

TITLE 3. PROGRAMS AND SERVICES

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 is accredited by the State Bar as meeting standards for MCLE credit.¹
- (B) An “LSMCLE” activity is legal specialty minimum continuing legal education that is accredited by the State Bar as meeting the standards for LSMCLE and MCLE credit as set forth in rule 3.114.
- (C) A “provider” is an individual or entity approved by the State Bar to grant MCLE or LSMCLE credit for MCLE or LSMCLE activity.
- (D) A “Single Activity Provider” is a provider approved to grant credit for a single MCLE activity after applying for and receiving approval of the activity in accordance with State Bar procedures and paying the appropriate fee(s).
- (E) A “Multiple Activity Provider” is a provider approved to grant credit for any MCLE activity after applying for and receiving approval for Multiple Activity Provider status in accordance with State Bar procedures and paying the appropriate fee(s).
- (F) A “Legal Specialty Credit Provider” is approved to grant credit for a single LSMCLE activity designed to attain and maintain proficiency in a specialty area of law or is an approved Multiple Activity Provider in a specialty area of law as set forth in rule 3.114.
- (G) “MCLE credit” is the number of credit hours that a licensee may claim to meet the requirements of these rules.
- (H) A “credit hour” is sixty minutes actually spent in an MCLE activity. A credit hour is reported to the nearest quarter hour in decimals, and includes time for introductory and concluding remarks and for questions and answers. Time spent in breaks or lunch periods, and participating in any nonlegal education functions, including networking, business meetings, tours, or demonstrations is not activity that may be applied to a credit hour or receive MCLE credit.

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 “participatory activity” is an MCLE or LSMCLE activity that qualifies for participatory MCLE or LSMCLE credit and for which the provider must verify attendance. Participatory activities may be presented in person or delivered by electronic means.
- (J) 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 3.601 Standards for MCLE activity approval

To be eligible for MCLE accreditation, an MCLE activity must meet State Bar standards.

- (A) General MCLE activity must relate to legal subjects directly relevant to licensees of the State Bar and have current significant educational professional, or practical content, with an objective to increase each participant’s professional competency as an attorney. Activities designed for non-attorney participants will not be approved for general MCLE credit. MCLE activities that may be eligible for general MCLE credit include those that provide education or practical instructions in:
 - (1) The practice of law;
 - (2) Litigation;
 - (3) Management of a solo law practice;
 - (4) Management of a law firm or corporate legal department;
 - (5) The management of client trust accounts;
 - (6) Law firm finances;
 - (7) Attorney-client communications;
 - (8) Case management;
 - (9) Effective calendaring;
 - (10) The avoidance of malpractice; or
 - (11) Opportunities to participate in pro bono legal services.
- (B) Legal ethics MCLE activity must focus on attorneys' professional responsibility, including education on and citation to the California Rules of Professional Conduct and the State Bar Act, and related authorities such as the professional conduct rules of a tribunal. Activities that focus on the ethics of business, corporate or government affairs, or society, in general, do not qualify for MCLE credit.
- (C) Recognition and elimination of bias MCLE activity must focus on education in the recognition and elimination of impermissible bias in the courtroom and law offices; attorney-client relationships and relationships with other attorneys; legal and nonlegal employment and workplaces, including hiring, managing, and terminating employees; and in housing, including accommodations and services. Courses required by Government Code section 12950.1 also qualify for recognition and elimination of bias credit.
- (D) Implicit bias and the promotion of bias-reducing strategies MCLE activity must meet the

requirements of Business and Professions Code section 6070.5 and must focus on implicit bias and the promotion of bias-reducing strategies to address how unintended biases regarding race, ethnicity, gender identity, sexual orientation, socioeconomic status, or other characteristics undermine confidence in the legal system.

- (E) Prevention and detection competence MCLE activity must consist of education that relates to the prevention and detection of substances use disorders, mental illness, and other mental or physical issues that impair an attorney's ability to perform legal services with competence.
- (F) Wellness competence MCLE activity may include physical and mental wellness and well-being or stress management so long as the activity addresses these topics in the context of the practice of law and the impact these issues can have on an attorney's ability to perform legal services with competence.
- (G) Technology MCLE activity must consist of education that addresses technology in the practice of law. This includes education on technology tools, programs, or applications to assist attorneys in their law practice. Credit will not be awarded for course content consisting of marketing of a technology product or service. Examples of courses that would qualify for this credit include:
 - (1) Cybersecurity, privacy, and data protection;
 - (2) Use of technology to create, receive, transmit, store, analyze, or delete client documents or client information;
 - (3) Law practice management technology tools, including technology for virtual appearances before a tribunal;
 - (4) Use of applications to assist attorneys in advising clients, including artificial intelligence technology; and
 - (5) Electronic discovery.
- (H) Civility MCLE activity must consist of education that addresses civility in the legal profession. This includes education that discusses the link between civility and bias, incivility that is directed at opposing parties or counsel, and incivility aimed at the judiciary.
- (I) Legal Specialist MCLE activity must provide high-quality legal education in one or more of the areas of the law eligible for LSMCLE credit as set forth in Title 3, Division 2, Chapter 2 of the State Bar Rules.
- (J) A presenter or presenters of an MCLE activity must have significant professional or academic experience related to its content.
- (K) Any information regarding an approved MCLE activity, including all promotional materials, must state that the activity is approved for California MCLE credit, specify the amount of credit hours offered, and indicate whether any of the credit may be claimed for required MCLE in legal ethics, recognition and elimination of bias, implicit bias,

