

## Pennsylvania

## Continuing

## Legal

## Education

## Board

### 1996 Membership

James C. Schwartzman, Esq., *Chairman*

Charles P. Gelso, Esq., *Vice Chairman*

John A. Carpenter, Esq.

Thomas L. Cooper, Esq.

Vincent J. Grogan, Esq.

Phoebe A. Haddon, Esq.

Harold E. Kohn, Esq.

Marvin S. Lieber, Esq.

James F. Mundy, Esq.\*

Diane W. Perer, Esq.

### Staff:

Karen K. Spicer, *Administrator*

\* Resigned 12-96

### Legal Authorization:

Title 204 - Judicial System General Provisions Part V.

Professional Ethics and Conduct [204 PA Code C. 82]

Pennsylvania Rules for Continuing Legal Education; No. 99

Supreme Court Rules Doc. No. 1

5035 Ritter Road  
Suite 500  
Mechanicsburg, PA 17055  
(717) 795-2139  
(800) 497-2253  
[www.pacle.org](http://www.pacle.org)

## History/Background

With the promulgation by the Pennsylvania Supreme Court of the Pennsylvania Rules for Continuing Legal Education on January 7, 1992, Pennsylvania became the thirty-eighth state in the union to require attorneys to participate in formal continuing legal education (CLE).

It is the responsibility of the Continuing Legal Education Board to administer the rules pertaining to such education for attorneys. This responsibility began with establishing the entire continuing legal education requirements system and continues to include updating the requirements and rules as necessary, monitoring each attorney's compliance with the requirements, notifying attorneys of CLE status and accrediting and monitoring CLE providers.

The board established the following goals early in its existence:

- create and maintain a credible and respected CLE program in Pennsylvania
- be lawyer friendly
- make compliance easy for lawyers
- minimize paperwork for lawyers
- utilize the most modern, efficient and effective methods of communication
- automate as much as possible through computerization.

The board is comprised of ten active Pennsylvania attorneys appointed by the Supreme Court. Member terms are three years in length and no member may serve more than two consecutive terms.

## Compliance Requirements and Deadlines

Annual CLE credit-hour requirements are met by completion of accredited courses in the areas of substantive law, practice and procedure, ethics, professionalism or substance abuse. As of September 1, 1995, lawyers

in each compliance year group must complete twelve hours of CLE, including a minimum of one hour of ethics, professionalism or substance abuse before the compliance year deadline.

Compliance deadlines and CLE requirements are based on the annual compliance period to which lawyers have been assigned by random selection of lawyer identification numbers. CLE requirements and group deadlines can be found in Chart 3.5.1 below.

## Board Organization

In order to best accomplish the requirements set forth by the Pennsylvania Rules for Continuing Legal Education, the Continuing Legal Education Board is organized into four committees, each covering a major area

Compliance Deadlines/Requirements	
<u>Compliance Period Ending</u>	<u>Education Requirements</u>
Group One	
4-30-93	5 hours ethics
4-30-94	6 hours total, minimum 1 hour ethics
4-30-95	6 hours total, minimum 1 hour ethics
4-30-96	9 hours total, minimum 1 hour ethics
4-30-97	12 hours total, minimum 1 hour ethics
Group Two	
8-31-93	5 hours ethics
8-31-94	6 hours total, minimum 1 hour ethics
8-31-95	9 hours total, minimum 1 hour ethics
8-31-96	12 hours total, minimum 1 hour ethics
8-31-97	12 hours total, minimum 1 hour ethics
Group Three	
12-31-93	5 hours ethics
12-31-94	6 hours total, minimum 1 hour ethics
12-31-95	9 hours total, minimum 1 hour ethics
12-31-96	12 hours total, minimum 1 hour ethics
12-31-96	12 hours total, minimum 1 hour ethics

Chart 3.5.1

of operations: Accreditation, Administration, Audit and Compliance. A description of each committee follows.

#### *Accreditation Committee*

The Accreditation Committee has four members: Thomas L. Cooper, Esq., chairman; Charles P. Gelso, Esq.; Harold E. Kohn, Esq.; and James F. Mundy, Esq. Its duties include certification of providers and courses, CLE program standards, publicity for CLE programs, communications with lawyers, adequacy of course availability, and course and provider accreditation standards.

#### *Administration Committee*

The Administration Committee includes Charles P. Gelso, Esq., chairman; Vincent J. Grogan, Esq.; Marvin S. Lieber, Esq.; and James F. Mundy, Esq. It handles matters involving staff, employee relations, benefits, office equipment, office operations, fees and banking and those enhancements to program administration necessary to ensure quality and efficiency.

