

?? ? Frequently Asked Questions ? ? ?

How do I apply for CLE credit?

Please complete and print the [Accreditation Form](#) found in the CLE section of this website .

We determine credits based on the number of minutes of actual instruction. [An agenda with a time breakdown is required.](#) For shorter programs a brief description is sufficient.

Please **DO NOT** send print-outs of PowerPoint programs.

Please mail -- **DO NOT FAX or EMAIL** -- the completed form and attachments to:

State Bar of MT
PO Box 577
Helena MT 59624.

We review over 2,000 programs per year, **PROCESSING TIME IS USUALLY 2-3 WEEKS.**

Program sponsors must include a \$50.00 application fee. There is no application fee for members of the State Bar of Montana.

How many CLE credits do I need each year?

Active attorneys must complete [15 credits](#) of continuing legal education credits every reporting year. [The reporting year begins on April 1 and ends on March 31.](#) Members of the Paralegal Section need 10 credits each year.

What constitutes a credit?

One credit is equal to 60 minutes of instruction. Introductory remarks, breaks and luncheon speeches do not qualify for CLE credit.

Do all 15 credits have to come from attending live seminars?

No. A minimum of 10.0 credits per year must be obtained by participation in "Live" or "Interactive" seminars. A maximum of 5.0 "Other" credits may be earned by self-study methods.

Telephone conferences and live "webcasts" or "webinars" qualify as interactive credit. Online programs that are available "on demand" do not qualify as interactive and are limited to 5.0 credits per year.

What activities qualify as "Other" credits?

"Other" credit usually refers to some type of self-study program. These include audio- or

videotape recordings; DVD recordings; preparing to teach at approved CLE programs; on-line self-study programs; or writing an article that appears in any Law Review published by an ABA-accredited Law School.

★ IMPORTANT ★: "Other" credits are limited to 5.0 per year and may not be carried forward to subsequent reporting years.

Why are "Other" credits limited to 5.0 per year?

The CLE Commission believes that interaction with fellow attorneys contributes to the learning process and that a significant portion of CLE credits should be satisfied by attending live seminars or by methods that allow for interaction among the participants and the instructor by telephone or electronic means.

Can I get credit for courses that have not been pre-approved by the State Bar?

Yes.

Regarding In-State programs:

Most law-related programs held in Montana are submitted for accreditation by the seminar's sponsor. Check the list of approved programs for the current year on this website. This list is updated regularly, however, in-state courses are usually not submitted for approval more than 4-6 weeks in advance, and some courses are not submitted for approval until after the program takes place. Please note that this list contains **only** programs held in Montana.

If the course has not been submitted, simply fill out the Accreditation Form (found on this website or in the Lawyer's Deskbook & Directory), attach a course agenda with time schedule, and submit it to the State Bar.

Regarding Out-of-State Programs:

We will honor the approval given by other CLE jurisdictions, so if a seminar has been approved for CLE credit in the state in which it is held, there is no need to apply for approval of CLE credit in Montana. Simply attach documentation of the other state's approval to your affidavit at the end of the reporting year.

How do I report my CLE credits?

By April 15th each year an affidavit form will be mailed to you on which you will report all CLE activities that you have attended since April 1st of the previous year. It is possible that courses you have attended were pre-reported to the Bar and are already printed on our affidavit.

Why don't all the courses I've attended appear on my affidavit?

The CLE Commission credits each attorney's record if an attendance list is provided by the program's sponsor, or, if the attorney pre-reports by sending the attendance certificate(s) to the State Bar. Attendance information is not always provided to the Commission.

What if the information on my affidavit is incomplete or incorrect?

★ **IMPORTANT** ★ It is each attorney's responsibility to verify all information on his/her affidavit. If you attended only a portion of a seminar, please write in the number of hours you were actually in attendance.

If a program you attended is not printed on your affidavit, you must write it in.

Should I attach my attendance certificates to my affidavit?

It is not required for in-state programs since compliance is reported on an honor system. However, if you attended an **out-of-state** program that does not appear pre-printed on your affidavit, it is helpful to attach the attendance certificate. We will honor the other state's approval, and the attendance certificate verifies the number of credits assigned.

Should I send my CLE affidavit to the Bar if I don't have all my credits?

