

JOINT ORDER OF THE DEPARTMENTS OF THE NEW YORK STATE SUPREME COURT, APPELLATE DIVISION

The Judicial Departments of the Appellate Division of the New York State Supreme Court, pursuant to the authority vested in them, do hereby amend Part 1500.2, 1500.4, 1500.11, 1500.12, and 1500.22 of Title 22 of the Official Compilation of the Codes, Rules, and Regulations of the State of New York, as follows (additions underlined, deletions in strikethrough). The amendments to Part 1500.2, 1500.4, 1500.11, and 1500.12(b) will take effect on January 1, 2023. The amendments to Part 1500.12(a) and 1500.22 will take effect on July 1, 2023.

§ 1500.2 Definitions

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(h) Cybersecurity, Privacy and Data Protection

(1) Cybersecurity, Privacy and Data Protection-Ethics must relate to lawyers' ethical obligations and professional responsibilities regarding the protection of electronic data and communication and may include, among other things: sources of lawyers' ethical obligations and professional responsibilities and their application to electronic data and communication; protection of confidential, privileged and proprietary client and law office data and communication; client counseling and consent regarding electronic data, communication and storage protection policies, protocols, risks and privacy implications; security issues related to the protection of escrow funds; inadvertent or unauthorized electronic disclosure of confidential information, including through social media, data breaches and cyber attacks; and supervision of employees, vendors and third parties as it relates to electronic data and communication.

(2) Cybersecurity, Privacy and Data Protection-General must relate to the practice of law and may include, among other things, technological aspects of protecting client and law office electronic data and communication (including sending, receiving and storing electronic information; cybersecurity features of technology used; network, hardware, software and mobile device security; preventing, mitigating, and responding to cybersecurity threats, cyber attacks and data breaches); vetting and assessing vendors and other third parties relating to policies, protocols and practices on protecting electronic data and communication; applicable laws relating to cybersecurity (including data breach laws) and data privacy; and law office cybersecurity, privacy and data protection policies and protocols.

(h)(i) Regulations and Guidelines refers to the Regulations and Guidelines of the Continuing Legal Education Board set forth in Part 7500 of Volume 22 of the New York Codes, Rules, and Regulations.

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§ 1500.4 Accreditation

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(b) Standards

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

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§ 1500.11 Statement of Purpose

Mandatory Continuing Legal Education for Newly Admitted Attorneys in the State of New York is a transitional continuing legal education program designed to help recent graduates and newly admitted attorneys become competent to deliver legal services at an acceptable level of quality as they enter practice and assume primary client service responsibilities. The Program seeks to help the newly admitted attorney establish a foundation in certain practical skills, techniques and procedures, which are and can be essential to the practice of law, but may not have been adequately addressed in law school. It includes courses targeting ethics and professionalism, skills, practice management, ~~and~~ areas of professional practice and cybersecurity, privacy and data protection.

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§ 1500.12 Minimum Requirements

(a) Credit Hours. ~~Each newly admitted attorney shall complete a minimum of 32 credit hours of accredited transitional education. Within the first two (2) years of the date of admission to the Bar, each newly admitted attorney shall complete a minimum of 32 credit hours (16 credit hours each year) of accredited transitional education as follows: Sixteen (16) accredited hours shall be completed in each of the first two (2) years of admission to the Bar as follows:~~

- ~~—Three (3) hours of ethics and professionalism;~~
- ~~—Six (6) hours of skills; and~~
- ~~—Seven (7) hours of law practice management and areas of professional practice.~~

<u>Year 1*</u>	<u>Year 2*</u>
<u>Seven (7) credit hours of law practice management, areas of professional practice, and/or cybersecurity, privacy and data protection-general;</u>	<u>Seven (7) credit hours of law practice management, areas of professional practice, and/or cybersecurity, privacy and data protection-general;</u>
<u>Six (6) credit hours of skills; and</u>	<u>Six (6) credit hours of skills; and</u>
<u>Three (3) credit hours of ethics and professionalism. For cybersecurity, privacy and data protection-ethics, see below.**</u>	<u>Three (3) credit hours of ethics and professionalism. For cybersecurity, privacy and data protection-ethics, see below.**</u>
<p><u>*As part of the 32-credit hour requirement, each newly admitted attorney must complete at least one (1) credit hour of cybersecurity, privacy and data protection.</u></p> <p><u>** Attorneys may apply a maximum of three (3) credit hours of cybersecurity, privacy and data protection-ethics to the six-credit hour ethics and professionalism requirement.</u></p>	

Ethics and professionalism, skills, law practice management, ~~and areas of professional practice, and cybersecurity, privacy and data protection~~ are defined in §1500.2. ~~The ethics and professionalism and skills components may be intertwined with other courses.~~

(b) Carry-Over Credit. Except as provided in section 1500.13(b)(2), a newly admitted attorney who accumulates more than the 16 hours of credit required in the first year of admission to the Bar may carry over to the second year of admission to the Bar a maximum of eight (8) credits. Six (6) credits in excess of the 16-hour requirement in the second year of admission to the Bar may be carried over to the following biennial reporting cycle to fulfill the requirements of Subpart C. Credit in Eethics and professionalism ~~credit~~ and cybersecurity, privacy and data protection-ethics may not be carried over.

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§ 1500.22 Minimum Requirements

(a) Credit Hours. Each attorney shall complete a minimum of 24 credit hours of accredited continuing legal education each biennial reporting cycle in ethics and professionalism, skills, law practice management, ~~areas of professional practice, or~~ diversity, inclusion and elimination of bias, or cybersecurity, privacy and data protection,

at least four (4) credit hours of which shall be in ethics and professionalism, and at least one (1) credit hour of which shall be in diversity, inclusion and elimination of bias, and at least one (1) credit hour of which shall be in cybersecurity, privacy and data protection.

Attorneys may apply a maximum of three (3) credit hours of cybersecurity, privacy and data protection-ethics to the four-credit hour ethics and professionalism requirement.

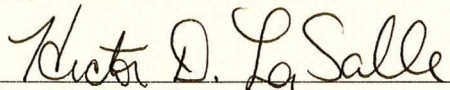
Ethics and professionalism, skills, law practice management, areas of professional practice, ~~and diversity, inclusion and elimination of bias, and cybersecurity, privacy and data protection~~ are defined in §1500.2. ~~The ethics and professionalism and diversity, inclusion and elimination of bias components may be intertwined with other courses.~~



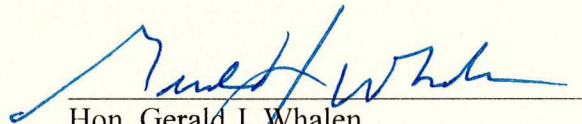
Hon. Rolando T. Acosta
Presiding Justice
First Judicial Department



Hon. Elizabeth Garry
Presiding Justice
Third Judicial Department



Hon. Hector D. LaSalle
Presiding Justice
Second Judicial Department



Hon. Gerald J. Whalen
Presiding Justice
Fourth Judicial Department

Date: June 10, 2022