



The State Bar of California

MCLE AGENDA ITEM – PROPOSED AMENDMENTS TO RULES GOVERNING MINIMUM CONTINUING LEGAL EDUCATION Request to Circulate for Public Comment

On November 17, 2022, the Board of Trustees

RESOLVED, that the Board of Trustees authorizes staff to make available for a 60-day public comment period the proposed amendments to Title 2, Division 4 of the rules of the State Bar attached hereto as Attachment A (clean) and Attachment B (redline);

FURTHER RESOLVED, that the Board of Trustees, authorizes staff to make available for a 60-day public comment period the proposed amendments to Title 3, Division 5, Chapter 1 of the rules of the State Bar attached hereto as Attachment C (clean) and Attachment D (redline); and it is

FURTHER RESOLVED, that this authorization for release of public comment is not, and shall not be construed as, a statement or recommendation of approval of the proposed amended State Bar Rules.

ATTACHMENTS LIST

- A. Proposed Rules of the State Bar, Title 2, Division 4 (clean)
- B. Proposed Rules of the State Bar, Title 2, Division 4 (redline)
- C. Proposed Rules of the State Bar, Title 3, Division 5 (clean)
- D. Proposed Rules of the State Bar, Title 3, Division 5 (redline)

TITLE 2. RIGHTS AND RESPONSIBILITIES OF LICENSEES

Adopted July 2007

DIVISION 4. MINIMUM CONTINUING LEGAL EDUCATION**Chapter 1. Purpose and scope****Rule 2.50 Purpose of MCLE**

Rules for Minimum Continuing Legal Education (MCLE) require active licensees of the State Bar of California to remain current regarding the law, the obligations and standards of the legal profession, and the management of their practices. A licensee's involuntary enrollment as inactive for failing to comply with these rules is public information available on the State Bar Web site.

Rule 2.51 Definitions

- (A) An "MCLE activity" is minimum continuing legal education that is accredited by the State Bar as meeting the standards for MCLE credit.
- (B) An "LSMCLE" activity is legal specialty minimum continuing legal education that is accredited by the State Bar as meeting the standards for LSMCLE and MCLE credit as set forth in rule 3.114. Any requirements for an MCLE activity as set forth in these rules apply to an LSMCLE activity.
- (C) A "provider" is an individual or entity approved by the State Bar to grant MCLE or LSMCLE credit for MCLE or LSMCLE activity.
- (D) "MCLE credit" is the number of credit hours that a licensee may claim to meet the requirements of these rules.
- (E) A "credit hour" is sixty minutes actually spent in an MCLE activity. A credit hour is reported to the nearest quarter hour in decimals, and includes time for introductory and concluding remarks and for questions and answers. Time spent in breaks or lunch periods, and participating in any nonlegal education functions, including but not limited to networking, business meetings, tours, or demonstrations is not activity that may be applied to a credit hour or receive MCLE credit.
- (F) An "approved jurisdiction" is recognized by the State Bar as having MCLE requirements that substantially meet State Bar standards for 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.
- (G) A "participatory activity" is an MCLE or LSMCLE activity for which the provider must

verify attendance. Participatory activities may be presented in person or delivered by electronic means.

- (H) 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.
- (I) State Bar New Attorney Training is MCLE that is developed and made available directly from the State Bar and is focused on law practice competency for newly admitted licensees.

Rule 2.52 MCLE Activities

To receive MCLE credit, a licensee must complete an MCLE activity that meets State Bar standards set forth in rule 3.601.

Rule 2.53 New licensees

- (A) A new licensee is permanently assigned to a compliance group on the date of admission.
- (B) The initial compliance period for a new licensee begins on the first day of the month in which the licensee was admitted. It ends when the period ends for the compliance group. If the initial period is less than the period for the compliance group, the required credit hours may be reduced as provided in these rules.¹
- (C) A new licensee may not claim credit for education taken before the initial compliance period.
- (D) A new licensee is required to complete a State Bar New Attorney Training program during the first year of admission. New licensees who have completed any portion of the New Attorney Training program while enrolled in the State Bar’s Provisional Licensure Program² are deemed to have satisfied that portion of the requirement and, therefore, do not have to retake that portion of the New Attorney Training program.
- (E) New licensees can also apply New Attorney Training hours to their regular MCLE requirement, provided that the hours are completed within the licensee’s MCLE compliance period.

Rule 2.54 Exemptions

- (A) The following active licensees are exempt from MCLE requirements, provided they claim the exemption in their assigned compliance periods using My State Bar Profile online or an MCLE Compliance Form:

¹ Rule 2.72 (C).

² California Rule of Court, Rule 9.49

- (1) officers and elected officials of the State of California;
 - (2) full-time professors at law schools accredited by the State Bar of California or the American Bar Association;
 - (3) those employed full-time by the State of California on a permanent or probationary basis, regardless of their working hours, who do not otherwise practice law; and
 - (4) those employed full-time by the United States government on a permanent or probationary basis, regardless of their working hours, who do not otherwise practice law.
- (B) Licensees whom this rule exempts by reason of their employment with the State of California or the United States government may provide pro bono legal services through a California qualified legal services project or a qualified support center³, or through a legal services project or support center that primarily provides legal services without charge to indigent persons in another jurisdiction and is funded by the Legal Services Corporation or the Older Americans Act or receives funding administered by the jurisdiction's interest on lawyers trust accounts program.

Rule 2.55 Modifications

A licensee prevented from fulfilling the MCLE requirement for a substantial part of a compliance period because of a physical or mental condition, natural disaster, family emergency, financial hardship, or other good cause may apply for modification of MCLE compliance requirements. The State Bar must approve any modification.

Chapter 2. Compliance

Rule 2.70 Compliance groups

A licensee is permanently assigned to one of three compliance groups on the basis of the first letter of the licensee's last name at the date of admission.⁴ The three groups are A-G, H-M, and N-Z. The licensee remains in the compliance group despite any subsequent change of last name.

Rule 2.71 Compliance periods

- (A) A compliance period consists of thirty-six months. It begins on the first day of February and ends three years later on the last day of January. The three compliance groups begin and end their compliance periods in different years. A licensee must report MCLE

³ Business & Professions Code § 6213.

⁴ A historical exception exists. When the MCLE program was established in 1992, licensees were permanently assigned to compliance groups on the basis of their last names at the time, regardless of any different last names they might have used previously.

compliance no later than the day following the end of the compliance period. The report must be made online using My State Bar Profile or with an MCLE Compliance Form. Fees for noncompliance are set forth in the Schedule of Charges and Deadlines.

- (B) Compliance with State Bar New Attorney Training must be effectuated and reported completed, in a manner established by the State Bar, by the last day of the month of an attorney's one-year anniversary as a State Bar licensee. Fees for noncompliance are set forth in the Schedule of Charges and Deadlines.

