



Virginia State Bar

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Notice of Proposed Regulatory Action

Agency name	Virginia State Bar-Mandatory Continuing Legal Education Board (MCLE Board)
Regulations being amended	Mandatory Continuing Legal Education Regulations as authorized by Rules of the Supreme Court of Virginia Part 6, § IV Paragraph 17
Sections	101 Definitions, 102 Requirements and Computations, 103(c)2 Standards for Approval of Programs
Action title	Promulgation of Regulations in Response to Recommendation(s) Contained in the Report of the Committee on Lawyer Well-Being of the Supreme Court of Virginia
Date this document prepared	March 27, 2019

Summary

Underlined and strikethrough text indicate changes being made to the regulations. Underlined text is new language and strikethrough text indicates text being removed from the regulations.

On September 19, 2018 the Supreme Court of Virginia (SCV) Committee on Lawyer Well-being released a report (report) entitled “A Profession at Risk.” The report contained a recommendation “to permit the MCLE Board to authorize MCLE attendance and teaching credit to active members of the VSB who, on a volunteer, non-compensated basis, prepare approved written materials for, or present approved instruction to, judges or law students regarding professional health initiatives.” Additionally, amendments are being made to bring consistency and uniformity to language regarding ‘lawyer well-being.’

On March 11, 2019, the MCLE Board tentatively approved the following proposed amendments to the MCLE Regulations:

Regulation 101 Definitions

A “qualified wellness and professional health initiatives course or component” is a clearly identified segment of a course or program which meets the requirements of

Regulation 103(c)2 and is devoted to one or more topics designed to educate and encourage lawyers, law students, and judges to recognize that the personal health and wellness of legal professionals are inseparable from the duty of such professionals to provide competent services to the public and ensure its protection. Such a segment must be appropriately described or entitled in the course materials and must have a defined duration in the course or program schedule.

Regulation 102 Requirements and Computations

(b) Credit will be given to a member who personally attends an approved course and to a member who prepares written materials for an approved course and to a member who personally participates as an instructor for such course. Credit in the area of legal ethics or professionalism will be given to a member who attends a course approved for credit in such area and to a member who personally prepares materials for a qualified ethics or professionalism component of such course and to a member who personally participates as an instructor for such a component. Credit will be given to a member who personally prepares written materials for a qualified course on a volunteer non-compensated basis concerning lawyer well-being initiatives and to a member who personally participates as an instructor for such courses given to judges or law students on a volunteer non-compensated basis.

Regulation 102 Requirements and Computations

(c) 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.

(2) A course which ~~addresses substance abuse, stress management, or work/life balance issues~~ promotes lawyer well-being issues may be approved ~~if the topics relate to the practice of law and the quality of legal services rendered to the public so long as other requirements applicable to all CLE programs are met.~~ Such lawyer well-being programs must be clearly and primarily designed, directed to, and intended for attorneys, not a general audience. A course designed to educate judges and law students regarding the

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need for well-being in the legal and judicial environment and how to achieve that well-being will also satisfy the standards for approval under this regulation.

Public Participation

The Virginia MCLE Board is seeking comments on these proposed regulatory amendments.

Anyone wishing to submit written comments may do so by emailing mcle@vsb.org OR by regular mail:

Virginia State Bar
Attn: MCLE
1111 E. Main Street, Ste. 700
Richmond, VA 23219-0026

Written comments must include the name and address of the commenter. To be considered, comments **must be received by May 1, 2019.**