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# Stress-Free CLE

**G**ranted, there are a few genuine, major stressors in life. We have all been stripped of our shoes and forced to walk through the hot coals that fate scatters in our paths—an untimely death of a friend or family member, a failed marriage, major health problems or a job change that uproots your family from their circle of support. These events shake us up, get us off our routine and, justifiably so, change the course of our lives forever.

But, it does not take a psychologist to recognize that your CLE compliance should *never* be placed on this list of major life-stressors—not with the thousands of CLE courses offered annually and

hundreds of sponsors just chomping at the bit to get your business. Think about it ... is there one work day that goes by that you are not inundated with marketing (snail and e-mail) wooing you to drink from the abundant stream of CLE?

So, I am urging you—this July 4th, as you slice watermelon, grill the burgers and wave the flag—try to pry your sweaty palm from the spatula (okay, from the television remote) and determine to set yourself free from worrying about CLE compliance for 2006 by creating a plan for “stress-free CLE.” As you create this plan for independence (I know I am overreaching a bit here), you might need a few helpful hints to get you started.

## Research What Is Required for 2006

If you are practicing with a regular license in Alabama, the general rule is that you have until December 31, 2006 to get 12 general hours of MCLE credit. Of those 12, at least one hour must be designated as an hour of ethics. Please recognize that ethics hours are included in the total count of general MCLE hours. For example, if you attend a program that offers "six MCLE hours, including one hour of ethics," you may claim a total of six, not seven, hours.

Don't forget to check your transcript periodically at [www.alabar.org/cle](http://www.alabar.org/cle). Use your Alabama State Bar number (ASB #) and e-mail address to log-in. Sponsors should post attendance within 30 days fol-

lowing a program, however, if you notice that a course has not been posted within that timeframe, notify us as soon as possible so that we can correct your transcript.

**Exemptions due to age:** Under the current MCLE rules and regulations, a few individuals are exempt from the MCLE requirements and are not expected to report any hours of CLE to the MCLE commission for 2006. If you are 65 or older, or if you are 62 and already receiving Social Security retirement benefits, you are exempt from CLE in Alabama.

**New admittee exemption:** One of the most misunderstood MCLE regulations is 2.3. If you are newly admitted to the practice in Alabama, you are exempt until the end of the calendar year in which you are admitted. Therefore, if you were admitted in August 2006, you will be exempt through December 31, 2006 only (not until

August 2007). You may carry over to 2007 any credits earned this year, if you earn them after you are admitted to the bar and report them prior to January 31, 2007.

**Exemptions due to occupation:** As a member of the Alabama State Bar, you should know whether you hold a regular or special license. If you do not know, you may contact membership services to determine your current status.

Under MCLE Rule 2.C.1, regardless of the type of license you hold, if you are strictly prohibited from the private practice of law *by virtue of your occupation* (unless you fall under MCLE Rule 2.C.2—see details below), you are exempt for the full calendar year during which they held such office. For example, if a judicial law clerk leaves his clerkship in May 2006, he may claim an exemption from CLE for all of 2006.

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**Qualified special members:** In addition to members exempt strictly by their occupation, some attorneys need a break from the practice of law at certain points in their career. We often see attorneys opt to purchase special memberships when children are born, sickness strikes a family member or they move into a career that does not require a law degree. During these “breaks” in practice, an attorney may purchase a “special” license to remain in “good standing” until they return to practice.

Under MCLE Regulation 2.4, all special members, other than the list of governmental attorneys listed in MCLE Rule 2.C.2 (includes assistant or deputy attorney generals and district attorneys, assistant or deputy district attorneys and public defenders) are exempt from CLE requirements if they hold a special membership the entire calendar year. Therefore, a law professor with a “special” license in Alabama for all of 2006 would be exempt for 2006, but a district attorney with a “special” license would not.

Note the difference here. Exempt members (prohibited from private practice under MCLE Rule 2.C.1) are exempt

for the full calendar year in which they held that position. Special members (holding a “special” restricted license), on the other hand, are only exempt if they hold a “special” license the entire calendar year.

If an attorney holds a “regular membership” during *any part* of the year, they cannot claim the “special membership” (MCLE Regulation 2.4) exemption, even if they switch to special membership before December 31. For example, a member returning to the active practice of law from maternity leave this November, will be required to obtain 12 MCLE hours (including one hour of ethics) for 2006.

