

# Continuing Legal Education in Michigan

By Randy Foreman

## Introduction

Michigan attorneys can go nose to nose with any other state's attorneys in spite of the fact that Michigan is one of only eight states that do not require continuing legal education (CLE)<sup>1</sup> credits to be completed by their practitioners.<sup>2</sup>

But, of course, CLE is not just about attending classes. It's about keeping current. Comment 6 to Rule 1.1 of the Michigan Rules of Professional Conduct (MRPC) says: "To maintain the requisite knowledge and skill, a lawyer should engage in continuing study and education." And very few Michigan attorneys do not regularly engage in continuing study and education.

## Keeping Current

Keeping up on the law in Michigan is easy. *Michigan Lawyers Weekly* is an excellent resource for \$299 per year. The current edition is available online, and there is also an online archive. Subscribers can receive daily e-mail alerts summarizing state court, federal court, and agency decisions, as well as other legal news.

Two other great print resources for keeping current are *Lawyers USA* and the *National Law Journal*. *Lawyers USA* is published by Lawyers Weekly twice per month for a cost of \$199 annually. Like the Michigan version, *Lawyers USA* provides online access to current and archived volumes, as well as e-mail alerts. The *National Law Journal* is a weekly publication that costs \$269 per year. As with the Lawyers Weekly publications, the *National Law Journal* provides e-mail alerts and online access to current and archived volumes.

You can also stay current by going to the source. In Michigan, Supreme Court and court of appeals opinions can be sent

directly to your e-mail address by sending an e-mail message to [listserv@listserv.michigan.gov](mailto:listserv@listserv.michigan.gov) with the phrase "Subscribe AppellateOpinions" somewhere in the message ("AppellateOpinions" is one word). From the Michigan legislature's website at [www.legislature.mi.gov](http://www.legislature.mi.gov) you can sign up to be notified of events such as when action is taken on a bill or a new law is passed. The service is free.

The best way to keep current with U.S. Supreme Court opinions is the Legal Information Institute (LII) at Cornell. By signing up at [liibulletin.law.cornell.edu](http://liibulletin.law.cornell.edu) you can receive summaries of the most recent U.S. Supreme Court opinions within a few hours of their release.

## Treatises

So there are plenty of ways to stay current with the law. But what about learning new law? There are two ways to learn new law: participate in a CLE seminar or use a treatise.<sup>3</sup>

Both Westlaw and Lexis have some marvelous treatises in their extensive online collections. For example, Westlaw has the enormous multi-volume *Employment Discrimination Coordinator*, and Lexis has the fantastic Mathew-Bender treatises, which include treatises such as the 10-volume *Employment Discrimination* by Lex Larson. Unfortunately, these treatises are probably not part of your Westlaw or Lexis plan, so you may have to pay a sizeable sum to access them.

In Michigan, the treatises of choice are those published by the Institute of Continuing Legal Education (ICLE). Here at the Brennan Law Library, the second most common reference question is "Where are the ICLE treatises located?" (The most common being "Where's the bathroom?") ICLE

treatises are updated annually. Most of the single-volume treatises cost around \$125 each, with an annual update fee of about half that. But if you need regular access to more than a couple of ICLE treatises, you may want to consider the ICLE Online Library. The online library subscription allows online access to over 46 ICLE treatises. The cost is \$490 annually for a solo practitioner, \$650 for a firm with 2–4 attorneys, and \$790 for a firm with 5–7 attorneys.

## CLE Live and On Demand

Yes, treatises are often a great place to start. But if your firm's library consists of two treatises and a phone book, and the closest law library is a three and a half hour plane flight, then there are some marvelous CLE options available to you—and most of them are available on demand. In fact, there are hundreds of Michigan CLE on-demand courses available from ICLE,<sup>4</sup> and thousands of national CLE courses available from numerous other providers. Most of these CLE classes can be watched or downloaded from your computer within seconds of your decision to watch or listen to them.

ICLE seminars cost around \$175, but have substantial discounts for attorneys who have practiced for three years or less. These seminars usually run for four to eight hours. Most of the ICLE seminars are also available on demand, and can be purchased and listened to for several months after the original seminar was held.

ICLE has a program called "The ICLE Partnership." The Partnership provides unlimited on-demand access to audio and video seminars for at least a year after they have been presented, and also includes seven years' worth of print materials. ICLE Partners have access to 210 "How-to Kits" covering a wide range of practice issues, and

can also attend all 40 or so seminars that are offered each year (although only half of the attorneys can attend any given location). The cost of the Partnership plan is \$525 for a solo practitioner, \$825 for a firm with 2–4 attorneys, and \$1,245 for a firm with 5–7 attorneys. Partners also get a discount on the longer “Institute” seminars, which are sometimes up to 40 hours in length.