Rule 2.72 Requirements

- (A) Until December 31, 2021, all licensees shall be subject to the following:
 - (1) Unless these rules indicate otherwise, a licensee who has been active throughout a thirty-six-month compliance period must complete twenty-five credit hours of MCLE activities. No more than twelve and a half credit hours may be self-study.⁵ Total hours must include no less than 6 hours as follows:
 - (a) at least four hours of legal ethics;
 - (b) at least one hour dealing with the recognition and elimination of bias in the legal profession and society by reason of, but not limited to, sex, color, race, religion, ancestry, national origin, physical disability, age, or sexual orientation; and
 - (c) at least one hour of education addressing substance abuse or other mental or physical issues that impair a licensee's ability to perform legal services with competence.
 - (2) Required education in legal ethics, elimination of bias, or competence issues may be a component of an approved MCLE activity that deals with another topic.
 - (3) A licensee may reduce the required twenty-five hours in proportion to the number of full months the licensee was inactive or exempt in the thirty-six-month compliance period. Up to half the reduced hours may be self-study.⁶ A tool for applying this formula is available at the State Bar Web site.
 - (4) Excess credit hours may not be applied to the next compliance period.⁷
- (B) On and after January 1, 2022, all licensees shall be subject to the following:
 - (1) Licensees reporting for the compliance periods ending January 31, 2022, shall be

⁵ Rule 2.83.

⁶ Rule 2.83.

⁷ But see Rule 2.93.

subject to the requirements set forth in paragraphs (A)(1), (A)(2), (A)(3), and (A)(4) for the compliance period ending January 31, 2022.

- (2) Beginning with the compliance period ending January 31, 2023, all licensees shall comply with the following:
- (a) Unless these rules indicate otherwise, a licensee who has been active throughout a thirty-six-month compliance period must complete twenty-five credit hours of MCLE activities. No more than twelve and a half credit hours may be self-study.⁸ Total hours must include no less than 7 hours as follows:
 - (i) at least four hours of legal ethics;
 - (ii) at least two hours dealing with the recognition and elimination of bias in the legal profession and society by reason of, but not limited to, sex, color, race, religion, ancestry, national origin, physical disability, age, or sexual orientation;
 - 1. Of those two hours, at least one hour must focus on implicit bias and the promotion of bias-reducing strategies to address how unintended biases regarding race, ethnicity, gender identity, sexual orientation, socioeconomic status, or other characteristics undermine confidence in the legal system; and
 - (iii) at least one hour of education addressing substance abuse or other mental or physical issues that impair a licensee's ability to perform legal services with competence.
 - (b) Required education in legal ethics, elimination of bias, or competence issues may be a component of an approved MCLE activity that deals with another topic, consistent with the requirements of Rule 2.52(F).
 - (c) A licensee may reduce the required twenty-five hours in proportion to the number of full months the licensee was inactive or exempt in the thirty-six-month compliance period, except that the requirements of paragraphs (B)(2)(a)(ii) and (B)(2)(a)(iii) may not be reduced to less than one hour each. Up to half the reduced hours may be self-study.⁹ A tool for applying this formula is available at the State Bar website.
 - (d) Excess credit hours may not be applied to the next compliance period.¹⁰

⁸ Rule 2.83.

⁹ Rule 2.83.

¹⁰ But see Rule 2.93.

- (C) On and after January 1, 2024, all licensees shall be subject to the following:
- (1) Licensees reporting for the compliance period ending January 31, 2024, shall be subject to the requirements set forth in paragraphs (B)(1), (B)(2), (B)(3), and (B)(4) for the compliance period ending January 31, 2024.
 - (2) Beginning with the compliance period ending January 31, 2025, all licensees shall comply with the following:
 - (a) Unless these rules indicate otherwise, a licensee who has been active throughout a thirty-six-month compliance period must complete twenty-five credit hours of MCLE activities. No more than twelve and a half credit hours may be self-study.¹¹ Total hours must include no less than 10 hours as follows:
 - (i) at least four hours of legal ethics;
 - (ii) at least two hours dealing with the recognition and elimination of bias, one hour of which must focus on implicit bias and the promotion of bias-reducing strategies;
 - (iii) at least two hours of education addressing competence, one hour of which must focus on prevention and detection;
 - (iv) at least one hour of education addressing technology in the practice of law; and
 - (v) at least one hour of education addressing civility in the legal profession.¹²
 - (b) Required education in legal ethics, elimination of bias, or competence, technology in the practice of law, and civility in the legal profession may be a component of an approved MCLE activity that deals with another topic, consistent with the requirements of Rule 2.52(F).
 - (c) A licensee may reduce the required twenty-five hours in proportion to the number of full months the licensee was inactive or exempt in the thirty-six-month compliance period, except that the requirements of paragraphs (C)(2)(a)(ii) and (C)(2)(a)(iii) may not be reduced to less than one hour each. Up to half the reduced hours may be self-study.¹³ A tool for applying this formula is available at the State Bar website.

¹¹ Rule 2.83.

¹² See rule 3.601 regarding the content requirements for these credit hours.

¹³ Rule 2.83.

- (d) Excess credit hours may not be applied to the next compliance period.¹⁴

Rule 2.73 Record of MCLE

For a year after reporting MCLE compliance, a licensee must retain and provide upon demand and to the satisfaction of the State Bar

- (A) a provider's certificate of attendance;
- (B) a record of self-study that includes the title, provider, credit hours, and date of each MCLE activity; or
- (C) proof of exempt status.

Chapter 3. MCLE Activities approved for MCLE credit

Rule 2.80 Attending programs and classes

A licensee may claim MCLE credit for attending a MCLE activity, such as a lecture, panel discussion, or law school class, in person or by technological means.

Rule 2.81 Speaking

A licensee may claim participatory MCLE credit for speaking at an approved MCLE activity.

- (A) A principal speaker, who is responsible for preparing and delivering a program or class and its related materials, may claim
 - (1) actual speaking time multiplied by four for the first presentation; or
 - (2) actual speaking time only for each time a presentation is repeated without significant change.
- (B) A panelist may claim
 - (1) either of the following for the first panel presentation:
 - (a) scheduled individual speaking time multiplied by four, plus the actual time spent in attendance at the remainder of the presentation; or
 - (b) when times have not been scheduled for individual speakers, an equal share of the total time for all speakers multiplied by four plus the actual time spent in attendance at the remainder of the presentation.

¹⁴ But see Rule 2.93.

- (2) actual speaking time only for each time a presentation is repeated without significant change.
- (C) A licensee who introduces speakers or serves as a moderator may claim only the MCLE credit available to any attendee.

Rule 2.82 Teaching

A licensee may claim participatory MCLE credit for teaching a law school course.

- (A) A licensee assigned to teach a course may claim no more than the credit hours granted by the law school multiplied by twelve or actual speaking time for required MCLE in legal ethics, elimination of bias, or competence issues.
- (B) A guest lecturer or substitute teacher may claim
 - (1) actual speaking time multiplied by four for the first presentation; or
 - (2) actual speaking time only for each time a presentation is repeated without significant change.

Rule 2.83 Self-study

A licensee may claim up to half the credit hours required in a compliance period for

- (A) completing MCLE activities for which attendance is not verified by a provider and the MCLE activities were prepared within the preceding two years;
- (B) taking an open- or closed-book self-test and submitting it to a provider who returns it with a grade and explanations of correct answers; or
- (C) authoring or co-authoring written materials that
 - (1) have contributed to the licensee's legal education;
 - (2) have been published or accepted for publication; and
 - (3) were not prepared in the ordinary course of employment or in connection with an oral presentation at an approved MCLE activity.

