

## Timothy Gudas

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**From:** Paula D. Lewis <plewis@nhbar.org>  
**Sent:** Wednesday, April 17, 2024 5:43 AM  
**To:** Justice James P. Bassett  
**Cc:** Timothy Gudas  
**Subject:** Rule 53 - Pro Bono for NHMCLE Credit Question/Clarification Request

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Good morning!

As the lead of the working group that brought about NHMCLE credit for pro bono service, I am looking for clarification regarding Rule 53.1, below, where the Rule states in paragraph 2, ...at the rate of sixty (60) CLE minutes for every 300 billable-equivalent minutes of pro bono representation provided to a client. The Rule could be read to mean that attorneys who do not reach the 300 billable-equivalent minutes of pro bono representation will not receive NHMCLE minutes for pro bono work. I am not certain that was the intention for those attorneys who accumulate less than 300 billable-equivalent minutes of pro bono representation.

I have received the pro bono service list from 603 Legal Aid of 135 attorneys of which 60 attorneys have performed under 300 hours of pro bono service. If the statement in the Rule, noted above, was meant to identify the equation by which allowable CLE credit would be determined, then the 60 attorneys who accumulated under the 300 hours of pro bono service would receive an apportioned credit towards CLE minutes.

Excerpt from Rule 53.1:

### **53.1. NHMCLE REQUIREMENT**

*A. Purpose. Continuing legal education CLE improves the administration of justice and benefits the public interest. Regular participation in CLE programs strengthens the professional skills of practicing lawyers, affords them periodic opportunities for professional self-evaluation and enhances the quality of legal services rendered to the public. This Rule requires active members of the New Hampshire Bar to participate in additional legal study throughout their careers.*

#### *B. Amount Required*

*1. In General -- Every lawyer covered by this rule shall complete 720 minutes (twelve hours) of CLE in each reporting year. At least 120 minutes (two hours) of CLE shall be in the area of legal ethics, professionalism or the prevention of malpractice, substance abuse or attorney-client disputes.*

*2. Active Status Lawyers Volunteering for Pro Bono Cases — Active Membership Status lawyers who volunteer for assigned, pro bono cases for the purpose of representing indigent parties through 603 Legal Aid, NH Legal Assistance, and the Disability Rights Center may claim up to three hundred and sixty (360) general minutes of continuing legal education credit per reporting period at the rate of sixty (60) CLE minutes for every 300 billable-equivalent minutes of pro bono representation provided to a client. CLE ethics minutes cannot be earned from pro bono service. Pro bono minutes approved for CLE minutes will be reported to the NHMCLE Coordinator by the directors of the above-named entities on or before April 1 of each year. CLE minutes performed after April 1 will be applied to the following reporting year.*

I am happy to entertain additional conversation if needed so that the NHBA may properly administer this portion of the Rule as it was intended.

Thank you,

*Paula*

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