MCLE BOARD MINUTES July 13, 2012

MINUTES

WASHINGTON STATE BOARD OF MANDATORY CONTINUING LEGAL EDUCATION

July 13, 2012

The meeting of the Washington State Board of Mandatory Continuing Legal Education was called to order by Chair John Tappan Menard at 10:12 a.m. on Friday, July 13, 2012, at the WSBA Conference Center in Seattle, Washington. Board members in attendance were:

John Tappan Menard, Chair Stacy A Bjordahl John W. Chessell Aaron Scott Okrent Karen L. Sayre Kay L. Verelius

Board member Efrem Krisher was not in attendance.

Liaisons and Staff attending were:

Kathleen Todd	MCLE Board Executive Secretary
Adriana Castano-Agudelo	MCLE Analyst

APPROVAL OF THE MINUTES

The minutes of the May 11, 2012, meeting were approved by motion.

AUDIT OF CLE COURSES

A Board member who audited a CLE course on behalf of the Board gave an audit report. The auditor had no previous experience with the subject matter of the course and found the course to be very interesting. The course speakers were the nation's top experts in the field. Some of the sessions were not actually legal content, but they related well to the general course topic.

Another Board member submitted a written report for a course he audited, but could not be at the meeting to present a report. The report stated that the course was a good review of the subject for newer attorneys and an excellent refresher course for more experienced attorneys. It was very practical with many aids being given for practitioners at all levels. The one problem with the program is that it was being webcast live, so the presenters had to stay locked behind a podium. Thus, there were no small group exercises and interaction between the audience and the presenters was more limited than desirable for an engaging CLE experience.

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SPONSOR REQUEST

The Board considered an in-person request from a sponsor for accreditation of online interactive modules that the sponsor is developing. The Board resolved by motion to grant accreditation since a comprehensive methodology was in place for determining accreditation.

SPONSOR REQUEST

The Board considered a request from a sponsor to allow the name and/or logo of the company to be affixed to each writing platform that the company donates to the sponsor. The writing platforms would be very helpful to have in course venues where there are no tables (e.g. a church sanctuary). The sponsor does not have the funds to purchase writing platforms. APR 11 Regulation 103(f) states that there must be no marketing of any law firm or company that provides goods or services to lawyers or law firms during a CLE presentation of the program in the room where it is held. The Board resolved by motion to uphold the regulation and denied the sponsor's request. The sponsor may, however, post a sign outside of the seminar room regarding the company that donated the writing platforms.

SPONSOR APPEAL

The Board considered an appeal from a sponsor to allow accreditation of a course for which the Board previously denied credit. The Board determined that the course does not contain sufficient legal content to be accredited under the definitions of the current Washington MCLE regulations. The Board resolved by motion to deny the appeal.

SPONSOR APPEAL

The Board considered an appeal from a sponsor to allow ethics accreditation for three courses for which the Board previously denied ethics accreditation. The Board resolved by motion to defer an accreditation decision pending performing an audit of the two courses to be held in September.

SPONSOR APPEAL

The Board considered an appeal from a sponsor to allow ethics accreditation for a session pertaining to conduct standards for financial professionals in addition to the ABA Model Rules. The Board resolved by motion to grant ethics credit.

SPONSOR APPEAL

The Board considered an appeal from a sponsor to allow the same credit to be granted for the nine month 2012 program as was granted for the 2011 program. The Board resolved by motion to grant the requested credit.

SPONSOR APPEAL

The Board considered an appeal from a sponsor to continue to allow ethics accreditation for a course that the sponsor has been presenting since 2009. An MCLE Board member and the Executive Secretary agreed to audit the upcoming course. The Board will make an accreditation determination at the next meeting based on the audit reports.

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EXECUTIVE SECRETARY REQUEST

The Board considered a request from the Executive Secretary to review the ethics accreditation of a course which another sponsor cited – in their appeal for ethics credits – as being similar to theirs. The Board resolved by motion that the ethics credit granted for this course was appropriate.

SPONSOR APPEAL

The Board considered an appeal from a sponsor to allow ethics accreditation for a course that had been denied ethics by the MCLE staff. The content of the course did not meet the requirements of the definition of ethics in Regulation 101(g). The Board resolved by motion to deny ethics credit.

MEMBER REQUEST

The Board considered an in-person appeal from a member for ethics credits to be granted for a course the member took. The Board denied the request because the content of the course did not meet the ethics accreditation requirements of APR 11 Regulation 101(g).

LAWYER PETITIONS

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

The Board also considered nine 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.

<u>ADJOURNMENT</u>

There being no further business at hand, the MCLE Board meeting was adjourned at 2:20 p.m. The next Board meeting will be at 10:00 a.m. on Friday, October 12, 2012.

Respectfully submitted,

Kathleen Todd
MCLE Board Executive Secretary