

SUBPART C. MANDATORY CONTINUING LEGAL EDUCATION FOR ATTORNEYS OTHER THAN NEWLY ADMITTED ATTORNEYS

Application

The requirements of this Subpart shall apply to all attorneys who have been duly admitted to the practice of law in New York, are not exempt from these requirements pursuant to § 1500.5(b), and are not newly admitted attorneys subject to the requirements of Subpart B of this Part.

Statement of Purpose

It is of utmost importance to members of the Bar and to the public that attorneys maintain their professional competence by continuing their legal education throughout the period of their active practice of law. This Program establishes the minimum requirements for continuing legal education for attorneys other than newly admitted attorneys in New York State.

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.
- (b) **Biennial Reporting Cycle.**
- (1) The biennial reporting cycle shall be the two-year period between the dates of submission of the attorney's biennial registration statement.
 - (2) An attorney shall comply with the requirements of this Subpart commencing from the time of the filing of the attorney's biennial attorney registration statement in the second calendar year following admission to the Bar.
 - (3) A newly admitted attorney whose transitional two year post-Bar admission period has not been completed as of the last day the attorney registration statement in paragraph (2) is required to be filed may apply 12 credit hours of the second-year accredited transitional education credits required in section 1500.12(a) to fulfilling the requirements of this Subpart.
- (c) **Carry-Over Credit.** An attorney who accumulates more than the 24 hours of credit in any one biennial reporting cycle may carry over a maximum of six (6) credits to the next biennial reporting cycle.
- (d) **Course or Program Formats.** Continuing legal education courses or programs may include traditional live classroom or audience settings; teleconferences; video conferences; satellite transmissions; videotapes; audiotapes; motion picture presentations; interactive video instruction; activities electronically transmitted from another location; self-study; correspondence work; and on-line computer courses.
- (e) **Credit for Speaking and Teaching Activities.** Credit may be earned through speaking, teaching or participating in a panel in an accredited CLE program. Where teaching is done in tandem or by panel, teaching credit shall be given to all participants.
- (f) **Credit for Teaching Law School Classes.** Credit may be earned through teaching in an ABA-accredited law school as may be permitted pursuant to the Regulations and Guidelines of the CLE Board.

(g) **Credit for Attending Law School Courses.** Credit may be earned for attending courses at an ABA-accredited law school after admission to practice in New York provided (i) the attorney is officially registered for the course, and (ii) the attorney completed the course as required by the terms of registration.

(h) **Credit for Judging Law Competitions.** Credit may be earned for preparing students for and judging law competitions, mock trials and moot court arguments, including those in high school, pursuant to the Regulations and Guidelines of the CLE Board.

(i) **Credit for Publications.** Credit may be earned, as may be permitted pursuant to the Regulations and Guidelines of the CLE Board, for legal research-based writing upon application to the CLE Board, provided the activity (i) produced material published or to be published, in print or electronically, in the form of an article, chapter or book written, in whole or in substantial part, by the applicant, and ii) contributed substantially to the continuing legal education of the applicant and other attorneys.

(j) **Credit for Performing Pro Bono Legal Services.** Credit may be earned for performing uncompensated legal services for clients unable to afford counsel pursuant to (a) assignment by a court; or (b) a program, accredited by the CLE Board, of a bar association, legal services provider or other entity. Credit shall be awarded pursuant to the Regulations and Guidelines of the CLE Board, provided that no more than six hours of CLE credit may be awarded in a two-year reporting period for performing pro bono legal services, and no more than one credit hour of CLE credit may be awarded for every six hours of legal work performed.

(k) **Accredited Courses, Programs and Activities Only.** Continuing legal education credit will be granted only for courses, programs and activities approved by the CLE Board, except where credit is extended as provided in subdivision (m).

(l) **Individual Course Approval.** An attorney seeking approval of a course or program that has not otherwise been approved shall apply to the CLE Board for approval in accordance with Board procedures. Such approval must be sought at least 60 days prior to the occurrence of the course or program, except in extenuating circumstances and only with prior permission of the Board.

(m) **Other Jurisdictions.** Continuing legal education courses approved by another state, the District of Columbia, any territory of the United States or any foreign jurisdiction with requirements meeting the standards adopted by the CLE Board shall count toward the attorney's compliance with New York's CLE Program requirements in accordance with the Regulations and Guidelines established by the CLE Board and this Part.

