

**Amendments to MCLE Rules and Regulations**  
***Effective November 16, 2015***

**1.2 Accreditation:** The formal process of accreditation of ~~sponsors or~~ activities by the MCLE Administrator.

~~**1.3 Accredited Sponsor:** A sponsor that has been accredited by the MCLE Administrator.~~

**1.5 Accredited CLE Activity:** An activity that provides legal or professional education to attorneys in accordance with MCLE Rule 5.

**Rule Four**  
**Accreditation Procedure**

**4.1 In General.**

(a) In order to qualify as an accredited CLE activity, the activity must be given activity accreditation by the MCLE Administrator.

~~(1) CLE activities must be given activity accreditation by the MCLE Administrator, or~~

~~(2) Must be an activity that would qualify as an accredited CLE activity and that is presented or co-presented by an accredited sponsor, or~~

~~(3) Must be accredited pursuant to MCLE Rule 4.6 or pursuant to a reciprocity agreement to which the Oregon State Bar is a party. An accredited CLE activity may take place outside Oregon.~~

(b) The MCLE Administrator shall ~~periodically~~ electronically publish a list of ~~accredited sponsors and~~ accredited programs.

(c) All sponsors shall permit the MCLE Administrator or a member of the MCLE Committee to audit the sponsors' CLE activities without charge for purposes of monitoring compliance with MCLE requirements. Monitoring may include attending CLE activities, conducting surveys of participants and verifying attendance of registrants.

~~**4.2 Sponsor Accreditation.**~~

~~(a) Subject to the provisions of Rule 4.2(c), CLE activities presented by accredited sponsors are automatically accredited. Accredited sponsors are exempt from the activity accreditation application requirements in Rule 4.3(d).~~

~~(b) A sponsor wishing to qualify as an accredited sponsor shall submit an application to the MCLE Administrator containing the information required by these Rules. In determining whether to grant accreditation, the MCLE Administrator shall consider the sponsor's past and present ability and willingness to present CLE activities in compliance with the accreditation standards listed in these Rules.~~

~~(c) Accredited sponsors shall:~~

~~—— (1) Assign the number of credit hours to be allowed for participation in each of their CLE activities, in compliance with these Rules and any Regulations adopted by the BOG.~~

~~2) Pay to the bar the program sponsor fee required by MCLE Regulation 4.350 for each of its CLE activities, which must be paid prior to each CLE activity. An additional program sponsor fee is required prior to any repeat live presentation of a CLE activity.~~

~~(3) Submit reports and information that may be required by these Rules.~~

~~(4) Comply with all of the accreditation standards contained in these Rules.~~

~~(d) The MCLE Administrator may revoke the accredited status of any sponsor that fails to comply with the requirements and accreditation standards of these Rules and any Regulations adopted by the BOG. The MCLE Administrator shall give 28 days' notice of such revocation. Following the expiration of the notice period, that sponsor shall be required to apply for accreditation of each of its CLE activities as provided in Rule 4.3 of these Rules. Review of the MCLE Administrator's revocation shall be pursuant to Rule 8.1 and Regulation 8.100.~~

~~(e) The automatic accreditation given to CLE activities presented or co-presented by accredited sponsors applies only to activities that comply with the accreditation standards contained in these Rules and any Regulations adopted by the BOG.~~

#### **4.3 2 Group Activity Accreditation.**

(a) CLE activities ~~not presented by accredited sponsors~~ shall be considered for accreditation on a case-by-case basis and shall must satisfy the accreditation standards listed in these Rules for the particular type of activity for which accreditation is being requested.

(b) A sponsor or individual active member may apply for accreditation of a group CLE activity by filing a written application for accreditation with the MCLE Administrator. The application shall be made on the form required by the MCLE Administrator for the particular type of CLE activity for which accreditation is being requested and shall demonstrate compliance with the accreditation standards contained in these Rules.

