

**Oregon State Bar**  
**Minimum Continuing Legal Education**  
**Rules and Regulations**  
*(As amended effective April 1, 2024)*

**Purpose**

The purpose of minimum continuing legal education (MCLE) requirements is to further the OSB's mission to improve the quality of legal services and increase access to justice. MCLE assists Oregon lawyers and Licensed Paralegals (LPs) in maintaining and improving their knowledge, skills, and competence in the delivery of legal services to the public. This includes ensuring that Oregon lawyers and LPs receive education in equity in order to effectively and fully serve all Oregon communities. These Rules establish the minimum requirements for continuing legal education for members of the Oregon State Bar.

**Rule One**  
**Terms and Definitions**

**1.1 Active Member:** An active member of the Oregon State Bar, as defined in Article 6 of the Bylaws of the Oregon State Bar, and includes LPs whose license is in good standing.

**1.2 Access to justice:** Identifying and eliminating barriers to equitable access to counsel, legal assistance, and resources faced by underserved and marginalized groups, and improving the delivery of legal services to the public.

**1.3 Accreditation:** The formal process of accreditation of activities by the MCLE Program Manager.

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

**1.5 BOG:** The Board of Governors of the Oregon State Bar.

**1.6 Equity:** Ensuring that all individuals and groups have fair access to the same opportunities and resources by identifying and eliminating barriers that face underserved and marginalized groups, by acknowledging and understanding ingrained and systemic structural biases in society, and by committing to address these disparities. Underserved and marginalized groups include, but are not limited to groups that are historically underrepresented based on factors of culture, disability, ethnicity, gender and gender identity or expression, geographic location, national origin, race, religion, sex, sexual orientation, veteran status, immigration status, and socioeconomic status.

**1.7 Executive Director:** The executive director of the Oregon State Bar.

**1.8 Hour or Credit Hour:** Sixty minutes of accredited group CLE activity or other CLE activity.

**1.9 MCLE Committee:** The Minimum Continuing Legal Education Committee appointed by the BOG to assist in the administration of these Rules.

**1.10 MCLE Program Manager:** The bar staff member designated by the Chief Executive Officer to assist in the administration of the MCLE Program.

**1.11 New Lawyer Mentoring Program (NLMP):** A mandatory mentoring program designed to increase the competence and professionalism of new lawyer admittees in Oregon.

**1.12 NLMP Coordinator:** The bar staff member designated by the Chief Executive Officer to assist in the administration of the NLMP.

**1.13 NLMP Mentor:** A lawyer recommended by the BOG and appointed by the Supreme Court to serve as a mentor in the NLMP Program.

**1.14 New Admittee:** A person is a new admittee from the date of initial admission as an active member of the Oregon State Bar through the end of his or her first reporting period.

**1.15 Regulations:** Any regulation adopted by the BOG to implement these Rules.

**1.16 Reporting Period:** The period during which an active member must satisfy the MCLE requirement.

**1.17 Sponsor:** An individual or organization providing a CLE activity.

**1.18 Supreme Court:** The Supreme Court of the State of Oregon.

### **Regulations to MCLE Rule 1 Terms and Definitions**

**1.100 Inactive or Retired Member.** An inactive or retired member of the Oregon State Bar, as defined in Article 6 of the Bylaws.

**1.110 Suspended Member.** A member who has been suspended from the practice of law by the Supreme Court.

**1.120 Regularly Scheduled Meeting.** A meeting schedule for each calendar year will be established for the BOG and the MCLE Committee, if one is appointed. All meetings identified on the schedule will be considered to be regularly scheduled meetings. Any other meeting will be for a special reason and/or request and will not be considered as a regularly scheduled meeting.

**1.130 Reporting Period.** Reporting periods shall begin on May 1 and end on April 30 of the reporting year, except as otherwise provided in Rule 3.6.

**1.140 MCLE Transcript.** An MCLE transcript is the record of a bar member's MCLE credits reported during the member's reporting period. A member may view and modify their MCLE transcript by logging onto the electronic system provide by the Oregon State Bar. A member may access the system through the Oregon State Bar's website (<https://hello.osbar.org/>)

**1.150 MCLE Compliance Report.** An MCLE Compliance Report is an active bar member's MCLE transcript reflecting at least the minimum required credits for the member's reporting period.

### **Rule Two Administration of Minimum Continuing Legal Education**

#### **2.1 Duties and Responsibilities of the Board of Governors; Appointment of MCLE Committee.**

(a) The Minimum Continuing Legal Education Rules shall be administered by the BOG. The BOG may modify and amend these Rules and adopt new rules subject to the approval of the Supreme Court. The BOG may adopt, modify and amend regulations to implement these Rules.

(b) The BOG shall develop the NLMP curriculum and requirements in consultation with the Supreme Court and shall be responsible for the NLMPs administration.

(c) The BOG may appoint an MCLE Committee to assist in the administration of these rules.

(d) There shall be an MCLE Program Manager who shall be an employee of the Oregon State Bar.

(e) There shall be an NLMP Coordinator who shall be an employee of the Oregon State Bar.

**2.2 Duties of the MCLE Program Manager.** The MCLE Program Manager shall:

- (a) Oversee the day-to-day operation of the program as specified in these Rules.
- (b) Approve applications for accreditation and requests for exemption, and make compliance determinations.
- (c) Develop the preliminary annual budget for MCLE operations.
- (d) Prepare an annual report of MCLE activities.
- (e) Perform other duties identified by the BOG or as required to implement these Rules.

**2.3 Duties of the NLMP Coordinator.** The NLMP Coordinator shall:

- (a) Oversee the day-to-day operation of the NLMP as specified in these Rules, including administration of enrollment and mentor matching.
- (b) Approve requests for NLMP exemption or extension requests from program participants as specified in these Rules.
- (c) Prepare an annual report of the NLMP and publish an NLMP Manual.
- (e) Perform other duties identified by the BOG or as required to implement these Rules.

**2.4 Appointment of NLMP Mentors.**

- (a) The Supreme Court may appoint NLMP mentors recommended by the BOG. Except as otherwise provided in these rules, to qualify for appointment, the mentor must be a lawyer member of the OSB in good standing with at least five years of experience in the practice of law, and have a reputation for competence and ethical and professional conduct.
- (b) Attorneys in good standing in another United States jurisdiction who are not OSB members, but are qualified to represent clients before the Social Security Administration, the Internal Revenue Service, the United States Patent and Trademark Office, or the United States Citizenship and Immigration Services office are eligible to be appointed as mentors, provided they meet the other requirements of these rules.
- (c) Attorneys in good standing in another United States jurisdiction who are not OSB members are eligible to be appointed as mentors with the recommendation of the NLMP Coordinator, provided they meet the other requirements of these rules.
- (d) An NLMP Mentor against whom charges of misconduct have been approved for filing by the State Professional Responsibility Board or who has been suspended under BR 7.1 for failure to respond to requests for information or records or to respond to a subpoena shall be removed from participation in the NLMP until those charges have been resolved by final decision or order. If an NLMP mentor is suspended from the practice of law as a result of a final decision or order in a disciplinary proceeding, the member may not resume service as an NLMP mentor until the member is once again authorized to practice law. For the purposes of this rule and rule 7.8(a), charges of misconduct include authorization by the SPRB to file a formal complaint pursuant to BR 4.1, Disciplinary Counsel's notification to the court of a criminal conviction pursuant to BR 3.4(a), and Disciplinary Counsel's notification to the court of an attorney's discipline in another jurisdiction pursuant to BR 3.5(a).

