



# NEW JERSEY STATE BAR ASSOCIATION

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Honorable Stuart Rabner, Chief Justice  
New Jersey Supreme Court  
Hughes Justice Complex/ P.O. Box 037  
Trenton, NJ 08625-0037

Re: Diversity & Inclusion CLE Requirement Proposal

Dear Chief Justice Rabner:

The murder of George Floyd and other unarmed African-Americans, paired with the devastating disparate impact the COVID-19 pandemic has had on communities of color, has left us all in search of ways to combat persistent systemic racism in our society.

We are grateful for the New Jersey Supreme Court's leadership on this issue. We commend the Court's June 5th statement acknowledging racial disparities in the justice system, and noting that despite laudable efforts, there is more work to be done.

There are, of course, no easy solutions. But any solution must include the element of education. For that reason, the New Jersey State Bar Association (NJSBA) strongly requests that the Court amend Rule 1:42 to require lawyers licensed in New Jersey to fulfill a continuing legal education requirement in diversity, inclusion and the elimination of bias.

Specifically, we propose:

- That New Jersey require that two credit hours of continuing legal education (CLE) be dedicated to education on issues of diversity, inclusion and the elimination of bias in each two-year cycle.
- That one of those two credit hours be eligible to be applied to satisfy the current requirement for four ethics credits in each cycle.
- That the two diversity, inclusion and elimination of bias credit hours be incorporated in the current mandate for twenty-four credits to be completed in each two-year cycle.

The above can be accomplished with the following amendment (proposed additions underlined) to Rule 1:42-1:

Rule 1:42-1. Continuing Legal Education Required.

An attorney holding a license to practice in this State shall be required to participate in a program of continuing legal education in accordance

with regulations adopted under these rules. In satisfaction of the continuing legal education requirement, attorneys shall participate in twenty-four hours of qualifying continuing legal education over a two-year period. Four of the twenty-four hours of credit shall be concentrated in the areas of ethics and/or professionalism, and two of the twenty-four credit hours shall be concentrated in the areas of diversity, inclusion and elimination of bias. One of the two diversity, inclusion and elimination of bias credit hours required in each two-year period may be used to satisfy one credit of the ethics/professionalism requirement. Attorneys shall demonstrate that they have satisfied the continuing legal education requirement by certifying to their compliance at the end of the two-year period in a manner prescribed by the Board on Continuing Legal Education. In addition, attorneys shall maintain all necessary records and documentation to demonstrate such compliance in accordance with regulations adopted under these Rules.

We would note that a continuing legal education requirement in diversity, inclusion and the elimination of bias has been adopted in several other states, including neighboring New York. We would propose the adoption of the same or substantively similar definition for diversity, inclusion and elimination of bias programming that New York uses:

Diversity, Inclusion and Elimination of Bias courses, programs and activities must relate to the practice of law and may include, among other things, implicit and explicit bias, equal access to justice, serving a diverse population, diversity and inclusion initiatives in the legal profession, and sensitivity to cultural and other differences when interacting with members of the public, judges, jurors, litigants, attorneys and court personnel.

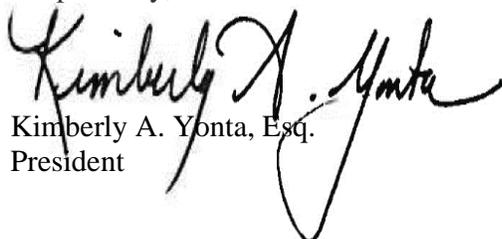
In 2016, the NJSBA supported a proposal of the American Bar Association's Diversity and Inclusion 360 Commission – created by former ABA President and esteemed New Jersey attorney Paulette Brown -- to make diversity and inclusion a separate CLE requirement, without increasing the total number of mandatory hours required. The concept was ultimately adopted by the ABA's House of Delegates among a group of recommendations designed to achieve the goal of fostering diversity and inclusion in the legal profession.

Four years later, we find ourselves at a crucial moment: With the cumulative inequities of our society laid bare, how will we act? What concrete actions will we take?

Changing the CLE requirements is a concrete action that will ensure that officers of the court have the cultural competency that reinforces public confidence in our legal system. It will also send a message that the legal profession and the courts are serious about taking steps to effect lasting change.

We thank you for your time and your serious consideration of our request. We look forward to continuing to work with you on the important tasks ahead.

Respectfully,



Kimberly A. Yonta, Esq.  
President