(c) A written application for accreditation of a group CLE activity submitted by or on behalf of the sponsor of the CLE activity shall be accompanied by the program sponsor fee required by MCLE Regulation 4.3500. An additional program sponsor fee is required for a repeat live presentation of a group CLE activity.

(d) A written application for accreditation of a group CLE activity must be filed either before or no later than 30 days after the completion of the activity. An application received more than 30 days after the completion of the activity is subject to a late processing fee as provided in Regulation 4.3500.

(e) The MCLE Administrator may revoke the accreditation of an activity at any time if it determines that the accreditation standards were not met for the activity. Notice of revocation shall be sent to the sponsor of the activity.

(f) Accreditation of a group CLE activity obtained by a sponsor or an active member shall apply for all active members participating in the activity.

**4.4 Credit Hours.** Credit hours, ~~whether determined by an accredited sponsor or by the MCLE Administrator,~~ shall be assigned in multiples of one-quarter of an hour. The BOG shall adopt

regulations to assist sponsors in determining the appropriate number of credit hours to be assigned.

#### **4.5 Sponsor Advertising.**

(a) Only sponsors of accredited group CLE activities may include in their advertising the accredited status of the activity and the credit hours assigned.

(b) Specific language and other advertising requirements may be established in regulations adopted by the BOG.

#### **4.6 Reciprocal Accreditation.**

~~(a) Group CLE activities taking place outside of Oregon may be accredited in Oregon provided:~~

~~—— (1) The jurisdiction in which the activity takes place has a MCLE program and MCLE accreditation standards substantially similar to those established by these Rules; and~~

~~—— (2) The activity has been accredited by the body administering the MCLE program in the jurisdiction in which the activity takes place.~~

~~(b) For the purposes of accreditation in Oregon, the MCLE Administrator may assign a number of credits attributable to the activity taking place outside Oregon in an amount different from the original amount attributed to the activity by the jurisdiction in which the activity takes place.~~

### **Regulations to MCLE Rule 4 Accreditation Procedure**

#### **4.200 Sponsor Accreditation.**

~~(a) Any sponsor seeking accreditation as an accredited sponsor under the MCLE Rules shall submit an application to the MCLE Administrator containing the following information:~~

~~—— (i) Specific credentials of the sponsor as to overall qualifications as a provider, continuing legal education experience and the like; and~~

~~—— (ii) Date, time, place and program content of previously sponsored programs and/or proposed continuing legal education programs and their compliance with the accreditation standards in MCLE Rule 5.1.~~

~~(b) The MCLE Administrator shall consider the application for accreditation and shall notify the sponsor seeking accreditation within 21 days of the accreditation determination. Review procedures shall be pursuant to MCLE Rule 8.1 and Regulation 8.100.~~

#### **4.350 4.300 Sponsor Fees.**

(a) A sponsor of a group CLE activity that is accredited for 4 or fewer credit hours shall pay a program sponsor fee of \$40.00. An additional program sponsor fee is required for every repeat live presentation of an accredited activity, but no additional fee is required for a video or audio replay of an accredited activity.

(b) A sponsor of a group CLE activity that is accredited for more than 4 credit hours shall pay a program sponsor fee of \$75. An additional program sponsor fee is required for every repeat live

presentation of an accredited activity, but no additional fee is required for a video or audio replay of an accredited activity.

### **Amendments to MCLE Regulations** **Effective September 11, 2015**

#### **~~4.300~~ 4.200 Group Activity Accreditation.**

~~(a) Applications for accreditation shall be deemed approved unless the MCLE Administrator, within 30 days after receipt of the application, sends a notice that the application is questioned or that additional time is required for approval. The applicant shall have 14 days to respond to the MCLE Administrator's questions. The applicant's response to a questioned application shall be reviewed by the MCLE Administrator and the applicant shall be notified of the decision no later than 21 days after submission of the response.~~

~~(b)-(a)~~ Review procedures shall be pursuant to MCLE Rule 8.1 and Regulation 8.100.

