



# NYSBACLE

## Speaker's Guide for CLE Programs

The Committee on Continuing Legal Education of  
the New York State Bar Association





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New York State Bar Association

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# Introduction

**Thank you for agreeing to serve as a faculty member for one of our CLE programs.** Helping to maintain and improve the competency of the Bar is one of the most important contributions you can make to your profession. This Speaker's Guide has been prepared to acquaint you with the objectives of our continuing legal education programs and the procedures that have worked well for us in the past. It also contains suggestions to facilitate your role in the program and to make your lecture more effective. It is based on years of experience in conducting CLE programs and the recommendations of audience members and speakers who have participated in these programs. Your ideas on ways we might improve this Guide and our programs would be greatly appreciated.



# What is Asked of You as a Speaker?

1. Participate in speakers' meetings. There usually will be one, possibly two, faculty meetings prior to the program, in most cases by conference or video call. Your participation in the meeting is essential in order to coordinate the various presentations and to ensure that the program will be of the highest possible quality. These meetings will enable you and other members of the faculty to anticipate and resolve problems that may arise during the course of the program. The program chair will advise you of specific topics to be covered and the level of practice sophistication.
2. Prepare your outline on time and in accordance with the guidelines set forth in this guide. If you are asked to prepare written materials for the program, ideally we would like to receive your outline three weeks before the presentation. Under New York's Mandatory CLE Rule, credit may not be given for portions of a program where there are no written materials, so it is essential that we receive adequate written materials pertaining to your portion of the program. If difficulties beyond your control make any deadline impractical or impossible to meet, it is important that you contact the CLE staff promptly and make them aware of the difficulties so that they may offer assistance or make other arrangements for written materials.
3. Speak at the program. You should prepare your lecture well in advance and in accordance with the suggestions in this Guide. If the program is being held in person, you are asked to arrive at the meeting site for the program at least 30 minutes before the program commences, to allow for last-minute coordination of details between you and the other speakers. Please check in with our Registration Staff when you arrive at the program, so that we will know that you have arrived and can also ensure that you receive the appropriate number of MCLE credits for your participation.



During the program, you are asked to sit at the head table/dais with the other speakers, space permitting (when there are multiple panels during the course of a program, it is usually necessary to seat only one panel at a time at the rostrum). The program chairperson will handle the introductions, announce coffee or lunch breaks and determine when and how questions from the audience will be taken.

# Expenses

Certain travel expenses incurred in attending faculty meetings and programs will be reimbursed by this Association. It is important to obtain receipts for any expenses—please keep in mind that we can only reimburse expenses which are supported by original, itemized receipts for such costs, which should be sent to us with your request for reimbursement. Only those expenses that apply to you as a faculty member will be reimbursed—not those for spouses or other persons traveling with you. Such expenses include any ground transportation costs, tolls and parking fees. If you travel by car, you will be reimbursed for mileage. Coach-class air fares will be reimbursed, where necessary, but we ask that you check with the NYSBA CLE staff handling your program before making airline reservations, if the air travel would only be within New York State (not to or from an out-of-state locale).

Registrants will be emailed instruction on how to access course materials in the NYSBA Learning Dashboard in advance of the program. Please check with the CLE staff person working with you on the program prior to making any last-minute copies of this type to determine the appropriate number of copies to make and to allow us to plan for distribution of your handout at the program.

If attendance at a program requires an overnight stay (usually at the hotel where the program is being held), you will be advised if travel will be reimbursed for a particular program. We are not able to reimburse you for incidental expenses, such as movies or phone calls charged to your room. We can reimburse room service expenses, subject to the guidelines provided by NYSBA's Finance Committee, which specify that we may only reimburse reasonable (modest) meal expenses for faculty members. For travel arrangements, we ask that you make your own reservations and pay for them, then submit your expenses to us for reimbursement. Please obtain and submit original, itemized receipts for such expenses.

