

Guidelines for Unmoderated Activities

An unmoderated activity is defined in Iowa Court Rule 42.1 as an activity presented by delayed or on-demand transmission or broadcast, or in pre-recorded media such as audiotape, videotape, CD, podcast, CD-ROM, DVD, self-paced instruction, and other formats, which has an interactive component and is approved by the commission based on its guidelines. The commission proposes the following guidelines for unmoderated activities.

A practitioner may receive CLE credit for up to 6 hours of unmoderated activities per calendar year, provided:

The sponsor or an individual lawyer must submit an application for approval of the unmoderated activity. An application for approval may be submitted before or after the activity is conducted.

The target audience must be lawyers. The course must be presented by a person or persons qualified by practical or academic experience to present the subject. In most instances, legal subjects should be presented by lawyers.

The activity must provide high quality written instructional materials. These materials must be available to be downloaded or otherwise furnished so that the attendee will have the ability to refer to such materials during, and subsequent to, the seminar.

The activity must have an interactive component. For example, an activity presented in audio or audio plus video format might allow the listener or viewer to submit questions electronically or in writing, and receive an answer back from the course faculty or other qualified commentator within a reasonable period of time. Activities presented by CD or DVD might include a testing component, or a self-paced format that periodically prompts the user for input and branches the instruction based on the user's demonstrated level of comprehension.

The sponsor must have procedures in place to verify a lawyer's completion of an activity independently. Verification procedures may vary by format and by provider. A lawyer affidavit attesting to the completion of an activity is not by itself sufficient. Independent provider verification is required. The sponsor must consider the format in which a CLE activity is offered and design an appropriate verification procedure.

For example, verification procedures for a course in recorded video format for individual viewing may consist of a lawyer reporting a course code to the provider after viewing the video, and attesting to completion of the activity in an affidavit. The CLE sponsor would then verify the accuracy of the code before issuing a certificate of attendance. Activities presented in segments should

have a separate and distinct code for each segment, and spaces on the verification form to report all codes.

A second example would be the use of pop-up boxes and time tracking by an online sponsor to independently verify that an attorney has completed an entire activity.

A third example would be the use of examination results or responses to comprehension queries in self-paced instruction.

Certification of attendance may be issued to the lawyer only after the sponsor has established that the lawyer completed the activity in its entirety.

The commission will consider approval of all methods of independent provider verification when determining accreditation of a CLE course. Sponsors are not required to report or verify attendance to the commission, but must retain verification and attendance information for at least two years after the lawyer's completion of the activity and provide that verification and attendance information to the commission upon request.

An application for accreditation of an unmoderated activity and the offering to lawyers must clearly show when the last substantive revision of the activity content was made. Activities will not be approved for more than one year beyond the date the course was last revised, unless the commission determines that the content remains substantively current.

Self-study activities are not eligible for accreditation, per Iowa Court Rule 42.3(2). In general, any pre-recorded content, including television viewing, video or sound recorded programs, or correspondence work, that does not meet the verification, interaction, and content requirements set forth in this policy, will be considered self-study and ineligible for accreditation.