

NOTICE TO THE BAR

CONTINUING LEGAL EDUCATION – REQUIREMENT OF TWO HOURS (PER TWO-YEAR REPORTING CYCLE) OF COURSES IN DIVERSITY, INCLUSION, AND ELIMINATION OF BIAS; JUDICIARY TO OFFER REAL-TIME VIRTUAL COURSES ON IMPLICIT BIAS AND ELIMINATION OF BIAS

The Supreme Court has amended Rule 1:42-1 (“Continuing Legal Education Required”) and CLE regulations 103:1 and 201:1 to require diversity, inclusion, and elimination of bias training for attorneys licensed in New Jersey. The Court’s October 20, 2020 Order is attached.

In amending the CLE requirements to include mandatory coursework in diversity, inclusion, and elimination of bias, the Court accomplished one of the nine specific objectives announced in its July 16, 2020 Action Plan for Ensuring Equal Justice. Requiring all New Jersey judges and attorneys to participate in diversity, inclusion, and elimination of bias training is one of many ways that the Court is seeking to remedy individual and institutional barriers to justice and enhance equity in the courts.

Diversity, Inclusion, and Elimination of Bias Credits as Part of Ethics and Professionalism CLE Requirements

The amendments to Rule 1:42 and applicable CLE Regulations increase the total credit hours required for professionalism and ethics from four to five credits (of the overall total requirement of 24 credits per two-year reporting cycle) and require that at least two credit hours of those five credit hours in professionalism and ethics include the completion of qualifying coursework on diversity, inclusion, and elimination of bias.

The amendments are effective January 1, 2021. Attorneys in the current two-year CLE reporting cycle that ends December 31, 2020 thus are not required to report compliance with the revised requirements. The requirements (five professionalism and ethics credits rather than four, with two of those five hours on diversity, inclusion, and elimination of bias) apply to attorneys in the next two-year CLE reporting cycle that ends on December 31, 2021 and to attorneys in all subsequent two-year reporting cycles.

Real-Time Virtual Courses on Elimination of Bias to be Offered by the Judiciary
Throughout 2021

The Judiciary's Diversity, Inclusion, and Community Engagement Program (a certified CLE provider) will offer a series of real-time virtual courses on implicit bias and elimination of bias throughout calendar year 2021. These upcoming courses will be available free of charge to provide accessible options for all New Jersey attorneys to confront bias through a combination of advance exercises, facilitated discussions, and interactive learning. While real-time participation in the webinars is required for CLE credits, recordings of the virtual courses also will be posted on the Judiciary's public website, njcourts.gov. Additional details and registration information will be provided.

Questions on this notice should be directed to Supreme Court Clerk Heather Joy Baker at SupremeCT.mbx@njcourts.gov.

A handwritten signature in black ink, appearing to read "Glenn A. Grant", written over a horizontal line.

Hon. Glenn A. Grant, J.A.D.
Acting Administrative Director of the Courts

Dated: October 20, 2020

SUPREME COURT OF NEW JERSEY

It is ORDERED that the attached amendments to Rule 1:42-1 of the Rules Governing the Courts of the State of New Jersey and Continuing Legal Education Regulations 103:1 and 201:1 are adopted to be effective January 1, 2021.

For the Court,

A handwritten signature in blue ink, appearing to read "Stuart Rosen", written over a horizontal line.

Chief Justice

Dated: October 20, 2020

1:42-1. Continuing Legal Education Required.

An attorney holding a license to practice in this State shall be required to participate in a program of continuing legal education in accordance with regulations adopted under these rules. In satisfaction of the continuing legal education requirement, attorneys shall participate in twenty-four hours of qualifying continuing legal education over a two-year period. [Four] Five of the twenty-four hours of credit shall be concentrated in the areas of ethics and/or professionalism. At least two of the five hours of credit in ethics and/or professionalism shall be in diversity, inclusion, and elimination of bias. Attorneys shall demonstrate that they have satisfied the continuing legal education requirement by certifying to their compliance at the end of the two-year period in a manner prescribed by the Board on Continuing Legal Education. In addition, attorneys shall maintain all necessary records and documentation to demonstrate such compliance in accordance with regulations adopted under these Rules.

Note: Adopted December 18, 2009 to be effective immediately; amended October 20, 2020 to be effective January 1, 2021.

Regulation 103:1. Definitions.

(a) – (j) ... no change

(k) “ethics” and/or “professional responsibility” shall mean those courses or segments of courses devoted to (1) the substance, underlying rationale, and the practical application of the Rules of Professional Conduct; (2) the professional obligations of the attorney to the client, the court, the public, and other lawyers; [or] (3) substance abuse and its effects on lawyers and the practice of law; and (4) diversity, inclusion, and elimination of bias. Diversity, inclusion, and elimination of bias programs and courses relevant to the practice of law may include, among other topics, implicit and explicit bias, equal access to justice, serving a diverse population, diversity and inclusion initiatives in the legal profession, and cultural competency in the practice of law or the administration of justice.

(l) – (t) ... no change

Regulation 201:1. Mandatory requirements. Every active lawyer shall complete twenty-four credit hours of continuing legal education every two years. Of those twenty-four credits, not less than [four] five credits must be in ethics and/or professionalism. At least two of the five hours of credit in ethics and/or professionalism shall be in diversity, inclusion, and elimination of bias.

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; amendments to Regulations 103:1(j) and (l), 201:4, 201:6, 201:8, 202:2, 202:3, 302:4, 302:10, 402:1, 402:2, and 402:3 were approved by the Board on September 28, 2012 and by the Supreme Court on October 23, 2012 to be effective November 9, 2012, and with the amendment to Regulation 201:8 to be applied retroactively; amendments to Regulation 103:1(k) and 201:1 were approved by the Supreme Court on October 20, 2020 to be effective January 1, 2021.