

# MCLE RULES AND REGULATIONS

(adopted by Board of Governors 12/8/90; last revised 5/17/03)

## 1.0 PURPOSE

Continuing legal education is required of all members of the State Bar of California on active status not specifically exempted from this requirement to assure that, throughout their careers, California attorneys remain current regarding the law, the obligations and standards of the profession, and the management of their practices.

## 2.0 MINIMUM CONTINUING LEGAL EDUCATION REQUIREMENT

### 2.1 REQUIREMENT

All members of the State Bar of California on active status shall demonstrate their compliance with the continuing legal education requirement at the end of each compliance period and, except as otherwise provided, shall complete at least 25 hours of approved continuing legal education activities every 36 months. Of the 25 hours:

2.1.1 At least four shall be in the area of legal ethics ;

2.1.2 At least one shall relate to prevention, detection, and treatment of substance abuse; and

2.1.3 At least one shall relate to elimination of bias in the legal profession based on any of, but not limited to the following characteristics: sex, color, race, religion, ancestry, national origin, blindness or other physical disability, age, and sexual orientation.

Instruction in legal ethics, prevention, detection, and treatment of substance abuse and emotional distress, and elimination of bias may be a portion of a substantive law education activity.

### 2.2 PROPORTIONAL REQUIREMENT

New admittees, members who are on inactive status for a portion of a compliance period, and members who are exempt pursuant to section 6.0 for a portion of a compliance period, must comply with a proportional continuing legal education requirement.

2.2.1 Where the member is on active status and not exempt for four months or less in a compliance period, the member is not required to comply with the education requirement for that compliance period.

2.2.2 Where the member is on active status and not exempt for more than four months in a compliance period, the member shall be required to complete a total number of hours of approved continuing education activities and, within those total hours, a number of hours of education in legal ethics in proportion to the number of months in the compliance period that the member was on active status and not exempt from the requirement. Fractions of hours shall be rounded up to the next whole number.

Formula for calculating total hours required:  $[(\text{Number of months on active status and not exempt}) \times 25] \div 36 = \text{Total Hours Required}$

Example: 15 months on active status and not exempt  $\times 25 = 375 \div 36 = 11$  total hours required (10.42 rounded up to the next whole number).

Formula for calculating required hours of legal ethics, within the total hours required:  $[(\text{Number of$

months on active status and not exempt)  $\times 4] \div 36 = \text{Total Hours Required in Legal Ethics}$

Example: 15 months on active status and not exempt  $\times 4 = 60 \div 36 = 2$  hours of legal ethics required (1.67 rounded up to the next whole number).

The following table shows the results of applying these formulas:

Months on active status and not exempt	Total Hours Required	Hours of Legal Ethics
1-4	0	0
5	4	1
6-7	5	
8	6	
9	7	
10	7	2
11	8	
12	9	
13-14	10	
15	11	
16-17	12	
18	13	3
19-20	14	
21	15	
22-23	16	
24	17	
25	18	
26-27	19	4
28	20	
29-30	21	
31	22	
32-33	23	
34	24	
35	25	

2.2.3 Members completing a proportional requirement shall not be required to complete one hour of approved continuing legal education relating to prevention, detection, and treatment of substance abuse or elimination of bias in the legal profession

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2.2.4 Members on inactive status or exempt for a portion of a compliance period may claim credit for education activities taken at any time during the compliance period for which the education is required.

## 2.3 AMOUNT OF SELF-STUDY

Up to but not more than 12.5 hours credit may be claimed for self-study activities during any compliance period. In the case of a proportional requirement pursuant to section 2.2, up to but not more than one-half of the required hours may be claimed for self-study activities during any compliance period.

## 2.4 NO CARRY FORWARD OF CREDIT

Credit for participating in an education activity may not be carried forward from one compliance period to another.

## 3.0 COMPLIANCE PERIODS AND COMPLIANCE GROUPS

### 3.1 COMPLIANCE GROUPS

Members shall be permanently assigned to a Compliance Group based on the first initial of the member's last name on February 1, 1992 or date of admittance, whichever comes later. Compliance Group 1 shall include members whose last names begin with A-G. Compliance Group 2 shall include members whose last names begin with H-M. Compliance Group 3 shall include members whose last names begin with N-Z. Subsequent name changes shall not change the Compliance Group assignment.

