

2012 Lawyer Feedback on CLE

Illinois Supreme Court Commission on Professionalism

Survey: Lawyer Feedback on CLE

In April 2012, the Illinois Supreme Court Commission on Professionalism conducted a web-based survey of the legal community. The purpose of the survey was to gather feedback from lawyers about their participation in professional responsibility CLE courses and activities and to garner ideas for strengthening professional responsibility education for Illinois lawyers.

The Legal Community Survey explored the following topic areas:

1. Extent of participation in professional responsibility CLE courses;
2. Areas of content included in professional responsibility courses and activities;
3. Preference of online learning presentations over in-person presentations;
4. Utilization of non-traditional professional responsibility CLE credits;
5. Utilization of social media sites and online forums for educational or professionalism purposes;
6. Lawyers' perceptions regarding the following:
 - a. depth of content of CLE presentation;
 - b. practical application of CLE presentation;
 - c. increased skills from CLE participation;
 - d. increased professionalism from CLE participation;
 - e. applicability of CLE presentation.
7. Ideas for improving continuing legal education and other feedback and comments.

Methodology & Response

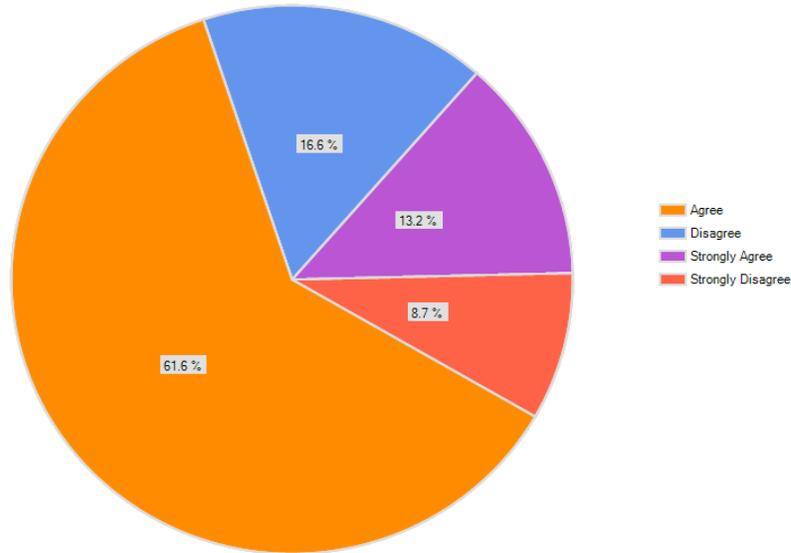
The Illinois Attorney Registration and Disciplinary Commission (ARDC) provided the email addresses of attorneys from its 2012 master roll. A total of 6,313 lawyers completed the online survey. The results are shown in narrative and chart form on the following pages.

Summary of Findings

1. Attorney Opinion of CLE courses

Lawyers were asked the extent to which they agreed with this statement: “I participated in a professional responsibility CLE course that resulted in my increased knowledge or capability.” The majority of lawyers “agreed” with the statement (61.6%).

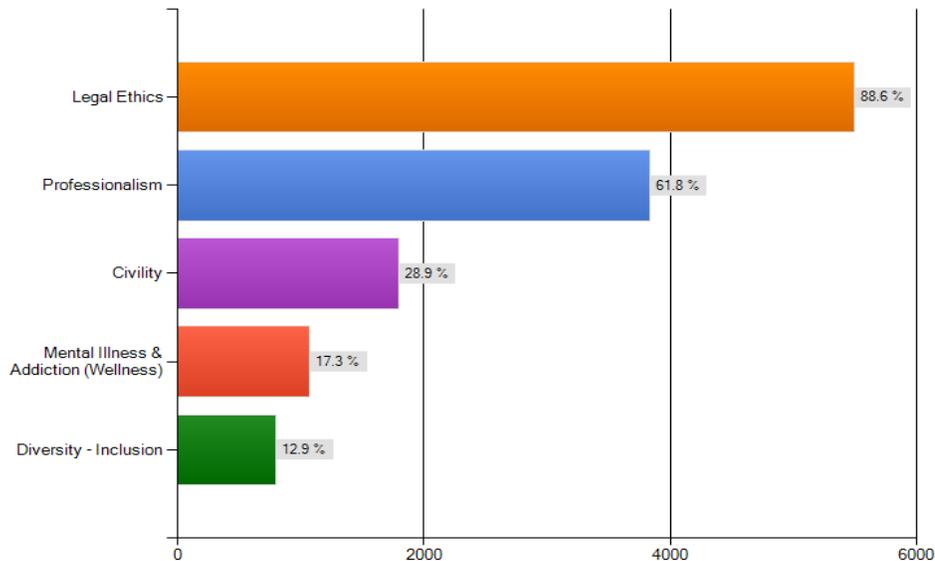
I participated in a professional responsibility CLE course that resulted in my increased knowledge or capability.