**2.5 Expenses.** The executive director shall allocate and shall pay the expenses of the program including, but not limited to staff salaries, out of the bar's general fund.

**Rule Three**  
**Minimum Continuing Legal Education Requirement**

**3.1 Effective Date.** These Rules, or any amendments thereto, shall take effect upon their approval by the Supreme Court of the State of Oregon.

**3.2 Active Members.**

(a) Minimum Hours. Except as provided in Rules 3.3 and 3.4, all active lawyer members shall complete a minimum of 45 credit hours of accredited CLE activity every three years as provided in these Rules. All active LP members shall complete a minimum of 40 credit hour of accredited CLE activity every three years.

(b) Ethics. At least five of the required hours shall be in subjects relating to ethics in programs accredited pursuant to Rule 5.14(a).

(c) Abuse Reporting. One hour for lawyer members must be on the subject of a lawyer's statutory duty to report child abuse and elder abuse (see ORS 9.114). One hour for LP members must be on the subject of an LP's duty to report child and elder abuse for LP members.

(d) Mental Health and Substance Use Education. At least one of the required hours shall be in subjects relating to mental health, substance use, or cognitive impairment that can affect a lawyer's or an LP's ability to practice law.

(e) 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 5.14(d).

(f) IOLTA Administration. One hour for LP members must be on the administration of Interest on Lawyer Trust Accounts (IOLTA).

(g) Oregon Rules of Civil Procedure. One hour for LP members must be on the Oregon Rules of Civil Procedure (ORCP).

(h) Scope of License. One hour for LP members must be on the LP's scope of license as defined in Section 11 of the Rules for Licensing Paralegals (RLPs).

(i) Substantive Law and Practice. 26 hours for LP members must be education specific to the LP's practice area for which they are licensed. LP's with licenses to practice in more than one practice area must complete 26 hour of education specific to each practice area for which the LP seeks renewal of licensure.

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

(a) An active member whose reporting period is established in Rule 3.6(c)(2) or 3.6(c)(3) shall complete 15 credit hours of accredited CLE activity in the first reporting period after reinstatement. Two of the 15 credit hours shall be devoted to ethics and one shall be devoted to mental health and substance use education. 12 of the credits for an active LP member must be specific to the LP's practice area for which they are licensed.

(b) The requirements in Rule 3.2(a) shall apply to new admittees who are active members in a three year initial reporting period pursuant to 3.6(b). New LPs and new lawyer admittees in a shorter initial reporting period shall complete 15 credit hours of accredited CLE activity in the first reporting period after admission as an active member, including a three credit hour OSB-approved introductory course in access to justice, two credit hours in ethics, one credit hour in mental health and substance use education and nine credit hours in practical skills. One of the ethics credit hours must be devoted to Oregon ethics and professionalism and four of the nine credits in practical skills must be devoted to Oregon practice and procedure.

(c) New lawyer admittees shall enroll in the NLMP within 28 days of admission, except as otherwise provided in these rules. New lawyer admittees shall complete the requirements of the NLMP curriculum established by the BOG, complete a mentoring plan and file a NLMP Completion Certificate, and pay the accreditation fee provided in Regulation 4.600 in the first three year reporting period after admission as an active member.

### **3.4 Out-of-State Compliance.**

(a) Reciprocity Jurisdictions. An active lawyer member whose principal office for the practice of law is not in the State of Oregon 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 a child and elder abuse reporting credit required in ORS 9.114. This filing shall include payment of the fee set forth in Regulation 3.200(a) for processing the comity certificate of MCLE compliance from the reciprocal state.

(b) An active member whose principal office for the practice of law is in the State of Oregon may obtain from the MCLE Program Manager a comity certification of Oregon MCLE compliance upon payment of the fee set forth in Regulation 3.200(b)

(c) Other Jurisdictions. An active member whose principal office for the practice of law is not in the State of Oregon and is not in a jurisdiction with which Oregon has established MCLE reciprocity must file a compliance report as required by MCLE Rule 7.1 showing that the member has completed at least 45 hours of accredited CLE activities as required by Rule 3.2.

### **3.5 [Reserved.]**

### **3.6 Reporting Period.**

(a) In General. All active members shall have three-year reporting periods, except as provided in paragraphs (b) and (c).

(b) New Admittees. The first reporting period for a new lawyer admittee shall start on the date of admission as an active member and shall end on April 30 of the next calendar year, except a new lawyer admittee admitted by Comity who has practiced law in another jurisdiction for no less than 24 of the 48 months immediately prior to admission in Oregon shall have a three year initial reporting period that begins May 1 the year following admission and ends April 30 three years later. All subsequent reporting periods shall be three years. New LP members shall have a three year initial reporting period that begins May 1 the year following admission and ends April 30 three years later. All subsequent reporting periods shall be three years.

(c) Reinstatements.

(1) A member who transfers to inactive, retired 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 3.6(c)(1), the first reporting period for a member who is reinstated as an active member following a transfer to inactive, retired or Active Pro Bono status or a suspension, disbarment or resignation shall start on the date of reinstatement and shall end on April 30 of the next calendar year. All subsequent reporting periods shall be three years.

(3) Notwithstanding Rules 3.6(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, retired 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 April 30 of the next calendar year. All subsequent reporting periods shall be three years.

### **Regulations to MCLE Rule 3** **Minimum Continuing Legal Education Requirement**

**3.100 Out-of-State Compliance.** An active lawyer member seeking credit pursuant to MCLE Rule 3.4(c) shall attach to the member's compliance report filed in Oregon evidence that the member has met the requirements of Rule 3 with courses accredited in any jurisdiction. This evidence may include certificates of compliance, certificates of attendance, or other information indicating the identity of the crediting jurisdiction, the number of 60-minute hours of credit granted, and the subject matter of programs attended.

**3.200 Reciprocity.** An active lawyer member who is also an active member in a jurisdiction with which Oregon has established MCLE reciprocity (currently Idaho, Utah or Washington) may comply with Rule 3.4(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, together with evidence that the member has completed a child and elder abuse reporting training required in ORS 9.114. No other information about program attendance is required.

(a) Members shall pay a filing fee of \$25.00 with their submission of a comity certificate of MCLE compliance from a reciprocal jurisdiction.

(b) An active member whose principal office for the practice of law is in the State of Oregon may obtain from the MCLE Program Manager a comity certificate of Oregon MCLE compliance upon request and payment of a processing fee of \$25.00.

#### **3.300 Application of Credits.**

(a) Legal ethics, access to justice, abuse reporting, IOLTA administration, Oregon Rules of Civil Procedure education, LP scope of license education, and mental health and substance use education credits in excess of the minimum required can be applied to the practical skills requirement.

