

Amended Administrative Determinations by the Supreme Court on the Report and Recommendations of the Ad Hoc Committee on Continuing Legal Education

December 18, 2009

The Supreme Court published its Administrative Determinations on the Report and Recommendations of the Ad Hoc Committee on Continuing Legal Education on October 5, 2009. The Court hereby amends those Administrative Determinations as follows:

1. Transition (New)

To ensure that the continuing legal education program is operational on January 1, 2010, the Court is establishing a transition period during which the Board on Continuing Legal Education shall have authority to implement the continuing legal education program in the absence of controlling regulations. The transition period shall run until such a time as controlling regulations are adopted pursuant to Rule 1:42-2(b)(4). During the transition period, the Board shall be authorized to determine the courses for which continuing legal education credit will be awarded and to charge an administrative fee of \$25 per course to continuing legal education providers seeking program approval for such courses. The only courses for which continuing legal education credit will be approved by the Board during this transition period are those that require attorney attendance; credit for alternative learning formats must await adoption of appropriate regulations. Finally, the Board shall be authorized to establish the requirements of the bridge-the-gap program during the transition period, including making determinations about the subject areas that will satisfy the program and the extent to which credit will be approved for any completed Skills and Methods Course work.

2. Recommendation #6. Who Should Comply with the Rule

The Court has determined that attorneys who are serving on a District Ethics Committee of the Supreme Court of New Jersey shall be deemed to have satisfied two hours of credit toward the ethics/professionalism requirement during any continuing legal education compliance period in which they serve on such a Committee.

3. Recommendation #11. Fees, Costs, and Scholarships

The Court's determination to adopt the self-reporting method for compliance instead of using the transcript method proposed by the Ad Hoc Committee will have a significant impact on the system of financing proposed by the Committee. The Committee's Report recommended the collection of a course attendance fee of up to \$2 per credit for out-of-state or alternative learning format course from

either the continuing legal education provider or the attorney. Over the two-year compliance period, this may have cost an attorney as much as \$48. Under the self-reporting method of compliance approved by the Court, course attendance fees would not adequately fund the administrative needs of the program, particularly if, pursuant to the approval of reciprocity, many attorneys will be meeting New Jersey's legal education requirement in another state. In order to fully fund a modest staff and the costs of administration, including an appropriate computer database and tracking system, all New Jersey attorneys will be assessed an additional \$4 as part of the annual attorney registration fee starting in 2010. The Board is directed to revisit the method of funding of operations after the completion of the first two-year reporting cycle to determine whether an annual assessment continues to be required to fund the program and, if so, the appropriate amount.