

LAWYER COMPETENCE/MCLE

Background

More than 40 states now require lawyers to attend continuing legal education courses to practice law and maintain their license. Some of these states require specific courses for newly admitted lawyers:

- Delaware – a five-program series of courses on Fundamentals of Law within four years of admission
- Florida – a basic skills course
- Georgia – a basic skills course within first two years
- Idaho – a basic skills course
- Kansas – a practical skills course
- Kentucky – new lawyer skills training within 12 months of admission
- Maryland – one-day professionalism course
- Missouri – three hours professionalism, legal/judicial ethics within 12 months of admission
- New York – 32 hours of accredited “transitional” education within the first two years of admission to the bar, 16 of which must be completed in each year (three hours of ethics and professionalism; six hours of practical skills and seven hours of practice management and areas of professional practice)
- New Jersey – a practical skills course
- North Carolina – Nine of the 12 hours required in the first three years of admission must be in practical skills
- Oregon – 15 hours, 10 of which must be in practical skills and two in ethics. Diversity training is now mandatory as well.

Some states require lawyers to obtain continuing legal education in specific areas. California and Ohio require some instruction in substance abuse and Pennsylvania and New Hampshire accept substance abuse training in lieu of ethics/professional responsibility training. Arizona requires three hours of ethics/professional responsibility, professionalism, substance abuse, or alternative dispute resolution.

California, Minnesota, Oregon and Washington require MCLE instruction in bias and diversity.

The Alaska Supreme Court passed a voluntary CLE rule that encourages members to participate in CLE programs. Members who complete 12 hours per year of CLE (including one hour of ethics) may claim a 10% reduction in bar dues, are eligible to participate in the lawyer referral service, and will have their names published on a list of lawyers having met the minimum CLE requirements. Failure to complete the CLE option can be taken into account in discipline matters involving competence.

Some states accept self-study and Internet courses for CLE credit with various limitations. At least 30 states offer some type of online CLE, either through the bar association or through a third-party provider.

Missouri Bar Activities

Missouri Supreme Court Rule 15 requires all lawyers actively practicing in Missouri to obtain 15 hours of continuous legal education annually. Six of the required hours may be obtained through self-study.

All actively practicing lawyers are required to obtain three hours of ethics, professionalism or malpractice prevention (ethics) credit every three years. New admittees to The Missouri Bar are required to obtain three hours of ethics within 12 months of admission. Unless specific approval is granted due to hardship, self-study may not be utilized to satisfy the ethics education requirement.

New lawyers are exempt from the 15-hour requirement for the July 1 – June 30 reporting year in which they are admitted in The Missouri Bar.

If a qualified commentator is available contemporaneously to answer questions, satellite, telephone, videotape and online programs can qualify for regular credit. In the absence of a contemporaneously available commentator, such programs are considered self-study. Online programs available “24/7” that do not have a contemporaneously available commentator are considered self-study.

Programs on law office management qualify for credit.

Programs on substance abuse related to the practice of law can qualify for credit. To the extent legal ethics issues related to substance abuse are discussed, such a program can qualify for ethics credit.

Lawyers admitted to The Missouri Bar without examination under Rule 8.10 (reciprocity) must complete the Missouri Bar Annual Law Update or its substantial equivalent prior to admission.