



Alaska Bar Association Regulations
Bar Rule 65
Continuing Legal Education

Approved by the Alaska Bar Board of Governors on October 30, 2008, and amended October 30, 2009, and January 28, 2010.

Regulation 1: Mandatory ethics continuing legal education and voluntary continuing legal education minimum guidelines and reporting.

- (a) The mandatory minimum requirement for all active Bar members is 3 hours per calendar year of ethics continuing legal education. All active Bar members are encouraged to earn 9 additional hours per calendar year of voluntary continuing legal education.
- (b) One hour equals 60 minutes.
- (c) The first reporting period is January 1, 2008 through December 31, 2008. Each succeeding period is the calendar year: January 1 through December 31.
- (d) Active Bar members shall report their mandatory ethics CLE and additional voluntary CLE hours completed on a form to be supplied by the Association.
- (e) This form will be returned to the Association in order for the member to be eligible for any Bar dues discount, if applicable, to be determined annually by the Board of Governors. The form is due February 1.
- (f) Bar members will certify compliance with the required ethics hours and whether they have met the recommended voluntary hours.

- (g) Approved for credit and accreditation are synonymous in these regulations.
- (h) Carrying forward of excess credit hours: a member may carry forward from the previous reporting period a maximum of 12 credits. To be carried forward, the credit hours must have been earned but not claimed for credit during the calendar year immediately preceding the current reporting period.
- (i) Extension of time for compliance: A member may file a written request by email or mail to the MCLE Administrator for an extension of time for compliance with this rule. A request for extension shall be reviewed and determined by the Association. A member who is granted an extension and completes the mandatory ethics and voluntary requirements after the end of the reporting period is not entitled to any Bar dues discount, if applicable.

Regulation 2: Approved activities.

The ethics requirement and voluntary recommended hours may be met either by attending courses or by completing any other continuing legal education activity listed in Alaska Bar Rule 65 (g) and approved for credit by the Association. Any course or continuing legal education activity approved for credit by a jurisdiction, other than Alaska, that requires continuing legal education is approved for credit in Alaska.

Regulation 3: Application, accreditation, and approval process.

The Association shall approve or disapprove education activities for credit. CLE activities sponsored by the Association including sections are deemed approved. Forms requesting approval may be submitted by mail, fax or electronically.

- (a) Applications by providers.

- (i) Application for status as accredited provider.
An entity or association must apply to the Association for accreditation as a CLE provider. An application fee of \$250 per year is required and must be submitted with the application for accreditation. A list of accredited providers will be maintained by the Association.
- (ii) Minimum standards for status as accredited provider.
An accredited provider shall have engaged in CLE during the one (1) year immediately preceding its application and have sponsored at least two (2) separate courses in that one year period which would comply with the requirements for course approval under these rules.
- (iii) Application for course approval.
Course providers shall submit an application for course accreditation to the Association. The application shall be in the form prescribed by the Association, and shall include identifying information, date and location of the course, the fee, the names and qualifications of the instructors, a complete description of the materials to be distributed to the participants, and a detailed outline of the course presentation, including discussion of ethical considerations, if any. An application fee of \$50 is required unless the provider is an Alaska non-profit organization, an Alaska government agency (muni, borough, state, tribal or federal), the program is a no-fee in-house activity, or the provider is an accredited provider.
- (iv) Approval statement.
Providers of approved courses may include in informational materials the following statement: "This course has been approved

by the Alaska Bar Association for X hours of Continuing Legal Education credit under Alaska Bar Rule 65.

(b) Member requests for accreditation.

(i) Application for course accreditation.

A member may seek CLE accreditation for activities not otherwise accredited by submitting an application for accreditation to the Association. Bar members are not required to pay the \$50 fee for individual requests for accreditation

(ii) Teaching.

Members teaching Alaska Bar Association sponsored CLE courses do not need to petition for credit. Members teaching other courses must submit an application for accreditation describing the course materials, the audience, the outline of the presentation, and the nature of the preparation required of the member.

(c) Response to applications and petitions.

The Association shall respond in writing via U.S. Mail, fax or electronically to a completed application by a course provider or by a member within 30 days of receipt.

(d) Reconsideration and Appeal.

(i) An aggrieved member or provider may request reconsideration of an adverse decision of the Association within 30 days from the date the decision is issued unless good cause is shown for failure to request reconsideration within that period of time. The member or provider may furnish additional information to support the application that was denied. All additional affidavits and other supporting information must accompany the request for reconsideration. The Association will issue a written decision on reconsideration within 14 days after receiving the request for reconsideration.