The State Bar of Michigan Practice Management Resource Center (PMRC)<sup>5</sup> also offers seminars. The PMRC’s offerings include software seminars on Excel and TimeMatters and seminars on practical issues such as “How to Collect and Set Your Fee” or “How to Deal with Difficult Opposing Counsel.”

West has thousands of on-demand CLE courses.<sup>6</sup> West doesn’t create the content, but instead acts as a vendor for over 100 different CLE providers. A search of the topic “bankruptcy,” for example, provides a list of 400 different on-demand video and audio seminars available from vendors such as PLI, the Chicago Bar Association, NBI, ALI-ABA, and the New York City Bar. Some topics are state-specific for states other than Michigan, but many are national in scope. Prices vary depending on the original vendor, but the average price appears to be around \$60 per seminar hour. As with ICLE, West has an “all you can eat” plan for about \$840 per year for a solo practitioner and more expensive plans for larger firms.

There is a wealth of on-demand CLE materials available from the American Bar Association.<sup>7</sup> Cost is around \$75 per credit hour, but there is a substantial discount for members of the Young Lawyers Division. Courses are available as streaming audio, CD, or MP3 downloads. Most courses include downloadable text materials. Typical classes offered are “Effective Use of Life Insurance in Estate Planning,” “Managing Environmental Issues in Construction Projects,” and “The Uninsured: State Initiatives Dealing with the Uninsured.”

The Practising Law Institute (PLI) has hundreds of on-demand CLE programs.<sup>8</sup> A one-hour audio program, such as “*Daubert*—Narrowing and Broadening the Law of Expert Testimony,” costs \$129. An 11-hour class, such as “A Guide to Mergers and Acquisitions,” costs \$750. PLI also has over 900 downloadable MP3 programs. The av-

erage cost of the MP3 courses is about \$50 per hour.

Another source of CLE materials is LAW.COM.<sup>9</sup> Individual classes cost around \$60 per credit hour. LAW.COM also has special low-cost package plans for states that require CLE. These plans vary from 6 to 25 credit hours in length, and cost around \$30 per credit hour. In addition, they have topic-specific package deals. For example, the \$549 E-Discovery package includes 11 courses and 16.5 hours of lecture. LAW.COM also has an unlimited access plan for \$2,000 per year.

There are also many on-demand CLE vendors in the various states. As with ICLE, these providers emphasize their own states, but they also have a substantial number of national materials. One example is CLEonline<sup>10</sup> from Texas, where the average cost for on-demand seminars is about \$20 per credit hour and typical national topics covered are “Copyright Law for Non-Specialists” and “Ten Things Every Lawyer Should Know About HIPAA.” The Ohio State Bar Association’s OSBA CLE Institute<sup>11</sup> offers on-demand seminars for about \$40 per hour. Representative national topics covered are “Medicare 2007” and “Social Security Disability.” ■

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## FOOTNOTES

1. While there is no CLE requirement in Michigan, Rule 1.1 of the Michigan Rules of Professional Conduct implies its necessity:  
A lawyer shall provide competent representation to a client. A lawyer shall not:  
(a) handle a legal matter which the lawyer knows or should know that the lawyer is not competent to handle, without associating with a lawyer who is competent to handle it;  
(b) handle a legal matter without preparation adequate in the circumstances; or  
(c) neglect a legal matter entrusted to the lawyer
2. In 1987, a proposal was adopted by the State Bar of Michigan Representative Assembly to require CLE for Michigan attorneys. The request was presented to the Michigan Supreme Court. In 2001, that request was withdrawn.
3. Of course, there are the two state encyclopedias, *Michigan Law and Practice* and *Michigan Civil Jurisprudence*, but few attorneys would consider these to be the best sources for learning new law. Likewise, *American Law Reports* are an excellent resource for getting a handle on a legal topic from a national perspective, but are, in most cases, of little use to a Michigan practitioner trying to learn new Michigan law.
4. Institute of Continuing Legal Education <<http://www.icle.org>> (accessed December 17, 2007). All websites cited in this article were accessed December 17, 2007.
5. State Bar of Michigan, *Practice Management Resource Center* <<http://www.michbar.org/pmrc/seminars.cfm>>.
6. West LegalEdcenter <<http://westlegaledcenter.com>>.
7. American Bar Association, *Center for Continuing Legal Education* <<http://www.abanet.org/cle>>.
8. Practising Law Institute, *Online CLE* <[http://www.pli.edu/product/product\\_index.asp?ptid=505](http://www.pli.edu/product/product_index.asp?ptid=505)>.
9. LAW.COM, *CLE Center* <<http://www.clecenter.com>>.
10. CLEonline <<http://www.cleonline.com>>.
11. Ohio State Bar Association, OSBA CLE Institute <<http://www.ohiobar.org/cle>>.