

Continuing Legal Education: What's Required and Opportunities for Members and Staff to Satisfy Those Requirements

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As members of the [self-regulated](#) legal profession, attorneys are required, under the rules of their state bars, to maintain [competence](#) in their legal knowledge and skill. These rules apply to [preserve the integrity](#) of the profession and ensure that attorneys—who represent clients as officers of the legal system—uphold their “[special responsibility for the quality of justice](#)” under that system. To fulfill the duty of competence, [most jurisdictions](#), though not all, have adopted mandatory continuing legal education (MCLE) requirements. This Sidebar provides an overview of the states’ various MCLE requirements, discussing how each state varies in their approach to ensuring that attorneys maintain the requisite knowledge and skill to maintain professional competence. The Sidebar concludes by providing details on the [Federal Law Update](#) (FLU), a series of CRS legal seminars that will be held the **first two weeks of April 2019** and may be eligible for Continuing Legal Education credits.

The American Bar Association (ABA) [has described](#) the continuing education requirement as follows:

To maintain public confidence in the legal profession and the rule of law, and to promote the fair administration of justice, it is essential that lawyers be competent regarding the law, legal and practice-oriented skills, the standards and ethical obligations of the legal profession, and the management of their practices.

In 2017, the ABA amended its [Model Rule for MCLE credits](#), [setting an example](#) for licensing jurisdictions to use. The [MCLE Model Rule](#) requires an average of 15 credit hours per year over the course of the reporting period. Those credits must include three specific categories: (1) an average of one hour of ethics and professionalism credit per year; (2) an hour of mental health and substance abuse disorder credit every three years; and (3) an hour of diversity and inclusion credit every three years. The Model Rule provides various exemptions that would excuse attorneys from completing the MCLE requirements. Exemptions apply, for instance, for non-practicing attorneys with inactive licenses or those on retired status.

Licensing jurisdictions widely diverge from the Model Rule, resulting in MCLE requirements differing from each other in a number of ways, including, for example, the quantity of credit hours and the period

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over which those credits may accrue. Examples of MCLE requirements that the various U.S. jurisdictions have adopted illustrate the different ways that such requirements may apply to licensed attorneys working in Congress, including:

- **Out of State Attorneys.** Attorneys who are licensed by a state bar, but work outside of the geographic confines of that state generally are still required to comply with the MCLE requirements of that state. State bars may allow attorneys who are active members, but practice in another jurisdiction, to satisfy the state's MCLE requirements by demonstrating compliance with the MCLE requirements of the jurisdiction in which they reside and practice.
 - For example, [Washington](#) permits its active members who are also active members of certain other bars to comply with credit requirements in that jurisdiction. In so doing, the Washington Bar allows its members to “certify compliance with [its] rules in lieu of meeting the education requirement by paying a comity fee and filing a Comity Certificate of MCLE Compliance from a comity state certifying to the lawyer’s subjection to and compliance with that state’s MCLE requirements during the lawyer’s most recent reporting period.”
 - To take another example, [Arizona](#) permits active members of its bar who “reside[] in another MCLE jurisdiction, and who [are] subject to and complying with the MCLE requirements for that jurisdiction” to file an affidavit indicating compliance with the other jurisdiction’s MCLE requirements, unless the attorney is not admitted in that jurisdiction or the jurisdiction has no MCLE requirement (in which case the attorney must comply with Arizona’s MCLE requirements).
 - A few states do, however, wholly exempt attorneys practicing out of state from having to comply with the state’s MCLE requirements. For example, members of the [Wisconsin](#) bar who do not practice law in the state during a reporting period are exempt from its MCLE requirements.
- **Status of Government Officials.** Some states may exempt government officials from having to comply with MCLE requirements, though these states may still require attorneys to report their exempt status. These exemptions can vary greatly between jurisdictions, from exemptions for discrete professionals like judges, legislators, or attorneys who are active duty in the military to broader exemptions for all federal government attorneys.
 - For example, [North Carolina](#) “exempt[s]” its “members of the United States Senate” and its “members of the United States House of Representatives” “from the requirements of [its MCLE] rules for any calendar year in which they serve some portion thereof in such capacity.”
 - Similarly, [Texas](#) provides that “Members of the Texas Legislature or members of Congress may request a 15-hour allowance” from its MCLE requirements.
 - [California](#) exempts attorneys who are “employed full-time by the United States government as attorneys or administrative law judges on a permanent or probationary basis, regardless of their working hours, who do not otherwise practice law.”