(b) General, practical skills, specialty credits of any type listed in 3.300(a), and family law and landlord-tenant practice area education credits earned by lawyer members will be applied toward the lawyer member's total minimum credit requirement.

(c) Members in a three-year reporting period are required to complete 3.0 access to justice credits in reporting periods ending 12/31/18 through 4/30/2021 and in alternate three-year periods thereafter.

#### **3.400 Practical Skills Requirement.**

(a) A practical skills program is one which includes courses designed primarily to instruct new admittees in the methods and means of the practice of law. This includes those courses which involve instruction in the practice of law generally, instruction in the management of a legal practice, and instruction in particular substantive law areas designed for new practitioners. A practical skills program may include but shall not be limited to instruction in: client contact and relations; court proceedings; low-income and other communities that lack access to or the ability to afford legal services; negotiation and settlement; alternative dispute resolution; malpractice avoidance; personal management assistance; the impact of substance abuse, cognitive impairment and mental health related issues to a law practice; and practice management assistance topics such as tickler and docket control systems, conflict systems, billing, trust and general accounting, file management, and computer systems.

(b) A CLE course on any subject matter can contain as part of the curriculum a portion devoted to practical skills. The sponsor shall designate those portions of any program which it claims is eligible for practical

skills credit.

(c) A credit hour cannot be applied to both the practical skills requirement and the ethics requirement.

**3.500 Reporting Period Upon Reinstatement.** A member who returns to active membership status as contemplated under MCLE Rule 3.6(c)(2) shall not be required to fulfill the requirement of compliance during the member's inactive or retired status, suspension, disbarment or resignation, but no credits obtained during the member's inactive or retired status, suspension, disbarment or resignation shall be carried over into the next reporting period.

**3.600 Introductory Course in Access to Justice.** In order to qualify as an introductory course in access to justice required by MCLE Rule 3.3(b), the three-hour program must meet the accreditation standards set forth in MCLE Rule 5.14(d) and must substantively relate to at least three of the following areas: age, culture, disability, ethnicity, gender and gender identity or expression, geographic location, national origin, race, religion, sex, sexual orientation, veteran status, immigration status, and socioeconomic status, and comply with the requirements of 5.400.

**3.700 New Lawyer Mentoring Program Enrollment, Matching and Mentoring Plan.**

(a) Within 28 days of admission, new lawyer admittees whose principal office for the practice of law is in the State of Oregon must file an NLMP Enrollment Form as required by Rule 3.3(c) or certify that they are exempt as provided in Rule 9.

(b) The NLMP Coordinator will match new lawyer admittees with NLMP mentors based principally on geography, and whenever possible, practice area interests. Upon request by the new lawyer admittee and NLMP mentor, the NLMP Coordinator may consider common membership in specialty or affinity bar organizations when establishing a match.

(c) The NLMP Coordinator will issue a notice to the new lawyer admittee and NLMP mentor as soon as an NLMP match is confirmed.

(d) The NLMP Coordinator may reassign a match upon request of the new lawyer admittee or NLMP mentor if the coordinator determines a match is not effective to meet the goals of the program.

(e) The new lawyer admittee is responsible for arranging the initial meeting with the NLMP mentor, and the meeting must take place within 28 business days of the new lawyer admittee's receipt of notice of the match. At the meeting, the new lawyer admittee and NLMP mentor will review the elements of their mentoring plan, including:

- (1) Introduction to the Legal Community;
- (2) Professionalism, the Oregon Rules of Professional Conduct and Cultural Competence;
- (3) Introduction to Law Office Management;
- (4) Working with Clients;
- (5) Career Development through Public Service, OSB programs, and quality of life issues; and
- (6) Practice Area Basic Skills.

(f) The NLMP Coordinator will publish an NLMP Manual consistent with NLMP curriculum developed by the BOG, to provide additional information about developing and implementing an effective mentoring plan. The MCLE Committee may review and provide input on the NLMP Manual to the NLMP Coordinator.

(g) Subsections (b) through (e) do not apply if a new lawyer admittee has obtained a deferral as provided in Rule 9.

**3.800 Filing NLMP Completion Certificate.** Filing of an NLMP Completion Certificate as required by Rules 3.3(c) and 4.5(b) is defined as the electronic submission by the NLMP new lawyer admittee of their NLMP Completion Certificate by adding the certificate to their MCLE transcript through the electronic system provided by the Oregon State Bar via the internet during their first three-year reporting period. The electronic system for adding NLMP Certificates to MCLE transcripts can be accessed through the Oregon State Bar website (<https://hello.osbar.org/>).

## **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 Program Manager.
- (b) The MCLE Program Manager shall electronically publish a list of accredited programs.
- (c) All sponsors shall permit the MCLE Program Manager 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, verifying attendance of registrants, and reviewing sponsor advertising activities and communications with Oregon State Bar members.

### **4.2 Group Activity Accreditation.**

- (a) CLE activities will be considered for accreditation on a case-by-case basis and 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 Program Manager. The application shall be made on the form required by the MCLE Program Manager 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) An application for accreditation of a group CLE activity shall be accompanied by payment of the application fee required by MCLE Regulation 4.300. An additional program application and fee is required for a repeat live presentation of a group CLE activity.
- (d) An application for accreditation of a group CLE activity must be electronically submitted no later than 30 days after the original program date for live programs and no later than 30 days after the production date for recorded programs. An application received more than 30 days after the original program date (live programs) or production date (recorded programs) is subject to a late processing fee as provided in Regulation 4.300.
- (e) The MCLE Program Manager 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 CLE activity obtained by a sponsor or an active member shall apply for all active members participating in the activity.

**4.3 Credit Hours.** Credit hours 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.



#### **4.4 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.

#### **4.5 NLMP Accreditation.**

- (a) The new lawyer admittee is responsible for ensuring that all requirements of the NLMP are completed.
- (b) Upon completion of the NLMP, a new lawyer admittee shall file a NLMP Completion Certificate, executed by the new lawyer admittee for accreditation by the MCLE Program Manager.

#### **4.6 Sponsor Attendance Reporting.**

Within 30 days of a bar member's attendance of a live accredited CLE activity, or screening of a recorded accredited CLE program, the sponsor must either:

- (a) post the credits earned by the bar member onto the bar member's MCLE Transcript via the attendance posting portal on the Oregon State Bar website (<https://hello.osbar.org/>); or
- (b) electronically submit an attendance report to the MCLE Program Manager via the attendance reporting portal on the Oregon State Bar website (<https://hello.osbar.org/>) together with payment of the credit processing fee required by MCLE Regulation 4.350. The attendance report must include the following information:

- (1) sponsor name,
- (2) program title,
- (3) Event ID number as indicated in the Program Database on the Oregon State Bar website,
- (4) original program date,
- (5) first and last name of each Oregon bar member who earned credits from the activity,
- (6) Oregon bar number of each bar member listed,
- (7) the number and types of credits earned by each bar member, and
- (8) date of credit completion for each bar member.

