

IN THE SUPREME COURT OF THE STATE OF OREGON

In the Matter of Amendment to the)
MINIMUM CONTINUING LEGAL) ORDER NO. 14-019
EDUCATION RULES)
) ORDER AMENDING
) MCLE RULES 3.2, 3.3, 3.5, and 5.5
)

At its public meeting on April 8, 2014, the court considered and approved proposed amendments to Minimum Continuing Legal Education (MCLE) Rules 3.2, 3.3, 3.5, and 5.5, as submitted by the Oregon State Bar Board of Governors by letter dated February 28, 2014. The amendments change MCLE Rules to require training on a lawyer's duty to report elder abuse. The amendments also modify the rules regulating out-of-state member compliance by amending MCLE Rule 3.5(a).

The rules are hereby amended as follows (deleted text has been stricken and new text is underlined):

Rule 3.2 (b) Ethics. At least six of the required hours shall be in subjects relating to ethics in programs accredited pursuant to Rule 5.5(a), including one hour on the subject of a lawyer's statutory duty to report child abuse (~~see ORS 9.114~~) or one hour on the subject of a lawyer's statutory duty to report elder abuse (see ORS 9.114). MCLE Regulation 3.300(d) specifies the reporting periods in which the child abuse or elder abuse reporting credit is required.

Rule 3.2(c) Access to Justice. In alternate reporting periods, at least three of the required hours must be in programs accredited for access to justice pursuant to Rule 5.5(b). ~~For purposes of this rule, the first reporting period that may be skipped will be the one ending on December 31, 2009.~~¹

3.3 Reinstatements, Resumption of Practice After Retirement and New Admittees.

(a) An active member whose reporting period is established in Rule 3.7(c)(2) or (d)(2) shall complete 15 credit hours of accredited CLE activity in the first reporting period after reinstatement or resumption of the practice of law in accordance with Rule 3.4. Two of the 15 credit hours shall be devoted to ethics (~~including one in child abuse reporting~~).

(b) New admittees shall complete 15 credit hours of accredited CLE activity in the first reporting period after admission as an active member, including two credit hours in ethics (~~including one in child abuse reporting~~), and ten credit hours in practical skills. ~~New admittees admitted prior to December 31, 2008 must also complete one access to justice credit in their first reporting period.~~ New admittees admitted ~~on or after January 1, 2009~~² must also complete a three credit hour OSB-approved introductory course in access to justice. The MCLE Administrator may waive the practical skills requirement for a new admittee who has practiced law in another jurisdiction for three consecutive years immediately prior to the member's admission in Oregon, in which event the new admittee must complete ten hours in other areas. After a new admittee's first reporting period, the requirements in Rule 3.2(a) shall apply.

1 Reference to past date is being deleted for housekeeping purposes.

2 References to past dates are being deleted for housekeeping purposes.

3.5 Out-of-State Compliance.

(a) Reciprocity Jurisdictions. An active member whose principal office for the practice of law is not in the State of Oregon ~~but~~ and who is an active member in a jurisdiction with which Oregon has established MCLE reciprocity may comply with these rules by filing a compliance report as required by MCLE Rule 7.1 accompanied by evidence that the member is in compliance with the requirements of the other jurisdiction and has completed the child abuse or elder abuse reporting credit required in ORS 9.114.). MCLE Regulation 3.300(d) specifies the reporting periods in which the child abuse or elder abuse reporting credit is required.

5.5 Ethics and Access to Justice.

(a) In order to be accredited as an activity in legal ethics under Rule 3.2(b), an activity shall be devoted to the study of judicial or legal ethics or professionalism, and shall include discussion of applicable judicial conduct codes, disciplinary rules, or statements of professionalism. Of the six hours of ethics credit required by Rule 3.2(b), one hour must be on the subject of a lawyer's statutory duty to report child abuse or elder abuse (see ORS 9.114). The child abuse reporting training requirement can be completed only by one hour of training by participation in or screening of an accredited program. MCLE Regulation 3.300(d) specifies the reporting periods in which the child abuse or elder abuse reporting credit is required.

IT IS HEREBY ORDERED that Oregon State Bar Minimum Continuing Legal Education Rules 3.2, 3.3, 2.5, and 5.5 are amended. The amendments are effective January 1, 2015.

Dated this 17th day of April, 2014.



Thomas A. Balmer
Chief Justice