Failure to abide by a state’s MCLE requirements can, depending on the state, result in a range of penalties from [fines](#) to [suspensions](#). For reference purposes, **Table 1**, below, summarizes basic MCLE requirements that apply to active members of the bars of the states, District of Columbia, and U.S. territories. For each jurisdiction, a link is provided to either:

- the state bar or other body that administers or facilitates MCLE reporting in the jurisdiction if that page includes a link to the rules governing MCLE (which also often include other information on MCLE compliance and reporting), or
- the MCLE rules, rules of the state Supreme Court, or rules of professional conduct of the applicable jurisdiction.

It is important to note that MCLE rules will vary widely on a number of factors, including, among other issues, whether the attorney is newly admitted to a bar; whether the requirements necessitate in-person attendance; the minimum minutes per credit hour; or other course requirements. Accordingly, it is paramount that every attorney closely examine his or her jurisdiction's specific obligations to ensure compliance with its MCLE requirements.

CRS can assist attorneys working in Congress with their professional obligations for continuing education through the American Law Division's [FLU](#), a semiannual series of seminars on highly topical legal issues of interest to the legislative agenda. Subject to the approval of the MCLE requirements of the various jurisdictions, the seminars may be eligible to satisfy attendees' MCLE requirements. In addition to general sessions, the FLU offers attendees two opportunities to satisfy their jurisdiction's ethics and professional responsibility requirements. Professional responsibility seminars are intended to satisfy attorney ethics requirements by basing discussion on the Model Rules of Professional Conduct and relevant rules from individual jurisdictions as they pertain to the discussion.

This year, the spring FLU seminars will be held **April 2-4 and 9-11** in the **Montpelier Room of the James Madison Memorial Building** in the Library of Congress. To register, click [here](#).

**Table I. Summary of Basic MCLE Requirements Applicable to
Active Members of the Bars of the States, the District of Columbia, and U.S. Territories**

Jurisdiction	Reporting period	General MCLE requirements per reporting period	Rules available
Alabama	1 year	12 hours required, including 1 hour of ethics	MCLE, Alabama State Bar
Alaska	1 year	3 hours of ethics or other professionalism topics required; 9 additional hours of general voluntary CLE encouraged	MCLE Rule, Alaska Bar Association
American Samoa	N/A	No MCLE requirement at this time	High Court Rules, American Samoa Bar Association
Arizona	1 year	15 hours per year required, including 3 hours of ethics or other professional responsibility topics	Mandatory Continuing Legal Education, State Bar of Arizona
Arkansas	1 year	12 hours required, including 1 hour of ethics or other professionalism topics	Continuing Legal Education, Arkansas Judiciary
California	3 years	25 hours required, including 4 hours of ethics, 1 hour of substance abuse and other issues that impair competence, and 1 hour of elimination of bias	MCLE Rules, State Bar of California
Colorado	3 years	45 hours required, including 7 hours of ethics	CLE Rules, Regulations, and Forms, Office of Attorney Regulation Counsel, Colorado Supreme Court
Connecticut	1 year	12 hours required, including 2 hours of ethics/professionalism	Minimum Continuing Legal Education, State of Connecticut Judicial Branch