Reasonable charges for meals and hotel accommodations incurred by faculty members while attending such meetings and programs may also be reimbursed. Although there is usually no dollar limitation imposed by the Association, it is expected that good judgment will be exercised by the faculty member. Due to budgetary constraints, only “reasonable” speaker expenses will be reimbursed. “Reasonable” is defined as approximately \$50 for dinner and \$25 for lunch or breakfast. The Association reserves the right to disapprove requests for reimbursement where it believes there was an abuse of good judgment. In order to receive full reimbursement, please keep original receipts for your expenses and attach them to your reimbursement request when it is submitted.

Please check with the CLE staff person working with you on the program prior to incurring any expenses that seem to exceed the guidelines described above, or about which you have any questions.



# Guidelines for CLE Speakers

## 1. BE PROFESSIONAL IN YOUR APPEARANCE AND APPROACH TO THE LECTURE

A professional approach requires that the speaker convey to the audience a lawyer-like demeanor and an articulate, well-prepared presentation. Avoid remarks that might be considered in poor taste or offensive by any group, as well as remarks that may be perceived as condoning unethical behavior.

## 2. CONSIDER YOUR AUDIENCE

Your audience will be trying to understand and remember your comments while taking notes, and will appreciate your speaking clearly and coherently and making proper use of the microphone and public address system. Avoid speaking too quickly, be sure to enunciate clearly, and make frequent eye contact with the audience. In the same manner a trial lawyer sizes up a jury, you should be aware of your audience's interests, level of sophistication and professional needs and tailor your remarks accordingly.

## 3. GET RIGHT TO THE SUBJECT—STAY ON SCHEDULE

For you and your audience, time is a precious commodity. It is essential that each speaker stay within the time allotted to him or her. Staying within the time limits helps the program chairperson to keep things running on schedule, which the audience and other speakers will appreciate. Do not spend too much time on an introduction, background material, or a general restatement of substantive law, which your audience should be expected to already know. Do not allow irrelevant history, philosophy or opinion to sidetrack your presentation. Get right to the heart of your topic—focus on practical information that lawyers can use in everyday practice. By the same token, don't cut your presentation short. Use your full, allotted time on the schedule—this may be crucial to the audience in enabling them to receive the anticipated mandatory CLE credit for your segment of the program.

#### **4. USE HUMOR JUDICIOUSLY**

Humor, when appropriate to the subject and used judiciously, can make your presentation more effective and enjoyable. We encourage appropriate use of humor in our programs. Time, however, is precious and your audience expects to learn, not simply to be entertained. Jokes based on race, religion, ethnicity or national origin, gender, age, sexual orientation, physical or mental disability, or other such criteria, or which contain objectionable sexual content or profanity, should not be used.

#### **5. BE POSITIVE**

Some CLE speakers mistakenly begin their presentations with an apology or some statement aimed at lowering expectations. Perhaps they think the audience will forgive them in advance for some shortcoming in their presentation. Nothing alienates an audience faster than a speaker who begins with a series of disclaimers and excuses. Be positive in your outlook—be sure of your information and speak with authority. Briefly outline the main topics you propose to cover, then get right into the substance. Speak with confidence and enthusiasm, and the audience will respond much better to your presentation.

#### **6. DON'T AD-LIB**

Thoroughly prepare your remarks prior to your lecture, then stick to your notes. The audience will interpret frequent attempts on your part to ad-lib as a lack of preparation, which they will resent. Avoid telling “war stories” as filler. Reminiscing about cases you have handled in the past—unless they are particularly appropriate and helpful in explaining your subject—is usually perceived as a poor substitute for substantive content.

## **7. DON'T READ EXTENSIVE QUOTATIONS**

No one comes to a CLE program to hear somebody read. Do not read your outline or materials to the audience. Any lengthy quotes or lists of citations you wish to present should be included in your outline so that you need only refer to paragraph and page number in order to direct the audience's attention to the information or citations. If you must discuss the precise wording of a case or statute, it is more effective to paraphrase the passage, then quote only the two or three most important words or line, and explain the effect of those particular words. If a last-minute case or enactment with great impact could not be included in your outline, and you plan to read the citation to your audience, do so carefully and slowly, and repeat it, remembering that your audience will be trying to write it down as you speak.

