

Law Society of Newfoundland and Labrador - Mandatory Continuing Legal Education Requirements

Introduction

Beginning in 2016, the Law Society of Newfoundland and Labrador (the Law Society) will require that every practicing member of the Law Society:

1. Participate in a minimum level of Continuing Legal Education (CLE) activities annually;
2. Provide information to the Law Society annually, outlining details of these CLE activities, using the Law Society's CLE Annual Report and Plan form; and
3. Provide a continuing legal education plan for the following year, using the Law Society's CLE Annual Report and Plan form.

Mandatory CLE Requirements

Specifically, the Law Society will require all practicing members to complete a minimum of 15 hours of eligible CLE activities annually.

Benchers have determined that the inaugural year for participating in and reporting mandatory CLE activities will be 2016. Members will be expected to report their 2016 CLE activities, and their future CLE plans for 2017, using the CLE Annual Report and Plan form which will be provided by the Law Society. The first CLE Annual Report and Plan will be submitted in January 2017, and thereafter in January of each succeeding year.

Eligible CLE Activities – Content Requirements

Eligible CLE activities must contain significant substantive law or practical content with the primary objective of enhancing a member's professional competence. As indicated above, members will be required to complete a minimum of 15 hours of eligible CLE activities annually. Eligible CLE activities must be:

- relevant to the member's present or perceived future professional needs;
- directly related to the member's current or anticipated practice areas; and/or
- relevant to professional ethics and the professional responsibilities of lawyers.

Eligible CLE activities should include significant substantive, procedural, technical or practical legal content.

The mandatory CLE activity requirement can be met in many ways; for example, in a classroom setting, by reading legal publications (periodicals, digests and journals), listening to podcasts, watching recorded programs and seminars, or through live online CLE programming.

Eligible CLE activities will include activities and content dealing with one or more of the following areas:

- the practice of law (including ethics, professional responsibility, practice standards, substantive law, procedural law etc.);
- lawyering skills (such as advocacy, drafting, research, communications, interviewing, negotiation etc.); and
- practice management (including client relations, wellness, time management, practice technology etc.).

Examples of Eligible CLE Activities

To qualify as an eligible CLE activity, the activity must be directly related to improving professional competence in the member's practice.

Some examples of eligible CLE Activities would include:

- Attendance at live CLE activities – Attendance at live seminars, courses, educational components of conferences, live webcasts, telecasts or live on-line courses etc., would all be eligible activities, provided the content requirements (outlined above) are met. (*N.B. Obviously, only those hours where a member is in actual attendance at the course, seminar or educational component of a conference etc. are considered eligible hours.*)
- Teaching/Lecturing/Instructing in a law course, CLE seminar etc. – Teaching in a legal context is an eligible activity, to a maximum of six hours per year, provided that the content requirements (outlined above) are met in the material that is taught. There are no restrictions or requirements on the audience, except that presentations designed for clients would not count towards eligible CLE activities.
- Writing - Authoring legal texts, legal articles or other written materials is an eligible CLE activity, to a maximum of six hours per year, provided that the content requirements (outlined above) are met. As well, to be an eligible CLE activity the primary purpose of the written material should be for use in an educational program, or to educate about the

law. However, written material produced as part of the member's regular employment or practice, or for client development, would be excluded.

- Self-study/Reviewing written or recorded materials – Self-study or reviewing written materials (current legal articles, textbooks, case reports, journals etc.) or reviewing recorded CLE courses or activities (recorded online seminars, podcasts, recorded audio or video CLE courses etc.) are eligible CLE activities, to a maximum of 3 hours per year, again provided the content requirements (outlined above) are met.

Examples of Non-Eligible CLE Activities

Some examples of non-eligible CLE activities would include:

- Activities which do not meet the content requirements (outlined above) or which are not directly related to improving professional competence;
- Activities relating to mentoring, including being a Principal to an Articled Student-at-Law;
- Activities relating to marketing or profit maximization or primarily designed for clients;
- Activities undertaken for an employment purpose, or prepared and delivered in the ordinary and usual course of practice or employment.

Compliance with the Requirements

It will be each member's responsibility to ensure that a proposed CLE activity meets the content requirements set out by the Law Society and, therefore, qualifies as an eligible CLE activity.

The Law Society will have discretion to determine whether specific activities meet the requirements, and are or are not eligible CLE activities. It is anticipated that the Law Society will not be unreasonably prescriptive or rigid in assessing what is or is not an eligible CLE activity.

The Law Society will not assess or accredit providers, content or subject matter in advance. However, it is anticipated that many professional learning activities will qualify and meet the requirements of an eligible CLE activity, provided a common-sense and reasonable nexus or link can be demonstrated between the activity and an enhancement in professional competence.

CLE Annual Report and Plan - Reporting Requirements

Members will be required to complete and submit a document annually to the Law Society, referred to as a CLE Annual Report and Plan form. This document will have two parts; a report on eligible CLE activities for a given year and a plan for CLE activities for the following year.

The CLE Annual Report portion of this document will provide details on the member's CLE activities for the year in question. The CLE Plan portion of the document will contain a series of questions aimed at helping members identify their professional development activities for the

following year. It is meant to provide a useful framework and guideline by which members can plan to participate in future professional development activities which are relevant to their needs and practice areas, and which can further enhance their competence.

This CLE Annual Report and Plan form will provide an annual record of members' CLE activities and will also provide a framework by which members can assess and meet their future requirements for professional development and continuing legal education. The submission deadline for filing in a given year is January 31 of the following year.

Failure to Report or Comply with Requirements

The consequences for members who fail to fulfill the requirements may include administrative sanctions in the nature of late fees, plus the requirement to make up the required hours of eligible CLE activities within a specified time period, administrative suspensions, and possible engagement of the disciplinary process set out in the *Law Society Act, 1999*.

Exemptions

Members who are subject to comparable mandatory CLE requirements in another Canadian jurisdiction (for example, a member of another Canadian Law Society who has fulfilled that other Law Society's requirements by participating in CLE activities), may count these CLE activities towards the requirements of the Law Society of Newfoundland and Labrador.

Members with non-practicing or life membership status would not be required to meet the requirements while not practicing. A member holding both non-practicing and practicing status in the same year would need to meet the requirements for that part of the year when practicing status was held.

Members who are claiming an exemption from complying with the requirements can identify their exemption on the CLE Annual Report and Plan form.

Monitoring

The Law Society will monitor compliance with the Mandatory Continuing Legal Education requirements by reviewing CLE Annual Report and Plan forms submitted by members. At the Law Society's request, a member may be asked to provide further information or documentation relating to the details of the member's participation in a CLE activity and/or the eligibility of a reported activity.