



# BOARD OF CONTINUING LEGAL EDUCATION REGULATIONS

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## **REGULATION 1. ANNUAL CREDIT HOUR AND REPORTING REQUIREMENTS; EXEMPTIONS**

Attorneys subject to the rules for continuing legal education (CLE) shall complete 13 credit hours annually. Of the thirteen (13) hours, at least two (2) shall be exclusively in ethics and professional conduct and one (1) shall be exclusively in the area of substance abuse, addictive disorders and/or mental health issues that impair professional competence.

1. To maintain compliance with the rules for continuing legal education, each attorney subject to the rules must:
  - a. Review periodically the attorney's online transcript of courses completed during the calendar year and allowable credits carried forward from prior years. An attorney may submit courses missing from the [online transcript](#).
  - b. No later than December 31 annually, complete an online Affirmation of Attendance and Compliance. The [Affirmation of Attendance and Compliance](#) constitutes an attorney's representation under penalty of perjury that the attorney has complied with these Regulations and attended each course and earned the number of stated credit hours required. The Board of Continuing Legal Education may, upon application and payment of fee, extend the time to submit an Affirmation of Attendance and Compliance until March 1 of the following year.
  - c. Retain for audit all certificates of attendance, program outlines, agendas, canceled checks, receipts, travel vouchers, or other records to verify compliance. Such records must be maintained for three years after the attorney engages in the CLE activity. Failure to provide verification of attendance may result in denial of credit for the program and referral to the Office of Bar Counsel for possible action.
2. The Board of Continuing Legal Education will exempt from CLE credit hour requirements those attorneys identified in Supreme Court Rule 214.
3. An attorney may apply for a hardship exemption from CLE credit hour requirements or any annual fee requirements on a form approved by the Board of Continuing Legal Education. Such application must be made prior to obtaining an exemption unless the attorney is unable to apply in advance by reason of the hardship itself.
4. Attorneys exempt from continuing legal education under SCR 214 (1)(a) may, during their final year of exemption, earn credits which may be carried forward for application to requirements in the first year after the exemption.
5. An attorney who completes more than thirteen (13) hours of accredited educational activity in any calendar year may carry forward up to:
  - a. Twenty (20) hours of excess general credit and apply the same to attorney's general educational requirement for the next two (2) calendar years;

- b. Four (4) hours of excess ethics credit and apply the same to the attorney's ethics and professional conduct educational requirement for the next two (2) calendar years; and
- c. Two (2) hours of excess substance abuse credit and apply the same to the attorney's substance abuse, addictive disorders and/or mental health issues requirement for the next two (2) calendar years.

## **REGULATION 2. PROGRAM FORMATS ELIGIBLE FOR CLE CREDIT**

Attorneys may satisfy annual CLE credit hour requirements through attendance at live seminars (in-person or live webinar/webcast). The Board of Continuing Legal Education has authorized the following other approved program formats as eligible for credit:

- 1. Alternative Program Formats.** These include audio or video recorded programs. They may only be offered by an Accredited Provider.
  - a. Alternative format programs are eligible for credit commencing on the date they were first produced and for the three (3) years immediately thereafter.
  - b. Credit for alternative format programs may only be sought once unless the provider replaces existing content with an updated version.
  - c. If the running time of a recorded version of a live program is shorter than the respective live format, the available credits for the recorded program may be reduced.
  - d. Credit for alternative format programs cannot be divided between calendar years. For example, credit may not be earned for part of a single program in one reporting year and another part of the same program in another year.
  - e. Attendance fees for alternative program formats are \$3 per attorney per credit hour.
  
- 2. Authorship or Editing.** An attorney may seek credit for authorship of qualifying published materials. Application for authorship or editing must be made within 30 days after the publication date of the authored work; late applications may be assessed a \$50 late fee.
  - a. An attorney may be eligible for up to 20 credits for (1) a scholarly article, case note, or other work published in a law review, legal treatise, or legal manual, or (2) court rules, jury instructions, procedures and similar works published by a committee or other working group operating under the direction or supervision of a Nevada court.
  - b. An attorney may be eligible for up to 10 credits for a scholarly article or other publication written for attorneys with citation to authority and published in a newsletter or legal magazine of regular distribution to at least 200 attorneys.
  - c. At the discretion of the Board of Continuing Legal Education, an attorney may be eligible for up to 20 credits for authorship of other publications, such as blog articles, podcast episodes, other online publications or non-fiction books that discuss or explain the law. Material published for a non-attorney audience may be considered but must still contain references or citations to legal authority that would generally assist attorneys who use said publications. A proffered publication under this sub-section must be readily available and easily accessible to its readers. Publications where the author's opinion is the primary focus do not qualify under this sub-section.

