

## **PARTIAL CREDIT AND REPEAT ATTENDANCE**

Many providers have expressed concern involving two recurring matters. These concerns were addressed recently by the New York State Continuing Legal Education Board ("CLE Board").

The first issue relates to the granting of credit to individuals who miss a portion of a CLE presentation due to some type of unforeseen circumstance. (Sections 2(D)(1) & 3(C)(1), Regulations and Guidelines) Apparently, many providers have interpreted these sections as requiring them to deny all CLE credit if an attendee misses any portion of a presentation.

Sections 2(D)(1) and 3(C)(1) of the Regulations and Guidelines permit the issuance of appropriate credit in circumstances where the attendee has missed a portion of a presentation due to unforeseen events, provided the attendee received the full educational benefit of the portions of the presentation actually attended. Examples of unforeseen events might include unanticipated weather or traffic situations or a family health emergency that delay an attendee's arrival at the course, or require an attendee to leave the course early. Common sense should be used by the provider; missing two or three minutes of the introductory portion of a presentation would not provide sufficient grounds, for example, to deny full credit to an attendee where the attendee has received the full educational benefit of the presentation. Conversely, however, full credit should not be awarded where an attendee's absence precluded the attendee from receiving the full educational benefit of a presentation.

The second issue relates to CLE credit for attending the same program on more than one occasion. (Sections 2(D)(2) & 3(C)(2), Regulations and Guidelines) The Board recognizes that many continuing education courses will be somewhat redundant and repetitive. Where a CLE program has new content, such as revised or updated materials reflecting recent changes in the law, the attendee should receive CLE credit. It is the intent of the CLE Board to deny CLE credit only in situations where attendees seek CLE credit for repeat attendance at the same program where the content is unchanged.

Please call the CLE office at (212) 428-2105 if you should have any questions.