

PROPOSED AMENDMENT TO MCLE RULES 3.3 AND 3.6 AND REGULATION 3.400

(For BOG consideration on April 16, 2021)

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) **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 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. ~~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 nine hours in other areas. After a new admittee's first reporting period, the requirements in Rule 3.2(a) shall apply.~~

(c) New admittees shall enroll in the NLMP within 28 days of admission, except as otherwise provided in these rules. New 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.

3.6 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 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 admittee admitted by reciprocity who has practiced law in another jurisdiction for three consecutive years 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.

(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.

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.

~~(d) A new admittee applying for an exemption from the practical skills requirement, pursuant to Rule 3.3(b), shall submit in writing to the MCLE Program Manager a request for exemption describing the nature and extent of the admittee's prior practice of law sufficient for the Administrator to determine whether the admittee has current skills equivalent to the practical skills requirements set forth in this regulation.~~