

STATE BAR OF NEW MEXICO
PARALEGAL DIVISION
Post Office Box 92860
Albuquerque, New Mexico 87199-2860
www.nmbar.org

GUIDELINES FOR MAINTAINING MINIMUM CONTINUING LEGAL EDUCATION
(MCLE) CREDITS FOR CONTINUED MEMBERSHIP
(Effective March 20, 2014)

A. PROCEDURE FOR REPORTING MCLE ATTENDANCE

Each member is responsible for reporting his/her MCLE activities to the CLE Tracking Committee as soon after completion of the MCLE activity as possible and within the calendar year in which it is attended (calendar year reporting also applies to all new members who are reporting MCLE credit hours in their initial compliance year[s]).

1. CLE Seminars Sponsored by the State Bar of New Mexico

Members attending these seminars may be advised at the registration tables that their CLE credits will be reported to the State Bar for them. The State Bar only reports CLE credit for attorneys—not paralegals.

a. Print the *Certificate of Attendance* from the State Bar website and take it with you when attending these *types of* seminars; or

b. Use the *Certificate of Attendance* provided for attorneys in the seminar materials.

2. MCLE Seminars Sponsored by the Division

Members attending the following seminars are only required to sign in and provide their Division member number. The sign-in sheets are automatically forwarded to the CLE Tracking Committee for documenting attendance. A Certificate of Attendance is not required.

a. Monthly Luncheon Seminars

b. Annual Division Seminar (f/k/a Paralegal Institute)

3. MCLE Seminars by Other Sponsors

These seminars must be approved by the Division in advance to ensure credit for attendance, if the brochure for the MCLE seminar does not indicate approval by the Division.

a. To request approval of credit for attending these types of seminars, the form *Request by a Member of the State Bar of New Mexico Paralegal Division for Approval of Continuing Legal Education Program for MCLE Requirements* (located on the State Bar website), must be

submitted to the CLE Tracking Committee together with the brochure or summary that describes the program in detail and identifies the MCLE credit hours for attendance, at least 30 days in advance of the seminar. If additional information is requested by the CLE Tracking Committee to assess the program, the Division member must respond within seven (7) days of the Committee's request so that a decision can be made on a timely basis.

B. MCLE REQUIREMENTS

1. **Hours Required:** Each member of the Division will be required to earn twelve (12) hours of MCLE credit during each compliance year, consisting of eleven (11) hours of general credit and one (1) hour of ethics.

- a. Credit will be awarded based on a 60-minute hour. Members not attending a full seminar shall receive partial credit in accordance with the number of hours attended. A request for MCLE credit shall not be submitted unless the duration of the MCLE activity is a minimum of one hour.

2. **Compliance Year:** The compliance year runs from January 1 until December 31. MCLE credit must be earned in the compliance year for which the credit applies;

- a. Members may carry over up to twelve (12) hours of excess credit to apply for the MCLE requirement for the following year.

- b. For new members, the initial compliance year shall be the first full year following the date the member was approved for membership (i.e., a member admitted in April 2014 has until December 2015 to comply.)

- (1) A new member must submit their MCLE attendance in the compliance year it is earned and such credit will be applied to the appropriate compliance year.

- (2) The initial compliance year does not apply to a member who is being reinstated or reactivated.

C. MCLE SEMINAR REQUIREMENTS FOR "GENERAL " CREDIT

The CLE Tracking Committee will award credit for MCLE activity that has been pre-approved for credit as indicated above, based on the following criteria:

1. The subject matter of the MCLE activity addresses substantive law or professional issues relevant to paralegals;
2. The individual presenting the subject matter has sufficient expertise and knowledge on the particular topic; and
3. The MCLE activity is **at least** one hour in duration.

MCLE activity that does not meet these criteria should be submitted to the CLE Tracking Committee to determine approval for credit prior to attendance at the course or seminar. The member will be advised as to whether or not the course or seminar will be approved for credit. Pre-approval should be sought, especially when the member has been notified of a deficiency and MCLE credit is a priority.

Live Program Credit: MCLE credit can be earned for attendance at live programs or programs which are broadcast via satellite, provided there is a moderator assigned to supervise the program and foster discussion among participants, and provided the program is approved for MCLE credit.