## **8. COVER THE IMPORTANT TOPICS—ADD SOMETHING SPECIAL**

Many speakers are tempted to try to cover everything in their outline in detail. You will find that time passes very quickly when you are speaking and that you may not be able to cover all of the points in your outline. It is much more effective to emphasize the most significant ideas and subjects than to try to cover your entire outline in detail and run out of time half-way through. Try to add something special and let the audience know that you are doing so—your remarks should add to, clarify, or amplify what is in your outline, rather than just recite its contents. To assist the audience in following your presentation, you should occasionally refer to a location in your outline by page number.

## **9. INCLUDE COMMENTS ON PROFESSIONALISM AND PROFESSIONAL RESPONSIBILITY, IF APPROPRIATE TO YOUR TOPIC**

Whenever it is appropriate to the subject matter, we urge you to include in your remarks some reference to applicable ethics or professional responsibility considerations, as well as attorney professionalism in general. You should also include information on these subjects, if applicable, in the written materials you submit in connection with the program.

## **10. CONSIDER USING TECHNIQUES WHICH MAY LIVEN UP YOUR PRESENTATION, SUCH AS AUDIENCE PARTICIPATION OR ROLE-PLAYING DEMONSTRATIONS**

You might also consider using other public speaking techniques, such as audience participation, role-playing, and live demonstrations, perhaps based on a case study included in the written materials for the program, to make your presentation more interesting. If you are considering using such techniques in your presentation, please discuss this with the CLE staff person working with you on the program, who may be able to make some helpful suggestions.

## **11. HAVE A DEFINITE CONCLUSION**

Your lecture should build to an organized conclusion wherein you summarize the points you have covered. End on an upbeat note (with a “bang,” not a “fizzle”), and thank the audience for their kind attention.

## **12. REHEARSE**

Practice your lecture, and time yourself. This will help you to stay within your time limits and make for a more effective and relaxed presentation.

# Some Cautions and Guidelines Concerning Use of Visual Aids

Visual aids, such as PowerPoint®, slides, charts, or a brief video segment can sometimes be used to make presentations more interesting and effective. Should you need a projector, screen, or other special equipment at the program, please let us know well in advance. Unless we are given adequate advance notice, there is the possibility that the equipment may not be available at the program.

If you plan to use a PowerPoint® presentation at the program, and you notify us well in advance, we will have a screen set up and projector (LCD unit), with cable for connecting it to your laptop, at the program.

We ask of you the following:

- Consider the needs of your audience when selecting the font size and color of a computer-based visual aid. Although perhaps not as lively looking as other color schemes, black text on an off-white background will be the most readable. If you pick other colors, be careful to ensure that the words on the slide are easy to read from a distance. Likewise, avoid trying to cram too much text onto a slide. Larger fonts and fewer words help to ensure that the slide will be legible for those viewing the screen/monitor from a distance.

- You are asked to bring your own laptop to the program, with your PowerPoint® presentation loaded on it. We also ask that you provide us with an electronic copy of your PowerPoint® presentation, so that we can have a backup copy available at the program—you could send this to us via e-mail, or on a disk or USB drive.
- If your PowerPoint® presentation contains a recorded audio component, please let us know. Audio Cable adapters may need to be ordered so that the sound is heard through the meeting site's sound system.
- Arrive at the program early so that we can check your laptop with the projector, to ensure that all will function properly.
- Consider bringing your own LCD projector and/or a technical person from your office if you anticipate any difficulty in hooking your laptop to our projector.

If more than one speaker at your program will be using a PowerPoint® presentation, we will suggest to the program chairperson and the speakers concerned that they consider consolidating their PowerPoint® presentations onto one laptop (either one of theirs, or one we may be able to provide), so that there will be fewer potential problems in changing equipment between each presentation. Obviously, if we are changing laptop hook-ups between presentations, there will be some delay and disruption, even under the best of circumstances. We would like to avoid that.

At the program, other than providing you with the screen, LCD projector and cable, and a place to plug in your laptop, the only technical assistance we can provide relates to the basic steps involved in hooking up a laptop to a projector, which are as follows:

**Step 1:** Plug the cable from the projector into the back of your laptop and make sure the connection is snug. (It is pretty hard to get the cables wrong—there is one cable coming out of the projector, and it can probably only hook into one opening in the laptop, because of the configuration of the plugs.)

