

June 20, 2002

Dear Counselor,

I am pleased to announce that the New York State Continuing Legal Education Board has approved the Nassau County Assigned Counsel Defender Plan as a Pro Bono CLE Provider¹. This means that panelists can accrue 1 CLE credit for every six hours spent on 18B cases², up to a maximum of 6 credits during any one reporting cycle (2 years).

Note that **this benefit applies only to cases in which you do not receive any part of the fee from the 18B defendant** (i.e. no split fee agreement cases). Ethics and Professionalism credits may not be awarded for such work. Finally, this benefit does not replace or in any way affect this office's internal requirement that each 18B panelist accrue a minimum of 6 CLE credit hours each year through lectures in an area related to criminal, family or appellate law.

In order to receive CLE credits you must comply with CLE Regulation 3 D 11 e, which reads as follows:

- e. **Attorney obligations** – Attorneys shall keep time records of their participation in pro bono CLE activities and shall retain the time records for a period of four (4) years.
 - i. Attorneys who perform pro bono CLE activities pursuant to assignment by a court shall calculate the CLE credit hours earned pursuant to section 3 (D)(11)(d), above³. The attorney shall retain for a period of four (4) years the CLE credit hour calculation and a copy of the court order assigning the attorney to the pro bono activity.

¹ CLE Regulation 3 D 11 reads in part as follows: "Credit may be earned for performing uncompensated legal services ... Uncompensated legal services are legal services for which the provider of the legal services is not compensated by the recipient of those services ... Eligibility for designation by the CLE board as an Approved Pro Bono CLE Provider is limited to... (among others) subsidiaries of bar associations, which have as their primary purpose the furnishing of legal services to indigent persons."

² A CLE hour is defined as 50 minutes. Thus, 6 CLE hours equal in reality only 300 minutes, or 5 (regular) hours.

³ I.e. 1 CLE credit hour for every six (6) 50-minute hours (300 minutes) of pro bono legal service.

ii. Attorneys who perform pro bono CLE activities sponsored by an approved pro bono CLE Provider **shall complete an affirmation describing the services provided, and stating the number of hours of pro bono legal service that the attorney performed. The attorney shall submit the affirmation to the sponsoring Approved Pro Bono CLE Provider.** (emphasis supplied)

In order to reduce your paperwork, I have prepared a suggested affirmation (enclosed) that fulfills the above requirement and that permits you to attach a copy of a voucher on a given case rather than re-type the hours and dates. If you wish to use it, you may. If you wish to construct your own, be my guest.

A final note of thanks is in order. One of our panelists, Len Isaacs, called me in January of this year to let me know that we might be eligible for this CLE benefit. Based upon his input, I made the application and just last week received the approval. My thanks go out to Len for his diligence and thoughtfulness. On behalf of him, I am happy to be able to provide you with this additional benefit for your dedicated service as an 18B panelist.

Thank you.

Sincerely,

Patrick L. McCloskey