

## Guidelines for Ethics and Professionalism

All actively licensed attorneys are required to complete a minimum of 2 hours of CLE in the area of ethics and professionalism by the end of each compliance period. Supreme Court Rule 803(a).

- **Ethics Definition** - Ethics refers to the standards set by the Kansas Rules of Professional Conduct with which lawyers must abide to remain in good standing as members of the Kansas bar. Programming is creditable when it instructs attorneys on compliance and duties under those rules.
- **Professionalism Definition** - Professionalism is conduct consistent with the tenets of the legal profession as demonstrated by a lawyer's civility, honesty, integrity, character, fairness, competence, ethical conduct, public service, and respect for the rule of law, the courts, clients, other lawyers, witnesses, and unrepresented parties. Professionalism also includes promotion of diversity and inclusion of minorities in the legal profession, including but not limited to race, religion, color, sex, disability, national origin or ancestry, familial status, sexual orientation, and gender identity.<sup>1</sup> The general goal of including professionalism as creditable CLE is to create a forum in which lawyers, judges and legal educators can explore and reflect upon the meaning and goals of professionalism in contemporary legal practice.
- **Ethics Issues in Another Topic** - Ethics included as part of another topic does not qualify for ethics and professionalism credit. "Integration of legal ethics or ethics and professionalism issues into substantive law topics is encouraged, but shall not count toward the 2-hour minimum annual ethics and professionalism requirement." Supreme Court Rule 804(g)(6). To qualify, the session must focus on ethics and be clearly marked in a block of time on the agenda.
- **Non-Attorney Ethics** - The Commission will occasionally receive applications for approval of ethics credits for topics that do not objectively pertain to ethics or professionalism issues specifically applicable to attorneys. These programs may meet the requirements for general CLE credit, but are not eligible for ethics and professionalism credits.
- **Examples** - Topics and types of courses that do not qualify for ethics and professionalism credit:

Mediation Ethics

Ethics in Government - Programs that focus on standards of conduct applicable to non-attorney employees, even though presented to attorneys, including:

- the ethical standards applicable to governmental employees, federal legislators, governmental contractors;
- United States' employees' compliance with the Presidential Executive Order requiring a standard of conduct higher than bar ethical rules might require;
- 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 that focus primarily on rules of evidence and rules of procedure and not on applicable rules of professional conduct or codes of ethics and professionalism.

Ethics of Other Professions, such as business/corporate/medical ethics. Programs that, although presented to lawyers, focus on:

- 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;
- an analysis or the application of ethical standards appropriate for executives, corporate officers, and employees;
- an analysis or the application of medical ethics, "bioethics," or "biomedical" ethics;
- educating the lawyer in these standards to enable that lawyer to better advise a client on the applicable standards.

For questions or comments regarding these guidelines, please contact the Kansas CLE Commission, 400 S Kansas Ave, Ste. 202, Topeka, KS 66603. 785-357-6510 [www.kscle.org](http://www.kscle.org)

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<sup>1</sup> The Kansas Acts Against Discrimination (KAAD), which regulate discrimination in employment, housing, and public accommodation, currently cover race, religion, color, sex, disability, national origin or ancestry, and familial status. See Kan. Stat. Ann. ch. 44, art. 10. Legislation to add sexual orientation and gender identity has been pending for several years. See e.g. S.B. 53 (2011).

In addition to KAAD, Kansas's criminal code includes a misdemeanor provision for denial of civil rights that currently covers race, color, ancestry, national origin and religion. See Kan. Stat. Ann. § 21-6102. Legislation is also pending to add sexual orientation and gender identity to that law. See H.B. 2636 (2012).