(n) **Obligations of Attorneys exempt from the Program Requirements.**

(1) An attorney who is exempt from the requirements of this Program and who is required to comply with the continuing legal education requirements of another jurisdiction shall comply with those requirements and shall certify this compliance on the attorney's biennial attorney registration statement.

(2) An attorney who is exempt from the requirements of this Program and who is not required to comply with the continuing legal education requirements of another jurisdiction shall so certify on the attorney's biennial attorney registration statement.

(3) An attorney who is exempt from the requirements of this Program and who thereafter ceases to be exempt and commences the practice of law in New York during a biennial reporting cycle shall be required to complete by the end of the reporting cycle one credit hour of accredited continuing legal education as set forth in section 1500.22(a), in any combination of categories set forth in said section, for

each full calendar month of the biennial reporting cycle during which the attorney practices law in New York.

(4) An attorney who permanently ceases to practice law in New York while commencing or continuing the practice of law in another jurisdiction shall be exempt from the requirements of this Program for the reporting cycle in which the permanent cessation from New York practice occurred, and shall comply with the requirements of the jurisdiction in which the attorney practices law during that cycle.

Reporting Requirements

(a) **Attorney Obligations.** Each attorney subject to New York's continuing legal education requirements shall retain the Certificate of Attendance or other documentation required by the Board for each approved education course, program or activity for at least four (4) years from the date of the course, program or activity.

(b) **Certification.** Except as otherwise authorized by this Part, each attorney subject to New York's continuing legal education requirements is required to certify along with the submission of his or her biennial attorney registration statement that the attorney has satisfactorily completed 24 credit hours of continuing legal education for the current biennial reporting cycle and that the attorney has retained the Certificates of Attendance or other documentation required by the CLE Board for the accredited courses, programs or activities.

Waivers or Modifications

(a) An attorney may apply in writing to the CLE Board for a waiver or modification of Program requirements based upon extenuating circumstances preventing the attorney from complying with the requirements, in accordance with the Regulations and Guidelines established by the CLE Board and this Part.

(b) Requests for extensions of time in which to complete Program requirements based upon extenuating circumstances shall be made pursuant to the procedures contained in the Regulations and Guidelines and shall not be granted for a period of greater than 90 days absent special circumstances. If an extension is granted, the period of time by which the attorney must complete the mandatory continuing legal education requirements of the next biennial reporting cycle remains the same.

Noncompliance

The names of attorneys who fail to comply with continuing legal education requirements will be submitted to the Appellate Division for appropriate action.

Effective Date and Transition

The requirements of this Subpart shall become effective on December 31, 1998. Compliance with the certification requirement shall commence with biennial attorney registration statements filed on or after January 1, 2000, as follows:

(1) Attorneys who file their biennial registration statement in calendar year 2000 shall complete 12 credit hours of accredited continuing legal education as of the date of the filing in any combination of the categories set forth in § 1500.22(a). Attorneys who accumulate more than 12 credit hours at the time of this filing may carry over a maximum of six (6) credit hours to the next biennial cycle;

(2) Attorneys who file their biennial registration statement in calendar year 2001 must complete the full 24 credit hours of accredited continuing legal education as set forth in § 1500.22(a).

Approved CLE credits earned from January 1, 1998, may be applied toward fulfilling the requirements for the initial biennial reporting cycle.

**NEW YORK STATE CLE PROGRAM RULES
JOINT RULES OF THE APPELLATE DIVISIONS
22 NYCRR 1500**

§ 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, areas of professional practice, diversity, inclusion and elimination of bias, or cybersecurity, privacy and data protection, at least four (4) credit hours of which shall be in ethics and professionalism, at least one (1) credit hour of which shall be in diversity, inclusion and elimination of bias, and at least one (1) credit hour of which shall be in cybersecurity, privacy and data protection.

Attorneys may apply a maximum of three (3) credit hours of cybersecurity, privacy and data protection-ethics to the four-credit hour ethics and professionalism requirement.

Ethics and professionalism, skills, law practice management, areas of professional practice, diversity, inclusion and elimination of bias, and cybersecurity, privacy and data protection are defined in §1500.2. *[revised effective July 1, 2023]*

Cybersecurity, Privacy and Data Protection FAQs

The following Frequently Asked Questions (FAQs) relate to the changes in the New York State CLE Program Rules and the New York State CLE Board Regulations and Guidelines adding Cybersecurity, Privacy and Data Protection as a new CLE category of credit (effective January 1, 2023) and requiring that attorneys complete at least 1 CLE credit hour in Cybersecurity, Privacy and Data Protection as part of their biennial CLE requirement (effective July 1, 2023).

