

**MCLE Credit for Legal Scholarship  
(information provided by the Illinois MCLE Board)**

Illinois attorneys may earn credit for researching and writing a *legal scholarly* book or article if that book or article satisfies the requirements of MCLE Rule 795(d)(7) and the guidelines of the Board's FAQs. That Rule and those FAQs are provided below. It is recommended that each attorney who is considering claiming such credits read both the Rule and the FAQs provided below.

**Summary:** there is no application process for the attorney to claim general MCLE credit from researching and writing a legal scholarly publication but the attorney must keep contemporaneous time records (which are retained by the attorney and provided to the Board *only if* the attorney is audited). There is a cap on the number of MCLE credit hours that can be claimed (please read the Rule and FAQs provided below). Also, there is no carryover of hours to the next reporting period from publishing a scholarly book or article.

**MCLE Rule 795(d)(7) Legal Scholarship:**

[In addition to traditional CLE courses, the following courses or activities will receive CLE credit]:

Writing law books and law review articles, subject to the following:

(i) An attorney may earn credit for legal textbooks, casebooks, treatises and other scholarly legal books written by the attorney that are published during the two-year reporting period.

(ii) An attorney may earn credit for writing law-related articles *in responsible legal journals or other legal sources*, published during the two-year reporting period, that deal primarily with matters related to the practice of law, professionalism, diversity issues, mental illness and addiction issues, civility, or ethical obligations of attorneys. Republication of any article shall receive no additional CLE credits unless the author made substantial revisions or additions.

(iii) An attorney may earn credit towards MCLE requirements for the actual number of hours spent researching and writing, but the maximum number of credits that may be earned during any two-year reporting period on a single publication shall be half the maximum CLE hours required by Rule 794(a) and (d). Credit is accrued when the eligible book or article is published, regardless whether the work in question was performed in the then-current two-year reporting period. To receive CLE credit, the attorney shall maintain contemporaneous records evincing the number of hours spent on a publication.

(Emphasis added.)

**MCLE Board FAQs on Legal Scholarship:**

***What types of activities do not qualify for MCLE publication credit?***

Answer: The following activities do not qualify for MCLE publication credit:

- (1) Editing any legal writing written by someone else;
- (2) Writing an article or other written work appearing in a publication for general circulation or in a publication directed to a non-lawyer audience;
- (3) Legal research-based writing appearing in any publication, whether print or electronic, that is controlled by the applicant or by the applicant's firm or employer; and

(4) Briefs, pleadings or other documents that have been submitted to a court in any pending case or proceeding or prepared in connection with the representation of a client.

***What requirements and limitations apply to legal scholarship credits?***

Answer: As stated in Rule 795(d)(7), the activity of “writing law books and law review articles” qualifies for CLE credit. Law books include legal textbooks, casebooks, treatises and other scholarly legal books. An attorney can earn credit for writing law-related articles in responsible legal journals or other recognized legal sources that deal primarily with matters related to the practice of law, professionalism, diversity issues, mental illness and addiction issues, civility or ethical obligations of attorneys. For law books and law-related articles, the attorney can earn credit within any two-year reporting period only if the work was published during that particular reporting period, regardless of when the work was written. Republication of an article does not earn additional CLE credit for the attorney unless the author made substantial revisions or additions. An attorney may earn credit toward CLE requirements for the actual number of hours spent researching and writing, but the maximum number of credits that may be earned during any two-year reporting period on a single publication is half the maximum CLE hours required for that reporting period. To receive CLE credit, the attorney needs to maintain contemporaneous records evincing the number of hours spent on a publication.

**Attorney must determine whether an article published in a recognized legal journal or other legal source**

In order for the attorney to claim MCLE credit from researching and writing a published article, each attorney must determine whether the publication in which the article is published qualifies as a "responsible legal journal or other legal source" under Rule 795(d)(7). As guidance, authors must assess whether the legal journal or other legal source (as a whole, rather than on an individual edition basis) is a publication that: (1) has been cited or quoted by courts or briefs filed with any court or cited or quoted another recognized legal source; or (2) is regarded by attorneys as a reliable source of law-related information. While this is an expansive rule of thumb, it is intended to allow a broad number of legal journals or other legal publications to be considered as "legal sources" under the Illinois MCLE Rules.

There are, however, limits to this expansive rule of thumb. Some publications are merely newsletters that contain informational articles and photographs about recent activities or events. Articles published in such publications do not qualify for credit. Also, articles in publications intended for a non-lawyer audience do not qualify for Illinois MCLE credit. Likewise, articles intended for a non-lawyer audience in any publication do not qualify for Illinois MCLE credit.

**Important considerations:**

- (1) there is no application process for the attorney to claim general MCLE credit from writing a legal scholarly publication;
- (2) credit may be claimed in the two-year reporting period in which the article or book is published, regardless of when the research and writing for the article or book is conducted;
- (3) the attorney must maintain contemporaneous records of the hours spent on the publication for at least three years *after* the two-year reporting period ends. Those records should include at least: (i) the attorney's time records, substantiating at least the number of hours claimed for MCLE credit; and (ii) a copy of the published writing which includes the publication date. These

records are kept by the attorney. ***Those records are not submitted with the compliance certification form. If the attorney is notified by the Board that the attorney is being audited, then the attorney provides those record to the Board;***

(4) Rule 795(d)(7) sets a cap on the hours that may be claimed from a single scholarly article or book -- one-half of the total hours required in a particular two-year reporting period. There is no credit for republication of the same article. An attorney may, however, claim credit from two different articles or books published in the same two-year reporting period;

(5) there is no carryover of credit from publishing scholarly books and articles. In other words, an attorney can only claim credit for a publication for the two-year reporting period in which the book or article was published; and

(6) regardless of the number of credits earned from researching and writing a published scholarly work, each attorney needs to earn four credits of professional responsibility credit in each two-year reporting period. If the attorney wants to claim professional responsibility credit from researching and writing published legal scholarship where professional responsibility issues are presented, the attorney must contact the Commission on Professionalism, the Court-created entity that must approve all professional responsibility credit. Access the Commission's application for professional responsibility CLE: <http://www.ilsccp.org/cle/appinstructions>