

**PROPOSED AMENDMENTS TO THE SUPREME COURT  
RULES FOR THE GOVERNMENT OF THE BAR OF OHIO**

Comments Requested: The Supreme Court of Ohio will accept public comments until April 11, 2018, on the following proposed amendments to the Supreme Court Rules for the Government of the Bar of Ohio.

Comments on the proposed amendments should be submitted in writing to: Gina Palmer, Director of Attorney Services, Supreme Court of Ohio, 65 South Front Street, 5th Floor, Columbus, Ohio 43215-3431, or [Gina.Palmer@sc.ohio.gov](mailto:Gina.Palmer@sc.ohio.gov) not later than April 11, 2018. Please include your full name and mailing address in any comments submitted by e-mail.

Key to Proposed Amendments:

1. Existing language appears in regular type. Example: text
2. Existing language to be deleted appears in strikethrough. Example: ~~text~~
3. New language to be added appears in underline. Example: text



47 **Regulation 409: Self-Study**

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49 **[Existing language unaffected by the amendments is omitted to conserve space]**

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51 (H) The Sponsor shall demonstrate it can identify the Attorneys or Judges who engaged  
52 in the Self-Study Activity using a minimum of two of the following methods of identification:  
53 email address and confidential password combinations, security or challenge questions, image and  
54 image phrases authentication, or other methods acceptable to the Commission. For an Electronic  
55 Interactive Skill-Based Activity, the Attorney or Judge shall identify himself or herself to the  
56 qualified faculty member or Sponsor representative using reliable methods disclosed for approval  
57 by the Commission. The Sponsor of an Electronic Interactive Skill-Based Activity shall report  
58 completion of the activity by the Attorney or Judge, including the appropriate time for credit hours.  
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60 **[Existing language unaffected by the amendments is omitted to conserve space]**

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62 (O) Self-study materials shall be current and, in any event, shall have been prepared no  
63 earlier than the calendar year immediately preceding the date the application for accreditation is  
64 filed. For an Electronic Interactive Skill-Based Activity, materials shall be current and, in any  
65 event, shall have been prepared no earlier than two calendar years immediately preceding the date  
66 the application for accreditation is filed, except that such materials may be renewed for each  
67 accreditation if the Sponsor demonstrates to the Commission that changes in statutory or case law  
68 have not caused any material inaccuracies in the materials.  
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70 **[Existing language unaffected by the amendments is omitted to conserve space]**

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72 **409.3** (A) An Electronic Interactive Skill-Based Activity shall be classified as a Self-  
73 Study Activity subject to the requirements of Regulation 409.  
74

75 (B) An Electronic Interactive Skill-Based Activity shall include each element in the  
76 following order:  
77

78 (1) One or more faculty lectures, demonstrations, or other instructional materials;  
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80 (2) One or more skill-based performance exercises by the Attorney or Judge;  
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82 (3) Faculty feedback for that skill-based performance exercise;  
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84 (4) Review of the faculty feedback by the Attorney or Judge.  
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86 (C) An Electronic Interactive Skill-Based Activity may permit the Attorney or Judge to  
87 engage in internet communications for multi-phase training, at whatever times and places the  
88 Attorney or Judge chooses, with intervals between retrieving and studying instructional materials,  
89 preparing and transmitting one or more skill-based exercise performances, and receiving and  
90 studying responsive faculty critiques.  
91

92 (D) An Electronic Skill-Based Activity may include more than one exercise, provided

93 the Attorney or Judge shall complete performance of each exercise within a reasonable time, as  
94 determined and disclosed ahead of time by the Sponsor, after the Attorney or Judge receives initial  
95 instruction materials for that exercise.

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97 (E) Not all phases of an Electronic Interactive Skill-Based Activity can be measured  
98 for CLE Credit hours using the methods outlined in Regulation 409(I). The Sponsor shall provide  
99 and maintain reliable methods to confirm full participation and compliance by the Attorney or  
100 Judge in each phase of the activity and disclose to the Commission for approval the method used.  
101 A sponsor of an Electronic Interactive Skill-Based Activity shall preserve for a period of two years  
102 all recordings and materials generated by participants in the activity and make them available to  
103 the Commission.

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105 (F) The term for accreditation of an Electronic Skill-Based Activity shall be two years,  
106 subject to one or more renewals for additional two-year intervals if the Sponsor demonstrates to  
107 the Commission the activity's continuing educational value.

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109 (G) The faculty for an Electronic Interactive Skill-Based Activity utilizing a recorded  
110 lecture or demonstration shall satisfy the requirements of Regulation 406(C) and (F). Faculty who  
111 provide any performance critique shall have one or more of the following qualifications:

112  
113 (1) At least seven years of active professional experience that includes the skill  
114 involved in that exercise;

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116 (2) Specialist certification by an accredited professional organization that includes the  
117 skill involved in that exercise;

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119 (3) Faculty service at an American Bar Association accredited law school for one or  
120 more courses that covers the skill involved in that exercise;

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122 (4) Faculty service for at least two CLE programs conducted by an Ohio CLE  
123 Established Sponsor pursuant to Regulation 406 that covers the skill involved in that exercise;

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125 (5) Previous Ohio CLE Commission faculty approval for the same skill-based  
126 program.

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128 (H) Faculty who provide any performance feedback in an Electronic Skill-Based  
129 Activity shall complete live or recorded training on providing feedback for the skill-based  
130 performance, including general feedback methodology and specific topics that apply to the skill-  
131 based performance. The feedback training may be independently certified for CLE Credit if it  
132 otherwise complies with the requirements of these regulations.

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134 (I) The Sponsor of an Electronic Interactive Skill-Based Activity shall submit an  
135 evaluation questionnaire to each Attorney or Judge who performed an exercise in the activity and  
136 shall retain their responses for the CLE Commission's review for two years.

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138 (J) Except as specifically provided in this regulation, an Electronic Interactive Skill-  
139 Based Activity shall comply with all other CLE Regulations, including Regulation 409.1(H).