**Qualified out-of-state attorneys:** Many Alabama attorneys reside in other mandatory CLE states and primarily conduct their practice there. Now under MCLE Regulation 2.7, attorneys may request a waiver from Alabama’s MCLE requirements by demonstrating compliance with their home state’s Mandatory CLE requirements. The applicant must file an updated request annually. Instructions for filing this request will be available on-line this fall.

## Develop a Plan for Completing Your Hours

### Find courses from our Web site

The best way to guarantee that a course will be approved and that your attendance will be reported timely is to locate the course from our course listing at [www.alabar.org/cle](http://www.alabar.org/cle). Courses on that list have been submitted and approved in advance. As long as these courses, by their presentation, meet Alabama’s standards, then the course will be granted the credit indicated on our Web site.

### Avoid self-study courses

If your “certificate of attendance” indicates that you completed a “self-study” course online, or if you completed a video or audio rebroadcast presentation without an instructor present to answer questions, then Alabama will not recognize that course for credit. Many people submitted “self-study” on-demand courses for credit last year and were not allowed to count those courses for compliance.

Under MCLE Regulation 4.1.8, approval may be given for video replayed activities if a *qualified instructor* is available to comment and answer questions. Additionally, all online courses must be interactive and pre-approved. Therefore, if you have a doubt about a course that appears to be self-study, find the course on our approved course listing or call our office before you attend.

The MCLE Rules and Regulations are posted online at [www.alabar.org/cle](http://www.alabar.org/cle). Review those to make sure you know and understand them as they apply to you. If a course is not listed on the approved list on our Web site, you may submit the course yourself. However, it is important that you familiarize yourself with the criteria that are considered when approving a course.

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## Limit your online compliance

Remember that no more than six hours may be claimed annually for pre-approved, online courses.

## Complete the courses and confirm your credit

At the seminar, ask the sponsor to report your hours to the Alabama State Bar using your Alabama State Bar number. If the sponsor refuses, request a certificate of attendance. If the course was listed as pre-approved, please send us that certificate and let us know that the sponsor refused to report your attendance.

If it was not a pre-approved course, you may use the application for accreditation found on our Web site to apply for credit for the course within 30 days of attending the program. There will be a \$25 processing fee for the course to be reviewed and there is no guarantee that the course will be approved for credit in our state. You will need to submit a copy of the agenda, the faculty list, the certificate of attendance and all written materials provided at the seminar.

## Communicate with our office in a timely fashion

**If you get a notice of compliance, review it and make necessary edits**

If you receive a notice of compliance from our office this fall, make sure it adequately reflects your current contact information and the hours that earned in 2006. If there are errors, correct those on the transcript and return the transcript by January 31, 2007.

**If you get a notice of non-compliance, respond timely**

If you receive a notice of non-compliance, you will have until December 31, 2006 to complete your hours—so, don't panic. You will also have until January 31, 2007 to correct your transcript and mail it back to us to avoid any penalties.

## Notify us early if you do have a major life-stressor

Under MCLE Regulation 3.2, the MCLE commission will review requests for substituted compliance, partial waivers or other exemptions based on extenuating

circumstances. It is best for those to be submitted as soon as the injury or event occurs so that it can timely be processed and considered. The worst thing you can do is to avoid communicating with our office in hopes that you will be "overlooked" this one time. Requests based on physical limitations should be accompanied by a physician's statement addressing the attorney's inability to meet the CLE requirements in the usual manner.

## Give us your feedback

As I put to bed the woes of 2005 compliance, I felt compelled to urge you to begin looking at 2006 compliance now. Many of the issues addressed herein were pulled from the suggestions that followed the last CLE article. I appreciate and encourage your continued feedback and suggestions. My e-mail address is [anita.hamlett@alabar.org](mailto:anita.hamlett@alabar.org).

In the meantime, put this article down and head back to your kids, spouse, burgers, TiVo or whatever it is that truly reduces your stress . . .with the peace of mind that you have a plan in place for "stress-free CLE"—the resolution to complete all your CLE prior to December 31 (heck, maybe even by Christmas). Hope springs eternal! ■

# Robert E. Perry

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