

Guidelines for Electronic Live Programs and Prerecorded Programs

Electronic Live Programming Definition – The definition of “live program” under Rule 801(k) includes a CLE program offered through an electronic medium at a set time during which the attorney has the ability to contact the moderator or presenter to comment and ask questions. Such a program is referred to as an “electronic live program” in these guidelines and includes webcasts and teleconferences. An electronic live program will be accredited in the same manner as a live in-person program and must comply with the standards in Rule 805(c). Login/logoff times are required.

Prerecorded Programming Definition - Prerecorded programming is defined in Supreme Court Rule 801(m) as an on-demand CLE program accessible through an electronic medium solely by an individual attorney in a format approved by Kansas CLE. Regardless of format, the program must comply with the standards in Rule 805(c). The provider must meet the interaction and verification standards provided in these guidelines and make application for approval of the program. Application for approval of a prerecorded program will not be accepted from an individual attorney.

- **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. The provider should consider the format in which a CLE program is offered in order to design an appropriate verification procedure. For example, verification may consist of pop-up boxes, attendance tracking, polling questions or codes announced during the program. The method must allow the provider the ability to independently verify that an attorney has completed the entire program. An attorney affidavit attesting to the completion of a program is not by itself sufficient. The provider may issue a certification of attendance only after the provider has independently verified attorney attendance. Kansas CLE will consider approval of all methods of independent provider verification when determining accreditation of a CLE course.
- **Reporting Attendance** - Attendance must be reported by the provider in the manner prescribed by Rule 806(a)(2).
- **Shelf Life of Programming** - Even though a prerecorded program has been previously approved, the content must remain current for an attorney to receive credit. For example, a program older than five years may not be creditable.
- **Self-Study** - Self-study programming is not creditable per Supreme Court Rule 808(i). A program that does not include the interaction/verification requirements would be considered self-study, and will not be approved.

Kansas CLE encourages providers to include technology accommodations for attorneys with disabilities.

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