

**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)**

An earlier message was sent regarding administrative changes to the NHCLE rule that take effect July 1, 2014. (Copy enclosed). 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.**

## 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)

**IMPORTANT MESSAGE TO  
NEW HAMPSHIRE MCLE SPONSORS  
June 10, 2014**

Dear New Hampshire Supreme Court Rule 53 Sponsors:

- The reporting for continuing legal education programs in New Hampshire is changing effective July 1, 2014.
- For all programs taken by New Hampshire Bar members **prior to July 1, 2014**, please report attorney attendance in the same manner you have previously used, and please do so immediately after the program, but **no later than July 15**.
- For any courses taken **after June 30, 2014** Attorneys will self-certify program adequacy and self-report activity.
- Attorneys will self-certify program adequacy and self-report activity.
- NH Attorneys are still subject to the requirements of New Hampshire Supreme Court Rule 53 – NHCLE, with the same requirements regarding minimum credits, course content, materials, etc.
- Starting July 1 attorneys will self-report their CLE participation in a new online system. To assist your attendees **please provide the following information on their attendance certificate at the program:**
  1. Date of attorney's actual participation (cannot be more than 3 years from date of original program)
  2. Date of original live program – if different from #1
  3. Name of course provider/sponsor/producer
  4. Course name
  5. Setting Type (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 (not including breaks)
  7. Number of **non** "Ethics/Professionalism" minutes in course (not including breaks)

**Please refer to attached guidelines, qualifications, standards and other information**

**THANK YOU!**

# New Hampshire Supreme Court Rule 53 – Minimum Continuing Legal Education Course Sponsor Information

## COURSE SPONSOR GUIDELINES

*Providers are encouraged to meet the following guidelines:*

- a. Provide courses consistent with the standards for individual course approvals as set forth in Rule 53.5.
- b. Provide lawyers who seek credit in New Hampshire with approved attendance certificates for their records.
- c. Maintain, and provide to the NHMCLE Board if requested, information concerning each course including attendance lists of those lawyers seeking credit in New Hampshire, course brochures, description of the method or manner of presentation of the course materials, and/or a set of course materials and course evaluations.
- d. Develop and implement methods to evaluate course offerings to determine their effectiveness and, upon request from the NHMCLE Board, provide course evaluation by attendees.
- e. Make the courses reasonably available to all New Hampshire lawyers, with the exception of in-office courses described in Rule 53.3(C) and courses offered by professional organizations primarily or exclusively for the education of their own members, or primarily or exclusively for lawyers employed by state, federal or local governments; and provided that the sponsor may impose reasonable prerequisites and limitations on course size, as provided in Rule 53.5.

## ACTIVITIES QUALIFYING FOR “Live” or “Non-Live” NHMCLE CREDIT

*Methods of Complying With Rule --* The NHMCLE requirement may be met through courses meeting the provisions and requirements of Rule 53 or any other continuing legal education activity approved for credit by the NHMCLE Board. Activities qualifying for NHMCLE credit may include:

- a. Classroom (Attended in person, in the presence of course faculty, with other attorney participants, in the location where the course is being offered) **“Live” credit**
- b. Live webcast; interactive video; interactive audio (provided there is a faculty facilitator present; with contemporaneous Q&A; and if a “replay,” that the exposure takes place within three (3) years of the original program) **“Live credit”**
- c. In-office Courses (minimum of 3 lawyers present, primarily offered to educate firm, department or agency lawyers) **“Non-Live” credit**
- d. Non-interactive video and non-interactive audio continuing legal education activities may also qualify for NHMCLE credit if these activities meet the conditions set forth in this rule. To qualify for NHMCLE credit, a program without contemporaneous Q&A (i.e. “non-interactive”), cannot be offered more than 3 years from date of original program. **“Non-Live” credit**

## STANDARDS FOR INDIVIDUAL COURSE OR ACTIVITY APPROVAL

To qualify for NHMCLE 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. Each attendee shall be provided with written course materials of a quality and quantity which indicates that adequate time has been devoted to their preparation, which will be of value to the registrants in the course of their practice and which may be retained permanently and/or accessed by them upon completion of the course.
- e. The course shall be presented in a setting conducive to a good educational experience.

## 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 and Regulations, including with respect to the provision of appropriate written materials. 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 be approved** include client development (e.g., "rainmaking," web site design), marketing or branding a law practice, hiring and compensation of lawyers or staff, general office skills and business planning for profitability.

## **ADEQUATE WRITTEN MATERIALS**

In determining the adequacy of written course materials relevant criteria will include the following:

- a. Whether the materials have been prepared or compiled specifically for the course.
- b. Whether the materials reflect that they are timely and/or that they have been updated with specific reference to the course
- c. Whether the materials include substantive analysis of legal issues relevant to the course.
- d. Whether the materials cover those matters which one would expect for a comprehensive and professional treatment of the subject matter of the course. Course materials need not be provided in conjunction with course segments consisting solely of remarks offered by judges and other public officials and discussion in which they participate, provided the same are materially related to the course subject matter and the remaining course segments are supported by adequate materials.
- e. The course materials may contain topical matters as appropriate, such as copies of statutes, regulations, forms or other compilations, but cannot consist of these alone. An outline without citations or explanatory notations is not sufficient.

## **ADVERTISING**

For courses offered after July 1, 2014, DO NOT Advertise “approved for NHMCLE Credit.”

If a course meets these standards, please consider using: **“The provider believes this course meets the requirement of “NH Supreme Court Rule 53.”**