

CONTINUING LEGAL EDUCATION (CLE) CREDITS AND PRO BONO

Most jurisdictions in the U.S. require their licensed attorneys to earn a minimum number of Continuing Legal Education (CLE) credits per compliance period to maintain good standing with their jurisdiction's bar association. Each jurisdiction makes its own determination about which programs are eligible for CLE credit. Typically, approved programs are classes with written course materials, such as webinars or in-person seminars, contingent on their duration and content. In recent years, however, more states have permitted attorneys to earn some CLE credits through pro bono service.

There is much variation in the rules regarding pro bono service for CLE credit. ABA Model Rule 6.1 of the Model Rules of Professional Conduct recognizes the importance of a lawyer's duty to serve disadvantaged communities: "every lawyer has a professional responsibility to provide legal services to those unable to pay."¹ The ABA encourages lawyers to complete an annual 50-hour goal of pro bono service. Per its February 2017 Report on the Model Rule for Minimum Continuing Legal Education (MCLE) and Comments, the ABA does not take a position on whether pro bono credits should be counted toward CLE credits.²

In recent years, more jurisdictions have allowed pro bono legal service to count for CLE credit. The latest jurisdiction to amend its rule is Florida, which will allow some pro bono to count for CLE credit effective December 30, 2024. Likewise, some jurisdictions are increasing how many CLE credits may be earned through pro bono service. The most recent increase is in Delaware, which amended its rule effective November 1, 2024 to allow one CLE credit hour for every two hours of legal services performed, with a maximum of 20 CLE credit hours per two-year compliance period (compared to six credit hours previously).

Once Florida's new rule goes into effect, nearly half of the 46 U.S. jurisdictions that have a CLE mandate will permit some CLE credit to be earned through pro bono legal representation: 22 states permit some pro bono service to count for CLE credit, and 24 states do not count any pro bono service for CLE credit. One state (Alaska) permits pro bono mentoring, but not pro bono service, to count for CLE credit. Currently, five U.S. jurisdictions do not have a CLE mandate: District of Columbia, Maryland, Massachusetts, Michigan, and South Dakota.

Of the jurisdictions that count some pro bono service for CLE credit, the requirements vary between two to six (2–6) hours of pro bono service counting to earn one (1) CLE credit, and a maximum allowance of two to ten (2–10) CLE credits that may be earned for pro bono service per compliance period.

Arguably, standardizing CLE credit for pro bono service has the immense potential to increase pro bono activity by lawyers because it goes beyond the traditional incentives currently in place in

¹ See American Bar Association, "ABA Model Rule 6.1" (October 2021), https://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/mrpc-6-1.pdf.

² See American Bar Association, "Model Rule for Minimum Continuing Legal Education," at 14 (February 2017), https://www.americanbar.org/content/dam/aba/directories/policy/midyear-2017/2017_hod_midyear_106.pdf.

many jurisdictions.³ Per the April 2018 report from the ABA’s Standing Committee on Pro Bono and Public Service, which surveyed more than 47,000 attorneys in 24 states, earning CLE credit for pro bono work is among the top three out of 19 actions that would motivate them to engage in more pro bono service. On a 1-5 scale, with 1 being not influential and 5 being very influential, at least 50% of the attorneys valued CLE credit for pro bono service as a 4 or 5.⁴ Such statistics develop the framework and support for increasing whether pro bono counts for CLE credit across U.S. jurisdictions.

A contrary view advocates that CLE should be limited to coursework and not pro bono service because of CLE’s key function to keep attorneys apprised of new developments in the law.⁵ However, CLE is *one* platform to satisfy this obligation. A lawyer’s professional responsibility to be a competent advocate requires them to stay up to date on new legal developments, regardless of CLE programs to assist in that goal. This is illustrated by the five U.S. jurisdictions that do not have a CLE mandate yet expect their attorneys to be apprised of such new developments. Further, no jurisdiction allows an attorney to satisfy their CLE credit requirement solely through pro bono service.

Currently, the rules regarding CLE credit and pro bono service are treated separately in most jurisdictions. Lawyers are tasked with the challenge of maintaining their CLE credit requirements on top of their already demanding schedules to avoid compliance consequences while engaging in pro bono work to satisfy their ethical and professional obligations. Lack of time is the number one factor in discouraging pro bono service, with more than half of all attorneys labeling it as “very discouraging.”⁶ The inability to earn CLE credit for pro bono service could result in attorneys decreasing priority for pro bono due to the many competing demands on attorneys’ time.

