

**Effective July 1, 2014:
CONTINUING LEGAL EDUCATION PROVIDERS**

**New Hampshire is changing how it administers NH Supreme Court Rule 53
(NH Minimum Continuing Legal Education or NHCLE requirement)**

These changes impact how credit will be reported, and by whom, but do **not** change the substance of what is eligible for credit under our rule.

**WHAT DO THESE CHANGES MEAN FOR PROVIDERS OFFERING
COURSES TO NEW HAMPSHIRE LAWYERS?**

For all programs taken *before July 1, 2014*:

- Report attorney attendance in the customary manner
- Please do so immediately - and **no later than July 15**.

For all programs **taken after June 30, 2014**:

- Courses will **no longer be certified** by the NHCLE Board; course providers will not be submitting information to the state.
- *Attorneys* will **self-certify** program adequacy and **self-report** activity.

Course Providers will no longer:

- Submit programs for approval of the NHCLE Board
- Report attendance of New Hampshire attorneys to NHCLE
- Apply for “Annual Sponsor” recognition
- Pay individual and/or “annual sponsor” application fees

Advertising/Announcements:

Please DO NOT use “*Approved for NHCLE Credit*” in any materials for programs earning credit after June 30, 2014.

Suggested language for advertising or announcements (if applicable) starting July 1, 2014:

NHCLE does not approve or accredit CLE activities for the NH Minimum CLE requirement. The provider believes this course meets the requirements of NH Supreme Court Rule 53 and may qualify for ___ minutes toward the annual NHCLE requirement.*

You may also wish to add: *New Hampshire attendees must self-determine whether a program is eligible for credit, and self-report their attendance.*

*Please note the actual instruction time in **minutes** (due to variations in interpretations of a course “hour” we require that totals be reported in total minutes rather than hours).

To assist those participating in your program, please provide the information on the following page in your attendance certificate or materials.

[Type here]

Course Information Needed by New Hampshire Lawyers to Self-Report a Course for NHCLE Credit

1. Date of participation
2. Date of original live program – if different from #1-Date of participation
(Original program production date may not be more than three (3) years prior
to #1-Date of participation)
3. Name of course provider/sponsor/producer
4. Course name
5. Setting (live classroom; live webcast; interactive video; live telephone seminar; in-office
course; non-interactive video; non-interactive audio)
6. Number of “Ethics/Professionalism” minutes in course (Please provide actual instruction
time, not including breaks, in MINUTES)
7. Number of non “Ethics/Professionalism” minutes in course (Please provide actual
instruction time, not including breaks, in MINUTES)

See next page for “What Qualifies for NHCLE Credit”

On July 1, 2016, the New Hampshire Supreme Court Rule addressing minimum continuing legal education ("MCLE") was streamlined. Before the change, the NHCLE Office offered members guidance on what activities would likely qualify for CLE credit. With the streamlining of the rule, the prior guidelines are not directly applicable.

The pertinent part of Rule 53.1(E), "NHCLE Requirement" now states: "*Qualifying Activities* - To satisfy the requirements of Rule 53, every person covered by this rule shall seek out educational activity of significant intellectual and practical content reasonably directed at maintaining or enhancing his or her professional knowledge, skills and values." Emphasis added.

As a service to its members, the NHCLE Office still provides a copy of the prior guidelines for NHCLE, which are set forth below. The NHCLE Board expects that activity that meets these standards will qualify for CLE credit towards a member's CLE requirement. However, based on the language of Rule 53.1(E), as quoted above, other activity beyond that which would meet the guidelines below can qualify.

WHAT BAR MEMBERS NEED TO KNOW ABOUT REPORTING A COURSE

New Hampshire Supreme Court Rule 53 – Minimum Continuing Legal Education

STANDARDS FOR INDIVIDUAL COURSE OR ACTIVITY APPROVAL

To qualify for NHCLE credit, continuing legal education courses or activities shall meet the following:

- a. The course shall be of intellectual or practical content and, where appropriate, address professionalism issues, including professional conduct, prevention of malpractice, law practice management or attorney-client relations.
- b. The course shall contribute directly to lawyers' professional competence or skills or to their education with respect to professional or ethical obligations.
- c. Course leaders or lecturers shall have the necessary practical or academic skills to conduct the course effectively.
- d. Courses must have attorneys as the primary audience
- e. The course shall be presented in a setting conducive to a good educational experience.
- f. The program must include a certificate of attendance and should have an agenda
- g. Lawyers shall not claim credit for attending the same course, whether in person or via another presentation method, more than once in a reporting period.
- h. A course in law-related areas such as accounting, engineering and medicine may be reported, provided that the quality of the course meets applicable standards and, upon request, the applicant satisfactorily explains the course's relevance to her/his law practice.
- i. An In-Office course may be reported, provided that the quality of the course meets applicable standards and a minimum of three attorneys must attend
- j. Only activities undertaken while admitted to the Bar of NH or another jurisdiction will qualify for credit

STANDARDS FOR ETHICS/PROFESSIONALISM CREDIT

Courses meeting the ethics/professionalism requirement deal with the areas of legal ethics (NH Rules of Professional Conduct), professionalism and the prevention of malpractice and substance abuse, as well as attorney-client relations. Courses must be structured specifically for lawyers to meet the requirements of Rule 53.

GUIDELINES FOR LAW PRACTICE MANAGEMENT COURSES

Law practice management courses will receive credit if and to the extent that they are directed toward professionalism issues, are presented by qualified faculty and meet all other applicable requirements of SC Rule 53. This would include courses or segments thereof designed specifically to address:

- a. The effects of technology on client confidentiality and other ethical issues
- b. Time management for lawyers
- c. Specific systems and procedures for lawyers that could cause malpractice or ethical problems if handled improperly

TOPICS THAT WILL NOT GENERALLY BE ACCEPTED

- a. Moot court judging
- b. Law school or paralegal teaching
- c. Bar exam preparation courses
- d. Client development (e.g., "rainmaking," web site design)
- e. Marketing or branding a law practice
- f. Hiring and compensation of lawyers or staff
- g. General office skills and business planning for profitability