

# **New York State Office of Court Administration**

## **CLE Board**

### **Program Rules (22 NYCRR1500)**

**<http://www.nycourts.gov/attorneys/cle/>**



**EFFECTIVE JANUARY 1, 2016:**

**CHANGES TO CLE FORMATS  
FOR NEWLY ADMITTED ATTORNEYS**

***Changes to Newly Admitted Attorney Requirement***

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RECENTLY ADOPTED CHANGES TO FORMATS ALLOWED FOR COMPLETION OF THE NEWLY ADMITTED ATTORNEY CLE REQUIREMENT, TO BECOME **EFFECTIVE JANUARY 1, 2016**

The New York State CLE Board has adopted the following changes, **effective January 1, 2016**, to the current requirement that newly admitted attorneys complete all of their CLE credits in the traditional live classroom setting or by fully interactive videoconference (there is **no change** to the number or categories of credit required, nor to the requirement that they be fulfilled by attending accredited transitional courses):

- **Law Practice Management** and **Areas of Professional Practice** credit may be completed in any approved format, including nonparticipatory formats such as on-demand audio or video, or live broadcast.
- **Ethics and Professionalism** credit may be completed in the traditional live classroom setting; by fully interactive videoconference; or by simultaneous transmission with synchronous interactivity, such as webconference, or teleconference, where questions are allowed during the program.
- There is no change in the requirement for **Skills** credit, which must be completed in the traditional live classroom setting or by fully interactive videoconference.

Newly admitted attorneys **based in law offices outside of the United States** may fulfill up to 16 credit hours in any approved format. The remaining credit hours must be completed in a format permissible for the category of credit.

Newly admitted attorneys eligible for a **prorated CLE requirement** must complete the credit in a format permissible for the category of credit, except that no more than 14 credits may be earned through nonparticipatory formats, such as on-demand audio or video, or live broadcast.



## **Continuing Legal Education** (excerpt [www.nycourts.gov/attorneys/cle](http://www.nycourts.gov/attorneys/cle))

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- What do I do if I completed fewer than 16 credits before my first anniversary, even though I completed all 32 before my second anniversary?
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- Who keeps track of my certificates of attendance?
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## CLE Requirements for Newly-Admitted Attorneys

### Q] What is a "newly-admitted attorney"?

A] Attorneys admitted to the New York State Bar two years or less are considered newly admitted attorneys.

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### Q] What if I was practicing law in another jurisdiction before I was admitted to the New York Bar?

A] If you were practicing law in another state, the District of Columbia, any territory of the United States or any foreign jurisdiction, for at least five of the seven years immediately preceding admission to the New York Bar, you will not be deemed newly admitted for the purposes of CLE, and you must comply with the [CLE requirement for experienced attorneys](#).

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### Q] As a newly-admitted attorney, what is my CLE requirement?

[A] Newly admitted attorneys must complete at least 16 transitional CLE credit hours in **each** of the first two years of admission to the Bar, as follows:

Category of Credit	Before first anniversary of admission	During second year of admission
Ethics and Professionalism	3	3
Skills	6	6
Law Practice Management and/or Areas of Professional Practice	7	7
<b>TOTAL</b>	16 transitional CLE credit hours	16 transitional CLE credit hours

The first set of 16 transitional CLE credit hours must be completed by the first anniversary of admission to the Bar, in the designated categories of credit. The second set of 16 transitional CLE credit hours must be completed between the first and second anniversaries.

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### Q] How do I satisfy my CLE requirement?

A] To receive credit, newly admitted attorneys must take accredited transitional CLE courses in traditional live classroom settings, or through attendance at fully interactive videoconferences that have been approved by the CLE Board for use by newly admitted attorneys.

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### Q] What are "transitional" CLE courses?

A] Transitional courses are designed to help newly admitted attorneys develop a foundation in the practical skills, techniques and procedures that are essential to the practice of law. The sponsoring organization will be able to tell you which of its courses are transitional.

## Fulfilling the Requirement

### **Q] How do I find CLE courses close to home?**

A] The CLE Board does not maintain a list of individually accredited CLE courses. You may check with local bar associations or other organizations in your area that may be presenting CLE courses, or you may check the New York [Accredited Provider List](#) for approved CLE providers.

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### **Q] Do out-of-state courses count towards my CLE requirement?**

A] Some out-of-state courses are accredited by the New York State CLE Board. Other out-of-state courses may be accredited by another jurisdiction, and you may be eligible for New York CLE credit under New York's Approved Jurisdiction policy. (If your course is not accredited by the New York State CLE Board or if your course does not fall under New York's Approved Jurisdiction policy, you may submit an [Application for Accreditation of an Individual Course Activity](#) to the New York State CLE Board.)