**Step 2:** Turn on the laptop. (It is best to hook the laptop up to a projector which is already turned on, and then turn on the laptop, because doing it in that order, particularly with a reasonably new laptop, will enable the laptop to “detect” its hookup to the projector and automatically adjust its output so that it projects its screen through the projector onto the larger screen in the room.)

**Step 3:** If necessary, push and hold down the appropriate function key on your laptop, until it activates the display. If the display through the projector doesn't come up when the laptop is turned on, it might be because the laptop is an older model, and doesn't automatically detect and adjust its output to the projector; or, if the laptop was turned on first, and then the projector, then all the laptop user has to do is know which one of the function keys—the F-1 through F-12 keys at the top of the

keyboard on the laptop—to push, to make the laptop send its output signal to the projector. Only one of those F- keys needs to be pressed, and it is usually a “marked” key: an F- key with a little projector or monitor icon on it. Which F- key needs to be pressed varies from laptop to laptop, depending on the manufacturer, so it is very helpful if the person bringing the laptop to the meeting knows which key to press. But even if they don’t know which key it is, the key is marked by an icon and can quickly be identified. It may be necessary to hold the function key down for a few seconds, while the laptop cycles through its display modes and comes up with the one you want.

Aside from a failure to follow these three steps, we acknowledge that there could be other problems involved that would prevent the PowerPoint® presentation from working. However, any other such problem that would have caused the PowerPoint® display not to appear on the screen, beyond what would have been resolved by the steps set forth above, will most likely have to do with the laptop, assuming that the LCD projector is working properly. Resolving such other technical problems, e.g., changing the refresh rate of other settings on a speaker’s laptop, is an area that we, as a policy matter, will not be willing to become involved in trying to resolve. We don’t want to take a chance on having a technician who is our employee or agent do work on a faculty member’s computer that might cause other problems for that computer. If you anticipate the possibility of technical problems related to some unique characteristic of your laptop, you might wish to consider bringing along a technical person from your office to help solve such problems. We cannot provide technical assistance of that type.



# Guidelines for Preparation of Outline and Lecture Materials

## 1. INTRODUCTION

As a speaker, you may be asked to prepare an outline of your subject. Our objective is to provide the Bar with textual material that can be used as an office reference when the course is completed. The more complete the materials, the greater their utility. It is very important that, in addition to headlines and major captions, your outline be comprised of relatively complete sentences so that those who do not attend the program will also find your materials understandable and useful. To qualify for mandatory CLE credit, the written materials for a program must:

- specifically address each topic in the program
- be timely and updated
- provide a comprehensive and professional treatment of the subject matter

Brief, bare-bones outlines will not suffice for MCLE accreditation purposes. Likewise, a printout of some PowerPoint® slides, or a collection of cases or statutes will not pass muster for MCLE credit.



## **2. PAGE LIMIT**

On average, an outline for a one-hour presentation should be about 20 pages, including forms and other attachments. The number of pages varies—some subjects may be adequately covered in fewer pages, and some will require slightly more extensive treatment. **Please do not exceed 30 pages.**

## **3. WHAT TO INCLUDE, WHAT NOT TO INCLUDE**

Your outline may include citations, background material, definitions, checklists, illustrative charts and tables, and perhaps a bibliography of related material. Forms and sample documents are useful, especially if completed and if used to illustrate points covered in your lecture. Unless the program or your lecture focuses entirely on a major new piece of legislation, new regulations, or new case, please do not submit cases, statutes, regulations, and other previously published and readily available material. Instead, such items should be cited in your outline or bibliography.

## **4. PLEASE OBTAIN WRITTEN REPRINT PERMISSION FOR ANY COPYRIGHTED MATERIALS YOU SUBMIT**

If your materials include any previously published, copyrighted articles or other items, you should obtain written reprint permission from the original publisher and, if applicable, the author or co-authors, and submit that to us with the materials.

