

## NOTICE TO THE BAR

### **ATTORNEY RESPONSIBILITIES AS TO CYBERSECURITY & EMERGING TECHNOLOGIES -- (1) PROPOSED CLE REQUIREMENT AND (2) PROPOSED COMMENT TO THE RPCS – REQUEST FOR COMMENTS**

The Supreme Court requests public comment on two proposals intended to strengthen awareness and improve practices of attorneys relative to cybersecurity, artificial intelligence (AI), and other emerging technologies and the attendant risks posed by those technologies. The proposals, set forth in detail below, are: (1) to require New Jersey licensed attorneys to earn CLE credits in technology-related legal subjects; and (2) to add a comment to Rule of Professional Conduct (RPC) 1.1 (“Competence”) regarding an attorney’s responsibility, as part of competence, to keep abreast of the benefits and risks associated with relevant technology. Both proposals were recommended by the Supreme Court Committee on AI and the Law.

#### **(1) Proposal to Add a CLE Requirement in Technology-Related Subjects**

In its [May 2024 report](#), the New Jersey State Bar Association Task Force on AI and the Law recommended the addition of technology-related education as part of attorneys’ CLE requirements. The Supreme Court’s own Committee on AI and the Law considered the NJSBA Task Force proposal and endorsed a structure that would maintain the existing total number of CLE credits (and the current number of ethics credits) while requiring that at least one of the five ethics credits be in technology-related legal subjects, as follows:

Within each two-year CLE reporting cycle, New Jersey attorneys should be required to earn at least one CLE credit in technology-related legal subjects out of the five required ethics credits, including but not limited to artificial intelligence, cybersecurity, and emerging technologies.

This proposed additional CLE requirement, without increasing the overall number of required credits, would align with the approach taken in a handful of other jurisdictions that include technology or cybersecurity within the ethics CLE category. It also would provide flexibility to address new

technologies as they arise in the future. Comments are requested on this proposed CLE requirement.

## **(2) Adding a Comment to the RPCs on Maintaining Technological Competence**

In [January 2024](#), the Supreme Court published Preliminary Guidelines on the Use of Artificial Intelligence by New Jersey attorneys. Since promulgation of those preliminary guidelines, additional questions have been raised regarding the scope of responsibility of attorneys regarding technology, cybersecurity, AI, and other issues.

On the issue of technological knowledge, particularly as to issues involving cybersecurity, the proposal is to add an official comment to RPC 1.1 (“Competence”) that would align with a similar comment to the ABA Model RPCs, as follows:

### ***Proposed New Official Comment to RPC 1.1 (“Competence”)***

To maintain competence, a lawyer should keep abreast of changes in the law and its practice, including the benefits and risks associated with relevant technology, engage in continuing study and education, and comply with all continuing legal education requirements to which the lawyer is subject.

Comments are requested on this proposed Official Comment to RPC 1.1.

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Please send any comments on the proposed new CLE requirement and/or the proposed new Official Comment to RPC 1.1 in writing by **December 20, 2024** to:

Hon. Glenn A. Grant, J.A.D.  
Acting Administrative Director of the Courts  
Comments on Cybersecurity/Technology Proposals  
Hughes Justice Complex, P.O. Box. 037  
Trenton, NJ 08625-0037

Comments may also be submitted via email at the following address:  
[Comments.Mailbox@njcourts.gov](mailto:Comments.Mailbox@njcourts.gov).

The Supreme Court will not consider comments submitted anonymously. Thus, those submitting comments by regular mail should include their name and address, and those submitting comments by email should include their name and email address. Comments are subject to disclosure upon receipt.

/s/ Glenn A. Grant

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Hon. Glenn A. Grant, J.A.D.  
Acting Administrative Director of the Courts

Dated: November 19, 2024