

South Carolina Bar CLE Committee

Mission Statement and Policy for Co-Sponsored Programs

The mission of the CLE Committee is to promote the goals of the South Carolina Bar by producing and/or providing quality continuing legal education for the South Carolina legal community to facilitate service to the public and the profession.

The mission is achieved through the establishment of high quality CLE programs and products:

- (1) organized by curricula and offering within each curriculum programs and materials responsive to both the area of concentration and expertise levels;
- (2) responsive to particular legislative, judicial, or other significant developments in South Carolina and the nation;
- (3) delivered through a variety of media and reasonably accessible in terms of time, geography, and cost;
- (4) developed under quality assurance measures so that a consistently high level of performance is obtained;
- (5) utilizing speakers of exceptional ability who, but for their service to the South Carolina Bar, likely would be neither available nor affordable;
- (6) including South Carolina practitioners representing a diversity of practice areas, experience levels, regions of the state, race and gender, while emphasizing excellence in scholarship and commitment to the educational goals of the Bar; and
- (7) offering appropriate opportunities to Bar sections, committees, divisions, and select outside entities to partner with the CLE Division to enhance members' educational options.

Comments

1. Who are our primary customers?

South Carolina Bar members. To a lesser extent, we serve legal assistants, law office staff, and occasionally members of professions such as certified public accountants. Generally, our customers are not solely members of bars other than South Carolina. Unless at least one of two conditions is present, we should not depart from our primary goal to provide CLE to South Carolina lawyers: (1) if providing a CLE program to lawyers outside of South Carolina or to other non-lawyers clearly and directly supports the educational goals of the South Carolina Bar, then the program should not be prohibited; however, we should have a heightened concern about the cost effectiveness of such a program; or (2) if such a program (a) will likely produce revenue for the CLE Division and (b) will not detract in any way from other South Carolina Bar programs, then the program should not be prohibited; the funds generated from such a program could support CLE programs or other services for members.

2. What will we do for South Carolina lawyers?

A. Provide and/or produce CLE programs. The CLE Division is in a unique position to assess and address the CLE needs and desires of South Carolina lawyers. Although the cost effectiveness of any given program is important and should not be ignored, we should focus on the CLE needs and desires of South Carolina lawyers and attempt to offer CLE programs to meet those needs and desires including but not limited to the need to fulfill mandatory CLE and specialty requirements.

B. Produce and/or provide related educational materials, such as books, manuals, manuscripts, form books, computer disks, videotapes, and other materials produced through written, electronic, video, or media. Materials concerning non-legal education topics should meet at least one of the two requirements stated in the preceding paragraph.

C. Coordinate and facilitate the providing of quality and appropriate CLE programs and materials with the sections, committees, and divisions of the Bar. Sections, committees, and divisions will identify their CLE needs and coordinate efforts through the CLE Committee/Division.

3. What are the financial objectives of the CLE program?

The CLE program will be self supporting, including ensuring its financial viability. The CLE program must operate as a business in a very competitive industry. The CLE Division remains the largest provider of CLE in South Carolina and is consistently recognized for its quality and affordable programming. The ongoing goals of the CLE program include maintaining its market share.

SPONSORSHIP/CO-SPONSORSHIP OF CLE PROGRAMS

As the primary provider of continuing legal education in South Carolina, the CLE Division's principal method of operation is through sole sponsorship of programs created and presented on a voluntary basis by South Carolina attorneys. Due to the rapidly changing CLE environment, however, the Division is presented with many opportunities and requests to cooperate with others in the providing of CLE programs.

In order to approach CLE sponsorship/co-sponsorship on a consistent basis, the Board of Governors and the CLE Committee adopt the following policies which will apply to all educational activities presented by the South Carolina Bar and any subgroup thereof.

1. Sponsorship

- a. **Accreditable Legal Educational Activity** - The CLE Director or Executive Director will initially assess when a legal educational activity is designed for MCLE credit.

A continuing legal educational activity or program, in-state or out-of-state, which is sponsored, co-sponsored or conducted by the South Carolina Bar or any subgroup thereof shall not be offered to obtain mandatory CLE credit unless the activity or program has been approved in accordance with all policies and procedures of the CLE Committee.

- b. **Non-accredited Legal Educational Activities** - Any activity, though non-accreditable for MCLE credit, determined by the CLE Director or Executive Director to be legal education may be sponsored by the CLE Division provided that the activity has been approved in accordance with all policies and procedures of the CLE Committee.
- c. **Non-Legal Educational Activities** - The CLE Division may sponsor any non-legal educational activity provided:
 - i) it is a clear and direct benefit to SC Bar members;
 - ii) it is cost effective; and
 - iii) it does not detract from other SC Bar educational activities.

The CLE Director and the CLE Committee are responsible for evaluating non-legal educational activities in accordance with above criteria.

2. Co-sponsorship

- a. All co-sponsored educational activities must meet all criteria for sponsored educational activities as set out above.
- b. Absent circumstances as determined by the CLE Committee or Board of Governors, the CLE Division will not co-sponsor an educational activity with a "for-profit sponsor." This does not preclude the CLE Division from contracting for the services of experts where necessary to provide needed activities and where such arrangements are financially sound.

