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CAROL G. GREEN  
CLERK APPELLATE COURTS

IN THE SUPREME COURT OF THE STATE OF KANSAS  
RULES RELATING TO CONTINUING LEGAL EDUCATION

The following rules are hereby amended, effective July 1, 2002, to read as follows:

**RULE 802**

**REQUIRED CONTINUING LEGAL EDUCATION**

- (b) Effective July 1, 1999, an active attorney may carry forward to the next annual registration period 10 or fewer unused general attendance credit hours from the registration period during which the credit hours were earned. Continuing legal education hours approved for professional responsibility, guardian ad litem, in-house, teaching and authorship credit do not qualify for carryover hours.

**RULE 803**

**ACCREDITATION OF PROGRAMS**

- (a) An organization or person, desiring prior accreditation of a course, program or other CLE activity for attorneys of this state, or an attorney who desires to have such activity approved for CLE credit prior to attendance, shall apply for accreditation to the Commission at least 60 days before the activity. Applications made by a program sponsor shall be accompanied by a \$25 non-refundable filing fee. The Commission shall approve or deny such application in writing within 30 days of receiving the application. ~~This rule has no application to "in-house" activity as defined in the CLE rules. The time limits contained in this rule have no application to in-house activity as defined in the CLE rules.~~
- (b) An attorney seeking credit for attendance at or participation in an educational activity which was not previously accredited shall submit to the Commission a request for credit, which shall include a description of the activity, dates, subjects, instructors and

their qualifications, the number of credit hours requested and any other information required by the Commission. Within 90 days after receipt of such application the Commission shall advise the attorney in writing whether credit is granted and the amount of CLE credit allowed. An application for approval of CLE activity must be submitted for each activity by either the sponsor or attorney.

## **RULE 805**

### **CREDIT FOR PARTICIPATION**

- (a) CLE credit shall be awarded on the basis of one hour for each 50 minutes devoted to legal educational activities.
- (b) An attorney shall not receive credit for any program attended before being admitted to practice law in Kansas.
- (c) Upon application, the Commission may award such credit as it determines for authorship of legal articles or books.
- (d) The Commission may award credit of up to five hours for preparing and presenting each 50 minute approved program. No credit shall be awarded for teaching directed primarily to candidates for a law degree. Teaching credit is awarded as an incentive to enhance or benefit the legal profession by teaching other attorneys; therefore, teaching must occur in association with an approved CLE program.
- (e) In addition to traditional approved continuing legal education activities in a classroom or laboratory setting, a maximum of (5) five hours of credit per year may be earned through alternative delivery methods approved by the Commission.

### **CLE RULE 4: CREDITS - COMPUTATION**

- 4.05 Credit may be earned for activities which cross academic lines (e.g., accounting-tax).
- 4.06 ~~4.07~~ The Commission may award up to five credit hours for each 50 minutes spent teaching an approved program. The applicant shall outline the course content, describe the teaching methodology, and state the time spent in preparation and instruction for the program. In awarding credit up to the maximum allowed, the Commission will consider time spent in preparation and teaching. For example, an attorney who spends 150 minutes preparing a program and 50 minutes teaching may be awarded up to four credit hours. One-half credit hour

shall be awarded for teaching of at least 25 but less than 50 minutes. No credit may be claimed for smaller fractional units. Repeat presentations may qualify for additional credits, limited to time actually spent updating the presentation and teaching.

Because teaching credit is awarded as an incentive to attorneys to enhance or benefit the legal profession, the instruction must be directed toward an audience composed primarily of attorneys (ie., at least 51% of audience members are attorneys).

4.07 ~~4.08~~ The Commission may award credit for research activities, upon written application by attorneys engaged in such activities, provided the activity (1) has produced published findings in the form of articles, chapters, monographs, or books, personally authored, in whole or part, by the applicant, and (2) contributes substantially to the continuing legal education of the applicant and other attorneys. Credit may be awarded one hour for every hour spent directly in preparation. Publication must occur during the compliance period for which credit is requested. Articles, monographs, and books directed to non-attorney audiences, while resulting in self-improvement as a form of self-study, do not qualify for authorship credit.

4.08 ~~4.09~~ Video or Sound Tape Presentations:

- a. Credit may be earned for video or sound tape presentations if a qualified person is in attendance, personally or by telephonic communication, to comment and answer questions.
- b. A qualified person is one who by academic or professional qualification possesses the knowledge to interact with the audience to supplement the presentation and answer questions.
- c. The commentary or question and answer segment should occur at a meaningful time, preferably after each subject matter break.
- d. Sponsors of video or sound tape presentations should seek preapproval for such programming.

4.09 ~~4.10~~ Effective with the 1999-2000 compliance period, hours that are to be carried forward must be filed within 30 days following the June 30 end of the compliance period and reflect attendance during the compliance period for which they were earned. Applications or affidavits filed after the 30 day

deadline will not qualify as carryover but will be filed to complete the annual requirement for the compliance period in which they were earned. (i.e., Applications or affidavits for hours attended during the 1999-2000 compliance period must be filed on or before July 31, 2000, in order to qualify as carryover credit.)