Experienced Attorney FAQs

Q] What is the new Cybersecurity, Privacy and Data Protection CLE requirement?

A] Experienced attorneys (admitted to the New York Bar for more than two years) must complete at least 1 CLE credit hour in the Cybersecurity, Privacy and Data Protection CLE category of credit as part of their biennial CLE requirement. Attorneys may complete the requirement by taking Cybersecurity, Privacy and Data Protection-**General** or Cybersecurity, Privacy and Data Protection-**Ethics** programs, or a combination of the two: ½ credit in Cybersecurity **General** and ½ credit in Cybersecurity **Ethics**.

Q] Does the new Cybersecurity, Privacy and Data Protection requirement increase the total number of CLE credit hours that experienced attorneys must complete during each biennial reporting cycle?

A] No, experienced attorneys must still earn at least 24 CLE credit hours each biennial reporting cycle as follows:

Experienced Attorney Required CLE Categories (for attorneys due to re-register on or after July 1, 2023)	Required CLE Credit Hours
Ethics and Professionalism	4
Diversity, Inclusion and Elimination of Bias	1
Cybersecurity, Privacy and Data Protection (General or Ethics)	1*
Any CLE category of credit	18
Total Number of CLE credit hours	24

*You may choose to complete the Cybersecurity credit in Cybersecurity **General** or Cybersecurity **Ethics** (or a combination of the two: ½ credit in Cybersecurity **General** and ½ credit in Cybersecurity **Ethics**).

You may count a maximum of 3 credit hours of Cybersecurity **Ethics** -- but not Cybersecurity **General** -- toward your 4-credit Ethics and Professionalism requirement.

- *Example:* if you earn 3 credits in Cybersecurity Ethics, then you still need to earn 1 credit in Ethics and Professionalism, 1 credit in Diversity, Inclusion and Elimination of Bias and 19 credits in any category of credit -- total of 24 credits

Q] When can I start to earn CLE credit in the new Cybersecurity, Privacy and Data Protection category?

A] You may earn CLE credit in the Cybersecurity, Privacy and Data Protection category beginning on January 1, 2023.

Q] When must I begin to comply with the new Cybersecurity, Privacy and Data Protection CLE requirement?

A] The new requirement becomes effective July 1, 2023.

- If you are **due to re-register on or after July 1, 2023 (birthday is on or after July 1st)**, you must complete 1 CLE credit hour in Cybersecurity, Privacy and Data Protection as part of your biennial CLE requirement.
- If you are **due to re-register in 2023 but your birthday is before July 1st**, you need **not** comply with the new requirement in 2023, but must comply in future biennial periods.
 - Example: If your birthday is on June 30th and you are due to re-register in 2023, then you do not need to comply with the new requirement in 2023, even if you file your registration form on or after July 1, 2023.
- If you are due to re-register in 2024, or later, you must comply with the new requirement.

Q] I'm due to re-register on or after July 1, 2023, but I won't be able to complete the Cybersecurity, Privacy and Data Protection requirement on time. What should I do?

A] You may apply for an [extension of time](#) to complete the CLE requirement.

Q] If I took a cybersecurity course before January 1, 2023, can I apply the credit earned from that course towards my Cybersecurity, Privacy and Data Protection CLE requirement?

A] No, only CLE courses that you take from January 1, 2023 onwards may count towards the Cybersecurity, Privacy and Data Protection CLE requirement.

Q] May I satisfy any of my Ethics and Professionalism requirement by completing Cybersecurity, Privacy and Data Protection-Ethics courses?

A] Yes, you may satisfy a maximum of 3 credits of your Ethics and Professionalism requirement with the same number of Cybersecurity, Privacy and Data Protection-Ethics credits.

Q] May I carry over Cybersecurity, Privacy and Data Protection CLE credits from one biennial reporting cycle to the next?

A] Yes. Once you have completed the 24-CLE credit requirement, a maximum of 6 additional credits earned may be applied toward the next reporting cycle. Experienced attorneys may carry over credits in any category, including Cybersecurity, Privacy and Data Protection, from one cycle to the next.

Newly Admitted Attorney FAQs

Q] What is the new Cybersecurity, Privacy and Data Protection CLE requirement?

