

NOTICE TO THE BAR

AMENDMENTS TO THE REGULATIONS OF THE BOARD ON CONTINUING LEGAL EDUCATION APPROVED BY THE SUPREME COURT

Pursuant to Rule 1:43-2(b)(4), published with this notice are amendments to the Regulations of the Board on Continuing Legal Education (“Board”) as approved by the Board on March 28, 2011 and by the Supreme Court July 21, 2011, as follows:

BCLE Reg. 103:1(a) (definition of “active lawyer”);

BCLE Reg. 201:2 (requirements for newly admitted attorneys);

BCLE Reg. 201:6 (teaching CLE):

BCLE Reg. 201:8 (alternative verifiable learning formats – allowing for 100% alternative coursework in certain specific circumstances);

BCLE Reg. 202:1 (exemptions – allowing for an exemption for those practicing in any jurisdiction for 50 years or for those attaining the age of 75); and

BCLE Reg. 401:4 (reporting requirements for newly admitted attorneys).

These amendments to the CLE Regulations are effective immediately.

/s/ Mark Neary

Mark Neary, Esq.
Clerk of the Supreme Court

Dated: July 21, 2011

BOARD ON CONTINUING LEGAL EDUCATION
REGULATIONS

PART ONE: GENERAL REGULATIONS

REGULATION 101. ... no change

REGULATION 102. ... no change

REGULATION 103. **Definitions.**

103:1. Definitions. As used in these regulations, the following defined terms shall have the meanings ascribed to them unless otherwise required by the context:

(a) “active lawyer” shall mean a member in good standing of the New Jersey Bar, whether possessing a plenary or limited license. Any lawyer licensed in New Jersey who is active for any part of a year and not otherwise exempt from these continuing legal education requirements must comply with these regulations;

(b) “alternative verifiable learning format courses” -- ... no change

(c) “approved educational activity” or “approved course” -- ... no change

(d) “approved service provider” -- ... no change

(e) “Board” -- ... no change

(f) “CLE requirement” -- ... no change

(g) “compliance period” -- ... no change

(h) “compliance reporting group” -- ... no change

(i) “continuing legal education” or “CLE” -- ... no change

(j) “credit hour” -- ... no change

(k) “ethics” and/or “professional responsibility” -- ... no change

- (l) “inactive member” or “inactive attorney” -- ... no change
- (m) “in-house continuing legal education activity” -- ... no change
- (n) “newly admitted lawyer” -- ... no change
- (o) “non-approved service provider” -- ... no change
- (p) “per-course service provider” -- ... no change
- (q) “professionalism” courses -- ... no change
- (r) “program” or “CLE program” -- ... no change
- (s) “undue hardship” -- ... no change
- (t) “year” -- ... no change

REGULATION 104. ... no change

PART TWO: CONTINUING LEGAL EDUCATION REQUIREMENTS

REGULATION 201. **Continuing Legal Education Requirements of Lawyers.**

201:1. Mandatory requirements. ... no change

201:2. Additional mandatory requirements for newly admitted lawyers. By the end of [During] a newly admitted lawyer’s first two-year compliance period after admission to the Bar of New Jersey, the newly admitted lawyer must have satisfied fifteen of [his/her twenty-four] his or her required credit hours in any five of the following nine subject areas: New Jersey basic estate administration; New Jersey basic estate planning; New Jersey civil or criminal trial preparation; New Jersey family law practice; New Jersey real estate closing procedures; New Jersey trust and business accounting; New Jersey landlord/tenant practice; New Jersey municipal court practice; and New Jersey law office management. A lawyer who has completed at least the first full year’s requirements of the Skills and Methods Course will be considered to have met the additional requirements for a newly admitted lawyer.

