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# School Is in for the Summer



Ah... the joy of summer. In just a few weeks children will be rushing home buzzing with excitement because school is out for summer! The aroma of sweaty sneakers, the constant chirping of Game Boys, pool toys laced with fresh cut grass stacked in the mud room, mud mixed with chocolate on your favorite leather ottoman. Our kids making their way back into our daily routine will undoubtedly bring to mind all the magical moments of summer: Summer vacation, weekend trips to the lake, longer days to finish that “honey-do” list and longer nights to sit on the porch drinking lemonade and watching kids catch fireflies.

Yeah, right. Who am I kidding? I know that many of you think of summer as a great time to escape that noise at home by spending longer days struggling through brief-writing, longer nights doing legal research that you procrastinated about all spring, and if you need just a little extra justification—let’s not forget that longer days at work do equal more billable hours.

In other words, the one thing you might *not* be thinking about in May is MCLE. (Yes, it is true that Continuing Legal Education is offered before December.)

What are the advantages to getting your CLE early for 2007? Many of you wait and file deficiency plans every year for your CLE compliance. We are urging you not to file for a deficiency plan for 2007 unless necessary. It is up to you to become proactive now rather than procrastinating until the end of the year. If you get your CLEs early, you have ample time before December to check your CLE online and make sure all your hours have been reported. Also, if you report your CLEs early, you avoid getting that nasty pink “Notice of Non-Compliance.” Most importantly, you have peace of mind in knowing you have complied timely and could actually spend December enjoying the holiday season rather than rushing around trying to fit into any ole’ last-minute CLE (you thought we didn’t notice that there are divorce lawyers who have endured December programs with titles like “An Intriguing and In-depth Review of UCC Article 9,” didn’t you?)

It has taken me a little over a year to realize this, but I have come to believe that attorneys respond to *rules* better than *suggestions*. So, as you begin your CLE compliance for 2007, here are a few **CLE Commandments** or guidelines based on our MCLE department’s observations in 2006.



## Thou shalt learn (okay, at least read once) the MCLE Rules and Regulations

The Alabama MCLE Rules and Regulations can be found at [www.alabar.org/cle](http://www.alabar.org/cle) under RULES AND REGULATIONS. We urge you to review those rules and regulations and contact us with any questions *prior* to submitting courses for credit or reporting your CLE hours. For example, we probably will not approve your presentation at the local Junior League luncheon on “How to Prepare Your Own Will” if the primary audience is not lawyers. Nor would we be likely to approve your firm’s brunch presentation on “Marketing Our Firm for Success” if all the speakers are from your firm. Many times, you can save the expense of submitting courses by simply reviewing the rules prior to submission.

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### NOTE TWO CHANGES IN THE MCLE RULES AND REGULATIONS EFFECTIVE MARCH 9, 2007

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#### REGULATION 2.7

We are working to review the rules and regulations and offering changes to help clarify any ambiguities. Recently, the Supreme Court of Alabama handed down revisions to MCLE Regulation 2.7 and MCLE Rule 6.B. Regulation 2.7 changed very little, but made it clear that out-of-state attorneys who become members of the Alabama State Bar still must complete the professionalism course as mandated by MCLE Rule 9. The new MCLE Regulation 2.7 reads as follows:

*An attorney who resides and maintains a principal office for the practice of law in another state that requires Mandatory Continuing Legal Education (MCLE) and who can demonstrate compliance with the MCLE requirements of his or her principal state of practice is exempt from these rules, except as provided in Rules 5 and 9.*

#### RULE 6.B

Likewise, Rule 6.B had minor semantic changes. (Please, do not interpret this rule to require you to file paperwork if you are compliant and receive an accurate report on a green or blue annual reporting form.) The court merely helped us clarify that the \$300 penalty incurred at certification was intended to be in addition to all late fees incurred prior to certification. Therefore, an attorney who owes the maximum late fees of \$300 will incur an additional penalty of \$300 when certified (for a total of \$600 owed by the attorney at the time of certification). The MCLE Rule now reads as follows:

