

MOC III-C - Attachment B

TITLE 3. PROGRAMS AND SERVICES

Adopted July 2007

(proposed amendments with additions underlined and deletions in strike out, for public comment, July 2013)

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 ~~MCLE~~ minimum continuing legal education 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~~ MCLE 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.¹
- (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~~ MCLE 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~~ MCLE activities and computing MCLE credit hours in a manner acceptable to the State Bar. Approved jurisdictions are listed on the State Bar Web site.
- (H) A “participatory activity” is an MCLE activity for which the provider must verify attendance. Participatory activities may be presented in person or delivered by electronic means.

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 “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.
- (J) “State Bar MCLE Activity Auditors” are individuals designated by the State Bar to conduct audits of MCLE activities on behalf of the State Bar for the purpose of evaluating compliance by providers with these rules.

Rule 3.600 adopted as Rule 3.500 effective January 1, 2008; renumbered as Rule 3.600 effective November 4, 2011.

Rule 3.601 ~~Standards~~ MCLE Activities

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

- (A) The MCLE activity must relate to legal subjects directly relevant to members of the State Bar or have significant current professional and practical content.
- (B) The ~~presenter of the MCLE activity provider~~ must have significant professional or academic experience related to its content.
- (C) Promotional material must state that the MCLE 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 ~~competence issues, the prevention, detection, and treatment of substance abuse or mental illness that impairs professional competence.~~²
- (D) ~~If the activity lasts more than an hour, the~~ The provider must make substantive written materials relevant to the MCLE activity available either before or during every MCLE activity. Any materials provided online must ~~be available~~ remain 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 3.601 adopted as Rule 3.501 effective January 1, 2008; renumbered as Rule 3.601 effective November 4, 2011; amended effective January 1, 2013.

Rule 3.602 Responsibilities of every provider

Every provider must

- (A) comply with any State Bar rules and terms applicable to an approved MCLE activity;

² 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 California Board of Legal Specialization approves for certification or recertification.” See State Bar Rule 2.72 for a description of competence issues and elimination of bias.

- (B) retain the Record of Attendance for an MCLE activity for four years from the date of the activity and submit it to the State Bar upon request; The record must include the title of the MCLE activity, date, total hours awarded, any credits awarded for legal ethics, elimination of bias, or competence issues as a component of the topic of the activity, and whether the activity is participatory or self-study;
- (C) furnish an MCLE Certificate of Attendance to each attendee who has met the requirements for the MCLE activity. The certificate must include the provider name, title of the MCLE activity, date, total hours awarded, any credits awarded for legal ethics, elimination of bias, or competence issues as a component of the topic of the activity, and whether the activity is participatory or self-study;
- (D) give each attendee 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; and
- (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 3.602 adopted as Rule 3.502 effective January 1, 2008; renumbered as Rule 3.602 effective November 4, 2011.

Rule 3.603 State Bar MCLE Activity Auditors

A State Bar MCLE Activity Auditor may be a State Bar staff member, Board of Trustees member, California Legal Specialization Board or Commission member, California Young Lawyers Association member or other person designated by the State Bar to conduct an audit of a particular MCLE program or class on behalf of the State Bar. A State Bar MCLE Activity Auditor may not have a business, financial or personal relationship with or oversight responsibility for the provider of the program or class being audited. A State Bar MCLE Activity Auditor may audit the particular MCLE program or class at no cost.

~~Rule 3.603~~ Rule 3.604 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.

Rule 3.603 adopted as Rule 3.503 effective January 1, 2008; renumbered as Rule 3.603 effective November 4, 2011.

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.

Article 2. Multiple Activity Providers

Rule 3.620 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 3.620 adopted as Rule 3.520 effective January 1, 2008; renumbered as Rule 3.620 effective November 4, 2011.

Rule 3.621 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 MCLE 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;
- (D) submit any complaints it may have received regarding compliance with these rules; and
- ~~(D)~~(E) pay the appropriate fees.

Rule 3.621 adopted as Rule 3.521 effective January 1, 2008; renumbered as Rule 3.621 effective November 4, 2011.