

Guidelines for Professional Responsibility CLE

The following guidelines apply to providers who wish to apply for professional responsibility (PR) CLE credit in the areas of professionalism, civility, ethics, mental health and substance abuse (MH&SA), or diversity and inclusion (D&I).

Important Rules to Consider

All courses requesting PR CLE credit must comply with the general CLE course requirements of [Rule 795\(a\)](#). These requirements include:

- The course or activity must have significant intellectual, educational, or practical content, and its primary objective must be to increase each participant's professional competence as an attorney. [Rule 795(a)(1)]
- The course or activity must deal primarily with matters related to the practice of law. [Rule 795(a)(2)]
- The course must be offered by a provider having substantial, recent experience in offering CLE or demonstrated ability to organize and effectively present CLE. "Demonstrated ability" arises partly from the extent to which individuals with legal training or educational experience are involved in the planning, instruction, and supervision of the activity. [Rule 795(a)(3)]
- The course must be conducted by an individual or group qualified by practical or academic experience. [Rule 795(a)(4)]

For a CLE course to be eligible for PR CLE accreditation, it must:

- Address one of the PR CLE areas (professionalism, civility, legal ethics, D&I, or MH&SA) identified in [Rule 794\(d\)\(1\)](#)
- Focus on how the content impacts the legal profession and those interacting with it; this can include but is not limited to lawyers, paralegals, clients, judges, and court employees
- Meet the requirements governing written materials, physical setting conducive to learning, approved method of delivery, record keeping, and certificate of attendance, and be not less than one-half hour (See Rule 795(a)(5) through 795(a)(9) for details)

Additional guidance can be found in the [MCLE Board Provider FAQs](#).

"Knowledge and skill topics not traditionally defined as black letter law or lawyering skills often directly increase an attorney's professional competence as a lawyer.

The common focus of these expanded CLE courses is that their overall primary objective is to increase the attorney participant's professional competence as an attorney.

Likewise, expanded CLE topics must deal primarily with matters related to the practice of law. When faculty presents the course topic in a way that relates to attorneys, their practice, or the legal profession in general, this satisfies Rule 795(a)(2)."



Illinois Supreme Court Commission on Professionalism

Examples of additional topics that may qualify for PR CLE under the rules:

- How firms can audit their recruitment processes in order to better attract employees from diverse communities
- PTSD – managing clients with trauma
- Promoting a culture of professionalism in the workplace – developing everyone in your firm
- Pipeline programs – how legal professionals can support the next generation
- How can access to justice issues be addressed in rural communities?
- From mailroom to boardroom – creating nontraditional pathways for staff

Developing a Course

Providers looking to offer approved PR CLE courses should, where possible, consult with an appropriate expert in the topic during the course design process. Experts can provide perspective on the efficacy and validity of any content or research cited, recommendations offered, or practice steps outlined.

It is recommended that providers use [instructional design methodology](#) or a specialist in instructional design when developing the course structure and resources. The Illinois Supreme Court Commission on Professionalism recognizes the learning outcomes of participants can be significantly improved by applying good course design to topic content.

It is strongly encouraged that providers use the required “high quality, readable, and carefully prepared written materials” as an opportunity to include additional resources, articles, and takeaways. A simple facsimile of the presentation slides with a timed agenda is minimum for course materials, and not considered a best practice for effective CLE, especially in recorded technology CLE with little or no opportunity for interaction.

Facilitators and Speakers

The Commission on Professionalism recognizes that PR topics can be sensitive areas for discussion.

We consider it essential that facilitators and speakers manage the topic and the audience with empathy and understanding, while also providing educated expertise on what may be complex conversations.

In addition, speakers and facilitators should be prepared to address difficult questions with appropriate terminology and recommendations that address the unique demands of the legal profession and be able to facilitate discussion thoughtfully, considering the perspectives and life experiences of all participants.

For some of the PR topics, such as MH&SA, this may best be achieved by having a co-presenting team.

The facilitator should have first-hand knowledge of a range of resources and organizations that provide support to members of the legal profession. If the facilitator cannot answer a question, he or she should offer to follow up privately with the participant(s) in a timely manner, if appropriate.



Illinois Supreme Court Commission on Professionalism

While it is not required that a lawyer be part of the faculty, it is strongly recommended that someone with experience in the legal profession is available to answer questions on the topic as it pertains to legal professionals.

Solicitation

Experts in PR CLE topic areas who advise or participate in CLEs may have a financial or business interest in related products or services. Soliciting business from CLE participants, whether directly or implied, is not permitted. Courses submitted for CLE approval that have evidence of solicitation will be denied credit.

The delivery of PR CLE is entirely for the benefit of the participants and cannot be used as an opportunity for solicitation by the facilitator or other interested parties.

