

## **Rules for Mandatory Continuing Legal Education**

### **Rule 4.**

#### **Credits.**

A. Credits will be given for CLE programs approved by the CLE Commission or sponsored by the Alabama State Bar. Two hours' credit shall be given for attendance of the annual business meeting of the Alabama State Bar.

B. Hours in excess of the minimum annual requirement may be carried forward for credit in the succeeding year.

C. Credit may be earned through teaching an approved CLE course or teaching a course in a law school approved by the CLE Commission.

[Adopted 3-20-1981; Amended 5-4-1981; Amended 6-14-1983.]

## **REGULATIONS**

4.1.1 The following standards will govern the approval of continuing legal education activities by the commission.

4.1.2 The activity must have significant intellectual or practical content and its primary objective must be to increase the participant's professional competence as an attorney. It must not be designed primarily for nonlawyers.

4.1.3 The activity must deal primarily with substantive legal issues, practice management, professional responsibility or ethical obligations of attorneys. Whenever possible, ethical implications of practice management subject matter shall be included. Activities designed solely to sell services or equipment will not be approved.

4.1.4 The activity must be offered by a sponsor having substantial, recent experience in offering continuing legal education or demonstrated ability to organize and present effectively continuing legal education. Demonstrated ability arises partly from the extent to which individuals with legal training or educational experience are involved in the planning, instruction and supervision of the activity. Self-study or home study courses do not qualify for credit, except see Regulation 4.1.16.

4.1.5 The activity itself must be conducted by an individual or group qualified by practical or academic experience. The program, including the named advertised participants, must be conducted substantially as planned, subject to emergency withdrawals and alterations.

4.1.6 Thorough, high quality, readable, and carefully prepared written materials must be made available to all participants at or before the time the course is presented, unless the absence of such materials is recognized as reasonable and approved by the commission. A mere outline without citations or explanatory notations will not be

sufficient, subject, however, to Regulation 8.1. affecting activities sponsored directly by the Alabama State Bar, its committees or sections.

4.1.7 The activity, including online seminars, must be conducted in a comfortable physical setting, conducive to learning, and equipped with suitable writing surfaces.

4.1.8 Approval may be given for activities where electronically recorded or reproduced material is used only if a qualified instructor is available to comment and answer questions. Satellite and teleconference programs must have either telephone hook-ups to instructors at the broadcast location or an instructor present at the receiving site, to comment and answer questions. The use of audio tapes, videotapes or material for self-study or home study courses do not qualify for credit, except as specifically approved under Regulation 3.1 or Regulation 3.2 and Regulation 4.1.16.

4.1.9 Activities that cross academic lines, such as accounting-tax seminars, may be considered for approval.

4.1.10 At the conclusion of an approved in-state program or activity, each participating attorney must be given the opportunity to complete an evaluation questionnaire addressing the quality, effectiveness and usefulness of the particular activity. Within thirty (30) days of the conclusion of the activity, a summary of the results of the questionnaires must be forwarded to the commission. If requested, copies of the questionnaire also must be forwarded to the commission. Sponsors must maintain the questionnaires for a period of 90 days following a program pending a request for submission of them to the commission.

Attorneys desiring credit for an activity attended outside of Alabama may be required to complete an evaluation questionnaire furnished by the commission and to return it within a reasonable time following the conclusion of the activity.

4.1.11 The cost of the program itself to the participating attorneys, apart from optional meals, lodging, travel, etc., must be reasonable considering the subject matter, instructional level, etc.

4.1.12 Repealed (December 4, 1998)

4.1.13 Sponsors of approved CLE activities must refrain from advertising or encouraging the use of their products or services during accredited CLE activities. Sponsors also must seek participants' opinions regarding their adherence to this policy. Failure to adhere to this policy shall be grounds for withdrawal of accreditation of the course in question.

4.1.14 Courses sponsored by law firms and corporations may be approved if the standards for accreditation are met and if the following additional requirements are met. Applications for approval must be submitted at least thirty (30) days in advance. At least half the instruction must be provided by persons from outside the firm or corporation. A qualified instructor from outside the firm or corporation must be present for audio and videotaped presentations.

4.1.15 Sponsors of approved programs must agree to submit to the commission a list of Alabama State Bar members attending each program.

4.1.16 Participatory On-Line CLE programs may be approved for a maximum of 6 CLE credit hours per year.

Each online seminar will be reviewed for approval on a case by case basis. The course content, interactivity, as well as the effectiveness of the delivery method will be considered in the approval process. Applications for approval must be submitted by the sponsor and submitted 30 days prior to the beginning date of the program. Applications will not be approved retroactively. Sponsors must provide a method for participant evaluation of the program. Sponsors must also be able to verify attorney attendance and the number of hours attended. Attorney attendance must be reported to the Alabama State Bar CLE Department immediately following the conclusion of the program.

4.2 A list of organizations whose continuing legal education activities are presumptively approved for credit and the organization has paid the required annual sponsor fee of two hundred fifty (\$250) dollars, shall be compiled and published annually by the MCLE Commission. A list of approved sponsors is available upon request. Other organizations may be added to the list as their identities and programs are confirmed by the commission by application and upon payment of an annual sponsor fee of two hundred fifty (\$250) dollars.

4.3 Approved seminars may be advertised in informational brochures and program material provided by the sponsoring body.

4.4 The commission may at any time re-evaluate a program and revoke approval of the provider or of any particular seminar.

4.5 Any organization not included in Regulation 4.2 above, desiring approval of a course, program or other activity, will apply to the commission by submitting the required application and supporting documentation at least thirty (30) days prior to the date on which the course or program is scheduled. The commission will advise the applicant whether the activity is approved or disapproved in writing by mail within thirty (30) days of the receipt of the completed application. Applicants denied approval of a program or activity may appeal such a decision by submitting a letter of appeal to the commission within fifteen (15) days of the receipt of the notice of disapproval.

Any attorney may request approval in advance of a course, program or other activity to be held outside Alabama by completing and submitting an application form available from the commission.

No application submitted more than sixty (60) days after the close of the program year (December 31) will be approved.

4.6 The provider of an approved continuing legal education activity may announce or indicate as follows:

This course or a portion thereof has been approved by the Alabama State Mandatory Continuing Legal Education Commission for a maximum of \_\_\_ hours credit.

4.7 Any organization that has not been designated an approved sponsor by the

commission must pay an application fee of \$50.00 for each application submitted during a calendar year. This application fee must be attached to the application form in order for the application to be considered.

Attorneys who submit applications also must pay an application fee of \$25.00 for each application submitted during the calendar year. This application fee must be attached to the application form in order for the application to be considered. (Amended eff. 12-4-1998.)

### **COMMENT**

In addition to the programs offered by the Alabama bar institute for continuing legal education, it is envisioned that the regulations will give appropriate credit for continuing legal education programs sponsored by the Alabama Trial Lawyers Association, Alabama Defense Lawyers Association, Alabama District Attorneys Association, Court Management -- The Judicial College, Practicing Law Institute, Alabama bar sections, convention programs, local and city bar association programs, state and federal legal section agency programs, etc.