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### **Q] What is New York's "Approved Jurisdiction" policy?**

A] A New York attorney may earn credit for attendance at an out-of-state course provided that the course is accredited by the CLE agency of another state or foreign jurisdiction that has been approved by the New York State CLE Board as meeting New York's accreditation standards. An out-of-state course accredited by a [New York Approved Jurisdiction](#) is eligible for New York CLE credit based on a 50-minute credit hour, and in accordance with the Program Rules and the Regulations and Guidelines. The attorney must obtain from the provider documentation of course accreditation by a New York Approved Jurisdiction, a proper certificate of attendance and for nontraditional formats, proof of the provider's independent [verification](#) of the attorney's completion of the course. Please see [section 6 of the Regulations and Guidelines](#) for details.

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### **Q] I attended a CLE course where the sponsor did not apply for CLE accreditation. Is there any way to get credit?**

A] You may submit an [Application for Accreditation of an Individual Course Activity](#) to the CLE Board. If the application is postmarked more than 30 days after the conclusion of the course, you must include a detailed explanation of the circumstances that prevented you from submitting the application within 30 days of the conclusion of the course. If the Board accepts your application and if the course is approved, you will be awarded the appropriate CLE credit.

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### **Q] May I fulfill my CLE requirement through audiotapes, online courses, or other nontraditional formats?**

A] No. Unless granted special permission to do otherwise by the New York State CLE Board, newly admitted attorneys must fulfill their CLE requirement in live, traditional classroom settings or by attendance at fully interactive videoconferences that have been pre-approved by the CLE Board for use by newly admitted attorneys.



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**Q] What if I practice in a foreign country?**

A] Newly admitted attorneys based in law offices outside the United States may earn a maximum of 12 of the required 32 credit hours through accredited transitional courses in nontraditional course formats (e.g., audiotapes, videotapes, teleconferences, online) without prior permission from the Board.

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**Q] May I earn credit for writing a legal article, or for teaching at a CLE program?**

A] No, only experienced attorneys may receive CLE credit for these activities.

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**Q] May I earn CLE credit for providing pro bono legal services?**

A] Newly admitted attorneys may earn pro bono CLE credit solely for the purpose of carrying over the pro bono credit to the following biennial reporting cycle. A maximum of 6 CLE credit hours, including pro bono CLE credit, may be carried over to the following reporting cycle.

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**Q] May I earn credit for courses I attended before I was admitted to the New York Bar?**

A] Yes. A newly admitted attorney may earn a maximum of 16 CLE credits for attendance at accredited transitional CLE courses from the date of law school graduation, up through the date of admission to the New York Bar. These credits may be applied towards your first-year requirement. Credit hours in excess of 16 may not be carried over and applied to your second-year requirement. No credit may be awarded for attendance at courses occurring more than two years before the date of admission to the New York Bar.

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**Q] May I earn CLE credit for attending a CLE course if I arrive late? What if I leave early?**

A] It is up to the sponsor of the program to determine whether you may earn credit if you do not attend the entire program. The sponsor may award partial credit, full credit or no credit at all, depending upon the circumstances.

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**Q] May I earn credit for repeating a course?**

A] You may not get credit for repeating the same course, even if the course is in a different format and even if the course is repeated in a different reporting cycle. So, if you had earned CLE credit for attending the live presentation of a program on cross examination, for example, you would not be able to earn credit for watching the video of that course, even if you watched it three years later. If, on the other hand, the program you "repeat" has significant new content, such as revised or updated

materials reflecting recent changes in the law, you may be eligible for CLE credit, even if the title of the course has not changed.

## Exceptions to the Requirement

### **Q] Are there any exemptions from the CLE requirement?**

A] Yes. The following persons are exempt from New York's CLE requirement:

1. Attorneys who do not practice law in New York at all during the relevant reporting cycle,
  2. Full time active members of the U.S. Armed Forces,
  3. Attorneys with offices outside of New York who are temporarily admitted to practice in a court within New York for a case or proceeding, but who do not otherwise practice law in New York during the relevant reporting cycle, and
  4. Attorneys who certify that they are retired from the practice of law pursuant to § 468-a of the Judiciary Law.
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### **Q] How do I determine whether I am "practicing law in New York"?**

A] You must determine for yourself whether your specific activities are considered practicing law in New York. All members of the New York Bar are presumed to be practicing law in New York unless otherwise shown. The burden of proof is on the individual attorney. You should be guided by case law and the Restatement of Law, Third, The Law Governing Lawyers, Chapter 1, § 3. Attorneys "practice law in New York" if they give legal advice or counsel to, or provide legal representation for, a particular body or individual in a particular situation in either the public or private sector. The practice of law does not include the performance of judicial or quasi-judicial (e.g., administrative law judge, hearing officer) functions. Neither the CLE Board nor its staff may advise attorneys on the issue of whether their specific activities constitute the practice of law in New York.

