

## **Awarding NY CLE at NYU School of Law**

If you are organizing an event at NYU which has substantive legal content and you want to have practicing attorneys attend, you might be able to offer Continuing Legal Education (CLE) credits. This will entice attorneys to attend, as they are required to earn CLE credits and report their compliance to the state every two years.

NYU School of Law is an accredited provider of New York CLE. The graduate tax office is authorized to review events to see if CLE may be granted. The law school staff who the NY CLE board recognizes as contacts are John Stephens and Nick Robertson. You can send your request to Nick Robertson, who will consult with John Stephens.

Nick can be reached at: [Nick.Robertson@nyu.edu](mailto:Nick.Robertson@nyu.edu) or at (212) 992-8965.

We ask event sponsors to fill out a checklist of items, and get us all documents relating to an event 6-8 weeks ahead of the event, and not to send out any advertisements for the event which mention CLE until we have approved it.

In general, we examine:

- The content of the event
  - While all law school events are educational and interesting, to earn CLE, the event must also “...have significant intellectual or practical content and its primary objective shall be to increase the professional legal competency of attorneys in ethics and professionalism, skills, law practice management and/or areas of professional practice.”
- The speakers’ bios
  - Each event segment (panel or section) must include one attorney in good standing.
- The materials
  - The materials must be comprehensive, geared towards a legal audience, and cannot consist of brief outlines.
- Promotional emails and signs
  - Certain text is required to be placed in all brochures, signs, and emails. You must declare what type of attorneys the event is suitable for (newly admitted vs. experienced attorneys) and if you charge a fee, our financial aid policy must be mentioned.
- Format
  - Almost all events at the law school are in a “traditional” format, meaning a live in-person lecture. If you intend to offer audio or video of your event, you may not be able to award CLE without taking significant additional measures, and you should make clear

that any audio or video recordings of your event do not qualify for CLE.

**Budgeting for CLE:** It is important to consider your budget for an event when deciding whether or not to award CLE. New York does not charge a fee for us to either certify a course for CLE credit or to award CLE to an individual, though other states do. However, your event must contain materials which are tailored to the content of your presentation. There can be significant costs on a per-person/per-document basis to obtain copyright clearances of materials. Some typical documents can be \$2 to \$7 per person, and other documents can incur more expense. It can take up to six weeks for publishers to clear copyright, so we suggest you line up your materials at the outset and submit an estimated number of attendees with your clearance request. You can then adjust the number of copies you pay for downward if attendance at your event is less than you initially anticipated. It may be possible to obtain permission to reprint a source without charge directly from an author, but this also can take time to arrange. Another category of expenses related to CLE is staffing: events require staffing to monitor attendance and sign-in/sign-out, evening events may also require staff overtime.

**Timing:** In order to earn CLE for an event, you will need to submit information to the graduate tax program, the school's point of contact for NY state CLE questions. We need this information **6 weeks** before your event. Again, you will also need to separately submit your materials for copyright clearance to Kimberly Ingram in the NYU bookstore six weeks ahead of time as well (details are below). If you wish to award ethics credit for an event, we will need an extra two weeks in order to consult with the CLE board, as they have scrutinized this category very closely in the past. Our policy is to clear all ethics credit designations with them prior to the event. We also need to report on CLE events held outside of NY state "and not accredited by a New York Approved Jurisdiction",<sup>1</sup> so let us know if you hold any out of town alumni events which count for other states' CLE.

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<sup>1</sup> "A New York Approved Jurisdiction is any state, the District of Columbia, territory of the United States or foreign jurisdiction whose CLE accreditation standards for live classroom-format courses or programs have been approved by the CLE Board as meeting New York's CLE accreditation standards for live classroom-format courses or programs. A list of New York Approved Jurisdictions is available on the CLE Web site [www.nycourts.gov/attorneys/cle](http://www.nycourts.gov/attorneys/cle) " Alabama, Arkansas, California\*, Colorado, Delaware, Georgia, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Utah, Virginia, Wisconsin, Law Society of Hong Kong, Law Society of England and Wales (Solicitors Regulation Authority)\*\*

\* Approved only for courses exceeding 60 minutes in length

## Detailed information on providing CLE:

### Six (or eight<sup>2</sup>) weeks before the event we will need:

**1). A detailed, timed agenda of the event:** It must reference the substance of each presentation and state who is presenting each topic. [A chart is available](#) which details how many credits we award for a segment based on its length.<sup>3</sup> Speakers are awarded 3 times the amount of CLE that an attendee would receive.

