

## ***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 **Rule 18-301(A) NMRA**)
- b) Attorneys reactivating their license from an inactive status are responsible for credits in the year they went inactive, as well as the year in which they are returning to active status. Reactivating attorneys are also responsible for any late fees that were due at the time they went inactive. If an attorney was inactive for 5 or more years or has no history of credit reporting to MCLE, the attorney must get 12 credits (9 general, 2 ethics and 1 EIJ (Equity in Justice) to return to active status. All credits must be earned in accordance with the Rules for Minimum Continuing Legal Education (See **Rule 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 a \$500 Reinstatement Fee (See **Rule 18-303 NMRA**)
- d) If an attorney wanting to reactivate took any CLE courses in the prior year, those credits may be applied to current year credit requirements to reactivate; all credits must follow the Rules for Minimum Continuing Legal Education (See **Rule 24-102 (F) 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 receive a Certificate of Completion from that organization.
- 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 Certificate of Completion template to be used to award CLE credit to participating attorneys. The participating attorney must submit the Certificate of Completion, along with the appropriate MCLE filing fee, to the State Bar MCLE program to receive MCLE credit.
- h) No credit will be awarded under this rule unless the attorney submits a Certificate of Completion from an MCLE-accredited organization. [Click here](#) for a list of MCLE-accredited organizations.
- i) 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) Requests for Fee or Credit Exemptions or Waivers**

- a) All fee and CLE credit exemptions or waivers must comply with **Rule 18-202 NMRA**. In accordance with the Rule, State Bar staff may approve properly documented U.S. Military active duties exemptions. All other requests for exemptions or waivers must be processed in accordance with **Rule 24-102(D)(1) NMRA**.

### **4) 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.

### **5) 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.

### **6) 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.

**7) 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.

**8) 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 State Bar's Search for Course web page must complete the Submit New Course application in the MCLE Provider Portal. (Please note: 14-day minimum turn-around time for regular course approvals).
- c) Institutions needing expedited processing on their approvals may submit an additional \$100 for a 24-hour turn-around time. The request must be emailed to [MCLE@sbnm.org](mailto:MCLE@sbnm.org) during business hours. An invoice will be created and must be paid before approval is granted.

**9) 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 live credit for a non-pre-approved course may apply for credit by first selecting Contact Us to Report Credits from their Member Dashboard.

**10) 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. Teaching credits must be added to the number of credits in the excel spreadsheet in the proper column.
- 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 complete the Submit New Course application in the MCLE Provider Portal.
- 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).

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

- a) The Board of Bar Examiners will seek pre-approval for the above-mentioned course. As an approved provider, the BBE will then report and pay for eligible attorneys’ credits.
- b)

**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 Gap coordinator upon successful program completion by attorneys.
- b) New attorneys shall receive 9 general, 1 ethics and 1 Equity in Justice credits for program completion.
- c) 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.

**14) Equity in Justice (EIJ) Credit**

- a) To be approved for Equity in Justice, the content must focus on ensuring that all persons will be treated fairly under the laws of New Mexico and promotes full and equal participation by all in the profession through identifying and eliminating the effects of prejudice, bias, and racism.