Table of Contents

General CLE Program Guidelines ........................................................................................................... 1
Written Materials/MCLE Guidelines ...................................................................................................... 5-6
Sponsorship Guidelines .......................................................................................................................... 7-8
Sponsorship/Budget Templates ............................................................................................................... 9
Section of Litigation
Guidelines for Regional CLE Programs
(Full Day/Half Day/60 Minutes)

1. The committee proposing the Regional CLE Program must request approval at least twelve (12) weeks prior to the proposed date of the meeting. The application will be reviewed by the Regional Programs Committee (Contact: Porscha Boyd at Porscha.Boyd@americanbar.org). Applicants will receive notification of disposition within five business days of receipt of their fully completed ABA Section of Litigation Regional CLE Program Application.

2. Regional CLE Programs may be sponsored by the Section of Litigation, its committees and, if appropriate, co-sponsored with other ABA entities. Local bar associations or universities may be co-sponsors in name only, with no sharing of profit or loss and must be approved by the ABA Standing Committee on CLE.

3. Regional CLE Programs may be held no less than one week prior to or after the Section Annual Conference, ABA Annual Meeting, and Leadership Meetings. Holding a program in the month of August is discouraged. Regional CLE Programs cannot be held in the same week as another Regional CLE Program unless otherwise approved by the Regional Programs Committee via the Programs Manager. To confirm your program date, you must submit a completed application and receive approval from ABA staff. The ABA will not hold dates.

4. Regional CLE Programs may be no more than one day in length.

5. Regional CLE Program fees may be no more than $195 for Section members. Section member pricing must be within these ranges: $125-195 for full day; $75-175 for half day; $55-$85 for 60 minutes. Non-member fees should be $70 more ($5 more than the cost of Section membership).

6. To keep expenses to a minimum, it is recommended that space for Regional CLE Programs be provided in-kind from law firms, corporate law offices, courts or law schools. Space can be provided without charge, in exchange for complimentary registrations, subject to advance approval by the Revenue Officer (via the Business Development Manager). Submit all requests to Porscha.Boyd@americanbar.org.

7. Because registration fees rarely cover all expenses of a program, sponsorship contributions are often critical to a program’s success. These contributions can be monetary or in-kind (such as donating meeting space or providing a meal or reception or on-site staff support). Before your committee seeks in-kind or financial support from law firms, corporations or other sponsors, you must contact the Programs Manager, Porscha Boyd at (Porscha.Boyd@americanbar.org) and you must become familiar with and follow the Section’s Sponsorship Guidelines (see pages 7-8). All proposed sponsors must be approved by the Revenue Officer and by the ABA (via the Business Development Manager) before any solicitation of sponsors can occur. No proposed sponsor may be contacted until approval is granted. See Sponsorship Guidelines section for full policies and best practices.

8. All attendees, including guests, speakers and sponsors must register for the program. No reimbursement will be authorized for travel expenses. Depending on the program’s budget, speaker registration fees can be waived. In compliance with Section policy, all speakers must be registered to receive CLE credit.
9. The ABA expects all CLE programs sponsored or co-sponsored by the ABA to meet the ABA’s CLE Diversity Policy by having the faculty include members of diverse groups (race, ethnicity, gender, sexual orientation, gender identity, and disability). This policy applies to individual CLE programs whose faculty consists of three or more panel participants, including the moderator. Individual programs with faculty of three or four panel participants, including the moderator, will require at least 1 diverse member; individual programs with faculty of five to eight panel participants, including the moderator, will require at least 2 diverse members; and individual programs with faculty of nine or more panel participants, including the moderator, will require at least 3 diverse members. The ABA will not sponsor, co-sponsor, or seek CLE accreditation for any program failing to comply with this policy unless an exception or appeal is granted.

10. The Section of Litigation staff will help to market your upcoming Regional CLE Program with two email messages sent to those in the sponsoring committee(s) and those who have selected areas of interest related to your programming in the Regional Program’s state and surrounding states. Additionally, Section staff will create an electronic brochure for use in your email marketing and for posting on your Regional Program’s website. Last, Section staff will promote your Regional Program with two social media posts on two of the Section’s main social media platforms.