- d. Editing credit may be given for substantive editing of the authored works identified in section 2(a) of this Regulation, up to 50% of the allowable authorship credit, depending on the extent of the editor's involvement in creating the final product.
- e. Application for updated authorship material must be accompanied by a redline, showing how the authorship material has been updated from the prior authored material.
- f. A member of the Board of Continuing Legal Education has discretion to determine the total authorship or editing credits awarded. An attorney may appeal this determination to the entire Board within 30 days of receiving the determination.
- g. Topical outlines, columns dealing with fraternal or social matters, anecdotal summaries, or brochures are not materials which qualify for authorship or editing credit.

**3. Instruction at Approved Programs.** Upon application by an Accredited or Non-Accredited Provider or an individual attorney, the Board of Continuing Legal Education may approve CLE credit for instruction at an approved program. Application for instruction at approved programs must be made within 30 days following conclusion of the program in which instruction is given; late applications may be assessed a late fee.

- a. Instructors may earn one hour of credit for each Board approved program taught, and up to three hours of credit for preparation.
- b. Instructors may not earn duplicate credit for multiple presentations involving the same material and program matter. Programs which are updated from previous presentations may qualify for approval to the extent time was expended preparing for and providing the updated presentation.
- c. Should a program be canceled for reasons beyond the control of the presenter, the Board may award up to one-half hour credit for preparation. The presenter shall have the burden of providing verification of the presenter's preparation for the canceled program.

### **REGULATION 3. ACADEMIC STANDARDS**

The Board of Continuing Legal Education is responsible for upholding the academic standards of CLE programming available to Nevada attorneys. To facilitate this responsibility, any program authorized for credit must be open for monitoring by Board members or Board staff, without charge or need for advance registration.

**1. General Standards.** The Board may approve a program, or other formal educational activity, if the following standards are met:

- a. The program or activity has, as its primary purpose, improving professional skills or competence of attorneys, furthering the education of attorneys in matters of their professional or ethical obligations, and/or improving the attorneys' efficiency in delivery of legal services to the client.
- b. The program or activity must be an organized program of learning conducted by lawyers or other persons who have specific education, training, experience, or expertise in an area or topic. Any program conducted or presented by an instructor who does not meet this requirement of education, training, experience, or expertise is rebuttably presumed to not qualify for credit.

- c. Thorough, readable, up-to-date (including citations) and carefully prepared written materials must be made available to all participants at or before the time the program is presented, unless: (1) The absence is reasonable under the circumstances of the particular program or presentation to be made; (2) the absence is approved in advance by the Board (a topical outline without citations or explanatory notations is not sufficient to satisfy this requirement); or (3) the program is one hour or less.
- 2. Practice Management.** Programs instructing law office economics or practice management may be approved unless all or a specific portion of the program is primarily dedicated to deriving a profit from the practice of law or developing a client base, as opposed to improving the professional skills or the efficiency of the attorney as a practitioner. Programs in or including billing ethics or techniques may be approved if primarily directed toward the development and maintenance of client satisfaction or ethics compliance and not attorney profit oriented. In such instances, the portions of the program which place primary emphasis on marketing, improving the bottom line, or deriving a profit from the practice of law, as opposed to improving professional skills or the efficiency of an attorney as a practitioner, shall not be entitled to approval. General programs not uniquely designed for attorneys that stress writing or computer skills are rebuttably presumed not to be eligible for credit.
- 3. Substance Abuse, Addiction and Mental Health.** Programs or publications that focus on developing awareness of substance abuse, addiction and/or mental health issues and related problems in the practice of law may be approved for credit. This includes, but is not limited to:
  - a. The prevention, detection, reporting and treatment of substance abuse, addictive disorders and/or mental health issues and the available assistance for impaired attorneys.
  - b. Recognizing the signs of substance abuse, addiction and mental health disorders in oneself or one's colleagues.
  - c. Impairment, intervention, treatment and available lawyer assistance programs, including steps to assist and report an affected attorney.
  - d. Stress management programs which focus on building awareness of stress-related problems in the practice of law. This includes programs that focus on personality traits susceptible to stress, work/life balance, recognizing signs of stress in oneself or one's colleagues, instituting preventative measures individually, and the development of policies within a law firm or legal department for dealing with stress-impaired attorneys.
- 4. Ethics and Professional Conduct.** Programs eligible for ethics credit are those in which ethics and professional conduct instruction is given in a continuous block of time. Programs that focus on the following topics are eligible for ethics credit:
  - a. Topics specifically focusing on the Nevada Rules of Professional Conduct.
  - b. Avoiding disciplinary and malpractice complaints and fee disputes.
  - c. Permissible forms of advertising, how to comply with advertising rules, filing requirements, solicitation, fee splitting, and fee arrangements with clients.
  - d. Permissible conduct when accepting or terminating employment with a law firm or agency, or when accepting, withdrawing or being terminated from a case.
  - e. Conflicts of interest.

