MCLE Regulations
for Mandatory Continuing Legal Education

Effective January 1, 2015

Purpose

The Supreme Court of Arizona has, by rule of court, established a mandatory continuing legal education program which requires each active member of the State Bar of Arizona to complete a minimum of fifteen hours in each educational year (July 1 through the following June 30), unless exempted from such requirement.

The Supreme Court of Arizona has delegated to the Board of Governors of the State Bar of Arizona the responsibility to administer the program and has given the Board general administrative and supervisory powers necessary to effectuate the purposes of Rule 45, including the power to adopt reasonable and necessary regulations consistent with the Rule. Pursuant to this authority, these regulations have been adopted by the Board of Governors of the State Bar of Arizona.

REGULATION 101. DEFINITIONS

A. "Active member" means any person defined as such by Rule 32(c)(2) of the Rules of the Supreme Court of Arizona.

B. "Affidavit" means the document to be filed with the Committee by each Active member affirming the Active member's compliance with the MCLE requirements.

C. "Board" means Board of Governors of the State Bar of Arizona.

D. "CLE" means continuing legal education.

E. "CLE Activities" means activities meeting the standards of Regulation 104 engaged in to satisfy the annual CLE requirement and includes Interactive CLE, Self-study, teaching, writing, Bar review/refresher courses and other educational activities.

F. "Committee" means the MCLE Committee appointed and serving pursuant to these regulations.

G. "Interactive CLE" means (i) attendance at a CLE program administered by live faculty; (ii) attendance at a CLE program sponsored by a single private law firm, a single corporate law department, or a single department or office of a federal, state, or local government entity, attended by no fewer than five attorneys, including the instructor, who are active bar members in any jurisdiction; and (iii) a computer-based or on-line CLE program where the order of presentation or the content of the course material is dependent on the member's response and the
member has an opportunity to respond to prompts initiated by the faculty or placed within the course material.

H. "MCLE" means the Mandatory Continuing Legal Education program, as enacted.

I. "Proof of Cure" means the submission of records evidencing compliance with Rule 45.

J. "Records" means course outlines, written materials, verification of attendance, and other evidence of a CLE program identifying the course, sponsor, and date and place of presentation and/or publication.

K. "Rule" means Rule 45 of the Rules of the Supreme Court of Arizona.

L. "Self-study" means any course of legal study meeting the standards of Regulation 104 undertaken by an Active member for the member's own benefit, and may include listening to audio reproductions or viewing video reproductions of course materials, but does not include reading. Self-study includes:
   - a computer-based or on-line CLE program where the member does not have the opportunity to respond to prompts initiated by the faculty or placed within the course material.
   - service on a legislative committee by a state or federal elected legislative member. Such service qualifies a member as a "lawyer/legislator" for the purposes of the Rule and these regulations.
   - service as an arbitrator under Rule 73, Arizona Rules of Civil Procedure. Such arbitration service qualifies for two hours of CLE activity in lieu of financial compensation otherwise available under A.R.S. § 12-133(g) or local rule for service as an arbitrator.
   - pro bono service to the poor or near poor through an approved legal services organization as defined in Rule 38(e), Ariz. R. Sup. Ct. Eligible for one hour of CLE credit for every five hours of pro bono service, to a maximum of 5 hours per educational year.

M. "Year" means the educational year from July 1 to June 30.

**REGULATION 102. MANDATORY CONTINUING LEGAL EDUCATION COMMITTEE**

MCLE shall be administered by a Mandatory Continuing Legal Education Committee.

**A. Composition**
The Committee shall consist of active members who shall be appointed by the Board. Members shall be residents of Maricopa County, Pima County, and a county or counties other than Maricopa and Pima Counties.

**B. Designation**
Term of Office. The Board shall designate a chairperson from the members of the Committee, who shall serve in that position at the pleasure of the Board. Of the members first appointed, three shall be appointed for three years, four for four years, and two for five years. Thereafter, appointments shall be for three-year terms, except that a member shall continue to serve until a successor is duly appointed.
C. Vacancies
Appointments to fill a vacancy shall be for the unexpired portion of the term and be filled in the same manner as the original appointment.

D. Alternate Members
If it appears that a significant number of members who may properly render a decision may not be present at a meeting, or may not be able to act in a particular case, the Board or the President of the State Bar may appoint, for that meeting, or for that case only, the number of ad hoc members necessary to restore the Committee to full membership.