~~(c)~~ (b) The number of credit hours assigned to the activity shall be determined based upon the information provided by the applicant. The applicant shall be notified via email or regular mail of the number of credit hours assigned or if more information is needed in order to process the application.

#### **4.400 Credit Hours.**

(a) Credit hours shall be assigned to CLE activities in multiples of one-quarter of an hour or .25 credits and are rounded to the nearest one-quarter credit.

**Regulation 5.700** In order to be accredited as a child abuse reporting or elder abuse reporting activity, the one-hour session must include discussion of an Oregon attorney's requirements to report child abuse or elder abuse and the exceptions to those requirements.

### **Amendments to MCLE Rules and Regulations** **Effective January 1, 2015**

**Rule 3.2 (b) Ethics.** At least six of the required hours shall be in subjects relating to ethics in programs accredited pursuant to Rule 5.5(a), including one hour on the subject of a lawyer's statutory duty to report child abuse ~~(see ORS 9.114)~~ or one hour on the subject of a lawyer's statutory duty to report elder abuse (see ORS 9.114). MCLE Regulation 3.300(d) specifies the reporting periods in which the child abuse or elder abuse reporting credit is required.

**Rule 3.2(c) Access to Justice.** In alternate reporting periods, at least three of the required hours must be in programs accredited for access to justice pursuant to Rule 5.5(b). ~~For purposes of this rule, the first reporting period that may be skipped will be the one ending on December 31, 2009.~~

**Rule 3.3 Reinstatements, Resumption of Practice After Retirement and New Admittees.**

(a) An active member whose reporting period is established in Rule 3.7(c)(2) or (d)(2) shall complete 15 credit hours of accredited CLE activity in the first reporting period after reinstatement or resumption of the practice of law in accordance with Rule 3.4. Two of the 15 credit hours shall be devoted to ethics ~~(including one in child abuse reporting).~~

(b) New admittees shall complete 15 credit hours of accredited CLE activity in the first reporting period after admission as an active member, including two credit hours in ethics ~~(including one in child abuse reporting)~~, and ten credit hours in practical skills. ~~New admittees admitted prior to December 31, 2008 must also complete one access to justice credit in their first reporting period. New admittees admitted on or after January 1, 2009~~ must also complete a three credit hour OSB-approved introductory course in access to justice. The MCLE Administrator may waive the practical skills requirement for a new admittee who has practiced law in another jurisdiction for three consecutive years immediately prior to the member's admission in Oregon, in which event the new admittee must complete ten hours in other areas. After a new admittee's first reporting period, the requirements in Rule 3.2(a) shall apply.

**Rule 3.5 Out-of-State Compliance.**

(a) Reciprocity Jurisdictions. An active member whose principal office for the practice of law is not in the State of Oregon ~~but~~ and who is an active member in a jurisdiction with which Oregon has established MCLE reciprocity may comply with these rules by filing a compliance report as required by MCLE Rule 7.1 accompanied by evidence that the member is in compliance with the requirements of the other jurisdiction and has completed the child abuse or elder abuse reporting credit required in ORS 9.114. ). MCLE Regulation 3.300(d) specifies the reporting periods in which the child abuse or elder abuse reporting credit is required.

**Rule 5.5 Ethics and Access to Justice.**

a) In order to be accredited as an activity in legal ethics under Rule 3.2(b), an activity shall be devoted to the study of judicial or legal ethics or professionalism, and shall include discussion of applicable judicial conduct codes, disciplinary rules, or statements of professionalism. Of the six hours of ethics credit required by Rule 3.2(b), one hour must be on the subject of a lawyer's statutory duty to report child abuse or elder abuse (see ORS 9.114). The child abuse reporting training requirement can be completed only by one hour of training by participation in or screening of an accredited program. MCLE Regulation

3.300(d) specifies the reporting periods in which the child abuse or elder abuse reporting credit is required.

