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Attorney suggestions prompt MCLE rule changes

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SPRINGFIELD — Attorneys spoke and the Supreme Court listened.

Karen Litscher Johnson, director of the Illinois Supreme Court's Minimum Continuing Legal Education (MCLE) Board, said recent changes to the court's MCLE rules came from suggestions made by attorneys.

The rule changes, announced last week, include flexibility in requirements for newly admitted attorneys, the elimination of a \$20 fee to claim nontraditional credits and the ability to carry over professional responsibility MCLE credits.

Johnson said the changes give attorneys more choices, especially newly admitted attorneys.

"When you compare the Illinois rules to many other states' MCLE rules, lawyers here have more options to earn credits from nontraditional things like legal publications and teaching at law schools," Johnson said. "Many other states don't include those options."

Johnson said those nontraditional options for earning MCLE credits are no longer subjected to a \$20 fee. She said the Supreme Court rules require the MCLE program to be financially self-supporting, but the \$20 fee is no longer needed.

"Now that we're past the initial start-up phase, the board recommended to the court that it could be financially self-supporting without the \$20 fee," Johnson said.

Under the new amended rules, new attorneys still must earn 15 hours of MCLE credit, including six hours of professional responsibility credits. However, the previ-

ously required basic skills course for new lawyers can now be substituted by six hours of participation in a mentoring program approved by the Illinois Supreme Court Commission on Professionalism.

New attorneys can choose other courses, including further professional responsibility training, to complete the remaining nine MCLE credits.

Justin L. Heather, chairman of the Young Lawyers Section of The Chicago Bar Association and a partner at Korey, Cotter, Heather & Richardson LLC, said the changes will help young lawyers comply with the Supreme Court's MCLE requirements. Heather said he expects many new lawyers to choose the new mentoring option.

"There have been mentoring programs in the past, through various bar associations and whatnot, and there are obviously intrinsic benefits you get from being a mentor or a mentee," Heather said. "But here, you have a tangible benefit that essentially is free. I think that tangible benefit will probably mean better staying power for a lot of these mentoring programs."

Heather said he participated in mentoring programs before, both formal and informal.

"Some of the biggest benefits are in terms of adjusting to being a lawyer on a nonsubstantive basis," he said. "... A lot of times, you've got office politics, career development or other sorts of challenges a lawyer faces.

"When you're a junior, to have someone more experienced to say, 'Here are my thoughts on how you might deal with this particular situation' is always helpful."

The new rules don't change the require-

ment that attorneys, other than new attorneys, must earn 30 hours of MCLE credits during a two-year reporting period starting in 2012, according to a news release from the Supreme Court.

Attorneys still must earn 24 MCLE credits by the end of this year reporting period, the news release said.

Previously, professional responsibility MCLE credits could not carry over. The amended rules now allow attorneys to carry over up to six professional responsibility credits from the reporting period in which they were earned to the following period.

Before the changes, only 10 MCLE credits could carry over and new attorneys needed to first complete the basic, 15-hour requirement before carrying over credits. New attorneys admitted after July 1, 2009, can now carry over up to 15 MCLE credits into the subsequent year, Johnson said.

Heather said the changes especially benefit those new attorneys having trouble finding a job.

"A lot of them are able to get a significant amount of credits and now there's value in getting those credits because they'll carry forward before the basic requirement has been satisfied," he said.

David P. Hennessy, an associate with Feldman, Wasser, Draper & Cox in Springfield who was admitted to the bar in November 2010, said the rule changes appear "really helpful."

"It sort of gives you extra incentive to participate in other CLEs, aside from the basic skills," Hennessy said. "... If you find the right CLE, it is actually a big help, especially if you're trying to learn something new in a particular area of the law."