D. MCLE SEMINAR REQUIREMENTS FOR “ETHICS” CREDIT & PROFESSIONALISM CREDIT

1. Ethics:

Members are required to obtain one (1) hour of Ethics credit each compliance year. An additional hour of Ethics obtained in a compliance year may be carried over to the following year. Any additional Ethics credits obtained will not be carried over to the following year.

2. Professionalism:

Members may obtain up to one (1) hour of Professionalism credit, but it is not required. Any Professionalism credit obtained may be applied only to *General* credits and may not be applied as *Ethics* credits.

E. MCLE SEMINAR TOPICS WHICH MAY NOT BE CONSIDERED “SUBSTANTIVE” BUT WHICH WILL BE APPROVED FOR CREDIT (such as Law Practice Management, Technology and Computer Program Application)

1. Law Practice Management Courses: Members may obtain up to one (1) hour of credit for:

a. Seminars that address the following topics:

- (1) Financial dealings with clients;
- (2) Case management;
- (3) Procedure for conflict of interest checks;
- (4) Communication with clients;
- (5) Monitoring deadlines for ongoing cases;
- (6) Billing practices;
- (7) Trust accounts;
- (8) Anti-discrimination;
- (9) ADA;
- (10) Sexual harassment law and policies.

b. Technology seminars related to the following topics:

- (1) Westlaw or Lexis/Nexis;
- (2) Research;
- (3) Investigation;
- (4) Case management;
- (5) Financial and billing;
- (6) Social networking.

c. Computer Program Application Courses:

(1) Computer software/application program courses or seminars approved by the New Mexico MCLE Board will be given full credit.

(2) Computer software/application program courses or seminars that are not approved by the New Mexico MCLE Board will earn one-half (1/2) hour of credit for each one (1) hour attended. No more than four (4) hours of MCLE credit will be awarded during a compliance year for computer program application courses or seminars.

2. Courses Denied Credit:

a. Internal law office management,-including training on equipment and new technology that is not substantive;

b. Topics addressing the profitability of the firm, compensation for attorneys and staff, personnel matters (except legal issues) and marketing of the firm.

F. **SELF-STUDY CREDIT**

Self-study credit may be earned for viewing videotapes, listening to audio tapes or participating in CLE activities provided on-line via the internet (i.e., live broadcast, self-study, NALA on-line courses, etc.), provided that *prior* approval for self-study is obtained from the CLE Tracking Committee prior to viewing, listening, or participating.

1. The subject matter relates to substantive law or professional issues relevant to paralegals;
2. The sponsor an accredited provider or the program meets the criteria in these Guidelines; and,
3. The MCLE activity is at least one hour in duration.

Self-study credits may be applied only to the MCLE requirement for the compliance year in which they are earned and may not be carried over to a subsequent year. The *Request for Self-Study Approval* form (included in the membership package or available on the State Bar website) should be used when requesting approval for self-study. No more than five (5) hours of MCLE credit will be awarded during a compliance year for self-study.

G. PUBLICATIONS

Credit may be earned for authoring or co-authoring written material which is actually published in a legal periodical, journal, book or treatise which is approved by the Division, subject to the following requirements:

1. The material substantially contributes to the legal education or competency of paralegals; and,
2. The project is not done in the ordinary course of the paralegal's performance of regular employment.
3. Credit is given in the year the work is accepted for publication or in which publication actually occurs. The CLE Tracking Committee may award one (1) hour of credit for each five (5) hours of time spent in authoring or co-authoring such written material, including research and drafting. No more than five (5) hours of MCLE credit will be awarded during a compliance year.

H. SPEAKERS

Members who serve as speakers at an accredited provider's program or an approved program may receive credit for preparation time and presentation time at a 1:3 ratio. For every one (1) hour of teaching, up to three (3) hours of preparation time can be earned.

I. PARALEGAL STUDIES CREDIT

Successful completion of substantive legal courses offered by an educational institution as defined in the Division Membership Application will be approved for MCLE general credit with a Grade C or higher. Please refer to the criteria established in Paragraph K below for individual courses or seminars exceeding ten (10) hours in duration and which otherwise meet MCLE requirements. One (1) hour of Ethics credit will be awarded upon receipt of appropriate documentation of Ethics study.