2. Content Areas of Professional Responsibility CLE

The scope of what may be considered professional responsibility CLE is broad, defined by Supreme Court Rule 794(d) as the areas of “professionalism, diversity issues, mental illness and addiction issues, civility, or legal ethics.” There can be significant overlap between these areas and often the professional responsibility CLE course will entail more than one area. Attorneys were asked to identify the content areas contained in their professional responsibility courses. Most (88.6%) indicated that their professional responsibility CLE included legal ethics.

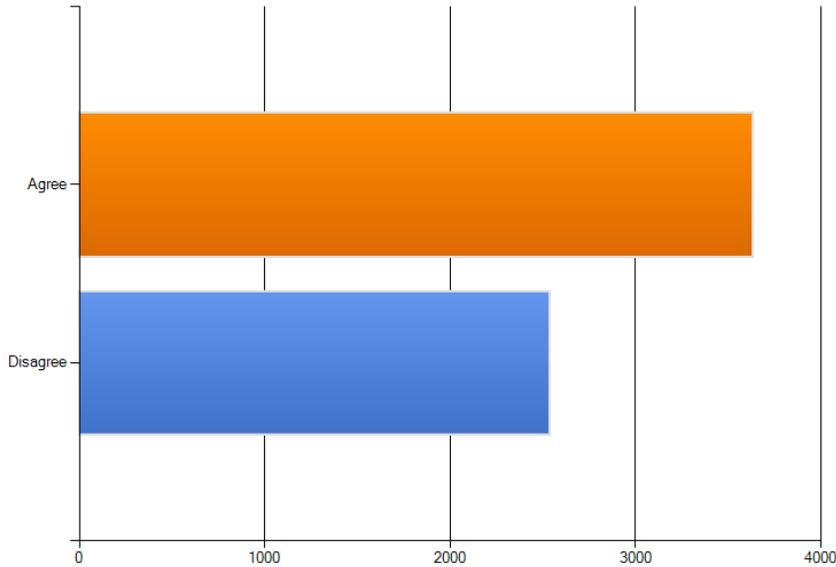
What content area(s) of professional responsibility were covered in CLE course(s) that you elected to take? Please check all that apply:



3. Professional Responsibility via Online Learning

Online learning is the delivery of continuing legal education via the Internet to participants not physically in the room with the faculty. It provides access to learning when the faculty and the learners are separated by time or distance, or both. The survey results show that more than half of respondents preferred to acquire their CLE online rather than through live presentation.

