



NEW YORK STATE CLE BOARD

CLE Program Rules

JOINT RULES *of the* APPELLATE DIVISIONS 22 NYCRR 1500

JANUARY 1, 2018

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**PART 1500. MANDATORY CONTINUING LEGAL EDUCATION
PROGRAM FOR ATTORNEYS IN THE STATE OF NEW YORK**

SUBPART A. STRUCTURE OF PROGRAM

§1500.1 Scope

There shall be a mandatory continuing legal education program in the State of New York (hereinafter Program) which shall include a transitional legal education program for newly admitted attorneys, as set forth in Subpart B, and a legal education program for all other admitted attorneys, as set forth in Subpart C. A Continuing Legal Education Board shall accredit and oversee, as set forth in this Subpart, the courses, programs and other educational activities that will satisfy the requirements of the Program.

§1500.2 Definitions

(a) **Accredited Course or Program** is a continuing legal education course or program that has met the standards set forth in §1500.4(b) and has received advance accreditation approval by the Continuing Legal Education Board.

(b) **Accredited Provider** is a person or entity whose entire continuing legal education program has been accredited by the Continuing Legal Education Board, and who has been certified by the Continuing Legal Education Board as an accredited provider of continuing legal education courses and programs in accordance with §1500.4(c).

(c) **Ethics and Professionalism** may include, among other things, the following: the norms relating to lawyers' professional obligations to clients (including the obligation to provide legal assistance to those in need, confidentiality, competence, conflicts of interest, the allocation of decision

making, and zealous advocacy and its limits); the norms relating to lawyers' professional relations with prospective clients, courts and other legal institutions, and third parties (including the lawyers' fiduciary, accounting and record-keeping obligations when entrusted with law client and escrow monies, as well as the norms relating to civility); the sources of lawyers' professional obligations (including disciplinary rules, judicial decisions, and relevant constitutional and statutory provisions); recognition and resolution of ethical dilemmas; the mechanisms for enforcing professional norms; substance abuse control; and professional values (including professional development, improving the profession, and the promotion of fairness, justice and morality).

(d) **Skills** must relate to the practice of law and may include, among other things, problem solving, legal analysis and reasoning, legal research and writing, drafting documents, factual investigation (as taught in courses on areas of professional practice), communication, counseling, negotiation, mediation, arbitration, organization and trial advocacy.

(e) **Law Practice Management** must relate to the practice of law and may encompass, among other things, office management, applications of technology, state and federal court procedures, stress management, management of legal work and avoiding malpractice and litigation.

(f) **Areas of Professional Practice** may include, among other things, corporations, wills/trusts, elder law, estate planning/administration, real estate, commercial law, civil litigation, criminal litigation, family law, labor and employment law, administrative law, securities, tort/insurance practice, bankruptcy, taxation, compensation, intellectual property, municipal law, landlord/tenant, environmental law, entertainment law, international law, social security and other government benefits, and alternative dispute resolution procedures.

(g) **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. *[effective January 1, 2018]*

(h) **Regulations and Guidelines** refers to the Regulations and Guidelines of the Continuing Legal Education Board set forth in Part 7500 of Volume 22 of the New York Codes, Rules and Regulations. *[formerly 1500.2(g)]*

§1500.3 The Continuing Legal Education Board

(a) **The Continuing Legal Education Board.** The Continuing Legal Education Board (CLE Board) is hereby established.

(b) **Board Composition.** The CLE Board shall consist of 16 resident members of the bench and bar. Three (3) members shall be chosen by each of the Presiding Justices of the Appellate Divisions, and four (4) members shall be chosen by the Chief Judge of the State of New York. The Chief Judge shall designate the Chair. Board members shall serve at the pleasure of the Administrative Board of the Courts.

(c) **Quorum.** Nine (9) members shall constitute a quorum of the entire CLE Board.

(d) **Term of Service.** The term of Board members shall be three years. Board members shall be appointed for no more than one three-year term.

