

CLE General Overview

- **The Two Key Documents Setting Forth CLE Requirements:**
 - **The Joint Order of The Appellate Divisions, 22 NYCRR Part 1500 (The “Rules”)**
 - **New York State CLE Board Regulations and Guidelines for the Mandatory Continuing Legal Education Program in the State of New York (the “Regs”)**

What We'll Cover

- I. To Whom Does CLE Apply
- II. What are The Attorney Requirements (and why this matters to program providers)
- III. What Can You Teach, How Do You Become Accredited, How Do You Stay Accredited

I.

To Whom Does CLE Apply?

- **Apply This Simple Test for Attorneys Whose Firms Have New York Offices**
 - **Are You An Attorney?**
 - **Are You Admitted In New York?**
 - **If Mirror Were Held To Your Mouth, Would It Fog?**
- **If yes to the above, CLE applies to you**

Attorney Exemptions

- **There are four limited exemptions**

- **Pro Hac Vice Admission in New York**

- **Active Military Service**

- **Retired Attorneys**

- **Attorneys who do not practice in New York**

(Cross border practice issues are tricky; the CLE Board assumes that attorneys admitted in NY are practicing in NY, no matter where the attorney is actually located)

II.

What Are The Attorney Requirements? (and why does it matter to us?)

According to the CLE Board,
All Attorneys Are Not Created Equal

Newly Admitted or Experienced?

- **Two Types of Requirements**

- **Newly-Admitted Lawyer Requirements**

- ❖ Required for the first two years after a lawyer is admitted to the New York State Bar

- **Senior Lawyer Requirements**

- ❖ Required number of hours to be completed during each biennial registration period (that period is calculated from attorney's birthday)

Newly-Admitted Lawyers – Hours Required

- **32 Hours in two years**
 - **16 hours in each year comprised of**
 - ❖ **3 hours of ethics and professionalism**
 - ❖ **6 hours of skills**
 - ❖ **7 hours of practice management and areas of practice**

Senior Lawyers – Hours Required

- 24 hours during each biennial registration
 - 4 must be in ethics and professionalism
 - Remaining hours may be in
 - ❖ Skills
 - ❖ Practice Management and
 - ❖ Areas of Practice

Eligible Courses

- **For Newly-Admitted Lawyers**
 - **Course or Course Provider must be accredited**
 - **Must be designated as “transitional”**
 - **Live presentations Only (except for foreign offices)**
 - ❖ **Foreign office lawyers subject to Newly-Admitted Lawyer requirements may satisfy 12 hours by other means**
- **For Senior Lawyers**
 - **Course or Course Provider must be accredited**
 - **Live presentations or other means**

Defining the Categories (Rules, 1500.2)

- **Ethics and professionalism**
 - Professional obligations to clients, prospective clients and third parties
 - Professional obligations to courts and other legal institutions
 - Source of lawyers' professional obligations
- **Skills**
 - Problem solving
 - Legal analysis and reasoning
 - Legal research and writing
 - Drafting documents
 - Factual communications
 - Counseling, negotiation, mediation and arbitration
 - Organization and trial advocacy

Defining the Categories (cont'd)

- Practice management
 - Applications of technology
 - Management of legal work
 - Avoiding malpractice in litigation
 - Office management
 - Substance abuse control
 - Stress management
 - State and federal court procedures

- Areas of professional practice
 - Substantive areas of the law

Approved Program Formats Other Than Live Presentation

- Non-traditional means include:
 - Audio and video tapes
 - Teleconferencing
 - Internal webcasts
 - Interactive computer courses
 - Satellite broadcasts
 - Self study programs
 - Teaching and preparing for CLE programs

- Remember: these formats are only good for
 - experienced attorneys
 - newly admitted lawyers in foreign offices (only 12 of the required 32 credits)

How Do You Calculate Credit Hours?

- **CLE Board Math:**
 - 50 minutes of teaching = 1 hour of credit
 - Shortest amount of credit is $\frac{1}{2}$ hour (25 minutes)

III.

The Accreditation Process

- Three ways to obtain accreditation
 - Become Accredited Provider
 - Obtain Individual Course Approval
 - Hybrid Accreditation of repeat programs

Accredited Provider Status

- **Why Become Accredited Provider?**
 - **CLE courses sponsored by Accredited Providers are deemed pre-approved by the CLE Board**
 - **Accredited Provider Status lasts three years**
 - **Much easier than getting credit for each separate course**

Accredited Provider Status

- Who can become an Accredited Provider?
 - Legal organizations that have presented 8 or more CLE courses or programs in the past 3 years.
 - A “legal organization” is a provider whose courses are
 - ❖ “taught primarily by attorneys” and
 - ❖ “designed primarily for attorney audiences”

What Kinds of Courses Qualify?

- Program shall have “significant intellectual or practical content”
- “Primary objective shall be to increase professional legal competency of attorneys” in ethics, skills, practice management, or substantive areas of law

Who can Teach?

- The course or program shall be
 - “taught by instructors with expertise” in the area
 - “specifically tailored to a legal audience”

Written Materials

- The Course must have written materials prepared in advance
- The written materials
 - Must be “prepared or adopted” “specifically for the course”
 - distributed at the course
 - Must be timely or show that they’ve been updated
 - Provide a “comprehensive treatment of the subject”
 - Brief outlines, barebones power point presentations won’t cut it.

