

IN THE SUPREME COURT OF THE STATE OF OREGON

In the Matter of Amendment to the)
MINIMUM CONTINUING LEGAL) CJO NO. 18-054
EDUCATION RULES)
) ORDER AMENDING MCLE
) RULES 3.2, 3.3, 5.14 and Regulation
) Amendment to Rule 3.300

At its public meeting on September 5, 2018, the court considered and approved several amendments to the Oregon State Bar's Minimum Continuing Legal Education (MCLE) Rules. The amendments require substance use and mental health education for all active Oregon State Bar members. The text of the MCLE Rules being amended are set out in Attachment "A". New wording is underlined and deleted wording is set out in strikeout format.

IT IS HEREBY ORDERED that the amendments to the MCLE Rules 3.2, 3.3, 5.14, and Regulation Rule 3.300. These amendments are effective January 1, 2019.

Dated this 14th day of September, 2018.



Martha L. Walters
Chief Justice

Rule Amendments

3.2 Active Members.

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

(b) Ethics. At least five of the required hours shall be in subjects relating to ethics in programs accredited pursuant to Rule 5.13(a).

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

(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 ability to practice law.

~~(d)~~ (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 5.13(c).

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.

(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, one credit hour in mental health and substance use education and ~~ten~~ nine credit hours in practical skills. One of the ethics credit hours must be devoted to Oregon ethics and professionalism and four of the ~~ten~~ nine credits in practical skills must be devoted to Oregon practice and procedure. New admittees must also complete a three credit hour OSB-approved introductory course in access to justice. The MCLE Program Manager 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~~ nine hours in other areas. After a new admittee's first reporting period, the requirements in Rule 3.2(a) shall apply.

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), an activity shall educate attorneys about causes, detection, response, treatment, or problem prevention related to mental health or substance use.

~~(c)~~ (d) In order to be accredited as an activity pertaining to access to justice for purposes of Rule 3.2~~(d)~~ (e), an activity shall be directly related to the practice of law and designed to educate attorneys to identify and eliminate from the legal profession and from the practice of law barriers to access to justice arising from biases against persons because of race, gender, economic status, creed, color, religion, national origin, disability, age or sexual orientation.

~~(d)~~(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.

Regulation Amendments

3.300 Application of Credits.

(a) Legal ethics, ~~and~~ access to justice and mental health and substance use education credits in excess of the minimum required can be applied to the general or practical skills requirement.

(b) Practical skills credits can be applied to the general requirement.

(c) Excess child 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.

(d) Members in a three-year reporting period are required to have 3.0 access to justice credits in reporting periods ending 12/31/2018 through 12/31/2020 and in alternate three-year periods thereafter.