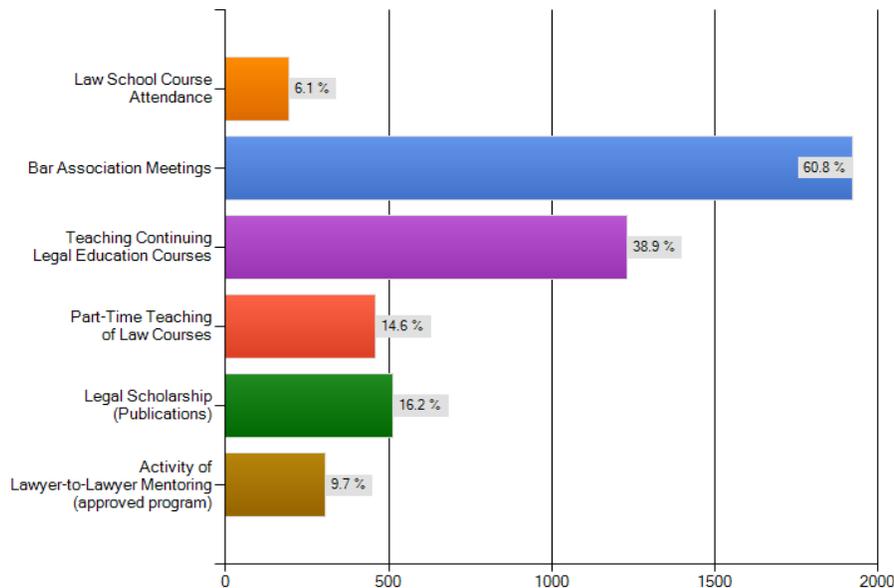
I prefer to participate in CLE online instead of going to a course with the instructor in the room?



4. Non-traditional CLE Credit

Attorneys were asked if they received credit for non-traditional professional responsibility courses or activities, defined under Rule 795(d) as: law school course attendance, bar association meetings, part-time teaching of law course, or legal scholarship. Approximately half of the respondents stated they had applied for non-traditional CLE credit. Bar Association meetings were the most utilized non-traditional credit option.

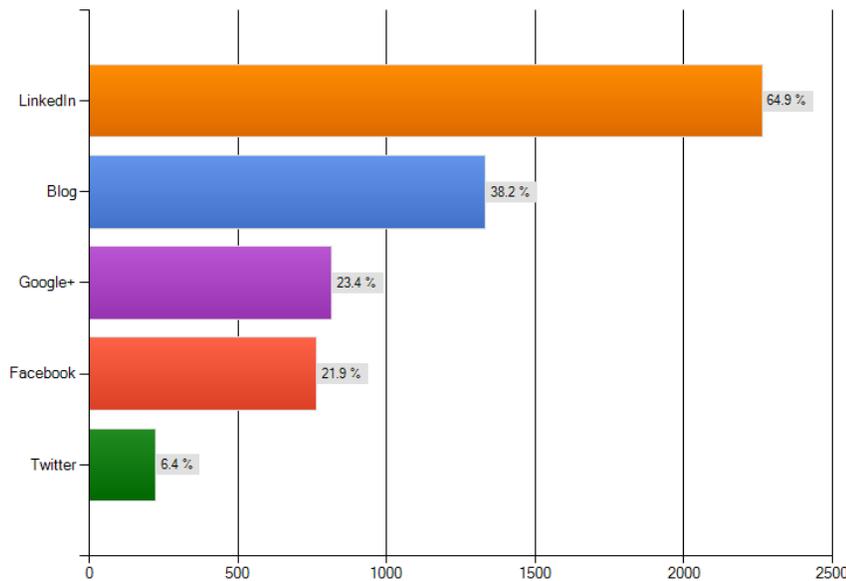
What type of non-traditional CLE credits have you applied for or plan to apply for during your reporting period? Please check all that apply:



5. CLE Results—Knowledge or Capability

Social media, or Web 2.0 as it has come to be known, has provided a potent internet tool for attorneys to use. Attorneys use social media sites for networking, marketing, client research, education, trial preparation, and as social members of the general population. Attorneys were asked what online channels they used to stay current with the legal profession and/or network with other lawyers. The survey results show that the majority of attorneys used LinkedIn (64.9%).