Topic Specific Guidelines

Mental Health and Substance Abuse CLE Guidelines

The following guidelines were developed by the Commission on Professionalism for CLE providers and administrators who wish to apply for PR CLE credit in the area of MH&SA.

In planning any PR CLE, including MH&SA, please refer to the General Guidelines for all Professional Responsibility CLE.

When considering topics for MH&SA CLE, we recommend providers consider whether the qualifications and experience of the presenters are appropriate to not only deliver the content but also to position the presenter as an expert in the field.

This is particularly important with regard to topics such as suicide, substance abuse, trauma, and depression, which are areas that require specialized expertise and are best facilitated by engaging an appropriately qualified medical professional on a substantive level.

For these areas of specialized expertise, it is ideal that courses be co-presented by an expert in the legal field and an expert in the mental health field.

We recognize that may not be possible. If a mental health professional presenter doesn't have academic or practical experience in the legal field, **we strongly recommend that an attorney is also engaged in the design and delivery of the course to ensure compliance with Rules 795(a)(1) and 795(a)(2) regarding the focus on the legal profession.**

Topics that focus on well-being and adopting positive behaviors, such as time management, maintaining good mental health, stress management, etc. are encouraged.

Courses that consider the mental health of clients and how to identify and manage clients that are exhibiting mental health behaviors are also encouraged as tools for lawyers to better serve the public.



Illinois Supreme Court Commission on Professionalism

Personal stories and practical experience from the presenter can be powerful educational tools; however, extrapolating personal experience into guidance to the profession as a whole should be avoided.

Providers should also include resources and links to the Illinois Lawyers' Assistance Program (LAP) as well as mental health support organizations appropriate to the topic so that participants can reference them at a later date if needed.

Examples of MH&SA topics and courses that have been approved in the past are:

- Balancing personal and professional priorities
- Maintaining emotional and mental health
- Stress management
- Recognizing the signs and symptoms of mental health and substance abuse in colleagues and clients
- The effects of lawyer impairment on our profession
- Destigmatizing mental health and substance abuse

Titles of courses that had been previously approved for PR credit under this topic area include:

- How to Maintain Your Summer Mindset for a Healthier Practice
- Well-Being + Mindfulness for Lawyers
- Attorney Well-being
- How to Boost Your Wellness During the Winter Home Stretch
- A New Path Forward: How Lawyers Can Foster Wellness and Competency
- Prevention, Detection & Treatment of Substance Abuse in the Legal Profession
- Lawyering During a Pandemic: Self-Care for Attorneys During a Pandemic
- Ten Things Every Lawyer Should Know About Substance Use
- Time and Stress Management: Practical Tools

Below are examples of professional degrees and roles held by mental health professionals who have been involved in courses that the Commission on Professionalism has approved in the past:

- Doctor of Psychology
- Licensed Clinical Psychologist (LCP)
- Licensed Social Worker (LCSW)
- Professor of Psychiatry
- Clinical Psychiatrist
- Professor of Behavioral Sciences
- Licensed Clinical Professional Counselor (LCPC)
- Licensed Marriage and Family Therapist (LMFT)
- Master of Social Work (MSW)

On occasion, demonstrable experience and a valid body of work in the field of mental health in the legal profession has been accepted in lieu of the formal qualifications listed above.

For information and advice regarding MH&SA topics in the legal profession, or to speak with someone about presenting, contact the Commission on Professionalism at mail@2civility.org or visit [Illinois LAP](#).



Illinois Supreme Court Commission on Professionalism

For more information or to learn about the different types of mental health professionals, visit the [National Alliance on Mental Illness](#).

Diversity and Inclusion CLE Guidelines

The following guidelines were developed by the Commission on Professionalism for CLE providers and administrators who wish to apply for PR CLE credit in the area of D&I.

In planning any PR CLE, including D&I, please refer to the General Guidelines for all Professional Responsibility CLE.

When considering courses for D&I CLE, we recommend providers review whether the qualifications and experience of the presenters are appropriate to not only deliver the content but also to position the presenter as an expert in the field.

This is particularly important with regard to topics such as unconscious bias, stigma, dimensions of diversity, and harassment, as these are topics in which participants may have had negative experiences in their daily lives.

For these areas of expertise, it is essential that the presenter has incorporated how the unique challenges of the legal profession can create barriers to change. Generic courses on societal bias, D&I may not address these barriers and be a source of frustration for the participants looking for practical, customized solutions.

If a D&I presenter doesn't have academic or practical experience in the legal field, we strongly recommend that an attorney is also engaged in the design and delivery of the course to ensure compliance with Rules 795(a)(1) and 795(a)(2) regarding the focus on the legal profession.