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

**4.100 Application for Accreditation.** A written application for accreditation pursuant to Rule 4.2 shall be submitted via the electronic system provided by the Oregon State Bar via the internet. An applicant may access the system through the Oregon State Bar website (<https://www.osbar.org/mcle/intex.html>).

#### **4.200 Group Activity Accreditation.**

- (a) Review procedures shall be pursuant to MCLE Rule 8.1 and Regulation 8.100.
- (b) The number of credit hours assigned to the activity shall be determined based upon the information provided by the applicant. The applicant can view the number of credit hours assigned by searching the Program Database on the Oregon State Bar website (<https://hello.osbar.org/MCLE/Search/Accreditation>). The applicant shall be notified by email if more information is needed in order to process the application, or if the application is denied.

#### **4.300 Accreditation Application Fees.**

(a) An application for accreditation of a group CLE activity shall include payment of the following application fees:

(1) \$25 for a program that is 60 minutes or less and offered to all Oregon State Bar Members, without limitation, at no cost.

(2) \$40 for a program that is up to four hours long;

(3) \$75 for a program that is more than four hours long but not more than eight hours long;

(4) \$125 for a program more than eight hours long.

(b) 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.

(c) A late processing fee of \$40 is due for accreditation applications that are received more than 30 days after the original program date (live programs) or the production date (recorded programs). This fee is in addition to the accreditation application fee and accreditation shall not be granted until the fee is received.

(d) The MCLE Program Manager shall apply the MCLE sponsor fees to all sponsors regardless of the sponsor's entity type (private, governmental, or nonprofit), financial status, or relationship to the bar. The MCLE Program Manager shall collect a sponsor fee prior to processing all applications submitted by or on behalf of all program sponsors.

(e) The MCLE Program Manager may process applications submitted by individual bar members at no charge only if

(1) the bar member applicant is not in any way affiliated with the program sponsor; and

(2) the program sponsor is geographically located outside the state of Oregon; and

(3) the program was located outside of Oregon; and

(4) the program was not attended or viewed by any other Oregon bar members.

(f) An application for accreditation of a group CLE activity submitted by an individual bar member which does not satisfy the requirements of MCLE Regulation 4.300(e) shall be accompanied by payment of the applicable accreditation application fee pursuant to Regulation 4.300(a).

(g) An application for accreditation of a group CLE activity submitted by an individual bar member who is not in any way affiliated with the program sponsor is exempt from any late processing fee.

#### **4.350 Credit Processing Fees.**

(a) A sponsor of an accredited group CLE activity who does not post the credits earned by bar members onto the bar members' MCLE Transcripts via the attendance posting portal on the Oregon State Bar website (<https://hello.osbar.org/>) pursuant to MCLE Rule 4.6(a), but instead submits an attendance report to the MCLE Program Manager pursuant to MCLE Rule 4.6(b), must pay a credit processing fee of \$1.00 per credit reported.

(b) Individual bar members may post credits to their own MCLE transcripts at no charge by logging on to their Member Dashboard on the OSB website ([https://hello.osbar.org](https://hello.osbar.org/)).

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

(a) Credit hours shall be assigned to group CLE activities in multiples of one-quarter of an hour or 0.25 credits and are rounded to the nearest one-quarter credit.

(b) Credit Exclusions. Only CLE activities that meet the accreditation standards stated in MCLE Rule 5 shall

be included in computing total CLE credits. Credit exclusions include the following:

- (1) Registration
- (2) Non-substantive introductory remarks
- (3) Breaks
- (4) Business meetings
- (5) Programs of less than 30 minutes in length

#### **4.500 Sponsor Advertising.**

(a) Advertisements by sponsors of accredited CLE activities shall not contain any false or misleading information.

(b) Information is false or misleading if it:

- (i) Contains a material misrepresentation of fact or law or omits a fact necessary to make the statement considered as a whole not materially misleading;
- (ii) Is intended or is reasonably likely to create an unjustified expectation as to the results to be achieved from participation in the CLE activity;
- (iii) Is intended or is reasonably likely to convey the impression that the sponsor or the CLE activity is endorsed by, or affiliated with, any court or other public body or office or organization when such is not the case.

(c) Advertisements may list the number of approved credit hours. If approval of accreditation is pending, the advertisement shall so state and may list the number of CLE credit hours for which application has been made.

(d) If a sponsor includes in its advertisement the number of credit hours that a member will receive for attending the program, the sponsor must have previously applied for and received MCLE accreditation for the number of hours being advertised.

#### **4.600 NLMP Accreditation.**

(a) The new lawyer admittee shall pay a NLMP accreditation fee of \$100.00.

### **Rule Five**

#### **Accreditation Standards for Category I Activities**

**5.1 Group CLE Activities.** Group CLE activities shall satisfy the following:

- (a) The activity must be offered by a sponsor having substantial, recent experience in offering continuing legal education or by a sponsor that can demonstrate ability to organize and effectively present continuing legal education. Demonstrated ability arises partly from the extent to which individuals with legal training or educational experience are involved in the planning, instruction, and supervision of the activity; and
- (b) The activity must be primarily intended for presentation to multiple participants, including but not limited to live programs, video and audio presentations (including original programming and replays of accredited programs), satellite broadcasts and on-line programs; and
- (c) The activity must include the use of thorough, high-quality written materials, unless the MCLE Program Manager determines that the activity has substantial educational value without written materials.

(d) The activity must have no attendance restrictions based on age, culture, disability, ethnicity, gender and gender identity or expression, geographic location, national origin, race, religion, sex, sexual orientation, veteran status, socioeconomic status, immigration status, marital, parental or military status or other classification protected by law, except as may be permitted upon application from a provider or member, where attendance is restricted due to applicable state or federal law.

## **5.2 Attending 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 Program Manager 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.

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

**5.4 Participation in New Lawyer Mentoring Program.** New lawyer admittee NLMP participants and NLMP mentors may earn MCLE credit for participation in the NLMP.

**5.5 Other Professionals.** Notwithstanding the requirements of Rules 5.17, participation in an educational activity offered primarily to or by other professions or occupations may be accredited as a CLE activity if the MCLE Program Manager determines that the content of the activity is in compliance with other MCLE accreditation standards. The MCLE Program Manager may accredit the activity for fewer than the actual activity hours if the MCLE Program Manager determines that the subject matter is not sufficient to justify full accreditation.

## **Accreditation Standards for Category II Activities**

## **5.6 Teaching Activities.**

(a) Teaching credit may be claimed for teaching accredited continuing legal education activities or for courses in ABA or AALS accredited law schools.

(b) Credit may be claimed for teaching other courses, provided the activity satisfies the following criteria:

- (1) The MCLE Program Manager determines that the content of the activity is in compliance with other MCLE content standards; and
- (2) The course 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.

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

(d) No credit may be claimed for repeat presentations of previously accredited courses unless the presentation involves a substantial update of previously presented material, as determined

by the MCLE Program Manager.