#### *Audit Committee*

The Audit Committee has three members: Marvin S. Lieber, Esq., chairman; Thomas L. Cooper, Esq.; and James C. Schwartzman, Esq. It oversees the budget, annual independent audit, and audit of board operations. It continues to monitor the board's financial software, operating procedures and reporting. It is also the liaison between the board and the board's accountants, KPMG Peat Marwick.

#### *Compliance Committee*

James C. Schwartzman, Esq., chairman; John A. Carpenter, Esq.; Diane W. Perer, Esq.; and Phoebe A. Haddon, Esq. comprise the Compliance Committee. This committee over-

sees attorney compliance; reviews requests for waivers, extensions and deferrals from lawyers; reviews determination of lawyer noncompliance; and makes recommendations to the board for action regarding these issues.

### **1996 Board Actions and Operations Highlights**

The board met three times in 1996. Key activities included:

- amendment of the rules and regulations to allow accreditation of courses given by for profit providers when courses are conducted outside the Commonwealth on or after January 1, 1997
- amendment of the rules and regulations to allow extra credit for lawyers who teach CLE courses
- regulation change to clarify CLE requirements for lawyers placed on inactive status for failure to meet CLE requirements and who request reinstatement
- requirement that, beginning in 1997, new providers seeking accreditation complete a training program administered by the CLE board staff. This addition to the regulations requires successful completion of training before application for accredited status can be approved.
- reduction of the initial fee for provider accreditation from \$250 to \$25.00.

The rules adopted by the Supreme Court require that administrative expenses be funded by fees paid from providers and lawyers. The board's income during 1996 was \$2,148,733. The majority of income is derived from course attendance fees (65%). Operating expenditures, including capital expenditures totaled \$1,861,415.

The board has established designated reserves to fund future anticipated needs. Based upon operating efficiencies, it decided in

September of 1995, to reduce course attendance fees from \$5.00 to \$2.50 per credit hour. The fee was again reduced, effective August 1, 1996, to \$2.00 per credit hour. In December the board further reduced the credit hour fee to \$1.50 to be effective for courses held on or after May 1, 1997.

### *Attorney Compliance*

Attorney compliance with CLE requirements has remained exceptionally high, averaging over 99%. Chart 3.5.2 on page 59 displays the compliance rate and the numbers of non-compliant lawyers reported to the Court for the compliance year ending prior to December 31, 1996.

The names of those attorneys who failed to comply with the requirements were submitted to the Supreme Court Disciplinary Board.


### **Looking Ahead to 1997**

Plans for 1997 include:

- implementation of Pennsylvania CLE on the Internet, especially to provide course availability information to lawyers

- implementing the program to train prospective accredited providers early in the year
- alternative methods of data submission will be fully explored with the goal of achieving paperless entry and speeding up information processing
- Further efficiencies for computer program applications, including the development of provider hardware and software for paperless processing will also be pursued.

### **Contact Person**

Questions about CLE or the Pennsylvania Continuing Legal Education Board may be directed to Karen K. Spicer, Administrator, at (800) 497-2253 or (717) 795-2139. Or you may write to the board at 5035 Ritter Road, Suite 500; Mechanicsburg, PA 17055 or our Web site at [www.pacle.org](http://www.pacle.org). 

Attorney Compliance				
Compliance Year Ending	# Lawyers Subject to Requirements	# Lawyers Complying	# Lawyers Involuntarily Inactivated	Compliance Rates
<b>Group 1</b>				
92-93 - April 93	17,100	16,959	141	99.2%
93-94 - April 94	17,300	17,179	121	99.3%
94-95 - April 95	17,619	17,552	67	99.6%
95-96 - April 96	17,873	17,768	105	99.4%
<b>Group 2</b>				
92-93 - August 93	17,124	16,868	256	98.5%
93-94 - August 94	17,289	17,134	155	99.1%
94-95 - August 95	17,649	17,540	109	99.4%
95-96 - August 96	17,595	*	*	*
<b>Group 3</b>				
92-93 - December 93	17,269	16,936	333	98.1%
93-94 - December 94	17,474	17,414	60	99.7%
94-95 - December 95	17,679	17,574	105	99.4%
95-96 - December 96	17,542	+	+	+
* Information for this compliance period will be available April 17, 1997.				
+ Information for this compliance period will be available July 16, 1997.				

Table 3.5.2