

## ***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 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 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 to MCLE, must get 12 credits to return to active status and then you are responsible for the current year's credits. 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 their 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 an attorney wanting to reactivate took any courses in the prior year, those credits may be applied to credit requirements in order to reactivate; these credits must follow the Rules for Minimum Continuing Legal Education (See **18-204 NMRA**)

### **2) 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 18-202(B) NMRA**.

### **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, and trust accounts and other such courses are 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 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

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

- a) Minutes of instruction includes 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 neither students nor teachers

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

- a) Accredited provider status may be awarded for course providers meeting the following criteria:
  - i) For (3) years prior to application, the Course provider must have applied for and obtained course approval from MCLE for a minimum of (10) courses. The course provider must also have reported attendance and paid filing fees for attorneys attending those courses
  - ii) (3) year requirement may be waived by the board
- b) Provider's primary function is to provide quality continuing legal education to attorneys
- c) 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
- d) Provider must pay annual accredited provider fee as established by the board
- e) 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 come on one sheet with one payment by check or credit card.
- c) Attorneys seeking credit for a non-pre-approved course may apply for credit with an *Attorneys Seeking Live Credits(03)* form, 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 (3) three credit hours for preparation and (1) 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) In order to claim credit for teaching, providers must submit credits and pay submission fees on behalf of speakers; if course does not carry approved status, provider must send in *Providers Seeking Course Approval(02)* form along with \$50 fee and required attachments for review
- d) Repeat presentations are only awarded 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 (18-203)

**10) 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

**11) 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 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"

## **12) Ethics Credit**

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

## **13) Self-Study**

- a) Rule 18-204(C) outlines self-study rule requirements. To be eligible for credit, an organization offering self-study credits to attorneys licensed in New Mexico must either be Accredited or submit a course approval request. This request will include a description of attendance and attentiveness measures, as required by the Rule. **Attorneys are not permitted to report self-study credits on their behalf.**