

REGULATIONS OF THE
VERMONT BOARD OF CONTINUING LEGAL EDUCATION
As of 12-1-09

REGULATION 1. DEFINITIONS

As used in these Regulations, the following definitions shall apply:

- (a) The "Board" shall mean the Vermont Board of Mandatory Continuing Legal Education.
- (b) The "Director" shall mean an administrative assistant to the Board.
- (c) "Rules" shall mean Rules for Mandatory Continuing Legal Education together with any subsequent amendments thereto, as adopted by the Supreme Court of the State of Vermont.

REGULATION 2. CREDITS

(a) Continuing legal education credit may be obtained by attending, or teaching at, continuing legal education activities which (1) have been previously approved by the Board, or (2) are presented by an "accredited sponsor".

(b) One (1) hour of credit shall consist of not less than sixty (60) minutes of attendance or teaching at an approved activity.

Credit hours will be rounded to the nearest quarter hour. Coffee breaks, keynote speeches and business meetings will not be allowed credit.

Credit will not be given for speeches presented at and attendance at luncheons and banquets.

Where a provider combines an educational program with a business meeting or other noncreditable program, it is the responsibility of the provider to indicate what portion of the program is intended to be educational and what portion is business or other noncreditable activity.

(c) A teacher shall receive credit only for teaching at a course approved under these regulations. No credit shall be given for any teaching for which the attorney receives compensation other than for expenses.

One hour of actual preparation time will be allowed for each actual hour of approved teaching, up to a maximum of five hours of preparation time.

(d) No CLE credit is allowed for any activity which an attorney received financial remuneration exceeding out-of-pocket expenses.

REGULATION 3: STANDARDS FOR APPROVAL

The following standards shall be met by any course or activity for which credit approval is sought:

(a) The course shall have significant intellectual or practical content, and its primary objective shall be to increase the attendee's professional competence as a lawyer.

(b) The course shall constitute an organized program of learning dealing with matter directly relating to the practice of law or to the professional responsibility and ethical obligations of a lawyer.

(c) Each faculty member shall be qualified by practical or academic experience to teach the subject he or she covers.

(d) Thorough, high quality, readable and carefully prepared written materials should be distributed to all attendees at or before the time the course is presented. It is recognized that written materials are not suitable or readily available for some types of subjects; the absence of written materials for distribution should, however, be the exception and not the rule.

Written material may be offered as an optional purchase by the course provider.

(e) Courses should be conducted in a setting physically suitable to the educational activity of the program. A suitable writing surface should be provided where feasible and appropriate.

(f) With prior approval supervised and graded self study courses may be granted up to 10 hours of CLE credit per reporting period. Video, telephonic, audiotape and computer program courses may be approved up to 10 CLE credit hours per reporting period. In the event of unusual hardship or extenuating circumstances, additional credit may be granted for such activities at the Board's discretion..

(g) Activities which involve the crossing of disciplinary lines, such as a medicolegal symposium or an accounting-tax law seminar, may be approved.

(h) An in-house course is one sponsored by a private law firm, a corporate law department or a federal, state or local governmental agency primarily for lawyers who are members or employees of the firm, department or agency.

An approved in-house course must meet all of the following requirements:

(1) It must meet all of the requirements of the standards for approval of Regulation 3 and other applicable Board rules.

(2) It must be approved prior to its presentation.

(3) Matters pending in the firm or agency will not be the focus of the in-house course.

(4) At least three learners must be present for the in-house course, not including the presenter.

(5) The presenter may be eligible for teaching credit under this section but may not also seek credit under any other applicable section of the rules or regulations for the same in-house course, such as credit for preparation of the in-house course.

(i) A video or sound tape presentation by an accredited sponsor shall not be considered an in-house course.

An attorney, whether in-house in a law firm, corporate law department or whatever, may, for CLE credit, listen to and/or watch audio and/or video cassettes, accompanied by substantial written material, created by an accredited sponsor without the need to invite or have present any "outside" attorneys.

(j) Credit will be allowed for non-paid scholarly writing and publication as follows:

(1) Two and a half hours for 1000 published words and

(2) Five hours for 3000 published words. Earned hours must be prorated among multiple authors.