## **5. SEND A “PRINTER” ORIGINAL OF YOUR MATERIALS (NOT A SCAN OR PHOTOCOPY) IN ELECTRONIC FORMAT BY E-MAIL.**

If e-mail is unavailable to you, then a CD or USB drive are acceptable alternatives for use in sending us the materials.

Please number all pages, including any attachments, exhibits, etc., at the bottom of each page, consecutively. Send your materials electronically, by e-mail. If that is not possible, a computer disk or USB drive (memory stick) containing your materials will suffice. Documents can be in Microsoft Word®, WordPerfect®, PowerPoint® or PDF formats (we prefer Microsoft Word®)

in PC format. Providing an electronic version of your materials is very important because it assists us in making them accessible to attorneys with visual impairments and also in putting the materials online for registrants to access in the Learning Dashboard.

## 6. CITATION FORM

Case or statute citations should follow in the style specified in the “Bluebook” (*A Uniform System of Citation*—Columbia-Harvard). They should be placed immediately after or under the subdivision or subpoint to which they refer. Please cite the official reporter, e.g. N.Y.2d; not Westlaw or N.Y. Supp. If there are two or more citations, begin each new citation below the preceding one. If the citations run more than one line, single space and begin the second and subsequent lines under the case names. For example:

Nat’l Conference of Uzbekistani Americans v. Anantharajan-Subramanian, 127 Ill. App. 3d 1149, 113 N.E.2d 1038 (2001) (Krishnankutty, J., dissenting), aff’d, 127 N.E.2d 87 (Ill. 2002), cert. denied, 384 U.S. 1080 (2003).

Schwartz v. Horn, 387 U.S. 213, 221 (1966).

## 7. SPACING, MARGINS, AND INDENTATION

Please use 8½” by 11” letter-size, white paper, one side only. Margins should be 1 ½” at top, sides, and bottom. Typeface should be 10 or 12 pitch Times or Times Roman, if available. Double space between headings. However, if words in one heading run more than one line, single space and indent. For example:

### II. A GENERAL REVIEW OF THE RELATION OF TAX ASSESSMENTS TO ASSESSED VALUATION IN THE TOWNS

Electronic documents should be letter sizes in the portrait orientation using 12pt, Arial font.

## 8. OTHER MATERIALS

Presentations on certain subjects may benefit from the inclusion of supplemental written materials, in addition to your outline. Some examples of such materials are:

**A. CHARTS**—Some topics require charts, graphs, or tables for clarity. Include such materials with your outline, and they will be reproduced and included in the course materials. The use of other visual aids—exhibits, whiteboards, projector and screen, etc.—can be arranged through the CLE staff person working with you on the program.

**B. CHECKLISTS**—Checklists have great value in many of the subjects covered in CLE programs. If your subject lends itself to checklists, please prepare them and include them with your materials.

**C. FORMS**—When used, forms should be related to your outline. For lengthy forms, it is often desirable to include excerpts from such forms or set forth specific provisions therein, rather than reprinting those forms in their entirety. For forms which are copyrighted (e.g., Blumberg’s), we will need written reprint permission.

**D. BIBLIOGRAPHIES**—Bibliographies, or recommended reading sources, are a valuable addition to the materials, particularly when the entries are accompanied by a brief statement describing the reference.

# Annual MEETING

JANUARY 16-20, 2024

Work and Equality: A Conversation with Carolyn Maloney



# Mandatory CLE—Calculating the Credit

The New York State Bar Association is an accredited provider under New York’s mandatory CLE requirement. Those who attend our programs will receive a certificate of attendance and MCLE credit for the time during which they were present at the program. As a member of the faculty, you are entitled to MCLE credit, as follows:

- **Speaking and Teaching at a CLE Program**—Three (3) CLE credits are awarded for each 50 minutes of presentation. No additional credit may be earned for “legal writing” if speaking and teaching credit is granted (see “Legal Writing” below).
- **Panel Presentations**—Each panel member earns three (3) CLE credits for each 50 minutes of participation on the panel. No additional credit may be earned for “legal writing” if 3:1 credit is sought for participating on a panel (see “Legal Writing” below).
- **Moderator**—The moderator earns one (1) CLE credit hour for each 50 minutes of participation during the program. No additional credit is given for his/her preparation time.

