

PROFESSIONAL RESPONSIBILITY/ETHICS POLICY STATEMENT

All actively licensed attorneys are required to complete a minimum two (2) hours of continuing legal education in the area of professional responsibility by June 30 of each compliance period. "Such instruction shall include but is not limited to programs which focus on the Supreme Court Rules Relating to Discipline of Attorneys and/or the Rules as they directly relate to law firm management, attorney fees, substance abuse, and the duties of attorneys to the judicial system, public, clients, and other attorneys." Supreme Court Rule 802(a).

Ethics included as part of another topic does not qualify for professional responsibility/ethics credit. "Integration of legal ethics or professional responsibility issues into substantive law topics is encouraged, but shall not count toward the two (2) credit minimum annual professional responsibility requirement." Supreme Court Rule 804(f).

The Commission's policy is to accredit law office management programming that bears a direct relationship to the ethical/professional responsibilities arising out of the Model Rules of Professional Responsibility or other duties to clients (including malpractice avoidance).

The following are illustrative, non-exclusive examples of programming that is accreditable under the standard set forth above: ethical duties and proper office or attorney procedures and/or systems concerning fee contracts, withdrawal from representation, handling of client files, advertising and solicitation, calendars, docket and tickler systems, confidentiality, trust accounts, conflict screening and avoidance, communication with clients, malpractice risk management, and grievance procedures, employment law relating to lawyers and law offices; law office disaster planning; and legal research skill or system training.

The Commission will occasionally receive applications for approval of ethics credits for topics which do not objectively pertain to or directly address rules of professional conduct or codes of professional responsibility specifically applicable to attorneys. These programs may meet the requirements for general MCLE credit, but are not eligible for professional responsibility credits.

The following are examples of some topics and types of courses which **do not** qualify for ethics credit:

Ethics in Government

Programs which focus on standards of conduct applicable to non-attorney employees, even though presented to attorneys, including:

- 1) the ethical standards applicable to governmental employees, federal legislators, governmental contractors;
- 2) United States' employees' compliance with the Presidential Executive Order requiring a standard of conduct higher than the bar ethical rules might require;
- 3) educating the government attorneys in these standards to enable that attorney to better advise a legislative and/or executive branch client on the applicable standards.

Litigation Tactics

Programs which focus primarily on rules of evidence and rules of procedure and not on applicable rules of professional conduct or codes of professional responsibility.

Ethics of Other Professions, such as business/corporate/medical ethics

Programs which, although presented to lawyers, focus on:

- 1) an analysis or the application of ethical standards governing members of a profession other than the legal profession, e.g. ethics for accountants, realtors, etc.;
- 2) an analysis or the application of ethical standards appropriate for executives, corporate officers and employees;
- 3) an analysis or the application of medical ethics, "bioethics," or "biomedical" ethics;
- 4) educating the lawyer in these standards to enable that lawyer to better advise a client on the applicable standards.