(e) **Duties and Responsibilities.** The CLE Board is authorized to: accredit providers of courses, programs, and other educational activities that will satisfy the requirements of the Program; determine the number of credit hours for which continuing legal education credit will be given for particular courses or programs; adopt or repeal regulations and forms consistent with these rules; examine course materials and the qualifications of continuing legal education instructors; consult and appoint committees in furtherance of its official duties as necessary; foster and encourage the offering of accredited courses and programs, particularly in geographically isolated regions; and report annually on its activities to the Chief Judge, the Presiding Justices of the Appellate Divisions and the Chief Administrator of the Courts.

(f) **Expenses.** Members of the CLE Board shall serve without compensation but shall be reimbursed for their reasonable, actual and direct expenses incurred in furtherance of their official duties.

(g) **Confidentiality.** The files, records and proceedings of the CLE Board, as they relate to an attorney's satisfying the requirements of this Part, shall be confidential and shall not be disclosed except in furtherance of the duties of the Board or upon the request of the attorney affected, or as they may be introduced in evidence or otherwise produced in proceedings implementing this Part.

(h) **Appeal of Determinations.** Any person or organization aggrieved by a determination pursuant to this Part may seek administrative review of that determination pursuant to the Regulations and Guidelines adopted by the CLE Board.

§1500.4 Accreditation

(a) **Procedure.** Unless a provider has been granted Accredited Provider status pursuant to subdivision (c), accreditation of continuing legal education courses or programs must be sought at least 60 days prior to the occurrence of the course or program, except in extenuating circumstances and with prior permission of the CLE Board.

(b) **Standards.** Continuing legal education courses or programs to be accredited shall comply with the following guidelines:

(1) One (1) hour of continuing legal education credit shall consist of at least 50 minutes of instruction, exclusive of introductory remarks, meals, breaks, or other noneducational activities.

(2) The course or program must have significant intellectual or practical content and its primary objective must be to increase the professional legal competency of the attorney in ethics and professionalism, skills, law practice management, areas of professional practice, and/or diversity, inclusion and elimination of bias.

(3) The course or program shall be taught by instructors with expertise in the subject matter being taught and shall be specifically tailored to attorneys.

(4) The faculty of the course or program shall include at least one attorney in good standing, who shall actively participate in the course or program. *[effective January 1, 2008]*

(5) The course or program shall not be taught by a disbarred attorney, whether the disbarred attorney is the sole presenter or one of several instructors. *[effective August 2, 2007]*

(6) The continuing legal education course or program must be offered by a provider that has substantial, recent experience in offering continuing legal education to attorneys, or that has demonstrated an ability to effectively organize and present continuing legal education to attorneys. *[formerly 1500.4(b)(4)]*

(7) Thorough, high quality, readable and carefully prewritten materials must be made available to all participants at or before the time the course or program is presented, unless the absence of materials, or the provision of such materials shortly after the course or program, is pre-approved by the CLE Board. Written materials shall satisfy the criteria set forth in the Regulations and Guidelines. *[formerly 1500.4(b)(5)]*

(8) The cost of continuing legal education courses or programs to the participating attorney shall be reasonable. *[formerly 1500.4(b)(6)]*

(9) Providers must have a financial hardship policy as provided in the Regulations and Guidelines. *[formerly 1500.4(b)(7)]*

(10) The course or program must be conducted in a physical setting that is comfortable and conducive to learning. *[formerly 1500.4(b)(8)]*

(11) At the conclusion of the course or program, each participant must be given the opportunity to complete an evaluation questionnaire addressing the quality, effectiveness and usefulness of the particular course or program. A summary of the results of the survey(s) must be submitted to the CLE Board at the end of the calendar year in which the course or program was given. Providers must maintain the questionnaires for a period of four (4) years following the course or program. *[formerly 1500.4(b)(9)]*

(12) Providers of continuing legal education courses or programs shall provide a Certificate of Attendance to all persons completing the continuing legal education course or program. *[formerly 1500.4(b)(10)]*

(13) Providers of continuing legal education courses or programs must maintain an official attendance list of participants in the program, and the time, date, location, title, speaker(s) and amount of approved CLE credit for each course or program, for at least four (4) years after the completion date. *[formerly 1500.4(b)(11)]*

(14) Programs that satisfy these standards and that cross academic lines, such as accounting-tax seminars, may be considered for approval by the CLE Board. *[formerly 1500.4(b)(12)]*

(c) **Accredited Provider Status.**

(1) **Procedure.** Application may be made for Accredited Provider status by submitting the appropriate forms and materials to the CLE Board pursuant to CLE Board Regulations and Guidelines.