#### **5.7 Legal Research and Writing.**

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

- (a) It deals primarily with one or more of the types of issues for which group CLE activities can be accredited as described in Rule 5.13; and
- (b) 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
- (c) It contributes substantially to the legal education of the applicant and other attorneys; and
- (d) 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 Program Manager, based on the contribution of the written materials to the professional competency of the applicant and other attorneys.

**5.8 Service as a Bar Examiner.** Credit may be claimed for service as a bar examiner for Oregon, provided that the service includes personally writing or grading a question for the Oregon bar exam or paralegal licensing exam during the reporting period.

**5.9 Legal Ethics Service.** Credit may be claimed for serving on the Oregon State Bar Legal Ethics Committee, Client Security Fund Committee, Commission on Judicial Fitness & Disability, Oregon Judicial Conference Judicial Conduct Committee, State Professional Responsibility Board, and Disciplinary Board or serving as volunteer bar counsel or volunteer counsel to an accused in Oregon disciplinary proceedings.

**5.10 Credit for Committee and Council Service.** Credit may be claimed for serving on committees that are responsible for drafting court rules or jury instructions that are designed to aid the judicial system and improve the judicial process. Examples include service on the Oregon State Bar Uniform Civil Jury Instructions Committee, Uniform Criminal Jury Instructions Committee, Oregon Council on Court Procedures, Uniform Trial Court Rules Committee, and the District of Oregon Local Rules Advisory Committee.

**5.11 Service as a Judge Pro Tempore.** Credit may be claimed for volunteer service as a judge pro tempore.

#### **Accreditation Standards for Category III Activities**

##### **5.12 Credit for Other Activities.**

(a) **Personal Management Assistance.** Credit may be claimed for activities that deal with personal self-improvement, provided the MCLE Program Manager determines the self-improvement relates to professional competence as a lawyer.

(b) **Other Volunteer Activities.** Credit for volunteer activities for which accreditation is not available pursuant to Rules 5.3, 5.4, 5.5, 5.6, 5.7, 5.8, 5.9, 5.10, or 5.11 may be claimed provided the MCLE Program Manager determines the primary purpose of such activities is the provision of legal services or legal expertise.

(c) **Business Development and Marketing Activities.** Credit may be claimed for courses devoted to

business development and marketing that are specifically tailored to the delivery or marketing of legal services and focus on use of the discussed techniques and strategies in law practice.

### **Activity Content Standards**

#### **5.13 Group and Teaching CLE Activities**

- (a) The activity must have significant intellectual or practical content with the primary objective of increasing the participant's professional competence as a lawyer or LP; and
- (b) The activity must deal primarily with substantive legal issues, legal skills, practice issues, or legal ethics and professionalism, or access to justice.

#### **5.14 Ethics, Child and Elder Abuse Reporting, Mental Health and Substance Use Education, 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, rules of professional conduct, or statements of professionalism.
- (b) Child and elder abuse reporting programs must be devoted to the lawyer's statutory duty to report child abuse and elder abuse (see ORS 9.114).
- (c) In order to be accredited as a mental health and substance use education credit under Rule 3.2 (d), and activity shall educate attorneys and LPs about causes, detection, response, treatment, or problem prevention related to mental health or substance use.
- (d) In order to be accredited as an activity pertaining to access to justice for purposes of Rule 3.2(e), an activity shall be directly related to the practice of law and designed to educate attorneys and LPs to identify and eliminate from the legal profession, from the provision of legal services, and from the practice of law barriers to access to justice arising from biases against persons because of age, culture, disability, ethnicity, gender and gender identity or expression, geographic location, national origin, race, religion, sex, sexual orientation, veteran status, immigration status, and socioeconomic status.
- (e) Portions of activities may be accredited for purposes of satisfying the ethics and access to justice requirements of Rule 3.2, if the applicable content of the activity is clearly defined.

#### **5.15 IOLTA Administration, Oregon Rules of Civil Procedure, and Scope of License.**

- (a) In order to be accredited as IOLTA administration education, programs must be devoted to topics related to the administration of IOLTA accounts, such as understanding the types of lawyer trust accounts, the rules governing lawyer trust accounts in Oregon, how to open and close trust accounts, how to transfer funds into and out of trust accounts, and how to identify and reduce of liability risks arising from mismanagement of trust accounts.
- (b) In order to be accredited as Oregon Rules of Civil Procedure education, programs must be devoted to the ORPCs and include topics such as recent updates to the ORPCs and practical applications of the ORPCs in family law or landlord- tenant related matters.
- (c) In order to be accredited as Scope of License education, programs must be devoted to the parameters of the scope of license of LPs as defined in Section 11 of the RLPs, including the parameters within which LPs are authorized to practice law, the types of matters in which LPs are permitted to provide legal advice and representation, and the practical identification of mandatory referral scenarios.

#### **5.16 LP Practice Area Education**

- (a) Family Law. In order to be accredited as family law practice area education, programs must be devoted

to substantive and practical education in Oregon family law and should include topics generally within the scope of LP license as defined in Section 11 of the RLPs, such as dissolution of marriage, separation, annulment, custody, parenting time, child support, spousal support, modifications, and remedial contempt.

(b) Landlord-Tenant. In order to be accredited as landlord-tenant law practice area education, programs must be devoted to substantive and practical education in Oregon landlord-tenant law, and should include topics generally within the scope of LP license as defined in Section 11 of the RLPs, such as residential rental agreements, amendments to residential rental agreements, eviction notices, notices of intent to enter rental property, rent increases, violations, security deposit accountings, and evictions

### **Teaching Activity Content Standards**

**5.17 Other Professionals.** Notwithstanding the requirements of Rules 5.6 and 5.13, credit may be claimed for teaching an educational activity offered primarily to other professions or occupations if the MCLE Program Manager determines that the content of the activity is in compliance with other MCLE accreditation standards and the applicant establishes to the MCLE Program Manager's satisfaction that the teaching activity contributed to the presenter's professional competence as a lawyer or LP.

### **Unaccredited Activities**

**5.18 Unaccredited Activities.** The following activities shall not be accredited:

- (a) Activities that would be characterized as dealing primarily with personal self-improvement unrelated to professional competence as a lawyer; and
- (b) Activities designed primarily to sell services or equipment; and
- (c) Video or audio presentations of a CLE activity originally conducted more than three years prior to the date viewed or heard by the member seeking credit, unless it can be shown by the member that the activity has current educational value.
- (d) Repeat live, video or audio presentations of a CLE activity for which the active member has already obtained MCLE credit.

### **Regulations to MCLE Rule 5 Accreditation Standards**

#### **5.050 Written Materials.**

- (a) For the purposes of accreditation as a group CLE activity under MCLE Rule 5.1(c), written material may be provided in an electronic or computer-based format, provided the material is available for the member to retain for future reference.
- (b) Factors to be considered by the MCLE Program Manager in determining whether a group CLE activity has substantial educational value without written materials include, but are not limited to: the qualifications and experience of the program sponsor; the credentials of the program faculty; information concerning program content provided by program attendees or monitors; whether the subject matter of the program is such that comprehension and retention by members is likely without written materials; and whether accreditation previously was given for the same or substantially similar program.

