



New York State Continuing Legal Education Board

Guidance Relating to the New Diversity, Inclusion and Elimination of Bias Category of CLE Credit

The Diversity, Inclusion and Elimination of Bias category of CLE credit is defined in Section 1500.2(g) of the *New York State CLE Program Rules* as follows:

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.

This definition embraces an array of possible topics such as diversity, inclusion and elimination of bias based on race, ethnicity, national origin, gender, sexual orientation, gender identity, religion, age or disability.

Providers should remember that courses within the Diversity, Inclusion and Elimination of Bias category of credit must:

- be **specifically tailored to a legal audience** (Section 8[A][4][d] of the NYS CLE Board Regulations & Guidelines);
- have **written materials that specifically address each topic presented in the course** (Section 8[A][4][f][i] of the Regulations);
- relate to the practice of law** (Section 1500.2[g] of the Rules); and
- aim to **increase the professional legal competency of attorneys** (Section 8[A][4][b] of the Regulations).

Courses in the Diversity, Inclusion and Elimination of Bias category of credit may **increase the professional legal competency of attorneys** by:

- improving communication with clients and on behalf of clients;
- improving advocacy for clients;
- increasing attorneys' awareness of the perceptions of jurors/judges;
- improving attorneys' understanding of the concerns, issues and plights of clients;

- encouraging various points of view, new perspectives, and better work product;
- enhancing awareness of attorneys' own biases and any resulting limitations on attorneys' abilities/practice, and/or working to challenge and eliminate bias in the legal profession;
- understanding the concerns and sensitivities of others; and
- recognizing and eliminating structural and institutional biases in the legal system.

Below are examples of courses that would **not** qualify for credit in this category.
The course:

⊗ **is not specifically tailored to a legal audience**

- Example: courses on implicit bias that are intended for general audiences and do not specifically address implicit bias in the legal profession and/or legal practice

⊗ **lacks written materials that specifically address each topic presented in the course**

- Example: courses relating to inclusion efforts where the legal discussion is not reflected in the written materials

⊗ **content is not creditable**

- Example: courses that focus on business development or networking skills, even those that focus on networking for a specific group, such as networking for female attorneys

⊗ **falls within another category of credit**

- Example: courses on substantive areas of the law (such as labor law, employment law, and Constitutional law) that are limited to a review of the law, e.g. court decisions, regulations, statutes, would qualify under the category of Areas of Professional Practice

⊗ **does not increase professional legal competency of attorneys**

- Example: programs that focus on an organization's diversity and inclusion policies without a discussion of the significance of these policies on legal practice

The CLE Board looks forward to learning more about the programs that providers are designing in the Diversity, Inclusion and Elimination of Bias category of credit.