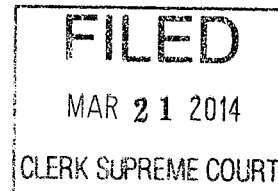


In the Supreme Court of Iowa

**In the Matter of Amendments
to Iowa Court Rules Regulating
Continuing Legal Education**

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Order



On January 7, 2014, the Iowa Supreme Court invited public comment on proposed amendments to chapters 41 and 42 of the Iowa Court Rules regarding the role of distance education in continuing legal education for Iowa attorneys. After consideration of written comments, the court adopts amendments to Iowa Court Rules 41.3, 42.1, 42.2, 42.3, and 42.4 as attached to this order.

A summary of the amendments from the Office of Professional Regulation of the Supreme Court of Iowa also is attached. The amendments are effective immediately.

Dated this 21st day of March, 2014.

The Supreme Court of Iowa

By Mark S. Cady
Mark S. Cady, Chief Justice

CHAPTER 41 CONTINUING LEGAL EDUCATION FOR LAWYERS

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Rule 41.3 Continuing legal education requirement.

41.3(1) Each attorney admitted to practice in this state shall complete a minimum of 15 hours of legal education accredited by the commission, during each calendar year. The commission is authorized, pursuant to guidelines established by the supreme court, to determine the number of hours for which credit will be given for particular courses, programs or other legal education activities. Under rules to be promulgated by the supreme court, an attorney may be given credit in one or more succeeding calendar years, not exceeding two such years, for completing more than 15 hours of accredited education during any one calendar year.

41.3(2) The 15 hours required by rule 41.3(1) shall include a minimum of 3 hours, every two calendar years, devoted exclusively to the area of legal ethics. Excess hours of education devoted to legal ethics can be carried over for purposes of the annual 15-hour requirement under rule 41.3(1) but cannot be carried over beyond the two-year period for the special legal ethics requirement under this rule.

41.3(3) ~~Commencing July 1, 2002, up~~ Up to 6 hours of the 15 hours required by rule 41.3(1) each calendar year may be obtained through completion of ~~computer-based~~ unmoderated legal education accredited by the commission.

CHAPTER 42 REGULATIONS OF THE COMMISSION ON CONTINUING LEGAL EDUCATION

Rule 42.1 Definitions. For the purpose of these regulations, the following definitions shall apply:

(1) An “*accredited program or activity*” ~~shall mean~~ means a continuing legal education activity meeting the standards set forth in rule 42.3, which has received ~~advanced~~ accreditation by the commission pursuant to rule 42.4.

(2) An “*attorney*” ~~shall mean~~ means any person licensed to practice law in the state of Iowa.

(3) The “*commission*” ~~shall mean~~ means the Commission on Continuing Legal Education or any division thereof.

(4) “*Guidelines*” means a commission document that prescribes requirements for accreditation of continuing legal education programs and is made available to sponsors and lawyers on the commission web page.

(5) An “hour” of continuing legal education ~~shall mean~~ means a clock-hour spent by an attorney in actual attendance at or completion of an accredited legal education activity.

(6) “Legal ethics” ~~shall mean~~ means a separate, designated, and dedicated session of instruction:

1.a. Referring to and based on the disciplinary rules or ethical considerations of the ethics or professional responsibility code for ~~lawyers~~ attorneys in the jurisdiction where the instruction is presented; or

2.b. Designed to help attorneys detect, prevent, or respond to substance-related disorders or mental illness that impairs professional competence. The instruction must focus on issues in the legal profession and in the practice of law, and not issues of substance-related disorders or mental health in general.

(7) “Unmoderated activity” means a CLE activity presented by delayed or on-demand transmission or broadcast, in pre-recorded media such as audiotape, videotape, CD, podcast, CD-ROM, DVD, self-paced computer-based instruction, or another format, which has an interactive component and is approved by the commission based on its guidelines.

(8) A “quorum” of the entire commission ~~shall mean~~ means six or more members of the commission.

