

The Mandatory Continuing Legal Education (MCLE) Board is seeking comment on amendments to Opinion 17, designed to provide more comprehensive information on the standards for approval of law practice management programs. The board will consider these amendments at its meeting in October. Comments should be submitted in writing to MCLE Board, Virginia State Bar, 707 East Main Street, Suite 1500, Richmond, VA 23219, or to [Cartwright@vsb.org](mailto:Cartwright@vsb.org). The deadline for receiving comments is October 1, 2011.

### **Proposed Amendments to MCLE Opinion 17 Law ~~Office~~ Practice Management Programs**

Regulation 103 provides that a course must have significant intellectual or practical content, and its primary objective must be to increase the attendee's professional competence and skills as an attorney, and to improve the quality of legal services rendered to the public. Further, the course must pertain to a recognized legal subject or other subject matter which integrally relates to the practice of law or to the professional responsibility or ethical obligations of the participants.

The Board has encountered instances where it has received applications for approval of law ~~office~~ practice management programs which do not appear to be intended to increase the attendee's professional competence and skills as attorneys or improve the quality of legal services rendered to the public. Further, the Board has had concerns that some courses do not pertain to subject matter which integrally relates to the practice of law or to professional responsibility or ethical obligations of the attendees. The following are guidelines which will be applied in determining whether a law ~~office~~ practice management program qualifies for CLE and/or ethics/professionalism credit:

1. The subject of the program must not be any individual law firm's internal policies, practices and procedures. The term "law firm" or "law office" as used in this Opinion means a single private law firm, a single corporate law department or a single federal, state or local governmental agency or military branch for lawyers.
2. The management program must be specifically pertinent to, and focused on law firms, and not generally applicable to other business or professional enterprises.
3. If the focus of a law ~~office~~ practice management program is on the application of the Virginia Rules of Professional Conduct to the operation of a law firm, then the program would be approved for ethics/professionalism credit subject to other requirements for such credit. Such program should present information on how to operate a law practice consistent with ethical fundamentals set forth in the Rules of Professional Conduct, and/or should provide information on how to deliver legal services and generally operate a law practice in a more professional manner than is required by the minimum standards set forth in the Rules of Professional Conduct.
4. An approvable program may include information about administrative, technological, or other systems and procedures designed to avoid errors in the practice of law or violations of the Rules of Professional Conduct.
5. The following are illustrative, non-exclusive examples of subject matter that may be approvable for CLE credit subject to compliance with CLE approval requirements: case management, tickler and docket control systems, conflict checking systems, law firm

technology/software programs, legal research, client screening and intake practices, retainer agreements, withdrawal from representation, handling client files, handling trust accounts, supervision of subordinate attorneys and non-attorneys, communications with clients and others, time management for attorneys, proper use of computer technology in a manner consistent with the Rules of Professional Conduct including professional competence and confidentiality, closing a law practice and law office disaster planning.

Examples of some of the topics and types of courses which DO NOT qualify for CLE credits are:

1. Training by a law firm provided to associates or newly associated attorneys informing them of purely internal practices which are unique to that law firm and do not apply to the practice of law in general, including courses on such topics as how to use a particular firm's accounting, timekeeping, or billing software.
2. Instruction about computer applications that are general in nature and that may apply equally to any other business or profession.
3. Treatment of law office employee compensation policies and evaluation for advancement.
4. Courses that teach or a segment that teaches client development methods and strategies.
5. The following are additional illustrative, non-exclusive examples of subject matter that are generally not approvable: business development, marketing, sales training, enhancing profits, firm budgeting, strategic business planning, performance ratings, cost cutting, improving cash reserves, credit card acceptance, selecting office space, employee morale and motivation, leadership, hiring and retention, outsourcing, personal budgets and financial planning, billing codes, collection practices, and creative/alternative fee structures. These topics are not approvable except to the extent the focus of the presentation is on the ethical or malpractice avoidance issues related to these topics which would allow for consideration of ethics/professionalism credit.

*[Paragraph 17 of Section IV, Part Six, Rules of the Supreme Court of Virginia and MCLE Regulations 103(b), 103(c)].  
Approved 02/11/2002*