E. Quorum
Three members shall constitute a quorum. A majority of the members present at a duly constituted meeting may exercise any powers held by the Committee.

REGULATION 103. POWERS AND DUTIES OF THE COMMITTEE

A. General Authority
The Committee shall have general supervisory authority to administer the Rule, and to establish any subcommittees deemed advisable.

B. Specific Duties
The Committee shall have the following specific duties and responsibilities:
1. To distribute information regarding the requirements of these regulations.
2. To determine the number of credit hours allowed for each CLE Activity.
3. To designate the number of credit hours which may be earned by various forms of participation in CLE Activities, including but not limited to attending, teaching, and writing, subject to Board approval.
4. To determine the topics eligible for CLE credit, specifically including matters directly related to the practice of law, professional responsibility, and ethical obligations of lawyers.
5. To audit Affidavits to determine compliance with the Rule.
6. To conduct hearings on compliance.
7. To adopt rules of procedure consistent with these regulations, subject to Board approval.
8. To report at least annually to the Board the activities and recommendations of the Committee and its effectiveness in the enforcement of these regulations.

REGULATION 104. STANDARDS AND CALCULATION OF HOURS
Note: Specialists' Requirements are at Regulation 107.

A. Standards
CLE Activities that are claimed toward the annual requirement shall meet the following standards:

1. Significant Content. The activities shall have significant intellectual or practical content, have attorneys as the primary audience, and have as the primary objective the increase of the participant's professional competence as a lawyer.
2. Organized Program. The activities shall constitute an organized program of learning, deal with matters directly related to the practice of law, professional responsibility, professionalism, or ethical obligations of lawyers, and follow the agenda defined by the written materials or exercises distributed as part of the activities.

3. Appropriate Setting. The activities shall be conducted in a setting physically suitable to the educational activity of the program.

B. Calculation of Credit Hours

1. Carry-forward hours. Hours of types listed in sections (B)(2) through (B)(6), and where allowed pursuant to section (B)(8), in excess of that required for the current Year, may be applied to the succeeding Year only.

Carry-forward hours are limited to the total required for the succeeding Year, and do not change their classification by virtue of being carried forward. All other requirements of the succeeding Year, such as the number of professional responsibility credits hours required or the limitation of Self-study credit hours, must be met.

2. Interactive CLE Hours
a. Calculation of credit hours for Interactive CLE shall be determined by dividing the total minutes of instruction or participation by sixty, and rounding down to the nearest quarter hour. Breaks shall not be included in calculating the credit hours.

b. Written materials or exercises must be in the possession of the person of the Active member participating in the Interactive CLE. The Active member claiming Interactive CLE credit must have future access to the written materials or exercises (such as in a personal, firm or public library).

3. Teaching Hours
Credit may be earned for teaching at a CLE Activity, teaching at an American Bar Association accredited law school, or teaching a law course at any accredited American university or any American community college, or any ABA approved paralegal school or institute, whether the teaching is computer-based, on-line or in a classroom.

a. Speakers whose presentations are accompanied by original written materials prepared, augmented, or updated by the speaker may earn teaching credit, as follows:
   - For the original presentation: First hour of presentation x 6 = total credit hours
   - Additional hours of presentation x 2 = total credit hours
   - Repeat live presentations hours x 1 = total credit hours

b. Speakers, including college of trial advocacy educators, whose presentations are not accompanied by original written materials prepared, augmented, or updated by the speaker may earn teaching credit as follows: Each hour of presentation x 1 = total credit hours
c. Credit hours earned through teaching may be reported to satisfy a maximum of 10 credit hours each Year.

4. Writing Hours
Credit may be earned for writing legal material not used in conjunction with a CLE program. Such material must address an attorney audience, be at least 3,000 words in length, and be published by a recognized third-party publisher of legal material or a sponsor.

a. For each 3,000 words of original material written, the author(s) may earn 2 credit hours. Multiple authors may share credit for material written.

b. Credit hours earned through writing may be reported to satisfy a maximum of 10 credit hours each Year.