Jurisdiction	Reporting period	General MCLE requirements per reporting period	Rules available
Delaware	2 years	24 hours required, including 4 hours of ethics and professionalism	Revised Delaware Rules for Continuing Legal Education, Commission on Continuing Legal Education of the Delaware Supreme Court
District of Columbia	N/A	No MCLE requirement at this time	D.C. Rules of Professional Conduct
Florida	3 years	33 hours, including 5 hours of ethics, professionalism, bias elimination, substance abuse, or mental illness awareness and 3 hours in technology programs	CLER/BSCR Rules, Florida Bar
Georgia	1 year	12 hours required, including 1 hour of ethics and 1 hour of professionalism; 3 hours of trial practice also required for trial attorneys	State Bar Handbook Part VIII – Continuing Legal Education, State Bar of Georgia
Guam	1 year	10 hours required, including 2 hours of ethics or professionalism	CLE - Amended Rule Governing Mandatory Continuing Legal Education, Guam Bar Association
Hawaii	1 year	3 hours required; 1 hour of ethics or professional responsibility required every 3 years	Mandatory Continuing Legal Education, Hawaii State Bar Association
Idaho	3 years	30 hours required, including 3 hours of ethics or professional responsibility	MCLE Compliance, Idaho State Bar
Illinois	2 years	30 hours required, including 6 hours of professionalism, civility, legal ethics, diversity and inclusion, or mental health and substance abuse of which 1 hour must be diversity/inclusion and 1 hour mental health/substance abuse	Illinois MCLE Requirements and Fees, Minimum Continuing Legal Education Board of the Supreme Court of Illinois
Indiana	3 years, with minimum yearly requirements	36 hours required (6 hours minimum per year), including 3 hours of ethics or professional responsibility	Continuing Legal Education for Attorneys, Indiana Commission for Continuing Legal Education
Iowa	1 year	15 hours required; 3 hours of ethics are required every 2 years	Annual Reporting Requirements, Office of Professional Regulation, Iowa Supreme Court

Jurisdiction	Reporting period	General MCLE requirements per reporting period	Rules available
Kansas	1 year	12 hours required, including 2 hours of ethics and professionalism	Rules and Regulations, Kansas Continuing Legal Education Commission
Kentucky	1 year	12 hours required, including 2 hours of ethics, professional responsibility, and professionalism	Continuing Legal Education Rules, Kentucky Bar Association
Louisiana	1 year	12.5 hours required, including 1 hour of ethics and 1 hour of professionalism	Rules for Continuing Legal Education, Louisiana State Bar Association
Maine	1 year	12 hours required, including 1 hour of ethics or other professionalism topics and 1 hour of avoidance of harassment and discriminatory conduct	Continuing Legal Education, Board of Overseers of the Bar, State of Maine
Maryland	N/A	No MCLE requirement at this time	Maryland Attorneys' Rules of Professional Conduct and Attorney Trust Accounts, Attorney Grievance Commission and Office of Bar Counsel
Massachusetts	N/A	No MCLE requirement at this time	Massachusetts Rules of Professional Conduct, Supreme Judicial Court
Michigan	N/A	No MCLE requirement at this time	Michigan Rules of Professional Conduct, Michigan Supreme Court
Minnesota	3 years	45 hours required, including 3 hours of ethics or professional responsibility and 2 hours of elimination of bias	CLE Compliance, Minnesota State Board of Continuing Legal Education
Mississippi	1 year	12 hours required, including 1 hour of ethics, professional responsibility, professionalism, malpractice prevention, substance abuse or mental health	Continuing Legal Education General Information, Supreme Court of Mississippi
Missouri	1 year	15 hours required, including 2 hours of ethics, professionalism, substance abuse and mental health, or malpractice prevention	Frequently Asked Questions About MCLE, Missouri Bar
Montana	1 year	15 hours required, including 2 hours of ethics	Rules for Continuing Legal Education, Montana Commission of Continuing Legal Education

