

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

### **Rule 5.**

#### **Minimum standards for approval.**

A. To be approved for credit, MCLE activities must meet the following requirements:

1. Applications for approval of an MCLE activity must be submitted at least 30 days in advance of the activity.

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. The activity may not be designed primarily for nonlawyers.

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.

4. The activity must be offered by a sponsor having substantial recent experience in providing MCLE activities or a demonstrated ability to organize and effectively present MCLE activities. 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.

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

6. Thorough, high-quality, readable, and carefully prepared written materials must be made available to all participants, in hard copy or electronic medium, at or before the time of presentation of the activity, unless the absence of such materials is reasonable and has been preapproved by the MCLE Commission.

7. The activity must be conducted in an appropriate and suitably equipped physical setting, conducive to learning.

8. The cost of the activity must be reasonably related to the subject matter, instructional level, and location.

B. 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 at the time of the broadcast. Satellite and teleconference programs must have either telephone connections to instructors at the broadcast location or an instructor present at the receiving site to comment and to answer questions.

C. Web-based programs will be eligible for approval only if the participant's attendance is randomly monitored and verified by the sponsor during the program.

D. No MCLE credit will be awarded for self-study programs.

[Adopted 4-26-2012, eff. 1-1-2013.]

## **REGULATIONS**

5.1. The MCLE Commission will advise the applicant seeking accreditation whether the activity is approved or disapproved within 30 days of the receipt of the completed application and fee. Applicants denied accreditation may appeal the decision by submitting a letter of appeal to the MCLE Commission within 15 days of receipt of notice of denial.

5.2. No application for accreditation by either a sponsor or a participant will be approved more than 60 days after the close of the program year (December 31).

5.3. Web-based MCLE programs are limited to six hours of MCLE credit per year. On-demand Web-based programs, which are not offered in real time, shall be subject to the six-credit-hour limit. Synchronous, real-time webcasts and webinars may be considered live programs under these rules, and not subject to the six-credit-hour limit, only if the program allows instructors and participants to communicate directly via text or teleconference. Teleconferences shall be treated as live programs under these rules.

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

5.5. Activities that cross academic, civic, and educational lines, such as accounting-tax seminars and poll-worker programs, may be considered for approval. For poll-worker programs, either the Secretary of State's Office or the County Probate Office must certify the attorney's training, attendance, and hours worked. In addition to receiving the required training, the attorney must work at the polls a minimum of eight hours in a day to earn four hours of credit. Credit under this regulation is capped at eight hours per year.

5.6. When a law firm is the course sponsor, at least 50% of the instruction must be provided by persons not affiliated with the law-firm sponsor. A qualified instructor not affiliated with the law-firm sponsor must be present for all audio or videotaped replays of the live program.

5.7. Program materials without legal citations or explanatory notations shall be considered deficient.

5.8. Attorneys who have a permanent physical disability or limitation that makes attendance at approved MCLE activities inordinately difficult may file a request for a permanent substituted activity in lieu of attendance and shall set out in that request CLE plans tailored to the attorney's specific interests and physical abilities. Any such request shall be accompanied by a physician's statement addressing the necessity for such alternative activity. The MCLE Commission shall review and approve or disapprove the proposed plan on an individual basis and in an expeditious manner.

**Note from the reporter of decisions:** The order amending the Alabama State Bar Rules for Mandatory Continuing Legal Education is published in that volume of *Alabama Reporter* that contains Alabama cases from \_\_ So. 3d \_\_.

**Note from the reporter of decisions:** The order amending Regulation 5.5, effective October 3, 2024, is published in that volume of Alabama Reporter that contains Alabama cases from \_\_\_\_ So. 3d.