A] Newly admitted attorneys (admitted to the New York Bar for two years or less) must complete at least 1 CLE credit hour in the Cybersecurity, Privacy and Data Protection CLE category of credit as part of their newly admitted cycle requirement. Attorneys may complete the requirement by taking Cybersecurity, Privacy and Data Protection-**General** or Cybersecurity, Privacy and Data Protection-**Ethics** programs, or a combination of the two: ½ credit in Cybersecurity **General** and ½ credit in Cybersecurity **Ethics**.

Q] Does the new Cybersecurity, Privacy and Data Protection requirement increase the total number of CLE credit hours that newly admitted attorneys must complete during the newly admitted cycle?

A] No, newly admitted attorneys must still earn a total of 32 CLE credit hours (with 16 credit hours each year) in the newly admitted cycle as follows:

Newly Admitted Attorney Required CLE Categories (for attorneys admitted on or after July 1, 2023)	Year 1 CLE Credit Hours	Year 2 CLE Credit Hours
Law Practice Management, Areas of Professional Practice, and/or Cybersecurity, Privacy and Data Protection- General	7 see below	7 see below
Skills	6	6
Ethics and Professionalism	3	3
Cybersecurity, Privacy and Data Protection- Ethics	see below	see below
Total Number of CLE credit hours	16	16

Cybersecurity, Privacy and Data Protection (“Cybersecurity”) Category

- You must complete at least 1 credit in Cybersecurity as part of the 32-credit requirement.
- You may choose to complete the Cybersecurity credit:
 - in Year 1 or Year 2 (as part of the 16 credit-requirement for that year)
 - in Cybersecurity **General** or Cybersecurity **Ethics** (or a combination of the two)
- You may apply a maximum of 3 credit hours of Cybersecurity **Ethics** -- but not Cybersecurity **General** -- toward your 6-credit Ethics and Professionalism requirement
 - *Example:* if you complete 1 credit in Cybersecurity **Ethics** in Year 1, you satisfy your Cybersecurity requirement, and then need to complete only 2 credits in Ethics and Professionalism for that year.
 - *Example:* if you complete 1 credit in Cybersecurity **General** in Year 1, you satisfy your Cybersecurity requirement and must complete an additional 6 credits in Law Practice Management, Areas of Professional Practice, and/or Cybersecurity, Privacy and Data Protection-**General** for that year.

Q] When must I begin to comply with the new Cybersecurity, Privacy and Data Protection CLE requirement?

A] The new requirement becomes effective July 1, 2023 for attorneys **admitted to the NY Bar on or after July 1, 2023**.

- If you were admitted to the NY Bar **prior to July 1, 2023**, you need not comply with the Cybersecurity, Privacy and Data Protection requirement in your newly admitted cycle, but must comply in future reporting cycles.
- Attorneys admitted to the NY Bar **on or after July 1, 2023**, must complete 1 CLE credit hour in Cybersecurity, Privacy and Data Protection as part of their newly admitted attorney CLE requirement.

Q] When can I start to earn CLE credit in the new Cybersecurity, Privacy and Data Protection category?

A] You may earn CLE credit in the Cybersecurity, Privacy and Data Protection category beginning on January 1, 2023.

Q] If I took a cybersecurity course before January 1, 2023, can I apply the credit earned from that course towards my Cybersecurity, Privacy and Data Protection CLE requirement?

A] No, only CLE courses that you take from January 1, 2023 onwards may count towards the Cybersecurity, Privacy and Data Protection CLE requirement.

Q] Do I need to complete the Cybersecurity, Privacy and Data Protection CLE requirement in each year of my newly admitted cycle, i.e., 1 Cybersecurity CLE credit in Year 1 and 1 Cybersecurity CLE credit in Year 2?

A] No, you only need to complete 1 CLE credit in Cybersecurity, Privacy and Data Protection during your newly admitted cycle.

Q] Do I need to complete the 1-credit Cybersecurity, Privacy and Data Protection CLE requirement during the first or second year of my newly admitted cycle?

A] You can choose to complete the 1-credit Cybersecurity, Privacy and Data Protection CLE requirement in the first or second year of your newly admitted cycle as part of your 16-credit requirement for the year.

Q] May I carry over Cybersecurity, Privacy and Data Protection CLE credits?

A] Credit in Cybersecurity, Privacy and Data Protection-**Ethics** may not be carried over. Credit in Cybersecurity, Privacy and Data Protection-**General** may be carried over. For more information on carryover credit, please read the [Newly Admitted FAQs](#).

Q] Do Cybersecurity, Privacy and Data Protection credits count toward my Ethics and Professionalism requirement?