Rule 2.84 Mock Trial and Moot Court

- (A) A licensee may claim up to two hours of participatory MCLE credit for serving as an attorney coach or scorer or presiding judge for mock trials and moot court arguments involving substantive and procedural law at the high school, college, and law school levels.

- (B) MCLE credit hours are not available for grading written briefs or other written papers in connection with this type of MCLE activity.
- (C) Additional hours cannot be claimed for preparation time.
- (D) A licensee may not claim MCLE credit for legal ethics, elimination of bias, competence, technology in the practice of law, or civility in the legal profession as required by rule 2.72 for participation in this type of activity.

Rule 2.85 Education taken while physically out of state

- (A) A licensee may claim MCLE credit for an MCLE activity authorized by an approved jurisdiction if it meets the requirements of these rules and if the licensee attends or does the MCLE activity outside California. A licensee may not claim credit for such an activity, including self-study, when physically present in California unless the State Bar has specifically approved it.
- (B) A licensee who qualifies for an MCLE activity authorized by an approved jurisdiction may claim the amount of credit authorized by the jurisdiction. No special procedure is required to claim the credit.

Rule 2.86 Licensee credit request

A licensee may apply for MCLE credit for an educational activity directly relevant to the licensee's practice but not otherwise approved if the activity substantially meets State Bar standards. The application must be submitted with the appropriate fee.

Rule 2.87 Bar examinations and MPRE

A licensee may not claim MCLE credit for preparing for or taking a bar examination or the Multistate Professional Responsibility Examination (MPRE).

Chapter 4. Noncompliance

Rule 2.90 Definition

Noncompliance is failure to

- (A) complete the required education during the compliance period or an extension of it;
- (B) report compliance or claim exemption from MCLE requirements;
- (C) keep a record of MCLE compliance¹⁵; or

¹⁵ Rule 2.73.

(D) pay fees for noncompliance.

Rule 2.91 Notice of noncompliance

- (A) A licensee who is sent a notice of noncompliance must comply with its terms or be involuntarily enrolled as inactive. An inactive licensee is not eligible to practice law.
- (B) If the notice requires the licensee to complete credit hours for the previous compliance period, any excess credit hours may be counted toward the current compliance period.

Rule 2.92 Enrollment as inactive for MCLE noncompliance

A licensee who fails to comply with a notice of noncompliance is enrolled as inactive and is not eligible to practice law. The enrollment is administrative and no hearing is required.

Rule 2.92 adopted effective January 1, 2008; amended effective January 25, 2019.

Rule 2.93 Reinstatement following MCLE noncompliance

Enrollment as inactive for MCLE noncompliance terminates when a licensee submits proof of compliance and pays noncompliance fees. Credit hours that exceed those required for compliance may be counted toward the current period.

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Adopted July 2007

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- (C) A "provider" is an individual or entity approved by the State Bar to grant MCLE or LSMCLE credit for MCLE or LSMCLE activity.
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Chapter 2. Compliance

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 - (c) at least one hour of education addressing substance abuse or other mental or physical issues that impair a licensee's ability to perform legal services with competence.
 - (2) Required education in legal ethics, elimination of bias, or competence issues may be a component of an approved MCLE activity that deals with another topic.
 - (3) A licensee may reduce the required twenty-five hours in proportion to the number of full months the licensee was inactive or exempt in the thirty-six-month compliance period. Up to half the reduced hours may be self-study.⁶ A tool for applying this formula is available at the State Bar Web site.
 - (4) Excess credit hours may not be applied to the next compliance period.⁷
- (B) On and after January 1, 2022, all licensees shall be subject to the following:

⁵ Rule 2.83.

⁶ Rule 2.83.

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- (1) Licensees reporting for the compliance periods ending January 31, 2022, shall be subject to the requirements set forth in paragraphs (A)(1), (A)(2), (A)(3), and (A)(4) for the compliance period ending January 31, 2022.
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Chapter 3. MCLE Activities approved for MCLE credit

Rule 2.80 Attending programs and classes

A licensee may claim MCLE credit for attending a MCLE activity, such as a lecture, panel discussion, or law school class, in person or by technological means.

Rule 2.81 Speaking

A licensee may claim participatory MCLE credit for speaking at an approved MCLE activity.

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- (B) A panelist may claim
 - (1) either of the following for the first panel presentation:
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share of the total time for all speakers multiplied by four plus the actual time spent in attendance at the remainder of the presentation.

- (2) actual speaking time only for each time a presentation is repeated without significant change.
- (C) A licensee who introduces speakers or serves as a moderator may claim only the MCLE credit available to any attendee.

Rule 2.82 Teaching

A licensee may claim participatory MCLE credit for teaching a law school course.

- (A) A licensee assigned to teach a course may claim no more than the credit hours granted by the law school multiplied by twelve or actual speaking time for required MCLE in legal ethics, elimination of bias, or competence issues.
- (B) A guest lecturer or substitute teacher may claim
 - (1) actual speaking time multiplied by four for the first presentation; or
 - (2) actual speaking time only for each time a presentation is repeated without significant change.

Rule 2.83 Self-study

A licensee may claim up to half the credit hours required in a compliance period for

- (A) completing MCLE activities for which attendance is not verified by a provider and the MCLE activities were prepared within the preceding two years;
- (B) taking an open- or closed-book self-test and submitting it to a provider who returns it with a grade and explanations of correct answers; or
- (C) authoring or co-authoring written materials that
 - (1) have contributed to the licensee's legal education;
 - (2) have been published or accepted for publication; and
 - (3) were not prepared in the ordinary course of employment or in connection with an oral presentation at an approved MCLE activity.

Rule 2.84 Mock Trial and Moot Court

- (A) A licensee may claim up to two hours of participatory MCLE credit for serving as an attorney coach or scorer or presiding judge for mock trials and moot court arguments involving substantive and procedural law at the high school, college, and law school levels.
- (B) MCLE credit hours are not available for grading written briefs or other written papers in connection with this type of MCLE activity.
- (C) Additional hours cannot be claimed for preparation time.
- (D) A licensee may not claim MCLE credit for legal ethics, elimination of bias, competence, technology in the practice of law, or civility in the legal profession as required by rule 2.72 for participation in this type of activity.

Rule 2.85 Education taken while physically out of state

- (A) A licensee may claim MCLE credit for an MCLE activity authorized by an approved jurisdiction if it meets the requirements of these rules and if the licensee attends or does the MCLE activity outside California. A licensee may not claim credit for such an activity, including self-study, when physically present in California unless the State Bar has specifically approved it.
- (B) A licensee who qualifies for an MCLE activity authorized by an approved jurisdiction may claim the amount of credit authorized by the jurisdiction. No special procedure is required to claim the credit.

Rule 2.86 Licensee credit request

A licensee may apply for MCLE credit for an educational activity directly relevant to the licensee's practice but not otherwise approved if the activity substantially meets State Bar standards. The application must be submitted with the appropriate fee.

Rule 2.87 Bar examinations and MPRE

A licensee may not claim MCLE credit for preparing for or taking a bar examination or the Multistate Professional Responsibility Examination (MPRE).

