



NEWS ADVISORY

**New York State
Unified Court System**

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Amendments Announced to NYS CLE Program Rules

NEW YORK—The New York State Continuing Legal Education Program Rules (22 NYCRR § 1500) are being amended to: (a) add Cybersecurity, Privacy and Data Protection as a new CLE category of credit and (b) require experienced and newly admitted attorneys to complete at least 1 CLE credit hour in Cybersecurity, Privacy and Data Protection as part of their CLE requirement. Attorneys must comply with the new requirement beginning on July 1, 2023.

Topics in this new CLE category of credit may include, among other things: cyber threats, cyberattacks, data breaches, the importance of securing and protecting electronic data and communication, appropriate cybersecurity and privacy policies and protocols, and compliance with professional and ethical obligations to protect confidential client and law firm data.

The amended rules are attached.

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**NEW YORK STATE CLE PROGRAM RULES
JOINT RULES OF THE APPELLATE DIVISIONS
22 NYCRR 1500**

22 NYCRR § 1500.2 Definitions

(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. *[effective January 1, 2023]*

(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. *[effective January 1, 2023]*

**NEW YORK STATE CLE PROGRAM RULES
JOINT RULES OF THE APPELLATE DIVISIONS
22 NYCRR 1500**

§ 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, 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, 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, diversity, inclusion and elimination of bias, and cybersecurity, privacy and data protection are defined in §1500.2. *[revised effective July 1, 2023]*

**NEW YORK STATE CLE PROGRAM RULES
JOINT RULES OF THE APPELLATE DIVISIONS
22 NYCRR 1500**

§ 1500.12 Minimum Requirements

(a) Credit Hours. 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:

Year 1*	Year 2*
Seven (7) credit hours of law practice management, areas of professional practice, and/or cybersecurity, privacy and data protection-general;	Seven (7) credit hours of law practice management, areas of professional practice, and/or cybersecurity, privacy and data protection-general;
Six (6) credit hours of skills; and	Six (6) credit hours of skills; and
Three (3) credit hours of ethics and professionalism. For cybersecurity, privacy and data protection-ethics, see below.**	Three (3) credit hours of ethics and professionalism. For cybersecurity, privacy and data protection-ethics, see below.**
<p>*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.</p> <p>** 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.</p>	

Ethics and professionalism, skills, law practice management, areas of professional practice, and cybersecurity, privacy and data protection are defined in §1500.2. *[revised effective July 1, 2023]*

(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 ethics and professionalism and cybersecurity, privacy and data protection-ethics may not be carried over. *[revised effective January 1, 2023]*