**Regulation 3.260 Reciprocity.** An active member who is also an active member whose principal office for the practice of law is in a jurisdiction with which Oregon has established MCLE reciprocity (currently Idaho, Utah or Washington) may comply with Rule 3.5(a) by attaching to the compliance report required by MCLE Rule 7.1 a copy of the member's certificate of compliance with the MCLE requirements from that jurisdiction of the state in which the member's principal office is located, together with evidence that the member has completed the child abuse or elder abuse reporting training required in ORS 9.114. No other information about program attendance is required. MCLE Regulation 3.300(d) specifies the reporting periods in which the child abuse or elder abuse reporting credit is required.

**Regulation 3.300(c)** ~~No more than two child abuse credits can be applied to the ethics requirement, and then only for a single two-hour program. For members in a three-year reporting period, one child abuse or elder abuse reporting credit earned in a non-required reporting period may be applied to the ethics credit requirement. Additional child-abuse and elder abuse reporting credits will can be applied to the general or practical skills requirement. For members in a shorter reporting period, child abuse and elder abuse reporting credits will be applied as general or practical skills credit. Access to Justice credits earned in a non-required reporting period will be credited as general credits.~~

**Regulation 3.300(d)** Members in a three-year reporting period are required to have 3.0 access to justice credits and 1.0 child abuse reporting credit in reporting periods ending 12/31/2012 through 12/31/2014, 12/31/2018 through 12/31/2020 and in alternate three-year periods thereafter. ~~Access to Justice credits earned in a non-required reporting period will be credited as general credits.~~ Members in a three-year reporting period ending 12/31/2015 through 12/31/2017, 12/31/2021 through 12/31/2023 and in alternate three-year periods thereafter are required to have 1.0 elder abuse reporting credit.

**Regulation 6.100 Carry Over Credit.** No more than six ethics credits can be carried over for application to the subsequent reporting period requirement. Ethics credits in excess of the carry over limit may be carried over as general credits. Child abuse and elder abuse reporting education credits earned in excess of the reporting period requirement may be carried over as general credits, but a new child abuse or elder abuse reporting education credit must be earned in each reporting period in which the credit is required. Access to justice credits may be carried over as general credits, but new credits must be earned in the reporting period in which they are required. Carry over credits from a reporting period in which the credits were completed by the member may not be carried forward more than one reporting period.

## **Amendments to MCLE Rules**

**Effective June 1, 2014**

## **MCLE Rule 5.2**

- (d) Legal Ethics Service. A member serving on the Oregon State Bar Legal Ethics Committee, Client Security Fund Committee, Commission on Judicial Fitness & Disability, Oregon Judicial Conference Judicial Conduct Committee, Local Professional Responsibility Committees, State Professional Responsibility Board, and Disciplinary Board or serving as volunteer bar counsel or volunteer counsel to an accused in Oregon disciplinary proceedings may earn two ethics credits for each twelve months of service.

### **Amendments to MCLE Regulations**

**Effective April 25, 2014**

#### **Regulation 7.200 Late Fees.**

- (a) The late fee for curing a failure to timely file a completed compliance report is \$50 if the report is filed and the late fee is paid ~~within 30 days of the filing deadline~~ after the filing deadline and no more than 30 days after the mailing of the notice of noncompliance and \$100 if the report is filed and the late fee is paid more than 30 days after the mailing of the notice of noncompliance ~~filing deadline~~ but within the 60 day cure period; if additional time for filing is granted by the MCLE Administrator, the fee shall increase by \$50 for every additional 30 days or part thereof.

### **Amendments to MCLE Rules and Regulations**

**Effective September 4, 2013**

#### **MCLE Rule 7.4 Noncompliance.**

- (a) Grounds. The following are considered grounds for a finding of non-compliance with these Rules:

- (1) Failure to complete the MCLE requirement for the applicable reporting period.
- (2) Failure to file a completed compliance report on time.
- (3) Failure to provide sufficient records of participation in CLE activities to substantiate credits reported, after request by the MCLE Administrator.