**Legal Writing**—As described above, 3:1 MCLE credit may be obtained for speaking (or participating in a panel) at an accredited CLE activity. The 3:1 credit takes into account preparation time. However, if you prefer to apply for credit for “legal writing,” you may do so but must send your request directly to the NYS CLE Board, 25 Beaver Street, 8th Floor, New York, NY 10004, with completed application form you can download from the Unified Court System’s Website, at <http://www.nycourts.gov/attorneys/cle/apppubcredit.pdf>. Please note, however, that applying for “legal writing” credit has its pros and cons. You may only earn 12 writing credits per biennial reporting cycle.

It is only to your benefit to apply for writing credits if:

- You spent substantially more time writing your materials than the 3:1 credit you would normally receive as a speaker/panelist.
- Your materials are very detailed and “stand on their own” (can be fully understood by a reader who did not hear your presentation).
- You are willing to go through the formalities of applying for writing credit (there is a form to complete and submit along with a sample of your materials), and are willing to wait for the CLE Board’s response as to whether the credit has been granted or not, and how many credits were granted (this may take several weeks).

We are required to maintain accurate records regarding the amount of time you were in attendance at the program. Therefore, it is important that you check in with the Registration Staff upon your arrival, and also check out when you leave, to avoid any problems later on. For virtual programs, your attendance is logged and tabulated by the zoom software.

Under the MCLE Rules, you are entitled to receive a certificate of attendance, which would reflect not only the amount of time you were present at the program, but which would provide you with some additional credit for your speaking time or time spent as a member of a panel. Here is how it works. For whatever length of time you spoke, you are awarded three times that amount as credit. For example, if you spoke for 60 minutes, that figure would be multiplied times three, resulting in 180 minutes. Since New York’s Mandatory CLE plan is based on a “50-minute hour,” you would divide the total minutes (180 in our example) by 50, and would get three credits (50 minutes each) and a half credit (30 minutes—anything over 24 minutes and less than 50 minutes counts as a half credit). So, in our example, you would have earned 3 ½ credits for your speaking time. The same would be true if it were a panel discussion you participated in, rather than an individual lecture. However, you also receive credit, on the same basis as everyone else present at the program, for the balance of any time you were present



at the program, not counting your speaking or panelist time, which we already calculated for credit above.

There are a couple of MCLE rules that pertain to your attendance at the balance of a program:

**1. Partial Credit**—Credit shall be awarded only for attendance at an entire segment of a course or program. No credit shall be awarded for attending a portion of a segment of the session.

**2. Repeat Attendance**—No MCLE credit may be earned for repeat attendance at the same course or program, in any format, even if the course or program is repeated in a subsequent reporting cycle. As a speaker or panelist, you can get 1:1 credit for subsequent repeats of your presentation or panel discussion, at other programs.

Question and answer sessions are not subject to the 3:1 calculation of speaking or panel participation. They are calculated at 1:1 credit for all persons present at the program, including faculty members.

Calculation of your MCLE credits will be handled by the CLE staff. When you arrive at the program, you will be provided with a Faculty Verification form. You should sign and complete the form (front and back) according to the instructions and return it to the Registration staff before you leave the program. The form will be returned to the CLE staff in Albany, who will calculate your credits and mail your certificate to you. You should keep this certificate in your files for four years in case you are audited and asked to produce evidence of MCLE compliance. We will also keep a copy in our files. Speaker credits for virtual programs are also calculated by NYSBA staff. A faculty verification form will be emailed to you by the staff coordinator following the program for you to sign and return via email.



# A WORD OF APPRECIATION

All members of the legal profession face a growing struggle to stay abreast of rapidly changing laws. Merely attempting to remain current is an enormous task in the face of new cases, statutes, regulations, procedures and techniques of practice. In meeting this challenge, you, as a CLE lecturer, are helping to maintain and improve the competence of your fellow lawyers. In so doing, you richly deserve the sincere appreciation of this Association and all of your colleagues at the Bar.

Thank you very much.

The Committee on Continuing Legal Education of the New York State Bar Association



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