prevention and detection competence, wellness competence, technology in the practice of law, civility in the legal profession, or legal specialization.

- (L) If an MCLE activity is submitted for accreditation, but the provider has not received a determination on approval of the activity, any information regarding the proposed MCLE activity, including all promotional materials, must state that an application for California MCLE credit is pending approval.
- (M) If an MCLE activity is not approved, the provider must promptly provide written notice of the State Bar's denial to any registrant seeking California MCLE credit for the course or program.
- (N) If an MCLE activity lasts one hour or more, the provider must provide participants with substantive written materials relevant to the MCLE activity either before or during the activity. Any materials provided online must remain online for at least thirty (30) calendar days following the MCLE activity.

Rule 3.602 Responsibilities of every provider

Every provider must:

- (A) Comply with any State Bar rules, standards, and terms applicable to an approved MCLE activity;
- (B) For MCLE that is offered as participatory activity, take attendance using the State Bar's Record of Attendance form or its equivalent and retain the form for four years from the date of the MCLE activity. The form must include the following:
 - (1) title of the MCLE activity;
 - (2) date of the MCLE activity;
 - (3) total hours awarded, including any credit hours or partial credit hours awarded for legal ethics, recognition and elimination of bias, prevention and detection competence, wellness competence, technology in the practice of law, civility in the legal profession, or legal specialization as a component of the activity; and
 - (4) the name and State Bar number of each California licensee.
- (C) Provide the State Bar of California with electronic attendance records for any MCLE participatory activity in a form acceptable to the State Bar of California within 60 days of completion of the activity.
- (D) Provide participants who have met the requirements of a participatory activity with a Certificate of Attendance or provide participants who have met the requirement of a self-study activity with a Certificate of Completion. Certificates may be issued in written or electronic form. Each certificate must include the following:
 - (1) provider name;
 - (2) title of the MCLE activity;

- (3) date the MCLE activity ;
 - (4) total hours awarded, including any credit hours awarded for legal ethics, recognition and elimination of bias, implicit bias, prevention and detection competence, wellness competence, technology in the practice of law, civility in the legal profession, or legal specialization as a component of the topic of the activity;
 - (5) whether the activity is participatory or self-study; and
 - (6) name and license number of the California licensee, if available. This section may be left blank by the provider for completion by the licensee.
- (E) Provide each participant 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.
- (F) Notify the State Bar in writing of any change -to the provider's name, address, contact person, or other contact information required by the State Bar including those of its affiliates, within thirty (30) days of the effective date of the change.

3.603 State Bar MCLE activity auditors

A State Bar MCLE Activity Auditor is a State Bar staff member, Board of Trustees member, California Board of Legal Specialization member, or other person designated by the State Bar to conduct an audit of an MCLE activity on behalf of the State Bar for the purpose of evaluating compliance by providers with these rules and to inform determinations regarding suspension or revocation of provider approval or status under rule 3.604. A State Bar MCLE Activity Auditor may not have a business, financial or personal relationship with or oversight responsibility for the provider of the MCLE activity being audited. A State Bar MCLE Activity Auditor may audit the MCLE activity at no cost. Such attendance shall not qualify for MCLE credit.

Rule 3.604 Suspension or revocation of provider approval

The State Bar may suspend or revoke a provider's approval for failure to comply with these rules or a State Bar determination of the following:

- (A) Failure of the content of the course, the program materials, the quality of the MCLE activity or activities, or the provider's performance to meet the standards set forth in these rules;
- (B) Misuse of a Record of Attendance, Certificate of Attendance, activity evaluation form, or any other form given to a provider by the State Bar;
- (C) Failure to pay appropriate processing fees, late filing fees, or any other applicable fees; and
- (D) Substantiated complaint(s) documented against the provider or against an activity offered by the provider.

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 3.606 MCLE providers

- (A) Providers of MCLE or LSMCLE are categorized as either Single Activity or Multiple Activity Providers. Single Activity Providers are approved providers permitted to hold and grant MCLE or LSMCLE credit for a single MCLE or LSMCLE activity for a period of two years from the date of the activity, provided that no substantive changes are made to the program.
- (B) Multiple Activity Providers are approved providers authorized to hold and grant MCLE credit for any MCLE or LSMCLE activity that complies with these rules without having to submit separate applications to request approval for each program.