(2) **Requirements.** Accredited Provider status may be granted at the discretion of the CLE Board to applicants satisfying the requirements of this section and, as well, the following requirements:

(i) The provider has presented, within the prior three (3) years, separate programs of continuing legal education that meet the standards set forth in subdivision (b) and the Regulations and Guidelines of the CLE Board, or

(ii) The provider has demonstrated to the Board that its CLE activities have consistently met the standards set forth in subdivision (b) and the Regulations and Guidelines of the CLE Board.

Providers that meet the foregoing requirements may include bar associations, law schools, law firms and legal departments (including corporate, nonprofit and municipal and state law departments).

(3) **Duration of Accredited Provider Status.** Once a provider has been granted Accredited Provider status, the continuing legal education courses or programs sponsored by that provider are presumptively approved for credit for a period of three (3) years from the date of the grant of such status.

(4) **Accredited Provider Reports.** Providers granted Accredited Provider status shall file a written report with the CLE Board each year at a time fixed by the Board. The report shall describe the continuing legal education activities conducted during the prior 12 months and shall be in such detail and form as required by the Board and by the Regulations and Guidelines. The accredited status of a provider may be continued by filing an application for renewal with the Board before the end of the provider's accreditation period.

(5) **Renewal of Accredited Provider Status.** Renewal of Accredited Provider status shall be for periods of three (3) years. The CLE Board shall determine if there are pending or past breaches of these Rules or Regulations and Guidelines, and the Board, in its discretion, may condition renewal upon the provider meeting additional requirements specified by the Board.

(i) If an application for renewal is timely filed, the accredited status shall continue until the Board acts on the application.

(ii) If an application for renewal is not filed before the end of the provider's accreditation period, the provider's accredited status will terminate at the end of the period. Any application received thereafter shall be considered by the Board as an initial application for Accredited Provider status.

(6) **Revocation.** Accredited Provider status may be revoked by the Board if the reporting requirements of these Rules and Regulations and Guidelines are not met or, if upon review of the provider's performance, the CLE Board determines that the content of the course or program materials, the quality of the CLE activities, or the provider's performance does not meet the

standards set forth in these Rules and Regulations and Guidelines. In such event, the CLE Board shall send the provider a 30-day notice of revocation by first class mail. The provider may request a review of such revocation, and the CLE Board shall determine the request within 90 days of receipt of such request. The decision of the CLE Board shall be final after such review.

(d) **Provider List.** A list of accredited providers whose continuing legal education courses or activities have been presumptively approved for credit shall be compiled and published periodically by the CLE Board. Lists shall be made available at each of the Appellate Divisions and at such other offices and electronic sites as the Chief Administrator of the Courts shall determine.

(e) **Announcement.** Providers who have received approval for continuing legal education courses and programs may indicate that their course or program has received CLE Board approval as follows:

“This (transitional) continuing legal education course (or program) has been approved in accordance with the requirements of the Continuing Legal Education Board for a maximum of _____ credit hours, of which _____ credit hours can be applied toward the _____ requirement, and _____ credit hours can be applied toward the _____ requirement.”

Where a program or segment of a program might reasonably be used to satisfy more than one category of instruction, e.g., either ethics or areas of professional practice, the approved provider may so indicate, but must state that duplicate credit for the same hour of instruction is not permitted; an election must be made by the attendee, and each hour may be counted as satisfying only one category of instruction. The following language may be used:

and an aggregate of _____ credit hours can be applied toward the _____ requirement or the _____ requirement.