Chapter 4. Noncompliance

Rule 2.90 Definition

Noncompliance is failure to

- (A) complete the required education during the compliance period or an extension of it;

- (B) report compliance or claim exemption from MCLE requirements;
- (C) keep a record of MCLE compliance¹⁵; or
- (D) pay fees for noncompliance.

Rule 2.91 Notice of noncompliance

- (A) A licensee who is sent a notice of noncompliance must comply with its terms or be involuntarily enrolled as inactive. An inactive licensee is not eligible to practice law.
- (B) If the notice requires the licensee to complete credit hours for the previous compliance period, any excess credit hours may be counted toward the current compliance period.

Rule 2.91 adopted effective January 1, 2008; amended effective January 25, 2019.

Rule 2.92 Enrollment as inactive for MCLE noncompliance

A licensee who fails to comply with a notice of noncompliance is enrolled as inactive and is not eligible to practice law. The enrollment is administrative and no hearing is required.

Rule 2.93 Reinstatement following MCLE noncompliance

Enrollment as inactive for MCLE noncompliance terminates when a licensee submits proof of compliance and pays noncompliance fees. Credit hours that exceed those required for compliance may be counted toward the current period.

¹⁵ Rule 2.73.

TITLE 3. PROGRAMS AND SERVICES

Adopted July 2007

DIVISION 5. PROVIDERS OF PROGRAMS AND SERVICES**Chapter 1. Providers of Continuing Legal Education****Rule 3.600 Definitions**

- (A) An “MCLE activity” is minimum continuing legal education that is accredited by the State Bar as meeting the standards for MCLE credit.¹
- (B) An “LSMCLE” activity is legal specialty minimum continuing legal education that is accredited by the State Bar as meeting the standards for LSMCLE and MCLE credit as set forth in rule 3.114.
- (C) A “provider” is an individual or entity approved by the State Bar to grant MCLE or LSMCLE credit for MCLE or LSMCLE activity.
- (D) A “Single Activity Provider” is a provider approved to grant credit for a single MCLE activity after applying for and receiving approval of the activity in accordance with State Bar procedures and paying the appropriate fee(s).
- (E) A “Multiple Activity Provider” is a provider approved to grant credit for any MCLE activity after applying for and receiving approval for Multiple Activity Provider status in accordance with State Bar procedures and paying the appropriate fee(s).
- (F) A “Legal Specialty Credit Provider” is approved to grant credit for a single LSMCLE activity designed to attain and maintain proficiency in a specialty area of law or is an approved Multiple Activity Provider in a specialty area of law as set forth in rule 3.114.
- (G) “MCLE credit” is the number of credit hours that a licensee may claim to meet the requirements of these rules.
- (H) A “credit hour” is sixty minutes actually spent in an MCLE activity. A credit hour is reported to the nearest quarter hour in decimals, and includes time for introductory and concluding remarks and for questions and answers. Time spent in breaks or lunch periods, and participating in any nonlegal education functions, including networking, business meetings, tours, or demonstrations is not activity that may be applied to a credit hour or receive MCLE credit.

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 “participatory activity” is an MCLE or LSMCLE activity that qualifies for participatory MCLE or LSMCLE credit and for which the provider must verify attendance. Participatory activities may be presented in person or delivered by electronic means.
- (J) A “self-study activity” is any MCLE activity identified in State Bar Rule 2.83. Self-study activities may be presented in person or delivered by electronic means.
- (K) A “nontraditional format activity” is an activity held in any format other than a traditional live classroom format. Nontraditional formats include various forms of audio and video recordings, live broadcasts, teleconferences, videoconferences, web conferences, and online courses.

Rule 3.601 Standards for MCLE activity approval

To be eligible for MCLE accreditation, an MCLE activity must meet the following State Bar standards.

- (A) General MCLE activity must relate to legal subjects directly relevant to licensees of the State Bar and have current significant educational, professional, or practical content, with an objective to increase each participant’s professional competency as an attorney. Activities designed for non-attorney participants will not be approved for general MCLE credit. MCLE activities that may be eligible for general MCLE credit include those that provide education or practical instruction in:
 - (1) The practice of law;
 - (2) Litigation;
 - (3) Management of a solo law practice;
 - (4) Management of a law firm or corporate legal department;
 - (5) The management of client trust accounts;
 - (6) Law firm finances;
 - (7) Attorney-client communications;
 - (8) Case management;
 - (9) Effective calendaring;
 - (10) The avoidance of malpractice; or
 - (11) Opportunities to participate in pro bono legal services.
- (B) Legal ethics MCLE activity must focus on attorneys' professional responsibility, including education on and citation to the California Rules of Professional Conduct and the State Bar Act, and related authorities such as the professional conduct rules of a tribunal. Activities that focus on the ethics of business, corporate or government affairs, or society, in general, do not qualify for MCLE credit.

- (C) Recognition and elimination of bias MCLE activity must focus on education in the recognition and elimination of impermissible bias in the courtroom and law offices; attorney-client relationships and relationships with other attorneys; legal and nonlegal employment and workplaces, including hiring, managing, and terminating employees; and in housing, including accommodations and services. Courses required by Government Code section 12950.1 also qualify for recognition and elimination of bias credit.
- (D) Implicit bias and the promotion of bias-reducing strategies MCLE activity must meet the requirements of Business and Professions Code section 6070.5 and must focus on implicit bias and the promotion of bias-reducing strategies to address how unintended biases regarding race, ethnicity, gender identity, sexual orientation, socioeconomic status, or other characteristics undermine confidence in the legal system.
- (E) Prevention and detection competence MCLE activity must consist of education that relates to the prevention and detection of substance use disorders, mental illness, and other mental or physical issues that impair an attorney's ability to perform legal services with competence.
- (F) Wellness competence MCLE activity may include physical and mental wellness and well-being or stress management so long as the activity addresses these topics in the context of the practice of law and the impact these issues can have on an attorney's ability to perform legal services with competence.
- (G) Technology MCLE activity must consist of education that addresses technology in the practice of law. This includes education on technology tools, programs, or applications to assist attorneys in their law practice. Credit will not be awarded for course content consisting of marketing of a technology product or service. Examples of courses that would qualify for this credit include:
- (1) Cybersecurity, privacy, and data protection;
 - (2) Use of technology to create, receive, transmit, store, analyze, or delete client documents or client information;
 - (3) Law practice management technology tools, including technology for virtual appearances before a tribunal;
 - (4) Use of applications to assist attorneys in advising clients, including artificial intelligence technology; and
 - (5) E-discovery.
- (H) Civility MCLE activity must consist of education that addresses civility in the legal profession. This includes education that discusses the link between civility and bias, incivility that is directed at opposing parties or counsel, and incivility aimed at the judiciary.