*As soon as practical after January 31 of each year, the Chairman of the Commission on Continuing Legal Education shall furnish to the Secretary of the Alabama State Bar a list of those attorneys who have failed to file*

*either an annual report for the previous calendar year, as required by Rule 5, or a plan for making up the deficiency as permitted by Rule 6.A. In addition, as soon as practicable after the first anniversary of an attorney’s admission to the Bar or of an attorney’s being licensed to practice law in Alabama, the Chairman shall furnish to the Secretary of the Alabama State Bar a list of those attorneys who were required to complete, but failed to complete, the professionalism courses required by Rule 9.A.*

*The Secretary shall thereupon forward these lists of attorneys to the Chairman of the Disciplinary Commission.*

*The Chairman of the Disciplinary Commission shall then serve, by certified mail, each attorney whose name appears on those lists with an order to show cause, within sixty (60) days (i.e., within 60 days from the date of the order) why the attorney’s license should not be suspended at the expiration of the sixty (60) days. Any attorney so notified may within the 60 days furnish the Disciplinary Commission with an affidavit (a) indicating that the attorney has in fact earned the 12 required CLE credits during the preceding calendar year or has since that date earned sufficient credits to make up any deficiency for the previous calendar year, or (b) indicating that the attorney has in fact completed the professionalism course required by Rule 9.A, or (c) setting forth a valid excuse (illness or other good cause) for failure to comply with either requirement. Payment of a penalty in the amount of \$300 must accompany the affidavit. This sum is in addition to all late fees incurred before compliance.*

According to the order dated March 9, 2007, these two changes were to take effect immediately. If you have questions regarding this rule or any of the MCLE Rules and Regulations, contact our office for guidance from previous decisions by the MCLE Commission.

## Thou shalt attend courses that are approved for Alabama credit

The general rule is that applications are due 30 days before the seminar date (see MCLE regulations 3.3 and 4.5). Some sponsors do not request CLE credit in Alabama. It is your responsibility to submit the course if the sponsor does not. If neither you nor the sponsor submitted the course in advance, you may request for the course to be reviewed retroactively. We strongly prefer that you request retroactive review of live courses within at least 30 days after a seminar, but MCLE Regulation 3.3 reads that, “No program submitted more than 60 days after December 31 of the compliance year will be approved.”

Applications for accreditation can be found at [www.alabar.org/cle/](http://www.alabar.org/cle/) under APPLY FOR COURSE CREDIT. The application should be accompanied by an agenda of the course, including faculty members and their credentials and a processing

fee (\$50 if submitted by the sponsor/\$25 if by the attending attorney). Allow 30 business days for a reply to this application.

After attending a seminar, always check your transcript online within 30 days.

**Note: All online courses must be interactive. Online or firm-sponsored programs should be submitted at least 30 days in advance of programming.**

MCLE regulation 4.1.16 requires that all online courses must be pre-approved. MCLE Regulation 4.1.14 also requires programs sponsored by law firms to be pre-approved. In the past, we have worked with attorneys to help educate them on these rules, but it is your responsibility to either attend courses listed at [www.alabar.org/cle](http://www.alabar.org/cle) as APPROVED COURSES, request that the sponsor apply for credit 30 days in advance of the seminar or apply yourself at least 30 days prior to the seminar.

Sponsors should verify in writing that they track participation of their online programs and that they allow the participants to ask questions of the faculty.

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## Thou shalt always provide a valid Alabama State Bar (ASB) number when signing in for a seminar

Always sign in with the sponsoring organization at the seminar. It is very important that you sign in the day of the seminar and provide the sponsor with your correct Alabama State Bar number and name. Sponsors now post most of the attendance electronically. If you do not write legibly or if you do not provide a valid ASB number, the sponsor may not be able to post your attendance.

## Thou shalt provide the Alabama State Bar with current contact information

Please double-check any address changes on the ASB Web site to confirm that the changes you submitted with your CLE changes are reflected on your membership information page. If incorrect, you should e-mail Membership Services at [ms@alabar.org](mailto:ms@alabar.org) and inform them of any changes.

