5.01 ACCREDITATION STANDARDS

(a) Standards. To be eligible for CLE accreditation, the course or activity must:

(1) have significant intellectual or practical content designed to increase or maintain the attorney’s professional competence and skills as a lawyer;

(2) constitute an organized program of learning dealing with matters directly related to legal subjects and the legal profession;

(3) be conducted by an individual or group qualified by practical or academic experience;

(4) include materials that are prepared by an individual or group qualified by practical or academic experience; and

(5) be held in a setting physically suitable to the educational activity of the program.

(b) Materials. High quality and carefully prepared materials should be available to all attendees at or before the time the CLE activity is conducted. Materials are not suitable or readily available for some types of subjects, but the absence of materials for distribution should be an exception.

(c) Level of Activity

(1) Advanced. An advanced CLE course is designed for the lawyer who practices primarily in the subject matter of the course.

(2) Intermediate. An intermediate CLE course is designed for the lawyer experienced in the subject matter of the course, but not necessarily at an advanced level. A survey course in which there have been recent, substantial changes will be deemed intermediate. In an intermediate course, some segments may be low, intermediate, or basic, and others high, intermediate, or advanced. In those instances, the course taken as a whole will be considered intermediate.

(3) Basic. A basic CLE course is designed for the lawyer with no experience or limited experience in the subject matter of the course. A survey course will be considered basic unless there are recent, significant changes in the law.

5.02 APPLICATION PROCESS

(a) Course Accreditation. To apply for course accreditation, the CLE provider must submit the application form with the course description, a detailed outline of the course content, a detailed time schedule, biographical information for each speaker, and the requisite accreditation
fee(s). Staff may request additional materials such as copies of any course materials, i.e. books, electronic media, or handouts included in the course presentation.

(b) Incomplete Applications. A course will not be evaluated if the CLE provider does not submit all of the information required in the application or meet the requirements set forth in these policies. If the application is incomplete or if supplemental information is needed, staff will contact the CLE provider to request the necessary materials. Failure to respond to a request for supplemental information within 60 days will cause the application to be returned.

(c) Submission Deadline. An application for course accreditation must be submitted at least 30 days in advance of the first scheduled presentation or it will be subject to a late fee. The fee amount will be set by the budget committee of the board of governors.

(d) Rush Processing. An application for course accreditation submitted with a rush fee will be processed within 5 days of receipt. The fee amount will be set by the budget committee of the board of governors. If staff refers the course to the BLSE for review and processing cannot be completed within 10 days, the applicant’s rush fee will be returned.

(e) Course Accreditation Fees. An application for course accreditation must be accompanied by a nonrefundable fee. The budget committee of the board of governors will set the course accreditation fee for each of the following CLE providers:

1. state bar associations;
2. local bar associations;
3. federal, state, and local governmental agencies;
4. law firms that offer courses for employee attorneys;
5. CLE providers that offer courses at no cost to attendees; and,
6. all other CLE providers.

(f) Co-sponsorship. A course sponsored by 2 or more CLE providers will not be eligible for accreditation at no charge unless each provider meets the criteria for accreditation at no charge. If more than 1 provider is subject to a fee, the higher fee amount is charged.

5.03 EVALUATION

(a) Authority of Staff. Staff will evaluate all submissions for accreditation and grant or deny credit in accordance with the BLSE’s policies or the certification committee’s policies as approved by the BLSE. Staff will refer novel questions or matters of first impression to the BLSE or the relevant certification committee.

(b) Credit Hour Calculation. Fifty minutes of course time is equivalent to 1 credit hour. A course must be at least 25 minutes in length to qualify for a half hour of credit.
(c) **Non-qualifying Time.** Time devoted to breaks, meals, introductory, and welcoming remarks will not be included in the calculation of credit hours.

5.04 NOTICE OF EVALUATION

(a) **Accreditation Granted.** If accreditation is granted, staff will advise the CLE provider of the assigned course number, the credit hour(s) awarded, the categories to which the credit hours may be applied, the accreditation period and expiration date.

(b) **Accreditation Period.** The accreditation period of a course will not exceed 18 months from the date of the first course offering.

(c) **Accreditation Denied.** Staff will notify the CLE provider if accreditation is denied and state the basis for denial. The CLE provider may request BLSE review if staff denied accreditation.

5.05 REVENUE AND EXPENSE DISTRIBUTION

All accreditation fee revenue and related expenses will be allocated and charged to the course approval cost center. Two-thirds of the year-end net profits will be distributed to the CLER program and one-third to the certification program.

5.06 MEMBER SUBMISSION FOR COURSE EVALUATION

A member may request credit for a course which has not been accredited. These requests apply only to credit hours toward the member’s own CLER.