§1500.5 Waivers, Modifications and Exemptions

(a) **Waivers and Modifications.** The Continuing Legal Education Board may, in individual cases involving undue hardship or extenuating circumstances, grant waivers and modifications of Program requirements to attorneys, upon written request, in accordance with the Regulations and Guidelines established by the CLE Board and this Part.

(b) **Exemptions.** The following persons shall be exempt from the requirements of New York's continuing legal education program:

(1) Subject to the requirements in §§1500.12(f) and 1500.22(n), attorneys who do not practice law in New York. Attorneys practice law pursuant to this section if, during the reporting period, 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;

(2) Full-time active members of the United States 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;

(4) Attorneys who certify that they are retired from the practice of law pursuant to §468-a of the Judiciary Law.

**SUBPART B. MANDATORY CONTINUING LEGAL EDUCATION FOR
NEWLY ADMITTED ATTORNEYS**

§1500.10 Application

(a) The requirements of this Subpart shall apply to all newly admitted attorneys, who are not exempt from these requirements pursuant to §1500.5(b), during the first two years after their admission to the Bar of the State of New York.

(b) A newly admitted attorney is an attorney who has successfully passed the New York State Bar examination administered by the State Board of Law Examiners and who becomes duly admitted to the practice of law in New York after October 1, 1997.

(c) Attorneys who have been engaged in the practice of law in another state, the District of Columbia, any territory of the United States or any foreign jurisdiction, for at least five (5) of the seven (7) years immediately preceding admission to the New York Bar, shall not be deemed newly admitted attorneys for the purposes of this Subpart, and shall be required to comply with the requirements of Subpart C to the extent they are applicable.

§1500.11 Statement of Purpose

Mandatory Continuing Legal Education for Newly Admitted Attorneys in the State of New York is a transitional continuing legal education program designed to help recent graduates and newly admitted attorneys become competent to deliver legal services at an acceptable level of quality as they enter practice and assume primary client service responsibilities. The Program seeks to help the newly admitted attorney establish a foundation in certain practical skills, techniques and procedures, which are and can be

essential to the practice of law, but may not have been adequately addressed in law school. It includes courses targeting ethics and professionalism, skills, practice management and areas of professional practice.

§1500.12 Minimum Requirements

(a) **Credit Hours.** Each newly admitted attorney shall complete a minimum of 32 credit hours of accredited transitional education within the first two (2) years of the date of admission to the Bar. Sixteen (16) accredited hours shall be completed in each of the first two (2) years of admission to the Bar as follows:

- Three (3) hours of ethics and professionalism;
- Six (6) hours of skills; and
- Seven (7) hours of law practice management and areas of professional practice.

Ethics and professionalism, skills, law practice management and areas of professional practice are defined in §1500.2. The ethics and professionalism and skills components may be intertwined with other courses.

(b) **Carry-Over Credit.** Except as provided in section 1500.13(b)(2), a newly admitted attorney who accumulates more than the 16 hours of credit required in the first year of admission to the Bar may carry over to the second year of admission to the Bar a maximum of eight (8) credits. Six (6) credits in excess of the 16-hour requirement in the second year of admission to the Bar may be carried over to the following biennial reporting cycle to fulfill the requirements of Subpart C. Ethics and professionalism credit may not be carried over.

(c) **Accredited Courses or Programs Only.** Transitional continuing legal education credit will be granted only for courses and programs approved as such by the CLE Board, except as provided in subdivision (d). No transitional continuing legal education course or program consisting of nontraditional formats, such as self-study, correspondence work, videotapes, audiotapes, motion picture presentations or on-line programs may be accepted for credit without prior permission from the CLE Board, except as provided in the Regulations and Guidelines.

(d) **Other Jurisdictions.** Transitional continuing legal education courses approved by another state, the District of Columbia, any territory of the United States or any foreign jurisdiction with requirements meeting the standards adopted by the CLE Board shall count toward the newly admitted attorney's compliance with New York's transitional CLE Program requirements in accordance with the Regulations and Guidelines established by the CLE Board and this Part.

