

## TITLE 3. PROGRAMS AND SERVICES

Division 1. Prospective Members

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Division 4. Consumers

Division 5. Vendors of Programs and Services

### DIVISION 2. ATTORNEY MEMBERS

#### CHAPTER 8. EMERITUS ATTORNEYS

##### Rule 3.325 Definitions

- (A) The "Emeritus Attorney Program" is a program for active members of the State Bar who would otherwise be retired or inactive to provide free legal services exclusively for a qualified legal services provider or for the no-fee panel or pro bono clinic of a certified lawyer referral service.
- (B) An "emeritus attorney" is an active member of the State Bar who would otherwise be retired or inactive but who provides free legal services exclusively for the Emeritus Attorney Program and engages in no other activities that require active status.
- (C) A "qualified legal services provider" is certified by the State Bar as meeting the statutory criteria for either
  - (1) a "qualified legal services project," which provides legal services in civil matters without charge to indigent persons;<sup>1</sup> or
  - (2) a "qualified legal services support center," which provides legal training, legal technical assistance, or advocacy support without charge to qualified legal services projects.<sup>2</sup>
- (D) A "certified lawyer referral service" is, for the purposes of the Emeritus Attorney Program, the no-fee panel or pro bono clinic of a lawyer referral service certified by the State Bar as meeting statutory criteria.<sup>3</sup>

<sup>1</sup> Business & Professions Code §§ 6213 – 6214.5.

<sup>2</sup> Business and Professions Code §§ 6213 and 6215.

### Rule 3.326 Waiver of annual membership fees

The State Bar waives annual active membership fees for members who act exclusively as emeritus attorneys for an entire calendar year. Members who are emeritus attorneys for less than a calendar year must pay annual membership fees.

### Rule 3.327 Eligibility requirements

To serve as an emeritus attorney, a member must

- (A) be a member in good standing with no disciplinary charges pending at the time of retirement;
- (B) at the time of application have been admitted to the practice of law in a United States jurisdiction for at least ten years preceding the application;
- (C) have practiced law or served as a judge in California for at least three of those years;
- (D) have no record of public discipline during the ten years;
- (E) submit an application for the Emeritus Attorney Program; and
- (F) be certified by the State Bar as an emeritus attorney.

### Rule 3.328 Waiver of an eligibility requirement

The Secretary may waive an emeritus attorney requirement for any reason, such as the extent to which a member otherwise meets the requirements, the need for legal services in a particular place, or a member's experience in providing pro bono legal services.

### Rule 3.329 Responsibilities of an emeritus attorney

An emeritus attorney must

- (A) provide legal services exclusively as an Emeritus Attorney and not otherwise engage in activities that require active status;
- (B) provide legal services for a qualified legal services project, qualified legal support center, or the no-fee panel or pro bono clinic of a qualified lawyer referral service;
- (C) accept no compensation for legal services, except for reimbursement of expenses incurred while rendering services under these rules;

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<sup>3</sup> Business & Professions Code § 6155.

- (D) comply with these rules and relevant law; and
- (E) notify the State Bar within thirty days of withdrawing from the program.

Rule 3.330 Responsibilities of a qualified legal services provider or qualified lawyer referral service

A qualified legal services provider or qualified lawyer referral service that uses the services of an emeritus attorney must

- (A) notify the State Bar that a member has applied to serve as an emeritus attorney for the provider or service;
- (B) indicate whether the application will be accepted if the State Bar certifies the member as an emeritus attorney;
- (C) provide no compensation to the emeritus attorney, except for reimbursement of expenses; and
- (D) notify the State Bar within thirty days of ceasing to use the services of the emeritus attorney.

DIVISION 5. VENDORS OF PROGRAMS AND SERVICES

CHAPTER 1. PROVIDERS OF CONTINUING LEGAL EDUCATION

Article 1. Global provisions

Rule 3.500 Definitions

- (A) An "activity" is MCLE 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 educational 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.<sup>4</sup>

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<sup>4</sup> 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.

- (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 educational 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 educational activities and computing MCLE credit hours in a manner acceptable to the State Bar. Approved jurisdictions are listed on the State Bar Web site.

#### Rule 3.501 Standards

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

- (A) The activity must relate to legal subjects directly relevant to members of the State Bar and have significant current professional and practical content.
- (B) The provider must have significant professional or academic experience related to its content.
- (C) Promotional material must state that the 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 the prevention, detection, and treatment of substance abuse or mental illness that impairs professional competence.<sup>5</sup>
- (D) If the activity lasts more than an hour, the provider must make substantive written materials available either before or during the activity. Any materials provided online must be available online for at least thirty calendar days following the activity.
- (E) Programs and classes must be scheduled so that participants are free of interruptions.

#### Rule 3.502 Responsibilities of every provider

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<sup>5</sup> 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 Board of Legal Specialization approves for certification or recertification."

Every provider must

- (A) comply with any State Bar rules and terms applicable to an approved activity;
- (B) retain the Record of Attendance for an activity for four years from the date of the activity and submit it to the State Bar upon request;
- (C) furnish a MCLE Certificate of Attendance to each attendee who has met the requirements for the activity;
- (D) give each attendee who completes an 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;
- (E) permit State Bar auditors to attend or otherwise audit an activity at no cost; and
- (F) notify the State Bar in writing of any change in the name, address, or other contact information required by the State Bar.

Rule 3.503 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.

Article 2. Multiple Activity Providers

Rule 3.520 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 3.521 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 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; and
- (D) pay the appropriate fees.