



Attachment A- Subject Matter for E-Learning, Self-Assessments, and Microlearning

The State Bar's preventative education plan will be developed through e-learning and self-assessments, as well as other methods of delivery, to reflect proactive and preventative regulation. All courses and updates will reflect the high-quality standards for education set by the State Bar. The topics of the courses listed below represent a sample of the type of courses we are interested in exploring. The topics are not finalized and are subject to State Bar resources.

E-Learning Course Updates

1. Update 10-Hour New Attorney Training Program

The 10-hour New Attorney Training Program update will include a comprehensive review to update its content. This consideration will be informed by the data collected on user performance on final assessments since the launch of the New Attorney Training Program. The vendor may provide assistance in the efforts to run reports and analyze the data collected since the inception of the New Attorney Training Program. It will also be informed by any changes to the California Bar Examination, made in response to the Blue-Ribbon Commission on the Future of the Bar Exam.

2. Update New Rules of Professional Conduct Course

Changes to the Rules of Professional Conduct have occurred since the comprehensive revisions, effective November 2018. The update will consist of reviewing the content of the new rules course to make appropriate changes to capture recent rule revisions. The vendor may provide assistance in the efforts to run reports and analyze the data collected since the launch of the New Rules of Professional Conduct course.

3. Update Probation Course

This course serves as a mandatory course for attorneys in the disciplinary system and augments the requirement that arises when a respondent attorney is subject to a disciplinary order to "read the Rules of Professional Conduct." The content of this course will be reviewed to ensure that it is consistent with the updates in the New Rules of Professional Conduct course.

E-Learning Courses- New

1. Civility

This course would educate attorneys about the economic and human costs of incivility; provide lawyers with reasons and tools to change their own behavior if they are uncivil; teach lawyers how to help those who are uncivil change their behavior; help lawyers deal with stress and dissatisfaction caused by toxic uncivil behavior; and reduce bias-driven incivility.

2. Legal Technology

Anticipated changes to the State Bar Rules would require attorneys to complete a one-hour course on technology in the practice of the law. MCLE credit would be allowed for courses about cybersecurity, privacy, and data protection; the use of technology to create, receive, transmit, store, analyze, or delete client documents or client information; law practice management technology tools, including technology for virtual appearances before a tribunal; the use of applications to assist attorneys in advising clients, including artificial intelligence technology; and e-discovery. This course would cover one or more of these topics.

Self-Assessments

1. Common Client Complaint Issues

This self-assessment will be developed based on potential areas of need for new resources including the duty to communicate; hourly billing issues; contingency fees and entitlement to quantum meruit; fee sharing arrangements, including referral fees; mandatory fee arbitration issues, including notice to client; advance fees and true retainer fees; and best practices in promptly addressing fee disputes.

2. Law Office Management, Staffing and Supervision

This self-assessment will be developed based on potential areas of need for new resources including solo and small firm issues; supervisor-subordinate disagreements on questions of professional duty; supervision of nonlawyer assistants; outsourcing, including use of contract attorneys; use of disbarred or other lawyers who are not entitled to practice law; and specific technology issues.

3. Competence and Diligence in Representing Clients

This self-assessment will be developed based on potential areas of need for new resources: acquiring competence (e.g., by associating another attorney); the relationship between competence and the duty to supervise; the relationship between competence and the standard of care; declining representation; responding to delay issues in dealing with clients and opposing counsel; and specific technology issues.

Microlearning Videos

1. **Duty to Report under Rule 8.3**
2. **Civility**
3. **Technology in the Practice of Law**
4. **Law Practice Management**