No. The State Bar will not accept an affidavit that does not meet the requirement of 15 credits per year, including carry-over.

When are CLE affidavits due?

The CLE reporting year ends on March 31st and affidavits will be mailed to attorneys by April 15th. **CLE Affidavits are due by May 15th.** CLE credits can be earned and reported up until May 15th without penalty. A \$50.00 late fee will be assessed on all affidavits postmarked after May 15th.

When do new attorneys report CLE?

New attorneys are not required to complete any CLE for the duration the reporting year (not the calendar year) in which they are admitted to the State Bar of Montana. The reporting year begins on April 1 and ends on March 31 each year. Your admission date is the date on which you were sworn in to the Bar – not the date on which you passed the Bar exam.

For example: An attorney admitted to the Bar in 2009, would *not* report CLE when that reporting year ends on March 31, 2010. That attorney would receive his first CLE affidavit form around April 15, 2011, and would report CLE activities taken during the previous reporting year.(April 1, 2010 through March 31, 2011).

Can I get credit for programs I attended in my first year of admission, before I actually have a requirement?

Yes. But the State Bar has no way to record CLE credits for attorneys until they have a CLE requirement. You must wait and report them with the other CLE programs that you report at the end of the first year for which you have a requirement.

Can I get CLE credit for teaching?

Yes. A maximum of 5 credits per year may be earned for preparing to teach courses approved for CLE credit. These are considered "Other" credits and may not be carried forward to the next reporting year.

What about telephone conferences and satellite programs?

These are considered "Live" or "Interactive" credits. They are counted the same as if you attended in person and no maximum is imposed.

Are online programs credits allowed?

Yes. However, [please note that there are two types of online programs](#): One is considered the same as attending a live seminar and the other is considered to be self-study and counts as "Other" credit.

If you take part in a ["Live Webcast"](#) for which you must log-on at a specific time and during which participants can ask questions of the presenter, you may claim credit in the "Interactive" category.

If the online program is prerecorded and can be accessed ["On Demand"](#) you must claim credit in the "Other" category and the number of credits per year is limited to 5.0.

Do I have to get ethics credits every year?

No. The Supreme Court Rules for MCLE require that Montana attorneys complete at least [5 credits of Ethics every 3 years](#). Ethics credits are included in the 15 credit per year total - not in addition to it. Ethics credits do not carry over to subsequent 3-year reporting periods.

What is the Substance Abuse/Mental Impairment (SAMI) Requirement?

Of the five (5) credit hours in ethics that must be earned every 3 years, one hour must be satisfied by a program on the relationship between a lawyer's professional responsibilities and substance abuse, chemical dependency, or debilitating mental conditions.

The SAMI requirement is part of, not in addition to, the 5-credit ethics requirement.

To determine the dates of your 3-year ethics reporting period, please refer to the top portion of any CLE affidavit you have filed with the State Bar, or see the page entitled *"Confused about when to report your Ethics credits?"* in the CLE section of this website.

How many credits can I carry over to the next year?

A maximum of 30 "Live" credits may be carried over. "Other" credits may not be carried over.

What happens if I don't have enough credits at the end of the reporting year?

If you have not completed *and* reported the minimum number of CLE credits (15.0) by May 15th, a \$50.00 penalty fee will be assessed.

[★ IMPORTANT ★ Attorneys who have not complied with CLE requirements by July 1st will be immediately transferred to inactive status as ordered by the Montana Supreme Court.](#)

The names of these attorneys will be furnished to all Montana District Courts, the Montana

Supreme Court, the Federal District Court of the District of Montana, and the Ninth Circuit Court of Appeals.

These attorneys may not practice law until they have petitioned the Montana Supreme Court , corrected the noncompliance and paid all fees.

Attorneys who are transferred to inactive status as a result of non-compliance will be assessed a \$200 reinstatement fee.

Is it possible to get an exemption from MCLE requirements?

Exemptions or extensions of time in which to complete CLE requirements may be issued in special circumstances that include **severe illness or injury**. They may not be granted in successive years for the same hardship. Call the MCLE Administrator at (406) 442-7660 to get the required form. [Neither exemptions nor extensions will be granted because of extensive case loads or upcoming court dates.](#)