(9) “Moderated activity” means:

a. “Standard (Live)”—A live CLE activity presented in a suitable classroom setting devoted to the program.

b. “Satellite”—A live CLE activity broadcast by satellite link to a classroom setting or a central viewing or listening location. The attorney must be able to contact the moderator or presenters during the activity to comment and ask questions.

c. “Video Conference”—A live CLE activity broadcast by cable, wire, or fiber optic link to a classroom setting or a central viewing or listing location. The attorney must be able to contact the moderator or presenters during the activity to comment and ask questions.

d. “Live Webcast”—A live CLE activity broadcast over the Internet in audio or audio plus video form to viewers at remote locations or at a central viewing or listening location. The attorney must be able to contact the moderator or presenters during the activity to comment and ask questions.

e. “Live Teleconference”—A live CLE activity broadcast over the telephone in audio or audio plus video form to listeners at remote locations or at a central viewing or listening location. The attorney must be able to contact the moderator or presenters during the activity to comment and ask questions.

f. “Video Replay”—A recorded CLE activity presented in audio plus video form in a suitable classroom setting or central viewing location to a broad attorney population. The attorney must be able to contact a live moderator during the activity to comment or ask questions.

g. “Audio Replay”—A recorded CLE activity presented in audio form in a suitable classroom setting, central listening location, or by telephone to a broad

attorney population. The attorney must be able to contact a live moderator during the activity to comment or ask questions.

Rule 42.2 Continuing legal education requirement.

42.2(1) A minimum of 15 hours of continuing legal education must be completed by each attorney for each calendar year in the manner stated in Iowa Ct. R. 41.3(1). ~~Effective January 15, 1988, each~~ Each attorney shall, every two years, complete a minimum of three ~~two~~ hours of legal education devoted specifically to the area of legal ethics.

42.2(2) Hours of continuing legal education credit may be obtained by attending or participating in a continuing legal education activity, either previously accredited by the commission or which otherwise meets the requirements herein and is retroactively accredited by the commission pursuant to rule 42.4(3).

42.2(3) An attorney desiring to obtain credit for one or more succeeding calendar years, not exceeding two such years, for completing more than 15 hours of accredited legal education during any one calendar year, under Iowa Ct. R. 41.3(1), shall report such “carry-over” credit at the time of filing the annual report to the commission on or before March 1 of the year following the calendar year during which the claimed additional legal education hours were completed.

Rule 42.3 Standards for accreditation.

42.3(1) A continuing legal education activity qualifies for accreditation if the commission determines that the activity complies with all of the following:

a. It constitutes an organized program of learning (including a workshop or symposium) ~~which that~~ contributes directly to the professional competency of an attorney.

b. It pertains to common legal subjects or other subject matters ~~which that~~ integrally relate to the practice of law.

c. It is conducted by attorneys or individuals who have a special education, training, and experience by reason of which said individuals should be considered experts concerning the subject matter of the program, and preferably is accompanied by a paper, manual, or written outline ~~which that~~ substantively pertains to the subject matter of the program.

d. It is presented ~~live or by computer-based transmission. in the form of moderated programming, or in the form of unmoderated programming approved by the commission in its guidelines. Activities presented by computer-based transmission must be interactive as defined by accreditation policies of the commission.~~

42.3(2) No activity will be accredited ~~which~~ that involves solely self-study, including television viewing, video or sound recorded programs, or correspondence work, except as may be allowed pursuant to rule 42.5.

Rule 42.4 Accreditation of programs and activities.

42.4(1) ~~Prior accreditation~~ Accreditation of activities. ~~A program sponsor An organization or person~~ that desires ~~prior accreditation of a program,~~ course, or other legal education activity ~~satisfying Iowa Ct. R. 41.2,~~ or an attorney who desires to establish accreditation of a program, course, or other legal education activity, ~~such activity prior to attendance,~~ shall apply for accreditation to the commission ~~at least 60 days in advance of the commencement of the activity or after completion of the activity in the manner the commission prescribes. on a form provided by the commission.~~ The commission shall approve or deny such application in writing or by electronic mail within 30 days of receipt of such application. The application shall state the dates, subjects offered, total hours of instruction, names and qualifications of speakers, and other pertinent information.

