

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA**

**ADMINISTRATIVE ORDER 02-33**

**WHEREAS**, the Ad Hoc Superior Court Committee On Continuing Legal Education For Criminal Justice Act Attorneys (“Committee”) was formed in December 2001 to examine the issue of whether to institute a requirement of continuing legal education (“CLE”) for United States and District of Columbia panel attorneys practicing in the Superior Court of the District of Columbia pursuant to the Criminal Justice Act, D.C. Code, § 11-2601 *et seq*, and, if so, the terms of such a requirement;

**WHEREAS**, the Committee was composed of the following representatives from the Superior Court, the Public Defender Service, the Superior Court Trial Lawyers Association, the District of Columbia Association of Criminal Defense Lawyers, and non-institutional panel attorneys:

Judge Noel Anketell Kramer, Chair

Judge Harold Cushenberry, Vice Chair

Judge Rhonda Reid Winston

Judge Lynn Leibovitz

Magistrate Judge Ronald A. Goodbread

Betty Ballester, President, Superior Court Trial Lawyers Association

Richard Gilbert, Vice-President, D.C. Association of Criminal Defense

Lawyers

A. Eduardo Balarezo

Janet Mitchell

Julia Leighton, then Deputy Chief of Legal Services of the D.C. Public Defender Service

Jonathan Rapping, then the Training Director of the D.C. Public Defender Service

Ataq R. Ahmed

Joseph Bernard

Martin Rosendorf

and

**WHEREAS**, upon examination of CLE requirements of other federal, state, county and local jurisdictions, including all fifty states, the Committee examined the following seven questions in deciding upon its recommendations:

1. How many annual credit hours should be required?
2. How should credits/hours be calculated?
3. What courses should be accepted?
4. Who should decide what courses are acceptable?
5. Who should keep the records of compliance?
6. How should the panel members report their course attendance?
7. What should be the repercussions if a panel member is not in compliance?

and

**WHEREAS**, the Committee, having completed its task, made several recommendations, which are attached hereto, and after full consideration of the Committee's recommendations, it is

**ORDERED**, that the following requirements and procedures are hereby promulgated and made applicable to U.S. and D.C. Panel Attorneys practicing in the Superior Court of the District of Columbia:

**I. Required Annual Credit Hours**

A. Beginning with the year 2003 and for each year thereafter, U.S. and D.C. Panel Attorneys practicing in the Superior Court of the District of Columbia shall complete eight hours of mandatory CLE each year.

B. U.S. and D.C. Panel Attorneys are not permitted to carry over credits from one calendar year to another.

## **II. Calculation of Credits/Hours**

A. To accrue an hour of CLE credit, a class must be at least fifty minutes duration, classes of only a half an hour duration do not count toward the CLE requirement.

B. Programs put on by the following institutions shall automatically qualify for CLE credits, provided the subject matter for an individual course falls within one of the subject matter categories that is approved below:

1. D.C. Public Defender Service
2. Superior Court Trial Lawyers' Association
3. D.C. Association of Criminal Defense Lawyers
4. National Association of Criminal Defense Lawyers
5. Federal Defender Training Program
6. National Institute for Trial Advocacy (NITA)

## **III. Subject Areas Which Qualify for CLE Credits**

A. Classes in the following subject areas will qualify for CLE credits:

1. Substantive criminal law, including traffic law
2. Criminal procedure
3. Evidence
4. Trial advocacy
5. Forensic issues that may arise in a criminal trial
6. Ethics
7. Immigration law
8. Investigation
9. Sentencing and diversion alternatives in the D.C. Superior Court

B. No particular number of credit hours in any one of the above-listed subjects will be required to satisfy the eight-hour requirement.

C. To qualify for course credit, courses must be focused on training and be of a reasonable caliber and seriousness rather than simply a complaint or dialogue session.

#### **IV. Governing Body to Decide Acceptable Courses.**

A. The Ad Hoc Superior Court Committee On Continuing Legal Education For Criminal Justice Act Attorneys, having completed its assigned task, is hereby dissolved, with the deep appreciation of the Court for the extensive and excellent work in preparing a continuing legal education requirements plan.

B. A standing committee, the Criminal Justice Act Continuing Legal Education Committee (“CJA/CLE”), is hereby created. This committee shall be made up of two representatives from the Superior Court Trial Lawyers’ Association, one each from the D.C. Association of Criminal Defense Attorneys and the Public Defender Service, and a judge of the Superior Court. The new committee shall decide which courses are acceptable for CLE credit.

C. The following initial members are hereby appointed to the CJA/CLE Committee:

Hon. Gerald I. Fisher, D.C. Superior Court, Chair

Joseph Bernard , Superior Court Trial Lawyers’ Association

Martin Rosendorf, Superior Court Trial Lawyers’ Association

Nina Masonson, D.C. Association of Criminal Defense Lawyers

Claire Roth, D.C. Public Defender Service

D. The CJA/CLE Committee shall have the following responsibilities: (1) to decide which courses are acceptable for CLE credit; (2) in conjunction with the CJA Panel Committee, to recommend to the Chief Judge of the Superior Court what CLE requirements should be imposed on the newly admitted members of the U.S. and D.C. Panels.

**V. Maintenance of Records of Compliance.**

The Superior Court of the District of Columbia shall maintain and keep the records of attorney compliance and administer compliance.

**VI. Reporting Attendance at CLE Classes.**

The reporting of attendance at CLE classes must be on a form that includes the date of the course, the title of the course, the course sponsor, the number of hours over which the course was conducted, certification of compliance, and the attorney's certification, by his or her signature, that the attorney has attended the course and that the information on the form is true and accurate.

**VII. Repercussions if Panel Member is not in Compliance.**

A. If the CLE requirements set forth in this order have not been fulfilled within the calendar year, an attorney shall become ineligible for new appointments, but may fulfill the requirements during an automatic grace period of three months into the following calendar year.

B. If the attorney is out of compliance for as long as a year plus the three month grace period, then the attorney shall lose his or her place on his or her respective panel and must re-apply.

**VIII. Granting Exceptions to the CLE Requirement.**

Exceptions to the requirement that a U.S. or D.C. Panel member complete eight hours of CLE within a given calendar year will be granted only upon a showing that an attorney was in an extended trial of at least six months' duration, personally suffered from a serious and extended illness, or otherwise suffered from an exceptional hardship.