- (b) Notice. In the event of a finding of noncompliance, the MCLE Administrator shall send ~~certified mail~~ a written notice of noncompliance ~~on~~ to the affected active member. The notice shall be sent via regular mail and email 30 days after the filing deadline and shall state the nature of the noncompliance and ~~shall~~ summarize the applicable rules regarding noncompliance and its consequences.

### **MCLE Rule 7.5 Cure.**

(a) Noncompliance for failure to file a completed compliance report by the due date can be cured by filing the completed report demonstrating completion of the MCLE requirement during the applicable reporting period, together with the late fee specified in MCLE Regulation 7.200, no more than within 63-60 days after the following mailing of the notice of noncompliance was sent.

(b) Noncompliance for failure to complete the MCLE requirement during the applicable reporting period can be cured by doing the following within 63 no more than 60 days after the following mailing of the notice of noncompliance was sent:

- (1) Completing the credit hours necessary to satisfy the MCLE requirement for the applicable reporting period;
- (2) Filing the completed compliance report; and
- (3) Paying the late filing fee specified in MCLE Regulation 7.200.

(c) Noncompliance for failure to provide the MCLE Administrator with sufficient records of participation in CLE activities to substantiate credits reported can be cured by providing the MCLE Administrator with sufficient records, together with the late fee specified in MCLE Regulation 7.200, no more than 60 days after the notice of noncompliance was sent within the time established by the MCLE Administrator and paying the late fee specified in MCLE Regulation 7.200.

(d) Credit hours applied to a previous reporting period for the purpose of curing noncompliance as provided in Rule 7.5(b) may only be used for that purpose and may not be used to satisfy the MCLE requirement for any other reporting period.

(e) When it is determined that the noncompliance has been cured, the MCLE Administrator shall notify the affected active member that he or she has complied with the MCLE requirement for the applicable reporting period. Curing noncompliance does not prevent subsequent audit and action specified in Rule 7.3.

**Rule 8.1 (c) Suspension Recommendation of the MCLE Administrator.** A recommendation for suspension pursuant to Rule 7.6 shall be subject to the following procedures:

1) A copy of the MCLE Administrator's recommendation to the Supreme Court that a member be suspended from membership in the bar shall be sent by regular mail and email certified mail to the member. ~~Within 14 days of the date of the mailing, the member recommended for suspension may file with the State Court Administrator and the MCLE Administrator a petition for review of the recommended suspension. The petition shall set forth a concise statement of each reason asserted for review of the MCLE Administrator's recommendation and may be accompanied by one or more supporting affidavits.~~

~~(2) Within 14 days after a petition for review is filed by a member recommended for suspension, the MCLE Administrator shall file with the State Court Administrator a response and may submit one or more supporting affidavits. Further submissions by the parties shall not be allowed unless the court so requests.~~

~~(2) (3)~~ The court may review the MCLE Administrator's recommendation, petition for review and response without further briefing or oral argument. The court may, however, request either further briefing or oral argument, or both. Thereafter, the court shall enter its order. If the court approves the recommendation of the MCLE Administrator is approved, the court shall enter its order and an effective date for the member's suspension shall be stated therein.

**MCLE Regulation 1.115 Service ~~By Mail~~ Method.**

(a) MCLE Compliance Reports shall be sent to the member's email address on file with the bar, except that reports shall be sent by first-class mail (to the last designated business or residence address on file with the Oregon State Bar) to any member who is exempt from having an email address on file with the bar.

(b) Notices of Noncompliance ~~Anything transmitted by mail to a member shall be sent via regular mail and email to the member's last designated business or residence address on file with the Oregon State Bar and to the email address on file with the bar on the date of the notice. Email notices will not be sent to any member who is exempt from having an email address on file with the bar. by first class mail, or certified mail if required by these rules, addressed to the member at the member's last designated business or residence address on file with the Oregon State Bar. Certified mail will not be sent "Return Receipt Requested". Members who are sent certified mail will also be notified about the certified mailing via e-mail or regular mail (for those members who do not have e-mail).~~

~~(b)~~(c) Service by mail shall be complete on deposit in the mail.