42.4(2) ~~Post accreditation of activities. An attorney or organization on behalf of an attorney seeking credit for attendance at or participation in an educational activity which has not received prior accreditation shall submit to the commission, within 30 days after completion of such activity, a request for credit, including a brief résumé of the activity, its dates, subjects, instructors and their qualifications, and the number of credit hours requested therefor. Within 30 days after receipt of such application, the commission shall advise the attorney or organization in writing by ordinary mail whether the activity is accredited and the number of hours allowed therefor. An attorney or organization not complying with the requirements of this rule may be denied credit for such activity.~~

42.4(3) 42.4(2) Fee for organization applications for accreditation. To support administration of this chapter, any organization or other activity sponsor applying for accreditation of an activity shall pay to the commission a prescribed nonrefundable application fee for each activity. No application fee shall be required of an attorney who applies for accreditation solely as an attendee. The commission may waive the application fee for any of the following reasons:

- a. For any activity offered at no charge to attendees for the educational portion of the activity.
- b. For any presentation of the identical program at additional places or dates during a calendar year, provided the original presentation of the program was approved.

**OFFICE OF PROFESSIONAL REGULATION
OF THE SUPREME COURT OF IOWA**



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Memorandum for: Publication

From: Paul H. Wieck II, Director

Subject: Distance Education Changes as Adopted

Date: March 21, 2014

This memo summarizes the rule changes adopted March 21, 2014, regarding the use of distance education in continuing legal education (CLE). These changes were recommended by the Commission on CLE following the commission's study of distance education practices and the provisions of the Iowa CLE rules for over a year.

Overview

New defined terms are adopted for "moderated" and "unmoderated" activities. The term "computer-based" now describes only self-paced instruction.

A "moderated activity" includes live in-person seminars, live satellite transmissions of video and audio, live video conferences, live webcasts whether audio-only or audio plus video, live teleconferences, video replays with a live moderator, and audio replays with a live moderator.

An "unmoderated" activity includes delayed or on-demand transmissions, pre-recorded media, self-paced computer-based instruction, or other format, which have an interactive component and are approved by the commission in guidelines. The commission is authorized to publish guidelines prescribing requirements for accreditation of unmoderated activities.

Rule 41.3

Rule 41.3 is revised to remove the term “computer based” and replace it with the term “unmoderated.” The annual six hour limit on computer based instruction is retained for unmoderated activities.

Rule 42.1

Iowa Court Rule 42.1 is revised to define the terms “moderated activity” and “unmoderated activity” and authorize the commission to adopt guidelines for accreditation of unmoderated activities.

Rule 42.2

Iowa Court Rule 42.2(1) is revised to conform the ethics attendance provisions to previously adopted changes regarding the biennial ethics attendance requirement.

Rule 42.3

Iowa Court Rule 42.2(1) is revised to remove the former provisions regarding “computer based transmission” and replace them with provisions for moderated and unmoderated programming. The form of unmoderated programming must be approved by the commission based on its guidelines.

Rule 42.4

Iowa Court Rules 42.4(1) and 42.4(2) are revised to allow applications for accreditation before or after an activity is conducted without a time limit. This change conforms the rules to existing practice.

Commission Guidelines

The commission intends to adopt initial guidelines for unmoderated programming. An unmoderated activity must have an interactive component, but the new guidelines will contemplate a wider array of acceptable types of interactivity than the former rules.

An unmoderated activity must have lawyers as the target audience.

An unmoderated activity must include high quality written materials.

An unmoderated activity will not be approved for a period beyond one year after the last content revision, unless the commission determines the content remains substantively current.

The sponsor of an unmoderated activity will be required to verify attendance and completion and retain the verification information for two years.

The six hour limit will be preserved for unmoderated events.

True self-study will remain ineligible for credit in Iowa.