201:3. Carryover. ... no change

201:4. Reciprocity. ... no change

201:5. Certified attorneys. ... no change

201:6. Teaching CLE. A lawyer who teaches an approved course designed principally to maintain or advance the professional competence of lawyers and/or expand an appreciation and understanding of the ethical and professional responsibility of lawyers is entitled to twice the credit hours authorized for that portion of the course taught by the lawyer claiming teaching credit. Teaching credit for the same course offered more than once during a compliance [cycle] period shall be claimed only once during [any] each compliance period. Nevertheless, customary credit will be allowed for the teacher's attendance at the same course for any second or subsequent course taught during that compliance period. Law school professors and instructors shall not be awarded CLE credit for teaching full [and] or part-time law students.

201:7. Inns of Court programs. ... no change

201:8. Alternative verifiable learning formats.

(a) Lawyers who reside or work on a regular and continuous basis in New Jersey or in another mandatory CLE jurisdiction for the entire compliance period: Courses taken through alternative verifiable learning formats, if approved for CLE course accreditation, shall account for no more than twelve credit hours per compliance period.

(b) Lawyers who do not reside or work on a regular and continuous basis in New Jersey or in another mandatory CLE jurisdiction for the entire compliance period or who are medically certified as unable to attend live courses: Courses taken through alternative verifiable learning formats, if approved for CLE course accreditation, may account for 100% of the credit hours required in a compliance period; provided, however, that this shall apply only during such time as (i) the lawyer does not reside or work on a regular and continuous basis for the entire compliance period in New Jersey or in another mandatory CLE jurisdiction or (ii) a licensed physician certifies to the Board that the lawyer is unable to attend live courses.

REGULATION 202. Exemptions, waivers, extensions of time, undue hardship.

202:1. Exemptions.

(a) Consistent with the provisions of R. 1:28-2(b), only attorneys who have been admitted to practice law in any State or the District of Columbia for fifty years or more, those who have reached age seventy-five regardless of length of tenure at the Bar, those on full-time active duty in the military, VISTA or Peace Corps, and those retired completely from the practice of law are exempted from the mandatory CLE requirements.

(b) Attorneys who are serving on a District Ethics Committee of the Supreme Court of New Jersey shall be deemed to have satisfied two hours of credit towards the ethics/professionalism requirement during each year of any continuing legal education compliance period in which they serve on a District Ethics Committee.

202:2. Waivers/undue hardship. ... no change

202:3. Extensions of time. ... no change

PART THREE: COURSE ACCREDITATION AND APPROVAL

REGULATION 301. ... no change

REGULATION 302. ... no change

PART FOUR: COMPLIANCE

REGULATION 401. Confirmation of compliance by lawyers; audit; fees; compliance reporting groups.

401:1. Compliance obligation. ... no change

401:2. Compliance reporting groups. ... no change

401:3. Transitional reporting requirements. ... no change

401:4. Reporting requirements for newly admitted lawyers. Commencement of the compliance reporting period for newly admitted lawyers is deferred until January 1 of the year immediately following admission to the New Jersey Bar. Newly admitted attorneys automatically will be assigned to a compliance group based on their respective birthdays, as provided in BCLE Reg. 401.2. For all newly admitted lawyers whose first compliance report must be made in an even-numbered year, those in Compliance Group 1 will have a transitional reporting requirement and will be required to report on the Annual Attorney Registration Statement due in that first compliance reporting period only one-half of the mandatory CLE requirements. For all newly admitted lawyers whose first compliance report must be made in an odd-numbered year, those in Compliance Group 2 will have a transitional reporting requirement and will report one-half of the mandatory CLE requirements on the Annual Attorney Registration Statement in that first compliance reporting period. Continuing thereafter, compliance reports become due as provided in BCLE Reg. 401:2.

401:5. “Grandfathering” provision. ... no change

REGULATION 402. ... no change

PART FIVE: APPEAL PROCESS

REGULATION 501. ... no change

Note: These regulations were approved by the Board on Continuing Legal Education on January 15, 2010, and by the Supreme Court of New Jersey on January 26, 2010; amendments to Regulations 103:1(a), 201:2, 201:6, 201:8, 202:1, and 401:4 were approved by the Board on March 28, 2011 and by the Supreme Court on July 21, 2011 to be effective immediately.