### 3.2 COMPLIANCE PERIODS

After the initial compliance period, all compliance periods shall be 36 months in length. Initial and subsequent compliance periods for each Compliance Group are charted below:

Compliance Group	Initial compliance period	Subsequent compliance periods
Group 1 (last names A-G)	2/1/92 through 1/31/95	2/1/95 through 1/31/98 2/1/98 through 1/31/01 2/1/01 through 1/31/04 and every 36 months thereafter
Group 2 (last names H-M)	2/1/92 through 1/31/94	2/1/94 through 1/31/97 2/1/97 through 1/31/00 2/1/00 through 1/31/03 and every 36 months thereafter
Group 3 (last names N-Z)	2/1/92 through 1/31/93	2/1/93 through 1/31/96 2/1/96 through 1/31/99 2/1/99 through 1/31/02 and every 36 months thereafter

### 3.3 NEW ADMITTEES

3.3.1 New admittees shall be permanently assigned to the appropriate Compliance Group based on the first initial of their last name on the date of admittance. The initial compliance period after admittance shall begin on the first day of the month of admittance and shall end on the same day as for all other members of the same Compliance Group.

3.3.2 Such members must comply with a proportional continuing legal education requirement for the initial compliance period as set forth in section 2.2.

3.3.3 Such members may claim credit only for education activities which are taken on or after the first day of the month in which the member is admitted to the bar.

## 4.0 CATEGORIES OF CREDIT

### 4.1 PARTICIPATORY CREDIT

Participatory credit refers to participation in an education activity that can be verified by the education provider and may be claimed for:

4.1.1 Attending approved education activities, including lectures, panel discussions, question-and-answer periods, or in-house education;

4.1.2 Viewing videotapes or film instruction, listening to audiotapes, or viewing or participating in other audiovisual activities, including interactive video instruction and activities electronically transmitted from another location, such as online education. The viewing, listening, or participating must be approved, and must be verified by the provider (for purposes of this section, sponsorship requires the approved provider to ensure compliance with sections 7.1 and 7.2);

4.1.3 Speaking in approved education activities;

4.1.4 Attending a law school class after the member's admission to practice in California, provided the member officially registers for the class and satisfactorily completes the class (by audit or grade), as required by the law school; or

4.1.5 Teaching a class at a law school.

### 4.2 SELF-STUDY CREDIT

Self-study credit refers to self-verified participation in an education activity. Up to but not more than 12.5 hours of self-study credit, or in the case of a proportional requirement, up to but not more than one-half of the required hours, may be claimed per compliance period for:

4.2.1 Viewing approved videotapes or videotapes of approved activities or viewing or participating in other approved audiovisual activities, including interactive video instruction and activities electronically transmitted from another location, such as online education;

4.2.2 Listening to approved audiotapes or audiotapes of approved activities;

4.2.3 Preparing, as an author or co-author, written materials published or accepted for publication, e.g., in the form of an article, chapter, or book, which contribute to the legal education of the author member (which were not prepared in the ordinary course of the member's practice or employment or to accompany speaking in an approved education activity); or

4.2.4 Participating in self-assessment testing (open-book tests that are completed by the member, submitted to the provider, graded, and returned to the member with the correct answers and an explanation of why the answer chosen by the provider is the correct answer).

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## 4.3 BAR EXAMINATION PREPARATION

No credit shall be given for activities directed primarily to preparation for an examination for admission to practice law in any state, the District of Columbia, any territory of the United States or any foreign jurisdiction, including the Multi-state Professional Responsibility Examination. No credit shall be given for the time spent actually taking such an examination.

## 5.0 COMPUTATION OF CREDIT HOURS

### 5.1 FORMULA FOR COMPUTATION

Credit hours are computed based on actual time spent in an activity (actual instruction or speaking time, actual time spent viewing videotapes or listening to audiotapes, actual time spent preparing materials for publication, actual time spent attending a law school class) in hours to the nearest one-quarter hour reported in decimals.

$$\text{Formula: } \frac{\text{Minutes of Instruction} \text{ (time spent in activity)}}{60} = \text{Credit Hours}$$

For example, an activity that lasts three hours and has one 10-minute break would be calculated as follows:

$$3 \text{ hrs} \times 60 \text{ mins/hr} = 180 \text{ mins minus the 10-min break} = 170 \text{ mins divided by } 60 = 2.833 \text{ hrs, which would round down to } 2.75.$$

Providers are expected to compute credit hours for approved activities based on this formula and to announce the approved number of hours.