#### **5.100 Category I Activities**

- (a) Credit for legislative service may be earned at a rate of 1.0 general credit for each week or part thereof

while the legislature is in session.

(b) Lawyer members who serve as mentors in the NLMP may earn a total of 8.0 CLE credits, including 2.0 ethics credits and 6.0 general credits, upon filing of a NLMP Completion Certificate. If a member serves as a mentor for more than one new lawyer, the member may claim up to 16.0 total credits, including 4.0 ethics credits, during the three year reporting cycle. If another lawyer assists with the NLMP completion, the mentoring credits must be apportioned between lawyers in a proportionate manner agreed upon by the NLMP mentors.

(c) Upon successful completion of the NLMP, new lawyer admittees earn 6.0 general/practical skills credits, which may be applied to the MCLE requirements of their first three-year MCLE reporting period.

#### **5.200 Category II Activities.**

(a) Teaching credit may be claimed at a ratio of one credit hour for each sixty minutes of actual instruction.

(b) With the exception of panel presentations, when calculating credit for teaching activities pursuant to MCLE Rule 5.6, for presentations where there are multiple presenters for one session, the number of minutes of actual instruction will be divided by the number of presenters unless notified otherwise by the presenter. Members who participate in panel presentations may receive credit for the total number of minutes of actual instruction.

(c) For the purposes of accreditation of Legal Research and Writing, all credit hours shall be deemed earned on the date of publication or issuance of the written work.

(d) One hour of credit may be claimed for each sixty minutes of research and writing, but no credit may be claimed for time spent on stylistic editing.

(e) Credit may be claimed for Legal Research and Writing that supplements an existing CLE publication. Research alone may be accredited if the applicant provides a statement from the publisher confirming that research on the existing publication revealed no need for supplementing the publication's content.

(f) Credit for Committee and Council Service pursuant to Rule 5.10. Members may claim three (3) general credits for each 12 months of committee and council service so long as the member regularly attends and participates in the work related to the functions of the committee.

(g) Service as a Bar Examiner. Three (3) credits may be claimed for writing a bar exam or local component question and three (3) credits may be claimed for grading a bar exam or local component question.

(h) Legal Ethics Service. Members may claim two ethics credits for each twelve months of service on committees and boards listed in Rule 5.9.

(i) Service as a Judge Pro Tempore. Members may claim one (1) general credits for every 2 hours of volunteer time spent on the bench as a judge pro tempore.

#### **5.300 Category III Activities.**

(a) Personal Management Assistance. Credit may be claimed for programs that provide assistance with issues that could impair a lawyer's professional competence (examples include but are not limited to programs addressing burnout, procrastination, gambling or other addictions or compulsive behaviors, and other health related issues). Credit may also be claimed for programs designed to improve or enhance a lawyer's professional effectiveness and competence (examples include but are not limited to programs addressing time and stress management, career satisfaction and transition, and interpersonal/relationship skill-building).



(b) Other Volunteer Activities. Credit may be claimed for volunteer activities for which accreditation is not available pursuant to Rules 5.3, 5.4, 5.5, 5.6, 5.7, 5.8, 5.9, 5.10, or 5.11. Credit may be claimed at a ratio of one credit hour for each two hours of uncompensated volunteer activities provided that the MCLE Program Manager determines the primary purpose of such activity is the provision of legal services or legal expertise. Such activities include but are not limited to:

(1) Providing direct pro bono representation to low-income clients referred by certified pro bono programs;

(2) Serving as a judge, evaluator, mentor or coach in any type of mock trial, moot court, congressional hearing or client legal-counseling competition, law-related class or law-related program at the high school level and above; and

(3) Teaching a legal education activity offered primarily to nonlawyers high school age and older.

(c) Business Development and Marketing Activities. Credit may be claimed for courses devoted to business development and marketing that are specifically tailored to the delivery or marketing of legal services and focus on use of the discussed techniques and strategies in law practices. Examples include but are not limited to courses focusing on business development approaches, strategies and techniques available to attorneys, marketing to clients seeking legal services, and website development to promote one's practice.

**5.400 Access to Justice.** A program is eligible for accreditation as an access to justice activity even if it is limited to a discussion of substantive law, provided the substantive law relates to access to justice issues involving age, culture, disability, ethnicity, gender and gender identity or expression, geographic location, national origin, race, religion, sex, sexual orientation, veteran status, immigration status, and socioeconomic status.

(a) Access to justice programming should be guided by these three principles:

(1) Promoting accessibility by eliminating systemic barriers that prevent people from understanding and exercising their rights.

(2) Ensuring fairness by delivering fair and just outcomes for all parties, including those facing financial and other disadvantages.

(3) Addressing systemic failures that lead to a lack of confidence in the justice system by creating meaningful and equitable opportunities to be heard.

(b) The presenters of access to justice and introductory access to justice programs should have the following qualifications in the topic being presented:

(1) Lived experience;

(2) Professional experience; or

(3) Substantial training.

**5.500 Independent Study.** Members may earn credit through independent screening or viewing of audio- or video-tapes of programs originally presented to live group audiences, or through online programs designed for presentation to a wide audience. A lawyer who is licensed in a jurisdiction that allows credit for reading and successfully completing an examination about specific material may use such credits to meet the Oregon requirement. No credit will be allowed for independent reading of material selected by a member except as part of an organized and accredited group program.

**5.600 Child and Elder Abuse Reporting.** In order to be accredited as a child abuse and elder abuse reporting activity, the one-hour session must include discussion of an Oregon attorney's requirements to

report child abuse and elder abuse and the exceptions to those requirements.

## **Rule Six Credit Limitations per Category**

### **6.1 In General.**

(a) Category I Activities. Credits in this category are unlimited. Credit shall be allowed only for CLE activities that are accredited as provided in these Rules, and substantial participation by the active member is required. The MCLE Program Manager may allow partial credit for completion of designated portions of a CLE activity.

(b) Category II Activities. For lawyer members, credits in this category are limited to 20 in a three-year reporting period and 10 in a shorter reporting period. For LP members, credits in this category are limited to 12 in a three year reporting period and 6 in a shorter reporting period. Credits claimed by LP members in this category must be directly related to ethics or procedural or substantive law topics within the scope of the LP's family law or landlord-tenant practice area. No accreditation application is required.

(c) Category III Activities. For lawyer members, credits in this category are limited to 6 in a three-year reporting period and 3 in a shorter reporting period. For LP members, credits in this category are limited to 5 in a three-year reporting period and 2 in a shorter reporting period. Credits claimed by LP members in this category must be directly related to substantive law topics within the scope of the LP's family law or landlord-tenant practice area.

(d) An active lawyer member may carry forward 15 or fewer unused credit hours from the reporting period during which the credit hours were earned to the next reporting period. An active LP may carry forward 10 or fewer unused credit hours from the reporting period during which the hours were earned to the next reporting period.

(e) Except as provided in Regulation 5.100(c) and Rule 6.1(d), credit for a particular reporting period shall be allowed only for activities participated in during that reporting period.