Accredited Provider Status

- How do you become an Accredited Provider?
 - Application Form on CLE Board web site.
www.courts.state.ny.us/mcle.htm
 - Submit Sample Courses – one for each of three prior years
 - Supporting Information for the sample course:
 - ❖ Timed course or program outline
 - ❖ Faculty bios
 - ❖ Description of written materials for course
 - ❖ Computation of credits
 - ❖ Breakdown category of credit
 - ❖ Financial aid policy
 - ❖ Verification procedures for non-traditional courses.

Accredited Provider Non-Traditional Formats

- **Make sure you have Accreditation for format**
 - **Accredited provider of live CLE programs are NOT automatically accredited for other formats**
 - **Strange but true: You need separate approval for non-traditional format courses EVEN IF those courses merely re-transmit an approved live course!**
 - **As of January 2003, you need verification procedures. (E.g. – embedded code that listener reports)**

DPW AFFIRMATION FOR NON-TRADITIONAL FORMAT

DP&W Home ▶ Practice Resources

BOOKMARKS
THUMBNAILS

AFFIRMATION OF COMPLETION

Affirmation of Completion for Non-Traditional Format Program
Please indicate:

Audiotape Videotape
 Audio CD Webcast

(title of program)

I, _____, hereby affirm that I have
(name of attorney)

watched/listened to _____
(name of program)

in its entirety on _____
(date)

The 3-digit affirmation code for the program is _____ (required to be completed
only for programs recorded after January 1, 2003).

Signature

1 of 1 8.5 x 11 in

Approval For Single Course

- Use CLE Board's Application Form (on Web)
- Submit at least 60 days before the program
- Provide same course info as accredited providers
 - Timed outline
 - Faculty bio
 - Description of written materials
 - Amount of credit and type
 - Financial aid policy
 - Verification procedures if non-traditional format

Hybrid Accreditation

- Use Hybrid Accreditation if you offer same course several times
 - Hybrid Accreditation allows repeat presentations without re-submitting application 60 days before each program
 - Process is similar to single course approval
 - Accreditation can last from 1 to 3 years
 - CLE Board requires advance notice if the faculty or materials change
-

Accreditation Obligations For All Providers

- Keep attendance sheets for four years
- Issue Certificates of Attendance
- Keep Attorney Course evaluations for four years
- Keep at least one set of written materials for each course

Report To Board

- **When: Within calendar year of course or with Accredited Provider Annual Report**
- **What:**
 - **CLE Board's Course Summary Form**
 - ❖ www.courts.state.ny.us/clecoursesummary.pdf



2002 COURSE SUMMARY

CLE

NEW YORK STATE CONTINUING LEGAL EDUCATION BOARD

25 Beaver Street, Room 888 • New York, New York 10004 • Phone (212) 428-2105 • Fax (212) 428-2974
Website: www.courts.state.ny.us • E-mail: cle@courts.state.ny.us

PROVIDER/SPONSORING ORGANIZATION: _____

COURSE NAME: _____

Please check all applicable course formats:

- | | | |
|---|---|--|
| <input type="checkbox"/> Live Classroom Format | <input type="checkbox"/> IW=Simultaneous Internet Webcast | <input type="checkbox"/> VC=Videoconference |
| <input type="checkbox"/> A=Audiotape | <input type="checkbox"/> OL=Online Course | <input type="checkbox"/> VCN=Videoconference Approved for Newly Admitted Attorneys |
| <input type="checkbox"/> CD=Compact Disc (audio only) | <input type="checkbox"/> S=Live Satellite Broadcast | <input type="checkbox"/> VR=Video Replay (group viewing of videotaped program) |
| <input type="checkbox"/> CDR=CD-RDM (audio/video) | <input type="checkbox"/> T=Teleconference | |
| <input type="checkbox"/> DVD=Digital Video Disc | <input type="checkbox"/> V=Videotape (for individual viewing) | |

DATE: _____ TIME: _____ LOCATION: _____ FEE: _____

FINANCIAL HARDSHIP POLICY AVAILABLE? YES NO TOTAL FINANCIAL HARDSHIP REQUESTS: _____ TOTAL REQUESTS GRANTED: _____

PRIMARY AUDIENCE: EXPERIENCED ATTORNEYS NEWLY ADMITTED ATTORNEYS OTHER (Specify) _____

INSTRUCTOR(S) NAME: _____ ATTORNEY ATTORNEY
 NONATTORNEY NONATTORNEY

TOTAL CLE CREDIT HOURS: _____ NUMBER OF PARTICIPANTS: _____

CATEGORIES OF CREDIT: (Enter CLE credit hours) ETHICS AND PROFESSIONALISM _____ SKILLS _____ LAW PRACTICE MANAGEMENT _____ AREAS OF PROFESSIONAL PRACTICE _____

COURSE EVALUATION SUMMARY (Enter total responses in appropriate categories below)

| | EXCELLENT | GOOD | FAIR | POOR |
|--------------------|-----------|------|------|------|
| PROGRAM CONTENT | | | | |
| INSTRUCTOR QUALITY | | | | |
| WRITTEN MATERIALS | | | | |
| FACILITY | | | | |

PLEASE INCLUDE:

- (1) A BROCHURE OR COPY OF THE ADVERTISEMENT FOR THIS COURSE (where applicable)
- (2) A COPY OF A COMPLETED CERTIFICATE OF ATTENDANCE

COMMENTS:

Accredited Providers Report Additional Info Annually

- Accredited Providers also report
 - Number of financial aid requests and grants
 - Number of courses offered in calendar year
 - Number of transitional courses in calendar year
 - Number of Ethics courses in calendar year
 - Number of nontraditional format courses offered in calendar year