

MINUTES

WASHINGTON STATE BOARD OF MANDATORY CONTINUING LEGAL EDUCATION

May 17, 2013

The meeting of the Washington State Board of Mandatory Continuing Legal Education was called to order by Chair Efrem Krisher at 9:58 a.m. on Friday, May 17, 2013, at the WSBA Conference Center in Seattle, Washington. Board members in attendance were:

Efrem Krisher, Chair
Scott J. Bergstedt
Stacy A Bjordahl
John Tappan Menard
Aaron Scott Okrent

Liaisons, Staff, and guests attending were:

James Armstrong	BOG Liaison
Kathleen Todd	MCLE Board Executive Secretary
Bobby Henry	Regulatory Services Department Associate Director
Adriana Castano-Agudelo	MCLE Analyst

APPROVAL OF THE MINUTES

The minutes of the March 22, 2013, meeting were approved by motion.

SPONSOR STATUS UPDATE

The Executive Secretary reported on the status of an accredited sponsor for which the Board, in January 2013, considered and denied the sponsor's request for a waiver of one of the accredited sponsor requirements. The sponsor has put in place new procedures that allow it to now comply with all accredited sponsor requirements.

UPDATE ON SPONSOR PAPER FORM 1 FEE INCREASE

The Executive Secretary reported on the status of the proposed paper Form 1 fee increase for sponsors. On April 26, 2013, the Washington State Bar Association Board of Governors approved the increase in the fee from \$50 to \$100. This will become effective on August 1, 2013.

BOARD AUDIT OF CLE COURSE

A Board member made a presentation about a live in-person course audit. The course was very relevant to the Board member's practice. In addition, each speaker's presentation lasted just 20 minutes and each gave valuable highlights about the presentation topic. The short, informative presentations also kept the interest of the

course attendees. Some of the speakers asked the attendees questions and applied other techniques to engage the audience and increase learning.

CLE QUALITY OF IN-PERSON COURSES WHEN WEB CASTS LIVE

The Board invited WSBA CLE to the meeting to discuss the quality of in-person CLE courses that are simultaneously broadcast as a live web cast. The Board's concern was that the best in-person course pedagogy could not be implemented due to the restrictions necessary for a successful live web cast of the program. This appeared to reduce the effectiveness of learning for the in-person course attendees. WSBA CLE gave the Board a clearer picture of all the factors that are at work in these simultaneous in-person and web cast programs. While the web casting does impose some minor restrictions, the much bigger determinant of the in-person course quality is the speaking experience of the presenter(s) and their comfort with using effective pedagogical techniques to maximize adult learning. WSBA CLE reported that it gives presenters training prior to each course and sometimes sets up the course speaker's area so that it facilitates more effective presentations. WSBA CLE is developing tips for CLE presenters with illustrative video clips to improve future presenter training.

SPONSOR REQUEST: ACCREDIT SELF-PACED eLEARNING PROGRAM

The Board considered a request from a sponsor to accredit a self-paced elearning program for which the sponsor had reliably calculated the time that it would take the average person to complete the course. The Board approved the program. The Board also delegated to the Executive Secretary the authority to grant credit for similar programs in the future as long as each complies with the models previously approved by the MCLE Board.

MEMBER PAPER FORM 1 DISCONTINUATION

The Board considered a proposal to discontinue accepting paper Form 1s from members and require that all Form 1s be submitted online except for members who demonstrate that this would be a hardship. Paper Form 1 elimination would significantly streamline WSBA processes to create greater efficiency in the use of WSBA resources. The member benefits would be to ensure more accurate Form 1 entry, increase submission speed, and shorten the accreditation decision time. The Board approved by motion the discontinuation of member paper Form 1s except for hardship circumstances.

POLICY ISSUE: DETERMINING GROSS ANNUAL HOUSEHOLD INCOME

If a member petitions the Board for a waiver or reduction of the late fee, the member must report the household's gross annual income. The Board considered how a member is to calculate gross annual household income. This is particularly important for solo practitioners, for whom there are at least two ways to calculate it that result in very different outcomes. The Board approved by motion that gross annual income will be based on the income declared on line 22 of the IRS 1040 form – the "total income" – and the equivalent of this line on the IRS 1040A and 1040EZ. This definition will be added to the petition form.

POLICY ISSUE: RE-EVALUATE COURSE EVALUATION REQUIREMENT

The Board considered a proposal to discontinue the requirement that members submit course evaluations for courses in which sponsors did not make evaluation forms

available to all attendees as required by Appendix APR 11 Regulation 102(e). The Board approved by motion that members no longer need to comply with the evaluation form requirement of the regulation in order to get credit for the course. The regulation applies only to CLE sponsors.

LAWYER PETITIONS

The Board reviewed and approved by motion 84 petition decisions made by the Executive Secretary since the previous Board meeting. All decisions were approved by motion.

The Board also considered 14 lawyer petitions. Each of these petitions was considered and resolved by motion. No listing of these motions is attached to these minutes to protect the confidentiality of the members.

ADJOURNMENT

There being no further business at hand, the MCLE Board meeting was adjourned at 12:17 p.m. The next Board meeting will be at 10:00 a.m. on Friday, July 12, 2013.

Respectfully submitted,

Kathleen Todd
MCLE Board Executive Secretary