- (I) Legal Specialist MCLE activity must provide high-quality legal education in one or more of the areas of the law eligible for LSMCLE credit as set forth in Title 3, Division 2, Chapter 2 of the State Bar Rules.
- (J) A presenter or presenters of an MCLE activity must have significant professional or academic experience related to its content.
- (K) Any information regarding an approved MCLE activity, including all promotional materials, must state that the activity is approved for California MCLE credit, specify the credit hours offered, and indicate whether any of the credit may be claimed for required MCLE in legal ethics, recognition and elimination of bias, implicit bias, prevention and detection competence, wellness competence, technology in the practice of law, civility in the legal profession, or a legal specialization.
- (L) If an MCLE activity is submitted for accreditation, but the provider has not received a determination on approval of the activity, any information regarding the proposed MCLE activity, including all promotional materials, must state that an application for California MCLE credit is pending approval.
- (M) If an MCLE activity is not approved, the provider must promptly provide written notice of the State Bar's denial to any registrant seeking California MCLE credit for the course or program.
- (N) If an MCLE activity lasts one hour or more, the provider must provide participants with substantive written materials relevant to the MCLE activity either before or during the activity. Any materials provided online must remain online for at least thirty (30) calendar days following the MCLE activity.
- (O) An MCLE activity must be conducted in a location or format conducive to learning and free of interruptions from telephone calls, electronic communications, and other office or personal matters.
- (P) A provider of an MCLE activity, including a nontraditional format activity, must verify whether an attorney completes the entire MCLE activity or an entire session of the activity. The provider's attendance verification procedure may not rely solely on verification by a participating attorney. Any application that does not set forth such verification procedures will not be approved.

Rule 3.602 Responsibilities of every provider

Every provider must:

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

- (B) Take attendance using the State Bar’s Record of Attendance form or its equivalent and retain the form for four years from the date of the MCLE activity. The form must include the following:
- (1) title of the MCLE activity;
 - (2) date of the MCLE activity;
 - (3) total hours awarded, including any credit hours or partial credit hours awarded for legal ethics, recognition and elimination of bias, implicit bias, prevention and detection competence, wellness competence, technology in the practice of law, civility in the legal profession, or legal specialization as a component of the activity;
 - (4) whether the activity is participatory or self-study; and
 - (5) the name and State Bar number of each California licensee.
- (C) Provide a copy of the record of attendance to the State Bar electronically through the State Bar’s Provider Information Management Systems (PIMS) online portal or in another manner as required by the State Bar within thirty (30) days of completion of the activity.
- (D) For a participatory activity, provide participants with an MCLE Certificate of Attendance, either in written or electronic form, upon a participant’s successful completion of the MCLE activity. Each certificate must include the following:
- (1) provider name;
 - (2) title of the MCLE activity;
 - (3) date of the MCLE activity;
 - (4) total hours awarded, including any credit hours or partial credit hours awarded for legal ethics, recognition and elimination of bias, implicit bias, prevention and detection competence, wellness competence, technology in the practice of law, civility in the legal profession, or legal specialization as a component of the topic of the activity; and
 - (5) whether the activity is participatory or self-study.
- (E) Certificates of Attendance and Certificates of Completion must be completed and signed by the provider or an agent thereof. The provider may not issue blank certificates. A provider shall not provide participants with a Certificate of Attendance or a Certificate of Completion until the end of an MCLE activity.
- (F) Provide each participant who completes an MCLE activity a State Bar MCLE Activity Evaluation Form or its equivalent, retain the completed evaluation form for at least one year, and submit it to the State Bar upon request.

- (G) Notify the State Bar in writing of any change to the provider's name, address, contact person, or other contact information required by the State Bar, including those of its affiliates, within thirty (30) days of the effective date of the change.

3.603 State Bar MCLE activity auditors

A State Bar MCLE Activity Auditor is a State Bar staff member, Board of Trustees member, California Board of Legal Specialization member, or other person designated by the State Bar to conduct an audit of an MCLE activity on behalf of the State Bar for the purpose of evaluating compliance by providers with these rules and to inform determinations regarding suspension or revocation of provider approval or status under rule 3.604. A State Bar MCLE Activity Auditor may not have a business, financial, or personal relationship with, or oversight responsibility for, the provider of the MCLE activity being audited. A State Bar MCLE Activity Auditor may audit the MCLE activity at no cost. Such attendance shall not qualify for MCLE credit.

Rule 3.604 Suspension or revocation of provider approval

The State Bar may suspend or revoke a provider's approval for failure to comply with these rules or a State Bar determination of the following:

- (A) Failure of the content of the course, the program materials, the quality of the MCLE activity or activities, or the provider's performance to meet the standards set forth in these rules;
- (B) Misuse of a Record of Attendance, Certificate of Attendance, activity evaluation form, or any other form given to a provider by the State Bar;
- (C) Failure to pay appropriate processing fees or any other applicable fees; and
- (D) Substantiated complaint(s) documented against the provider or against an activity offered by the provider.

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.

Rule 3.606 MCLE providers

- (A) Providers of MCLE or LSMCLE are categorized as either Single Activity or Multiple Activity Providers. Single Activity Providers are approved providers permitted to hold and grant MCLE or LSMCLE credit for a single MCLE or LSMCLE activity for a period of

two years from the date of the activity, provided that no substantive changes are made to the program.

- (B) Multiple Activity Providers are approved providers authorized to hold and grant MCLE credit for any MCLE or LSMCLE activity that complies with these rules without having to submit separate applications to request approval for each program.

Rule 3.607 Applying for Single Activity Provider status

(A) To be considered for Single Activity Provider status, a provider must:

- (1) Apply using the State Bar's Single Activity Provider application form for each activity the provider plans to provide;
- (2) Submit the completed form in the manner prescribed by the State Bar, the appropriate processing fee, and the required supporting materials no less than sixty (60) days prior to the date for which the course or activity is scheduled;
- (3) Submit a separate application for each activity that is offered as part of an on-demand, multiday or multitrack, subscription based, bundled activity, or multiple sessions within a bundled activity.

Incomplete applications or applications that do not include the required supporting materials or the appropriate processing fee will not be considered for approval.

- (B) A Single Activity Provider application that requests retroactive approval of an activity may only be granted for an activity occurring within the past two years.

Rule 3.608 Applying for Multiple Activity Provider status

(A) To be considered for Multiple Activity Provider status, a provider must:

- (1) Within a two-year period prior to submitting an application for Multiple Activity Provider status, receive State Bar approval for six different MCLE activities that are different and not repeat presentations of the same activity and held on six different dates;
- (2) Apply using the State Bar's Multiple Activity Provider application; and
- (3) Submit the completed application in the manner prescribed by the State Bar, the appropriate processing fee, and the required supporting materials for the six activities described in subparagraph (A)(1).

Incomplete applications or applications that do not include the required supporting materials or the appropriate processing fee will not be considered for approval.

- (B) Any activity that is held prior to approval of Multiple Activity Provider status must be submitted for Single Activity Provider approval under rule 3.607.

Rule 3.609 Renewing Multiple Activity Provider status

- (A) To be eligible for renewal of up to two years, a Multiple Activity Provider must:
- (1) Apply for renewal using the State Bar's Multiple Activity Provider renewal application;
 - (2) Submit evidence that it has offered six different MCLE activities that meet the requirements of these rules within the two years preceding its application for renewal;
 - (3) Submit the completed application in the manner prescribed by the State Bar, the required supporting materials for the six activities, and the appropriate processing fee on or before the deadline set by the State Bar; and
 - (4) Submit any complaints it may have received regarding compliance with these rules.

Incomplete applications or applications that do not include the required supporting materials or the appropriate processing fee will not be considered for approval.

