

Before the Nebraska MCLE Commission

In re Appeal of {Sponsor}, Appellant)))	Appeal #10-5 FINDINGS, CONCLUSIONS, AND ORDER
---	-------------	---

This matter came before the Nebraska MCLE Commission on November 2, 2010, by conference call review hearing upon the appeal filed by Appellant seeking a reconsideration of the Director’s determination of credits available for CLE for its session “Leadership Retreat” held October 4, 2010. Those participating in the conference call review hearing were Commission members Stephan, Rembolt, Hillman, Dowding, and Knoepfler, Appellant and MCLE Commission Director Carole McMahon-Boies. Commissioners Schroeder and Collins did not participate. Stephan and McMahon-Boies participated in the conference call hearing from Justice Stephan’s office. The Appellant had no objection to proceeding without a verbatim record of the proceeding.

The Commission reviewed documentary evidence regarding the Director’s determination assessing 2.5 continuing legal education credits, which included 1.25 professional responsibility credits for the Retreat.

The Commission also reviewed documentation submitted by the Appellant including a course description for its 2009 Leadership Retreat. The Appellant was given the opportunity to explain its position and the Director outlined her reasoning for the credit determination.

The Commission hereby makes the following findings of fact and conclusions of law pursuant to Neb. Ct. R. § 3-402.2(F):

Findings of Fact

1. On or about September 16, 2010 Appellant submitted a request for approval of its course Leadership Retreat to be held October 4 and 5, 2010. It sought 14.58 credits for the program, 1.17 credits of which were professional responsibility. The Director assigned 2.5 credits, 1.25 of which were professional responsibility. In a series of e-mails Appellant asked for reconsideration of the credits assigned, pointing out the fact that virtually the same program was offered in the Fall of 2009 and the commission assigned 13.25 credits to that program.
2. On October 5, 2010 the Director notified Appellant that after again reviewing the matter the credit determination would not be changed.
3. On October 5, 2010 Appellant requested an appeal of the Director’s decision assigning credit before the MCLE commission.
4. Appellant was sent a notice by certified mail on October 12, 2010 scheduling a telephonic hearing on November 2, 2010. The notice was received by Appellant and included the materials that the commission members have before it for this appeal.
5. Appellant submitted additional material for the Commission’s determination in this matter including documentation of the 2009 course received by the Commission on October 16, 2010 and a statement from Appellant received on November 2, 2010.

6. The Leadership Retreat agendas for 2009 and 2010 show substantially similar programming.

7. The 2009 Leadership Retreat was assigned credit in September of 2009 and was one of the earliest programs reviewed for credit by the MCLE Commission.

8. The Leadership Retreat programming focuses on developing organizational leadership, team building and developing characteristics of effective leadership.

Conclusions of Law

1. The appeal was properly filed and a review hearing was conducted in compliance Neb. Ct. R. § 3-402.2.

2. Neb. Ct. R. § 3-401.6.(C) Provides the authority of the Director to determine that a proposed course of an accredited sponsor fails to meet the educational standards as set forth in Neb. Ct. R. § 3-401.7

3. The 2010 Leadership Retreat was focused on organizational leadership and the portions of the program for which credit was denied failed to meet the educational standards as set forth in Neb. Ct. R. § 3-401.7

ORDER

By a vote of 3-1 (Stephan not voting), the Commission denies the appeal seeking a reconsideration of the credits assigned to the program Appellant Leadership Retreat held October 4 & 5, 2010.

Dated: November 12, 2010.

BY THE COMMISSION:

Kenneth C. Stephan, Chair