

Guidelines for Live Telephone/Webinars and Prerecorded Programming

Live Telephone/Webinars - Webcast and teleconference programs as defined in Rule 801(l)(4) and 801(l)(5) are counted in the same manner as live, classroom attendance. However, **the provider** must meet the interaction and verification standards and guidelines listed here and make application for approval of the program. Application for approval will not be accepted from an individual attorney.

Prerecorded Programming Definition - Prerecorded programming is defined in Supreme Court Rule 801(n) as a program accessed solely by an individual attorney including: audiotape, videotape, CD, podcast, CD-ROM, DVD, and other formats as approved by the Kansas CLE Board. The provider must meet the interaction and verification standards and guidelines listed here and make application for approval of the program. Application for approval will not be accepted from an individual attorney. An attorney may receive CLE credit for up to 6 hours of prerecorded credit per compliance period.

- **Accreditation** - The program must meet all standards for accreditation of programming. Rule 804(h).
- **Provider Verification** - The provider must have procedures in place to independently verify an attorney's completion of a program. Verification procedures may vary by format and by provider. An attorney affidavit attesting to the completion of a program is not by itself sufficient. Independent provider verification and attendance must be reported by the provider. Login/logoff times are not sufficient.
- **Format and Interaction** - The provider must consider the format in which a CLE program is offered in order to design an appropriate verification procedure.

For example, verification procedures for a course in the DVD format for individual viewing may consist of an attorney reporting a course code to the provider after viewing a DVD, and attesting to completion of the program in an affidavit. The CLE provider would then verify the accuracy of the code before issuing a certificate of attendance. (For example, a code, such as "167," may be spoken at some point during a recorded program and/or may appear briefly on the screen. A participating attorney would record the code, "167," on the form provided by the provider and submit the form with course code to the CLE provider.) Note that CLE courses or programs presented in segments should have a separate and distinct code for each segment, and spaces on the verification form to report all codes.

Other examples may be the use of pop-up boxes and time tracking or polling questions or codes announced during the program. The method must allow the provider the ability to independently verify that an attorney has completed an entire program. Certification of attendance may be issued only after the provider has established that the attorney completed the program in its entirety. Kansas CLE will consider approval of all methods of independent provider verification when determining accreditation of a CLE course.

- **Live Classroom Video Replay** - In contrast, video replay programming is defined per Supreme Court Rule 801(l)(3) as a recorded CLE program presented in a suitable classroom setting or in a central viewing location advertised to a broad attorney population. The attorney must be able to contact the moderator, either in-person or by telephone or email, to comment or ask questions. As long as the program is advertised, there is no minimum attendance requirement. Based on the structure of the course, the program may be considered in-house under Kansas rules.
- **Reporting Attendance** - Attendance should be reported by the provider in the manner prescribed by Rule 804(f)(3). Certificates of attendance will not be accepted from the attorney.
- **Shelf Life of Programming** - Even though a program has been previously accredited, the content must remain current for a practitioner to receive credit. For example, a video replay from 1999 would not be accredited.
- **Self-Study** - Self-study programming is not creditable per Supreme Court Rule 806(k).

For questions or comments regarding these guidelines, please contact Kansas CLE, 301 SW 10th Ave., Topeka, KS 66612. 785-368-8201 www.kscle.org