

Frequently Asked Questions

What is the schedule for CLE compliance?

The reporting year runs from April 1 to March 31 every year. In addition, there is a 6-week grace period during which you may earn and report CLE credits without penalty.

This means you may attend CLE programs up until May 15 to meet the requirement for the year ending March 31 without being assessed a late fee.

How many total CLE credits do I need each year?

All active attorneys must complete at least 15 credits of continuing legal education every reporting year. Of these 15, a minimum of two credits must be earned from programs on the topic of ethics and/or professionalism.

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

No. You must earn a minimum of 10.0 credits per year from participating in “live” or “interactive” seminars. A maximum of 5.0 “other” credits may be earned by self-study programs or methods.

What types of activities qualify as “other” credit?

“Other” credit usually refers to some type of self-study program. These include; audio- or video-tape recordings; CD or DVD recordings; on-line programs that are available “on-demand”; preparing to teach at approved CLE programs; or writing an article that appears in any law review published by an ABA-accredited law school.

What types of programs qualify as “live” or “interactive” credit?

In-person seminars, telephone conferences, and *some* internet-based programs qualify as live credit.

How can I tell if an online program is considered “live” or “other”?

Online programs qualify for “live” credit if the participants are required to log-in at a specific time and date and have the ability to communicate with the presenter. The programs must be broadcast in real time. These activities are sometimes referred to as “live webcasts” or “live webinars”.

Online programs are considered as “other” credit if they have been recorded and are accessible “on-demand.” This means that an attorney can view the program at his or her convenience. There is no

ability for interaction when viewing this type program. Credits earned by this method are limited to 5.0 per year.

Why are “Other” credits limited to 5.0 per year?

It is a strongly held precept of the Montana Supreme Court Commission of Continuing Legal Education that interaction with presenters and fellow attorneys significantly contributes to the learning process. For this reason the majority of CLE credits required each year must be earned through attendance at live seminars or by methods that allow for interaction by telephone or electronic means.

Can I carry-over excess credits to future reporting years?

Yes. A maximum of 30 credits earned from “live” or “interactive” programs may be carried-over to the next two reporting years. “Other” credits may not be carried-over.

What about carrying-over excess ethics credits?

You may carry over ethics credits from “live” or “interactive” programs to the next two reporting years once you meet the 15-credit yearly requirement. A total of 4 “live” ethics credits may be carried over.

Ethics credits earned through non-live methods may not be carried-over to subsequent years.

Will CLE credits earned in other states be accepted in Montana?

Yes. We will honor the approval given by other CLE jurisdictions on a case-by-case basis.

If a Montana attorney attends a seminar that has been approved for CLE credit in the state in which it is held, there is no need for him or her to apply for accreditation in Montana. However, if a program sponsor intends to advertise course approval by the Montana Commission of CLE for the purpose of increasing enrollment, the sponsor must first submit an application for CLE credit and pay the \$60.00 application fee.

To claim credit, attorneys should submit documentation of the other state’s approval to the Montana Commission of CLE at cle@montanabar.org. Examples of acceptable forms of documentation include attendance certificates, program flyers, print-outs from the sponsor’s website, etc.

Will I receive a CLE affidavit form on which to report my CLE?

Montana attorneys will no longer be required to use a notarized form to report CLE activities. After the reporting year ends on March 31 each year, you will receive a transcript of all CLE credits that have been posted to your record over the past reporting year.

The transcript is a means of confirming the attendance information that has been reported to the CLE Commission both by you and by program sponsors. You can use the form to correct any inaccurate

information or to add credits to your record. It is not necessary to return the transcript to the CLE Commission unless you wish to make changes.

How do I report my CLE credits throughout the year?

The easiest way to report CLE credits is by sending copies of your certificates of attendance or participation to cle@montanabar.org. You should keep all original attendance certificates for your own records.

Please make sure to include your State Bar member number to assure proper credit.

What if I don't have an attendance certificate?

Check the list of approved CLE programs for the current year to determine if the program has been accredited. If the program appears on the list, send an email to cle@montanabar.org requesting that the course be posted to your record. Please provide the date, location, sponsor, and course number along with your name and State Bar member number.