5. Self-study Hours
Credit may be earned for participation in activities defined as Self-study in regulation 101(L).

a. Credit hours earned by Self-study of CLE program materials shall be equal to the hours of presentation of the seminar on which the materials are based, or the actual time spent in Self-study, whichever is less.

b. An Active member may not receive credit for both attendance at a CLE program and Self-study of course materials from that program.

c. Credit hours earned through Self-study may be reported to satisfy a maximum of 5 credit hours each Year. This maximum does not apply to lawyers who are legislators.

d. Written material must be in the possession of the Active member viewing the video reproduction or listening to the audio reproduction of a live CLE program at the time of such viewing/listening. The Active member claiming Self-study credit must have future access to the written material (such as in a personal, firm or public library).

e. Verification of Self-study would include the purchase or rental agreement, if applicable, notes made while viewing/listening, and file notes establishing the date of Self-study, name of program, and sponsor of the program.

f. Verification of non-compensated arbitration will be a copy of the appointment as arbitrator and a copy of the decision.

g. Verification of pro bono service hours will be a document produced by the attorney or legal services organization (LSO) to include the name of the LSO, date(s) of service, the number of service hours provided, the number of self-study hours being claimed, signed by a representative of the LSO affirming the attorney’s service. Attorneys may claim one (1) self-study CLE hour for every five (5) hours of pro bono service.

6. Law School Courses
Active members may earn CLE credit by taking law school courses taught within the curriculum
of an American Bar Association-accredited law school. Success on an examination is not required for credit, and the course may be taken on an audit basis.

a. For each fifty minutes of instruction, one-half hour of CLE credit may be earned.
b. Credit hours earned through law school courses may be reported to satisfy a maximum of 10 credit hours each Year. No credit will be given for law school courses attended prior to becoming an Active member.

7. Bar Review/Refresher Course
Active members attending courses designed to review or refresh recent law school graduates or other attorneys in preparation for any bar examination may earn CLE credit for such courses. Credit hours earned through bar review/refresher courses may be reported to satisfy a maximum of 5 credit hours each Year.

8. Other Educational Activities
Active members participating in educational activities not defined by the above categories may petition the Committee for review of those activities, and assignment of method of calculating credit hours. Such activities may include, but are not limited to, mentoring and consultation activities.

REGULATION 105. AUDITS

A. Audits of Compliance
Under the direction of the Board, the Committee shall each year randomly select a designated number of Affidavits to audit for compliance. Initial notification of audit will be completed no later than the March 15 following submission of the Affidavit. Each Active member whose Affidavit is selected shall supply such Records supporting the Affidavit to the Committee as requested.

B. Failure to Provide Records
If the Active member fails to provide the Records within thirty days after the Committee mails its request, the Committee may take appropriate action, which may include forwarding such Active member's name to the Board for recommendation of suspension.

C. Disallowance of Credit Hours
If, as a result of an audit of the Affidavit or Records, the Committee disallows some or all of the credit hours for failure to conform to the standards set forth in Regulation 104, and the remaining hours are less than the number required, the Active member will be deemed not to have completed the MCLE requirements. The Active member shall have three months from the mailing date of notification of disallowance to complete the MCLE requirements for such past reporting, and upon such completion shall send the Committee an affidavit showing how the disallowance has been cured. The Active member will be subject to the delinquent compliance and/or delinquent filing fees as provided in Rule 45(d). If the Committee receives no affidavit of cure within one hundred days of the mailing date of notification of disallowance, it will notify the Active member of the Active member's right to petition for a hearing. No CLE Activity designated to satisfy disallowed credit hours may be used to satisfy current MCLE requirements.
D. Hearing on Failure to Cure
1. If a hearing is requested, it shall be held within thirty days by the Committee. Notice of time and place of the hearing shall be given ten days in advance. The petitioner may be represented by counsel. Witnesses shall be sworn and, if requested by the petitioner or the Committee, a complete electronic record of a transcript shall be made of all proceedings and testimony with the expense, if any, being borne by the requesting party. The Committee Chair shall have the authority to rule on all motions, objections, and other matters presented in connection with the hearing. The Committee shall, in every case, file with the Board a report containing its findings of fact and a determination whether the petitioner has complied with the Rule, and upon a finding of failure to cure, a determination whether there was reasonable cause for failure to cure. The report shall be filed, and a copy served upon the petitioner within thirty days after conclusion of the hearing. The findings and determinations in the report shall be final, unless within ten days from the date of service the petitioner files a written objection with the Board. 2. If the Committee determines that there was reasonable cause for failure to cure, the petitioner shall be allowed fifteen days to file a specific plan for correcting the failure to cure within the next sixty days following submission of the plan. The plan shall be deemed accepted by the Committee unless within fifteen days after receipt, the Committee notifies the petitioner. Completion of the plan shall be reported by affidavit to the Committee not later than fifteen days following the sixty-day period. If the petitioner fails to complete and certify completion within the sixty-day period, the Committee shall proceed as though there was not reasonable cause for failure to cure. 3. If a request for hearing is not received within fifteen days, the Committee may take appropriate action, which may include forwarding such Active member's name to the Board for recommendation of suspension.

