

Frequently Asked Questions about the New Iowa CLE Requirements Beginning in Calendar Year 2021

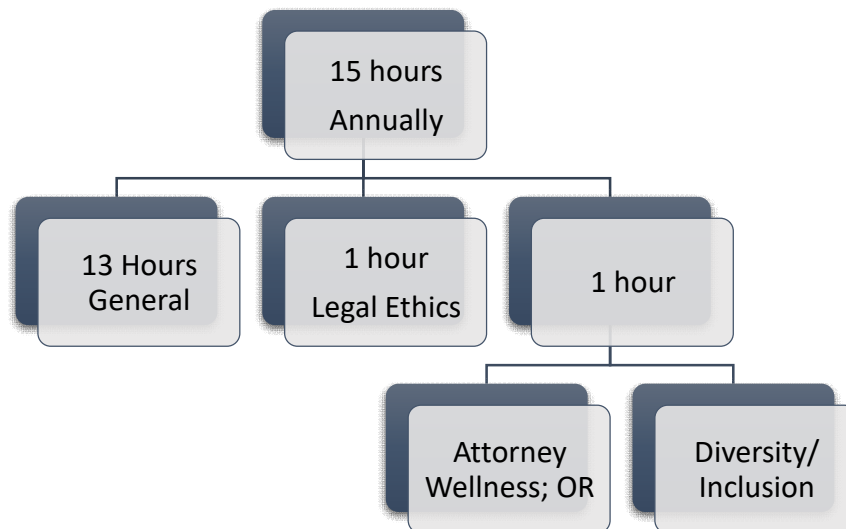
The Iowa Supreme Court has adopted the recommendation of the Commission on Continuing Legal Education that attorneys be required to take one hour of attorney wellness or diversity and inclusion each year. This adoption comes in light of national efforts, particularly by the American Bar Association, to encourage all states to require their lawyers to take courses in diversity and mental health and substance abuse.

This document is designed to provide further information for attorneys.

FAQs for Attorneys

1. What is the new attorney wellness and diversity/inclusion CLE requirement?

Under Iowa Court Rule 41.3(2) attorneys will be required to take one hour of attorney wellness CLE **OR** one hour of diversity and inclusion CLE as part of their 15-hour annual CLE requirement. These two types of CLE will be referred to in these FAQs as “attorney wellness” and “diversity and inclusion.” Attorneys will also be required to take one hour of “traditional” legal ethics.



2. What do “attorney wellness” and “diversity and inclusion” mean?

The terms “attorney wellness,” “diversity and inclusion,” and “legal ethics” are defined at Iowa Court Rule 42.1(7) and (8):

- “Attorney wellness” means a separate, designated, and dedicated session of instruction designed to help attorneys detect, prevent, or respond to substance-related disorders or mental illness that impairs professional competence. The instruction must focus on issues in

the legal profession and in the practice of law, and not issues of substance-related disorders or mental health in general.

- “Diversity and inclusion” means a separate, designated, and dedicated session of instruction regarding the impact of race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation on court system interaction or case or controversy outcome, and professional relationships between attorneys, judges, and clients where race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation is a potential factor.
- “Legal ethics” means a separate, designated, and dedicated session of instruction referring to and based on the disciplinary rules or ethical considerations of the ethics or professional responsibility code for attorneys in the jurisdiction where the instruction is presented.

3. What happened to the every-other-year ethics requirement?

Attorneys will no longer have to ask themselves whether they are in an ethics reporting year. There is no more ethics “biennium.” The new requirements are the same each year: 15 total CLE hours, with one hour of traditional legal ethics and one hour of attorney wellness or diversity and inclusion.

4. When does the new requirement go into effect?

The new requirement is in effect for the calendar year 2021 reporting period, beginning January 1, 2021, and ending December 31, 2021. Your 2021 CLE will be listed on your 2022 CLE Report, which must be filed on or before March 10, 2022. No courses offered or activities taken prior to January 1, 2021 will be eligible for the new attorney wellness or diversity and inclusion CLE requirement.

5. Do I need to report any ethics for 2020?

Previously, ethics bienniums ended in odd years, and 2018-2019 was the last ethics biennium. The new rules take effect on January 1, 2021, so there is no ethics requirement for calendar year 2020. No ethics hours taken in calendar year 2020 can be used in for your 2021 calendar year requirement.

6. How will courses be approved for attorney wellness or diversity and inclusion CLE credit?

Attorneys and CLE sponsors will submit courses for accreditation through the same process as they are currently using. Staff for the Office of Professional Regulation will review and accredit the courses and the system will identify whether the course is accredited for ethics, attorney wellness or diversity and inclusion.

7. Do out-of-state courses qualify for attorney wellness or diversity and inclusion CLE credit?

Yes. Out-of-state courses can be approved for all types of CLE in Iowa, including attorney wellness, diversity and inclusion, and legal ethics.

8. How can attorneys find courses offered for attorney wellness or diversity and inclusion CLE credit?

Attorneys can find courses through their customary providers or search the CLE database at www.iacourtcommissions.org