

## ***Minimum Continuing Legal Education Policies***

### **1) MCLE Requirements for New Attorneys, Inactive Attorneys and Suspended Attorneys**

- a) Newly Admitted Attorneys (first admittance, limited license, and through reciprocity) must complete MCLE requirements in their first FULL year following admittance (See **18-301(A) NMRA**)
- b) Attorneys reactivating their license from an inactive status are responsible for: 10/2 credits in the year they went inactive, if they went inactive after February 1 of that year; any credits that were owed from the year prior to going inactive; and 10/2 credits for the year they are returning to active status. Reactivating attorneys are also responsible for any **MCLE fees** that were due at the time they went inactive. If an attorney was inactive for 10 or more years or has no history of credit reporting with MCLE, the attorney must get 10/2 credits to return to active status along with 10/2 credits for the year in which the attorney is reactivating All credits must be earned in accordance with the Rules for Minimum Continuing Legal Education (See **18-204 NMRA**)
- c) Attorneys returning from suspension due to MCLE non-compliance are responsible for credits from both the year in which they were suspended as well as the year they are reactivating; these attorneys must also pay any outstanding fines (See **18-303 NMRA**)
- d) If a reactivating attorney took CLE courses during the 3 years prior to reactivating, those credits can be applied to credits owed for the year in which the attorney went inactive and any prior year deficiency. All credits must follow the Rules for Minimum Continuing Legal Education (See **18-204 NMRA**)

### **2) Requests for Self-Study Credit for Legal Activities**

- a) Attorneys may earn self-study credits for participation in legal activities in accordance with Rule 18-204(C) NMRA.
- b) To receive self-study credit for legal activities, attorneys must perform the legal activity through a MCLE-accredited legal organization and the organization must report and pay for the attorney's credits. Click here for a list of MCLE-accredited organizations
- c) A MCLE-accredited legal organization is one that has applied to the Board of Bar Commissioners (BBC) and received approval to award a specific number of self-study credits for a specific amount of attorney participation in a specified legal activity. This type of MCLE credit is not generally awarded on a one-for-one CLE credit per hour ratio. Rather a specific number of CLE credits is awarded for a specific unit of work (e.g., one CLE credit per case investigation completed, etc.).
- d) Legal activities that may qualify for credit are defined by the Rule as including "serving on MCLE-accredited boards, committees, and commissions that perform legal work such as drafting rules, investigating cases, or participating in hearings; or performing pro bono legal services through a MCLE-accredited legal service provider."
- e) Organizations interested in obtaining MCLE-accredited status must submit to MCLE staff (at [MCLE@sbnm.org](mailto:MCLE@sbnm.org)) a brief written description of the type of work performed by the organization, the legal activity to be performed for CLE credit, the specific unit of work to be performed (e.g., participation in a hearing panel, pro bono case completed, etc.) and the specific number and type (general or ethics) of CLE credits to be awarded for the unit of work. The proposal should

also include the name and contact information of a point of contact for the proposal. MCLE staff will review proposals and may contact the organization with questions or requests for additional information.

- f) MCLE staff will submit proposals to the BBC for approval/denial and will contact the organization once a decision has been made.
- g) If a proposal is approved, the organization will receive a credit reporting template to be used to report CLE credit for participating attorneys. The organization must submit the completed credit reporting form, along with the appropriate MCLE filing fee, to the State Bar MCLE program for the attorney to receive MCLE credit.
- h) All rules relating to self-study credits (number of credits that may be earned in a compliance year, number permitted to be carried forward, etc.) apply to the self-study credits earned in accordance with this procedure.

**3) Law Practice Management Courses (See 18-203(B)(1-8) NMRA)**

- a) Courses that contain material addressing financial dealings with clients, for example, case management, procedures for conflict-of-interest checks, communications with clients, monitoring ongoing cases, billing practices, trust accounts and other such courses are generally approved and given credit. Training related to client-centered topics such as anti-discrimination, ADA, sexual harassment law and policy may also receive credit.
- b) Credit is also generally given for courses pertaining to legal technology, best practices regarding optimizing a legal practice, and those addressing ethical law practice marketing.

**4) Wellness Programs (See 18-203(B)(6) NMRA)**

- a) Courses relating to self-care and attorney wellness may qualify for credit if they are approved by the State Bar Judges and Lawyers Assistance Program Director.
- b) Credits may also be given for short wellness programs (1 to 2 hours) that are given as part of a larger legal education course.
- c) Course title and/or description must include information regarding how the tools and coping skills relate to a better law practice.
- d) Credits awarded under this policy are typically ethics.