(e) **Post-Graduation/Pre-Admission.** A maximum of 16 credit hours of approved transitional CLE courses taken from the date of graduation from law school up through the date of admission to the New York Bar may be applied toward a newly admitted attorney's first-year CLE Program requirements. Credit hours in excess of 16 may not be carried over and applied toward the second-year CLE requirement.

(f) **Obligations of Attorneys exempt from the Program Requirements.**

(1) An attorney who is exempt from the requirements of this Program and who is required to comply with the continuing legal education requirements of another jurisdiction shall comply with those requirements and shall certify to this compliance on the attorney's biennial attorney registration statement.

(2) An attorney who is exempt from the requirements of this Program and who is not required to comply with the continuing legal education requirements of another jurisdiction shall so certify on the attorney's biennial attorney registration statement.

(3) An attorney who is exempt from the requirements of this Program and who thereafter ceases to be exempt and commences the practice of law in New York during the first two years after admission to the Bar shall be required to complete by the end of those two years 1.5 credit hours of accredited continuing legal education as set forth in section 1500.12(a), in any combination of categories set forth in said section, for each full month of the two-year period during which the attorney practices law in New York.

(4) An attorney who permanently ceases to practice law in New York while commencing or continuing the practice of law in another jurisdiction shall be exempt from the requirements of this Program for the year in which the permanent cessation from New York practice occurred, and shall comply with the requirements of any jurisdiction in which the attorney practices law during that year.

§1500.13 Reporting Requirements

(a) **Attorney Obligations.** Each newly admitted attorney subject to New York's transitional continuing legal education requirements shall retain the Certificate of Attendance for each approved transitional education course or program for at least four (4) years from the date of the course or program.

(b) **Certification.**

(1) Except as otherwise authorized by this Part, each newly admitted attorney subject to New York's transitional continuing legal education requirements is required to certify along with the submission of his or her

biennial attorney registration statement that the attorney has satisfactorily completed 32 credit hours of transitional continuing legal education (16 credit hours in the first year of admission to the Bar, 16 credit hours in the second year of admission to the Bar) and that the attorney has retained the Certificates of Attendance or other documentation required by the CLE Board for the accredited courses or programs.

(2) A newly admitted attorney who is required to file his or her biennial attorney registration statement prior to completing the second year of admission to the Bar shall certify the actual number of credit hours of transitional continuing legal education completed at the time the statement is filed. The attorney shall remain responsible for completing the 16 second-year credit hours of transitional continuing legal education by the end of that second year after admission, but may apply 12 of the 16 credit hours to fulfilling the requirements of Subpart C as set forth in §1500.22(b)(3).

§1500.14 Waivers or Modifications

(a) A newly admitted attorney may apply in writing to the CLE Board for a waiver or modification of Program requirements based upon extenuating circumstances preventing the newly admitted attorney from complying with the requirements, in accordance with the Regulations and Guidelines established by the CLE Board and this Part.

(b) Requests for extensions of time in which to complete Program requirements based upon extenuating circumstances shall be made pursuant to the procedures contained in the Regulations and Guidelines and shall not be granted for a period of greater than 90 days absent special circumstances. If an extension is granted, the period of time by which a newly admitted attorney must complete the mandatory continuing legal education requirements applicable to all attorneys as set forth in Subpart C remains the same.

§1500.15 Noncompliance

The names of newly admitted attorneys who fail to comply with transitional continuing legal education requirements will be submitted to the Appellate Division for appropriate action.

§1500.16 Effective Date

Mandatory Continuing Legal Education for Newly Admitted Attorneys in the State of New York shall become effective on October 1, 1997.

SUBPART C. MANDATORY CONTINUING LEGAL EDUCATION FOR ATTORNEYS OTHER THAN NEWLY ADMITTED ATTORNEYS

§1500.20 Application

The requirements of this Subpart shall apply to all attorneys who have been duly admitted to the practice of law in New York, are not exempt from these requirements pursuant to §1500.5(b), and are not newly admitted attorneys subject to the requirements of Subpart B of this Part.