When designing a D&I CLE program, courses should:

- Address one or more of the following: the challenges faced by groups underrepresented in or by the legal profession, eliminating bias, access to justice, increasing representation, reducing harassment, and barriers to hiring, retention, promotion, professional development, and full participation of underrepresented groups in the legal profession
- Give practical advice to participants that they can utilize and employ when improving D&I in their professional circles as well as the legal profession as a whole
- Have faculty with personal and/or professional experience with D&I and offer unique insight into the challenges facing the legal profession and the justice system

Examples of D&I topics include:

- Recognizing and eliminating bias in the legal profession, including judicial, client, and public interactions with the profession
- Building equity and inclusion: sexual harassment training
- How in-house counsel can eliminate bias and promote equity
- Restructuring organization policies to encourage retention of diverse attorneys
- Mentoring best practices for targeting discrimination, harassment, and unconscious bias



Illinois Supreme Court Commission on Professionalism

Titles of courses that had been previously approved for PR credit under this topic area include:

- Positive Steps to Increase Gender Diversity and Eliminate Bias in the Legal Profession
- Overcoming and Eliminating Age Bias Against Both Younger and Older Lawyers
- Leadership, Diversity, and Inclusion: Uncovering the Talent in Your Team
- The Metrics of Diversity Initiatives: How Can We Measure Progress?
- Changing Workplace Culture: Creating LGBT Inclusive Workplaces

For more information, visit the [Illinois State Bar Association's Diversity Leadership Council](#).

Civility, Professionalism, and Legal Ethics CLE Guidelines

Rule 794(d) defines PR courses as those in the areas of professionalism, civility, legal ethics, D&I, and MH&SA. Civility, professionalism, and legal ethics are discussed below.

In addition, please remember that every PR course must still meet Rule 795 accreditation standards.

Civility

Reducing attorney incivility in Illinois lies at the heart of the Commission on Professionalism's mission. Incivility results when lawyers erroneously equate aggressiveness with advocacy.

Further, lawyers who act with single-minded aggressiveness in representing a client often fail to fulfill the simultaneous duties they owe to the court, to the rule of law, to the administration of justice, and to the public good.

Courses may address incivility from clients, members of the court, the public, and others interacting with the legal profession. Examples of topics for a civility course include:

- How to alleviate incivility in the profession
- How to engage in difficult conversations (e.g., using reframing skills)
- How to defuse highly charged situations
- How to conduct a civil deposition or mediation

Titles of civility courses that have been previously approved for PR credit include:

- Practicing Civility and Constructive Ways to Deal with Those Who Don't
- Hamilton: An American Lawyer – Lessons for Your Practice
- Taking the High Road: How to Deal Ethically with Bullies Who Don't Play by the Rules
- Civil Discourse: What Would George Washington Say?
- Ethics, Civility, Diversity, and Discovery: Being Nice and Being Careful

Professionalism

Professionalism calls us to be mindful of the lawyer's roles as an officer of the legal system, advocate, counselor, negotiator, and problem solver.



Illinois Supreme Court Commission on Professionalism

Professionalism asks us to commit to improving the law, the legal system, and access to that system. These values make us a profession enlisted in service not only to the client but to the administration of justice and the public good.

Providers should incorporate these principles and values into their professionalism programming.

Examples of topics for a professionalism course include:

- The relationship between legal practice and technology
- Motion and trial practice, deposition training, negotiation strategies, settlement simulations, mediation
- Effective legal research techniques
- Law practice management
- Client communication and client relations
- Techniques to address the misuse and abuse of discovery and litigation
- Billable hours and responsible fees
- Pro bono training
- Public perceptions of the legal profession
- Effective management and processes

Titles of professionalism courses that have been previously approved for PR credit include:

- Negotiation Success Series
- Fundamentals of Effective Client Communication
- Settings & Customizations for Lawyers Using Android
- Hands-On: Create Charts for Your Cases in Microsoft Excel
- The Art & Science of Criminal Defense: Expert Advice to Sharpen Your Skills

Legal Ethics

The Rules of Professional Conduct establish minimal ethical standards that every lawyer must comply with in order to promote the highest standards of the legal profession.

Examples of topics for a legal ethics course include:

- The conflict between duty to client and duty to the system of justice or to the public good
- The conflict between duty to client and duty to opposing attorney
- An attorney's responsibilities as an officer of the legal system
- Spotting and avoiding malpractice
- Other duties and responsibilities articulated in the Rules of Professional Conduct

Titles of legal ethics courses that have been previously approved for PR credit include:

- I Could Get Away With An Ethics Violation, But SHOULD I Do It?
- Let's Get Technical: Digital Security Ethics for Law Firms
- From a Different Perspective: The Ethical Challenge Presented by Social Media Metadata
- Conflicts of Interest: A Practical Legal Ethics Guide



Illinois Supreme Court Commission on Professionalism

- Ethics of Going Into Business With Clients

If you have questions or would like additional information, please contact the Commission on Professionalism at mail@2civility.org.

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