(k) Credit is also allowed as follows:

(1) service as acting judge - up to 3 hours per reporting period

(2) reviewing small claims cases in superior court - up to 3 hours per reporting period

(3) service as judge at moot court - up to 2 hours per reporting period (no credit for preparation)

(4) volunteer committee work - up to 2 hours per reporting period for approved committees (no credit for preparation).

REGULATION 4: PROCEDURE FOR APPROVAL OF CONTINUING LEGAL

EDUCATION ACTIVITIES

(a) A member or sponsoring agency desiring approval of a continuing legal education activity not previously approved shall submit to the Board complete information concerning:

- (1) The name and address of sponsoring agency.
- (2) Title, date, location and fee of the course.
- (3) A list of faculty and their qualifications.
- (4) A description of course content and length of presentation.
- (5) An indication as to any portion pertaining to legal ethics.
- (6) A description of the materials.

(b) Application shall be in writing and required course information may be supplied by attaching a copy of the course brochure. The application must be received by the Director's office no later than thirty (30) days after the course has ended.

An attorney who files a request for credit more than 30 days after the date of attendance must pay a \$50.00 fee pending approval of the out-of-time request.

(c) Approval shall be granted or denied in accordance with the procedure set out in Regulation 6 herein.

(d) As to a course that has been specifically approved, the sponsoring agency may announce, in informational brochures and/or registration materials: "This course has been approved by the Vermont Board of Mandatory Continuing Legal Education for ___ hours of credit."

(e) Approval may be granted for a specific course or a series of courses. Courses given annually may be approved on an ongoing basis subject to revocation after notice by the Board. A list of specifically approved courses shall be maintained by the Director.

REGULATION 5: ACCREDITATION OF SPONSORING AGENCIES

(a) The Board may extend approval to a sponsoring agency for any of the continuing legal education activities sponsored by such agency which conform to the standards for approval of Regulation 3. A sponsoring agency to which such general approval has been extended shall be known as an "accredited sponsor". A list of "accredited sponsors" shall be maintained by the Director.

(b) An organization or person which desires accreditation as an "accredited sponsor" shall apply for accreditation to the Board stating its legal education history for the preceding two calendar years, including dates, subjects offered, total hours of instructions presented, and the names and qualifications of speakers.

A primary consideration in the evaluation of such a request for status as an accredited sponsor shall be the previous experience of an agency in sponsoring and presenting continuing legal education activities.

(c) Once a sponsoring agency has been granted the status of an "accredited sponsor", it shall be exempt from the requirement for prior approval as set out in Regulation 4, for all course or activities in compliance with the Board's standards for approval as set out in Regulation 3. Credit for courses in compliance shall be given in accordance with Regulation 2.

(d) An accredited sponsor may seek an advisory opinion from the Director in any case where there is a question of whether an activity may be accredited or the amount of credit to be given.

(e) The Board may at any time reevaluate an accredited sponsor. If the Board finds there is a basis for consideration of revocation of the accreditation as an accredited sponsor, the Board shall give notice by certified mail to that sponsor of a hearing on possible revocation within 30 days prior to the hearing. The decision of the Board after the hearing will be final.

REGULATION 6: DIRECTOR'S DETERMINATIONS AND REVIEW

(a) Pursuant to guidelines established by the Board, the Director shall, in response to written requests for approval of courses or accreditation of sponsors, awarding of credit for attending, teaching or participating in approved courses, waivers, extensions of time deadlines and interpretations of these Regulations, make a written response describing the action taken. The Director may seek a determination of the Board before rendering a decision. At each meeting of the Board the Director shall report on all adverse determinations made since the last meeting of the Board.

(b) The Board shall review any adverse determination of the Director. The active member or the sponsoring agency affected may present information to the Board in writing or in person or both. If the Board finds that the Director has incorrectly interpreted the facts, the provisions of the Rules, or the provisions of these Regulations, it may take such action as may be appropriate. The Board shall advise the active member or sponsoring agency affected of its findings and any action taken.

REGULATION 7: LAWYER CERTIFICATION

(a) The affidavit shall be submitted on Form 2 as approved by the Board. Affidavits are mailed in May of the reporting year.

(b) As soon as practical after receipt of the affidavit, the Director shall give notice of noncompliance or referral to the Board for further review. Failure of the Director to send timely notice shall not relieve the attorney of his or her duty to comply with the Rule.

(c) The makeup plan filing fee is \$50.00.