The jurisdictions that permit some pro bono service to count for CLE credit have differences in their rules. Such common themes include:

- A varying number of pro bono hours for every hour of CLE credit.
- A varying maximum CLE credits from hours of pro bono service that may be earned and reported during a state’s compliance period.
- A state-specific itemized list of pro bono organizations with which the attorney must perform pro bono services for the pro bono hours to be eligible for CLE credit.

Leaders of pro bono programs with attorneys in states that permit some pro bono service to count

³ See Rima Sirota, *Making CLE Voluntary and Pro Bono Mandatory: A Law Faculty Test Case*, 78 La. L. Rev. 547, 578 (2018).

⁴ See American Bar Association, “Supporting Justice: A Report on the Pro Bono Work of America’s Lawyers” (April 2018), https://www.americanbar.org/content/dam/aba/administrative/probono_public_service/other-documents/lb_pb_supporting_justice_iv_final.pdf.

⁵ See Tom Lininger, *Exploring Strategies to Promote Access to Justice*, 31 Geo. J. Legal Ethics 357, 369 (2018).

⁶ See American Bar Association, *supra* note 4.

for CLE credit can leverage this information when encouraging colleagues to volunteer.

The chart below reviews the rules governing CLE credit for pro bono service in all fifty states and the District of Columbia. The chart contains a short excerpt of the language in the state's rule, including the conditions surrounding how credit is earned.

Summary of State Status on CLE Credit for Pro Bono Service

State	Rule Pro Bono Service CLE Credit	Rule Highlights ⁷
Alabama	Ala. State Bar Mandatory CLE R. 3.9	One hour of MCLE credit for every six hours of pro bono work with an approved provider, with a maximum of three MCLE credits in the twelve-month compliance period.
Alaska	Alaska SCO No. 2016 (Pro Bono Mentoring Only)	Participating as a mentor in a relationship with another member of the Alaska Bar for the purpose of training that other member in providing effective pro bono legal services counts for CLE credit.
Arizona	Ariz. Sup. Ct. R. 45(a)(4)	One hour of CLE credit for every five hours of pro bono service, with a maximum of five hours of CLE credit per educational year.
Arkansas	Ark. CLE Bd. Regul. R. 4.04(10)	One hour of CLE credit for every three hours of pro bono service with an approved provider, with a maximum of three CLE credit hours per reporting period.
California	No CLE credit for pro bono service	
Colorado	Colo. R. Civ. P. 250.9	One hour of CLE credit for every five hours of representation to an indigent client in a matter assigned by an approved entity, with a maximum of nine CLE credit hours during each three-year compliance period.
Connecticut	No CLE credit for pro bono service	
Delaware	Del. CLE R. 9(D)	One CLE credit hour for every two hours of legal services performed pursuant to an approved appointment or assignment, with a maximum of 20 CLE credit hours per two-year compliance period.
District of Columbia	No CLE mandate	
Florida	Rule Reg. Fla. Bar 6-10.3	Effective December 30, 2024, lawyers may earn one hour of general CLE credit for every hour of pro bono service. Lawyers may earn up to five credit hours of CLE credit through pro bono service during a three-year reporting cycle
Georgia	No CLE credit for pro bono services	
Hawai'i	No CLE credit for pro bono service	

⁷ Some rules include additional restrictions. See the text of the actual rules for complete information.

