

Virginia MCLE Board
Virginia State Bar
1111 East Main Street, Suite 700
Richmond, VA 23219-0026
(804) 775-0577
Website: www.vsb.org

BOARD USE ONLY

Course ID#: _____ Decision: _____
CLE hours: _____ Reason: _____
Ethics hours: _____ _____

SPONSOR APPLICATION FOR APPROVAL OF A CLE COURSE (FORM 4)

1. Course Sponsor: _____
Sponsor Representative* _____
Address: _____
Phone:(_____) _____ REGISTRATION phone:(_____) _____
E-mail address _____ Web address: _____
2. Title of Program: _____
(Course ID# of any prior VA approval of this program content: _____)
3. Total CLE hours: _____ including (_____) Ethics hours Only sessions with written materials are approvable
4. CHECK ALL that apply to this presentation:
TYPE: LIVE **DELIVERY METHOD:** Speaker in Room *Videoconference *Telephone *Webcast
 PRE-RECORDED **DELIVERY METHOD:** *Internet *CD-ROM *Video *Audio
 Other _____
SETTING: Group Setting *Delivered to Individuals In-house **ATTENDANCE:** OPEN CLOSED
**See Opinion 16 and complete page 2 for pre-recorded and distance learning courses.*
5. Date(s): _____
Location(s): _____
6. Course Registration Fee: \$ _____ **Target audience:** CLIENTS _____ ATTORNEYS _____ OTHER _____
7. **Required Attachments: MCLE Board will only consider applications with all required attachments.** Omission of any attachments or information will delay the processing and review of this CLE application.
 - a. Program Time Schedule or Course Agenda
 - b. Table of Contents AND a sample of materials, 5-7 pages, from each session. *Course materials must be arranged in order and labeled/bookmarked by presentation session. Materials on CD, flash drive or electronic link are acceptable.*
 - c. Faculty name(s) and credentials.
 - d. Complete page 2 for all pre-recorded and distance learning courses. Please see Opinion 16.
8. Description of materials: **Total pages** _____ Printed _____ Other _____
Materials are distributed: Before program _____ At program _____ Other _____
9. Physical Facilities: Conference room _____ Theater style _____ Writing surface? _____
10. Number of attorneys present or anticipated: _____ (Clients: _____) Number of non-attorneys: _____
11. Do you monitor time in attendance? _____ How? _____ (attach statement)
12. SPONSOR agrees to provide Certification of Attendance forms (Form #2) and Certification of Teaching forms (Form #3) to Virginia attorneys attending or teaching the program. (Course attendance lists are not acceptable)
13. **SPONSORS MUST FILE AN APPLICATION FEE WITH THIS APPLICATION.** Please see attached instructions for fee schedule. Make your check payable to Treasurer of Virginia.

Signature _____
(Sponsor Representative)

Email and Fax Transmissions not accepted.
Please allow 90 days for board decision on all complete applications

A materially false statement may jeopardize approval of this and future programs

MCLE Opinion 16 Compliance Information

This information is required for all pre-recorded and distance learning courses.

See Opinion 16 at <http://www.vsb.org/site/members/mcle-opinion-16>

1. The course must afford interaction between attendees and the presenter or other subject matter expert with respect to the subject matter of the course. Please describe how interaction is achieved for your program.

2. The provider must have a system which allows certification of attendance to be controlled by the provider and which permits the provider to verify the date and time of attendance. How do you accomplish this?

3. Please provide a copy of your certification of attendance if you do not plan to use the Virginia certification of attendance which we will provide.

Request for Live Interactive Approval of a Pre-recorded Program (See Opinion 16)

Pre-recorded programs that include an appropriate simultaneous, live interactive component may be considered for live interactive approval and not be subject to the 8.0 hours limitation.

Please respond to the following questions and provide attachments:

1. Will this recorded program be held in a group setting? _____ If so, estimated number in attendance _____

2. How will "simultaneous, live interaction" be achieved? _____

3. Will the live interaction be with the original presenter? _____ If not, please provide name(s) and attach the resume/credentials for the discussion facilitator or panel members.

4. Attach agenda showing times devoted to recorded presentation and live interaction.

Keep The Following Pages For Your Information

COURSE TYPES AND EXPLANATION OF VIRGINIA CRITERIA FOR APPROVAL

OPEN - Course advertised and open to all attorneys

CLOSED - Course open only to firm or government agency, members of professional organization.

LIVE - Instructor and attendees participate simultaneously

PRE-RECORDED – Recorded version of an original live CLE presentation. Attendance at pre-recorded programs is limited to 8.0 hours per compliance year.

