

Changes to the New York State CLE Board Regulations & Guidelines

Section 2. Mandatory Continuing Legal Education Program for Newly Admitted Attorneys

Section 2(C): Transitional CLE Course Formats *[revised effective January 1, 2023]* — Newly admitted attorneys shall fulfill their requirement by completing transitional continuing legal education courses in a format permissible for the category of credit.

- (1) **Skills** — Skills credit shall be completed in the traditional live classroom setting or by fully interactive videoconference.
- (2) **Ethics and Professionalism and Cybersecurity, Privacy and Data Protection-Ethics** — Ethics and professionalism and cybersecurity, privacy and data protection-ethics credit shall be completed in the traditional live classroom setting; by fully interactive videoconference; or by simultaneous transmission with synchronous interactivity, such as webconference or teleconference, where questions are allowed during the program.
- (3) **Law Practice Management, Areas of Professional Practice and Cybersecurity, Privacy and Data Protection-General** — Law practice management, areas of professional practice, and cybersecurity, privacy and data protection-general credit may be completed in any approved format, including nonparticipatory formats such as on-demand video or live broadcast.

Section 2(I): Ethics and Professionalism and Cybersecurity, Privacy and Data Protection-Ethics Credit *[revised effective January 1, 2023]* — Ethics and professionalism and cybersecurity, privacy and data protection-ethics credit may not be carried over from the first year of admission to the Bar to fulfill the requirement for the second year of admission. Ethics and professionalism and cybersecurity, privacy and data protection-ethics credit may not be carried over from the second year of admission to the Bar to fulfill the requirement for the following biennial reporting cycle. Notwithstanding §1500.13(b)(2) of the Program Rules, a newly admitted attorney who is required to file a biennial registration statement prior to completing the second year of admission to the Bar may not apply ethics and professionalism or cybersecurity, privacy and data protection-ethics credit hours to the requirement for the following biennial reporting cycle.

Section 3. Mandatory Continuing Legal Education Program for Attorneys Other Than Newly Admitted Attorneys

Section 3(D)(5): CLE Activities - Law Competitions *[revised effective January 1, 2023]*

— Credit may be earned for preparing students for and judging law competitions, mock trials and moot court arguments, including those at the high school or college level. Ethics and professionalism, cybersecurity, privacy and data protection-ethics, and/or diversity, inclusion and elimination of bias credit hours are not available for participation in this type of CLE activity. CLE credit hours are not available for grading written briefs or other written papers in connection with this type of CLE activity. No additional credit may be earned for preparation time. The sponsor of the CLE activity is responsible for issuing appropriate certification documenting the name of attorney, name, date and location of course or program and the number of New York CLE credit hours earned.

Section 3(D)(10): CLE Activities - Publications *[revised effective January 1, 2023]* —

Credit may be earned for legal research-based writing that (i) has been published or accepted for publication, in print or electronically, in the form of an article, chapter, book, revision or update, (ii) was written in whole or in substantial part by the applicant, and (iii) contributes substantially to the continuing legal education of the applicant and other attorneys. “Legal research-based writing,” under this subsection, is defined as writing that has as its primary purpose to increase the professional legal competency of attorneys in ethics and professionalism, skills, law practice management, areas of professional practice, diversity, inclusion and elimination of bias, and/or cybersecurity, privacy and data protection.

Section 3(D)(11)(d): CLE Activities – Pro Bono Legal Services: Calculation of Credit

— Credit for eligible pro bono legal services shall be earned in the following ratio: one (1) CLE credit hour for every two (2) 60-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. Credit shall be calculated in increments of one-half (.5) CLE credit hour. Ethics and professionalism and cybersecurity, privacy and data protection-ethics credit is not available for participation in pro bono CLE activities. *[revised effective January 1, 2023]*

Section 3(D)(12)(a): CLE Activities – Attorney Emeritus Program: Calculation of Credit

— One (1) pro bono CLE credit hour shall be earned for every two (2) 60-minute hours (120 minutes) of legal services provided under the Attorney Emeritus Program. Credit shall be calculated in increments of one-half (.5) CLE credit hour. Ethics and professionalism and cybersecurity, privacy and data protection-ethics credit is not available for participation in pro bono CLE activities. *[revised effective January 1, 2023]*

Section 8. The Accreditation Process

Section 8(A)(4)(b): Individual Courses or Programs – Standards for Accreditation:

The program shall have significant intellectual or practical content and its primary objective shall be to increase the professional legal competency of attorneys in ethics and professionalism, skills, law practice management, areas of professional practice, diversity, inclusion and elimination of bias, and/or cybersecurity, privacy and data protection.

[revised effective January 1, 2023]

Section 11. CLE Board Review of Applications, Notification of Decision and Appeals

Section 11(B)(2)(a): Decision - Contents of Notice — If the application for accreditation of an individual course or program is approved, the notice shall state the number of approved credit hours allocated to the course or program and the breakdown of categories of credit (i.e., ethics and professionalism, skills, law practice management, areas of professional practice, diversity, inclusion and elimination of bias, cybersecurity, privacy and data protection-ethics, and/or cybersecurity, privacy and data protection-general).

[revised effective January 1, 2023]