2020-2021 Virtual Regional CLE Programs Guidelines

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Section of Litigation Guidelines for Virtual Regional CLE Programs

General Guidelines

1. The committee proposing the Virtual Regional CLE Program must request approval at least eleven (11) weeks prior to the proposed date of the program. The application will be reviewed by the Regional CLE Programs Committee (Staff Contact: Corey Irion at Corey.Irion@americanbar.org). Applicants will receive notification of disposition within five business days of receipt of their fully completed ABA Section of Litigation Virtual Regional CLE Program Application.

2. Virtual 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. Virtual Regional CLE Programs cannot be held in the same week as another Virtual Regional CLE Program unless otherwise approved by the Regional CLE Programs Committee via the Program Associate. To confirm your program date, you must submit a completed application and receive approval from ABA staff.

3. Virtual Regional CLE Program fees may be no more than $195 for Section members. Section member pricing must be within these ranges: $125-$195 for 5+ hours of CLE; $100-$175 for 2-4 hours of CLE. ABA member fees must be at least $70 more than Section member fees ($5 more than the cost of Section membership). In addition, the non-ABA member rate must be at least 20% more than the ABA member rate.

4. The Regional CLE Programs Committee will appoint a liaison for each Virtual 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.

Program Chair Responsibilities

5. Each Virtual Regional CLE Program is to be planned by a Program Chair, with oversight and day-to-day involvement by the committee co-chair(s) with responsibility for:
   - completing the Virtual Regional CLE Program Application
   - promoting attendance
   - submitting CLE written materials and obtaining author agreements
   - managing speakers and ensuring submission of all speaker release forms
   - obtaining approvals for funding, including sponsorships and in-kind contributions, from the Revenue Officer via the Program Associate.

Speakers

6. Per the Section of Litigation speaker policies, only one speaker per firm is allowed per panel and a speaker may only speak on one panel per program. Speakers will be registered for the Virtual Regional CLE Program complimentarily. All speakers must complete a brief online Speaker Release Form prior to the program. Vendors may not serve in a moderator role on a panel.

7. The Section benefits from annual contract sponsorships with Ankura and LexisNexis. While we encourage committees to enlist experts and speakers from these sponsors for Regional CLE Programs, individuals from these entities should not serve in a moderator role.

8. Non-sponsoring corporate entities (i.e. vendors) may also serve in speaking capacities for CLE programs. They should not be listed as moderators or program chairs. Additionally, sponsoring entities will have first-right of refusal in representing their sector/practice area for all programs.
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.

Marketing

10. The Section of Litigation staff will help to market your upcoming Virtual 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. Additionally, Section staff will create an electronic brochure for use in your email marketing and for posting on your Virtual Regional CLE Program’s website. Last, Section staff will promote your Virtual Regional CLE Program with two social media posts on two of the Section’s main social media platforms.

11. Marketing responsibilities fall heavily on the program planning committee. The Regional CLE Programs Committee expects program organizers to market the program in committee ABAConnect messages, on social media, and with their personal networks.

Sponsorship

12. 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).

   o **Before** your committee seeks in-kind or financial support from law firms, corporations or other sponsors, you **must submit your sponsor prospects and have them approved** before any solicitation of sponsors can occur. No proposed sponsor may be contacted until approval is granted. The Program Associate, Corey Irion, will notify you of sponsorship approval. Please see the Section’s Sponsorship Guidelines (pages 6-7) for full policies and best practices.

Co-Sponsorship

13. Virtual 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 Board of Governors. Please contact Corey Irion for the co-sponsorship application.

Open Meeting Policy

14. ABA Open Meeting Policy: Please note, the ABA has “Open Meeting Policy” which states in part “all ABA programs are open to the media unless they are to conduct business sessions of a confidential nature.” “Media” may include print, radio, TV, internet or other journalists as credentialed by the Division for Media Relations and Communication Services, including ABA journalists. All speakers will be required to submit a speaker release form which acknowledges that media may record, photograph, or make fair use of portions of the presentation.
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 for all CLE Programs. 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, if necessary.

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
- At least one submission per session needs to be created for the program specifically
- 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 takeaway 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

*These additional materials are acceptable if accompanied by a detailed and comprehensive overview of the presentation which puts additional materials into the context of the presentation.
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 Corey Irion at Corey.Irion@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. The ABA will post electronic copies of all written materials on the program webpage for attendees to access.

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 minimum of three (3) learning objectives are required for each session requesting specialty CLE credit (i.e. ethics, wellness, elimination of bias, etc.)
- 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 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 sponsorship commitment forms must be submitted no later than 3 weeks prior to the program.
- 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.
Virtual Regional CLE Programs Sponsorship Process

The Section offers sponsorship opportunities to law firms and corporations in conjunction with committee activities such as Virtual 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 CLE Program planning, committees should submit all sponsorship prospects to the Section Program Associate 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 Program Associate to receive appropriate approvals.**
- Note, as contractual Section sponsors, Ankura and LexisNexis receive recognition at predetermined Regional CLE Programs and should not be solicited for additional Regional CLE Program funding.

II. SPONSORSHIP PACKAGE AND FEES

All sponsorship packages and pricing will be provided to the Regional CLE 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 Program Associate.

III. SPONSORSHIP PAYMENTS

Completion of the sponsorship commitment form will confirm sponsorship. Section staff will ensure that an invoice is issued to the sponsoring entity at least 30 days in advance of the program. Sponsors should be discouraged from sending payment without an invoice. All sponsorship monies will then be collected and deposited by the ABA. Committees should NOT use a member’s law firm as the “bank” to hold and redistribute sponsorship monies to vendors.

**Sponsorship/Budget Templates**

[Sponsorship/Budget Template](#)

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