



**GUIDELINES FOR MAINTAINING MINIMUM CONTINUING LEGAL EDUCATION
(MCLE) CREDITS FOR CONTINUED MEMBERSHIP**
(Effective January 1, 2023)

A. PROCEDURE FOR REPORTING MCLE ATTENDANCE

Each member must report his/her CLE activities at the time of annual membership renewal by submitting a certificate of compliance along with his/her membership renewal that includes ALL Division-sponsored and non-Division-sponsored courses that comply with these guidelines. Certificates of attendance must be attached to the certificate of compliance for non-Division-sponsored CLE courses. Division-sponsored CLE courses do not require a certificate of attendance but must be listed on the certificate of compliance (sign-in sheets for Division-sponsored courses are kept by the CLE Tracking Committee for proof of attendance in the event of an audit of a member's records). It is the member's responsibility to become familiar with these guidelines and to report only CLE courses that comply. For your use in reporting and maintaining your records, the following guidelines apply. Questions regarding the acceptance of a particular program can be directed to the CLE Tracking Committee Chair at pd-CLEcredits@sbnm.org.

1. CLE Seminars Sponsored by the State Bar of New Mexico

Members attending these seminars may be advised at the registration tables that their CLE credits will be reported to the State Bar for them. The State Bar only reports CLE credit for attorneys—not paralegals.

- a. Use the *Certificate of Attendance* provided for attorneys in the seminar materials or provided at the completion of the seminar; or
- b. Print the *Sponsor Certification form* from the Paralegal Division on the State Bar website and take it with you when attending these types of seminars.

2. CLE Seminars Sponsored by the Division

Members attending the following seminars are only required to sign in and provide their Division member number. The sign-in sheets are automatically forwarded to the CLE Tracking Committee for verification in the event the member's CLE report is audited. A Certificate of Attendance is not required for Division-sponsored CLEs.

- a. Monthly Luncheon Seminars
 - b. Law Day Half-Day Seminar
 - c. Annual Division Seminar
3. CLE Seminars by Other Sponsors

If the brochure for the CLE seminar does not indicate approval by the Division or NMMCLE, the seminar should be submitted by the member to the CLE Tracking Committee in advance to ensure credit for attendance.

- a. To request pre-approval of credit for attending these types of seminars, the member should submit the brochure or summary that describes the program in detail, lists the presenters and their qualifications, and identifies the CLE credit hours for attendance, at least 30 days in advance of the seminar to the CLE Tracking Committee. If additional information is requested by the CLE Tracking Committee to assess the program, the Division member must respond within seven (7) days of the Committee's request so that a decision can be made on a timely basis.
- b. If the seminar does not indicate approval by the Division or NMMCLE and the member has not sought pre-approval from the CLE Tracking Committee, when reporting the CLE activity for credit the member must include his/her Certificate of Attendance or Certificate of Completion along with the brochure or summary that describes the program in detail, lists the presenters and their qualifications, and identifies the CLE credit hours for attendance. If additional information is requested by the CLE Tracking Committee to assess the program, the Division member must respond within seven (7) days of the Committee's request so that a decision can be made on a timely basis. Failure to submit the required documentation or failure to respond to the Committee's request for additional information may result in denial of credit for that CLE activity.
- c. If the CLE Tracking Committee determines that a seminar does not meet the Division's requirements for CLE credit, credit for that activity shall be denied.

B. MCLE REQUIREMENTS

1. **Hours Required:** Each member of the Division will be required to earn twelve (12) hours of CLE credit during each compliance year, including at least one (1) hour of ethics.

Credit will be awarded based on a 60-minute hour. Members not attending a full seminar shall receive partial credit in accordance with the number of hours attended. A request for CLE credit shall not be submitted unless the duration of the CLE activity is a minimum of one hour.

2. **Compliance Year:** The compliance year runs from January 1 until December 31. CLE credit must be earned in the compliance year for which the credit applies; Members may carry over up to twelve (12) hours of excess credit to the subsequent MCLE requirement for the following year, excluding self-study and pro bono credits.

- a. For members approved on or after September 1 of a given year, the initial compliance year shall be the first full year following the date the member was approved for membership (i.e., a member admitted on or after September 1 of 2022 has until December 2023 to comply.)
 - i. A new member must submit their CLE attendance in the compliance year it is earned and such credit will be applied to the appropriate compliance year.
 - ii. The initial compliance year does not apply to a member who is being reinstated or reactivated.