(f) Credits for service as a mentor in the NLMP are limited as set forth in Regulation 5.100(b).

## **Regulations to MCLE Rule 6 Credit Limitations**

**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 for lawyer members. Abuse reporting credits earned in excess of the reporting period requirement may be carried over as general credits for lawyer members, but a new 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 for lawyer members, but new access to justice 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.

**6.200 Credits Earned in Excess of Credit Limitations.** Any credits earned in excess of the credit limitations set forth in MCLE Rule Six may not be claimed in the reporting period in which they are completed or as carry over credits in the next reporting period.

## **Rule Seven Compliance**

**7.1 Reports.** Every active member shall electronically certify and submit their completed compliance report on or before May 31 of the year the active member's reporting period ends.

### **7.2 Recordkeeping.**

(a) Every active member shall maintain records of participation in CLE activities for use in completing a compliance report and shall retain these records for a period of twelve months after the end of the member's reporting period.

(b) The MCLE Program Manager may maintain records of active members' participation in CLE activities as necessary to verify compliance with the MCLE requirement.

### **7.3 Audits of Bar Members.**

(a) The MCLE Program Manager may audit compliance reports selected because of facial defects or by random selection or other appropriate method.

(b) For the purpose of conducting audits, the MCLE Program Manager may request and review records of participation in CLE activities reported by active members.

(c) Failure to substantiate participation in CLE activities in accordance with applicable rules and regulations after request by the MCLE Program Manager shall result in disallowance of credits for the reported activity and, in certain situations, assessment of the late filing fee specified in MCLE Regulation 7.200.

(d) The MCLE Program Manager shall refer active members to the Oregon State Bar Disciplinary Counsel for further action where questions of dishonesty in reporting occur.

### **7.4 Suspension for Noncompliance.**

(a) Grounds. The following are considered grounds for a finding of noncompliance with the MCLE Rules and Regulations:

(1) Failure to complete the MCLE requirement for the applicable reporting period.

(2) Failure to electronically certify and submit a completed compliance report on time.

(3) Failure to provide sufficient records of participation in CLE activities to substantiate credits reported, following request by the MCLE Program Manager.

(b) Notice and Suspension. The Chief Executive Officer of the Oregon State Bar shall provide written notice to any member found noncompliant under subsection (a). The notice shall set out a reasonable time to either request review of the noncompliance determination or to cure the noncompliance. The notice shall be sent to the member's electronic mail address on file with the bar or, for any member not required to have an electronic mail address on file with the bar under the Rules of Procedure, to that member's mailing address on file with the bar. If the member fails to cure the noncompliance as required in MCLE Rule 7.5, and pay the late fee specified in MCLE Regulation 7.200 within the time allowed to cure as stated in the notice, the member is automatically suspended. The member may request review of the suspension under MCLE Rule 7.5(f) if the member believes the suspension is in error.

(c) The Chief Executive Officer shall provide the names of all members suspended under this section to the State Court Administrator for forwarding to the judges of the Supreme Court, and also shall provide the names to each of the judges of the Court of Appeals, circuit and tax courts of the state.

### **7.5 Cure and Review.**

(a) Noncompliance for failure to comply with the MCLE Rules and Regulations as described in MCLE Rule 7.4(a)(1) or (2) can be cured by performance of the following actions no later than the deadline set out in the notice of noncompliance:

(1) Completing the credit hours necessary to satisfy the MCLE requirement for the applicable reporting period;

(2) Electronically certifying and submitting the completed compliance report; and

(3) Paying the late filing fee specified in MCLE Regulation 7.200.

(b) Noncompliance for failure to comply with the MCLE Rules and Regulations as described in MCLE Rule 7.4(a)(3) can be cured by providing the MCLE Program Manager with the requested records, together with the late fee specified in MCLE Regulation 7.200, no later than the deadline set forth in the notice of noncompliance.

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

(d) If the MCLE Program Manager determines that noncompliance has been cured, then the Manager shall notify the member that the member has complied with the MCLE Rules and Regulations for the applicable reporting period. Curing noncompliance does not prevent subsequent audit and action specified in MCLE Rule 7.3.

(e) If a member believes that there is a factual error in a notice of noncompliance or an automatic suspension under MCLE Rule 7.4(b), the member may request a review by the Chief Executive Officer of the Oregon State Bar. To request review, the member shall submit a written letter to the MCLE Program Manager that states the decision to be reviewed and sets out the reasons for requesting review. The member also may submit additional materials as part of the request for review, establishing compliance with the MCLE Rules and Regulations. The Chief Executive Officer may vacate a notice of noncompliance or a suspension upon review of a member's request if clear and convincing evidence establishes that that the member complied with the MCLE Rules and MCLE requirements. The MCLE Program Manager shall provide the member with the Chief Executive Officer's decision on review.

### **7.6 Audits of Sponsors.**

(a) The MCLE Program Manager may audit sponsors of CLE activities for compliance with these MCLE Rules and Regulations.

(b) The MCLE Program Manager may request materials and information related to the sponsor's CLE activities and accreditation application during an audit. If a sponsor declines to comply with the MCLE Program Manager's requests for materials and information during an audit, the MCLE Program Manager may revoke or withhold accreditation of the sponsor's CLE activities.

(c) The MCLE Program Manager may revoke accreditation of any CLE activity or withhold accreditation of future CLE activities if the audit determines the sponsor is not compliant with the MCLE Rules and Regulations.

(d) A sponsor may seek review of the MCLE Program Manager's decision to withhold or revoke accreditation under Rules 8.1.

### **7.7 Removal of NLMP Mentors**

(a) Within 14 days of receipt by OSB of notice of charges against an NLMP mentor pursuant to 2.4(d) or suspension of an NLMP mentor pursuant to BR 7.1, the NLMP Coordinator shall provide written notice by email to the NLMP mentor and new admittee that the NLMP mentor is removed from serving as a mentor pursuant to MCLE Rule 2.4(d).

(b) Within 30 days, or as soon as reasonably practical, of removal of an NLMP mentor pursuant to Rule 2.4(d), the NLMP Coordinator shall select a new mentor for the new admittee pursuant to the criteria set forth in Regulation 3.700(b), and shall issue a notice to the new admittee and new NLMP mentor as soon as a new NLMP match is confirmed.

## **Regulations to MCLE Rule 7 Compliance**

**7.050 Electronically Certifying and Submitting Compliance Reports.** Timely electronically certifying and submitting a completed compliance report as required by MCLE Rule 7.1 and MCLE Rule 7.4(a)(2) is defined as the electronic certification and submission by the active bar member of their completed MCLE transcript through the electronic system provided by the Oregon State Bar via the internet on or before May 31 of the year the active member's reporting period ends. If May 31 is a Saturday or legal holiday, including Sunday, or a day that the Oregon State Bar office is closed, the due date shall be the next regular business day. The electronic system for certifying and submitting MCLE transcripts can be accessed through the Oregon State Bar website.

