



COVID-19 Updates from PA CLE

Please note the following announcements from the PA CLE Board regarding the impact of the coronavirus on CLE operations:

Since the onset of the pandemic, the CLE Board has taken steps to help lawyers comply with their continuing legal education requirements. In coordination with the Supreme Court of Pennsylvania, the Board has adopted policy updates and temporary accommodations to help facilitate lawyer compliance and implement appropriate procedures. Please note the following announcements from the CLE Board regarding impact of COVID-19 on CLE administration:

Latest Updates

- **Temporary Distance Learning Carry Over Exception:** The CLE Board has adopted temporary policy to allow distance-learning credits taken during the 2020-2021 compliance periods to carry forward as traditional credit. Distance learning credits taken during 2020-2021 compliance periods in excess the twelve (12) hours will be treated as traditional credit and carry over per Rule 108 (d) relating to carry over credits.
- **Accreditation of Distance Learning Course Providers:** Providers seeking approval as an Accredited Provider of Distance Learning may use programs conducted during the current and previous calendar year as part of the five (5) requisite programs needed for distance learning provider accreditation. Providers must be an Accredited Provider or Accredited Provider applicant in order for programs to be eligible for approval. Courses may be approved if they meet the standards for PA CLE accreditation and would otherwise have been approved if conducted in a live classroom setting. More information is available [here](#).

Distance Learning

The CLE Board has adopted practices to facilitate the accreditation of distance learning providers. Only courses held by accredited providers or accredited provider applicants may be taken for CLE credit.

In recognition of consistent streaming technologies used by course providers to meet interactivity standards, the application process has been updated to facilitate approval of distance learning course providers.

- Providers may receive approval as an Accredited Distance Learning Provider upon the application and a approval of five (5) program that meet the standards for accreditation.
- Providers seeking approval as an accredited provider of distance-learning may use programs conducted during the current and previous calendar year as part of the five (5) programs necessary for distance learning provider accreditation.
- Provider applicants may receive conditional approval as an accredited distance-learning provider until CLE staff conducts a review of one (1) distance learning program.
- Programs submitted for review in the accreditation process may receive CLE approval.
- Providers are responsible for filing course notifications and attendance reports with the CLE Board. Please refer to [Information for Providers](#)

Due to COVID-19, attorneys may complete all 12 of their 2020 CLE requirement through participation in approved online programs. Credits must be completed through programs conducted by accredited distance learning providers or accredited provider applicants.

Effective January 1, 2021 through December 31, 2021 the CLE Board is adopting a temporary policy to recognize live online programming by accredited distance learning providers as live (non-capped) credit towards lawyers' CLE requirement. This will acknowledge the engagement and real-time learning experience synchronous training provides while extending compliance accommodations for attorneys. You may review the policy [here](#).

IN THE SUPREME COURT OF PENNSYLVANIA

IN RE:

NO. 864

ORDER TEMPORARILY MODIFYING
PENNSYLVANIA RULE OF CONTINUING
LEGAL EDUCATION 108(e) FOR
CALENDAR YEAR 2021

SUPREME COURT RULES
DOCKET

ORDER

PER CURIAM

AND NOW, this 23rd day of December, 2020, upon the recommendation of the Pennsylvania Continuing Legal Education Board (the “Board”),

IT IS ORDERED pursuant to Article V, Section 10 of the Constitution of Pennsylvania, and Rule 1952(A) of the Rules of Judicial Administration, that Rule 108 of the Pennsylvania Rules of Continuing Legal Education is temporarily modified as follows:

Pennsylvania Rule of Continuing Legal Education 108(e), which states that no more than six (6) credits earned by distance learning education may be applied to the annual compliance requirement, is hereby modified with respect to CLE compliance deadlines for the year 2021. All CLE credits to satisfy 2021 compliance deadlines may be obtained through completion of distance learning programs consistent with the Rules and Regulations for Continuing Legal Education in Pennsylvania.

This **ORDER** shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective January 1, 2021.

2021 Distance Learning Policy for CLE during COVID-19 Pandemic

The Pennsylvania CLE Board continues to monitor COVID-19's impact on continuing legal education and adopt policy and procedural modifications to help lawyers comply with CLE requirements.

While we all share cautious optimism for the return of in-person CLE programs next year, the CLE Board will temporarily modify its classification of distance learning credits for 2021.

