

OREGON STATE BAR

Board of Governors Agenda

Meeting Date: March 16, 2021
Memo Date: April 2, 2021
From: Jade Priest-Maoz, MCLE Program Manager
Re: Proposed Amendments to MCLE Rules and Regulations to change initial MCLE reporting period and credit requirements for new admittees admitted by reciprocity

Action Recommended

Bar staff recommends the BOG vote to approve the attached proposed amendments to MCLE Rules 3.3 and 3.6 and Regulation 3.400 to place experienced attorneys admitted by reciprocity directly into a three year 45 credit MCLE reporting cycle upon admission to OSB instead of the short 15 credit cycle all new admittees are currently assigned.

Background and Discussion

With the MCLE compliance season moved to the spring, the initial MCLE reporting period for new members is sometimes very short (a matter of months) depending on their date of admission. The proposed amendments would make the following change to place reciprocal admittees in a regular 3 year reporting cycle, as follows:

	Current Reciprocal Admittee Shortened 15 Credit MCLE Cycle	Proposed Reciprocal Admittee 3-year 45 Credit MCLE Cycle
Reporting Deadline	CLE must be completed by April 30 and reported by May 31 the immediate year after admission. Under the existing system, <i>admittees may have only a matter of months to complete requirements.</i>	CLE must be taken and reported by April 30, 3 years after admission. This requirement places them in the first 3 year reporting cycle commencing after they are admitted.
Type of Credits	Total credits must include 9 practical skills, 4 of which must be Oregon practice and procedure, 2 ethics, one of which must be Oregon ethics, 1 mental health/substance use, and 3 introductory access to justice	Total credits must include 6 ethics, 1 abuse reporting, 3 access to justice (every other reporting period), and 1 mental health/substance use

Experienced attorneys admitted by reciprocity do not have the same need for practical skills credit as other new admittees. Placing them in a regular 3 year reporting cycle makes sense because they have just taken, as a precursor to admission, the bar's Reciprocity Course Set, Learning the Ropes, or 15 other Oregon specific courses, including Oregon practice and procedure and Oregon ethics. The current MCLE Rules set the threshold at three years of practice in another jurisdiction immediately preceding admission in Oregon for the MCLE Program Manager to waive practical skills education requirements. Therefore bar staff and the MCLE Committee recommend maintaining this threshold as the prerequisite for entering a three year reporting period pursuant to the proposed amendments. This change renders Regulation 3.400(d) moot, and thus the proposed amendments strike out that regulation.

The MCLE three year cycles all begin on May 1 and end on April 31 three years later. Bar staff recommends the initial MCLE reporting period for new admittees admitted by reciprocity be May 1 the year following their admission to the bar and end April 30 three years later. This will accommodate the bar's electronic operating system and minimize the burden on the bar's IT and MCLE staff to implement and administer this change.

The MCLE Committee concurs with this approach and unanimously approved the proposed amendments at its March 5, 2021 meeting. Oregon New Lawyers Division also supports these amendments.

Conclusion

Attached for the committee's review is a copy of the proposed amendments to MCLE Rules 3.3 and 3.6 and Regulation 4.300 to place new members who are experienced attorneys admitted by reciprocity directly into a three year MCLE reporting cycle instead of the short 15 credit cycle all new admittees are currently assigned. The MCLE Committee and bar staff recommend the BOG vote to approve these amendments for publication for 30 days for member input followed by presentation to the Supreme Court at its June 2, 2021 Public Meeting.