- (B) A Multiple Activity Provider renewal application that is received two years or more after the renewal deadline set by the State Bar is ineligible for renewal under this rule. A Multiple Activity Provider who fails to renew their status within the two-year timeframe must submit any MCLE or LSMCLE activity offered during that timeframe for retroactive approval under rule 3.607.

Rule 3.610 Applying for Legal Specialty Provider Status

- (A) The State Bar certifies attorneys as specialists in certain areas of law. Certified specialists must take and report LSMCLE specific to the area(s) of their specialty, in addition to MCLE credit to maintain their certification. The State Bar may accredit specialty education as meeting the standards for LSMCLE activity. LSMCLE activity may also qualify as approved MCLE activity for legal ethics, recognition and elimination of bias, implicit bias, prevention and detection competence, wellness competence, technology in the practice of law, or civility in the profession.
- (B) A provider intending to offer LSMCLE must be approved by the State Bar as a Multiple Activity Provider in a specialty area of law in the manner set forth in rule 3.608 or must file an application for Single Activity Provider status for a single education activity designed to attain or maintain proficiency in a specialty area of law in the manner set forth in rule 3.607.

(C) Any requirements for an MCLE activity as set forth in these rules apply to an LSMCLE activity.²

Rule 3.611 MCLE Provider Fees

Providers are subject to application processing fees when seeking approval to grant credit for a single MCLE activity as a Single Activity Provider or applying for or seeking to renew their Multiple Activity Provider Status.

² See State Bar Rule 3.114.

TITLE 3. PROGRAMS AND SERVICES

Adopted July 2007

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 minimum continuing legal education that is accredited by the State Bar ~~approves~~ as meeting the standards for MCLE credit.¹

~~(B)~~ (B) An “LSMCLE” activity is legal specialty minimum continuing legal education that is accredited by the State Bar as meeting the standards for LSMCLE and MCLE credit as set forth in rule 3.114.

~~(B)(C)~~ A “provider” is an individual or entity approved by the State Bar to grant MCLE or LSMCLE credit for ~~an~~ MCLE or LSMCLE activity.

~~(C)(D)~~ A “Single Activity Provider” is a provider approved to grant credit for a single MCLE activity after ~~submitting an application~~ applying for and receiving approval of the activity in accordance with State Bar procedures and paying the appropriate ~~processing fee~~ (s).

~~(D)(E)~~ A “Multiple Activity Provider” is a provider approved to grant credit for any MCLE activity after applying for and receiving approval for Multiple Activity Provider status in accordance with State Bar procedures and paying the appropriate (fees) ~~that complies with the terms of the Multiple Activity Provider Agreement.~~²

~~(F)~~ A “Legal Specialty Credit Provider” is approved to grant credit for a single LSMCLE activity designed to attain and maintain proficiency in a specialty area of law or is an approved Multiple Activity Provider in a specialty area of law as set forth in rule 3.114.

~~(E)(G)~~ “MCLE credit” is the number of credit hours that a licensee may claim to meet the requirements of these rules.

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.

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.~~

~~(F)(H)~~ A “credit hour” is sixty minutes actually spent in an 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, ~~and, MCLE credit~~ includes time for introductory and concluding remarks and for questions and answers. Time spent in breaks or lunch periods, and participating in any nonlegal education functions, including networking, business meetings, tours, or demonstrations is not activity that may be applied to a credit hour or receive MCLE credit.

~~(G)~~ An “approved jurisdiction” is recognized by the State Bar as having MCLE requirements that substantially meet State Bar standards for 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)(I)~~ A “participatory activity” is an MCLE or LSMCLE activity that qualifies for participatory MCLE or LSMCLE credit and for which the provider must verify attendance. Participatory activities may be presented in person or delivered by electronic means. ~~Methods for verification include sign-in in writing or electronically at the state of the course.~~

~~(H)(J)~~ 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.

~~(H)(K)~~ ~~“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. A “nontraditional format activity” is an activity held in any format other than a traditional live classroom format. Nontraditional formats include various forms of audio and video recordings, live broadcasts, teleconferences, videoconferences, web conferences, and online courses.~~

Rule 3.601 Standards for MCLE Activities activity approval

To be eligible for approved for MCLE accreditation credit, an MCLE activity must meet State Bar standards.³

~~(A)~~ The General MCLE activity must relate to legal subjects directly relevant to licensees of the State Bar ~~or and~~ have current significant educational, current professional, or and practical content, with an objective to increase each participant’s professional competency as an attorney. Activities designed for non-attorney participants will not be

³ 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 licensee may claim MCLE credit for educational activities that the California Board of Legal Specialization approves for certification or recertification.”

approved for general MCLE credit. MCLE activities that may be eligible for general MCLE credit include those that provide education or practical instruction in:

- (1) The practice of law;
- (2) Litigation;
- (3) Management of a solo law practice;
- (4) Management of a law firm or corporate legal department;
- (5) The management of client trust accounts;
- (6) Law firm finances;
- (7) Attorney-client communications;
- (8) Case management;
- (9) Effective calendaring;
- (10) The avoidance of malpractice; or
- (11) Opportunities to participate in pro bono legal services.

(B) Legal ethics MCLE activity must focus on attorneys' professional responsibility, including education on and citation to the California Rules of Professional Conduct and the State Bar Act, and related authorities such as the professional conduct rules of a tribunal. Activities that focus on the ethics of business, corporate or government affairs, or society, in general, do not qualify for MCLE credit.

(C) Recognition and elimination of bias MCLE activity must focus on education in the recognition and elimination of impermissible bias in the courtroom and law offices; attorney-client relationships and relationships with other attorneys; legal and nonlegal employment and workplaces, including hiring, managing, and terminating employees; and in housing, including accommodations and services. Courses required by Government Code section 12950.1 also qualify for recognition and elimination of bias credit.

(D) Implicit bias and the promotion of bias-reducing strategies MCLE activity must meet the requirements of Business and Professions Code section 6070.5 and must focus on implicit bias and the promotion of bias-reducing strategies to address how unintended biases regarding race, ethnicity, gender identity, sexual orientation, socioeconomic status, or other characteristics undermine confidence in the legal system.

(E) Prevention and detection competence MCLE activity must consist of education that relates to the prevention and detection of substances use disorders, mental illness, and other mental or physical issues that impair an attorney's ability to perform legal services with competence.

(F) Wellness competence MCLE activity may include physical and mental wellness and well-being or stress management so long as the activity addresses these topics in the context of the practice of law and the impact these issues can have on an attorney's ability to perform legal services with competence.

(G) Technology MCLE activity must consist of education that addresses technology in the practice of law. This includes education on technology tools, programs, or applications

to assist attorneys in their law practice. Credit will not be awarded for course content consisting of marketing of a technology product or service. Examples of courses that would qualify for this credit include:

- (1) Cybersecurity, privacy, and data protection;
- (2) Use of technology to create, receive, transmit, store, analyze, or delete client documents or client information;
- (3) Law practice management technology tools, including technology for virtual appearances before a tribunal;
- (4) Use of applications to assist attorneys in advising clients, including artificial intelligence technology; and
- (5) E-discovery.

(H) Civility MCLE activity must consist of education that addresses civility in the legal profession. This includes education that discusses the link between civility and bias, incivility that is directed at opposing parties or counsel, and incivility aimed at the judiciary.