E. Appeal to Board
Any objection from a Committee report shall be considered by the Board at its next regular meeting (unless the meeting takes place less than five days following perfection of the objection, in which event it shall be the second meeting following thereafter). To perfect such objection, the Active member shall file a statement on review within fifteen days of the filing of the notice of objection. Upon the filing of any such notice of objection to the Board, the Committee shall prepare and file a transcript of the hearing and copies of all orders, findings, and other documents pertinent to the proceedings, which shall be certified by the Committee Chair. The Board may, but shall not be obligated to, permit the member or the member's counsel to appear in person before it. The Board may affirm, reverse, or modify the ruling of the Committee, as it deems appropriate. The decision of the Board shall be reduced to writing, and a copy thereof shall be mailed forthwith to the Active member. The decision of the Board shall be final. If appropriate, the Board shall move for the Active member's suspension, pursuant to section (h) of the Rule.

REGULATION 106. AMENDMENTS
These regulations may be amended, deleted, or supplemented by action of the Board.

REGULATION 107. CERTIFIED SPECIALISTS
As long as the CLE requirement established by the Board of Legal Specialization for a certified specialist is at least consistent with the minimum requirement of section (a) of the Rule, a
certified specialist may meet the requirement of section (a) of the Rule by meeting the MCLE requirements of the Board of Legal Specialization.

SPECIALIST MCLE REQUIREMENTS
(Reference: Board of Legal Specialization Regulations Section VIII. Annual Requirements)

1. Annual CLE.
   a. Each specialist must complete 15 or more hours per year at one or more CLE activities that meet the standards stated in Section VII B.2. This includes a substantive requirement of 12 hours and a professional responsibility requirement of three hours.
   
   1. **Substantive Requirement:** The 12 hour substantive requirement refers to CLE Activities in the specialist's area of specialization.
   
   2. **Professional Responsibility Requirement:** The three hour professional responsibility requirement refers to CLE Activities on topics of professional responsibility, as defined in Rule 45, Ariz. R. Sup. Ct. (MCLE Rule).

3. **Categories of CLE Activities:** Within the overall 15 hour CLE requirement, 12 of which must be substantive and three of which must be professional responsibility, the following minimum and maximums apply:
   
   a. At least five hours must be earned by attendance at Interactive CLE.
   b. No more than 7.5 hours may be earned through a combination of teaching and/or writing CLE. Written legal material must be in the area of specialization.
   c. Credit, at a maximum of five (5) hours, may be earned through Self-study.
   d. Carry Forward Hours: If a specialist has completed more than the required 12 (twelve) hours in their area of specialization, up to 5 (five) hours in that area of specialization may be carried forward to the next educational year. Additionally, up to 3 (three) hours in professional responsibility may be carried forward to the next educational year. The annual CLE requirement must be met for each year a specialist is certified, including the year of certification.

2. Standards
   CLE Activities that are claimed toward the annual requirement shall meet the following standards:
   
   a. **Significant Content.** The activities shall have significant intellectual and/or practical content and the primary objective shall be to increase the attendee's professional ability as a specialist. The content of activities may include a broad or narrow range of subjects dealing with the particular specialty field.
   
   b. **Organized Program.** The activities shall be an organized program of learning, deal with matters directly related to the specialization field or professional responsibility, and follow the agenda defined by the written materials or exercises distributed as part of the activities. The level of instruction of CLE Activities in the area of the specialization field shall be directed toward the development of advanced skills in the area of specialization.
   
   c. **Appropriate Setting.** The activities shall be conducted in a setting physically suitable to the educational activity of the program.
   
   d. **Instructors.** The instructors of CLE Activities shall be experts in the field in which they are teaching. The instructors' qualifications and appropriate background information shall be set forth in the activity's brochure or written materials.
e. Written Material. Scholarly written materials or exercises shall be distributed to the attendees at, or before, the time the activity is presented.

f. Records. Course outlines, written materials, verification of attendance, and other evidence of a CLE Activity identifying the course, sponsor and date and place of presentation and/or publication must be retained by the specialist for recertification and any MCLE audit.

