



# NEW JERSEY STATE BAR ASSOCIATION

CHRISTINE A. AMALFE, PRESIDENT, NEW JERSEY STATE BAR ASSOCIATION

Director, Gibbons P.C.  
One Gateway Center  
Newark, NJ 07102-5310  
973-596-4829 | CELL: 201-407-4752  
FAX: 973-639-6230  
EMAIL: [camalfe@gibbonslaw.com](mailto:camalfe@gibbonslaw.com)

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Hon. Michael J. Blee, J.A.D.  
Acting Administrative Director of the Courts  
Proposed Amendments to CLE Regulations  
(Technology-Related Subjects)  
Richard J. Hughes Justice Complex/P.O. Box 037  
Trenton, New Jersey 08625-0037

Re: Proposed Amendments to CLE Regulations (Technology-Related Subjects)

Dear Judge Blee:

Thank you for the opportunity for the New Jersey State Bar Association (NJSBA) to provide comments on the proposed definition of “technology-related subjects” for purposes of implementing a new continuing legal education requirement for New Jersey attorneys. The NJSBA appreciates the opportunity to provide comments on this topic, as fulfilling the new requirement will impact both our members and our programming.

The addition of a technology requirement for CLE purposes was first recommended by the NJSBA Task Force on AI and the Law. It was supported by the NJSBA in recognition of the importance of attorneys keeping up to date with current technology. The addition of a definition of “technology-related subjects” to the CLE Regulations is an important step toward implementation, so attorneys and CLE providers have a clear understanding of what is required.

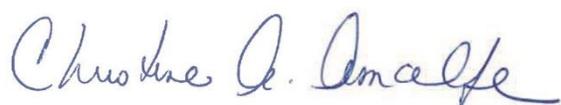
The NJSBA generally supports the proposed definition, with the clarifications and refinements noted below. The NJSBA appreciates that the proposed definition is broad and encompasses many different aspects of technology. However, we suggest it be clearly noted within the definition that programs that teach how to use certain technological software, not just understanding the software, would qualify for the credit. In addition, the NJSBA suggests that “Generative AI” be included in

the definition in addition to “AI” to encompass issues like hallucinations, confidentiality risks and transparency obligations. We also suggest expanding the term “court materials” to “court and client-related materials” and the term “internal policies” to “internal policies and practices” to ensure that the preparation of *all* materials and the implementation of external and regulatory requirements are included.

Finally, it is important for New Jersey attorneys who are also licensed in New York are able to meet the technology CLE requirements of both states without being overly burdened. New York’s requirement is focused on cybersecurity, privacy and data protection, while New Jersey’s requirement allows credit for topics that have a broader focus on technology generally. To ensure the New York cybersecurity requirement is encompassed in New Jersey’s technology credit, the NJSBA suggests it be made clear that any course satisfying the New York requirement will also satisfy the New Jersey requirement. We also suggest adding additional language to the New Jersey definition to clarify those topics covered by the New York requirement are also covered by the New Jersey requirements. They include cybersecurity, privacy and data protection, protecting client data and maintaining client confidentiality in digital environments, data breach prevention and response, and secure handling, storage and transmission of client information. To avoid any confusion, those topics should be specifically referenced in the New Jersey definition.

Again, thank you for considering these comments from the NJSBA. We hope they reflect our intention of ensuring clear and unambiguous guidance for New Jersey attorneys. We believe the new requirement will inure to the benefit of both attorneys and their clients as they navigate the ever-changing technological landscape.

Respectfully,



Christine A. Amalfe, Esq.  
President

cc: Norberto A. Garcia, Esq., NJSBA President-Elect  
Angela C. Scheck, NJSBA Executive Director