§1500.21 Statement of Purpose

It is of utmost importance to members of the Bar and to the public that attorneys maintain their professional competence by continuing their legal education throughout the period of their active practice of law. This Program establishes the minimum requirements for continuing legal education for attorneys other than newly admitted attorneys in New York State.

§1500.22 Minimum Requirements

(a) **Credit Hours.** Each attorney shall complete a minimum of 24 credit hours of accredited continuing legal education each biennial reporting cycle in ethics and professionalism, skills, law practice management, areas of professional practice, or diversity, inclusion and elimination of bias, at least four (4) credit hours of which shall be in ethics and professionalism and at least one (1) credit hour of which shall be in diversity, inclusion and elimination of bias. Ethics and professionalism, skills, law practice management, areas of professional practice, and diversity, inclusion and elimination of bias are defined in §1500.2. The ethics and professionalism and diversity, inclusion and elimination of bias components may be intertwined with other courses.
[effective July, 1, 2018]

(b) **Biennial Reporting Cycle.**

(1) The biennial reporting cycle shall be the two-year period between the dates of submission of the attorney's biennial registration statement.

(2) An attorney shall comply with the requirements of this Subpart commencing from the time of the filing of the attorney's biennial attorney registration statement in the second calendar year following admission to the Bar.

(3) A newly admitted attorney whose transitional two year post-Bar admission period has not been completed as of the last day the attorney registration statement in paragraph (2) is required to be filed may apply 12 credit hours of the second-year accredited transitional education credits required in section 1500.12(a) to fulfilling the requirements of this Subpart.

(c) **Carry-Over Credit.** An attorney who accumulates more than the 24 hours of credit in any one biennial reporting cycle may carry over a maximum of six (6) credits to the next biennial reporting cycle.

(d) **Course or Program Formats.** Continuing legal education courses or programs may include traditional live classroom or audience settings; teleconferences; video conferences; satellite transmissions; videotapes; audiotapes; motion picture presentations; interactive video instruction; activities electronically transmitted from another location; self-study; correspondence work; and on-line computer courses.

(e) **Credit for Speaking and Teaching Activities.** Credit may be earned through speaking, teaching or participating in a panel in an accredited CLE program. Where teaching is done in tandem or by panel, teaching credit shall be given to all participants.

(f) **Credit for Teaching Law School Classes.** Credit may be earned through teaching in an ABA-accredited law school as may be permitted pursuant to the Regulations and Guidelines of the CLE Board.

(g) **Credit for Attending Law School Courses.** Credit may be earned for attending courses at an ABA-accredited law school after admission to practice in New York provided (i) the attorney is officially registered for the course, and (ii) the attorney completed the course as required by the terms of registration.

(h) **Credit for Judging Law Competitions.** Credit may be earned for preparing students for and judging law competitions, mock trials and moot court arguments, including those in high school, pursuant to the Regulations and Guidelines of the CLE Board.

(i) **Credit for Publications.** Credit may be earned, as may be permitted pursuant to the Regulations and Guidelines of the CLE Board, for legal research-based writing upon application to the CLE Board, provided the activity (i) produced material published or to be published, in print or electronically, in the form of an article, chapter or book written, in whole or in substantial part, by the applicant, and (ii) contributed substantially to the continuing legal education of the applicant and other attorneys.

(j) **Credit for Performing Pro Bono Legal Services.** Credit may be earned for performing uncompensated legal services for clients unable to afford counsel pursuant to (a) assignment by a court; or (b) a program, accredited by the CLE Board, of a bar association, legal services provider or other entity. Credit shall be awarded pursuant to the Regulations and Guidelines of the CLE Board, provided that no more than ten (10) hours of CLE credit may be earned in a two-year reporting period for performing pro bono legal services. An additional five

(5) hours of CLE credit may be earned subject to the requirements and limitations set forth in the Regulations and Guidelines of the CLE Board. *[revised effective February 15, 2012]*

(k) **Accredited Courses, Programs and Activities Only.** Continuing legal education credit will be granted only for courses, programs and activities approved by the CLE Board, except where credit is extended as provided in subdivision (m).