Based on the agenda, we will also calculate how much CLE you can award. After we have determined an amount of CLE, you cannot reduce the allocation of time to segments which are being used to count for CLE credit.<sup>4</sup> You should also be very careful when advertising that an event will award CLE—to be on the safe side I would advise only stating that CLE will be available, or at best “up to x hours of CLE will be available” rather than stating a definite number of hours of CLE. If a speaker backs out and you need to rearrange your agenda (notifying us in the process), you have not offered more CLE than we can deliver.

**2). Speaker biographies.** We mostly care about their educational credentials and bar membership, though the bio will also typically list their job title, publications, and achievements related to their topics. Each event must have at least one attorney in good standing and we cannot include any disbarred attorneys on the faculty, which sometimes arises in the context of criminal law/procedure topics...“jailhouse lawyers”, anti-death penalty advocates, etc.

**3). Promotional materials:** Any materials that you will distribute to advertise the event. Emails, flyers, poster text (in 8.5x11 size), brochures, a print out of your webpage, a print out of the docket announcement, etc.

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\*\* Approved only for courses at least 60 minutes in length

<http://www.courts.state.ny.us/attorneys/cle/regulationsandguidelines.pdf>

<http://www.nycourts.gov/attorneys/cle/approvedjurisdictions.shtml>

<sup>2</sup> We need two additional weeks if you are seeking ethics credit for your event, as we need to approach the board to obtain pre-approval for that category of credit.

<sup>3</sup> <http://www.courts.state.ny.us/attorneys/cle/CalculationofCLECredit.pdf>

<sup>4</sup> However, you can go longer or reduce segments which are under 25 minutes, which are too short to count for credit. For instance, if you have a 20 minute introduction on your agenda, you reduce that to 10 minutes if need be, as it is too short to count towards any CLE.

Certain text must be included in all advertisements.

1). Your event must be classified as appropriate for new attorneys, experienced attorneys, or both groups. You must use one of the following statements in all emails, posters, web pages, and advertisements, and we would expect that most events would fall into the third category.

A). "This event is seeking approval for New York State CLE credit. If approved, it will be a transitional course intended for newly admitted attorneys (those admitted to the New York Bar for less than two years)."

B). "This event is seeking approval for New York State CLE credit. If approved, it will be categorized as nontransitional credit and not acceptable for newly admitted attorneys (those admitted to the New York Bar for less than two years)."

C). "This event is seeking approval for New York State CLE credit. If approved, it will be appropriate for both experienced and newly admitted attorneys."

2). If you charge for the event (most events are free) you must include our policy on financial aid in all announcements as well as contact information for requests for financial aid (your office or group is responsible for processing and tracking these requests).

**4). Copyright clearance:** You will need to obtain copyright clearance for any materials which require it. Some materials are public domain, but even some copies of federal and state codes and regulations may be produced in copyright form. Please consult with the bookstore with any questions on obtaining permissions for the use of your materials. The contact you would need to speak with is Kimberly Ingram. She can be reached at [ki11@nyu.edu](mailto:ki11@nyu.edu) or 1 212 998 4656.

**5). Description of original materials:** We need to evaluate the materials you are planning on distributing, as the CLE board has been increasing their scrutiny of course materials. Please provide us with citations of the original materials<sup>5</sup> to be handed out before or at the event. We may ask you to submit

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<sup>5</sup>Regulations §8(A)(4) (e)-(f).

i. Materials shall be prepared or compiled specifically for the accredited course or program, and shall specifically address each topic presented in the course or program;

ii. Materials shall be prepared or adopted and approved by the speaker and shall be distributed to the attendees at or before the time the course or program is to be held, unless the absence of materials, or the provision of such material shortly after the program, is approved in advance by the CLE Board;

the actual documents if it is unclear how the materials relate to the presentation or if they are suitably geared towards a legal audience. Materials cannot be distributed after the event unless we seek special permission from the CLE board well ahead of time. Note that the board requires original content—one generally can't hand out a selection of cases and statutes. Also, outlines without citations aren't acceptable.

**6). Fees:** If there is to be a fee for the event, additional recordkeeping and disclosure requirements apply. We have a financial aid policy (located in an appendix below) and if you charge a fee, you must disclose that we have a financial hardships policy and provide the event organizer's contact information for these requests. The board is very keen to see how much financial aid we award for events which require a fee, and requires us to track the number of requests for assistance as well as the average fee charge for the event.