**MCLE Regulation 7.200 Late Fees.**

(a) The late fee for curing a failure to timely file a completed compliance report is \$50 if the report is filed and the late fee is paid within 30 days of the filing deadline and \$100 if the report is filed and the late fee is paid more than 30 days after the filing deadline but within the 63- 60 day cure period; if additional time for filing is granted by the MCLE Administrator, the fee shall increase by \$50 for every additional 30 days or part thereof.

(b) The late fee for not completing the MCLE requirement during the applicable reporting period is \$200 if the requirement is completed after the end of the reporting period but before the end of the with the 63 60 day cure period; if additional time for meeting the requirement is granted by the MCLE Administrator, the fee shall increase by \$50 for every additional 30 days or part thereof.

**Amendments to MCLE Rule 5.2 and Regulation 5.250**

**Effective March 27, 2013**

**MCLE Rule 5.2 Other CLE Activities.**

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(c) Legal Research and Writing.

(1) Legal research and writing activities, including the preparation of written materials for use in a teaching activity may be accredited provided the activity satisfies the following criteria:

- (i) It deals primarily with one or more of the types of issues for which group CLE activities can be accredited as described in Rule 5.1(b); and
- (ii) It has been published in the form of articles, CLE course materials, chapters, or books, or issued as a final product of the Legal Ethics Committee or a final instruction of the Uniform Civil Jury Instructions Committee or the Uniform Criminal Jury Instructions Committee, personally authored or edited in whole or in substantial part, by the applicant; and
- (iii) It contributes substantially to the legal education of the applicant and other attorneys; and
- (iv) It is not done in the regular course of the active member's primary employment.

(2) The number of credit hours shall be determined by the MCLE Administrator, based on the contribution of the written materials to the professional competency of the applicant and other attorneys. One hour of credit will be granted for each sixty minutes of research and writing, but no credit shall be granted for time spent on stylistic editing.

(d) Legal Ethics Service. A member serving on the Oregon State Bar Legal Ethics Committee, Client Security Fund Committee, Commission on Judicial Fitness & Disability, Local Professional Responsibility Committees, State Professional Responsibility Board, and Disciplinary Board or serving as volunteer bar counsel or volunteer counsel to an accused in Oregon disciplinary proceedings may earn two ethics credits for each twelve months of service.

(e) Legislative Service. General credit hours may be earned for service as a member of the Oregon Legislative Assembly while it is in session.

(f) New Lawyer Mentoring Program (NLMP)

(1) Mentors may earn CLE credit for serving as a mentor in the Oregon State Bar's New Lawyer Mentoring Program.

(2) New lawyers who have completed the NLMP may be awarded CLE credits to be used in their first three-year reporting period.

(g) Jury Instructions Committee Service. A member serving on the Oregon State Bar Uniform Civil Jury Instructions Committee or Uniform Criminal Jury Instructions Committee may earn two general credits for each 12 months of service.

(h) A member seeking credit for any of the activities described in Rule 5.2 must submit a written application on the form designated by the MCLE Administrator for Other CLE Activities.

**MCLE Regulation 5.250 Jury Instructions Committee Service**

**5.250 Jury Instructions Committee Service.** To be eligible for credit under MCLE Rule 5.2(g), a member of a jury instructions committee must attend at least six hours of committee meetings during the relevant 12-month period.

### **Amendments to MCLE Rule 3.7**

**Effective June 6, 2012**

#### **3.7 Reporting Period.**

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(c) Reinstatements.

(1) A member who transfers to inactive or Active Pro Bono status, is suspended, or has resigned and who is reinstated before the end of the reporting period in effect at the time of the status change shall retain the member's original reporting period and these Rules shall be applied as though the transfer, suspension, or resignation had not occurred.

(2) Except as provided in Rule 3.7(c)(1), the first reporting period for a member who is reinstated as an active member following a transfer to inactive or Active Pro Bono status or a suspension, disbarment or resignation shall start on the date of reinstatement and shall end on December 31 of the next calendar year. All subsequent reporting periods shall be three years.

