

# Supreme Court of New Jersey Board on Continuing Legal Education

## Frequently Asked Questions

### **What is the new requirement for mandatory CLE?**

Every active New Jersey attorney is required to complete 24 credit hours of continuing legal education every two years. Of those 24 credits, at least four must be in ethics and/or professionalism. BCLE Reg. 201:1

### **What is a credit hour?**

A credit hour is 50 minutes of instruction time in Board-accredited continuing legal education courses. BCLE Reg. 103:1(j)

### **Who must comply with the continuing legal education requirement?**

Any attorney with a plenary or limited license to the New Jersey bar is required to comply. The program is mandatory for attorneys, judges, in-house corporate counsel, and attorneys who work for government entities.

### **Is anyone exempt from having to take CLE?**

Consistent with Rule 1:28-2(b), only attorneys who have been admitted to practice law for 50 years or more, 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 requirement. BCLE Reg. 202:1(a)

### **Does a newly admitted attorney have any special requirement?**

Yes. Attorneys admitted in 2009 or thereafter, must take 15 of the 24 credit hours in five of the following nine subject areas: NJ basic estate administration; NJ basic estate planning; NJ civil or criminal trial preparation; NJ family law practice; NJ real estate closing procedures; NJ trust and business accounting; NJ landlord/tenant practice; NJ municipal court practice; and NJ law office management. BCLE Reg. 201:2

### **What about Skills and Methods for newly admitted attorneys?**

The Skills and Methods program is no longer available. Those attorneys admitted in 2009 and thereafter must comply with the newly-admitted attorney requirement. Those attorneys admitted prior to 2009, but who did not complete Skills and Methods, must comply with the mandatory requirements. No additional requirement is imposed.

### **What must attorneys who were admitted to practice in NJ prior to 2009 but never completed the Skills and Methods requirement do, since the program no longer exists?**

No additional requirement exists, other than compliance with the mandatory legal education requirements for every New Jersey attorney.

### **Can attorneys meet the requirements for newly admitted attorney in another state?**

No. The required courses relate specifically to New Jersey practice.

### **Can attorneys meet the NJ requirement in another state?**

New Jersey attorneys who are satisfying the CLE requirement of another state or who are taking courses approved for CLE by another state will receive 1:1 credit for courses approved in that jurisdiction through reciprocity. However, attorneys should be aware that there are differences in requirements from state to state. Those attorneys must ensure that they are also meeting the requirements of New Jersey's program. For example, New Jersey requires that four credits be taken in courses related to ethics and/or professionalism.

### **What is an alternate verifiable learning format?**

Alternate verifiable learning format courses are those courses presented on videotape, audiotape, remote-place viewing or on-line Internet computer presentations, satellite simulcast, teleconferencing, videoconferencing, and Internet computer self-study. BCLE Reg. 103:1(b) Alternate verifiable learning format courses are limited to 12 credits in any compliance period. BCLE Reg. 201:4

### **Can attorneys take courses by tape or on-line?**

Yes. The courses must be approved for CLE course accreditation. Courses offered under an alternative verifiable learning format must have a reliable method of verifying and recording participation. Again, courses taken through alternative verifiable learning formats shall account for no more than 12 credit hours per compliance period. BCLE Reg. 201:8 and 301:9

**Is there a fee to transfer credits from another state?**

No. There is no fee for reciprocity.

**What about courses taken in 2009?**

Upon request by a provider, the Board will grant accreditation for certain qualifying continuing legal education courses taken in 2009, pursuant to the Supreme Court's "look-back" notice of August 13, 2009. An attorney can use no more than 24 credits from courses taken in 2009. BCLE Reg. 401:5

**Can courses taken in excess of any requirement carry over into the next compliance period?**

Up to 12 credit hours can be carried over to a subsequent compliance period. BCLE Reg. 201:3

**Do Inns of Court programs count for CLE credit?**

Yes. Attorneys who participate as masters, barristers, or pupils will receive 1:1 credit for their participation in educational activities. BCLE Reg. 201:7

**Do attorneys get additional credit for teaching?**

Attorneys who teach an approved course are entitled to twice the credit hours of the amount of time spent teaching the course. The same is true for the amount of time spent as a panelist. Hour-for-hour credit will be granted for attendance at those portions of the course when neither teaching nor involved as a panelist.