(I) Legal Specialist MCLE activity must provide high-quality legal education in one or more of the areas of the law eligible for LSMCLE credit as set forth in Title 3, Division 2, Chapter 2 of the State Bar Rules.

~~(A)(J)~~ The A presenter or presenters of the an MCLE activity must have significant professional or academic experience related to its content.

~~(B)(K)~~ Any information regarding an approved MCLE activity, including all promotional materials, must state that the MCLE activity is approved for California MCLE credit, ~~or that a request for approval is pending;~~ specify the amount of credit hours offered, and indicate whether any of the credit may be claimed for required MCLE in legal ethics, recognition and elimination of bias, implicit bias, prevention and detection competence, wellness competence, technology in the practice of law, civility in the legal profession, or a legal specialization ~~or competence issues.~~⁴

(L) If an MCLE activity is submitted for accreditation, but the provider has not received a determination on approval of the activity, any information regarding the proposed MCLE activity, including all promotional materials, must state that an application for California MCLE credit is pending approval.

(M) If an MCLE activity is not approved, the provider must promptly provide written notice of the State Bar's denial to any registrant seeking California MCLE credit for the course or program.

~~(C)(N)~~ If the an MCLE activity lasts one hour or more, the provider must provide participants

⁴ See State Bar Rule 2.72 for a description of competence issues and elimination of bias.

~~with~~ make substantive written materials relevant to the MCLE activity ~~available~~ either before or during the activity. Any materials provided online must remain online for at least thirty (30) calendar days following the MCLE activity.

~~(D)(O)~~ An MCLE activity must be conducted in a location or format conducive to learning and Programs and classes must be scheduled so that participants are free of interruptions from telephone calls, electronic communications, and other office or personal matters.

~~(E)(P)~~ A provider of an MCLE activity, including a nontraditional format activity, must verify whether an attorney completes the entire MCLE activity or an entire session of the activity. The provider's attendance verification procedure may not rely solely on verification by a participating attorney. Any application that does not set forth such verification procedures will not be approved. On and after January 1, 2022, for all training dealing with, or including a component dealing with, implicit bias and the promotion of bias-reducing strategies, an MCLE provider must meet the requirements of Business and Professions Code section 6070.5.

Rule 3.602 Responsibilities of every provider

Every provider must:

(A) ~~comply~~ Comply with any State Bar rules, standards, and terms applicable to an approved MCLE activity;

~~(B)~~ retain ~~Take attendance using the State Bar's Record of Attendance form or its equivalent and retain the form for an MCLE activity~~ for four years from the date of the MCLE activity, ~~and submit it to the State Bar upon request.~~ The form ~~record~~ must include the following:

~~(1)~~ (1) title of the MCLE activity;

~~(2)~~ (2) ~~date of the MCLE activity;~~

~~(3)~~ (3) ~~total hours awarded, including any credit hours or partial credit hours~~ any credits awarded for legal ethics, recognition and elimination of bias, implicit bias, prevention and detection competence, wellness competence, technology in the practice of law, civility in the legal profession, or legal specialization ~~or competence issues~~ as a component of the ~~topic of the~~ activity;

~~(4)~~ (4) ~~and~~ whether the activity is participatory or self-study; and

~~(4)(5)~~ (5) the name and State Bar number of each California licensee ~~attendee~~;

~~(B)(C)~~ Provide the record of attendance to the State Bar of California with electronically through the State Bar's Provider Information Management Systems (PIMS) online portal or in another manner as required by the State Bar within thirty (30) - attendance records in a form acceptable to the State Bar of California within 60 days of completion of the activity.

~~(D)~~ For a participatory activity, provide participants with ~~furnish~~ an MCLE Certificate of

~~with~~ make substantive written materials relevant to the MCLE activity ~~available~~ either before or during the activity. Any materials provided online must remain online for at least thirty (30) calendar days following the MCLE activity.

~~(D)(O)~~ An MCLE activity must be conducted in a location or format conducive to learning and Programs and classes must be scheduled so that participants are free of interruptions from telephone calls, electronic communications, and other office or personal matters.

~~(E)(P)~~ A provider of an MCLE activity, including a nontraditional format activity, must verify whether an attorney completes the entire MCLE activity or an entire session of the activity. The provider's attendance verification procedure may not rely solely on verification by a participating attorney. Any application that does not set forth such verification procedures will not be approved. On and after January 1, 2022, for all training dealing with, or including a component dealing with, implicit bias and the promotion of bias-reducing strategies, an MCLE provider must meet the requirements of Business and Professions Code section 6070.5.

Rule 3.602 Responsibilities of every provider

Every provider must:

(A) ~~comply~~ Comply with any State Bar rules, standards, and terms applicable to an approved MCLE activity;

~~(B)~~ retain ~~Take attendance using the State Bar's Record of Attendance form or its equivalent and retain the form for an MCLE activity~~ for four years from the date of the MCLE activity, ~~and submit it to the State Bar upon request.~~ The form ~~record~~ must include the following:

~~(1)~~ (1) title of the MCLE activity;

~~(2)~~ (2) ~~date of the MCLE activity;~~

~~(3)~~ (3) ~~total hours awarded, including any credit hours or partial credit hours~~ any credits awarded for legal ethics, recognition and elimination of bias, implicit bias, prevention and detection competence, wellness competence, technology in the practice of law, civility in the legal profession, or legal specialization ~~or competence issues~~ as a component of the ~~topic of the~~ activity;

~~(4)~~ (4) ~~and~~ whether the activity is participatory or self-study; and

~~(4)(5)~~ (5) the name and State Bar number of each California licensee ~~attendee~~;

~~(B)(C)~~ Provide the record of attendance to the State Bar of California with electronically through the State Bar's Provider Information Management Systems (PIMS) online portal or in another manner as required by the State Bar within thirty (30) - attendance records in a form acceptable to the State Bar of California within 60 days of completion of the activity.

~~(D)~~ For a participatory activity, provide participants with ~~furnish~~ an MCLE Certificate of

Attendance, either in written or electronic form, upon a participant's successful completion of the ~~program to each attendee who has met the requirements for the~~ MCLE activity. ~~The~~ Each certificate must include the following:

- ~~(1)~~ (1) ~~the provider name;~~
- ~~(2)~~ (2) ~~title of the MCLE activity;~~
- ~~(3)~~ (3) ~~date of the MCLE activity;~~ the course was completed;
- ~~(4)~~ (4) ~~total hours awarded, any including any credits;~~ hours awarded for legal ethics, recognition and elimination of bias, implicit bias, prevention and detection competence, wellness competence, technology in the practice of law, civility in the legal profession, or legal specialization ~~or competence issues~~ as a component of the topic of the activity; ~~and~~
- ~~(4)~~ (5) ~~whether the activity is participatory or self-study.~~

~~(E)~~ (E) ~~Certificates of Attendance and Certificates of Completion must be completed and signed by the provider or an agent thereof. The provider may not issue blank certificates. A provider shall not provide participants with a Certificate of Attendance or a Certificate of Completion until the end of an MCLE activity.~~

~~(C)~~ (F) ~~Provide~~ give each ~~attendee participant~~ 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.