Rule 3.607 Applying for Single Activity Provider status

- (A) To be considered for Single Activity Provider status, a provider must:
 - (1) Apply using the State Bar's Single Activity Provider application form for each activity the provider plans to provide;
 - (2) Submit the completed form in the manner prescribed by the State Bar, the appropriate processing fee, and the required supporting materials no less than sixty (60) days prior to the date for which the course or activity is scheduled;
 - (3) Submit a separate application for each activity that is offered as part of an on-demand, multiday or multitrack, subscription based, bundled activity, or multiple sessions within a bundled activity.

Incomplete applications or applications that do not include the required supporting materials or the appropriate processing fee will not be considered for approval.

- (B) A Single Activity Provider application that requests retroactive approval of an activity is subject to late fees as set forth in the State Bar's Schedule of Fees. Retroactive approval may only be granted for an activity occurring within the past two years.

Rule 3.608 Applying for Multiple Activity Provider status

- (A) To be considered for Multiple Activity Provider status, a provider must:
 - (1) Within a two-year period prior to submitting an application for Multiple Activity Provider status, receive State Bar approval for six different MCLE activities that are different and not repeat presentations of the same activity

- and held on six different dates;
- (2) Apply using the State Bar's Multiple Activity Provider application; and
- (3) Submit the completed application in the manner prescribed by the State Bar, the appropriate processing fee, and the required supporting materials for the six activities described in subparagraph (A)(1).

Incomplete applications or applications that do not include the required supporting materials or the appropriate processing fee will not be considered for approval.

- (B) Any activity that is held prior to approval of Multiple Activity Provider status must be submitted for Single Activity Provider approval under rule 3.607.

Rule 3.609 Renewing Multiple Activity Provider status

- (A) To be eligible for renewal of up to two years, a Multiple Activity Provider must:

- (1) Apply for renewal using the State Bar's Multiple Activity Provider renewal application;
- (2) Submit evidence that it has offered six different MCLE activities that meet the requirements of these rules within the two years preceding its application for renewal;
- (3) Submit the completed application in the manner prescribed by the State Bar, the required supporting materials for the six activities, and the appropriate processing fee on or before the deadline set by the State Bar;
- (4) Certify that all self-study activities offered have been reviewed within the 12 months preceding an application for renewal, and that all self-study activities continue to meet the requirements of rule 3.601; and
- (5) Submit any complaints it may have received regarding compliance with these rules.

Incomplete applications or applications that do not include the required supporting materials or the appropriate processing fee will not be considered for approval.

- (B) A Multiple Activity Provider renewal application that is received after the renewal deadline set by the State Bar is subject to late fees as set forth in the State Bar's Schedule of Fees. A Multiple Activity Provider renewal application that is received two years or more after the renewal deadline set by the State Bar is ineligible for renewal under this rule. A Multiple Activity Provider who fails to renew their status within the two-year timeframe must submit any MCLE or LSMCLE activity offered during that timeframe for retroactive approval under rule 3.607.

Rule 3.610 Applying for Legal Specialty Provider Status

- (A) The State Bar certifies attorneys as specialists in certain areas of law. Certified specialists must take and report LSMCLE specific to the area(s) of their specialty, in addition to MCLE credit to maintain their certification. The State Bar may accredit specialty education as meeting the standards for LSMCLE activity. LSMCLE activity may also qualify as approved MCLE activity for legal ethics, recognition and elimination of bias, implicit bias, prevention and detection competence, wellness competence, technology in the practice of law, or civility in the profession.
- (B) A provider intending to offer LSMCLE must be approved by the State Bar as a Multiple Activity Provider in a specialty area of law in the manner set forth in rule 3.608 or must file an application for Single Activity Provider status for a single education activity designed to attain or maintain proficiency in a specialty area of law in the manner set forth in rule 3.607. A separate Multiple Activity Provider Application is required for each specialty area.
- (C) Any requirements for an MCLE activity as set forth in these rules apply to an LSMCLE activity.²

Rule 3.611 MCLE Provider Fees

- (A) Providers are subject to application processing fees when seeking approval to grant credit for a single MCLE activity as a Single Activity Provider or applying for or seeking to renew their Multiple Activity Provider Status. Providers are also subject to applicable late fees and reinstatement fees as set forth in these rules and the State Bar's Schedule of Fees.
- (B) Government Agency and Nonprofit Fees: Providers that are courts, government agencies, or granted tax-exempt 501(c)(3) status from the United States Internal Revenue Service (IRS) qualify for lower application processing and renewal fees. Proof of a provider's nonprofit status is required and must be submitted with the provider's application. A provider that is unable to provide proof of their registered nonprofit status with the IRS does not qualify for the lower application processing or renewal fee.

² See State Bar Rule 3.114.