

Summary of Changes to MCLE Regulations and Board Opinions

The MCLE Board spent about two years reviewing the MCLE Regulations and Opinions to streamline the approval process and to provide members with additional opportunities for CLE credit. A subcommittee was formed and provided the full Board with recommendations which were approved at the Board's meeting in December of 2025 and accepted by VSB Council in February 2026.

Regulation 102(c) – Permits moderators to claim teaching credit and now explicitly states that if materials meeting approval standards are provided for keynote presentations, credit can be granted.

Regulation 102(h) – Attorneys can earn CLE credit for providing pro bono legal service if the service is referred by a Qualified Legal Services Provider. Up to 1.0 hour of CLE can be earned for every 4.0 hours of pro bono service; no more than 5.0 credits can be earned in one CLE period.

Regulation 103(d) – Regulation now explicitly states that ethics credit can be granted to programs that instruct on how legal ethics relate to and interact with ethical requirements applicable to other professions to be eligible for CLE credit.

Regulation 103(g) – Sponsors now have up to 5 business days after a presentation to distribute the materials to attendees.

Regulation 103(h) – Incorporates existing language from Opinion 14 to codify that credit can be granted to programs whose materials are not original to the presentation. States only materials drafted specifically for a program are eligible for preparation credits.

Regulation 103(i) – Presentations where a sitting judge or justice of a Virginia court of record, federal trial or appellate court or current or former Supreme Court Justice is a panelist, may have the written materials requirement waived entirely or an outline may be sufficient. Course providers are highly encouraged to submit an outline of the judicial presentation to allow the MCLE Board to ensure that the subject matter warrants MCLE credit.

Regulation 103(j) – Language stating sponsors “should exercise care to ensure that faculty members, where possible, reflect the racial and gender diversity of the State Bar as a whole” was removed. There is no history of this being enforced nor is the data collected in any capacity.

Regulation 104(b) – This sentence was amended to include well-being: "This course or program has been approved by the Virginia Mandatory Continuing Legal Education Board for ____ hours of credit, of which ____ hours will also apply in the area of legal ethics or professionalism *and of which ___ hours apply in the area of well-being.*"

MCLE Board Opinion 14

The opening paragraph was shortened.

Presentation Slides paragraph was amended to bring it in line with Regulation 103(g).

Late Materials sentence was removed.

Additionally, grammatical/stylistic changes were made.

MCLE Board Opinion 21

Descriptive language in the first two paragraphs was removed.