- c. The CLE Division will co-sponsor educational activities only upon the following basis:
 - i) The CLE Division exercises full joint control of the planning and administration of the educational activity through a co-program chair and staff input;
 - ii) The other co-sponsor is a nonprofit organization;
 - iii) CLE Division co-sponsorship is in the best interests of SC Bar members and in the interests of cooperation with parties working for the good of all attorneys;
 - iv) Subject to a financial loss on the program shared equally by all parties, the CLE Division will receive full coverage of out-of-pocket expenses and overhead and will share profits at least on an equal basis with other sponsors; alternately, if each sponsor contributes a roughly equivalent amount of staff time and volunteer effort, the CLE Division will forgo repayment of overhead if each other sponsor does the same and will rely on an equal sharing of profits after payment of direct out-of-pocket expenses;
 - v) The co-sponsorship is pursued at an early date so that the mechanics of working through multiple individuals or groups does not unreasonably delay the presentation of the educational activity;
 - vi) The CLE Division will at least jointly own any copyrights that accrue to the sponsor for the written materials for the educational activity and satisfactory arrangements will be made in advance for future printing and sales of the materials; and
 - vii) The co-sponsorship will not benefit a competitor of the CLE Division out of proportion to the benefit to the Division.

3. In Cooperation With

The CLE Division may assist "non-profit sponsors" of educational activities whose interests are consistent with the Division, on an "in cooperation with" basis, but only if:

- a. The arrangements are truly nonprofit and there is no significant incidental benefit to a third party, such as a product supplier;
- b. CLE Division cooperation is needed to bring a desirable activity into existence;
- c. The CLE Division has at least veto control over the development of the content and administration of the educational activity or the content and administration are satisfactory as presented at the outset;
- d. The presentation of the educational activity on this basis will not benefit a competitor of the CLE Division out of proportion to the benefit to the CLE Division from being involved; and
- e. CLE Division cooperation is without expense to it or upon full reimbursement of expenses including overhead if there is any substantial staff time involved.

4. Closed Section Programs

Sections may hold section-sponsored seminars for their members between the months of April and June. Such programs must be conducted through the CLE Division, which will make not less than four and not more than eight dates available during those months. Programs will be priced at one-half the rate for regular CLE Division seminars and will be single site seminars held at locations to be determined by the Division after consultation with the Section council. There will be no broadcast to video satellite locations. Registrations will be limited to section members on a space available basis. Marketing may be conducted through section list serves, the Bar web site, E-Blast, and E-Brochures. All direct and indirect expenses for reasonable course materials, speaker travel and accommodations, facility rental, and refreshments will be borne by the CLE Division, except that any networking lunches will be paid for by the section or as an added fee by the registrants. The Division will not host a Faculty Dinner or provide Faculty Speaker Coupons. Programs may be designed to receive up to six hours of MCLE credit. The Division will notify section liaisons of the potential seminar dates no later than August 1 of each year, and sections must submit an "Intent to Conduct a Seminar" form, including a list of potential topics and faculty, no later than October 1. Programs will be booked on a "first come, first served" basis. Dates not booked by October 1 may be reassigned by the Division for alternate programming.

5. Section-Sponsored Programs

Programs, other than as described in paragraph 4., above, designed to receive up to six hours of MCLE credit when conducted at a discount for section or division members must be approved through and conducted by the CLE Division. The section or division will subsidize the discount offered for the program.

Except in unusual circumstances, requests by sections, committees, divisions, and non-profit sponsors that the CLE Division co-sponsor or assist in cooperation with CLE activities will be handled on the following basis:

- a. All requests should be initiated in writing. Before a written request is considered, it should be completed and delivered to the CLE Director at least six months prior to the proposed date of the educational activity. This period may be shortened if it is clear to the CLE Committee that the additional time required to "co-ordinate" with the section, committee, division, or other sponsor will be minimal. The written request shall contain such information as the name of the potential co-sponsor, the subject area to be covered, the level of presentation contemplated, when and where the educational activity is to be held, any known program outline, any specific instructors being contemplated, the estimated registration fee or proposed discount if known, any payments contemplated to be paid to speakers and proposed financial arrangements with the CLE Division.
- b. Upon receipt of request, the CLE Director and Seminars/Special Programs Director will review and obtain any additional information necessary for a determination under the foregoing policy. If a request clearly falls outside of SC Bar CLE policy and procedures, then the CLE Committee, in consultation with the CLE Director, is authorized to decline the proposal.
- c. If the proposal does not clearly fall outside of SC Bar CLE policy and

procedures, then the CLE Committee, in consultation with the CLE Director, shall jointly formulate a recommendation to be presented at the next meeting of the CLE Committee. If pressures of time require an earlier decision, then the CLE Director, in consultation with the CLE Executive Committee, will be authorized to make a decision regarding sponsorship.

- d. Under special circumstances as determined by the CLE Committee, the program registration fee may be less than the standard fee approved for seminars.

6. One Hour Programs

Sections, committees, and divisions may offer up to two one hour MCLE/LEPR programs in conjunction with regularly scheduled business meetings without the approval or involvement of the CLE Division. Such programs must be pre-approved by the Commission on CLE and Specialization and may be offered only to section, committee, or division members. Exception: The Ethics Advisory Committee, which has pre-approval for all meetings from the Commission on CLE and Specialization, is not bound by the above limitation on the number of programs it may offer to its members.

7. Programs Sponsored by Outside, Nonprofit Entities

A section, committee or division may, with CLE Division approval, make its mailing lists or electronic list available to another CLE provider for a program that the section leadership believes is beneficial to its members. Neither the section nor the CLE Division may be asked or required to participate in the planning of the activity or receive any financial benefit from the activity. Sections, committees, or divisions may not be listed as “co-sponsor” or “in cooperation with” such programs unless all other requirements for co-sponsorship (see 2., above) are met.