### 5.2 CREDIT FOR SELF-ASSESSMENT TESTS

For self-assessment tests, providers must specify the maximum credit allowable. Credit may be offered only for the time actually spent answering the self-assessment test questions and reviewing the results from the provider.

### 5.3 CREDIT FOR SPEAKERS

5.3.1 Credit hours for speaking in an approved education activity are computed by multiplying actual speaking time by four. For repeat presentations, speakers may claim only actual speaking time. Each presentation of a workshop or skills training activity (an education activity that includes the active participation of attendees in the form of interactive exercises, simulations, and demonstrations and therefore must be modified for the attendees at each presentation) will count as a separate education activity.

5.3.2 Credit hours for panelists at an approved education activity are computed by multiplying the length of time the panelist is assigned to speak by four. If specific speaking times are not assigned to the panelists, "the length of time the panelist is assigned to speak" means the actual length of the education activity divided by the number of panelists. For the remainder of the panel and for repeat presentations, panelists may claim only actual attendance time.

For example, a two-hour panel with four panelists who are not assigned specific speaking times would be calculated as follows:

1. To determine each panelist's speaking time, divide the length of the panel by the number of panelists (in this case, 2 hrs x 60 min/hr = 120 mins divided by 4 panelists = 30 mins or .5 hrs of speaking time).

2. Multiply the panelist's speaking time x 4 (.5 x 4 = 2 hrs).

3. For the remainder of the panel (1.5 hrs), credit the panelist with actual attendance time only. Do NOT count the panelist's speaking time twice, i.e., as part of the attendance time.

4. Each panelist should receive 3.5 hrs (2 hrs of speaking credit plus 1.5 hrs of attendance).

5.3.3 A moderator who either introduces other speakers or performs in an administrative capacity and does not present material having significant current intellectual or practical content for members may claim the same credit hours as attendees.

### 5.4 CREDIT FOR TEACHING A LAW SCHOOL CLASS

5.4.1 Credit hours for teaching a law school class are computed by multiplying the number of credit hours/units granted by the law school by 12. If a portion of a law school class is devoted to a subject set forth in section 2.1, credit hours for teaching that subject are computed by multiplying actual speaking time by one. In no case may the credit hours claimed for teaching a law school class exceed credit hours/units multiplied by 12.

5.4.2 Credit hours for a guest lecturer or substitute teacher in a law school class are computed by multiplying actual speaking time by four. For repeat presentations, credit may be claimed only for actual speaking time.

## 6.0 SPECIAL CASES AND EXEMPTIONS

### 6.1 PRESCRIBED EXEMPTIONS

In accordance with Business and Professions Code section 6070 and California Rule of Court 958, the following are exempt from the continuing legal education requirement:

6.1.1 Officers and elected officials of the State of California;

6.1.2 Full-time professors at law schools accredited by the State Bar, the ABA, or both;

6.1.3 Full-time employees of the State of California acting within the scope of their employment. For purposes of this section, "full-time employees of the State of California acting within the scope of their employment" shall refer to members employed by the State of California as attorneys or Administrative Law Judges on a permanent or probationary basis, regardless of their working hours, who do not practice law in California except as employees of the State of California; and

6.1.4 Full-time employees of the United States Government, its departments, agencies, and public corporations, acting within the scope of their employment. For purposes of this subparagraph, "full-time employees of the United States Government, its departments, agencies, and public corporations, acting within the scope of their employment" shall refer to members employed by the United States Government, its departments, agencies, and public corporations, as attorneys or Administrative Law Judges on a permanent or probationary basis, regardless of their working hours, who do not practice law except as employees of the United States Government, its departments, agencies, and public corporations.

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6.1.5 Effective February 1, 1997, members otherwise exempt from the continuing legal education requirement pursuant to sections 6.1.3 and 6.1.4 may provide pro bono legal services through a qualified legal services project or support center receiving funds pursuant to Business and Professions Code section 6210, et seq., provided that the sponsor of the pro bono project or support center ensures that members volunteering pursuant to this section have received the necessary training or otherwise possess the necessary skills to provide quality service and maintain professional standards.

