

MCLE Program Requirements and Written Materials Guidelines

MCLE Program Requirements

MCLE state regulations require that approved programs must have “significant intellectual or practical content,” a “primary objective” of increasing “professional competence and skills as an attorney” and “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.” Consequently, any course that does not meet these requirements will not be approved unless it obviously pertains to a recognized legal subject or to the practice of law.

When developing your panel/program please consider which of the following MCLE credit categories might apply:

- General
- Legal Ethics and Professionalism
- Substance Abuse
- Diversity / Elimination of Bias
- Trial Skills
- Law Practice Management

If you are presenting a legal ethics panel/program, please also note that MCLE state regulations provide that an approved legal ethics program must address topics from recognized rules of professional conduct or codes of professional responsibility applicable to attorneys, such as the *ABA Model Rules of Professional Conduct*, which serve as the models for legal ethics rules in most states. When providing descriptive information about your panel/program, please note the following:

- It is highly recommended that the panel title and description include the words “legal ethics.”
- The panel description should clearly pertain to substantive legal ethics rules as articulated in recognized rules or codes of professional responsibility, such as the [*ABA Model Rules of Professional Conduct*](#).

Following are examples of some of the topics and types of courses which **do not qualify** for legal ethics credit:

1. Ethics in government – Programs or components which, although presented to attorneys, focus on standards of conduct applicable to non-attorney, government employees.
2. Ethics of other professions – Programs or components which, although presented to lawyers, focus on ethical standards for other professions, such as accountants, realtors, etc.
3. Business or corporate ethics programs or components which, although presented to lawyers, focus on ethical standards appropriate for executives, corporate officers, and employees.

Please note that programs or components devoted to or including these topics may meet the requirements for general MCLE credit.

When organizing a panel/program please note that your session must be at least 30 minutes in length to receive MCLE credit. Panels/programs that are shorter than 30 minutes do not meet MCLE state requirements and therefore will not be eligible for CLE credit.

Written Materials Guidelines

In addition, it is **mandatory** that materials are provided for every panel to comply with MCLE requirements. 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.

States are scrutinizing provider course materials more closely. 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. PowerPoint presentations that are in a simple outline format will not suffice as the sole written materials, although they can make good adjunct materials.
2. Panel agendas
3. 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).
4. Bibliographies or a list of other reference materials, such as Internet sites, standing alone.
5. Hypotheticals without other course materials.

Failure to heed these guidelines risks not only the approval of the particular program at issue but also the ABA's status as an approved provider and the ABA's relationship with the accrediting state. MCLE rules aside, a strong set of materials enhances the value of the program and helps to strengthen the ABA brand as a provider of high-quality CLE.

NOTE: The Tax Section will be requesting accreditation from every state with Mandatory Continuing Legal Education (MCLE) requirements for lawyers. However, please note that each state has its own rules and regulations, including its definition of "CLE" and requirements for approval. Therefore, the Section cannot guarantee all CLE or ethics credits will be approved by each state.