

## **Credit for Volunteer Service as a Judge Pro Tempore**

### **MCLE Rule Change FAQs:**

#### **What is the new rule?**

The Supreme Court entered an order amending MCLE Rule 5 and Regulation 5.200 to allow 1 CLE credit for every 2 hours spent on the bench as a volunteer judge pro tempore.

#### **Is there a limit to the number of credits that can be claimed for volunteer service as a pro tem judge?**

Yes. This is Category 2 credit, which has a 20 credit cap per 3 year reporting cycle and a 10 credit cap in shorter cycles.

#### **Can I also claim credit for time spent researching and writing opinions?**

No. Credit may only be claimed for time spent sitting on the bench.

#### **When is this new rule effective?**

The new rule becomes effective November 1, 2019.

#### **Can I claim credit for serving as a pro tem judge prior to November 1, 2019?**

Yes. You can claim credit for time spent on the bench as a pro tem judge prior to November 1, 2019 as long as the volunteer work was done during your current MCLE reporting cycle.

#### **How do I report my credit for serving as a pro tem judge?**

You can add pro tem judge service credit to your MCLE transcript by logging on to your member dashboard. When you view your MCLE transcript, click the button "Add Activity." One of the activity choices you can add is serving as a pro tem judge. Simply input 1 general credit for every 2 hours of service.

Click [here](#) to view the Supreme Court order and the amended language of MCLE Rule 5 and Regulation 5.200

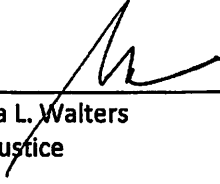
IN THE SUPREME COURT OF THE STATE OF OREGON

In the Matter of Amendment to the )  
MINIMUM CONTINUING LEGAL ) CJO NO. 19-044  
EDUCATION RULES )  
) ORDER AMENDING MCLE  
) RULE 5.12  
)

At its public meeting on July 9, 2019, the court considered and approved an amendment to the Oregon State Bar's Minimum Continuing Legal Education (MCLE) Rule 5.12. The amendment allows MCLE credit for service as a pro tem judge. The text of the MCLE Rule being amended is set out in Attachment "A". New wording is underlined and deleted wording is set out in strikeout format.

IT IS HEREBY ORDERED that the amendment to the MCLE Rule 3 is approved. This amendment is effective November 1, 2019.

Dated this 16<sup>th</sup> day of July, 2019.

  
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Martha L. Walters  
Chief Justice

**Oregon State Bar  
Minimum Continuing Legal Education  
Rules and Regulations  
(As amended effective January 1, 2019)**

**Rule Five**

**Accreditation Standards for Category II Activities**

**5.7 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.

**5.8 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.

**5.9 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 during the reporting period.

**5.10 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.

**5.11 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 Federal Bar Association's Local Rules Advisory Committee.

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

## **Regulations to MCLE Rule 5**

### **Accreditation Standards**

#### **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 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) Jury Instructions Committee Service. Members may claim two general credits for each 12 months of service. To be eligible for credit under MCLE Rule 5.11, a member of a jury instructions committee must attend at least six hours of committee meetings during the relevant 12-month period.

(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 5.10.

(i) Oregon Council on Court Procedures Service. Members may claim three general credits for service per year. To be eligible for credit under MCLE Rule 5.11, a member must attend at least 9 hours of regularly scheduled Council meetings during the year.

(j) 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.