- f. The documentation and recordkeeping that must be maintained in a law office, particularly regarding timekeeping, time management, filing, case management and case administration.
- g. Trust accounts, retainers and retainer agreements and the proper handling thereof.
- h. Client relations, including the retention of files, attorney liens, and communications.
- i. Pro bono service.
- j. Training and supervision of lawyers and support staff to reduce the risk of ethical violations, particularly regarding the unauthorized practice of law.
- k. Programs may be approved that discuss the importance and advantages of diversity, equity, and inclusion, cultural competency and/or recognition and elimination of bias in the legal profession. Examples of programs which may qualify for credit include:
  - Antidiscrimination laws and awareness of how discriminatory behavior such as discrimination based on gender, ethnicity, national origin or ancestry, religion, disability, age, or sexual orientation impacts the legal profession.
  - Developing leadership skills to promote diversity, equity, and inclusion in the profession.
  - Driving better business outcomes through diversity in the law firm.
  - Impact of unconscious bias on law firm hiring and lawyer satisfaction and retention rates.
  - Improving client communication and representation through the lens of cultural competency.
  - Reducing barriers to access to justice for low-income or minority populations.
  - Understanding how biases impact effective client advocacy in the courtroom.
  - Understanding challenges faced by underrepresented groups within the legal profession.

**5. Mock Trial Coaching and Judging.** Attorneys who serve in a voluntary capacity as mock trial coaches and/or judges will be awarded one hour of general credit for each four full hours of coaching and/or judging service for a maximum of four hours of CLE credit per year. To obtain CLE credit, the attorney must report completion of the uncompensated coaching and/or judging hours to the entity that sponsored or organized the mock trial competition, and the sponsoring or organizing entity must then submit the appropriate number of CLE credits to the Board for approval on behalf of the attorney(s). The Board will not assess fees for credits awarded pursuant to this policy.

**6. Credit for Pro Bono Cases.** In accordance with SCR 210(3), an attorney may earn CLE credit by providing uncompensated pro bono representation or service through a nonprofit legal aid organization that receives IOLTA funds pursuant to SCR 216(1) or through a program sponsored by a court or governmental organization that is either co-sponsored by such a legal aid organization or approved by the Nevada Access to Justice Commission or its designee. An attorney may obtain 1 hour of general credit for each 3 full hours of uncompensated legal services performed for a maximum of 4 hours of CLE credit per year. To obtain credit, the attorney must report completion of uncompensated pro bono civil legal representation or

service to the entity that provided the case or service opportunity to the attorney; the entity shall then submit the appropriate number of CLE credits to the board on behalf of the attorney.

7. **Programs that cross academic lines**, but which combine the subject matter with legal issues (ex. a medical-legal program, engineering aspects of construction litigation, accounting-estate planning programs) may be approved if the program has significant intellectual or practical content and improves the professional competence of an attorney. The programs in this category may be approved upon application by either the provider or attorney. The burden is on the provider or attorney to demonstrate in the application that the program improves the professional competency of an attorney.
8. **Programs that do not deal directly with the practice of law** (ex. science programs, computer programs, and engineering programs) may be approved if the program has significant intellectual and practical content and improves the professional competence or skills of an attorney or the delivery of legal services to the client. Approval of such a program may only be obtained upon application of the provider or attorney. The burden is on the provider or attorney to demonstrate in the application that the program improves the professional competence of an attorney.
9. **Programs and activities presumably not eligible for credit** include but are not limited to:
  - a. Programs in which the sole focus is personal stress reduction techniques such as breathing exercises, meditation and yoga.
  - b. Delivering or attending keynote addresses, introductory comments, business meetings, breaks taken for refreshments or meals, including speeches or presentations made during meals, unless: (1) the primary function is CLE; (2) there is a quiet and academic atmosphere that allows all members of the audience to easily hear the speaker(s); and (3) CLE is being presented during the entire time for which credit is applied.
  - c. A program for which the primary audience is not attorneys, unless the provider can demonstrate how the program maintains or increases the professional competence of an attorney.
  - d. A program or formal educational activity provided by a vendor of products and services to law firms or clients of lawyers is not eligible for credit during any period in which promotion or sale of goods or services may occur.
  - e. Attendance at a program involving the preparation for a bar examination.