## Thou shalt not lie when reporting CLE credits

Currently, Alabama attorneys are allowed to report their CLE hours using an honor system. If you report that you attended a full six hours of MCLE credit, we will post you accordingly.

As sponsors have moved to online reporting, we have noticed some discrepancies in the sponsors' records of attendance and the records reported by individual attorneys. For example, if you complete an online course on January 6, even if downloaded to your computer on December 31, the completion date is January 6. If you attend a live program that was approved for six hours and you leave an hour early, then you only need to report five hours of actual attendance. If you did not register for a course, you may not report attendance at that course. For example, if you sat outside a lecture hall and did not pay a registration fee or sat behind someone as they completed an online course but did not pay the registration fee, then you cannot report those stolen hours.

We do not foresee that the MCLE Commission will need to move toward stronger regulations in this area, but we caution you that intentional misrepresentations on MCLE reporting is unethical behavior and may subject you to an examination by the Office of General Counsel.

## Thou shalt not send incomplete applications

Instructions for filing for CLE credit in Alabama may be found at [www.alabar.org/cle](http://www.alabar.org/cle) under APPLY FOR COURSE

CREDIT. Please always include the appropriate filing fee, the name of the sponsor, the name of the city and state where the seminar will be held, a detailed timed agenda, and a brief description of the written material or a copy of the written material provided on each topic. At the bottom of the application, there is a place for your e-mail address so that we can readily e-mail you notice of the ruling as to the accreditation of the course.

Incomplete applications may not be processed.

## Thou shalt not request an extension past December 31 unless absolutely necessary

All attorneys are busy. That is why there are hundreds of CLE opportunities at diverse times and dates throughout the year. Waiting until after December 31 to complete your courses doesn't

reduce your workload; it merely increases your requirements for the following year, while causing you more financial strain and stress. We urge you, on behalf of the MCLE Commission, to complete your CLE prior to December 31 and only use deficiency plans when absolutely necessary due to extraordinary circumstances for that year. If there is an extraordinary circumstance that arises, write the MCLE Commission about any request pursuant to MCLE regulations 3.1 or 3.2. If you have questions, please call the MCLE department of the Alabama State Bar, (334) 269-1515.

Getting your CLE out of the way now will free you up for the rest of the year to enjoy things that we all take for granted. You have to admit, it wouldn't hurt any of us to venture out to the lake with the kids or spend time catching a firefly or two this weekend. Chances are the office and your full workload will still be there when you get back. But once you've had mud between your own toes, you may never look at the stained ottoman—or the long days of summer—the same. That is, if you are lucky. ■



# Quality Paralegal Education

## Faulkner University — A CHRISTIAN UNIVERSITY —

### *Our Mission*

The Faulkner University Legal Studies Department seeks to provide a program that supports its students during their academic and professional careers. Upon graduation, students will be well equipped to begin or continue an exciting career as a paralegal.

### *What are typical paralegal responsibilities?*

Paralegals work in many areas of law including litigation, real estate, corporate, probate and estate planning, intellectual property, family law, labor law, and bankruptcy. Paralegals perform tasks such as investigating facts, drafting legal documents, legal research, interviewing clients and witnesses, maintaining contact with clients, and the maintenance of legal files.

### *What can I not do as a paralegal?*

A paralegal/legal assistant cannot give legal advice, represent a client in court, establish a fee, or accept a case on behalf of an attorney.

### *How do I choose a Legal Studies Program?*

One way to ensure you receive a quality education is to choose a program with instruction specific to the skills required for the state. Secondly, it is important to choose a program with academic standards, such as those required by the American Bar Association.

***Faulkner University's Legal Studies Program is approved by the American Bar Association.***

The Faulkner University Legal Studies program offers an ABA

Approved curriculum exclusively at its Montgomery campus, with a strong reputation of academic excellence.

### *How can I get started?*

Legal Study courses are offered at convenient times that cater to the needs of students of all ages.

Our faculty is comprised of experienced practitioners with outstanding academic credentials. Contact Marci Johns, J.D. Director of Legal Studies today!

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