**Is credit available for teaching the same course more than once in a compliance period?**

No. The 2:1 credit for teaching is available for the same course only once during a compliance period. However, attorneys can get 1:1 credit for attending the same course multiple times in that same compliance period. BCLE Reg. 201:6

**What is the correct source to confirm that a program has CLE accreditation?**

The CLE provider can confirm accreditation. In the near future, the courses accredited by the Board for CLE and the approved service provider list, can be viewed on New Jersey's judicial website.

**How does an attorney obtain a Certificate of Attendance?**

Upon completion of a course from a New Jersey-approved provider or of a course that has been approved in New Jersey, the provider must give the attorney a New Jersey Certification of Attendance. For courses completed out of state through reciprocity, a completed copy of that state's attendance form will suffice as certification of attendance. BCLE Reg. 301:8

**Are attorneys required to report to the Board as each course is completed?**

No. The New Jersey program is self-reporting and the Board does not record credit-by-credit course work. Attorneys must maintain possession of their Certificates of Attendance for at least three years. In the event of an audit, attorneys will be asked to produce those records to verify compliance. BCLE Reg. 401:1

**Are attorneys required to certify compliance of the program's mandatory requirements?**

Yes. Attorneys will certify compliance on the Annual Attorney Registration Statement, or on such other form as provided by the Board. BCLE Reg. 401:1. Every attorney is permanently assigned to one of two compliance groups, determined by their birthday. Compliance Group 1, those born from January 1 through June 30, will certify compliance in even-numbered years and Compliance Group 2, those born from July 1 through December 31, will certify compliance in odd-numbered years. BCLE Reg. 401:2

**Will there be compliance reporting in 2010?**

No. There will be no compliance reporting in 2010. In 2011, Compliance Group 2 will be required to report compliance on the Annual Attorney Registration Statement of continuing legal education courses or activities equal to one-half of the mandatory CLE requirements (12 credits of which two are in ethics or professionalism). BCLE Reg. 401:3

**How will compliance be monitored?**

Random audits will be conducted by the Board. Every New Jersey attorney is subject to audit by the Board. BCLE Reg. 401:1

**Will attorneys who are being audited be notified?**

Yes. The Board will notify selected attorneys of an audit. Attorneys will be required to demonstrate compliance in writing within 30 days of receipt of a request by the Board for information, and produce proof of compliance. [BCLE Reg. 401:1](#)

**Will extensions for compliance be granted?**

A process will be in place for case-by-case determinations. An attorney may file an application for an extension of time by demonstrating good cause. The Board will review each request and may extend the time of compliance for an attorney. [BCLE Reg. 202:3](#)

**What if circumstances prevent an attorney from complying with the requirement?**

An attorney may file an application for a waiver of the requirement and must show by clear and convincing evidence either (a) undue hardship, or (b) circumstances beyond the control of the attorney that prevents compliance in any reasonable manner with the CLE requirement. [BCLE Reg. 202:2](#)

**Can attorneys get credit for a course when the provider did not apply for accreditation?**

A process will be in place whereby, no later than 30 days of completion of the course, an attorney can submit an Attorney Application for Individual Course accreditation.

**Can attorneys credit for writing a legal article or book?**

No the Board does not grant CLE credit for publishing.

**Can attorneys get credit for a course if they arrived late or left early?**

The provider will determine if either partial or no credit will be granted, depending on the circumstances.

**What happens to attorneys who do not fulfill the mandatory CLE requirement?**

Those attorneys will be notified by the Board of non-compliance and will have 60 days to either achieve compliance or seek an exemption. Any credits obtained during this time will count only for the previous compliance period and not the then-current compliance reporting period. Attorneys will receive no more than one grace period. Attorneys who fail to comply can be administratively suspended. [BCLE Reg. 402:1](#) and [402:3](#)

**For more information** Contact the Board's staff at (609) 633-9733 or submit questions in writing to: [sctcle.mailbox@judiciary.state.nj.us](mailto:sctcle.mailbox@judiciary.state.nj.us).

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The Burlington County Bar Association remains committed to offering you affordable, quality seminars to help you easily meet your New Jersey MCLE requirements. All of our seminars also continue to offer Pennsylvania CLE credits.

The Burlington County Bar Association - your TRUSTED MCLE source.