#### **How we calculate CLE credit:**

**First,** an entire course is deemed to either be transitional or non-transitional. The whole course is deemed to be one, the other, or both.

- A Transitional course is “designed to help newly admitted attorneys develop a foundation in the practical skills, techniques and procedures that are essential to the practice of law.”
- A Nontransitional course is “appropriate only for experienced attorneys.”

Many events at the law school are intended for an audience of primarily students, and are likely transitional and appropriate for both newly admitted and experienced attorneys.

**Next,** we look at how each minute of the course is spent. Transitional course must be subdivided into the following categories of credit.<sup>6</sup>

- Ethics and Professionalism
  - Note that this category of credit is often the most sought after by attorneys, and we must submit all event materials seeking this category of credit to the board well ahead of time.

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iii. Materials shall reflect that they are timely or that they have been updated with specific reference to the course or program;

iv. Materials shall cover those matters that one would expect for a comprehensive and professional treatment of the subject matter of the course or program; and

v. Brief outlines without citations or explanatory notations shall not constitute compliance with Program accreditation criteria.”

<sup>6</sup>There is a helpful FAQ about calculating credit available online here:

[http://www.courts.state.ny.us/attorneys/cle/provider\\_faqs.shtml#s3\\_q1](http://www.courts.state.ny.us/attorneys/cle/provider_faqs.shtml#s3_q1)

- “[T]he 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).” 22 NYCRR §1500.2(c)
- Skills
  - “[P]roblem 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.” 22 NYCRR §1500.2(d)
- Law Practice Management
  - “[O]ffice management, applications of technology, state and federal court procedures, stress management, management of legal work and avoiding malpractice and litigation.” 22 NYCRR §1500.2(e)
- Areas of Professional Practice
  - “[C]orporations, 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.”

#### **At the event:**

- **Keep track of attendees via sign-in/sign out sheets.** It must include the **name of each attendee** (do not issue a blank form), their time of arrival and departure, their signature upon entry and exit, and the name, time, date and location (NYU School of Law, NY, NY) of the course.

- Note that if an attendee does not sign in and out (noting times of each), we cannot award credit.
- “Credit shall be awarded only for attendance at an entire course or program, or for attendance at an entire session of a course or program. No credit shall be awarded for attending a small portion of a session.”<sup>7</sup>
  - However, if someone misses a portion of the event, it is possible to give partial credit “... where the attendee has missed a portion of a presentation due to unforeseen events, provided the attendee received the full educational benefit of the portions of the presentation actually attended. Examples ... might include unanticipated weather or traffic situations or a family health emergency that delays an attendee's arrival at the course, or requires an attendee to leave the course early. Common sense should be used by the provider; for example, missing two or three minutes of the introductory portion of a presentation would not provide sufficient grounds to deny full credit to an attendee where the attendee has received the full educational benefit of the presentation. Conversely, however, full credit should not be awarded where an attendee's absence precluded the attendee from receiving the full educational benefit of a presentation.”<sup>8</sup>
- “Attorneys who attend multiple breakout sessions must be issued a certificate of attendance ... indicating the specific sessions attended by the attorney.”
- **Evaluations:** You must distribute “a written evaluation questionnaire to complete addressing the content, instruction and written materials of the particular course or program, and, where applicable, the physical setting and/or technology.” At the end of the event you should collect these at the table where you distribute the attendance certificates.

### **After the event:**

- **Certificate of Attendance:** After the event, provide us with the following:
  - Copies of the sign-in/out sheets.
    - If you use a paper sign-in/out sheet these sheets must contain the attorney name, the actual times in and out, their

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<sup>7</sup> Regulations §10(B)(1)

<sup>8</sup> [http://www.courts.state.ny.us/attorneys/cle/provider\\_faqs.shtml#s3\\_q4](http://www.courts.state.ny.us/attorneys/cle/provider_faqs.shtml#s3_q4)

signatures (2 signatures; 1 upon entry and another at exit), and their email address. We will then need you to submit a spreadsheet to us with all of this data.

- If using an electronic form of attendance tracking, spreadsheets showing the above data points are acceptable.
- Copies of all completed evaluations

Once we have the above items, Nick Robertson will create and distribute certificates of attendance via email. If any of your speakers would like to receive speaker credit, please include them in the spreadsheet and note that they spoke at the event. If an attendee requests credit after the fact, please direct them to Nick Robertson.