3. Live Program Credit: CLE credit can be earned for attendance at live programs or programs which are simulcast via internet or satellite, provided there is a moderator assigned to supervise the program and foster discussion among participants, and provided the program is approved for CLE credit.

4. Requirements for “General” Credit: The CLE Tracking Committee will award credit for CLE activity that has been approved for credit as indicated above, based on the following criteria:

- a. The subject matter of the CLE activity addresses substantive law or professional issues relevant to paralegals;
- b. The individual presenting the subject matter has sufficient expertise and knowledge on the particular topic; and
- c. The CLE activity is at least one hour in duration.

Professionalism: Members may obtain up to one (1) hour of Professionalism credit, but it is not required. Any Professionalism credit obtained may be applied only to General credits and may not be applied as Ethics credits.

5. Requirements for “Ethics” Credit: Members are required to obtain at least one (1) hour of Ethics credit each compliance year. Seminars must meet the NMMCLE requirements for Ethics credits to be approved for credit.

- a. One (1) additional hour of Ethics obtained in a compliance year may be carried over to the following year. Any additional Ethics credits obtained will not be carried over to the following year.

6. CLE seminar topics which may not be considered “substantive” but which may be approved for credit: Members may obtain up to one (1) hour of credit for seminars that address the following topics.

- a. Law Practice Management:
 - i. Financial dealings with clients;
 - ii. Case management;

- iii. Procedure for conflict of interest checks;
- iv. Communication with clients;
- v. Monitoring deadlines for ongoing cases;
- vi. Billing practices;
- vii. Trust accounts;
- viii. Anti-discrimination;
- ix. ADA;
- x. Sexual harassment law and policies.

b. Technology:

- i. Westlaw or Lexis/Nexis;
- ii. Research;
- iii. Investigation;
- iv. Case management;
- v. Financial and billing;
- vi. Social networking.

c. Computer Software/Application Programs:

- i Computer software/application program courses or seminars approved by the New Mexico MCLE Board will be given full credit.
- ii Computer software/application program courses or seminars that are not approved by the New Mexico MCLE Board will earn one-half (1/2) hour of credit for each one (1) hour attended. No more than four (4) hours of CLE credit will be awarded during a compliance year for computer program application courses or seminars.

d. Non-Substantive Courses Which Will be Denied Credit:

- i Internal law office management, including training on equipment and new technology that is not substantive;
- ii Topics addressing the profitability of the firm, compensation for attorneys and staff, personnel matters (except legal issues), and marketing of the firm.

CLE activity that does not meet the criteria enumerated in paragraphs 1 through 6 should be submitted to the CLE Tracking Committee to determine approval for credit prior to attendance at the course or seminar. The member will be advised as to whether or not the course or seminar will be approved for credit. Pre-approval should be sought, especially when the member has been notified of a deficiency and CLE credit is a priority.

C. SELF-STUDY CREDIT

Self-study credit may be earned for viewing videotapes, listening to audio tapes or participating in CLE activities provided on-demand via the internet (i.e., pre-recorded seminars, self-study, NALA on-line courses, etc.), provided that:

1. The subject matter relates to substantive law or professional issues relevant to paralegals;
2. The sponsor is an accredited provider or the program meets the criteria in these Guidelines; and,
3. The CLE activity is at least one hour in duration.

Self-study credits may be applied only to the MCLE requirement for the compliance year in which they are earned and may not be carried over to a subsequent year. No more than five (5) hours of CLE credit will be awarded during a compliance year for self-study.

D. PUBLICATIONS

Credit may be earned for authoring or co-authoring written material which is actually published in a legal periodical, journal, book or treatise which is approved by the Division, subject to the following requirements:

1. The material substantially contributes to the legal education or competency of paralegals; and,
2. The project is not done in the ordinary course of the paralegal's performance of regular employment.
3. Credit is given in the year the work is accepted for publication or in which publication actually occurs. The CLE Tracking Committee may award one (1) hour of credit for each five (5) hours of time spent in authoring or co-authoring such written material, including research and drafting. No more than five (5) hours of CLE credit will be awarded during a compliance year for publications.

E. SPEAKERS

Members who serve as speakers at an accredited provider's program or an approved program may receive credit for preparation time and presentation time at a 1:3 ratio. For every one (1) hour of teaching, up to three (3) hours of preparation time can be earned.