## 6.2 GOOD CAUSE EXEMPTION FROM OR MODIFICATION OF REQUIREMENT

A member may submit an application setting forth good cause for an exemption from compliance with or modification of any of the requirements, including an extension of time for compliance, in accordance with a procedure established by the State Bar.

6.2.1 Should the decision be adverse to the member, the member may appeal such decision pursuant to the provisions of California Rule of Court 952(d).

## 6.3 AFFIRMATIVE SHOWING OF EXEMPTION FROM OR MODIFICATION OF THE REQUIREMENT

Members claiming exemption from or modification of the minimum continuing legal education requirement shall provide an affirmative showing and/or furnish such substantiation of their exempt status or modification of the requirement as the State Bar may require.

## 7.0 STANDARDS FOR APPROVAL OF EDUCATION ACTIVITIES

Continuing legal education activities may be granted approval in three ways; 1) the provider of the activity is an approved provider and certifies that the activity meets the criteria of section 7.1, 2) the provider of an individual activity receives approval of that activity, or 3) a member receives approval of an activity which is not otherwise approved.

### 7.1 STANDARDS FOR ALL EDUCATION ACTIVITIES

All continuing legal education activities must meet the following standards:

7.1.1 The activity shall have significant current intellectual or practical content for members;

7.1.2 The activity shall be an organized program of learning related to legal subjects and the legal profession, except that education activities relating to the prevention, detection and treatment of substance abuse may address generic issues of substance abuse in society in general and need not focus solely on problems which attorneys encounter in the legal profession. Cross profession activities must be directly relevant to the practice of law;

7.1.3 The activity shall be conducted by an individual or group qualified by practical or academic experience;

7.1.4 Where the activity is more than one hour in length, substantive written materials must be distributed to all participants. Such materials must be distributed at or before the time the activity is offered. When a self-study activity is more than one hour in length, the participants must have the use of the substantive written materials while viewing or listening to the videotape or audiotape and reasonable access to the written materials thereafter, but participants are not required to retain a personal copy of the materials; and

7.1.5 In addition to the foregoing, in-house education activities must be scheduled at a time and location so as to be free of interruptions from telephone calls and other office matters.

### 7.2 REQUIREMENTS FOR ALL PROVIDERS

All approved providers and providers of approved continuing legal education activities shall agree to the following:

7.2.1 An official record verifying all members' attendance at the activity shall be maintained by the provider for at least four years after the completion date. The provider shall include the member on the official record of attendance only if the member's signature or other verifiable proof of attendance was obtained at the time of attendance at the activity. The official record of attendance shall be provided to the State Bar upon request at no cost to the State Bar. It is not the intent of the State Bar that a provider's failure to comply with this record-keeping requirement give rise to a lawsuit by a member against the provider;

7.2.2 The official record of attendance shall state the name and bar number of the members, the time, date, location, title, and the amount of California approved education credit offered for the education activity, including a breakdown of credit offered for the subjects set forth in section 2.1.1, 2.1.2, and 2.1.3 based on the formulas set forth in section 5.0;

7.2.3 Providers shall provide a certificate of attendance to all members attending continuing legal education activities sponsored by the provider. The certificate of attendance shall state the time, date, location, title, and the amount of California approved education credit offered for the education activity or activities, including a breakdown of credit offered for the subjects set forth in section 2.1.1, 2.1.2, and 2.1.3 based on the formulas set forth in section 5.0;

7.2.4 Providers approved under section 9.0 shall include a statement in any materials promoting their approved provider status or one or more individual activities, certifying that the provider is a State Bar of California approved MCLE provider. If an application for approved provider status pursuant to section 9.0 is pending before the State Bar and the promotional materials refer to California MCLE credit, the statement shall indicate that an application is pending.

Examples: "[Provider] is a State Bar of California approved MCLE provider" or "[Provider] certifies that an application is pending for approval as a State Bar of California approved MCLE provider."

7.2.5 Providers sponsoring individual activities approved under section 8.0 shall include a statement in any promotional materials for one or more individual activities, certifying that the activity or activities have been approved for MCLE credit by the State Bar of California. If an application for approval of an individual activity pursuant to section 8.0 is pending before the State Bar, and the promotional materials refer to California MCLE credit, the statement shall indicate that an application is pending.

