

STATE OF VERMONT
VERMONT SUPREME COURT

TERM, 2024

**Order Promulgating Amendments to Rules 1(D) and 4(A) of the
Rules for Mandatory Continuing Legal Education**

Pursuant to the Vermont Constitution, Chapter II, § 30, it is hereby ordered:

1. That Rule 1(D) of the Rules for Mandatory Continuing Legal Education be amended as follows (new matter underlined):

Rule 1. Definitions

(D) “Continuing Legal Education Program” or “CLE Program” or “CLE Programming” means a legal education program taught by one or more faculty members that has significant intellectual or practical content designed to increase or maintain the attorney’s professional competence and skills as an attorney. Programs designed for judicial officers generally do not qualify for credit. However, judicial officers who also maintain a law license may receive credit for legal education provided by the Vermont Judiciary when the program has significant intellectual or practical content and would increase or maintain an attorney’s professional competence and skills as an attorney.

Board’s Notes—2024 Amendment

Rule 1(D) is amended to clarify that programs for judicial officers generally do not qualify for credit as continuing legal education because they are not aimed at increasing or maintaining an attorney’s professional competence. Individuals who are judicial officers and also maintain a law license must receive approval from the Judiciary Education Committee for credit for specific judicial education courses, portions of courses, or presentations that are relevant to the practice of law as well as their judicial office. This is in keeping with the program standards in Rule 4, which requires programs to be designed “to increase the attendee’s professional competence and skills as an attorney.” Rule 4(A) (emphasis added).

2. That Rule 4 of the Rules for Mandatory Continuing Legal Education be amended as follows (new matter underlined):

Rule 4. MCLE-Qualifying Program Standards

To be approved for credit, Continuing Legal Education Programs must meet the following standards:

(A) The program must have significant intellectual or practical content and be designed for an attorney audience. Its primary objective must be to increase the attendee's professional competence and skills as an attorney and to improve the quality of legal services rendered to the public. Programs designed for judicial officers generally do not qualify.

(B) The program must pertain to a recognized legal subject or other subject matter which integrally relates to the practice of law, diversity and inclusion issues, attorney wellness, or the ethical obligations of attorneys. Provided the program satisfies the other accreditation requirements, CLE Programs that address any of the following will qualify for MCLE credit:

- (1) Substantive Law Programming
- (2) Legal and Practice-Oriented Skills Programming
- (3) Specialty Programming (see Rule 3(A)(4))
- (4) New Attorney Programming (see Rule 1(O))
- (5) Law Practice Programming (see Rule 1(L))
- (6) Technology Programming (see Rule 1(U))
- (7) Interdisciplinary Programming (see Rule 1(K))
- (8) Attorney Wellness Programming (see Rule 1(A))

(C) The program must be delivered as Moderated Programming, Non-Moderated Programming with Interactivity as a Key Component, or Non-Moderated Programming Without Interactivity. The Sponsor must have a system which allows certification of attendance to be controlled by the Sponsor and which permits the Sponsor to verify the date and time of attendance.

(D) Thorough, high-quality instructional written materials which appropriately cover the subject matter must be distributed to all attendees in paper or electronic format during or prior to the program.

(E) Each program must be presented by a faculty member or members qualified by academic or practical experience to teach the topics covered, whether they are attorneys or have other subject matter expertise.

(F) Credit will not be given for coffee breaks, keynote speeches, business meetings, and speeches presented at and attendance at luncheons and banquets.

Board's Notes—2024 Amendment

Rule 4(A) is amended to clarify that educational programs designed for judicial officers generally do not qualify for credit as continuing legal education for lawyers.

3. That these rules, as amended, are prescribed and promulgated to become effective on _____ . The Board's Notes are advisory.

4. That the Chief Justice is authorized to report these amendments to the General Assembly in accordance with the provisions of 12 V.S.A. § 1, as amended.

Dated in Chambers at Montpelier, Vermont, this ___ day of _____, 2024.

Paul L. Reiber, Chief Justice

Harold E. Eaton, Jr., Associate Justice

Karen R. Carroll, Associate Justice

William D. Cohen, Associate Justice

Nancy J. Waples, Associate Justice

PROPOSED