

A carrot approach to CLE? **The Daily Record Wed, May 26, 2004**

By Alisa Bralove, *Daily Record Legal Affairs Writer*

The Board of Trustees for the Maryland Institute for Continuing Professional Education of Lawyers will meet tonight to discuss a proposal that would encourage legal malpractice insurance providers to give discounts to lawyers who participate in continuing legal education programs.

"We want to encourage all malpractice carriers in Maryland to give credit to attorneys for continuing legal education, rather than have the government or courts impose continuing legal education," said Steven VanGrack, president of MICPEL. "It's almost too logical not to do."

According to VanGrack, one carrier, Legal Mutual Liability Insurance Society of Maryland, already offers reduced rates to attorneys who take CLE classes. Legal Mutual is the carrier endorsed by the Maryland State Bar Association, one of the groups to form MICPEL.

Kay G. Kenny, assistant general manager and marketing coordinator for Legal Mutual, said her company has offered the discount since it wrote its first policy in Maryland in 1988.

"I would say most of the attorneys that we insure do take advantage of it, certainly the newer ones," she said.

Legal Mutual's policy in Maryland came out of the company's program in Virginia, where lawyers are required to participate in continuing legal education.

"But I happen to think it's good idea," Kenny said. "The rationale behind it is the better educated an attorney is, the better job an attorney can do [and] hopefully the less mistakes he makes."

Brent Burry, executive director of MICPEL, said it is too soon to tell whether other carriers would even be amenable to the idea.

"I have heard from knowledgeable sources that the liability market is pretty hard now and some of the other providers do discount programs of their own," he said. "Whether or not there's any interest for non-bar affiliated commercial insurers to partner up, I really don't know."

Stuart G. Hoffman of Rossmann-Hurt-Hoffman, an agency that offers CNA's Lawyers Professional Liability Insurance, declined to comment on the MICPEL proposal.

But VanGrack said the proposal really stands to benefit everyone involved and called it a "win-win-win-win."

"The real beneficiary is the public because they get lawyers taking more legal education classes. The other beneficiary is the lawyers because they become more

educated," he said. "The third beneficiary will be insurers because there will be less malpractice claims."

Of course the cash-strapped MICPEL would also stand to gain, but it "is only the indirect beneficiary of this," VanGrack said.

Tonight's meeting will be a preliminary discussion of the issue, VanGrack said, but he suspects the board members will be supportive.

"A few things have been done but the real goal is to see if MICPEL really wants to pursue this direction," he said.

"Our goal to see if MICPEL will undertake the program to examine the present relationship with the legal insurance companies vis-à-vis continuing legal education, to encourage and enhance the relationship between certified legal education" and malpractice carriers.

At present, Maryland is one of only 10 states that do not require its lawyers to participate in continuing legal education. The last serious attempt to make CLE mandatory came in 1995 when the Maryland State Bar Association put a proposal before the Standing Committee on Rules of Practice and Procedure. The committee never acted on that proposal.