#### **REGULATION 4. CALCULATION OF HOURS**

The Board of Continuing Legal Education has the sole authority to determine which courses may be approved for credit and the number of credits to be awarded.

1. Generally:
  - a. Credit hours are awarded on a 60-minute – to one credit hour ratio. If less than 60 minutes of education is offered, credit must be rounded down to the lowest ½ credit.
  - b. Credits may not be received for less than a total of ½ hour of attendance at any Accredited educational activity.

- c. Credit will be given for question-and-answer sessions within a program.
  - d. Credit hours may be reduced if instruction at an approved program is completed in less time than was approved.
  - e. Credit will not be given for the reading of a book or handout material from a program.
  - f. Credit will not be awarded twice for the same (identical) program.
2. Credit hour approvals may be granted by the Board or a subcommittee or may be delegated to staff with regular reports to the Board.

#### **REGULATION 5. CLE PROVIDERS; ACCREDITATION, COURSE CREDIT APPROVAL AND RESPONSIBILITIES**

Providers of CLE programs are generally categorized as Accredited and Non-Accredited providers. An attorney seeking pre-approval credit for programs not offered by an Accredited or Non-Accredited provider may do so using the same procedures as a Non-Accredited Provider 30 days prior to the program date.

1. **Accreditation.** Accredited providers are presumed to meet the academic standards set forward in these Regulations and participation in a program presented by an Accredited provider entitles any attorney participating in an Accredited provider program to CLE credit. Providers may seek status as an Accredited Provider if they meet the academic standards outlined in these regulations and:
  - a. Agree to, and in fact, comply with each obligation of these Regulations.
  - b. Have, as one of their primary functions, the provision of quality continuing legal education activities to attorneys.
  - c. Have qualified staff or ongoing educational program committee responsible for supervising and ensuring the quality of its programs.
2. **Accreditation Procedure.** A CLE provider may seek status as an Accredited Provider by completing an application form, as approved by the Board, and paying a \$500 application fee.
  - a. Applications for Accredited Provider status will be placed on the next available Board agenda for consideration.
  - b. The Board may provisionally approve an Accredited Provider application upon training by Board staff on the process for course notification and attendance reporting.
  - c. Accredited Providers may state their accredited status in marketing and course materials.
  - d. The Board of Continuing Legal Education will revoke the status of any Accredited Provider who fails to meet the terms of these Regulations.
  - e. Accredited providers will be assessed a \$500 renewal fee due by April 1 annually, subject to a \$100 late fee.
3. **Discretionary Approval.** The Board of Continuing Legal Education may, upon application of a CLE provider or attorney, or on its own initiative, and within its sole discretion, waive the requirements of this Regulation. Such waiver will be based on criteria determined solely by the Board, including but is not limited to provider reputation for scholarship; content; content quality; and whether the provider is a non-profit or for-profit organization.
4. **Timeline for Accredited and Non-Accredited Providers Seeking Credit.**