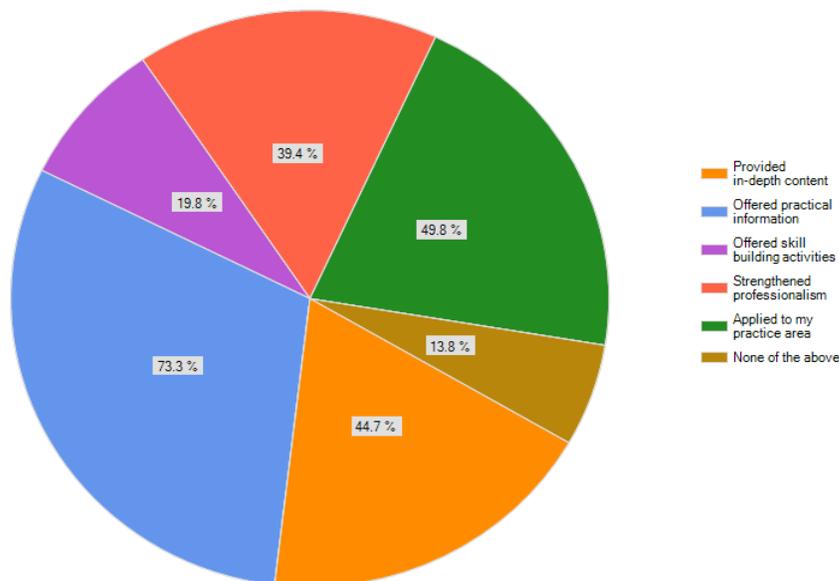
What online channels do you use to stay current with the legal profession and/or network with other lawyers? Check all that apply:



6. CLE Results—Application of Learning

Finally, attorneys were asked their opinions of the professional responsibility CLE courses in which they participated. Attorneys were asked whether the professional responsibility CLE course (1) provided in-depth content; (2) offered practical information; (3) offered skill building activities; (4) strengthened professionalism, and/or (5) applied to the attorney’s practice area. The overwhelming majority, 73.3% found that the CLE offered them with practical information.

I participated in a professional responsibility CLE course that: Check all that apply:



7. Other Feedback

Attorneys were asked to share comments generally. 1564 attorneys (24.7% of survey participants) submitted commentary. Their comments were not limited to professional responsibility CLE but rather included general CLE as well. These submissions were analyzed and categorized by topic. The prevailing topics included the following:

A. The 30 CLE Hours Requirement

Respondents commonly complained about the “burdensome” nature of the CLE hours requirement. Reasons included the trying economic conditions, having to take a significant portion out of one’s day to attend CLE, and the relatively high number of Illinois hours as compared to other jurisdictions.

- *“The constantly increasing hours of required CLE are quickly becoming a real burden. Non-online courses require travel time which often is the same as the course credit hours ... In this economy the impact on earnings is both real and significant.”*
- *“My feeling is that the 30 hour requirement is too much. What I’ve found is that I wait too long to get started along with other lawyers I know and there is too much pressure to meet the deadline. Maybe just an annual requirement (with fewer hours) is easier to comply.”*
- *“The CLE requirements are too high. There’s no reason the number of hours needs to be over 10-15.”*
- *“20-24 hours of CLE is effective. Beyond that many attorneys are filling the additional time requirement and repeating the same courses over and over without measurable increase in educational information.”*
- *“Illinois is requiring too many hours of CLE in just a two year period. The previous total of 24 hours was much more workable than the current demand for 30 hours.”*

B. Mandatory CLE

Attorneys criticized the mandatory nature of CLE requirements. Several argued for the return of voluntary CLE.

- *“Mandatory CLE is not a practice enhancer. “Available” CLE on an “as desired” basis is more appropriate, professional and meaningful.”*
- *“I keep up with educational updates voluntarily and I have done so ever since I became an attorney licensed in Illinois. I believe this is part of the ethical responsibility to fully represent your client. Mandatory CLE seems to be just an additional bureaucratic burden and I hope that at some point we reconsider this requirement and leave it to the attorneys to do their jobs.”*
- *“Mandatory CLE should be eliminated. It is a waste of time and resources. Any competent lawyer will make a point to stay current, and if he or she does not, mandatory CLE will not do anything for them. Mandatory CLE merely increases lawyers’ costs and, thus, costs for consumers.”*
- *“CLE is a complete waste of time, as we are forced to take classes. If lawyers were taking the classes voluntarily they would be more interested and focused on the materials.”*

C. The Professional Responsibility Requirement

Many respondents found the professional responsibility requirement overly burdensome and unhelpful to their practice. Several attorneys felt that ethics and civility were not topics that could be taught. Others were confused as to what constituted professional responsibility. Many responded that six hours was too high a requirement.

