

NOTICE TO CJA COUNSEL CONCERNING THE ANNUAL CLE REQUIREMENT

This court's CJA Committee, after consultation with the court, has considered the requests made by panel members concerning the kind of CLE that may be submitted for credit against the annual CLE requirement. Additionally, the court has also considered whether any clarification of the CLE requirement is needed in light of its two year history.. The CJA Committee has now clarified the CLE requirements as follows:

1. Overview of CLE requirement. The annual CLE requirement, as outlined in miscellaneous order M217-03, requires each panel attorney to complete and submit the appropriate CLE form and documentation verifying that the attorney has taken at least eight hours of CLE relating to criminal law/procedure or appellate practice. Requests for credit for classes not within these subject matter areas will not be accepted. CLE in child abuse and neglect matters does not fall within the required subject matters and will not be approved for credit toward the required CLE.

2. Consequences of non-compliance. The annual CLE requirement is administered on a calendar year basis. The completed annual reporting forms are due by January 15th of the following year. Any request for an extension of time must be filed by January 15th and must set forth good cause for such extension. Counsel will be ineligible to receive appointments until such time as the CLE requirement has been met. The failure of counsel to timely complete the CLE requirement, or to seek an extension of time within the required period, will result in counsel's removal from the CJA list.

3. Request for credit for classes and training taught by the attorney. An attorney may seek approval for credit toward the annual CLE requirement for classes taught by the attorney, subject to the following conditions:

A. No more than 4 hours of such credit may be requested within a single calendar year.

B. Prior approval must be sought and obtained prior to the end of the calendar year and the attorney must submit the required approval form and supporting documentation to the CJA committee for approval. The attorney shall describe the nature and theme of the class, its length, the audience addressed, the estimated preparation time devoted to the class and the documents or teaching material prepared by the attorney.

C. Unless documentation is provided showing that major research or other work was required after the course had been given for the first time, an attorney may not seek credit for teaching the same class, or for providing the same training, in successive years.

D. The course must meet the subject matter requirements described above.

4. On-line CLE. A panel member may request credit for appropriate classes taken on line subject to the following conditions:

A. No more than 4 hours of on-line courses may be submitted annually.

B. The on-line class must be accepted by the State in which it is given as satisfying the requirements of that State's mandatory CLE requirement.

C. The course must satisfy the subject matter requirements described above.