- (ii) Except as set forth in Regulation 3(d)(iii), the decision of the Association to deny an application by a course provider or by a member is a final decision and cannot be appealed.
- (iii) If a provider is denied accreditation by the Association upon reconsideration, the provider may appeal that decision to the CLE Committee. The appeal shall be in writing and shall be submitted to the Association within 30 days after the Association issues the decision on reconsideration unless good cause is shown for failure to file the appeal within that period of time. The appeal shall specify the reasons why the Association's decision should be reversed and shall be based on the record relied upon by the Association on reconsideration. The appeal will be resolved by the CLE Appeals Subcommittee. The CLE Appeals Subcommittee may meet telephonically. The subcommittee shall issue a written decision resolving the appeal within 30 days after receiving it from the Association.
- (iv) The CLE Appeals Subcommittee shall be composed of three CLE Committee members appointed by the CLE Committee Chair and two alternates appointed by the CLE Committee Chair. The term of the Subcommittee members shall be one year.
- (v) If an appeal to the CLE Appeals Subcommittee affects an attorney's compliance with Bar Rule 65, the attorney shall be granted an extension and may wait for a final decision before completing additional CLE for compliance.
- (vi) A decision of the CLE Appeals Subcommittee is a final decision of the Association unless that decision is reviewed by the Board of Governors on its own motion or upon petition by a provider.) A provider may petition the Board of Governors to review an adverse decision by the CLE Appeals Subcommittee. A petition for review

must be submitted to the Board in writing within 30 days after the CLE Appeals Subcommittee issues its decision. If granted, the review by the Board of Governors shall be based on the record on which the CLE Appeals Subcommittee based its decision.

Regulation 4: Standards for approval by the Association.

- (a) The activity must be of intellectual or practical content to the practice of law and where possible include professional responsibility and gender equity components. These components will include the goal of diversity and gender balance of faculty for CLE and the use of gender neutral language in CLE course materials. The activity must contribute directly to members' professional competence or skills, or to their education about their professional or ethical obligations. Law practice management courses can be considered for approval.
- (c) Course designers, leaders and/or lecturers must have the necessary practical or academic skills to deliver and conduct the activity effectively.
- (d) Each course participant in the activity must be provided with appropriate and thorough course materials which will assist the participant in learning the materials and integrating it into his or her practice. However, in some instances, course materials may not be integral to the presentation and the Association may waive the requirement for materials.
- (e) Courses must be conducted in a suitable setting conducive to a good educational experience.

Regulation 5: Number of credit hours for approved activities.

Credit hours will be given for approved CLE activities as follows:

- (a) Courses: One credit hour per 60 minutes of classroom instruction,

not including breaks, meals, or time spent reading materials. One credit hour per 60 minutes of audio or video or technology-delivered CLE of an approved course.

- (b) Teaching: One credit hour per 60 minutes of instruction of an approved CLE course.
- (c) Preparation: Credit will be granted for a maximum of up to two hours of preparation time per every 60 minutes spent teaching.
- (d) Legal publications: One credit hour per every 60 minutes of research and writing.
- (e) Substantive Section and Inn of Court meetings: One credit hour per 60 minutes of meeting time on a substantive topic.
- (f) Youth Court: One credit hour per every 60 minutes of participation as faculty.
- (g) Continuing Judicial Education: One credit hour per every 60 minutes of an approved Continuing Judicial Education course.

Regulation 6: Section Meetings.

- (a) All substantive section meetings shall be open to section members via conference telephone call at no cost to any section member outside of Anchorage who requests it.
- (b) All ethics CLE presentations at section meetings shall be audio taped and uploaded to the Bar website for free download.
- (c) Permission of the speaker shall be obtained prior to audio taping any presentation.

Regulation 7. Compliance and incentives under Bar Rule 65.

- (a) To be in compliance, an active member must complete at least three hours of ethics CLE and meet the mandatory reporting requirement. Failure to comply will result in suspension.

- (b) Only members who complete at least three hours of ethics and at least nine additional hours of CLE and comply with the mandatory reporting requirement are eligible to participate in the Alaska Bar Association's Lawyer Referral Service.
- (c) If a member does not comply with this rule by completing at least three hours of ethics and nine additional hours of CLE, that fact may be taken into account in any Bar disciplinary matter relating to the requirements of Alaska Rule of Professional Conduct 1.1.
- (d) To become reinstated after suspension, a member must comply with the at least three hours of ethics requirement and the mandatory reporting requirement, pay a \$250 reinstatement fee, and pay any bar dues accrued during suspension.
- (e) The Association shall publish annually, and make available to members of the public, a list of attorneys who have complied with this rule's ethics requirement plus the additional voluntary CLE hours.
- (f) The Association may adopt other incentives to encourage compliance with this rule.

Regulation 8. Record keeping.

- (a) The Association will keep CLE credit records only for registration at programs directly administered and sponsored by the Association.
- (b) Records for Alaska Bar section meeting activities and technology-delivered CLE will not be kept by the Association.
- (c) Active Bar members are responsible for maintaining a record of all CLE activities completed. The record may be any documentation, including contemporaneous journal entries or timekeeping entries, whether paper or electronic, that serves to establish that the member earned the credit hours. Active Bar members shall maintain records of CLE hours for the

two most recent reporting periods, and these records shall be subject to audit by the Association on request.