- *“Four hours of new, useful professional responsibility instruction is hard to come by each reporting period. So far, only one hour this reporting period has been useful to me. I expect most future professional responsibility content will be repetitive.”*
- *“I do not think you can teach professional responsibility. Very few of the courses I have taken have provided me with useful information and I find the requirement for professional responsibility – especially hours in specific areas such as substance abuse, to be burdensome.”*
- *“I find Professional Responsibility CLEs to be a waste of time. You either have ethics or you don’t. For those that don’t, requiring six hours of Professional Responsibility CLEs every 2 years isn’t going to change that.”*
- *“I believe ethics, civility, etc. are things that are learned in childhood. I feel like the content of these seminars are “preaching to the choir”. Overall I find them to be useless.”*
- *“These CLE courses are a waste of time. Those of us who are honest don’t need to be reminded how to act. The “good eggs” are forced to suffer so some politicians can claim they are doing something about unethical lawyers. Forcing these classes on them will not suddenly make the disreputable members of our profession better people.”*
- *“A more creative way of conveying the need for better professionalism is needed. Maybe the use of satire, irony, a comic strip or something that would get readers attention could be helpful. What about a professional tip of the day via email. Short, sweet, to the point and tie it in with making \$\$\$\$.”*

D. The High Cost of CLE Courses

Respondents commonly complained about the high cost of CLEs, particularly in light of the economic downturn. Several thought of CLEs as a way for the ARDC, the bar associations and private companies to generate additional income.

- *“I do not believe in the CLE requirements! I find that most are not helpful, with the sole purpose of requiring CLE’s to generate income.”*
- *“CLE seems to be a boom for those who provide and a bust for those who have to take it.”*
- *“Unfortunately, it seems that a good part of the CLE Program is aimed at providing an additional income stream to the Illinois Bar. Much of the CLE is costly! It also appears that many instructors, enticed by the prospect of making money off the CLE Program, have jumped on this “cash cow.”*
- *“The continuing education program is largely a farce benefiting the packagers of information more than the lawyers who participate. Why aren’t you aware of this?”*

- *“For those of us not working at large firms and who have to shoulder the expense of CLE ourselves from our personal checkbooks, the cost of CLE is very burdensome.”*
- *“It would be a help if free or affordable classes were sponsored by you, during these difficult times when lawyers income has been so reduced.”*
- *“I was laid off from a large firm last year and have yet to find full time employment. Cost should be considered since CLE is required. I could barely pay my ARDC fees - cannot attend in person free seminars when I am doing temp doc review work and cannot afford the cost for most programs.”*
- *“There should be more opportunities for free CLE. Recent grads are already struggling tremendously to pay loans. Bars fees, annual license fees and expensive CLE are just piling on the stress. I am forced to take all the free CLE I can, even though most is not relevant to my practice area, because I can’t afford anything else.”*

E. Utility of CLE Generally

The overwhelming majority of respondents could not see the value of CLE. They felt that their time was better spent serving clients rather than attending CLE classes. Several respondents requested statistics showing that CLE has demonstrably improved the profession.

- *“The CLE system is a joke. Lawyers are essentially required to sit in a room with someone speaking, providing little if any information, while most lawyers read the newspaper, e-mail each other jokes, or do work. The CLE system does not actually educate many people of anything, it, instead, merely increases costs to lawyers, who must pay yet another fee, or take time off work, in order to attend hours of classes, of which there is no real benefit. A good practicing lawyer will keep up with new matters in their area of representation, which will be old news by the time it is CLE time ... the CLE is simply a feel good waste of time and money.”*
- *“I believe I, and most attorneys would be better off spending the money on legal research for our offices than these expensive and in most cases, poorly written materials and lectures. I would like to see published statistics showing that mandatory CLE has substantially improved the profession and greatly reduced the claims of malpractice and negligence regarding a lawyer’s handling of a client’s case.”*
- *“You should also ask these important questions: How many attorneys take courses that turn out to be worthless just to fill in a few missing hours?”*
- *“CLE is a waste of my very limited and valuable time. Didn’t anyone consider that the practice of law represents an everyday continuing legal education?? What is next? Periodic testing??”*

F. Utility of CLE to State and Federal Employees

Government employee respondents frequently felt that CLEs were unnecessary as a whole, either due to their internal professional requirements or due to the inapplicable content of most CLE courses. Others believed that it was difficult for them to obtain CLE credit either due to their job responsibilities, or to the lack of CLE offerings by their

agency. Finally, several could not understand the CLE exemption for certain government employees, but not others.

