

# Chicago Daily Law Bulletin®

Volume 162, No. 146

Serving Chicago's legal community for 161 years

## Several suggestions on making CLE more workable for solos

**M**andatory Continuing Legal Education has been in effect in Illinois for 10 years. With Connecticut's recent decision to get on board, similar programs now exist in 46 states.

Most commentators agree that MCLE, better known as CLE, promotes professionalism and competence with fewer discipline cases and increased public confidence in the legal profession.

Yet the state's CLE program can be improved. The lengthy two-year reporting period induces some lawyers to delay their coursework, leading to a last-minute rush to attend classes on an indiscriminate, bulk basis.

With the large number of required credits, moreover, even the early birds may have difficulty finding enough quality courses that enhance skills or relate to their practice areas.

Current program requirements can be particularly difficult for sole practitioners. Accumulating 30 credits hours while managing a solo firm is not easy, and the most useful courses can be too expensive for a limited budget.

A few changes could improve the CLE experience for Illinois attorneys.

### Limited topics, fewer hours, annual reporting periods

Under the current system, aside from mandatory ethics credits, lawyers have complete discretion to choose from thousands of classes. Not all courses are beneficial. Some suppliers offer 30-hour "bundles" of lower-quality presentations at rock-bottom prices of \$100 or less.

In other instances, topics have little to do with CLE education, such as the regulation of hydraulic

fracturing, or helping a client start a craft brewery business. Still other courses are far too remedial; for instance, a one-hour lecture on using PDFs.

Driven by economic pressures, or a need to fill the 30-hour allotment, lawyers may take ill-suited classes.

The CLE program should limit coursework to prescribed areas that relate to professional competence. Under Supreme Court Rule 795, CLE courses must offer "significant intellectual, educational or practical content" that serves to "increase each participant's professional competence as an attorney." A more targeted, mandatory curriculum would further those ends.

Reflecting this view, several states have mandated classes in areas beyond the standard professional responsibility requirements.

Minnesota and California, for example, have compulsory courses on the elimination of bias in the legal profession. Five states compel education on substance abuse. Oregon even requires its attorneys to take instruction on reporting child and elder abuse to the authorities.

*Illinois lawyers, in general, and sole practitioners in particular, could benefit from a greater emphasis on coursework that enhances professional competence within the meaning of Rule 795.*

Illinois lawyers, in general, and sole practitioners in particular, could benefit from a greater emphasis on coursework that enhances professional competence within the meaning of Rule 795.

With a limited course of study, fewer total hours are needed.

### SOLE SPEAK



**GLENN E. HEILIZER**

*Glenn E. Heilizer is a veteran litigator and sole practitioner based in Chicago and is the founder of the Sole Practitioners Bar Association of Illinois. He handles commercial disputes in the federal, state and appellate courts in Illinois and Wisconsin. He welcomes all questions and comments, and he can be reached at [glenn@heilizer.com](mailto:glenn@heilizer.com).*

More is not always better. Of the 46 state CLE programs, 32 require fewer credits than Illinois. The state's 30-hour quota should be reduced.

Lastly, the current biennial reporting requirement should be converted to an annual period. Regulations and case law that govern the profession constantly evolve. It makes good sense to keep the bar up to date with

proved testing procedures.

In California, attorneys can earn up to half of their required credits through self-study programs, where lawyers read articles and take tests online. The price is modest, and each attorney's mastery of the subject matter is demonstrated by the passing grade.

Taking tests for CLE credit makes sense on all fronts. The self-study and low-cost aspects make this option attractive for the sole practitioner.

Additionally, a mentoring program could be added to the CLE program, where experienced practitioners advise younger attorneys. Washington and Texas award CLE credit to mentors and proteges who participate in structured teaching plans.

Mentoring would be helpful to younger sole practitioners, who do not receive the forms of guidance offered by experienced counsels at firms.

### Pro bono work for CLE credit

A final suggestion is to award CLE credit for pro bono work. At least 10 other states allow lawyers to obtain credit for pro bono service through specified programs.

The Rules of Professional Responsibility make clear that pro bono service is every attorney's responsibility, but taking on such cases can be difficult for self-employed counsel.

By offering CLE credit for such work, the state can help sole practitioners meet this significant community need.

In sum, these modifications are worth a look. They could improve the CLE experience for Illinois attorneys and better equip them to meet the challenges ahead.