Examples: "[Provider] certifies that this activity has been approved for MCLE credit by the State Bar of California" or "[Provider] certifies that an application is pending for approval of this activity for MCLE credit by the State Bar of California."

7.2.6 Providers shall provide to all participants in an activity being offered for California MCLE credit, in advance of the activity, accurate information as to the amount of approved

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education credit being offered based on the formulas set forth in section 5.0, including a breakdown of credit offered, if any, for the subjects set forth in sections 2.1.1, 2.1.2 and 2.1.3.

7.2.7 Providers shall agree to the monitoring of their compliance with sections 7.1 and 7.2 at no cost to the State Bar including, but not limited to, allowing in-person observation of all approved continuing legal education activities by members of the State Bar Board of Governors, or designees of the Board, and the State Bar staff; and

7.2.8 Providers shall make available to each participant a copy of the State Bar approved Education Activity Evaluation Form or other evaluation form, provided that such other form solicits at least the same information solicited in the State Bar approved form. Providers shall maintain the completed Education Activity Evaluation Forms for a period of not less than one year after the activity and shall provide the completed evaluation forms to the State Bar upon request at no cost to the State Bar.

7.2.9 Providers shall notify the State Bar in writing of any change in the name, address or telephone number of the provider or of the individual designated by the provider as its contact person.

## 7.3 ACTIVITIES APPROVED FOR LEGAL SPECIALIZATION CREDIT

Education activities approved for certification and/or recertification credit by the California Board of Legal Specialization shall be counted towards the education requirement to the same extent as approved for legal specialization credit so long as the provider agrees to comply with the requirements of section 7.2.

## 7.4 ACTIVITIES APPROVED FOR CREDIT BY OTHER JURISDICTIONS

A member who participates in an education activity outside of California that is listed in section 4.0 may count that activity toward his or her compliance with the California education requirements without seeking California approval for the activity, provided that the activity is approved for continuing legal education credit by another state, the District of Columbia, any territory of the United States or any foreign jurisdiction which has MCLE requirements meeting standards adopted by the State Bar. The member may claim credit for the activity to the same extent as in the approving jurisdiction.

If the activity is not approved by another jurisdiction, the member may seek credit for the activity under section 10.0.

## 7.5 REQUIREMENTS OF CO-SPONSORS

Where an education activity is co-sponsored and has not been approved pursuant to section 8.0, the activity may be claimed for credit only if at least one of the sponsors is a State Bar approved provider. Where only one of the co-sponsors is a State Bar approved provider, the State Bar approved provider shall ensure compliance with the requirements of sections 7.1 and 7.2. Such co-sponsorship shall not prevent an unapproved provider from applying for individual approval of the activity in accordance with section 8. Where more than one of the co-sponsors is a State Bar approved provider, the certificate of attendance required by section 7.2.3 and any promotional materials shall state the name of the provider responsible for complying with section 7.2.

## 8.0 APPROVAL OF INDIVIDUAL EDUCATION ACTIVITIES

### 8.1 REQUIREMENTS FOR APPROVAL OF INDIVIDUAL EDUCATION ACTIVITIES

The education activities referred to in sections 4.1 and 4.2 may be approved upon the written application of providers on an individual basis. The provider must certify that the activity conforms to section 7.1 and agree to the requirements set forth in section 7.2. Approval may be granted for all presentations of the same education activity for up to two years from the date of the first presentation or the date of approval, whichever is earlier. Retroactive approval may be granted.

All applications for approval shall be submitted:

8.1.1 On a form provided by the State Bar;

8.1.2 With all information requested on the form, except that, in the event that the activity has not yet been presented, an application may be acted upon with or without the presentation date and location;

8.1.3 Along with a description that identifies the title, activity content and instructors, the time devoted to each topic, and, except as provided in section 8.1.2, each date and location at which the activity will be offered;

8.1.4 With a calculation of the total credit hours and legal ethics/ prevention, detection, and treatment of substance abuse/elimination of bias credit hours, as appropriate; and

8.1.5 Along with the appropriate activity approval fee.

### 8.2 EDUCATION ACTIVITIES PROVIDED BY THE CDAA AND THE CPDA

Education activities provided by the California District Attorneys Association and the California Public Defenders Association are deemed to be approved education activities.