### **7.100. Member Records of Participation.**

(a) In furtherance of its audit responsibilities, the MCLE Program Manager may review an active member's records of participation in Category I CLE activities. Records that may satisfy such a request include, but are not limited to, certificates of attendance or transcripts issued by sponsors, MCLE recordkeeping forms, NLMP mentoring plan checklist, canceled checks or other proof of payment for registration fees or audio or video tapes, course materials, notes or annotations to course materials, or daily calendars for the dates of CLE activities. For individually screened presentations, contemporaneous records of screening dates and times shall be required.

(b) Members claiming credit for Category II activities should keep course descriptions, course schedules or other documentation verifying the number of minutes of actual instruction, along with a sample of the written materials prepared, if applicable. Members claiming Legal Research and Writing credit should keep a log sheet indicating the dates and number of hours engaged in legal research and writing in addition to a copy of the written product.

(c) Members claiming credit for Category III activities should keep log sheets indicating the dates and number of hours engaged in pro-bono representation and other volunteer activities, along with course descriptions and course schedules, if applicable. Members claiming credit for direct pro-bono representation to low-income clients should also keep documentation establishing the referral by a certified pro bono provider.

**7.200 Late Fees.** Members who complete any portion of the minimum credit requirement after the end of the reporting period or who fail to file a completed compliance report by the filing deadline set forth in MCLE Rule 7.1 must pay a \$200 late fee.

## **Rule Eight Review and Enforcement**

### **8.1 Review.**

(a) Decisions of the MCLE Program Manager. A decision, other than a suspension, affecting any active member or sponsor is final unless a request for review is filed with the MCLE Program Manager within 21 days after notice of the decision is issued. The request for review shall be by letter and requires no special form, but it shall state the decision to be reviewed and give the reasons for review. The matter shall be reviewed by the BOG or, if one has been appointed, the MCLE Committee, at its next regular meeting. An active member or sponsor shall have the right, upon request, to be heard, and any such hearing request shall be made in the initial letter. The hearing shall be informal. On review, the BOG or the MCLE Committee shall have authority to take whatever action consistent with these rules is deemed proper. The MCLE Program Manager shall notify the member or sponsor in writing of the decision on review and the reasons therefor.

(b) Decisions of the MCLE Committee. If a decision of the MCLE Program Manager is initially reviewed by the MCLE Committee, the decision of the MCLE Committee may be reviewed by the BOG on written request of the affected active member or sponsor made within 21 days of the issuance of the MCLE Committee's decision. The decision of the BOG shall be final.

**8.2 Reinstatement.** An active member suspended for noncompliance with the MCLE Rules shall be reinstated by the Chief Executive Officer only upon compliance with the MCLE Rules or Requirements that provided the basis for the suspension, electronic certification and submission of a completed compliance report to the MCLE Program Manager, payment of the late filing and reinstatement fees, and compliance with applicable provisions of the Rules of Procedure.

## **Regulations to MCLE Rule 8 Review and Enforcement**

### **8.100 Review Procedure.**

(a) The MCLE Program Manager shall notify the active member or sponsor of the date, time and place of the BOG or MCLE Committee meeting at which the request for review will be considered. Such notice must be sent no later than 14 days prior to such meeting. If the request for review is received less than 14 days before the next regularly scheduled meeting, the request will be considered at the following regularly scheduled meeting of the BOG or MCLE Committee, unless the member or sponsor waives the 14 day notice.

(b) A hearing before the MCLE Committee may be recorded at the request of the active member or sponsor or the MCLE Committee. In such event, the party requesting that the matter be recorded shall bear the expense of such recording. The other party shall be entitled to a copy of the record of the proceedings at their own expense.

(c) The MCLE Program Manager shall notify the active member or sponsor of the decision and the reasons therefor within 28 days of the date of the review. A decision of the MCLE Committee shall be subject to BOG review as provided in Rule 8.1.

**Rule Nine**  
**Exemptions, Deferrals, and Waivers**

**(a) Exemptions from MCLE Requirements**

- (1) A member who is in Inactive, Retired or Active Pro Bono status pursuant to OSB Bylaw 6.101 is exempt from compliance with these Rules.
- (2) A member serving as Governor, Secretary of State, Commissioner of the Bureau of Labor and Industries, Treasurer, or Attorney General during all or part of a reporting period must complete the minimum credit requirements in the categories of ethics, access to justice, and abuse reporting during the reporting periods set forth in MCLE Regulation 3.300(d). Such a member is otherwise exempt from any other credit requirements during the reporting period in which the member serves.
- (3) A new lawyer who has practiced law in another jurisdiction for two years or more upon admission to the Oregon State Bar is exempt from the NLMP requirements.
- (4) The MCLE Program Manager may grant any other exemption from the NLMP Requirements with the consent of the NLMP Coordinator, for good cause shown.

**(b) Deferral of NLMP Requirements**

- (1) A new lawyer whose principal office on file with the bar, pursuant to the Bar Rules of Procedure, is outside the State of Oregon is temporarily deferred from the NLMP requirements. A New lawyer whose principal office remains outside the State of Oregon for two years or more is exempt from the NLMP requirements.
- (2) The following members are eligible for a temporary deferral from the NLMP requirements upon written request to the NLMP Coordinator:
  - (i) A new member who is not engaged in the practice of law; and
  - (ii) A new member serving as a judicial clerk.
- (3) The NLMP Coordinator may otherwise approve a deferral for good cause shown. Such a deferral is subject to continued approval of the NLMP Coordinator.

**(c) Expiration or termination of NLMP deferral**

- (1) A new lawyer who ceases to qualify for a deferral under section (b) must notify the NLMP Coordinator and enroll in the NLMP within 28 days of the change in circumstance that led to the deferral.

**(d) Other Waiver, Exemption, Delayed or Substitute Compliance**

- (1) Upon written request of a member or sponsor, the MCLE Program Manager may waive, grant exemption from, or permit substitute or delayed compliance with any requirement of these Rules. The request shall state the reason for the waiver or exemption and shall describe a continuing legal education plan tailored to the particular circumstances of the requestor. The MCLE Program Manager may grant a request upon a finding that
  - (i) hardship or other special circumstances makes compliance impossible or inordinately difficult, or
  - (ii) the requested waiver, exemption, or substitute or delayed compliance is not inconsistent with the purposes of these Rules.
- (2) If a new lawyer seeks approval of an exemption, or delayed or substitute compliance with the

NLMP requirements, both the MCLE Coordinator and the NLMP Coordinator must approve the request.

**Regulations to MCLE Rule 9  
Exemptions, Deferrals, and Waivers**

**9.100 Waivers and Exemptions.** The MCLE Program Manager will consider requests for waivers and exemptions from the MCLE Rules and Regulations on a case by case basis.

**9.200 NLMP Accreditation Fee Exemption.** Any new lawyer participant who earns \$75,000 or less annually and whose employer will not pay the fee is exempt from payment of the accreditation fee provided in Regulation 4.600.

**Rule Ten  
Amendment**

These Rules may be amended by the BOG subject to approval by the Supreme Court. Amendments may be proposed by the MCLE Committee, the executive director, or an active member. Proposed amendments shall be submitted and considered in compliance with any regulations adopted by the BOG.