**5) Defining Minutes of Instruction (See 18-201 NMRA and 18-204 NMRA)**

- a) Minutes of instruction include actual instruction time, including lecture, panel discussion, questions and answer, and video or audio presentation.
- b) Credit will be given for courses less than 60 minutes at appropriate value in .1 hours.
- c) Credit will be given where substantive legal information is presented during meals.
- d) Credit will not be given for non-substantive introductory remarks, breaks, business meetings, law school courses which lead to a degree, or bar review courses.
- e) Bar review courses and courses taught to law students do not qualify for credit for students or teachers.

**6) Accredited Provider Standards (See 18-203(A)(1)(B) NMRA)**

Accredited provider status may be awarded to course providers meeting the following criteria:

- a) For three years prior to application, the course provider must have applied for and obtained course approval from MCLE for a minimum of ten courses. The course provider must also have reported attendance and paid filing fees for attorneys attending those courses.
- b) The three-year requirement may be waived by the board.
- c) Provider's primary function is to provide quality continuing legal education to attorneys.
- d) Provider has a designated staff whose duties include ensuring quality of courses, understanding MCLE rules and requirements, reporting attendance, submitting required fees and notifying MCLE of future programs.
- e) Provider must pay annual accredited provider fee as established by the board.
- f) Provider may submit electronic copy of course information in advance so the information may be added to the MCLE searchable online course offering database.

**7) Non-accredited Course Providers Seeking Course Pre-Approval (See 18-203(B) NMRA)**

- a) To qualify for approval the course must:
  - i) Provide quality programming involving content aimed at increasing the participant's professional competence as an attorney.
  - ii) Provide presenters who are qualified by practical or academic experience to teach the subject.
  - iii) Ensure that legal subjects are taught by attorneys.
  - iv) Program faculty must include one attorney, judge, or full-time law professor.
- b) Course providers seeking pre-approval and wanting their course posted on the MCLE course web page must submit a *Providers Seeking Course Approval (02)* application 30 days prior to said course. (Please note: 14-day minimum turn-around time for regular course approvals).
- c) Institutions needing expedited processing on their approvals may submit \$150 along with their *Providers Seeking Course Approval (02)* application for a 24-hour turn-around time.

**8) Reporting Credits (See 18-203(D) NMRA)**

- a) As a condition of accreditation or program pre-approval, all continuing legal education providers must submit an attendance list of New Mexico attorneys and judges who attended the program, the number of hours earned by each, attorney bar number and required credit filing fees **within 30 days of the program occurrence.**
- b) Credits reported must be submitted as an Excel spreadsheet formatted as defined here and be accompanied by one payment by check or credit card for the full filing fee.
- c) Attorneys seeking credit for a non-pre-approved course may apply for credit by submitting an *Attorneys Seeking Live Credits(03)* form along with applicable filing fees, an agenda and speaker credentials.

**9) Credit Submission for Teaching (See 18-203 and 18-204(D) NMRA)**

- a) Speakers may receive up to three credit hours for preparation and one hour of presentation time for each hour of approved programming.
- b) If there are multiple speakers for a single hour of programming, credit is split evenly among the speakers.
- c) For an attorney to claim credit for teaching, the course provider must submit credits and pay submission fees on behalf of speakers; if the course was not pre-approved, the provider must

submit a *Providers Seeking Course Approval (02)* form along with the \$50 course review fee and required attachments for review.

- d) Repeat presentations are only awarded teaching credit for presentation time.
- e) Teaching credit may only be earned by teaching courses designed for attorneys and taught to attorneys; as such, teaching credit may not be earned by teaching law school courses, bar review courses or courses taught to other professionals (Rule 18-203 NMRA).

**10) Record Keeping by Course Providers**

- a) Providers should keep records of their attendance and course submissions for no less than 5 years.

**11) Credit for Board of Bar Examiners Course Entitled “Introduction to the Practice of Law in New Mexico (Reciprocity)”**

- a) An attorney, previously admitted to another state, wishing to receive credit for this course should contact the Board of Bar Examiners for a certificate of attendance. MCLE will grant a total of 7 (4.5 general and 2.5 ethics) credits for the course.

**12) Bridge the Gap Credit Reporting and Filing**

- a) Bridge the Gap reporting for both new attorneys and mentors shall be done by the Bridge the Director of Special Projects upon successful program completion by attorneys.
- b) New attorneys, shall receive 10 general and 1 ethics credit under the course “Bridge the Gap”; additionally, these attorneys will receive 1 ethics credit for “Basics of Trust Accounting: How to Comply with Disciplinary Rule 17-204 NMRA.”
- d) Mentors shall receive 4 general and 2 ethics under the course “Bridge the Gap”

**13) Ethics Credit**

- a) To be approved for ethics, course title or description wording must include the word ‘ethics’ or refer to professional responsibility