J. LONG-DISTANCE LEARNING PROGRAM/HOME STUDY COURSE FOR PARALEGAL STUDIES

Long distance/home study courses will be considered by the CLE Tracking Committee on a case-by-case basis for MCLE credits upon submission of the following:

1. Proof of national accreditation of the provider;
2. Proof that the course meets the criteria for MCLE credit (course curriculum and hours); and,
3. Proof of course completion by the member.

K. COURSES EXCEEDING 10 HOURS IN DURATION

Except for seminar hours approved by the New Mexico MCLE Board, for individual courses or seminars exceeding ten (10) hours in duration and which otherwise meet the Division MCLE requirements, MCLE credit will be awarded as follows:

- 10-20 hours = 10 credit hours;
- 21-30 hours = 15 credit hours;
- 31-40 hours = 20 credit hours;
- 41-50 hours = 25 credit hours;
- Over 50 hours = 30 credit hours.

L. PARALEGAL CERTIFYING EXAM CREDIT & PACER EXAM

Twenty (20) hours of MCLE credit will be awarded for the successful completion of exams and ten (10) hours of MCLE credit will be awarded for the successful completion of a specialty exam.

M. PRO BONO ACTIVITIES CREDIT

MCLE credits may be granted to volunteer paralegals who have performed substantive pro bono legal services under the supervision of an attorney through a program established or endorsed by the Division. Documentation of time spent on substantive work must be submitted to the CLE Tracking Committee with the *Request for Pro Bono CLE Credit* signed by the pro bono supervising attorney (the form is in the membership package or may be obtained from the State Bar website) as follows:

1. One (1) hour of credit for each hour of substantive paralegal assistance provided. No more than five (5) hours of MCLE credit will be awarded during a compliance year for pro bono activity; any excess of pro bono hours may not be carried over to the next year.
2. Pro Bono paralegal services include notary services, intake of information for screening purposes, determination of type of legal services needed, or any other service requiring a legal judgment.
 - a. Any proposed activity which has not been approved for participation by the Division shall require pre-approval from the Chair of the Pro Bono Committee in order to ensure credit.

N. CARRY-OVER

A maximum of twelve (12) hours [11 hours of general credits and one (1) hour of ethics] earned in the current compliance year only, may be carried over to the next compliance year. Self-study hours may not be carried over.

O. MCLE REPORTS

Members now have easy access to monitor the status of their CLE credits on the State Bar website throughout the year. MCLE credits are posted on the State Bar web page on a monthly basis. Questions regarding the reporting shall be directed to the Chair of the CLE Tracking Committee.

P. ADMINISTRATIVE PENALTY

A “penalty” of \$25.00 may be assessed to a member who fails to comply with reporting or pre-approval requirements and which failure causes an additional administrative burden to the CLE Tracking Committee and/or the Administrative Assistant to resolve the problem(s) or issue(s).

Q. MCLE CREDIT HOURS FEE

Fees for MCLE credits may be included in the annual membership renewal fee.

R. NOTIFICATION OF DEFICIENCY

No later than January 15 of each year, the CLE Tracking Committee shall notify those members who are deficient in MCLE credit hours for the compliance year. The member has until February 15 to submit evidence of compliance not previously provided. On March 31, any member who is not in compliance shall be disenrolled. A member who has been disenrolled and subsequently files proof of compliance may be reinstated subject to the discretion of the CLE Tracking and Membership Committees, payment of a \$25.00 administrative penalty, and any other appropriate membership/MCLE fees. A member who is disenrolled due to failure to comply with MCLE reporting requirements for two consecutive years will be permanently disenrolled, except at the discretion of the Division Board of Directors.

S. APPEALS

An appeal of a CLE Tracking Committee decision regarding MCLE credit approval should be submitted in writing to the CLE Tracking Committee at the address above within thirty (30) days from the date of the decision. All appeals will be submitted by the CLE Tracking Committee for response and review by the Division Board of Directors. The decision by the Board of Directors is final.

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Request for CLE Provider Approval | Request for Pro Bono CLE Credit
Request for Self-Study Approval | Certificate of Course Attendance
Request for CLE Approval