IN-HOUSE - Program offered to attorneys within a firm, corporation or government agency.

GROUP SETTING - Program offered in group of 2 or more attorneys. (Where individual attendees are conferenced into a program you must meet Opinion 16 standards and submit a separate application and fee)

DISTANCE LEARNING – See examples and requirements below

TELECONFERENCE, SATELLITE, VIDEOCONFERENCE, OR LIVE WEBCAST - To meet Virginia regulations the course must

- (1) attendees must be given the opportunity to participate in discussions with other attendees and/or the presenter
- (2) written materials must be available to participants prior to the broadcast.
- (3) have attendance tracking - See OPINION 16

VIDEO, AUDIO, CD-ROM - To meet Virginia regulations the course must

- (1) have interactivity with the presenter or other subject matter expert. (E-mail contact information is sufficient)
- (2) have at least 2 attorney participants or be proctored (not restricted to only VA attorneys)
- (3) be conducted in an educational setting
- (4) have written materials provided to each participant prior to the presentation.

INTERNET ON-DEMAND- To meet Virginia regulations the course must

- (1) be in audio or audio/video format. Text based courses are not approvable
- (2) allow the participant to interact with the presenter
- (3) have written materials available to participants for reference during and subsequent to program
- (4) have attendance tracking - See OPINION 16

For additional information see MCLE Regulation 103 and MCLE Board Opinions related to course standards at <http://www.vsb.org/site/members/mcle-courses>

INSTRUCTIONS FOR COMPLETING APPLICATION FOR CLE APPROVAL (FORM 4)

Please allow up to 90 days for board decision on all applications

1. Complete identifying sponsor information.
2. Give Title of Program.
3. **Total CLE hours** are the number of 60-minute hours of course presentation excluding introductory remarks, breaks, meals, closing remarks. **ONLY SESSIONS WITH WRITTEN INSTRUCTIONAL MATERIALS ARE APPROVABLE.** Keynote, mealtime speakers, judicial presentations or roundtable discussions are given CLE credit only when written handout materials are given to appropriately cover the topic.

Total Ethics hours are the number of 60-minute hours devoted to Ethics as it applies to Attorneys. Ethics relating to other professions, government employees, business professionals or general ethics are not approvable for Ethics credit. The Ethics time segment must be clearly defined on the course schedule and be accompanied by specific ethics materials. A sample of the ethics material must be included with this application. (See Opinion #13 for approvable ethics topics)

4. Check type of course, setting and delivery method of the course you are presenting. Live presentations and subsequent recorded or distance learning presentations of the live program require separate applications and application fees.
5. Give all dates and locations. The MCLE reporting year runs from November 1 - October 31. Courses are approved for the reporting year they are presented.
6. Enter the price you charge for course attendance. Target audience: Courses must be directed primarily to attorneys and address a legal topic to be approved.
7. **REQUIRED ATTACHMENTS: *The MCLE Board will only consider applications with all required attachments.***
 - a. Program time schedule or agenda. Times are needed to compute approvable credit hours.
 - b. Table of contents and a sample of the written materials, 5-7 pages, for each session distributed to the attendees prior to or at the program. Ethics materials must be submitted to receive ethics credit. Please see Opinion #14 on Written Materials. Course materials must be arranged in order and labeled/bookmarked by presentation session. Materials on CD, flash drive, or electronic link are acceptable.
 - c. Faculty name(s) and bios.
 - d. Complete page 2 for all pre-recorded and distance learning courses. See Opinion 16.
8. Description of materials - Give approximate total pages and check type of materials and when distributed. ***Written materials are required for all sessions.***
9. Physical Facilities - select applicable type.
10. Enter approximate number of attorneys and non-attorneys present or anticipated.
11. Explain if and how you track attendance. This information is required for all distance learning programs.
12. After the course is approved the MCLE Board will send you certifications of attendance and teaching forms for your course. These forms are to be given to the Virginia attorneys attending or teaching the program.

Application Fee Schedule

Please use the chart below to determine how much to send with your application.
Give our office a call if you need assistance: (804) 775-0577.