(l) **Individual Course Approval.** An attorney seeking approval of a course or program that has not otherwise been approved shall apply to the CLE Board for approval in accordance with Board procedures. Such approval must be sought at least 60 days prior to the occurrence of the course or program, except in extenuating circumstances and only with prior permission of the Board.

(m) **Other Jurisdictions.** Continuing legal education courses approved by another state, the District of Columbia, any territory of the United States or any foreign jurisdiction with requirements meeting the standards adopted by the CLE Board shall count toward the attorney's compliance with New York's CLE Program requirements in accordance with the Regulations and Guidelines established by the CLE Board and this Part.

(n) **Obligations of Attorneys exempt from the Program Requirements.**

(1) An attorney who is exempt from the requirements of this Program and who is required to comply with the continuing legal education requirements of another jurisdiction shall comply with those requirements and shall certify this compliance on the attorney's biennial attorney registration statement.

(2) An attorney who is exempt from the requirements of this Program and who is not required to comply with the continuing legal education requirements of another jurisdiction shall so certify on the attorney's biennial attorney registration statement.

(3) An attorney who is exempt from the requirements of this Program and who thereafter ceases to be exempt and commences the practice of law in New York during a biennial reporting cycle shall be required to complete by the end of the reporting cycle one credit hour of accredited continuing legal education as set forth in section 1500.22(a), in any combination of categories set forth in said section, for each full calendar month of the biennial reporting cycle during which the attorney practices law in New York.

(4) An attorney who permanently ceases to practice law in New York while commencing or continuing the practice of law in another jurisdiction shall be exempt from the requirements of this Program for the reporting cycle in which the permanent cessation from New York practice occurred, and shall comply with the requirements of the jurisdiction in which the attorney practices law during that cycle.

1500.23 Reporting Requirements

(a) **Attorney Obligations.** Each attorney subject to New York's continuing legal education requirements shall retain the Certificate of Attendance or other documentation required by the Board for each approved education course, program or activity for at least four (4) years from the date of the course, program or activity.

(b) **Certification.** Except as otherwise authorized by this Part, each attorney subject to New York's continuing legal education requirements is required to certify along with the submission of his or her biennial attorney

registration statement that the attorney has satisfactorily completed 24 credit hours of continuing legal education for the current biennial reporting cycle and that the attorney has retained the Certificates of Attendance or other documentation required by the CLE Board for the accredited courses, programs or activities.

§1500.24 Waivers or Modifications

(a) An attorney may apply in writing to the CLE Board for a waiver or modification of Program requirements based upon extenuating circumstances preventing the attorney from complying with the requirements, in accordance with the Regulations and Guidelines established by the CLE Board and this Part.

(b) Requests for extensions of time in which to complete Program requirements based upon extenuating circumstances shall be made pursuant to the procedures contained in the Regulations and Guidelines and shall not be granted for a period of greater than 90 days absent special circumstances. If an extension is granted, the period of time by which the attorney must complete the mandatory continuing legal education requirements of the next biennial reporting cycle remains the same.

§1500.25 Noncompliance

The names of attorneys who fail to comply with continuing legal education requirements will be submitted to the Appellate Division for appropriate action.

§1500.26 Effective Date and Transition

The requirements of this Subpart shall become effective on December 31, 1998. Compliance with the certification requirement shall commence with biennial attorney registration statements filed on or after January 1, 2000, as follows:

(1) Attorneys who file their biennial registration statement in calendar year 2000 shall complete 12 credit hours of accredited continuing legal education as of the date of the filing in any combination of the categories set forth in §1500.22(a). Attorneys who accumulate more than 12 credit hours at the time of this filing may carry over a maximum of six (6) credit hours to the next biennial cycle;

(2) Attorneys who file their biennial registration statement in calendar year 2001 must complete the full 24 credit hours of accredited continuing legal education as set forth in §1500.22(a).

Approved CLE credits earned from January 1, 1998, may be applied toward fulfilling the requirements for the initial biennial reporting cycle.

January 1, 2018



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