



NYSBA News Release

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NEW YORK STATE BAR ASSOCIATION RECOMMENDS CLE RULES INCLUDE CREDITS IN CYBERSECURITY

The New York State Bar Association (NYSBA) has approved a [report](#) from the NYSBA Committee on Technology and the Legal Profession that recommends amending the mandatory continuing legal education rule to require one credit in cybersecurity.

The credit would be included within the “Ethics and Professionalism” category and would not add to the minimum 24-hour biennial rule for experienced attorneys or the 32-hour biennial requirement for new attorneys. This amendment would be effective for four years and revisited at that time.

“Protecting our client information and complying with the Rules of Professional Conduct is paramount for New York attorneys,” said State Bar President Scott M. Karson. “If adopted by the Continuing Legal Education Board, New York State would become the first state to implement a cybersecurity requirement for lawyers. I commend the Committee for a terrific and timely report.”

Committee co-chair Mark A. Berman (Ganfer Shore Leeds & Zauderer), who presented the report at the virtual House of Delegates meeting on June 13, explained that now most lawyers are working from home and more likely to use a mobile device. Berman said, “With a mobile phone, you do not necessarily have the infrastructure of law firms or the protection of a firm’s network. You might also use home Wi-Fi which may or not be secure.”

On July 26, 2019, New York’s governor signed the “Stop Hacks and Improve Electronic Data Security” (SHIELD) Act, requiring businesses to implement safeguards for the “private information” of New York residents and broadening New York’s security breach notification requirements. The SHIELD Act applies to lawyers and law firms of all sizes. The security requirements took effect on March 21, 2020. The Attorney General can sue for data breaches or failure to comply with cybersecurity requirements.

About the New York State Bar Association

The New York State Bar Association is the largest voluntary state bar association in the nation. Since 1876, the Association has helped shape the development of law, educated and informed the legal profession and the public, and championed the rights of New Yorkers through advocacy and guidance in our communities.