- 4.10 ~~4.11~~ Continuing legal education hours approved for professional responsibility, guardian ad litem, ~~{in-house}~~, teaching and authorship credit do not qualify as carryover credit.
- 4.11 ~~4.12~~ All attorneys registered in Kansas will receive from the Commission an annual report of compliance. The attorney has thirty days following receipt to amend the report. If no action is taken, this annual report will be filed with the Supreme Court. Attorneys requesting an exemption from CLE requirements must sign and return the certificate of exemption issued by the Commission.
- 4.12 ~~4.13~~ No attorney may receive more than 8 hours of credit in one day of CLE attendance.
- 4.13 ~~4.06~~ An in-house activity, to receive approval, shall meet all of the following standards:
- a. The activity shall meet the standards for program approval outlined in Rule 804. Written materials and/or course outlines shall be filed with the Commission by the day of presentation. A submission that is either received by the Commission or postmarked on that date shall be considered as timely filed.
  - b. The law firm, corporation or single governmental entity for whom the program is offered shall assume the responsibility for accreditation.
  - c. The course must be open to in-person monitoring/observation by any member of the Commission. To this end, the Commission must be notified thirty (30) days in advance of the date, time and place of any in-house presentation for which credit will be sought.
  - d. The activity must be scheduled at a time and location so as to be free of interruptions from telephone calls and other office matters.
  - e. No more than five (5) Continuing Legal Education credit hours may be earned by an attorney in any reporting year through in-house Continuing Legal Education activities.

4.14      An attorney may receive alternative delivery CLE credit for participation in an accredited CLE activity in which attorneys participate through some type of electronic medium as follows:

- a. Interactive online computer seminars;
- b. Interactive teleconferencing seminars;
- c. Other interactive CLE activities as may be developed through advanced technology, subject to approval of the CLE Commission.

4.15      A maximum of five (5) hours of credit per year earned by alternative delivery method approved by the Commission may be applied to the annual requirement and will not qualify for professional responsibility credit.

#### **CLE RULE 6:    ACCREDITATION OF PROGRAMS AND ACTIVITIES**

6.01      In order to apply for approval of a continuing legal education activity, not otherwise approved, an attorney or sponsoring agency shall submit all information requested on the appropriate form. An application for approval of CLE activity must be submitted for each activity by either the sponsor or attorney. Applications made by a program sponsor shall be accompanied by a \$25 non-refundable filing fee unless otherwise exempted by the Commission.

- a. Application for accreditation of an educational activity shall be made on CLE Form 1 or the Organization of Regulatory Administrators of Continuing Legal Education (ORACLE) Uniform Application for Accreditation of CLE Activity.
- b. Application for credit for teaching an approved program shall be made on CLE Form 2.
- c. Application for credit for research activity shall be made on CLE Form 3.

6.02      Applicants denied approval of a program or activity may appeal the decision to the Commission by submitting a letter of appeal within 30 days after the notice of disapproval was mailed. No other appeal may be taken.

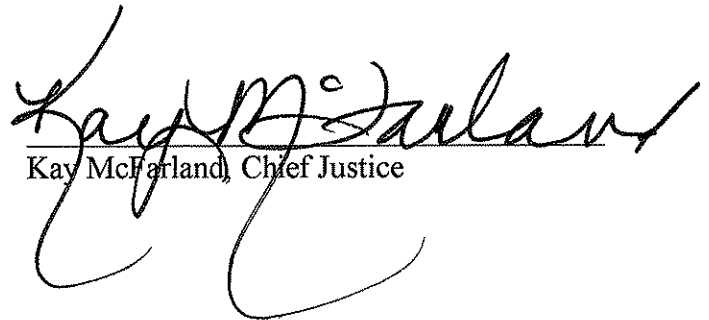
6.03      Sponsors of courses which have been approved may announce in informational brochures or registration materials: "Subject to Supreme Court Rule 803, this course has been approved by the Kansas Continuing Legal Education Commission for a maximum of\_\_ CLE credit hours." Sponsors of courses for which accreditation has been sought but not yet approved may announce: "Application for CLE approval of this activity in Kansas is currently pending."

6.04      At the conclusion of an approved program or activity, each participating

attorney should be given the opportunity to complete an evaluation form addressing the quality, effectiveness, and usefulness of the program or activity. Within 60 days following a program, the Commission may request copies of the evaluations and any existing summary of the results.

- 6.05 In-state sponsors are responsible for distributing the appropriate Kansas affidavit for signature and for returning the executed affidavit to the CLE Commission within thirty days of the program. Out-of-state sponsors are required to distribute the appropriate Kansas affidavit to all attorneys. For out-of-state programs, the individual attorney is responsible for submitting the executed affidavit to the CLE Commission.
- 6.06 The Commission does not accredit self-study programs.
- 6.07 In-state sponsors seeking CLE accreditation for programming prior to July 1 of a compliance year, for which the affidavits are not submitted before July 31, shall be responsible for the fees set forth in Supreme Court Rule 807(b) and/or CLE Rule 9.02.
- 6.08 Applications for programming presented by an alternative delivery method must be submitted to the Commission by the sponsor in the form prescribed by the Commission 30 days prior to the activity. CLE credit will not be considered after the program is presented.

BY ORDER OF THE COURT this 22<sup>nd</sup> day of May, 2002.

  
Kay McFarland, Chief Justice