Application Fee:

Less than 6 hours of CLE requested	\$75
6 – 10 hours of CLE requested	\$100
More than 10 hours of CLE requested	\$150
20+ concurrent sessions within a course	\$150

Late Application Fee:

Application received 30 days after presentation date	\$50
Application received 60 days after presentation date	\$100
Application received 90 days after presentation date	\$150
Application received 120 days after presentation date	\$200
Each additional 30 days after presentation date add	\$50

REGULATION 103
STANDARDS FOR APPROVAL OF PROGRAMS

- (a) Subject to the provisions of Regulation 105(d), a course is approved for credit if it has been specifically approved by the Board or is presented by an accredited sponsor previously designated by the Board under the provisions of Regulation 105. A course is approved for credit in the area of legal ethics or professionalism if and to the extent specifically approved by the Board. Subject to the provisions of Regulation 105(d), a course presented by an accredited sponsor is also approved for credit in the area of legal ethics or professionalism if and to the extent so represented by such sponsor.
- (b) The course must have significant intellectual or practical content. 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.
- (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.
- (1) A course which addresses law practice management may be approved so as to promote the efficient, economical and competent delivery of legal services. The course must cover topics that teach attorneys how to organize and manage their law practices and other law practice issues, which if improperly handled, could result in malpractice, disciplinary complaints or client dissatisfaction. A course which primarily focuses on marketing techniques, client development or other general business topics applicable to any business shall not be approved. (Comment: See MCLE Board Opinion 17.)
- (2) A course which addresses substance abuse, stress management, or work/life balance issues may be approved if the topics relate to the practice of law and the quality of legal services rendered to the public. (Comment: See MCLE Board Opinion 19.)
- (3) A course which addresses general skills topics such as time management, writing, communication or presentation skills may be approved provided the topics are specifically directed to an attorney audience and are covered in the context of the practice of law.
- (d) A course may be approved for credit in the area of legal ethics or professionalism only to the extent that the course constitutes or contains one or more qualified ethics or professionalism components as defined in Regulation 101. Topics which will not generally be approved for ethics credit include ethics standards of conduct applicable to other professions such as government employees, government contractors, accountants and businesses including corporate compliance. Also, rules of procedure, rules of evidence and litigation tactics will not generally be approved for ethics credit. (Comment: See MCLE Board Opinion 13.) A minimum scheduling of thirty (30) minutes in the aggregate of one or more qualified ethics or professionalism components is required before an approved course can be approved for credit in the area of legal ethics or professionalism.

EXAMPLES:

- (1) A sponsor's application for approval of a one-day program comprising seven 50 minute segments states in relevant part "each speaker will devote ten minutes of allotted time to ethical considerations."

A sponsor's application for approval of a one-day program reveals in relevant part that the opening 30 minute morning segment is clearly identified as devoted to ethical considerations and that the concluding 20 minutes of the afternoon session is also clearly identified as devoted to ethical considerations. Assuming that other requirements for course approval are met, the Board will approve the program for one (1) hour credit in the area of legal ethics or professionalism. (See Regulation 102.)

Courses must be conducted in a setting physically suitable to the educational course or program, free from distractions and conducive to learning.

- (e) No credit will be allowed (or “be granted”) for any course or part thereof taken simultaneously with any other course or part thereof.
- (f) Thorough, high quality instructional written materials which appropriately cover the subject matter must be distributed to all attendees at or before the time the course is presented. A mere agenda or topical outline will not be sufficient. (Comment: See MCLE Board Opinion 14.)
- (g) Each course shall be presented by a faculty member or members qualified by academic or practical experience to teach the subjects covered. Consistent with Virginia State Bar policy, course sponsors should exercise care to ensure that faculty members, where possible, reflect the racial and gender diversity of the State Bar as a whole.
- (h) A course presented by distance learning methods which otherwise satisfies the requirements of these Regulations may be approved provided the speakers and attendees are participating simultaneously. Pre-recorded courses in any electronic form which otherwise satisfy the requirements of these regulations may be approved however no other form of self-study will be approved. (Comment: See MCLE Board Opinion 16.)
- (i) A program offered "in-house" may be approved by the Board provided the subject matter of the program does not primarily focus on internal policies, practices and procedures. An in-house program will be approved if it otherwise meets the standards of these regulations and if the approval procedures prescribed by these regulations are followed. (Comment: See MCLE Board Opinion 17.)
- (j) Participation in deliberative groups concerned with political activism, law reform, judicial administration, or regulation of the profession generally will not be approved for credit. Activities associated with membership or attendance at committee meetings, business meetings or work sessions will generally not be approved for credit.
- (k) To be accredited, a course must have no attendance restrictions based on race, color, national origin, religion, creed, gender, age, disability, sexual orientation or marital status.
- (l) No credit will be given for any course primarily focused on marketing a particular product or service. (Comment: See MCLE Board Opinion 15.)