

#015



NEW JERSEY STATE BAR ASSOCIATION

KIMBERLY A. YONTA, PRESIDENT
Yonta Law, LLC
111 Livingston Ave.
New Brunswick, NJ 08901
732-421-1680 • FAX: 732-543-7502
kim@yontalawnj.com

October 12, 2020

Honorable Glenn A. Grant, J.A.D.
Acting Administrative Director of the Courts
Comments on Proposed Amendments to Rule 1:42-1 and CLE Regulations –
Diversity, Inclusion and Elimination of Bias Requirement
Hughes Justice Complex; P.O. Box 037
Trenton, NJ 08625-0037

Re: Comments on Proposed Amendments to Rule 1:42-1 and CLE Regulations –
Diversity, Inclusion and Elimination of Bias Requirement

Dear Judge Grant:

The New Jersey State Bar Association wholeheartedly supports a requirement for two continuing legal education credits in a two-year cycle to be devoted to diversity, inclusion and the elimination of bias. For your reference, I am attaching the NJSBA's initial letter to the court urging that such a requirement be considered.

The NJSBA's support of diversity, inclusion and elimination of bias credits (diversity credits), however, does not diminish the NJSBA's support of a minimum number of ethics and professionalism credits (ethics credits). We believe both are important to ensure a well-prepared bar. For that reason, the NJSBA suggests a clarification to the language contained in the Sept. 14 Notice to the Bar ensuring that while two diversity credits are required in a two-year cycle, three ethics credits are required as well.

To accomplish this, the NJSBA suggests the proposal be modified to eliminate the words "At least" from the beginning of the proposed new language. The added language would then read, "Two of the five hours of credit in ethics and/or professionalism shall be in diversity, inclusion, and elimination of bias." We believe this clarification will appropriately balance the need for diversity credits with the continuing need for ethics credits.

Thank you for your consideration of this request.

Respectfully,

A handwritten signature in black ink, reading "Kimberly A. Yonta". The signature is written in a cursive style with a large, looping initial "K".

Kimberly A. Yonta
President

cc: Steven D. Bonville, Administrative Office of the Courts, Chief of Staff
Domenick Carmagnola, Esq., NJSBA President-Elect
Angela C. Scheck, NJSBA Executive Director



NEW JERSEY STATE BAR ASSOCIATION

KIMBERLY A. YONTA, PRESIDENT
Yonta Law, LLC
111 Livingston Avenue
New Brunswick, NJ 08901
732-421-1680 • FAX: 732-543-7502
kim@yontalawnj.com

July 10, 2020

Honorable Stuart Rabner, Chief Justice
New Jersey Supreme Court
Hughes Justice Complex/ P.O. Box 037
Trenton, NJ 08625-0037

Re: Diversity & Inclusion CLE Requirement Proposal

Dear Chief Justice Rabner:

The murder of George Floyd and other unarmed African-Americans, paired with the devastating disparate impact the COVID-19 pandemic has had on communities of color, has left us all in search of ways to combat persistent systemic racism in our society.

We are grateful for the New Jersey Supreme Court's leadership on this issue. We commend the Court's June 5th statement acknowledging racial disparities in the justice system, and noting that despite laudable efforts, there is more work to be done.

There are, of course, no easy solutions. But any solution must include the element of education. For that reason, the New Jersey State Bar Association (NJSBA) strongly requests that the Court amend Rule 1:42 to require lawyers licensed in New Jersey to fulfill a continuing legal education requirement in diversity, inclusion and the elimination of bias.

Specifically, we propose:

- That New Jersey require that two credit hours of continuing legal education (CLE) be dedicated to education on issues of diversity, inclusion and the elimination of bias in each two-year cycle.
- That one of those two credit hours be eligible to be applied to satisfy the current requirement for four ethics credits in each cycle.
- That the two diversity, inclusion and elimination of bias credit hours be incorporated in the current mandate for twenty-four credits to be completed in each two-year cycle.

The above can be accomplished with the following amendment (proposed additions underlined) to Rule 1:42-1:

Rule 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 of the twenty-four hours of credit shall be concentrated in the areas of ethics and/or professionalism, and two of the twenty-four credit hours shall be concentrated in the areas of diversity, inclusion and elimination of bias. One of the two diversity, inclusion and elimination of bias credit hours required in each two-year period may be used to satisfy one credit of the ethics/professionalism requirement. 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.

We would note that a continuing legal education requirement in diversity, inclusion and the elimination of bias has been adopted in several other states, including neighboring New York. We would propose the adoption of the same or substantively similar definition for diversity, inclusion and elimination of bias programming that New York uses:

Diversity, Inclusion and Elimination of Bias courses, programs and activities must relate to the practice of law and may include, among other things, implicit and explicit bias, equal access to justice, serving a diverse population, diversity and inclusion initiatives in the legal profession, and sensitivity to cultural and other differences when interacting with members of the public, judges, jurors, litigants, attorneys and court personnel.

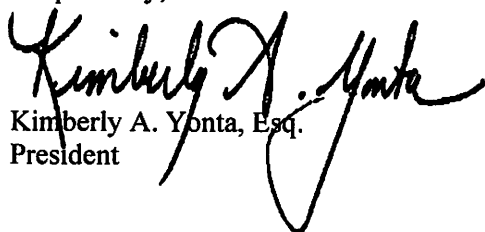
In 2016, the NJSBA supported a proposal of the American Bar Association's Diversity and Inclusion 360 Commission – created by former ABA President and esteemed New Jersey attorney Paulette Brown -- to make diversity and inclusion a separate CLE requirement, without increasing the total number of mandatory hours required. The concept was ultimately adopted by the ABA's House of Delegates among a group of recommendations designed to achieve the goal of fostering diversity and inclusion in the legal profession.

Four years later, we find ourselves at a crucial moment: With the cumulative inequities of our society laid bare, how will we act? What concrete actions will we take?

Changing the CLE requirements is a concrete action that will ensure that officers of the court have the cultural competency that reinforces public confidence in our legal system. It will also send a message that the legal profession and the courts are serious about taking steps to effect lasting change.

We thank you for your time and your serious consideration of our request. We look forward to continuing to work with you on the important tasks ahead.

Respectfully,


Kimberly A. Yonta, Esq.
President