(3) Notwithstanding Rules 3.7(c)(1) and (2), reinstated members who did not submit a completed compliance report for the reporting period immediately prior to their transfer to inactive or Active Pro Bono status, suspension or resignation will be assigned a new reporting period upon reinstatement. This reporting period shall begin on the date of reinstatement and shall end on December 31 of the next calendar year. All subsequent reporting periods shall be three years.

### **Amendments to MCLE Rules 5.2(a) and 5.4**

**Effective July 21, 2011**

#### **MCLE Rule 5.2 Other CLE Activities.**

(a) Teaching Activities.

(1) Teaching activities may be accredited at a ratio of two credit hours for each sixty minutes of actual instruction.

(2) Teaching credit is allowed ~~only~~ for accredited continuing legal education activities or for courses in ABA or AALS accredited law schools.

(3) Teaching other courses may also be accredited as a CLE activity, provided the activity satisfies the following criteria:

- (i) The MCLE Administrator determines that the content of the activity is in compliance with other MCLE accreditation standards; and

- (ii) The course is a graduate-level course offered by a university; and
- (iii) The university is accredited by an accrediting body recognized by the U.S. Department of Education for the accreditation of institutions of postsecondary education.

~~(4)~~ Credit shall not be given to an active member whose primary employment is as a full-time or part-time law teacher, but may be given to an active member who teaches on a part-time basis in addition to the member's primary employment.

~~(3)~~ ~~(5)~~ Teaching credit is not allowed for programs and activities for which the primary audience is nonlawyers unless the applicant establishes to the MCLE Administrator's satisfaction that the teaching activity contributed to the professional education of the presenter.

~~(4)~~ ~~(6)~~ No credit is allowed for repeat presentations of previously accredited courses unless the presentation involves a substantial update of previously presented material, as determined by the MCLE Administrator.

#### **MCLE Rule 5.4 Attending ~~Law School~~ Classes.**

(a) Attending a class at an ABA or AALS accredited law school may be accredited as a CLE activity.

(b) Attending other classes may also be accredited as a CLE activity, provided the activity satisfies the following criteria:

- (1) The MCLE Administrator determines that the content of the activity is in compliance with other MCLE accreditation standards; and
- (2) The class is a graduate-level course offered by a university; and
- (3) The university is accredited by an accrediting body recognized by the U.S. Department of Education for the accreditation of institutions of postsecondary education.

#### **Amendments to MCLE Rule 5.2 and Regulation 5.100**

**Effective March 25, 2011**

#### **MCLE Rule 5.2 Other CLE Activities**

(f) New Lawyer Mentoring Program (NLMP).

- (1) Mentors may earn CLE credit for serving as a mentor in the Oregon State Bar's New Lawyer Mentoring Program.

(2) New lawyers who have completed the NLMP may be awarded CLE credits to be used in their first three-year reporting period.

- (f) (g) A member seeking credit for any of the activities described in Rule 5.2 must submit a written application on the form designated by the MCLE Administrator for Other CLE Activities.

### **MCLE Regulation 5.100 Other CLE Activities**

**5.100 Other CLE Activities.** The application procedure for accreditation of Other CLE Activities shall be in accordance with MCLE Rule 5.2 and Regulation 4.300.

- (c) Members who serve as mentors in the Oregon State Bar's New Lawyer Mentoring (NLMP) may earn eight credits, including two ethics credits, upon completion of the plan year. If another lawyer assists with the mentoring, the credits must be apportioned between them.
- (d) Upon successful completion of the NLMP, new lawyers may earn six general/practical skills credits to be used in their first three-year reporting period.

## **Amendments to MCLE Rules and Regulations**

**Effective January 1, 2011**

**Rule 5.2 (e) Legislative Service.** ~~Two g~~General credit hours may be earned for per month shall be given for each full month of service as a member of the Oregon Legislative Assembly while it is in session.