## 9.0 APPROVAL OF PROVIDERS

Approval may be extended in advance to a continuing education provider for a period of time specified by the State Bar for all of the education activities referred to in sections 4.1 and 4.2 presented by such provider which it certifies conform to section 7.1, provided that it agrees to the requirements set forth in section 7.2. Approved providers are not required to seek approval pursuant to section 8.0 for the individual education activities sponsored while an approved provider.

### 9.1 REQUIREMENTS FOR APPROVAL OF PROVIDERS

All providers of continuing education activities, including in-house providers, are eligible to be approved providers. Applications for provider approval shall:

9.1.1 Be submitted on a form provided by the State Bar;

9.1.2 Contain all information requested on the form;

9.1.3 Be accompanied by the appropriate provider approval fee; and

9.1.4 Demonstrate that during the two years immediately preceding its application, the applicant has actually conducted at least four separate education activities, not including repeated presentations, that were approved pursuant to sections 7.3, 8.0 or 9.0. For purposes of section 9.1.4, each

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presentation of a workshop or skills training activity (an education activity that includes the active participation of attendees in the form of interactive exercises, simulations, and demonstrations and therefore must be modified for the attendees at each presentation) will count as a separate education activity.

Education activities co-sponsored by an applicant that is not an approved provider and a State Bar approved provider shall not be counted towards such applicant's compliance with this requirement, unless such activity has been individually approved in accordance with sections 7.3 and 8.0. In the latter situation each co-sponsor shall be individually responsible for complying with sections 7.1 and 7.2.

## 9.2 RENEWAL OF PROVIDER APPROVAL

Subject to the requirements of section 9.1, the approval of any provider may be renewed for a period of time specified by the State Bar for all of the education activities referred to in sections 4.1 and 4.2 presented by such provider which it certifies conform to section 7.1. The renewal of an approved provider may be denied if the approved provider fails to comply with any of the requirements of these Rules and Regulations.

## 9.3 REVOCATION OF PROVIDER APPROVAL

Statewide associations of public agencies and incorporated, nonprofit professional associations of attorneys may be revoked only by a majority vote of the Board of Governors, after notice and hearing, and for good cause. The approval of all other approved providers may be revoked at any time when sufficient evidence demonstrates that the provider is not complying with section 7.1 or section 7.2.

## 9.4 APPROVAL OF SUBDIVISIONS OF APPROVED PROVIDERS

Subgroups or subdivisions (e.g. sections) of an approved provider need not obtain individual approval of an education activity which conforms to section 7.1, so long as the approved provider notifies the State Bar of its subgroups or subdivisions, actively monitors such activity, any promotional materials state the name of the approved provider, and the approved provider assumes full responsibility for ensuring compliance with the requirements of sections 7.1 and 7.2.

## 10.0 MEMBER REQUEST FOR CREDIT FOR AN EDUCATION ACTIVITY

A member may seek credit for an education activity that complies with the requirements of section 7.1 that has not been previously approved by completing a form provided by the State Bar and submitting it with the appropriate fee. The member must demonstrate that the activity is directly relevant to that member's practice.

## 11.0 GENERAL COMPLIANCE PROCEDURES

### 11.1 AFFIRMATIVE SHOWING OF COMPLIANCE

Each member shall provide an affirmative showing of compliance, in a manner acceptable to the State Bar of California, that the member has complied with the education requirement or is exempt and the nature of the exemption. Such affirmative showing must be provided to the State Bar no later than the day after the end of the member's compliance period.

### 11.2 MEMBER RECORDKEEPING REQUIREMENT

Members shall maintain sufficient proof of their compliance with the education requirement or their exempt status for at least one year from the date on which the member provides an affirmative showing of compliance to the State Bar of California. Members shall provide such proof of compliance or exempt status to the State Bar as the State Bar may require. However, members shall not submit certificates of attendance, hours of credit, etc., to the State Bar unless specifically requested to do so. The certificate of attendance that the provider must provide to the member pursuant to section 7.2.3 shall be a sufficient record of attendance at a participatory activity. A member's own record of self-study activities that includes, as appropriate, the title, provider, the amount of credit claimed for the education activity, including a breakdown of credit claimed for the subjects set forth in sections 2.1.1, 2.1.2, and 2.1.3 based on the formulas set forth in section 5.0, and the date on which the member engaged in the activity shall be a sufficient record of compliance for self-study.