- *“Because of the unique nature of our practice, I believe attorneys employed by the Federal government should be exempt from all but the professionalism/professional responsibility requirements. It’s silly to require us to take CLEs that are not related to our federal field of practice to check a CLE requirement block. Virtually all Federal agencies have internal requirements to maintain proficiency.”*
- *“CLE requirements are very difficult to do for government attorneys ... I don’t understand the waiver for active duty military attorneys, but not for active practicing government attorneys outside Illinois.”*
- *“Due to the nature of my job, appellate defender, I need to stay abreast of the law even without the CLE requirements. The time I have to spend on meeting my CLE requirements does not really increase my knowledge of the law in my field and actually detracts from the time I spend keeping up with the law through my job.”*
- *“I work for the US Army as a civilian and it is very difficult to get classes I attend within the Army legal framework to be CLE accredited because of the rule that the presenter needs to get the class accredited. The presenters are presenting federal legal education to lawyers who are licensed in many different states and are reluctant to pay the fee for each state.”*
- *“The courses are all aimed at private practitioners. I work for the federal government and usually feel like a complete fish out of water at local CLE courses as I don’t face most issues covered in the courses in my daily practice.”*
- *“I work as a federal administrative judge on security clearance cases. There are no pertinent courses for us and you do not give us an exemption as you do administrative law judges.”*

G. Utility of CLE to Attorneys in Certain Practice Areas

Several attorneys who were in favor of CLE found themselves frustrated due to the lack of CLEs in their practice areas. Many were non-litigation attorneys, such as in-house counsel, tax attorneys, and real estate lawyers.

- *“I am general counsel for a global company. I live abroad. None of the standard CLE course offerings benefit me in my professional growth or knowledge. Quite frankly, I would benefit more from being able to take commercial or labor law courses relating to law in other countries than what I can receive in current CLE offerings.”*
- *“As an attorney specializing in basically one field of law – transactional real estate – I feel that the whole concept of CLE is a waste of time and money, and quite frankly is insulting. I keep current on the area of law in which I practice because I need to and I want to, not because it is mandated and I will be punished if I do not. Each “reporting period” I am forced to look for courses to take that have no bearing on my practice, waste incredible amounts of my time, and cost me money that I really cannot afford right now.”*
- *“I have been terribly dissatisfied with the ethics and professional responsibility courses I have attended ... The courses tend to focus in on matters that just do not*

come up and ignore the kinds of things an experienced lawyer in commercial practices encounters all the time.”

- *“The ethics courses provided are completely irrelevant to in-house counsel. They are frankly a waste of attorney time. There should be better ethics courses that relate to all practice types, not just sole practitioners who co-mingle funds or who have addiction issues.”*

H. Utility of CLE to Experienced Attorneys

Many experienced attorneys did not understand the necessity of mandatory CLE after having practiced for a number of years. Older attorneys in particular found the CLE requirements unduly burdensome.

- *“I don’t see much value in the professional responsibility courses when I have been practicing for 40 years.”*
- *“Consideration should be given to reducing the CLE hours requirement for Retired lawyers who wish to keep their law license active.”*
- *“I suggest that CLE requirements be lessened for attorneys that have reached a certain age or a certain number of years in practice. These attorneys, like me, do very little legal work, know their area of expertise, keep up on new developments in that area, and know when the client’s situation exceeds the attorney’s knowledge. Some States do have reduced CLE requirements for attorneys reaching a certain age of years of practice.”*
- *I wanted to retain my law license when I retired from my full time public service work, but CLE courses were so expensive that I was forced to move to inactive status.”*

I. Availability of Online CLE Classes

Attorneys both praised and criticized the availability of CLE classes online. Those in favor of online classes found that the classes allowed attorneys to attend around their own schedules, and did not require them to travel or take substantial time out of their day. Those against online classes argued that attorneys simply sat in front of the computer and paid little to no attention to the online class, or had assistants take the class for them.