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### **Q] What are my CLE obligations if I practice law outside of New York?**

- A] 1. If you do not practice law in New York but practice in another jurisdiction (including a foreign country) that requires you to fulfill a CLE requirement, you must certify compliance with that other jurisdiction's requirement on your New York biennial registration form.
2. If you do not practice law in New York but practice in another jurisdiction (including a foreign country) that does not require you to fulfill a CLE requirement, you must certify to this on your New York biennial registration form.
3. If you practice law both in New York and in another jurisdiction (including a foreign country), you will be required to fulfill New York's CLE requirement. Keep in mind that you may obtain credit for out-of-state transitional courses accredited by [New York Approved Jurisdictions](#).
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### **Q] I started practicing law a few months after my admission to the Bar. Do I need to complete all 16 credits for my first year?**

A] No. Newly admitted attorneys who are [not practicing law in New York](#) when they are admitted and begin to practice law in New York during their first two years of admission to the New York Bar are subject to a pro rata CLE requirement.

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**Q] What if I stop practicing law during my first two years of admission to the New York Bar?**

A] If you are not practicing law in New York at the end of the two-year period, you are subject to a pro rata CLE requirement.

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**Q] Are there any conditions under which I may obtain a waiver or modification of my CLE requirement?**

A] The New York State CLE Board may, in individual cases involving undue hardship or other extenuating circumstances, grant waivers or modifications of the CLE requirement to attorneys. You should submit an Application for a Waiver or Modification to the CLE Board.

## Compliance & Reporting

**Q] How and when do I report compliance with my CLE requirement?**

A] An attorney registration form will be mailed to you. Your registration form must be filed within 30 days after your birthday in the second calendar year following your admission to the New York Bar. That is, if you were admitted to the New York Bar in 2007, you will file your registration form within 30 days of your birthday in 2009. Newly admitted attorneys must certify on their attorney registration form that they have satisfactorily completed New York's CLE requirement and that they have retained the proper documentation. Newly admitted attorneys must complete their CLE requirement within two years of their date of *admission* to the New York Bar, no matter when they register.

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**Q] What should I do if I have not received an attorney registration form by my birthday?**

A] If you have not received an attorney registration form by your birthday in the second calendar year following your admission to the Bar, contact the Attorney Registration unit by e-mail [atattyreg@nycourts.gov](mailto:atattyreg@nycourts.gov) or by telephone at (212) 428-2800.

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**Q] What if my birthday comes before the second anniversary of my admission? (My birthday is in March; I was admitted in June.)**

A] You will certify the number of CLE credits you have actually completed when you file your registration form. You will be considered in compliance even if you have not completed the full second-year requirement, so long as you have completed the first-year requirement. However, you remain responsible for completing your second-year credit hours by your second anniversary of admission to the Bar. Additionally, 12 of the 16 required CLE credit hours for the second year may be applied towards fulfilling your CLE requirement for experienced attorneys in your next reporting cycle. Ethics and professionalism credit hours may not be applied to the next reporting cycle.

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**Q] What if my birthday comes after the second anniversary of my admission? (I was admitted in March, and my birthday is in June.)**

A] You must complete your newly admitted CLE requirement by the second anniversary of your admission to the Bar even though you will not register until your birthday. If you have completed the required 32 CLE credit hours during your first two years of admission, credits that you complete between your second anniversary of admission and your birthday may be applied towards your next reporting cycle.

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**Q] What should I do if I cannot complete my CLE requirement on time?**

A] You should request an [extension of time](#).

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**Q] What do I do if I completed fewer than 16 credits before my first anniversary, even though I completed all 32 before my second anniversary?**

A] The [Program Rules](#) require that you complete 16 credits in *each* of your first two years. You should complete an [Extension of Time Application](#) requesting a retroactive extension for the purpose of adjusting your credits.

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**Q] If I earn more credits than I need, may I carry them over?**

A] Newly admitted attorneys who have earned more than 16 transitional CLE credit hours in the first year of admission to the Bar may apply up to 8 of their additional credits towards their second-year requirement. Once the second-year requirement is complete, 6 additional credits may be applied towards the next reporting cycle. Ethics and Professionalism credits may not be carried over. For more information, see [Carryover Credit FAQs](#).

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**Q] Who keeps track of my certificates of attendance?**

A] The New York State CLE program is a self-reporting system. Certificates of attendance, and/or other documentation of compliance with, or exemption from, the CLE requirement, must be retained by the attorney, for a period of at least four years from the date of the course or program, in case of audit.

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**Q] What happens if I do not fulfill my CLE requirement?**

A] The names of attorneys who fail to comply with the CLE requirement may be submitted to the Appellate Division for appropriate action.

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**Q] What if I have more questions?**

A] You may find answers in the [Program Rules](#) or in the [CLE Board Regulations & Guidelines](#), or you may e-mail your questions or comments to [CLE@nycourts.gov](mailto:CLE@nycourts.gov).

You may also contact us at (212) 428-2105, or toll free from outside of New York City at 1 (877) NYS-4CLE (697-4253).

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**For more information about the CLE Rules visit [www.nycourts.gov/attorneys/CLE](http://www.nycourts.gov/attorneys/CLE).**