State	Rule Pro Bono Service CLE Credit	Rule Highlights ⁷
Idaho	No CLE credit for pro bono service	
Illinois	No CLE credit for pro bono service	
Indiana	No CLE credit for pro bono service	
Iowa	No CLE credit for pro bono service	
Kansas	No CLE credit for pro bono service	
Kentucky	No CLE credit for pro bono service	
Louisiana	La. Sup. R. XXX Regul. 3.21	One hour of CLE credit for five hours of pro bono services in an approved matter, with a maximum of three hours of CLE credit per calendar year.
Maine	No CLE credit for pro bono service	
Maryland	No CLE mandate	
Massachusetts	No CLE mandate	
Michigan	No CLE mandate	
Minnesota	Minn. State Bd. of CLE Ct. R. 6(C)	One hour of CLE credit for every six hours of pro bono legal representation in an approved matter, with a maximum of six credit hours per reporting period.
Mississippi	No CLE credit for pro bono service	
Missouri	No CLE credit for pro bono service	
Montana	No CLE credit for pro bono service	
Nebraska	No CLE credit for pro bono service	
Nevada	Nev. Sup. Ct. R. 210	One hour of CLE credit for each three hours of pro bono legal services performed with an approved provider, with a maximum of four hours of CLE credit per year.
New Hampshire	53.1. NH MCLE Requirement	Active lawyers who volunteer for assigned, pro bono cases with an approved provider may claim up to three hundred and sixty (360) general minutes of CLE credit per reporting period at the rate, prorated as applicable, of sixty (60) CLE minutes for every 300 minutes of pro bono representation.
New Jersey	No CLE credit for pro bono service	
New Mexico	N.M Minimum CLE R. 18-204(C)(1)	Performing pro bono legal services through an accredited legal service provider may count for CLE. Volunteer attorneys provided to clients referred from the Modest Means Helpline (MMH) or Legal Resources for the Elderly

State	Rule Pro Bono Service CLE Credit	Rule Highlights ⁷
		Program (LREP) can receive one CLE credit hour for three hours of pro bono services. ⁸
New York	N.Y. State CLE Board Regul. and Guidelines § 3(D)(11)(d)	“One (1) CLE credit hour for every two (2) 6-minute hours (120 minutes) of eligible pro bono legal services. A maximum of ten (10) pro bono CLE credit hours may be earned during any one reporting cycle.” New York’s reporting cycles are biennial.
North Carolina	No CLE credit for pro bono service	
North Dakota	N.D State Bar Ass'n CLE Policies § I. Policy 1.19	One hour of CLE credit for every six hours of pro bono service, with a maximum of three CLE credit hours per reporting period.
Ohio	Ohio Sup. Ct. R. X, § 5(G)	One CLE credit hour for every six hours of pro bono service, with a maximum of six credit hours during a biennial compliance period.
Oklahoma	No CLE credit for pro bono service	
Oregon	Or. State Bar Minimum CLE Regul. 5.300(b)(1)	One credit hour for each two hours of uncompensated activities, which include providing direct pro bono services to low-income clients referred by certified pro bono programs.
Pennsylvania	Pa. CLE R. 108(f)	One hour of CLE credit may be earned for every five hours of pro bono service performed through an accredited provider. A maximum of three CLE credits for pro bono service may be earned per compliance period. ⁹
Rhode Island	No CLE credit for pro bono service	
South Carolina	No CLE credit for pro bono service	
South Dakota	No CLE mandate	
Tennessee	Tenn. Sup. Ct. Mandatory CLE R. 21, § 4.08	One hour of credit for every five billable hours of pro bono service with an approved provider, with an annual maximum of three CLE credits for pro bono per compliance period.
Texas	No CLE credit for pro bono service	
Utah	Utah Code of Judicial Admin. Rule 11-619	One CLE credit hour for every five hours of pro bono service, with a maximum of two CLE credits per compliance cycle. The rule will

⁸ See The State Bar of New Mexico, “Pro Bono Opportunities,” (2024), <https://www.sbnm.org/Bar-Foundation/Pro-Bono-Opportunities>.

⁹ See PACLE, “Pro Bono Program,” (2024), <https://www.pacle.org/providers/pro-bono>.

State	Rule Pro Bono Service CLE Credit	Rule Highlights ⁷
		terminate on April 30, 2025 unless extended by the Supreme Court.
Vermont	No CLE credit for pro bono service	
Virginia	No CLE credit for pro bono service	
Washington	Wash. Mandatory CLE R. 11(e)(7)	Pro bono legal services provided through a qualified legal services provider can count toward CLE credit.
West Virginia	W. Va. State Bar Admin. R. 6.05(f)	One hour of CLE credit for every three hours of pro bono service with an approved provider, with a maximum of six hours of CLE credit for pro bono in any two-year reporting period.
Wisconsin	Wis. Sup. Ct. CLE R. 31.05(7)	One hour of CLE credit for every five hours of pro bono service, with a maximum of six CLE credits for pro bono per reporting period.
Wyoming	Wyo. State Board of CLE R. 5(c)	One hour of CLE credit for every two hours of pro bono service, with a maximum of five CLE credit hours for pro bono each calendar year.

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