### • **End of Year Reporting:**

At the end of the year, Vice Dean Hertz will request you to send in materials for our [year-end report](#) to the NY Continuing Legal Education Board. We will need:

- one printed or electronic set of any written materials that were distributed or placed online.
- Any fees charged. You will be required to tell the courts the average fee charged, the number of requests for financial aid, and the number of granted financial aid requests.
- The timed agenda

### • **Retention of Records:**

Please retain these records in a location other than your email, such as in hard copy on file (with instructions as to when they must be retained until) or in electronic format, with similar instructions as to when they must be retained until. We will also keep a copy of your year-end submissions, but we prefer to have more than one set on file in case an issue arises.

“All providers must retain, for a period of at least four years, for each program, the attendance list, a sample certificate of attendance and the completed evaluation questionnaires. Accredited Providers must retain, in addition to the above, a copy of the timed agenda, a course brochure or a copy of the advertisement, where applicable, and a copy of the course materials.”<sup>9</sup>

We must carefully follow all these rules, or risk losing the school’s accreditation. Beyond what is covered in this memo, there are many more rules to be aware of. The CLE rules (22 NYCRR 1500) can be found online here: <http://www.nycourts.gov/attorneys/cle/1500.shtml>

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<sup>9</sup> [http://www.nycourts.gov/attorneys/cle/provider\\_faqs.shtml#s4\\_q3](http://www.nycourts.gov/attorneys/cle/provider_faqs.shtml#s4_q3)

The regulations can be found here:

<http://www.nycourts.gov/attorneys/cle/regulationsandguidelines.pdf>

**Other ways for students to get CLE:** Post-J.D. classes taken at NYU by LL.M.s or J.D. alumni are eligible for CLE credit. The presenters (or NYU faculty) are also eligible to receive CLE for their role when CLE credit is given to attendees. At the law school, Sharon Town handles CLE accreditation for faculty.

**Other states:** You may receive questions from attorneys interested in receiving credit in other states. Often these questions arise at or after the event. We are an accredited provider in New York and Pennsylvania, so those are the only states we can offer CLE credit in without significant advance planning, usually 1-2 months ahead of the event. Each state has their own rules for CLE, as well as their own requirements to sit for the bar exam, etc. CLE credit is not uniform among the 50 states, though some states grant reciprocity for CLE credit granted by other states. Thus, many states may accept a New York CLE certificate, though in some cases their allocations of credit may differ. For example, New Jersey might only accept a minimum event length of 50 minutes, whereas New York will accept a 25 minute long event.

**Appendix:**

**NYU Law Financial Hardship Guidelines and  
Procedures for CLE Programs**

The following constitutes the financial scholarship guidelines and procedures for continuing legal education programs sponsored by New York University School of Law.

1. NYU School of Law is committed to the availability of quality affordable continuing legal education programs to its alumni community and members of the bar-at-large. Consequently, the fees charged by the School of Law for CLE programs reflect this commitment.
2. All financial hardship requests for waived or reduced fees for NYU School of Law-sponsored CLE programs must be made in writing and contain a brief statement (no more than one page) of the economic hardship and the fee relief requested. The written request should include employment status and recent employment history (private law firm, not-for-profit, public or government service); and any pertinent financial circumstances that reflect the applicant's financial burden and need. All requests made in accordance with these guidelines shall be kept confidential.
3. Written requests for relief will be reviewed by the individual CLE event's coordinator and the director of professional skills training. Applicants will be informed of a decision in a timely manner in advance of the date on which the program is scheduled.
4. Financial relief under these guidelines and procedures may include, but is not limited to, reduced program fees; waived program fees, with applicant responsibility for materials and meals; or complete waiver of the program fee, including materials and meals (if applicable).

## **Appendix: CLE Regulations**

### **Attorney requirements:**

New York CLE requirements for newly admitted attorneys (First two years of practice, unless they were licensed in another state for 5 of the last 7 years)

“Subpart B. Mandatory Continuing Legal Education For Newly Admitted Attorneys

### **§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.”

### **New York CLE requirements for experienced attorneys**

Subpart C. Mandatory Continuing Legal Education For Attorneys Other Than Newly Admitted Attorneys §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 or areas of professional practice, at least four (4) credit hours of which shall be in ethics and professionalism. Ethics and professionalism, skills, law practice management and areas of professional practice are defined in §1500.2. The ethics and professionalism components may be intertwined with other courses.