

## Alerts and Updates

### NEW JERSEY SUPREME COURT PROPOSES RULE OF COURT REQUIRING MANDATORY CONTINUING LEGAL EDUCATION

October 13, 2009

The New Jersey Supreme Court recently indicated that continuing legal education ("CLE") will become mandatory for all New Jersey attorneys beginning on January 1, 2010. On October 8, 2009, New Jersey's high court [proposed a new Rule of Court](#) (R. 1:42 "Continuing Legal Education"), which will require New Jersey attorneys to complete 24 hours of CLE credits every two years. The court also has proposed the establishment of a Board on Continuing Legal Education to administer the new program (R.1:42-2 "Board on Continuing Legal Education").

On the same day, the supreme court also published a Notice to the Bar ("Notice") entitled: "[Administrative Determinations by the Supreme Court on the Report and Recommendations of the Ad Hoc Committee on Continuing Legal Education](#)." The Notice addressed each recommendation contained in the Final Report and Recommendations of the Ad Hoc Committee on Continuing Legal Education ("Final Report"), which had been submitted for the New Jersey Supreme Court's review on November 10, 2008.

The following is a synopsis of some of the supreme court's administrative determinations that will govern the new mandatory CLE program as of January 1, 2010:

- Attorneys will be required to participate in 24 hours of credit on a biennial cycle.
- Of the 24 required credits, four hours of credit must be devoted to the topic of ethics/professionalism.
- A maximum of 12 credit hours can be carried over to the following reporting cycle.
- All licensed New Jersey attorneys will be required to comply with the CLE requirements, including limited license in-house counsel, judges and law school professors.
- Newly admitted attorneys will also be subject to the requirements, but newly admitted attorneys will no longer be required to comply with current Rule 1:26 Skills and Methods Course, administered by the New Jersey Institute for Continuing Legal Education and also known as "ICLE."
- Attorneys who receive CLE credits pursuant to the requirements of any other jurisdiction will receive 1:1 credit in New Jersey.

- Attorneys will be required to self-report completion of the mandatory CLE credits at the end of the two-year reporting period.
- The Board on Continuing Legal Education will establish and implement the system for self-reporting of CLE credit.
- Attorneys will be required to maintain records and documentation of their completion of the required credits.
- The Board on Continuing Legal Education will perform random auditing to ensure attorney compliance with the new program.
- Attorneys who fail to comply with the self-reporting requirements will be subject to appropriate penalties and late fees.
- Providers of CLE credits will have to obtain prior approval from the Board on Continuing Legal Education.
- A wide spectrum of CLE providers will be eligible to seek "approved service provider" status, including law firms, bar associations, for profit and nonprofit legal education providers, American Inns of Court, educational institutions, profit and nonprofit corporations, and governmental entities.

The New Jersey Supreme Court's proposed new Rule 1:42 ("Continuing Legal Education") and proposed deletion of Rule 1:26 ("Skills and Methods Course") is presently in the public comment phase, which will conclude on November 9, 2009. Although the court may still make some revisions in response to public comments, any revisions are likely to be minor. Irrespective of any additional revisions following the public comment period, all New Jersey attorneys should learn about these new mandatory CLE rules and be prepared to comply with them starting in 2010.

#### For Further Information

If you have any questions about this Alert or would like more information, please contact [Sharon L. Caffrey](#), any [New Jersey-licensed member](#) of the [Trial Practice Group](#) or the attorney in the firm with whom you are regularly in contact.