

## Accreditation Standards for CLE Activities

Pursuant to the authority granted to the Committee on Minimum Continuing Legal Education (hereinafter “the Committee”) by the Supreme Court of Texas, these accreditation criteria are hereby adopted by the Committee to be used as guidance for determining whether CLE activities submitted for MCLE accreditation satisfy the general standards for accreditation specified in Section 4(A) of Article XII, State Bar Rules.

(Note: Endnote numbers correspond to the Definitions section, following)

- I. A CLE activity shall be accredited for MCLE in Texas if it meets any of the criteria in A-C below as well as the criteria outlined in Section II.
  - A. The activity is a live presentation and attended in person, including seminars, courses, conferences, lectures, panel discussions, question-and-answer periods, and in-house education;
  - B. The activity is a live or recorded presentation provided in a streaming or real time format (not downloadable) including teleconferences, webcasts, satellite broadcasts or attendance by such other means as may be approved by the Committee; or
  - C. The activity is recorded from a live accredited CLE activity, presented in any format, such as CDs and video recordings, as well as any downloadable format such as podcasts.
  
- II. A CLE activity shall be accredited for MCLE in Texas if it meets the criteria of either A or B below, and also each of the other criteria of C, D and E below:
  - A. The Activity consists of an organized program of legal education dealing with:
    - (1.) substantive or procedural subjects of law;
    - (2.) legal skills and techniques<sup>1</sup>;
    - (3.) legal ethics<sup>2</sup> and/or legal professional responsibility<sup>3</sup>; or
    - (4.) law practice management<sup>4</sup>;
  - B. The activity consists of an organized program dealing with alternative dispute resolution<sup>5</sup>.
  - C. The activity may include coverage of technical, scientific or other bodies of knowledge that are directly related to any of the subjects listed in II A above.
  - D. The instructors or lecturers are either qualified attorneys or judges, or they are experts in the subject area based on their education and background.
  - E. The activity is designed for, and targeted to attorneys.

THE EFFECTIVE DATE FOR THIS SET OF ACCREDITATION STANDARDS IS June 1, 2010

III . A CLE activity shall NOT be accredited for MCLE in Texas if it is:

- A. A meeting of a bar association, committee, section or other entity composed of attorneys, that is designed primarily to be a general business meeting or work session as opposed to a CLE activity, or
- B. An activity that is designed or intended to market a product or service to lawyers, or
- C. An activity that is designed or intended primarily to attract clients, or
- D. An activity that is intended to teach non-legal skills such as training in the use of hardware, office equipment, or non-legal software, general communication skills such as public speaking, individual money management or investing, career building, rainmaking and marketing skills, supervisory or general office management skills.
- E. An activity that consists of written materials only in printed or in electronic format, such as written materials for accredited and/or non-accredited CLE activities, legal articles, legal journals, case summaries, audio books and text only online courses.
- F. A legal article, newsletter, blog or other written product that is published by the authoring attorney, his or her law firm or other employer or that is not subject to peer review.

## **DEFINITIONS**

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<sup>1</sup>“**Legal Skills and Techniques**” may include training in the use of legal-specific software such as time and billing, legal research and e-filing systems, and legal communication skills including legal writing and trial presentation skills.

<sup>2</sup>“**Legal Ethics**” shall include programs that deal with usages and customs among members of the legal profession, involving their legal and professional duties toward one another, toward clients, and toward the courts.

<sup>3</sup>“**Legal Professional Responsibility**” shall include programs that deal with maintaining the integrity and competence of the Bar so that legal services are delivered with the highest degree of professional conduct.

“Legal Ethics and Legal Professional Responsibility” shall include, but not be limited to the accreditation of those topics involving disciplinary rules of professional conduct, rules of disciplinary procedure, and the use and availability of alternative dispute resolution and pro-bono services.

“Legal Professional Responsibility” shall also include training in skills and concepts that promote and/or assist lawyers in the delivery of high quality legal services to clients such as managing risk and grievance/malpractice avoidance, effective and ethical client and case management, and trust account management.

“Legal Professional Responsibility” shall include programs that address substance abuse, depression, and other mental and physical health conditions that can impair an attorney’s ability to provide competent legal services and to assist in the prevention of malpractice.

“Legal Professional Responsibility” shall include programs that address the recognition of-bias that can impair an attorney’s ability to provide competent legal services.

“Legal Ethics and Legal Professional Responsibility” shall not include programs or topics that deal with government or business ethics, individual religious or moral responsibilities, training in personal organizational skills, general office skills, time management, leadership skills.

<sup>4</sup>“**Law Practice Management**” shall include non-substantive topics and courses of study that are developed specifically for lawyers and that deal with means and methods for enhancing quality and efficiency of service to clients. Examples of such programs shall include delivering legal services, developing the legal team, building attorney/client relationships, and financial management in your law practice.

<sup>5</sup>“**Alternative Dispute Resolution**” or “ADR” shall include programs offering substantive training in the processes and ethical considerations attendant to the resolution of pending disputes by mediation, arbitration, moderated settlement conference, early neutral evaluation, mini-trial, summary jury trial or other related litigation dispute resolution procedures. ADR includes training in the skills of a mediator, arbitrator, or a neutral in the moderated settlement conference, early neutral evaluation, mini-trial, summary jury trial, or other related litigation dispute resolution procedure. The following elements and guidelines shall be considered in determining accreditation for an ADR program: (1) training in substantive legal knowledge/concepts (e.g., statutes, court process); (2) the activity consists of actual classroom participation; (3) procedural instruction; (4) instruction in the mediator’s and/or parties’ role and maintenance of decorum; (5) discussion and instruction in ethical considerations (e.g. confidentiality issues, conflicts, offers, etc.); and (6) instruction on client preparation. Observation of actual mediations outside the classroom will not be approved for credit. Other areas not specifically designated above will be considered for credit in accordance with existing MCLE standards and within the context of the entire program presented for accreditation.

**Revised August 2009**

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