11. Each Regional CLE Program is to be planned by a Regional CLE Program Chair, with oversight and day-to-day involvement by the committee co-chair(s) with responsibility for: (1) completing the Regional CLE Program Application and seeking approval to host the program; (2) identifying and securing a host firm/location; (3) promoting attendance; (4) submitting CLE written materials and obtaining author agreements; (5) managing onsite duties including registration and CLE sign in; (6) managing speakers and ensuring submission of all speaker release forms; (7) effective wrap up of each program including submitting a final registration list and returning CLE sign-in sheets to ABA within 7 days of the program (late submission of these materials will put CLE accreditation at risk); (8) obtaining approvals for funding, including sponsorships and in kind contributions, from the Revenue Officer; and (9) submitting all checks, reimbursement requests, and allowable expenses to the staff with the completed post-program evaluation form within 30 days following the program.

12. All sponsor signage (if any) for all Regional CLE Programs must be submitted to Porscha Boyd (Porscha.Boyd@americanbar.org).

13. All Regional CLE Programs budgets must at least break even. Any losses will not be absorbed by the Section. The Section will not reimburse the program organizer(s) or host firm unless and until all expenses and all revenues are collected. All expenses and anticipated requests for reimbursement must be outlined in the original budget that is submitted with the application. An itemized receipt will be required for all expenses. Any requests for reimbursement that are not pre-approved may
be declined. Reimbursement requests will not be processed until sponsorship invoices are sent and processed. Nothing should be billed directly to the Section or the American Bar Association.

14. A program cannot be cancelled less than two weeks before the program date by the program chair, but the Section reserves the right to cancel a program if the program is not expected to break even two weeks before the program date.

15. The Regional Programs Committee will appoint a liaison for each Regional CLE Program. The liaison will serve as a resource to the program organizers for the duration of the planning process. Organizers should involve the liaison in all communication regarding the program and keep them updated as the program develops.
Written Materials Guidelines

Required Elements to qualify for MCLE
(Mandatory Continuing Legal Education) Credit

MCLE jurisdictions require written materials to be provided to program attendees. There are several reasons for the requirement. First, it ensures thorough course preparation by the provider. A second purpose of this requirement is to ensure that the attendees will be provided with materials that are useful after the course is completed. In jurisdictions where the ABA is an approved provider and our programs are approved or preapproved without further individual program applications, we are asked to stand in the shoes of the MCLE boards/commissions and ensure that all ABA programs offered for credit meet their standards for CLE accreditation. States are scrutinizing provider course materials more closely.

Acceptable Content

Both MCLE regulators and program attendees expect high-quality, substantive materials for each CLE program. MCLE regulators will deny CLE credit for a session that doesn’t have specific and substantive course materials. These materials are due in final form, with proper copyright authorizations.

Written materials should have the following characteristics to meet standards:
- Designed for and targeted to attorneys
- Organized program of learning with significant intellectual or practical content
- Primary objective must be to increase attendees’ professional competency as attorneys
- Deals with matters directly related to the practice of law, professional responsibility, or the ethical obligations of attorneys

Substantive materials provide analytical insight into the program topic and can be used as a take away for attendees. Acceptable materials include, but are not limited to:
- Articles
- Essays
- White papers
- Detailed outlines
- Detailed presentation slides

Additional materials may be included as well, but are not acceptable on their own. These include:
- Forms
- Checklists
- Court decisions
- Briefs
- Bills
- Code excerpts
- Press releases

Inadequate course materials can jeopardize CLE accreditation for both the specific program and ABA programs in general.

Although MCLE rules and regulations vary from state to state, they generally agree that the
following are NOT sufficient for MCLE purposes:

1. Mere topical outlines without citations or explanatory notations.
2. PowerPoint presentations in simple outline format (such presentations can make good adjunct materials but will not suffice as the sole written materials.)
3. Agendas
4. Copies of cases, statutes, or regulations (or similar documents – e.g., oral argument transcripts, party or amicus briefs, etc.) without customized materials (i.e., some kind of substantive analysis from the faculty)
5. Bibliographies or a list of other reference materials, such as Internet sites, standing alone
6. Hypotheticals without other course materials

All written material must be submitted to Porscha Boyd at Porscha.Boyd@americanbar.org no later than 4 weeks before the scheduled program.

If written materials are distributed on site, speakers must bring the appropriate number of copies for attendees at the speakers’ expense.

MCLE Guidelines

Speakers
- Panelists and speakers must have the necessary practical or academic skills to conduct or facilitate the course or activity effectively.
- Each panel must have at least one licensed attorney in good standing who actively participates (not just professionals from other disciplines—e.g., CPA, PhD, etc.)

MCLE Application
- The MCLE Application must be filed no later than 45 days before the date of the program for which we are requesting MCLE credit.
- A detailed description of the overall program as well as each individual session must be included with the application.
- A detailed agenda must be included with the application.

