

NOTICE TO THE BAR

Publication for Comment – Proposed New Rule 1:42 (“Continuing Legal Education”) and Proposed Deletion of Rule 1:26 (“Skills and Methods Course”)

The Supreme Court has reviewed the Final Report and Recommendations of the Ad Hoc Committee on Continuing Legal Education submitted on November 10, 2008. The Court is simultaneously publishing, in a separate notice, its Administrative Determinations on the Ad Hoc Committee’s report and recommendations. To effectuate the Administrative Determinations, the Court hereby publishes for notice and comment proposed new Rule 1:42 (“Continuing Legal Education”) and the proposed deletion of Rule 1:26 (“Skills and Methods Course”).

Those seeking to comment must do so, in writing, by Monday, November 9, 2009, to the following address:

Glenn A. Grant, J.A.D.
Acting Administrative Director of the Courts
Comments on Proposed New CLE Rule
Hughes Justice Complex; P.O. Box 037
Trenton, New Jersey 08625-0037

As an alternative, comments also may be submitted via Internet email at the following address: Comments.Mailbox@judiciary.state.nj.us.

The Supreme Court will not consider comments submitted anonymously. Those who seek to have the Court consider their comments must include both their name and address. Comments submitted in response to this Notice will be publicly available after the Court has acted on the report.

Mark Neary, Esq.
Clerk of the Supreme Court

Dated: October 8, 2009

PROPOSED NEW RULE 1:42. CONTINUING LEGAL EDUCATION

1:42-1. Continuing Legal Education Required. An attorney holding a plenary license to practice in this State shall be required to participate in a program of continuing legal education in accordance with regulations adopted under these rules. In satisfaction of the continuing legal education requirement, attorneys shall participate in twenty-four hours of qualifying continuing legal education over a two-year period. Four of the twenty-four hours of credit shall be concentrated in the areas of ethics and/or professionalism. Attorneys shall demonstrate that they have satisfied the continuing legal education requirement by certifying to their compliance at the end of the two-year period. In addition, attorneys shall maintain all necessary records and documentation to demonstrate such compliance in accordance with regulations adopted under these Rules.

1:42-2. Board on Continuing Legal Education.

(a) Organization. The Supreme Court shall establish a Board on Continuing Legal Education to administer the program of continuing legal education in accordance with these rules. The Board shall consist of not more than eleven members of the bar of the State of New Jersey, who shall be appointed by the Supreme Court. Three members of the Board also shall serve as members of the Board on Attorney Certification. Members shall be appointed for three-year terms, with the terms of approximately one-third of the members expiring each year. No member who has served four full three-year terms successively shall be eligible for immediate reappointment. Members appointed to fill unexpired terms may be reappointed to four successive terms. The Supreme Court annually shall designate a chair and vice chair from among the members of the Board.

(b) Authority. The Board on Continuing Legal Education shall have the authority to administer the program including, without limitation, the following:

(1) determine the courses and activities that qualify for continuing education credit under the program;

(2) designate approved continuing legal education providers and approved courses and programs that shall qualify for credit;

(3) monitor compliance with the program by providers and attorneys;

(4) promulgate regulations governing the continuing legal education program, subject to the approval of the Supreme Court;

(5) establish a schedule of fees to be charged to service providers and to attorneys to fund the administration of the program, subject to the approval of the Supreme Court;

(6) cooperate with the Board on Attorney Certification in establishing and administering the continuing legal education requirement for certified attorneys under Rule 1:39-2(d); and

(7) make recommendations to the Court regarding changes to these rules, the Board's Regulations, and the program.

(c) Quorum. One more than half of the sitting members shall constitute a quorum and all determinations shall be made by a majority of a quorum.

(d) Staffing and Funding. The day to day operations of the Board on Continuing Legal Education shall be carried out by a staff operating under the supervision of the Supreme Court Clerk's Office. Staff salaries, benefits, and operational costs shall be funded from fees imposed by regulations in accordance with this rule. To the extent that the Board is not self-funding, funds necessary for the operation of the continuing legal education program shall be provided by the Administrative Office of the Courts.

(e) Audit. The Board shall retain an auditor to conduct financial audits as recommended by the Director of the Administrative Office of the Courts.

1:42-3. Immunity. Members of the Board on Continuing Legal Education and their lawfully appointed designees and staff shall be absolutely immune from suit based on their respective conduct in performing their official duties.

Rule 1:26 Skills and Methods Course [Proposed To Be Deleted]
