

## Providing MCLE Credit for a Berkeley Law Activity

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### Evaluating the Activity

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The State Bar evaluates whether a single activity is approved for MCLE credit using the following factors:

- The activity must be directly relevant to members of the State Bar
- The activity has significant and current professional or practical content
- The presenters or faculty have significant professional or academic experience related to the topic being presented
- The intended audience must be primarily members of the State Bar (for example, courses intended for paralegals do not qualify)
- The written or electronic materials that accompany the activity must be suitable and easily understood

You **CAN NOT** offer MCLE credit for the following parts of a course presentation:

- A. Breakfast/Registration/Demonstrations
- B. Scheduled breaks, rest periods or meals
- C. Luncheon presentations that do not indicate the actual length of the speaker's presentation
- D. Any advertising topic relating to promoting a firm or its services
- E. Non-legal functions including: meetings / networking / receptions / entertainment / tours / award ceremonies

You **CAN** offer MCLE credit for the following parts of a course presentation:

- A. Welcome, opening remarks & introduction of speakers
- B. Luncheon presentations which indicate the actual length of the speaker's presentation
- C. Closing Remarks, Questions & Answer Period
- D. Self-Assessment Tests (must be timed)

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### Calculating MCLE Hours

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The calculation of hours for MCLE credit for California members is based on sixty minutes of legal education instruction to equal one hour of MCLE credit. Hours may be calculated to the nearest quarter hour, or .25 of credit. Legal education is the actual length of time devoted to an acceptable legal education topic.

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### MCLE Publicity

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Promotional material must

- 1) state that the activity is approved for MCLE credit or that a request for approval is pending;
- 2) specify the amount of credit offered; and
- 3) indicate whether any of the credit may be claimed for required MCLE in special credit hours.

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## Calculating Special Credit Hours

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- A. **Legal Ethics:** Legal ethics must focus on the professional responsibility of attorneys and not on the ethics of business, corporate or government affairs or society in general. For example, activities that educate attorneys on the California Rules of Professional Conduct are eligible for ethics credit, but activities that focus on ethical dilemmas encountered in society, a business or a non-legal profession do not qualify for MCLE legal ethics credit.
- B. **Elimination of Bias:** Activities that qualify for such credit now include any form of bias found in either the legal profession or in society in general.
- C. **Substance Abuse/Mental Illness:** Approved activities must consist of education that identifies and discusses the detection of substance abuse, mental illness or other mental or physical issue that impairs a member's ability to perform legal services with competence.

*Full details on Special Credit hours can be found here:*

<http://mcle.calbar.ca.gov/Providers/EducationApproval/QualifyingActivities.aspx#specialcredit>

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## MCLE for Presenters

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A speaker at a CLE activity may claim actual speaking time multiplied by four for the first presentation. For repeat presentations, the speaker may only claim actual speaking time. A panelist may claim scheduled speaking time multiplied by four, plus the actual time spent in attendance at the remainder of the presentation. If speaking time is not scheduled divide the total time of the activity by the number of panelists to determine speaking time.

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## Administration Requirements

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General requirements for all Berkeley Law programs wishing to offer MCLE credit:

- Before event:
  - 1) Email [mcle@law.berkeley.edu](mailto:mcle@law.berkeley.edu) with link to agenda
  - 2) Email calculation of total MCLE hours
  - 3) Provide substantive written materials on the conference website (alternatively, you may disseminate hard copy materials at the event) - if one hour or more of credit is offered.
  
- During event:
  - 1) Maintain Record of Attendance for MCLE requestors
  - 2) Offer Certificate of Attendance to MCLE participants
  - 3) Offer evaluation forms to MCLE participants.
  
- After event (please mail a hard copy of the following items to David Grady at 320 Boalt Hall):
  - 1) Photocopy - Record of Attendance (keep originals)
  - 2) Photocopy - evaluation forms (keep originals)
  - 3) Blank copy of Certificate of Attendance
  - 4) Copy of final agenda
  - 5) Copy of publicity materials listing total MCLE credit hours