

Frequently Asked Questions June 2010 and June 2011 Changes to the MCLE Regulations and Accreditation Standards for CLE Activities

What changes have been made to the MCLE Regulations and Accreditation Standards?

The changes to the MCLE Regulations include 1) The elimination of the definitions and distinctions between “Group Participatory” and “Interactive Participatory” and 2) A change from five to three hours of allowable self-study per compliance year. The Accreditation Standards define the types of programs that can be approved for MCLE credit. Podcasts, DVDs CD and other downloadables have been added to the list of approved formats that can be accredited and used to complete all MCLE requirements.

When will the changes to the MCLE Regulations and Accreditation Standards be effective?

Except for the change to the maximum allowable self-study (MCLE Regulations, Section 3.1), if approved by the State Bar Board of Directors in January 2010, the changes will become effective on June 1, 2010. To make sure all attorneys have the same opportunities for MCLE compliance, the changes to the maximum allowable self-study will become effective one year later on June 1, 2011.

Why eliminate the definitions and distinction between “Group Participatory” and “Interactive Participatory” CLE?

These definitions were intended to distinguish Accredited CLE programs from self-study and were based upon the premise that attorneys learn best in a group setting. When online and on-demand CLE were introduced to MCLE requirements in 1996, an attempt was made to assure that attorneys received the same learning experience, whether attending live or prerecorded CLE, or attending in person or online. The focus under the outdated “participatory” definitions is on conduit and not content. Today, with advances in technology, these definitions limit the availability of quality CLE programming and make it confusing and difficult for attorneys to comply with MCLE requirements. The elimination of the “participatory” definitions are an attempt to focus on quality of CLE presentations and materials, on providing low cost options for attending CLE and on preserving live CLE for those who want the option of attending live CLE activities.

Does this mean that I can receive MCLE credit for CLE that I download to my iPod?

Yes. Under the new MCLE Regulations the restrictions that require chat rooms, bulletin boards or other discussion elements have been lifted. This means that you will have access to Accredited CLE 24/7 via your iPod or other MP3 player, whether you’re traveling, working out on the treadmill, in the office or at home. You will receive the same MCLE credit for listening to a presentation that has been downloaded to your iPod as you would if you had attended the live presentation.

Will the cost of complying with MCLE requirements increase since I will need to complete an additional two hours of Accredited CLE each year?

The cost of complying with MCLE should remain the same. You will not need to spend more to comply each year with MCLE requirements unless you choose to do so. The cost of downloadable CLE is generally less than live CLE. Costs associated with travel and taking time out from work will not be necessary in order to fulfill MCLE requirements. You can also take advantage of the multitude of free CLE opportunities that are available each year. Most attorneys should be able to complete some, if not all of the MCLE requirements through attendance at free and low cost CLE.

Where can I find free or low-cost CLE options?

Three full hours of free CLE can be completed through TexasBarCLE each year. A new half hour of free CLE is offered every other month (or via downloadable MP3 file under the new regulations) at TexasBarCLE.com. At the site, click on the link to the “free online class” found in the middle of the page (<http://www.texasbarcle.com/CLE/OCFree.asp>).

Why is allowable self-study decreased from five to three hours per year?

Self-study was added to the MCLE program 24 years ago because at that time, the only CLE options available were live CLE activities held in the major metropolitan areas of the state. To defray cost of travel and attending live CLE, self-study was added as an option for completing 1/3 of the requirement. Texas was (and still is) one of a handful of states that allows self-study to be used to complete part of the MCLE requirement.

The new MCLE Regulations give attorneys greater flexibility and variety for selecting the appropriate CLE materials to complete MCLE requirements. Many of the formats and materials that are currently approved for self-study credit will soon be available as Accredited CLE under the new Regulations and without limitations on the total hours that can be completed per year. Under the current Regulations, an attorney is able to receive only five hours of self-study credit for listening to or watching a program on a DVD or on an MP3/MP4 player, regardless of the length or quality of the materials. Under the new Regulations, attorneys will be able to complete all of their CLE by using accredited CLE materials, including CDs, DVDs and other downloadables.

What will be considered Self-Study under the new Regulations?

The definition of self-study credit will not change. The same materials as before can be used for self-study credit including receiving credit for reading materials specifically prepared for an accredited CLE activity, reading legal articles digests, advance sheets, cases, treatises, statutes and regulations. You will also be able to claim self-study credit for attending non-accredited legal education activities and non-legal professional education activities that are relevant to specific areas of law or to the legal practice. How these activities are attended (via a live program or by listening to or watching a prerecorded presentation) will be up to each individual attorney.

Will I still be able to complete legal ethics credit through self-study?

Yes. You will still be able to complete one hour of legal ethics through self-study.