

# **FAQs: New Fee Structure for CLE Program Accreditation Applications and Program Sponsor Audit Rules and Regulations**

**Effective March 1, 2021**

## **What fees have changed and when do the new fees take effect?**

Following the recommendation of the Board of Governors, and with support of OSB members who provided feedback, the Supreme Court entered an order amending the MCLE Rules and Regulations that set for the processing fees for applications for accreditation of CLE programs submitted by program sponsors and individual bar members. The Court ordered these amendments effective March 1, 2021.

## **What are the new fees?**

The new accreditation application fee structure is 4 tiered as follows:

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.

(See Rule 4.2 and Regulation 4.300)

## **Can I still use the series rate?**

No. The series rate allowed applicants to pay one application fee for three one hour courses held within three consecutive months. The amendments eliminate the series rate, which could not be administered by the bar's electronic operating system.

## **How do I request the \$25 rate if I am offering my program free to all OSB members?**

When you apply for accreditation of a program that is 60 minutes or less, the online application tool will present you with an opportunity to affirm that your program will be offered for free to all OSB members. This affirmation will trigger a reduced \$25 application fee.

**If I utilize the \$25 rate and am audited, how do I show that I have complied with the requirement of offering my program for free to all OSB members.**

There are many ways to offer programs free to all OSB members. Some examples are to advertise a live in person or live webinar on the internet inviting all OSB members to register and attend for free, or to record your CLE program and make it available for free on demand to all OSB members. Recorded programs can be made available on a sponsor's website or on other internet platforms such as You Tube. The requirement for this reduced application fee is to offer the program for free and to make the program available to all bar members without limitation.

**Do Members also have to pay the accreditation application fees?**

Yes, with one exception. All applicants for accreditation of a CLE program must pay the application fee. Individual bar members should not need to submit CLE program accreditation applications except in unusual circumstances when the program sponsor refuses to apply for accreditation of their program. Typically, upon request, program sponsors will apply for accreditation so their bar member customer does not have this burden. In the event a sponsor does not apply for accreditation and a bar member chooses to do so, the regulations do provide for an exemption from the application fee if an individual bar member applicant submits an accreditation application that meets all of the following conditions:

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.

(See Rule 4.2 and Regulation 4.300)

**If I want to claim an exemption from the bar member application fee, how can I be sure no other Oregon lawyers attended the out of state program for which I am seeking accreditation.**

We understand it may not always be possible to know if any other Oregon attorneys attend a program, especially in the case of a recorded program. If you would like an exemption of the bar member application fee, you will be asked to affirm that to your knowledge, no other Oregon attorneys attended the program. If after submitting your application, it comes to your attention that another Oregon attorney purchased and viewed the program, you will not be penalized. Your fee waiver will remain in effect.

**What about late fees?**

A late fee of \$40 will be assessed on all applications submitted by sponsors more than 30 days after the original program date or production for recorded programs. Individual bar member applicants who are in no way affiliated with the program sponsor will not be assessed late application fees.

(See Rule 4.2 and Regulation 4.300)

**What if the program sponsor refuses to apply for accreditation of a program I attended and I can't afford the application fee?**

MCLE Rule 9 allows for the MCLE Program Manager to consider requests for waivers and exemptions from the MCLE Rules and Regulations on a case by case basis upon written request describing the hardship or other special circumstances that make compliance impossible or inordinately difficult.

(See MCLE Rule 9 and Regulation 9.100)

**Why were the Rules and Regulations on audits of CLE program sponsors amended?**

There has been an increase in reports of CLE sponsors violating MCLE rules nationwide and refusing to cure their noncompliance. For example, some Oregon bar members have reported that they were misled and purchased programs from sponsors who advertised their programs are accredited in Oregon when they are not, which is a violation of MCLE Regulation 4.500. To protect OSB members from harm, the MCLE Program Manager will increase audits of sponsors. To successfully do this, the MCLE Rules and Regulations were amended to more clearly define the MCLE Program Manager's ability to audit sponsors and the requirement of sponsors' to cooperate when audited.

(See Rules 4.1 and 7.7)

**What if I discover improper CLE sponsor activity?**

If you observe advertising or other activity by a CLE sponsor that appears to violate the MCLE Rules and Regulations or is otherwise harmful to OSB members, please contact the MCLE Program Manager at [jpriest@osbar.org](mailto:jpriest@osbar.org).

Click [here](#) to view the Supreme Court order and the amended language of the MCLE Rules and Regulations.