

 ORIGINAL

FILED

06/25/2024

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: AF 06-0163

IN THE SUPREME COURT OF THE STATE OF MONTANA

AF 06-0163

IN RE THE RULES OF CONTINUING LEGAL
EDUCATION

ORDER

FILED

JUN 25 2024

Bowen Greenwood
Clerk of Supreme Court
State of Montana

Regulatory authority for Mandatory Continuing Legal Education (MCLE) rests with this Court pursuant to Article VII, Section 2 of the Montana Constitution. The primary purpose of Continuing Legal Education is to improve the competence of attorneys, which in turn protects the public and improves access to the justice system. Current MCLE rules permit attorneys to receive continuing legal education credit for teaching and preparing written materials for an approved activity. MCLE Rule 9.A.1.e. The standards governing the CLE Commission's approval of an activity provide in relevant part that the primary objective of the activity must be "to increase professional competence as a lawyer." MCLE Rule 8.B.2. The Commission has interpreted these rules to restrict approved activities to programs in which the participants are exclusively or primarily licensed attorneys. In recognition of the fact that paralegals are not independently licensed but must work under the supervision of a licensed attorney, § 25-10-305(3), MCA, the Court will consider public comment on a revision to the MCLE Rules to allow consideration for approval of paralegal training activities. Because lawyers often teach at continuing education programs for judges, including limited jurisdiction judges who are not licensed attorneys, and for other professionals involved in the administration of the justice system, the proposed revision also clarifies the Rule to encompass such programs within the allowed standards for an approved activity.

IT IS THEREFORE ORDERED that all members of the bench and bar of Montana and any other interested persons are granted 30 days from the date of this Order in which to file with the Clerk of this Court appropriate comments and/or suggestions to the

following proposed revision to the Montana Rules and Regulations for Continuing Legal Education:

Rule 8 – Credit Hours and Accreditation Standards

B. Accreditation and Accreditation Standards - General.

The Commission may approve CLE activities when consistent with these Rules. The following standards govern the approval of a CLE activity:

1. It shall have significant legal content or application;
2. Its primary objective shall be to increase professional competence ~~as a~~ of lawyers, judges, paralegals under supervision of a lawyer, and other professionals involved in the administration of the justice system;

IT IS FURTHER ORDERED that this Order shall be posted on the websites of the Montana Judicial Branch and the State Bar of Montana. The State Bar of Montana is further requested to give notice of this Order and of its website posting of the Proposed Revisions in the next available issue of The Montana Lawyer.

IT IS FURTHER ORDERED that the Clerk of this Court shall provide copies of this Order to all members of the Commission on Continuing Legal Education, to the State Bar of Montana, and to each District Court Judge and each Clerk of the District Court with a request that each Clerk of the District Court make the Order available for public review in the Office of the Clerk of the District Court.

Dated this 5th day of June, 2024.

For the Court,

By 
Chief Justice