5.07 OTHER CLE FORMAT

(a) **Electronic Media.**

(1) CLE credit for study involving electronic media may be given in the same manner as for live CLE courses.

(b) **Interactive CLE Activities.** A CLE activity that allows lawyers to participate or interact with one another, fostering the free exchange of information and ideas, is creditable. Interactive CLE activities include those in which lawyers participate through some type of electronic medium, such as:

(1) teleconferencing seminars; or

(2) other CLE activities developed through advanced technology.

(c) **Self-assessment Courses.** Self-assessment courses may be awarded CLE credit if they are directly related to the practice of law and include a graded examination from the CLE provider. Staff will determine the number of hours awarded on a case-by-case basis after verifying the applicant passed the exam.
(d) **Self-study Courses.** To be eligible for accreditation, a self-study course must comply with the format design described in these policies and consist of more than reading materials.

### 5.08 CREDIT APPROVAL GUIDELINES

(a) **Courses for Nonlawyers.** A course designed primarily for participants other than lawyers will not receive CLE credit.

(b) **Courses on Nonlaw Subjects.** A course devoted to a non-legal subject may be approved if the applicant can demonstrate that the course will enhance the proficiency of a lawyer in the performance of legal services.

(c) **Demonstrations and Moot Court.** Trial and appeal demonstrations and moot court participation may receive up to 3 credit hours for each 50 minutes of participation. A member cannot claim more than 9 credit hours for these activities during a 3-year CLER reporting cycle.

(d) **Law Office Management and Economics.** A law office management and economics seminar may be awarded up to 10 credit hours per course. The course must include management principles such as trust accounting rules, docket control, prevention of client conflict, or integrating high-tech equipment into a law practice. A member cannot claim more than 10 credit hours for this activity during a 3-year CLER reporting cycle.

A course is ineligible to receive credit if the content includes only:

1. the marketing of legal services (except for the discussion of the ethical restrictions on marketing and advertising);
2. increasing profitability;
3. networking with a prospective client;
4. training non-legal presentation skills, writing, financial management, or organization skills.

(e) **Computer Training.** Computer training courses designed to enhance a member’s ability to practice law may be awarded up to 5 credit hours per course. Topics on how to use social media or networking sites will be not eligible for credit unless these topics deliver legal education, enhance a member’s ability to practice law, or to communicate with clients or other lawyers.

(f) **Self-Improvement Courses.** Self-improvement courses designed to enhance human relations skills; offer practical assistance on how better to relate to clients, witnesses, and adversaries; or promote courtesy and thoughtfulness in the legal profession may be awarded up to 5 credit hours per course.
(g) **Laws of Other Jurisdictions.**

(1) Courses focused on laws or procedures of another state or territory of the United States or international law may be awarded credit. Bar staff will determine the number of hours awarded on a case-by-case basis.

(2) International legal tours may be awarded up to 10 credit hours if the applicant can demonstrate how the activity enhances the applicant’s proficiency in the practice of law. The applicant must specify in the application how lawyer proficiency is enhanced. A member cannot claim more than 10 credit hours for this activity during a 3-year CLER reporting cycle.

(h) **Legal Drafting.** Courses on legal drafting may be awarded credit hours if the applicant can demonstrate that the course content reasonably relates to the preparation of legal documents. The number of hours awarded will be determined on a case-by-case basis. A member may not claim more than 15 hours for this activity during a 3-year CLER reporting cycle.

(i) **Accreditation by a State Bar.** The Florida Bar may accept CLE credits granted by another state bar provided the CLE activity meets accreditation criteria. Staff may adjust credit in accordance with these policies.

(j) **College and University Courses.** Approved law school and graduate law courses entitle a lawyer to receive 2 credit hours for each quarter hour assigned to the course or 3 credit hours for each semester hour assigned to the course.

Undergraduate courses are only eligible for credit if they qualify under another section of these policies.

### 5.09 CLER COMPONENTS APPROVAL GUIDELINES

(a) **General Credit Hours.** General credit must include all approved CLE hours regardless of the category or topic to which the hours are assigned.

(b) **Ethics.** Credit may be awarded for courses that explore and address standards of conduct in the legal profession. Courses should also include aspirations that surpass ordinary expectations to further promote the ideals and goals of professionalism, such as the:

1. independence of the lawyer in the context of the lawyer-client relationship;
2. conflict between duty to client and duty to the system of justice;
3. conflict in the duty to the client versus the duty to the other lawyer;
4. responsibility of the lawyer to employ effective client communications and client relations skills in order to increase service to the client and foster understanding of expectations of the representation, including accessibility of the lawyer and agreement as to fees;
5. lawyer's responsibilities as an officer of the court;
(6) misuse and abuse of discovery and litigation;
(7) lawyer's responsibility to perceive and protect the image of the profession;
(8) responsibility of the lawyer to the public generally and to public service; and
(9) duty of the lawyer to be informed about all forms of dispute resolution and to counsel clients accordingly.