A] You may count a maximum of 3 Cybersecurity, Privacy and Data Protection-**Ethics** credits toward your Ethics and Professionalism requirement in your newly admitted cycle. Cybersecurity, Privacy and Data Protection-**General** credits **do not** count toward your Ethics and Professionalism requirement.

Q] May I satisfy my entire Ethics and Professionalism requirement by completing Cybersecurity, Privacy and Data Protection-Ethics courses?

A] No, you may satisfy a maximum of 3 credits of your total 6-credit Ethics and Professionalism requirement by completing Cybersecurity, Privacy and Data Protection-**Ethics** courses. By doing so, you would also satisfy your 1-credit Cybersecurity requirement.

Q] As a newly admitted attorney, in what formats can I take Cybersecurity, Privacy and Data Protection courses?

A] For Cybersecurity, Privacy and Data Protection-**General** courses, you may earn CLE credit in **any** approved format, including on-demand audio/video or webconference. For Cybersecurity, Privacy and Data Protection-**Ethics** courses, you may earn CLE credit **only** in traditional live classroom, fully interactive videoconference, or in other live formats (e.g., webconferences, teleconferences) where questions are permitted during the course.

Provider FAQs

Q] What may be addressed in Cybersecurity, Privacy and Data Protection programs?

A] Cybersecurity, Privacy and Data Protection CLE programs must relate to the practice of law, be specifically tailored to a legal audience, and aim to increase attorneys' professional **legal** competency. Please read [Guidance for CLE Providers relating to Cybersecurity Ethics program areas and Cybersecurity General program areas](#).

Q] When may we begin to issue CLE credit in Cybersecurity, Privacy and Data Protection?

A] Providers may begin to issue credit in Cybersecurity, Privacy and Data Protection as of January 1, 2023, to attorneys who complete courses in this new category on or after January 1, 2023.

Q] What are the permissible formats for Cybersecurity, Privacy and Data Protection courses?

A] Experienced Attorneys: for Cybersecurity, Privacy and Data Protection (Ethics and General) courses, experienced attorneys may earn CLE credit in **any** approved format, including on-demand audio/video or webconference.

Newly Admitted Attorneys:

- for Cybersecurity **General** courses, newly admitted attorneys may earn CLE credit in **any** approved format, including on-demand audio/video or webconference.
- for Cybersecurity **Ethics** courses, newly admitted attorneys may earn CLE credit **only** in traditional live classroom, fully interactive videoconference, or in other live formats (e.g., webconferences, teleconferences) where questions are permitted during the course.

Q] We offered a live cybersecurity training in 2022 or earlier; can we issue CLE credit in the Cybersecurity, Privacy and Data Protection category to the attendees of this training?

A] No, you may not issue CLE credit in Cybersecurity, Privacy and Data Protection to the attendees of live courses that occurred prior to January 1, 2023.

Q] May we issue revised certificates awarding credit in the new Cybersecurity, Privacy and Data Protection category to attorneys who completed cybersecurity training in 2022 or earlier?

A] No. You may not issue revised certificates of attendance awarding credit in Cybersecurity, Privacy and Data Protection for courses completed prior to January 1, 2023.

Q] We issued CLE credit in Law Practice Management and Ethics and Professionalism for a course on cybersecurity in 2022 and we recorded the training. Can we issue CLE credit in the Cybersecurity, Privacy and Data Protection CLE category to participants who complete the prerecorded program on or after January 1, 2023?

A] Yes, assuming the content of the prerecorded program is timely and falls within the definition of Cybersecurity, Privacy and Data Protection, you can issue credit in Cybersecurity, Privacy and Data Protection to attorneys who complete the prerecorded program on or after January 1, 2023. Please note -- for newly admitted attorneys, the prerecorded format is permissible for credit in Cybersecurity, Privacy and Data Protection-**General** but not for credit in Cybersecurity, Privacy and Data Protection-**Ethics**.

Q] Can we issue CLE credit in Cybersecurity, Privacy and Data Protection training where there is no attorney faculty member participating?

A] No. As with all CLE programs, the faculty for a Cybersecurity, Privacy and Data Protection program should include an attorney in good standing who must actively participate in the program.

Q] Will there be a revised New York CLE Certificate of Attendance?

A] Yes, a revised New York CLE Certificate of Attendance that includes Cybersecurity, Privacy and Data Protection will be available on the CLE website and must be used beginning on January 1, 2023.