

## Lawyers Beg For Uniform CLE Requirements

By **Matthew Villmer**

*Law360, New York (June 20, 2014, 6:32 PM ET)* -- Practicing law across the border of several states is becoming the standard for many attorneys, but vast differences among continuing legal education requirements creates a headache for attorneys, causing many to call for uniform standards in all states.

Experts told Law360 that attorneys who are licensed in several states at once face increasingly complex CLE reporting requirements that often result in an administrative nightmare.

"I am licensed in both New Jersey and Pennsylvania, and I find the varying state requirements sometimes confusing and certainly difficult to keep on top of, administratively," Dara C. Bachman, an attorney with Barley Snyder, told Law360. "Attorneys have a lot of keep track of with the practice of law alone, and uniform CLE requirements among all states would be a great step forward."

Currently, 48 jurisdictions in the United States have minimum mandatory CLE requirements, although those requirements typically vary by the number of educational hours needed, the reporting cycle deadlines, and whether a certain number of hours must be dedicated to the study of ethics, professionalism and substance abuse prevention.

In Alabama, attorneys must report to the bar every year on Jan. 31 that they completed 12 general hours of CLE classes.

But in Florida, which shares a border with Alabama, attorneys must report to the bar every three years that they completed 30 hours of CLE classes, five hours of which must be in ethics or substance abuse prevention.

Complicating the matter more, Georgia, which also shares a border with Florida, requires attorneys to attend six hours of live CLE classes each year, and allows them to earn an additional six hours studying at home, totaling 12 hours that must be reported to the Georgia Bar on Jan. 31 each year.

For attorneys licensed in several states, the differing CLE deadlines and topics can become dizzying.

"I'm admitted in four states, so I live this problem every day," said Thomas Longino, a partner in Balch & Bingham LLP's Birmingham, Alabama, office. "All four of the states I practice in have different reporting requirements, and it would be fantastic to make the CLE requirements uniform."

And the problem is only likely to get worse, according to experts.

Because it is not uncommon for clients to move across bordering state lines, attorneys who want to keep current clients and find new clients in other states must maintain a license to practice law in several states at once.

"As more and more of our clients cross state lines, attorneys are finding it necessary to expand their practices beyond state lines," said Bruce Ely, a partner with Bradley Arant Boult Cummings LLP. "I think there should be uniform mandatory CLE requirements among all states, because no attorney is exempt from their obligation to have knowledge on recent legal developments."

But it may be difficult to get every state on board, especially ones that do not force attorneys to attend any CLE courses.

Cort Malone, a shareholder with Anderson Kill PC, practiced law in New York for close to a decade, then came to Connecticut to practice and was surprised the state had no CLE requirements.

Although Malone believes uniform CLE requirements have merit, he believes states like Connecticut are not likely to support the idea, due to the administrative cost involved.

"Right now you have a state like Connecticut that doesn't spend much on CLEs because attorneys are not required to attend them," Malone told Law360. "If there were an effort to create uniformity among all states, I think you would get some pushback from states that have very particular CLE rules and states that have no CLE rules at all."

Bachman echoes Malone, but she believes any administrative cost in changing over to a uniform CLE system would benefit all states in the long run.

"For bar associations that keep track of attorneys' CLE hours, a complete overhaul would be a nightmare," Bachman told Law360. "They would have to totally change their current system and record-keeping process. But once they got over that initial hurdle, I think states and attorneys would see the long-term advantage."

But one of the largest obstacles in any effort to create uniform CLE standards is the question of who will administer such a program, considering each state governs its own CLE rules.

"I think there are two potential options for administration: the American Bar Association could take the helm, or states could form a type of consortium that administers the uniform CLE program," Ely said. "But whether it's the ABA or a consortium, there must be some association in charge of convincing the states that a well-run and uniform program is best for attorneys and bar associations throughout the country."

Longino agrees, telling Law360 that the ABA would be the most likely candidate to get all of the states on board.

"The ABA could take the initiative and propose uniform CLE requirements, somewhat like the Uniform Commercial Code, which is adopted by most states in one form or another," Longino said. "I think there are enough lawyers out there with multiple licenses that bar associations would likely support a good CLE overhaul proposal if it was presented to them."

--Editing by Kat Laskowski and Katherine Rautenberg.