- a. An Accredited Provider must notify the Board of programs for which credit will be offered at least 30 days in advance of the live program date and/or release of the alternative format program.
  - b. Non-Accredited Providers shall apply for credit approval, with the applicable course approval fee, at least 30 days in advance of the live program date; subject to a \$50 late fee.
  - c. Non-Accredited Providers may offer a live CLE program for credit no more than three times in a calendar year. Subsequent presentations of the same live CLE program for credit require an additional credit application and applicable fee.
  - d. Failure to timely notify the Board or apply for CLE credit will result in the assessment of late fees.
- 5. Reconsideration of Course Credit Denial.** A Non-Accredited provider denied approval for a program or activity may request reconsideration by the Board of Continuing Legal Education within 15 days of notice of the denial. Such a request must set forth the specific reason(s) why the Board should reconsider its denial.
- 6. Course Attendance and Monitoring.** Accredited and Non-Accredited providers shall ensure any program or activity is conducted in a comfortable physical setting conducive to learning and shall be monitored by the provider for continuous attorney attendance. Continuous use of cell phones and computers, or the continued attention to unrelated reading materials during the program or activity is prohibited. Certificates of attendance shall not be provided to program attendees until the end of the program or activity.
- 7. Accredited and Non-Accredited Provider Credit Reporting.** Accredited and Non-Accredited providers are responsible for reporting attendance and credits earned for each program, regardless of the format in which it was presented, within 30 days, subject to a \$50 late fee. Computerized attendance systems are permitted. Credit hour reporting shall be completed in a manner prescribed by the Board.
- 8. Accredited and Non-Accredited Provider Record Retention.** Accredited and Non-Accredited providers must maintain the following records for a period of three years:
- a. Applications for program approval or program notification form if an Accredited Provider.
  - b. Program attendance lists.
  - c. Program evaluations.

## **REGULATION 6. BOARD AUDITS**

The Board of Continuing Legal Education may conduct random and other audits to confirm attorney and provider compliance with these Regulations.

1. A random audit will include review of the attorney's CLE credit hour compliance for the two preceding calendar years.
2. The Board may also audit an attorney's compliance on a nonrandom basis for reasons including, but not limited to a history of noncompliance with these Regulations, submission of inaccurate

Affirmation of Attendance and Compliance, and other cause as may be determined by the Board.

3. The Board will conduct random audits of providers based on criteria developed by the Board, including but not limited to quality complaints, attorney complaints, and submission of inaccurate course notification or attendance forms. Provider audits may entail review of records and/or unannounced attendance by Board members or staff at CLE presentations.

**REGULATION 7. CONFIDENTIALITY**

All files, records, and proceedings of the Board, as they relate to the compliance or non-compliance of any attorney with these Regulations, shall remain confidential, and shall not be disclosed except:

1. In furtherance of the Board’s duties.
2. Upon written request and attorney consent.
3. Pursuant to proper legal process, including subpoena, search warrant and administrative summonses.
4. Upon written request of the Office of Bar Counsel as part of a disciplinary proceeding or investigation, or in determining compliance with NRPC 7.4.
5. As ordered by a court of competent jurisdiction.

**REGULATION 8. SCHEDULE OF FEES**

Excepting any late fees, the State Bar of Nevada and its recognized sections, Nevada county bar associations, Nevada chapters of local and specialty bar associations, federal agencies and federal courts, the State of Nevada and its political subdivisions and the agencies and courts thereof and non-profit organizations are exempt from the following fees.

<b>APPLIES TO</b>	<b>FEE TYPE</b>	<b>AMOUNT</b>	<b>DUE</b>
<b>Attorneys</b>	Annual fee. SCR 210	\$0	March 1
	Administrative suspension reinstatement fee. SCR 212(3)(b)	\$250 - \$1,250	Upon application
	Extension fee to complete annual credit hour requirements and/or submit annual Affirmation of Attendance and Compliance past December 31. SCR 210(4) and SCR 212(1)(a)	\$100	March 1
	Late fee for failure to pay annual fee or failure to submit annual Affirmation of Attendance and Compliance. SCR 212(1)(b)	\$250	March 5
	Late fee for failure to seek course pre-approval within 30 days	\$50	Upon application
	Late submission fee for authorship application received later than 30 days after publication date	\$50	Upon application
	<b>Accredited Providers</b>	Application fee	\$500
Annual fee		\$500	January 30
Late fee for failure to pay annual fee within 30 days		\$100	April 30

<b>APPLIES TO</b>	<b>FEE TYPE</b>	<b>AMOUNT</b>	<b>DUE</b>
	Attendance fee for alternative format programs	\$3 per credit hour per attorney	Within 30 days of completion
	Late submission of course information fee	\$50	Upon submission
	Late submission of attendance reporting	\$50	Upon submission
<b>Non-Accredited Providers</b>	Course approval fee		
	0.5 – 2.5 credits	\$30	30 days prior to program
	3.0 – 7.5 credits	\$50	
	8.0 – 20 credits	\$65	
	20+ credits	\$75	
	Late submission of course application	\$50	Upon application
Late submission of attendance reporting	\$50	Upon submission	
<b>All Providers &amp; Attorneys</b>	Late submission for instructional credit application	\$50	Upon application