F. PARALEGAL STUDIES CREDIT

Successful completion of substantive legal courses offered by an educational institution as defined in the Division Membership Application will be approved for CLE general credit with a Grade C or higher. Please refer to the criteria established in Paragraph H below for individual courses or seminars exceeding ten (10) hours in duration and which otherwise meet MCLE requirements. One (1) hour of Ethics credit will be awarded upon receipt of appropriate documentation of Legal Ethics study.

G. DISTANCE LEARNING COURSES FOR PARALEGAL STUDIES

Distance learning courses will be considered by the CLE Tracking Committee on a case-by-case basis for CLE credits upon submission of the following:

1. Proof of national accreditation of the provider;
2. Proof that the course meets the criteria for CLE credit (course curriculum and hours); and,
3. Proof of course completion by the member.

H. COURSES EXCEEDING 10 HOURS IN DURATION

Except for seminar hours approved by the New Mexico MCLE Board, for individual courses or seminars exceeding ten (10) hours in duration and which otherwise meet the Division MCLE requirements, CLE credit will be awarded as follows:

10-20 hours = 10 credit hours;
21-30 hours = 15 credit hours;
31-40 hours = 20 credit hours;
41-50 hours = 25 credit hours;
Over 50 hours = 30 credit hours.

I. PARALEGAL CERTIFICATION EXAM CREDIT

Twenty (20) hours of CLE credit will be awarded for the successful completion of certification exams (i.e. PCCE, PACE, NALA Certified Paralegal, etc.) and ten (10) hours of CLE credit will be awarded for the successful completion of a specialty exam or advanced certification (such as NALA's ACP).

J. PRO BONO ACTIVITIES CREDIT

CLE credits may be granted to volunteer paralegals who have performed substantive pro bono legal services under the supervision of an attorney through a program established or endorsed by the Division. Documentation of time spent on substantive work must be submitted to the CLE Tracking Committee with the *Sponsor Certification Form* signed by the pro bono supervising attorney (the form may be obtained from the Division's page on the State Bar website) as follows:

1. One (1) hour of credit for each hour of substantive paralegal assistance provided. No more than five (5) hours of CLE credit will be awarded during a compliance year for pro bono activity; pro bono hours may not be carried over to the next year.
2. Pro Bono paralegal services include notary services, intake of information for screening purposes, determination of type of legal services needed, or any other service requiring a legal judgment.
 - a. Any proposed activity which has not been approved for participation by the Division shall require pre-approval from the Chair of the Pro Bono Committee in order to ensure credit.

K. CARRY-OVER

A maximum of twelve (12) hours [eleven (11) hours of general credits and one (1) hour of ethics] earned in the current compliance year only, may be carried over to the next compliance year. Self-study hours and pro bono hours may not be carried over.

L. ADMINISTRATIVE PENALTY

A "penalty" of \$25.00 may be assessed to a member who fails to comply with reporting or approval requirements and which failure causes an additional administrative burden to the CLE Tracking Committee and/or the Administrative Assistant to resolve the problem(s) or issue(s). Additionally, failure to comply with reporting or approval requirements may result in denial of credits.

M. CLE CREDIT HOURS FEE

Fees for CLE credits may be included in the annual membership renewal fee.

N. NOTIFICATION OF DEFICIENCY

No later than January 31 of each year, the CLE Tracking and Membership Committees shall review annual renewal and CLE certification forms and notify members who are not in compliance. The member has until February 15 to submit evidence of compliance not previously provided. On March 31, any member who is not in compliance shall be disenrolled. A member who has been disenrolled and subsequently files proof of compliance may be reinstated subject to the discretion of the CLE Tracking and Membership Committees, payment of a \$25.00 administrative penalty, and any other appropriate membership/CLE fees. A member who is disenrolled due to failure to

comply with CLE reporting requirements for two consecutive years will be permanently disenrolled, except at the discretion of the Division Board of Directors.

O. APPEALS

An appeal of a CLE Tracking Committee decision regarding compliance should be submitted in writing to the CLE Tracking Committee at the address above or via email at pd-CLECredits@nmbar.org within thirty (30) days from the date of the decision. All appeals will be submitted by the CLE Tracking Committee for response and review by the Division Board of Directors. The decision by the Board of Directors is final. * *

[Sponsor Certification Form](#)