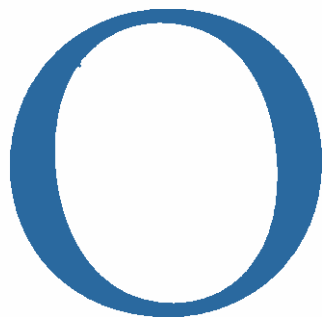


CLE Board Proposes Sweeping Changes to CLE Rules

BY PETER BOLAC



On March 12, 2022, the North Carolina State Bar's Board of Continuing Legal Education (CLE Board) approved large-scale amendments to its rules following a multi-year review process. The CLE Board believes that these

proposed changes will have the combined effect of providing more flexibility for lawyers, while also improving efficiency for the CLE program.



This executive summary details the key changes. The full text of proposed rule changes follows this summary. Lawyers are encouraged to read both the summary and the full-text version of the proposed amendments.

The rules of the Continuing Legal Education program were originally adopted by Order of the Supreme Court in 1987. While various minor changes have been made in the 35 years since adoption, the general structure of the CLE program remains unchanged since its inception. Requirements that once made practical sense (e.g., the Annual Report Form requirement), and administrative tasks that were easier to accomplish when there were fewer licensed lawyers (e.g., collecting fees based on credit

hours), have become both inefficient and unnecessary.

Beginning in 2020, the Board of Continuing Legal Education undertook an all-encompassing review of its rules to create a more efficient and flexible CLE program. The review included meetings with State Bar CLE directors in other states, where board members were able to ask questions and learn what works best around the country. The review process was conducted transparently (meetings are available on the State Bar's YouTube page), and the board received regular feedback from CLE providers, including the North Carolina Bar Association.

The proposed rule changes were presented to the North Carolina State Bar Council in April and were subsequently approved for

publication. The CLE Board and the council are very interested in receiving comments from both lawyers and sponsors. In addition to publication in this edition of the *Journal*, we intend to hold multiple question and answer sessions for lawyers, and we are available to meet with bar groups and other professional associations over the next quarter. The CLE Board, along with the council, will review any comments received. Following the comment period, which ends July 1, if no substantive changes are needed, the rules will come back before the State Bar Council for adoption. The adopted rules will then be sent to the Supreme Court for its review and approval. It is the board's desire that these new rules will be effective beginning with the 2023 CLE year.

KEY CHANGES TO CLE RULES

Increase Reporting Period



Three-year reporting period for lawyers to complete their CLE requirements. Lawyers split into three reporting groups.

Reason: Gives lawyers more flexibility to take courses at their own pace and eases administrative burden on CLE staff.

No “Grace Period”



The CLE year will run from March 1 through the end of February.

Reason: Most lawyers do not realize that the CLE year ends in December, and that January/February is meant to be a grace period. A clean 12-month CLE year is more efficient for everyone.

Eliminate Annual Report



The requirement to file an Annual Report is eliminated.

Reason: If a lawyer’s CLE record shows compliance with the requirements, a filing requirement is unnecessary.

No Carry-Over Credit



Carry-over credit from one period to another is prohibited.

Reason: The trade-off for a three-year reporting period is eliminating carry-over credit. This will also increase administrative efficiency.

Change Fee Structure



Changes from a \$3.50/hour fee to program application fees and an annual CLE attendance fee (likely \$25) paid during the membership dues process.

Reason: Improves efficiency for the CLE program, reduces a lawyer’s annual cost of attendance (currently \$42), and eliminates “bill collecting.”

Improved Enforcement



Lawyers who fail to complete their hours requirements will be subject to additional compliance fees and a more streamlined suspension process.

Reason: With additional flexibility comes increased individual responsibility and accountability.