With the exception of 2020, a limitation of six (6) credit hours has historically applied to all forms of accredited distance learning. This cap essentially requires completion of at least half of the annual CLE requirement through traditional live classroom-style training. Distance learning CLE includes different delivery formats including programs held live and in real-time (synchronous) and programs offered on-demand through prerecorded replays (asynchronous).

Effective January 1, 2021 through December 31, 2021 the CLE Board is adopting a temporary policy to recognize live online programming by accredited distance learning providers as live (non-capped) credit towards lawyers' CLE requirement. This will acknowledge the engagement and real-time learning experience synchronous training provides while extending compliance accommodations for attorneys.

In order for recognition as live (non-capped) credits in 2021:

1. Programs must be offered and conducted by accredited distance learning providers.
2. Programs must be conducted via live webcast or other streaming technology where the event is delivered on a specific date and time and the instructor(s) and attendees engage simultaneously for credit.
3. Programs must include interaction and the ability for participants to ask questions of faculty in real-time.
4. Providers must have the ability to incorporate video, PowerPoint, polling features, chat functions or other media/interaction as needed for the presentation of the program.
5. Attendees shall receive high-quality written materials to supplement the program.
6. Providers shall report program notifications and attendance within 30 days of the activity in a format determined by the CLE Board.

Credits earned through approved distance learning programs that do not meet the above conditions, such as pre-recorded and certain on-demand formats will remain subject to the six-hour cap.

In summary, for 2021 lawyers must earn 12 CLE credits. Six credits can be earned via distance learning programming. Six credits must be earned in live learning formats. This policy expands the definition for live learning to include in-person, non-virtual programs, as well as virtual, synchronous programming.

◆ Distance Learning

- **Limitations Expanded for 2020:** On April 15, 2020, the Supreme Court of Pennsylvania issued a [Court Order](#) temporarily waiving the six (6) hour limitation on distance learning credits for 2020 compliance deadlines. Attorneys in Pennsylvania may now complete all 12 hours of their 2020 CLE requirements through approved distance learning activities. Please note the following conditions of this one-time accommodation:
 - Suspension of the distance learning cap will apply to 2020 CLE deadlines and the standard cap of six (6) hours earned through this delivery method will resume with 2021 annual compliance deadlines.
 - In order to contribute toward the CLE requirement, distance learning credits must be earned through participation in approved programs offered by [Accredited Providers of Distance Learning](#).
 - Distance learning credits in excess of twelve (12) will not carry forward towards future annual compliance deadlines.
 - Up to six (6) excess distance learning credits earned in calendar year 2020, completed after the applicable 2020 compliance deadline, may be carried forward into calendar year 2021 for those lawyers in Compliance Group 1 and Compliance Group 2. Thus, lawyers in Compliance Group 1 may earn up to six (6) distance learning credits from May 1, 2020 through April 30, 2021 that will count towards their April 30, 2021 compliance requirements. Lawyers in Compliance Group 2 may earn up to six (6) distance learning credits from September 1, 2020 through August 31, 2021 that will count towards their August 31, 2021 compliance requirements. Those lawyers in Compliance Group 3 may not carry any excess distance learning credits earned in calendar year 2020 into calendar year 2021.
 - Credits not classified as distance learning will carry forward if applicable.
- **Accreditation Process Updated:** The process for becoming an Accredited Provider of Distance Learning has been streamlined. [More Information](#)

◆ Compliance Group One Deadline Extension:

The April 30, 2020 compliance deadline for completing CLE requirements has been extended until August 31, 2020. [More information](#)

◆ Current Non-Compliant Attorneys:

- A 90-Day hardship extension has been granted for the following:
 - [Compliance Group 2](#): Attorneys who have not complied with the August 31, 2019 CLE requirement by **July 17, 2020** will be placed on Administrative Suspension.
 - [Compliance Group 3](#): Attorneys who have not complied with the December 31, 2019 deadline by **July 21, 2020** will be assessed a second late fee.
- CLE credit deficiencies for the August and December 2019 compliance deadlines may be completed through approved distance learning.
- If you owe a late fee for non-compliance, we encourage you to use the secure payment feature available through your [MyPacle](#) account. This payment method provides a secure and more immediate fee resolution than mailing a check.

Still have a question? Please send us an email at pacleb@pacle.org.

A member of our staff will be happy to assist you.

Learn more about mitigating the spread of the virus at health.pa.gov.



www.pacle.org

Updated October 20, 2020