



# MCLE... The Debate Continues

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By Frederic S. Ury

**V**irtually every profession that requires a license to practice demands minimum standards for qualification and admission as well as ongoing requirements for competency. I happen to be a certified spinning (indoor cycling) instructor, and, to maintain my certification, I am required to attend fourteen hours of continuing education every two years until I reach a total of forty hours. These requirements are intended to provide protection against incompetent instructors for class participants as well as to furnish minimal standards for instructors to follow to maintain currency. If a spinning instructor is required to obtain continuing education, then shouldn't the people charged with protecting the legal rights of citizens be required to do the same?

It is insufficient for a self-regulating profession to have no further educational requirement besides graduation from law school. A mandated minimum requirement for continuing legal education reflects a balance between intensive regulation and a hands-off approach to promoting the competence of the profession.

Hence, the debate about MCLE (mandatory continuing legal education) continues in Connecticut. Two thirds of all states require lawyers to attend a minimum number of CLE credit hours during a proscribed period of time—Connecticut is not among them. Most practicing lawyers will agree that ongoing post-law school educa-

tion is essential to keeping abreast of the changes in the law and of new techniques and technology. Many believe that attorneys inherently understand this and will seek out this knowledge as a normal part of their practices. It is argued, however, that others will not—and further, will not comply with regulations in any meaningful way. Nevertheless, we cannot further erode the public's perception of our integrity by avoiding a requirement that is seen as a way of protecting the public.

Although the effectiveness of forcing CLE attendance is questionable, everyone who attends CLE classes will achieve some improved understanding of the subject matter presented, whether it is ethics, business practices, or a substantive area of the law.

The organized bar needs to be the leader in this area and set the standard. And that standard should include a minimum number of CLE credit hours for all members of the bar. In addition, we should establish an introductory curriculum that is required of all new attorneys. These courses should include not only substantive material but also ethics, professionalism, and practical subjects such as accounting, law office management, and how to live a balanced life. Law school serves many purposes but

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it does not train attorneys to perform the everyday practice of law.

The pressures of practice do produce barriers to engaging in continued learning. But, because we are privileged to practice a learned profession that has a profound influence on our society, and are permitted a degree of self-regulation that is unusual among other professions, we have a strong responsibility to maintain professional standards and to make our concern for the public's good a high priority. Although cost and time are the two most frequently cited reasons why MCLE is objectionable, with the advent of the computer, time is no longer an obstacle. An entire curriculum can be offered online for the busy practitioner. Opportunities will also exist to read books, teach seminars, listen to tapes, and participate in phone seminars to fulfill the requirements. As to cost, it will be up to the CBA and the local and regional bars to make sure that all of the courses are affordable to everyone, and this might include providing scholarships and reduced rates for those who cannot afford the cost of attendance.

Not cost, time, or any other factor should be a barrier to our efforts to assure members of the public that they are getting the best from our profession—confidence and trust in their system of justice is paramount. CL