(c) Professionalism. Credit may be awarded for courses that explore and reflect on the meaning and application of professionalism in the daily practice of law.

(1) Topics eligible for credit in this category include:

(A) critical and reflective judgment about one's intended conduct;
(B) reflective judgment about the practice of law; or
(C) learning to assess how well one's conduct is serving the lawyer, the legal profession, and the justice system.

(2) A course may qualify for credit if it incorporates activities that:

(A) foster introspection and reflection;
(B) engage participants in discussions about issues that lawyers can internalize and apply the materials learned;
(C) provide opportunities to practice how one will confront or diffuse an unprofessional situation;
(D) participate in role playing to explore options and develop a personal strategy plan; or
(E) offer practice-oriented or experiential training that stimulates problem solving exercises.

(d) Substance Abuse. Credit may be awarded for courses designed to enhance awareness and understanding of substance abuse and dependence disorders.

(1) Topics eligible for credit in this category include education regarding the mechanisms involved in substance abuse and dependence disorders as described in the Diagnostic and Statistical Manual of The American Psychiatric Association.

(2) Instruction may address the correlation between substance abuse/dependence disorders and professional misconduct, malpractice, and disciplinary actions; identification of the signs and symptoms of substance abuse/dependence disorders; types of intervention and
treatment for substance abuse/dependence disorders among lawyers, including the lawyer assistance program available to Florida legal professionals.

(e) **Mental Illness.** Credit may be awarded for courses designed to enhance awareness and understanding of mental illness.

(1) Topics eligible for credit in this category include depression, manic-depression (bipolar disorder), schizophrenia, and anxiety disorders, including obsessive-compulsive disorders.

(2) Eligible courses must address relationships among mental illness, addiction, or substance abuse due to “self medication;” the prevention of suicide, aggressive behavior, criminal activities, and underachievement through prompt and faithful medical treatment; and the progressive deterioration of the brain and/or the increase in the severity of symptoms and accompanying problematic behaviors without proper medical treatment.

(f) **Bias Elimination.** Credit may be awarded for courses that address standards of conduct in the legal profession related to the recognition and elimination of bias, such as gender, ethnicity, religion, disabilities, age, or sexual orientation. Courses should educate lawyers as to the aspirations that surpass ordinary expectations to further promote the ideals and goals of professionalism.

(g) **Technology.** Credit may be awarded for courses that include information on technology tools, programs, or applications to assist lawyers in their law practice. Examples include legal research programs, office and document preparation applications, litigation software applications, file retention or storage applications, billing programs, web and internet security and encryption methods, and communication tools.

Technology topics must focus on or highlight their use in the practice of law.

The content of a course on technology is generally eligible for credit if it:

(1) includes legal content (e.g., law involving technology such as privacy or intellectual property);

(2) is tailored primarily for lawyers (e.g., adherence to the Rules of Professional Conduct when using the technology, the risks and/or benefits or using the technology as a lawyer, and/or teaching about or discussion of situations encountered when a lawyer uses the technology in conjunction with the lawyer’s practice); or,

(3) includes course content that conveys general information on the features and use of technology by a lawyer, or presents issues, situations, risks, benefits and ethical considerations of using the technology as a lawyer.

Courses also may qualify for credit if they address the “how to” of using any technology in the practice of law. This may include general technology programs tailored for a lawyer audience or application. For example, a course on a document preparation application might show how the application can facilitate the preparation of an appellate course brief and compliance with
limitations of length. Another example is a course which assists a lawyer to use electronic court filing programs. The key is that the course is relevant and has a demonstrable application to the practice of law.

Credit will not be awarded for course content consisting of marketing of a technology product or service.

5.10 INDIVIDUAL CREDIT APPROVAL GUIDELINES

(a) Lecturing. Satisfactory performance as a lecturer in an approved Continuing Legal Education (CLE) seminar may entitle a lawyer to credit. The maximum credit awarded is calculated based on presentation time.

(1) Credit Approved. Credit will be approved for lawyers who:

(A) lecture at basic seminars, up to 3 credit hours for each 50 minutes of lecture time;

(B) lecture at intermediate seminars, up to 5 credit hours for each 50 minutes of lecture time;

(C) lecture at advanced seminars, up to 7.5 credit hours for each 50 minutes of lecture time;

(D) participate as a panel member or group discussion leader in a workshop, up to 3 credit hours for each 50 minutes of participation in an intermediate or advanced seminar or 2 credit hours for each 50 minutes of participation in a basic seminar; or

(E) lecture at intermediate or advanced seminars, additional credit for extraordinary effort, determined by staff on a case-by-case basis.