### **Rule 3.3(b) Reinstatements, Resumption of Practice After Retirement and New Admittees.**

(b) New admittees shall complete 15 credit hours of accredited CLE activity in the first reporting period after admission as an active member, including two credit hours in ethics (including one in child abuse reporting), and ten credit hours in practical skills. New admittees admitted prior to December 31, 2008 must also complete one access to justice credit in their first reporting period. New admittees admitted on or after January 1, 2009 must also complete a three credit hour OSB-approved introductory course in access to justice. The MCLE Administrator may waive the practical skills requirement for a new admittee who has practiced law in another jurisdiction for three consecutive years immediately prior to the member's admission in Oregon, in which event the new admittee must complete ten hours in other areas. After a new admittee's first reporting period, the requirement requirements in Rule 3.2(a) shall apply.

### **Rule 5.2 Other CLE Activities.**

(a) Teaching Activities.

(1) Teaching activities may be accredited at a ratio of ~~four credit hours for each sixty minutes of actual instruction if the presentation includes preparation of written materials, or at a ratio of two credit hours for each sixty minutes of actual instruction. if the presentation does not include written materials. No more than 20 hours of teaching credit may be claimed in a three-year reporting period and no more than 10 hours may be claimed in a shorter reporting period.~~

(2) Teaching credit is allowed ~~only~~ for accredited continuing legal education activities or for courses in ABA or AALS accredited law schools. Credit shall not be given to an active member whose primary employment is as a full-time or part-time law teacher, but may be given to an active member who teaches on a part-time basis in addition to the member's primary employment.

(3) Teaching credit is not allowed for programs and activities for which the primary audience is nonlawyers unless the applicant establishes to the MCLE Administrator's satisfaction that the teaching activity contributed to the professional education of the presenter.

(4) No credit is allowed for repeat presentations of previously accredited courses unless the presentation involves a substantial update of previously presented material, as determined by the MCLE Administrator. ~~Updated courses satisfying this requirement may be accredited at a ratio of two credit hour for each sixty minutes of actual instruction.~~

## **Rule 5.2 Other CLE Activities**

### (c) Legal Research and Writing.

(1) Legal research and writing activities, including the preparation of written materials for use not included in a teaching activity may be accredited provided the activity satisfies the following criteria:

- (i) It deals primarily with one or more of the types of issues for which group CLE activities can be accredited as described in Rule 5.1(b); and
- ~~(i)~~ (ii) It has been published in the form of articles, CLE course materials, chapters, or books, or issued as a final product of the Legal Ethics Committee, personally authored or edited in whole or in substantial part, by the applicant; and
- ~~(ii)~~ (iii) It contributes substantially to the legal education of the applicant and other attorneys; and
- ~~(iii)~~ (iv) It is not done in the regular course of the active member's primary employment.

(2) The number of credit hours shall be determined by the MCLE Administrator, based on the contribution of the written materials to the professional competency of the applicant and other attorneys. One hour of credit will be granted for each sixty minutes of research and writing, but no credit shall be granted for time spent on editing.

## **5.5 Ethics and Access to Justice.**

(a) In order to be accredited as an activity in legal ethics under Rule 3.2(b), an activity shall be devoted to the study of judicial or legal ethics or professionalism, and shall include discussion of applicable judicial conduct codes, disciplinary rules, or statements of professionalism. Of the six hours of ethics credit required by Rule 3.2(b), one hour must be on the subject of a lawyer's statutory duty to report child abuse (see ORS 9.114). The child abuse reporting training

requirement can be completed only by one hour of training by participation in or screening of an accredited program.

**MCLE Rule 6.2 – Legal Research and Writing Limitations**

**6.2 Teaching and Legal Research and Writing Limitation.** No more than 15 credit hours shall be allowed for each legal research activity for which credit is sought under MCLE Rule 5.2(c) and no more than 20 hours of combined teaching and legal research and writing credit may be claimed in one three-year reporting period. Not more than 10 hours may be claimed in any shorter reporting period.