noncompliance.

If you change your status from exempt to non-exempt, or vice versa, you will have a proportional requirement due based on the number of months you were Active and not exempt within the compliance period. An example: You change to a job that does not confer exempt status, and have 16 months remaining in your compliance period. Using the chart on page 2, you see that you will have to complete 12 hours of approved CLE activities, of which 2 hours must be in legal ethics, 1 hour must be in competence issues, and 1 hour must be in the elimination of bias.

MODIFICATION OF THE REQUIREMENT

With a demonstrated personal hardship, an individual may request a good cause modification of the MCLE requirement by completing the required application. For example, you may request a time extension and/or approval to earn all of your MCLE credits via self-study. Please note that we strictly adhere to the requirement of good cause. Your showing of good cause must include specific facts about your circumstances, rather than general s about your hardship. For example, modifications requested for medical reasons must be documented with a doctor's note or the like.

Please be advised that past decisions indicate that it is unlikely that you would be granted an exemption if you are on Active status. If you request a modification, you must propose a modification plan that would allow you to complete your MCLE requirement given your individual circumstances.

HOW TO REPORT COMPLIANCE AND EXEMPT STATUS

Before the end of your compliance period you will receive a notice by email, usually around December 1st, alerting you of your upcoming MCLE deadline. You will be required to report your compliance by going to www.calbar.ca.gov and logging in to "**My State Bar Profile**", where you can submit an electronic attestation of compliance. If you're a first-time user, you will need an Access Code to register. This one-time use Access Code will be printed in the top right-hand corner of your annual fee notice. (During your initial registration, you will create a custom password for future use.)

The State Bar will randomly select a group of attorneys who will be asked to give the State Bar proof of their attendance at the required education activities. For participatory activities, this audit group will be asked to submit copies of the attendance records received from providers. The State Bar then will check the provider's attendance log to verify that audit group members actually attended the education activity. For self-study activities, members of the audit group will be asked to submit a self-study log.

All California licensed attorneys on Active status must comply with the MCLE requirement, regardless of whether they practice law in California. If you reside outside California and would like more information on how to comply, please visit the State Bar's website at mcle.calbar.ca.gov. From the MCLE home page, go to the drop-down list under the "Attorneys" tab, select "Requirements", and then "Out-of-State Residents".

Except upon specific request or notice of audit, do not notify the State Bar each time you attend an education activity. At the end of your compliance period, all attorneys on Active status are required to report compliance, or attest to a qualifying exemption. **Ensure that you can support your online compliance declaration with proof of compliance.**

RECORDKEEPING AND MCLE AUDIT REQUIREMENTS

Unlike many other states, California does not want you to report to the State Bar each time you attend a CLE activity. The State Bar of California will not maintain records of attendance for you. Instead, you are required to maintain your own records of attendance. **You should only send us evidence of your attendance at education activities if you are audited, or are otherwise specifically requested to do so.**

An approved activity's provider is required to give you a certificate of attendance, specifying time, date, location, subject matter and length of the education activity. **You must retain these records as proof of attendance.** Please note that it is

critically important for you to **sign in** at each approved participatory activity that you attend. The MCLE provider may include you on the official record of attendance **ONLY IF** you signed in (or gave other verifiable proof of attendance, ex. logged into a webinar) at the time of the activity. If you lose a certificate of attendance, contact the provider for a replacement. California approved providers are required to keep attendance records for at least four years.

You must also maintain a **record of self-study activities**, including, as is appropriate, title, provider, time spent in the activity, and the date on which you took part in the activity. A convenient “Personal MCLE Log” is available for your use at mcle.calbar.ca.gov under Attorneys>Forms. Remember, only approved activities prepared within the preceding 5 years can be used to earn self-study credit.

Attorneys who qualify for an exemption due to their employment must be prepared to support that exemption. If audited, or if otherwise specifically requested by the Bar, they will need to provide a letter from their employer confirming their job title/capacity and the specific dates of employment, relative to the compliance period.

Be sure to avoid these common MCLE noncompliance issues:

- Failure to complete the required subfield requirements in Legal Ethics, Competence Issues, and Elimination of Bias.
- Failure to complete the required number of total hours.
- Counting credit for coursework that is not approved MCLE/not from an accredited MCLE Provider.
- Failure to report a qualifying exemption / Failure to qualify for a claimed MCLE exemption.
- Counting hours not taken during the compliance period.

You are required to keep all proof of compliance for at least one year after you’ve reported compliance.

Questions?

For answers to frequently asked MCLE questions, please visit our website at

mcle.calbar.ca.gov

or contact the us at

1 (888) 800-3400 or MCLE@calbar.ca.gov