(2) Credit Not Approved. Credit will not be approved for lawyers who:

(A) repeat a lecture or performance at 1 or more locations;

(B) serve as a CLE program steering committee chair, co-chair, course moderator, or present introductory and welcoming remarks; or

(C) prepare a lecture outline for a CLE presentation beyond that granted for delivery of the lecture.

(b) College Teaching. Lawyers who:

(1) teach in approved law school and graduate law courses may receive up to 4 credit hours for each quarter hour assigned to the course or up to 5 credit hours for each semester hour assigned to the course;
(2) teach an undergraduate course are eligible for credit if the course qualifies for credit under another section of these policies; or

(3) repeat teaching a course during the lawyer’s CLER reporting cycle are not entitled to additional credit.

(c) **Writing.**

(1) Lawyers who write articles, books, and chapters in books may receive credit when the material is accepted for publication in a professional publication or journal.

(2) Credit is based on the time devoted to preparation, quality, originality, and scope of publication. No single publication approved for credit may exceed 50% of the total hours required for CLER compliance.

(3) When a publication has more than 1 author, credit may be awarded to each author or divided among them in a manner consistent with the facts presented by all the authors.

(4) CLE publications steering committee members receive up to 10 credit hours for their work. The staff editor’s recommendation is considered when determining the number of credits awarded.

(d) **Standing Committee Service.** CLE credit will not be awarded for ethics, grievance, standing, rules, or general committee participation unless provided elsewhere in these policies.

(e) **Credit for Florida Bar Grievance Mediation Program.** A program mediator who participates in mediation or co-mediation under The Florida Bar’s Grievance Mediation Program may request and receive 1 ethics credit hour for each 50 minutes devoted to the mediation. The amount of credit received must not exceed 5 credit hours in a 3-year CLER reporting cycle.

(f) **Legislative Service.** A state or federal legislator may receive up to 11 general credit hours, 1 technology credit hour, and 2 ethics credit hours for each full year of service during the applicable 3-year CLER reporting cycle.

(g) **Executive Branch Service.** A Florida governor, lieutenant governor, or a member of the Florida cabinet may receive up to 11 general credit hours, 1 technology credit hour, and 2 ethics credit hours for each full year of service during the applicable 3-year CLER reporting cycle. An executive branch officer of another state may receive continuing legal education credit on a case-by-case basis.

(h) **Justice Teaching Classroom Presentations.** Justice Teaching presentations are awarded CLE credit to support the Supreme Court of Florida's initiative to advance an understanding of Florida's justice system among elementary, middle school, and high school students. A member receives 1 general credit hour for each presentation. The amount of credit received must not exceed 5 credit hours during a 3-year CLER reporting cycle.

(i) **Adult Civics Teaching Presentations.** The “Benchmarks: Raising the Bar on Civics Education” program will receive CLE credit to support The Florida Bar’s initiative to teach the
fundamentals of government and the courts to adult civic and community groups. A member receives 1 ethics credit hour for each presentation. The amount of credit received must not exceed 3 credit hours in a 3-year CLER reporting cycle.

(j) The Florida Board of Bar Examiners and the Florida Bar Exam. For each full year of service during the applicable 3-year CLE reporting cycle, a member of The Florida Board of Bar Examiners may receive up to 10 general credit hours for the preparation or grading of the Florida Bar examination questions, and 2 ethics credit hours for review of applications and attendance at investigation hearing panels related to a bar applicant’s character and fitness. A lawyer who is not a member of the Florida Board of Bar Examiners but who prepares or grades the Florida Bar exam at the direction of the Florida Board of Bar Examiners may receive up to 10 general credit hours for the preparation or grading of the Florida Bar examination questions.

(k) Lawyers Advising Lawyers Advisors. An enrolled advisor in The Florida Bar Lawyers Advising Lawyers (LAL) Program may receive 1 general credit hour for each LAL referral they accept from the program where the advisor and advisee connect and the advisor provides advice to the advisee. The amount of credit received must not exceed 5 credit hours per year.

5.11 ACCREDITATION REVOCATION

CLE credit may be rescinded by the BLSE if it is determined that the course content or speaker credentials do not reflect the accreditation standards in these policies. For example, credit awarded to courses sponsored or delivered by speakers with court-imposed disciplinary sanctions may be revoked.

5.12 COMPLIMENTARY CLE

The Florida Bar will provide 10 hours of approved CLE material to each county law library or voluntary bar association in Florida each year, without charge or cost, to assist members in fulfilling the CLE requirement. Recipients must provide materials to all bar members without charge. An out-of-state bar association may request a copy of the CLE at no charge if the association provides the CLE at no cost to members of The Florida Bar.