

REPORTS OF SPECIAL BOARDS

MANDATORY CONTINUING LEGAL EDUCATION

Karen A. Gould, Chair

The Mandatory Continuing Legal Education (MCLE) board administers the mandatory legal education program established by the Virginia Supreme Court in 1985. The rules governing the MCLE program were amended in 1990, requiring all active members of the Virginia State Bar to complete a minimum of 12.0 hours of approved CLE courses each fiscal year, including 2.0 hours of ethics or professionalism. In 2001, the Virginia Supreme Court amended its rules to change the completion deadline for mandatory continuing legal education from June 30 to October 31. The date to certify completion was changed by the Supreme Court from July 31 to December 15. These changes took effect in 2002.

The MCLE Board consists of 12 members appointed by the Virginia Supreme Court. George Dancigers from Virginia Beach and Calvin Spencer from Kenbridge were appointed in August of 2001 to replace Gary Hancock and David Denton. Nancy Parr from Chesapeake was appointed in mid-year to fill the unexpired term of a member who resigned. Angela Landes, who practices in Harrisonburg, had been on the board since November 1994. She completed her term on June 30, 2002. Her sage advice will be sorely missed. She will be replaced by Wilson F. Vellines, Jr., from Staunton. Charles Allen from Glen Allen was reappointed for an additional term. The MCLE board chair for 2002-2003 is Laurie Dolson, a Fairfax County attorney. Serving as vice-chair for 2002-2003 will be Edward Walinsky, also from Fairfax.

The MCLE department administers the MCLE requirements for the board. The board meets six times a year at the office of the Virginia State Bar, and an additional ten times per year by consent agenda to consider applications only. Over the last reporting cycle, the MCLE staff and board have worked on the following:

Course Applications—4,826
Accredited Sponsor Courses—14,500
Waiver Requests—21
Extension Requests—22
Telephone Inquiries—15,000
Letters sent out—25,000
Certificates of Attendance—92,000

The board held a special meeting on November 5, 2001, for long-range planning in order to consider numerous specific and global issues relating to MCLE policies and regulations. Three subcommittees chaired by Laurie Dolson, Charles Allen and Edward Walinsky researched and studied the issues and reported to the board at the November meeting. Changes were proposed to Opinions 14 and 16, which were made and adopted by the board later in the year. A new opinion was proposed regarding law office management programs. The changes that resulted from the planning meeting are as follows:

- (1) Opinion 14, "Requirement for Written Material," was revised to make it clear that sample pleadings, bibliographies or a list of other reference materials, such as internet sites, standing alone, will not suffice as quality written materials. The opinion was further revised to provide that written materials could be provided through electronic media or through downloading from a Web site. If an attendee desires, however, the materials must be provided in a printed copy. The board also clarified that it will consider the teaching method employed in considering whether written materials were adequate. For example, a trial advocacy course would have materials different from a course where a straight lecture method was employed.
- (2) Opinion 16, "Courses Provided by Distance Learning Methods," was amended to clarify that an Internet discussion group may satisfy the requirement that there be interaction between the attendees and the presenter.
- (3) Opinion 17, "Law Office Management Programs," was adopted, which provides that law office management program will be approved for CLE credit if the subject of the program is not related to an individual law firm's internal policies, practices and procedures and if the management program is specifically focused on law firms and is not generally applicable to other businesses or professional enterprises. Law office management programs will be given ethics/professionalism credit if it focuses on the application of the Virginia Rules of Professional Conduct to the operation of a law firm (and meets the other requirements for such credit).

Another issue addressed by the board, but not the subject of an opinion, was whether there would be approval of courses addressing gambling and other addictions. The board determined that courses on mental health disorders

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and additions would be approved for ethics credit if they met the following criteria:

- (1) the course and materials were specifically directed to attorneys;
- (2) the course and materials specifically addressed the ethical requirements of the Rules of Professional Conduct and the disciplinary system; and
- (3) the course and materials addressed a recognized form of mental illness that would trigger the reporting requirements of Rules of Professional Conduct 8.3(d).

Programs that address general recognition issues or basic medical information would not be given ethics or general CLE credit.

The Virginia State Bar continued to provide access to members' MCLE records on the VSB Web site. Members can check their MCLE record online and download MCLE regulations, opinions, forms, or course listings from the Internet. For the year period ending June 30, 2002, there were 32,000 page views on the MCLE Web site.

The MCLE staff, headed by Gale Cartwright, works diligently to perform the many responsibilities of their positions. On behalf of the MCLE board, I wish to thank the board staff for their hard work and dedication to the MCLE department.

