

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

### **Mandatory CLE Requirements**

Every practicing member of the Law Society is required to:

1. Participate in a minimum of 15 hours of eligible Continuing Legal Education (CLE) activities annually; and
2. Provide information to the Law Society annually, outlining details of these CLE activities, using the Law Society's CLE Annual Report form.

### **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 are 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 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:

- Courses or seminars – Participation in seminars, courses, educational components of conferences, webcasts, telecasts or on-line courses etc., would all be eligible activities, provided the content requirements (outlined above) are met. Members may claim the following types of participation towards the mandatory CLE requirements:
  - attendance in person, online, or by telephone where content is being delivered live;
  - participation in an interactive, online course; and
  - viewing and/or listening to recorded or archived content.
- 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 materials – Self-study or reviewing written materials (current legal articles, textbooks, case reports, journals 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 is 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 has 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 - Reporting Requirements**

Members are required to complete and submit a document annually to the Law Society, referred to as a CLE Annual Report.

The CLE Annual Report will provide details on the member's CLE activities for the year in question and shall be submitted electronically on the Law Society's website. The submission deadline for filing in a given year is December 31 of that 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 will be responsible for completing 1.25 hours of eligible CLE activities for every month and partial month in which they hold practising status.

Members who maintain practicing status but are not engaged in the practice of law due to parental leave or a leave of absence due to illness may seek an exemption from the mandatory CLE requirements. Members seeking an exemption are required to submit a [Member Application and Declaration Form](#). Members who are eligible for an exemption will be exempted from 1.25 hours of eligible CLE activities for every full calendar month in which they are on leave from practice in a calendar year.

## **Monitoring**

The Law Society will monitor compliance with the Mandatory Continuing Legal Education requirements by reviewing the CLE Annual Report 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.