3. Calculation of Credit Hours

a. Calculation of credit hours shall be determined by dividing the total minutes of instruction by 60, and rounding down to the nearest quarter hour. Breaks shall not be included as part of instructional time. For CLE Activities in the specialization field, if the activity contains other subject matter not directly related to the specialty, credit shall be allowed for the time spent in the specialty area.

b. Teaching Hours. Credit may be earned for teaching at a CLE Activity or at an ABA accredited law school, or teaching a law course at any accredited Arizona university or any Arizona community college, whether the teaching is computer-based, on-line or in a classroom, so long as the instruction meets the standards of Section VIII.B.2, except that the instruction may be at a basic level.

i. Speakers whose presentations are accompanied by written materials prepared, augmented, or updated by the speaker may earn teaching credit, as follows:

   For the original presentation:
   First hour of presentation x 6 = total credit hours
   Additional hours of presentation x 2 = total credit hours
   Repeat live presentation hours x 1 = total credit hours

ii. Speakers, including college of trial advocacy educators, whose presentations are not accompanied by written materials prepared, augmented, or updated by the speaker may earn teaching credit as follows:

   Each hour of presentation x 1 = total credit hours

iii. Credit hours earned through a combination of teaching and/or writing CLE may be reported to satisfy a **maximum of 7.5 credit hours each year**.

c. Writing Hours. Credit may be earned for writing legal material in the area of specialization not used in conjunction with a CLE Activity. Such material must address an attorney audience, be at least 3,000 words in length, and be published by a recognized third-party publisher of legal material or a sponsor.

i. For each 3,000 words of original material written, the author(s) may earn two credit hours.

   Multiple authors may share credit for material written.

ii. The first two hours may be basic in nature, but beyond that must be at an advanced level.

iii. Credit hours earned through a combination of teaching and/or writing CLE may be reported to satisfy a **maximum of 7.5 credit hours each year**.

d. Self Study. Professional responsibility credit may be earned for participation in self-study activities. “Self-study” may include listening to or viewing course materials but does not include reading.

i. Specialists may claim up to five (5) hours of CLE in their area of specialization via self-study formats. Self-study formats are CDs, DVDs, and non-interactive videos or webcasts, or non-interactive online programming. The self-study programs must meet the higher standards for specialists insofar as intellectual and/or practical
content and be primarily focused on the area of specialization. Credit hours earned by self-study of course materials shall be equal to the hours of presentation of the seminar on which the materials are based, or the actual time spent in self-study, whichever is less.

ii. A specialist may not receive credit for both attendance at a seminar and self-study of course materials from that seminar.

iii. Credit hours earned through self-study may be reported to satisfy up to a maximum of five (5) hours of CLE in their area of specialization via self-study formats.

iv. Specialists may not receive substantive self-study credit for service as a non-compensated arbitrator.

**REGULATION 108. AFFIDAVIT**

A. The Committee shall prepare an Affidavit to be filed online by the member, upon which compliance with the Rule shall be demonstrated. A paper affidavit shall be available without charge from any office of the State Bar of Arizona.

B. The Affidavit shall require, as minimum information:

1. The name, address, and attorney number of the attorney filing the Affidavit.
2. The period of time for which the Affidavit is being filed.
3. An oath or affirmation that the attorney has read and fulfilled the Mandatory Continuing Legal Education requirements pursuant to the Rule for the educational reporting period covered by the Affidavit.

The Committee may excuse an Active member from the delinquent filing fee of Rule 45(d)(2) if the Committee finds that failure to timely file the Affidavit is due to reasonable cause. Reasonable cause shall not include: (I) failure of the Active member to calendar the deadline; (ii) failure of the Active member to promptly notify the State Bar of a change in the member's contact information; or (iii) the Active member's delegation of the responsibility to another person.

**REGULATION 109. APPEAL**

If the Committee denies a request to waive the MCLE requirements, the delinquent compliance fee or the delinquent filing fee, or denies a request for an extension of time to complete the MCLE requirements, the member may appeal to the Board of Governors of the State Bar of Arizona by submitting a written notice of appeal with the Committee within 30 days after the date of the notice of denial.