If the course doesn't appear on the list, other types of documentation of CLE accreditation may be submitted. These include program brochures, flyers, or course information downloaded from sponsors' websites. For recorded programs, please submit the written documentation that was provided to you by the sponsoring agency or library.

Don't the program sponsors report attendance for lawyers who participate in their programs?

Most sponsors report program attendance. However, although we request that program sponsors provide us with a list of attorneys who attend their programs, we don't always receive the attendance information in a timely manner.

How do I apply for CLE credit?

1. First, check the list of approved CLE courses for the current year on this website.
2. If the course does not appear on the list, or if you do not have an attendance certificate that indicates CLE credits have been assigned to the program, download the [Accreditation Application Form](#).
3. When your application form is complete, print it and attach an agenda with a time breakdown. A timed agenda is required because credits are determined based on the number of minutes of actual instruction excluding introductory remarks, luncheon speeches and breaks. For shorter programs a brief description is sufficient.
4. Send the completed form and attachments by regular mail to:

Montana Commission of CLE
PO Box 577
Helena, MT 59624.

Please do not FAX or email applications

Please do not send print-outs of PowerPoint programs.

5. Program sponsors must submit a \$60.00 application fee per program with their applications.

There is no application fee for members of the State Bar of Montana.

How long does it take to process CLE applications?

Processing time is usually 3-4 weeks.

Do I have to submit applications for credit before the program takes place?

No. You may apply for CLE credit after the program is held and report your attendance at the same time. However, you should apply for credit as soon as possible after the program takes place. The increase in the number of applications for CLE accreditation at the end of the reporting year (March - April) often results in long delays in the processing time.

Can I get CLE credit for teaching?

The Montana CLE rules allow attorneys to claim a maximum of 5.0 “other” credits per year for preparing to teach *at an approved CLE program*. Presentations given to the general public do not qualify for CLE credit, therefore the preparation for these events may not be claimed for teaching credit.

How do I claim credits for teaching?

Attach a request for teaching credit to your attendance certificate when you send it to the Montana Commission of CLE. Your request may be submitted by email to:

cle@montanabar.org

or by regular mail to:

Montana Commission of CLE
PO Box 577
Helena, MT 59624.

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) during 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 October 2016, does not have a requirement for the year that ends on March 31, 2017. The first full reporting year for which that attorney has a CLE requirement will begin April 1, 2017 and end March 31, 2018.

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

Yes. You can claim CLE credit for any approved program that you attend after your date of admission to the State Bar of Montana. Your date of admission is the date on which you were sworn-in, not the date on which you passed the bar exam.

You may submit attendance certificates to the CLE Commission any time after you have been sworn-in. These credits will be applied to the first year for which you have a CLE requirement.

Is Montana a “50- minute” or a “60-minute” state?

Montana is 60-minute state. This means that in Montana one CLE credit is earned for every 60 minutes of instruction time. Introductory remarks, breaks and luncheon speeches do not qualify for CLE credit.

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

Montana attorneys have a 6-week grace period during which CLE credits may be earned and reported. If you have not completed and reported the minimum number of CLE credits (15.0 total credits, including 2.0 ethics) by May 15th, a \$50.00 penalty fee will be assessed.

Attorneys who have not complied with CLE requirements and paid the \$50.00 late fee by July 1 will be immediately transferred to inactive status as required 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.

Inactive attorneys may not engage in the practice of law.

How do I reactivate my license if I am transferred to inactive status for noncompliance with the CLE requirement.

1. You must first come into compliance with the CLE requirement for the previous year by reporting a minimum of 15.0 total credits, including 2.0 ethics credits. The Montana Commission of CLE will confirm that the hours you have reported have been accepted and applied to your record.
2. You may then petition the Montana Supreme Court to return you to active status, attaching the written confirmation of your compliance with CLE.
3. Once the Court accepts your petition, an order will be issued reinstating you to active status upon payment of all fees. The fee for reinstatement due to noncompliance with CLE is \$200.00.

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 for heavy caseloads or upcoming court dates.