- *“As a parent with a first grader, it is unbelievably helpful to be able to do CLE online.”*
- *“I can’t stress enough the importance of being able to take courses remotely. I do not believe that people get any more out of a course simply by attending in person – you only have to be an instructor once to know that physical presence does not necessarily signal mental presence!”*
- *“Online courses are more practical as they require less time out of the work day. In addition, I have found them to be more informative.”*
- *“I have really appreciated the on-line webinars, but I always prefer to interact 1:1. However, if it weren’t for on-line courses I probably wouldn’t be able to fulfill my requirements. Since travel money is almost non-existent, the on-line courses are almost a necessity.”*

- *“A lot of my buddies had their paralegals do the online courses for them. This is why online courses should be stopped.”*
- *“If we are going to continue to have MCLE, I strongly disagree with providing on-line credit for course viewing. How does one know that the lawyer actually viewed the program on the lawyer’s monitor or was the lawyer preparing a closing, closing argument, brief or vacation plans. There has to be interactive participation so that the lawyer actually engages the material. Otherwise, it is a money making proposition for the provider and a time saving measure for the lawyer.”*

J. Non-Traditional CLE Expansion

A minority of attorneys wanted the CLE rules revised to allow for more non-traditional credit opportunities. Credit for pro bono hours was a frequent request by these respondents.

- *“Would urge that ARDC Hearing Board members get some PR credit for time spent in connection with hearings.”*
- *“I participate in many legal organizations, volunteer for law-related events, am on many legal Boards and participate in law-activities. I even organized a program that is used by the courts...I think it would be appropriate to get credit for these activities. These take up a lot of time, energy and funds; I enjoy them tremendously, but you should consider giving credit for these types of activities.”*
- *“Give credit for ProBono Hours. i.e., for every 100 hours 1/2 credit.”*

Conclusions and Recommendations

The 2012 survey results are strikingly similar to the 2009 survey results, with an ever increasing focus on the cost of CLE classes. Several attorneys had positive comments about CLE, however many remained skeptical about the utility of CLE and the utility of professional responsibility. While 61.6% of attorneys attended professional responsibility CLE courses with practical application to their profession, 16.6% (over 1000 attorneys) did not.

Part of the issue might be that the majority of respondents, 88.6%, took courses focused on legal ethics. Many of the respondents in their commentary believed that the professional responsibility requirement was the equivalent of an ethics requirement. Several complained that the ethics classes provided the same content year after year, and as such, those attorneys felt the classes redundant and unnecessary. The Commission recommends that lawyers obtain a better understanding of what constitutes professional responsibility and take advantage of the wide range of courses available outside of legal ethics. Similarly, the Commission recommends that providers offer more courses outside of legal ethics to increase attorney enthusiasm for the professional responsibility requirement.

One response of particular note is that while 58.9% of attorneys preferred to obtain their CLE online, 41.1% of attorneys did not. Given the convenience and accessibility of online CLE, the 3000-some attorneys who preferred in-person classes must find an advantage to these classes that they did not find in online classes. We can gather from the comments that many attorneys found in-person classes more useful than their online classes, or conversely, found online classes less interesting than in-person classes. More follow-up on the utility of online CLE (versus the convenience of it) should be done.

Finally, the most common complaints, the 30 hour mandatory requirement and the cost of the CLE, are intertwined. The majority of attorneys surveyed did not understand the necessity of CLE. That frustration has only increased as the economic downturn has continued resulting in greater numbers of attorneys admitted to the bar who are (1) unemployed, (2) underemployed, or (3) otherwise unable to afford the time or money for CLE classes. The Commission recommends increasing awareness among Illinois attorneys of the utility and benefits of 30 hours of mandatory CLE.