## 12.0 NON-COMPLIANCE PROCEDURES

### 12.1 WHAT CONSTITUTES NON-COMPLIANCE

Non-compliance shall include any of the following:

12.1.1 Failure to complete the education requirement within the compliance period or any granted extension thereof;

12.1.2 Failure to provide an affirmative showing of compliance, in a manner acceptable to the State Bar of California (including an affirmative showing of exempt status);

12.1.3 Failure to provide satisfactory proof of compliance (including proof of exempt status) within the prescribed time after a request by the State Bar; or

12.1.4 Failure to pay all non-compliance fees within the time prescribed after a request by the State Bar.

### 12.2 NON-COMPLIANCE NOTICE AND 60-DAY PERIOD TO ATTAIN COMPLIANCE

Members failing to comply will receive a Non-Compliance Notice stating what the member must do to comply and will be given at least 60 days from the date of notification to comply with the requirements.

Such Notice shall inform members that those who fail to comply by the stated deadline will not be permitted to practice law until such time as adequate proof of compliance is received by the State Bar.

Members given at least 60 days to respond to a Non-Compliance Notice may use this period to attain the adequate number of credit hours for compliance. Credit hours earned during this period may only be counted toward compliance with the prior compliance period's requirement unless hours in excess of the requirement are earned, in which case the excess hours may be counted toward meeting the current compliance period's requirement.

### 12.3 NON-COMPLIANCE FEES

A member who, for whatever reason, is in non-compliance at the end of the compliance period shall pay all non-compliance fees upon request. Failure to pay all non-compliance fees within the prescribed time after a request by the State Bar shall constitute non-compliance with the requirements.

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**13.0 CONSEQUENCES OF NON-COMPLIANCE**

**13.1 ENROLLMENT AS INACTIVE MEMBER**

A member failing to comply with the requirements after the 60-day period for compliance has expired shall be enrolled as an inactive member by the Board of Governors or an officer of the State Bar or his or her designee.

**13.2 ENROLLMENT AS INACTIVE MEMBER ADMINISTRATIVE PROCESS**

The enrollment pursuant to these rules and regulations is administrative in nature and no hearing is required.

**13.3 ACCRUAL OF MEMBERSHIP FEE**

Membership fees shall continue to accrue at the active rate against a member during the period he or she is enrolled as an inactive member pursuant to section 13.1.

**14.0 REINSTATEMENT**

**14.1 PROCESS**

The involuntary inactive enrollment of a member shall be terminated when the member provides proof of compliance with the minimum continuing legal education requirement (including payment of all non-compliance fees). A member may attain the necessary credit hours to meet the requirement for the period of non-compliance during the period the member is on inactive status. These credit hours may not be counted toward meeting the current compliance period's requirement. Credit hours attained during the period of non-compliance in excess of the number needed to satisfy the prior compliance period's requirement may be counted toward meeting the current compliance period's requirement.

**14.2 TERMINATION OF INACTIVE ENROLLMENT ADMINISTRATIVE PROCESS**

The termination of enrollment as an inactive member pursuant to these rules and regulations is administrative in nature and no hearing is required.

**15.0 CONFIDENTIALITY**

A member's status relating to the minimum continuing legal education requirement, as it relates to the compliance, non-compliance, or exempt status of the member, is not confidential and shall be disclosed upon request of any interested person. Other information provided to the State Bar or its representatives pursuant to these regulations shall be available for public inspection during business hours, except to the extent that disclosure is prohibited by law. Requests for lists of members shall be subject to the State Bar's Membership Lists Policy.

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*Rule Revision History*

*Section 7.4 (amended 7/13/91)*  
*Section 7.2.4 (amended 9/19/92)*  
*Section 2.1.1 (amended 12/25/92)*  
*Section 7.1.4 (amended 10/7/93)*  
*Global (effective 9/1/95)*  
*Section 6.1.6 (added 3/22/97)*  
*Global (effective 9/1/97)*  
*Section 2.1 (effective 10/27/00)*  
*Global (effective 10/27/00)*  
*Section 2.1.2 and administrative corrections (effective 2/1/03)*  
*Sections 6.3, 11 and 12 (amended 5/17/03)*