~~(D)~~ (D) ~~Notify the State Bar in writing of any change in to the provider's name, address, contact person, or other contact information required by the State Bar including those of its affiliates, within thirty (30) days of the effective date of the change;~~ and

~~(E)~~ _____

~~(F)~~ (F) ~~beginning January 1, 2022, if providing training dealing with, or including a component dealing with, implicit bias and the promotion of bias-reducing strategies to address how unintended biases regarding race, ethnicity, gender identity, sexual orientation, socioeconomic status, or other characteristics undermine confidence in the legal system, attest to the following:~~

~~(1)~~ (1) ~~The provider makes reasonable efforts to recruit and hire trainers who are representative of the diversity of persons that California's legal system serves.~~

~~(2)~~ (2) ~~The trainers have either academic training in implicit bias or experience educating legal professionals about implicit bias and its effects on people accessing and interacting with the legal system.~~

~~(3)~~ (3) ~~The training includes a component regarding the impact of implicit bias, explicit bias, and systemic bias on the legal system and the effect this can have on people accessing and interacting with the legal system.~~

~~(4)~~ (4) ~~The training includes actionable steps licensees can take to recognize and~~

~~address their own implicit biases.~~

3.603 State Bar MCLE ~~A~~activity ~~A~~auditors

A State Bar MCLE Activity Auditor ~~may be~~is a State Bar staff member, Board of Trustees member, California Board of Legal Specialization member, or other person designated by the State Bar to conduct an audit of ~~an particular~~ MCLE ~~activity program or class~~ on behalf of the State Bar for the purpose of evaluating compliance by providers with these rules and to inform determinations regarding suspension or revocation of provider approval or status under rule 3.604. 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~~ MCLE ~~activity~~ being audited. A State Bar MCLE Activity Auditor may audit the ~~particular~~ MCLE ~~program or class~~ activity at no cost. Such attendance shall not qualify for MCLE credit.

Rule 3.604 Suspension or revocation of provider approval

The State Bar may suspend or revoke a provider's approval for failure to comply with these rules or a State Bar determination of the following:~~the terms of any applicable State Bar agreement only by majority vote of the Board of Trustees, after notice and hearing, and for good cause shown.~~

- (A) Failure of the content of the course, the program materials, the quality of the MCLE activity or activities, or the provider's performance to meet the standards set forth in these rules;
- (B) Misuse of a Record of Attendance, Certificate of Attendance, activity evaluation form, or any other form given to a provider by the State Bar;
- (C) Failure to pay appropriate processing fees or any other applicable fees; and
- (D) Substantiated complaint(s) documented against the provider or against an activity offered by the provider.

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.

Rule 3.606 MCLE providers

- (A) Providers of MCLE or LSMCLE are categorized as either Single Activity or Multiple Activity Providers. Single Activity Providers are approved providers permitted to hold and grant MCLE or LSMCLE credit for a single MCLE or LSMCLE activity for a period of two years from the date of the activity, provided that no substantive changes are made to the program.

(B) Multiple Activity Providers are approved providers authorized to hold and grant MCLE credit for any MCLE or LSMCLE activity that complies with these rules without having to submit separate applications to request approval for each program.

Article 2. ~~Multiple Activity Providers~~

Rule 3.607 Applying for Single Activity Provider status

(A) To be considered for Single Activity Provider status, a provider must:

- (1) Apply using the State Bar's Single Activity Provider application form for each activity the provider plans to provide;
- (2) Submit the completed form in the manner prescribed by the State Bar, the appropriate processing fee, and the required supporting materials no less than sixty (60) days prior to the date for which the course or activity is scheduled;
- (3) Submit a separate application for each activity that is offered as part of an on-demand, multiday or multitrack, subscription based, bundled activity, or multiple sessions within a bundled activity.

Incomplete applications or applications that do not include the required supporting materials or the appropriate processing fee will not be considered for approval.

(B) A Single Activity Provider application that requests retroactive approval of an activity may only be granted for an activity occurring within the past two years.

Rule 3.~~608620~~ Applying for Multiple Activity Provider status

(A) To be considered for Multiple Activity Provider status, a provider must:

- (1) ~~W~~Within a two-year period ~~prior to submitting an application for Multiple Activity Provider status,~~ receive State Bar approval for ~~four~~ six different MCLE activities that are different and not repeat presentations of the same activity and hold them on four ~~held on six~~ different dates; ~~and~~
- (2) Apply using the State Bar's Multiple Activity Provider application; and
- (3) ~~s~~Submit ~~the completed an~~ application in the manner prescribed by the State Bar, ~~and the appropriate processing fee,~~ for Multiple Activity Provider status within that same period and the required supporting materials for the six activities described in subparagraph (A)(1).

Incomplete applications or applications that do not include the required supporting materials or the appropriate processing fee will not be considered for approval.

(B) Any activity that is held prior to approval of Multiple Activity Provider status must be submitted for Single Activity Provider approval under rule 3.607.

Rule 3.609~~621~~ Renewing Multiple Activity Provider status

(A) To be eligible for renewal of up to ~~three~~two years, a Multiple Activity Provider must:

~~(1) Apply for renewal using the State Bar's form for Multiple Activity Provider Renewal application;~~

~~(1) submit~~Submit evidence that it has offered ~~four~~six different MCLE activities that meet the requirements of these rules within the two years preceding its application for renewal;

~~(2) submit~~Submit the completed form application in the manner prescribed by the State Bar, the and any required documentation by supporting materials for the six activities, and the appropriate professing fee on or before the deadline set by the State Bar; and

~~(3) submit~~Submit any complaints it may have received regarding compliance with these rules; and,

pay the appropriate fees. Incomplete applications or applications that do not include the required supporting materials or the appropriate processing fee will not be considered for approval.

~~(B) A Multiple Activity Provider renewal application that is received two years or more after the renewal deadline set by the State Bar is ineligible for renewal under this rule. A Multiple Activity Provider who fails to renew their status within the two-year timeframe must submit any MCLE or LSMCLE activity offered during that timeframe for retroactive approval under rule 3.607.~~

Rule 3.610 Applying for Legal Specialty Provider Status

(A) The State Bar certifies attorneys as specialists in certain areas of law. Certified specialists must take and report LSMCLE specific to the area(s) of their specialty, in addition to MCLE credit to maintain their certification. The State Bar may accredit specialty education as meeting the standards for LSMCLE activity. LSMCLE activity may also qualify as approved MCLE activity for legal ethics, recognition and elimination of bias, implicit bias, prevention and detection competence, wellness competence, technology in the practice of law, or civility in the profession.

(B) A provider intending to offer LSMCLE must be approved by the State Bar as a Multiple Activity Provider in a specialty area of law in the manner set forth in rule 3.608 or must file an application for Single Activity Provider status for a single education activity designed to attain or maintain proficiency in a specialty area of law in the manner set forth in rule 3.607.

(C) Any requirements for an MCLE activity as set forth in these rules apply to an LSMCLE

activity.⁵

Rule 3.611 MCLE Provider Fees

Providers are subject to application processing fees when seeking approval to grant credit for a single MCLE activity as a Single Activity Provider or applying for or seeking to renew their Multiple Activity Provider Status.

⁵ See State Bar Rule 3.114.