Frequently Asked Questions
- What qualifies as MCLE Ethics?
  - ABA MCLE has a very specific definition of “Ethics”:
    - To receive ethics accreditation, the following guidelines must be met:
      The area of legal ethics shall include designated instruction intended for and directed to attorneys or judges and cover topics related to or specifically discussed in the disciplinary rules or ethical considerations of the CODE OF PROFESSIONAL RESPONSIBILITY FOR LAWYERS or the canons of the CODE OF JUDICIAL CONDUCT.
- Can a luncheon or a breakfast meeting qualify for MCLE?
  - If any food is present in the room where a program takes place, that program cannot receive MCLE credit.
Sponsorship Guidelines

DESCRIPTION OF ABA/SECTION OF LITIGATION SPONSORSHIPS

The Section of Litigation approves seeking outside financial or in-kind support from law firms or corporations to support Section programs or projects. All Section of Litigation sponsorship initiatives must comply with both ABA and Section policies and procedures. No individual is authorized to seek sponsorship support of any kind without approval of the Revenue Officer. ABA policy further requires that all sponsor packages and the firms/corporations being solicited be approved by the ABA Executive Director.

American Bar Association

The ABA believes that because sponsorship arrangements with commercial entities allow the ABA or a Section, Division, Forum or other entity within the ABA (“ABA Entity”) to further their public service activities, provide additional services to ABA members and increase revenues or reduce costs, it may be appropriate in proper circumstances for the ABA and ABA Entities to enter into such arrangements. Approval of such arrangements is based on compliance with the approved Sponsorship Policies and Procedures.

ABA policy requires that all sponsor packages and the firms/corporations being solicited be approved by the ABA Executive Director. Section policy requires that all sponsor packages and the firms/corporations being solicited be approved by the Revenue Officer. These approvals must be obtained before any solicitation of sponsors may occur. When approving organizations as sponsors, the ABA considers: conflict and coordination with current ABA member affinity programs; type of business, e.g., no tobacco, alcohol or gaming companies allowed; and good ABA credit rating.

Section of Litigation

- All sponsor solicitations must include a written sponsor package, with a comprehensive list of the benefits being offered and the fee.
- Sponsorships are only executed after the potential sponsor reviews the package and returns a signed commitment form or expresses intent to sponsor via writing. Verbal agreements are not allowed.
- All sponsor packages, for paid or in-kind sponsorships, are to be developed and priced by staff and approved by the Revenue Officer and ABA Executive Director before any discussions with a potential sponsor.
- Speaker slots are not to be included in any sponsor benefit package.
- No sponsor is allowed to address the attendees of a program, meeting or event they are sponsoring. Section representatives give all recognition at the event unless otherwise approved in special circumstances only by staff, the Revenue Officer and Chair.
- As part of the Regional application process, the budgets submitted for programs, conferences and seminars must indicate the amount that they expect to raise from sponsorships.
The Section has express policy concerning whether consultants/vendors may be involved in Section leadership and in what capacity. The policy is available from Section staff.

Regional Programs Sponsorship Process

The Section offers sponsorship opportunities to law firms and corporations in conjunction with committee activities such as Regional CLE Programs or other small, one-day educational events. Committees interested in pursuing sponsorships for these types of meetings should follow these guidelines:

I. APPROVAL

All sponsorship prospects (law firm and corporate) MUST be approved by the Section’s Revenue Officer and the ABA Executive Director PRIOR to solicitation or acceptance of sponsorship monies. Sponsorships that are not approved before solicitation may be rejected by the Section.

- During Regional Program planning, committees should submit all sponsorship prospects to the Section Programs Manager in advance of solicitation as part of the application for approval of the program. If new prospects are added once the application has already been submitted/processed, firm/company names may be sent to the Programs Manager to receive appropriate approvals.

II. SPONSORSHIP PACKAGE AND FEES

All sponsorship packages and pricing will be provided to the Regional Programs Committee. Other benefits the committee feels may be appropriate based on its particular program may be proposed, but must be approved by the Revenue Officer. Again, sponsors will not receive benefits without the submission of the verified commitment form provided by the Programs Manager.

III. SPONSORSHIP PAYMENTS

All sponsors will be invoiced within 30 days of the event unless requested sooner by the firm or entity. Payment sent without an invoice is discouraged.
Sponsorship/Budget Templates

Please utilize the Sponsorship Template (tab 1) and the Budget Template (tab 2) to submit with your application.

All regional programs must at least break even. Please include any invoices or proposals for budgeted expenses. Itemized receipts will be required for all expenses.