

Public Comment Summary
Provision of Core Curriculum of 25 Hours of Free Online MCLE in Ethics- Return from Public Comment

Name	Date Received	Comment Summary
1.	July 6, 2011	Opposes proposal- ✓ No demonstrated need for attorneys to satisfy all their MCLE requirements for free ✓ Proposal will encourage freeloading and will lead to diminished revenues for the Bar and local bar associations ✓ The proposal will diminish demand for live programming ✓ The resources used to provide free MCLE, should instead be used to improve the discipline system
2. Continuing Education of the Bar	June 15, 2011	Opposes proposal – ✓ MCLE industry is robust and highly competitive with over 1500 providers ✓ There is no need to spend mandatory dues on developing ethics curriculum ✓ The State Bar has a conflict of interest as it administers and writes rules for MCLE
3. Clark, David – member	June 6, 2011	Supports proposal – ✓ Ask that ethics curriculum include Rule 5-200 – Suppression of Evidence
4. Council of State Bar Sections	June 15, 2011	Opposes proposal – ✓ The Sections already offer low cost and no cost education ✓ There is no evidence to support the premise that free ethics education will impact the number of discipline cases or public protection ✓ There is no evidence to suggest that the number of Section members in the discipline system is lower than that in the general population of members ✓ Since the significant majority of members are solo practitioners the benefit of obtaining low cost MCLE related to law practice management far greater than free ethics credits ✓ The competition from free ethics offerings could drive small Sections out of business and inhibit larger Sections from providing a full spectrum of educational offerings ✓ The proposal does not take into account the benefits that live programming provides ✓ The proposal does not address to what extend the free MCLE hours will impact Section activities – Annual Meeting and California Solo and Small Firm Summit ✓ Attorneys may fulfill all their regular MCLE requirements ethics courses, opting out of educational courses in their practice areas. ✓ The State Bar has not distributed a detailed fiscal impact study in relation to this proposal

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Council of State Bar Sections (# 4 continued)		<p>The Council of Section Chairs recommends that MOC consider:</p> <ul style="list-style-type: none"> ✓ Offering free ethics MCLE on a purely self-study basis ✓ Offering 1 hour of free electronic MCLE each month on a specific date and time ✓ Offering 4 hours of free participatory ethics sponsored by the State Bar ✓ Requesting each Section to provide a free one hour webinar per year that includes ethics with the Section's area of expertise ✓ Implementing any final plan on a one-year trial basis, so that a fiscal study can be completed to determine the impact on the Bar and the Sections as well as the proposals effectiveness
5. California Young Lawyers Association	June 15, 2011	<p>Supports proposal –</p> <ul style="list-style-type: none"> ✓ The proposal assists and advances new lawyers to the public's benefit and protection ✓ The proposal increases attorney's greater access to legal ethics credits
6. Environmental Law Section	June 15, 2011	<p>No position –</p> <ul style="list-style-type: none"> ✓ As a member section of the Council of State Bar sections, it did not join in, or endorse, any of individual sections' or Council's comments.
7. Flourney, Peter – member	May 17, 2011	<p>Supports proposal –</p> <ul style="list-style-type: none"> ✓ The State Bar should reexamine the entire MCLE process from a cost benefit point of view ✓ ABA, a for profit entity, offers 15 hours of free MCLE
8. Greene, Louise – member	May 18, 2011	<p>Supports proposal –</p> <ul style="list-style-type: none"> ✓ May decrease revenue, but attorneys will have no excuse for not knowing what is expected or required with regards to ethics
9. Hustings, Erin – member	June 16, 2011	<p>Supports proposal –</p> <ul style="list-style-type: none"> ✓ The proposal will ease the financial burden of MCLE for lawyers in public interest work
10. Reilly, Kathleen – member	June 1, 2011	<p>Supports proposal –</p> <ul style="list-style-type: none"> ✓ The cost of MCLE is an issue ✓ Providers vary in quality ✓ The proposal may lower the cost of attorney discipline and increase public protection

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11. San Francisco Trial Lawyers Association	June 17, 2011	Opposes proposal – ✓ The proposal lacks detail and input from stakeholders ✓ Requests formation of a working group that would include SFTLA ✓ How will the program be funded and what is the fiscal impact to the Bar and would this diminish services to members and the public ✓ Who determines the MCLE content and who may provide the programming ✓ How will this affect current offerings by specialty bars
12. Santa Clara County Bar Association	June 17, 2011	Opposes proposal – ✓ The proposal will make it more difficult for the Sections and local and specialty bars to offer ethics curriculum that focuses on the local practice of law. ✓ The State Bar only offers annual educational programming that cannot ensure that new and changing ethics matters are addressed ✓ The availability of free CLE programming will undermine the attendance at local and Section fee based programs
13. Solo and Small Firm Practice Section	June 8, 2011	Opposes proposal – ✓ The State Bar Sections already provide free and low cost MCLE ✓ Sections would be detrimentally affected by revenue loss ✓ Free programs will detract from attendance at the Annual Meeting
14. Workers' Compensation Section	June 16, 2011	Opposes proposal – ✓ The State Bar should consider the alternatives proposed by the Council of Sections ✓ No relationship has been shown between ethics classes and the number of discipline complaints ✓ If the State Bar believes that more ethics training should be required, consider raising the minimum requirement for ethics ✓ Attorneys may avoid continuing education in their practice areas ✓ No fiscal impact study has been conducted ✓ What is the true cost of creating, installing and maintaining this program and what is the cost to the Sections ✓ Which Sections will be tasked with producing new ethics credits ✓ New ethics courses should have the perspective of practitioners in specialized fields