Jurisdiction	Reporting period	General MCLE requirements per reporting period	Rules available
Nebraska	1 year	10 hours required, including 2 hours of ethics or other professional responsibility topics	Mandatory Continuing Legal Education (MCLE), Nebraska Supreme Court
Nevada	1 year	13 hours required, including 2 hours of ethics and professional conduct and 1 hour of substance abuse	Supreme Court Rules, Supreme Court of Nevada (See Part III, § H)
New Hampshire	1 year	12 hours required, including 2 hours ethics, professionalism, or prevention of malpractice, substance abuse, or attorney-client disputes	Rule 53. New Hampshire Minimum Continuing Legal Education Requirement, Supreme Court of the State of New Hampshire
New Jersey	2 years	24 hours required, including 4 hours of ethics or professionalism	Continuing Legal Education, Supreme Court of New Jersey
New Mexico	1 year	12 hours required, including 2 hours of ethics or professionalism	Minimum Continuing Legal Education, State Bar of New Mexico
New York	2 years	24 hours required, including 4 hours of ethics and professionalism and 1 hour of diversity, inclusion, and elimination of bias	The Legal Profession – Continuing Legal Education, New York State Unified Court System
North Carolina	1 year	12 hours required, including 2 hours of professionalism or professional responsibility; 1 additional hour on substance abuse awareness or debilitating mental conditions required every 3 years	CLE Requirements in North Carolina for Lawyers, North Carolina State Bar
North Dakota	3 years	45 hours required, including 3 hours of ethics or professional responsibility	Continuing Legal Education Hours, State Bar Association of North Dakota
Northern Mariana Islands	2 years	20 hours required	Resources for Continuing Legal Education, CNMI Bar Association

Jurisdiction	Reporting period	General MCLE requirements per reporting period	Rules available
Ohio	2 years	24 hours required, including 2.5 hours of ethics or other professional conduct topics	Continuing Legal Education, Supreme Court of Ohio
Oklahoma	1 year	12 hours required, including 1 hour of ethics, professional responsibility, or malpractice prevention	Mandatory Continuing Legal Education Rules, Oklahoma Mandatory Continuing Legal Education Commission
Oregon	3 years	45 hours required, including 5 hours of ethics, 1 hour on attorneys' statutory duty to report child or elder abuse, and 1 hour on mental health, substance abuse, and cognitive impairment; in alternate reporting periods, 3 hours of access to justice are required	Minimum Continuing Legal Education, Oregon State Bar
Pennsylvania	1 year	12 hours required, including 2 hours of ethics, professionalism, or substance abuse	Rules and Regulations, Continuing Education Board
Puerto Rico	2 years	24 hours required, including 4 hours of ethics, and, for notaries, 6 hours of notarial law	Links Related to the Supreme Court, Supreme Court of Puerto Rico
Rhode Island	1 year	10 hours required, including 2 hours of ethics	Mandatory Continuing Legal Education, MCLE Commission
South Carolina	1 year	14 hours required, including 2 hours of legal ethics/professional responsibility; at least once every 3 annual reporting periods, 1 of those 2 hours must be on substance abuse, mental health or stress management	Commission on CLE and Specialization, Supreme Court of South Carolina
South Dakota	N/A	No MCLE requirement at this time	South Dakota Rules of Professional Conduct, South Dakota Legislature
Tennessee	1 year	15 hours required, including 3 hours of ethics/professionalism	Rule 21 and Regulations, Tennessee Commission on Continuing Legal Education
Texas	1 year	15 hours required, including 3 hours ethics/professional responsibility	MCLE Rules, State Bar of Texas

Jurisdiction	Reporting period	General MCLE requirements per reporting period	Rules available
Utah	2 years	24 hours required, including 3 hours of ethics or professional responsibility, of which 1 must be in professionalism and civility	MCLE Requirements, Utah State Bar
Vermont	2 years	20 hours required, including 2 hours of ethics	Mandatory Continuing Legal Education, Board of Mandatory Continuing Legal Education
Virginia	1 year	12 hours required, including 2 hours of ethics or professionalism	Mandatory Continuing Legal Education, Virginia State Bar
U.S. Virgin Islands	1 year	12 hours required, including 2 hours of ethics or professionalism	CLE Overview, Virgin Islands Bar Association
Washington	3 years	45 hours, including 6 hours of ethics and professional responsibility and 15 hours of law and legal procedure	MCLE for Lawyers, Washington State Bar Association
West Virginia	2 years	24 hours required, including 3 hours in ethics, office management, substance abuse, or elimination of bias in the legal profession	CLE Rules and Regulations, West Virginia State Bar
Wisconsin	2 years	30 hours required, including 3 hours ethics and professional responsibility	SCR Chapter 31, Supreme Court Rules, Wisconsin State Legislature
Wyoming	1 year	15 hours required, including 2 hours of ethics	Continuing Legal Education, Wyoming State Bar

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