



MCLE TASK FORCE

MINUTES

October 11, 2013

The meeting of the Washington State Mandatory Continuing Legal Education (MCLE) Task Force was called to order by Chair Stanley A. Bastian at 8:07 a.m. on Friday, October 11, 2013, at the WSBA Conference Center in Seattle, Washington. Task Force members in attendance were:

- Stanley A. Bastian, *Chair*
- Eron M. Berg
- Liza E. Burke
- Michelle González
- Robin Lynn Haynes (BOG liaison)
- Terri W. Malolepsy
- Mary R. Mann
- Allen T. Miller
- Gregory S. Morrison
- Aaron S. Okrent
- Michele G. Radosevich
- Geoffrey G. Revelle
- Sharon A. Sakamoto
- John C. Shaffer Jr.
- Linda J. Strout
- Colleen Yamaguchi

Absent were John P. Fairgrieve, Elizabeth A. Hanley, Todd S. Richardson, and Thomas A. Waite

Liaisons and Staff attending were:

Paula Littlewood	WSBA Executive Director
Jean McElroy	WSBA Liaison General Counsel/Chief Regulatory Counsel
Robert Henry	Associate Regulatory Services Director
Kathleen Todd	WSBA Liaison / MCLE Manager
Adriana Castano-Agudelo	MCLE Analyst

DISCUSSION OF TASK FORCE BUSINESS

Welcome and Introductions

Chair Bastian welcomed members to the inaugural meeting of the MCLE Task Force. Members introduced themselves by giving some personal background, the reason for being on the Task Force, and intention for what will be accomplished.

Task Force Meeting Protocol

Task Force meetings will be run with a “soft gavel” to ensure efficiency. The agenda will be followed and everyone will be given an opportunity to speak.

History of the MCLE Task Force Formation – Paula Littlewood Presentation

Littlewood’s presentation focused on two questions:

- How did we get here?
- How do we prepare lawyers for a 21st century practice?

How did we get here?

The WSBA sets strategic goals every three years. In the previous cycle the focus was on the business side of the practice of law and work/life balance. The BOG requested that the MCLE Board revise the MCLE rules and regulations to allow credit for courses on reducing stress and on increasing work/life balance.

The MCLE Board spent over two years revising all the MCLE rules and regulations. Significant accreditation changes were proposed for the areas of leadership, work/life balance, professionalism, and pro bono work. The BOG reviewed the proposed amendments in July and September 2012. A subcommittee of the BOG was formed to meet with MCLE Board members in October 2012 to develop a compromise between the MCLE Board’s proposed amendments and the revised amendments preferred by many BOG members. An agreement was reached and approved by the MCLE Board and the full BOG membership. The MCLE amendments were then sent to the Supreme Court. In July 2013 the Supreme Court Rules Committee tabled action on the amendments for a year.

During the September to October 2012 debate between the MCLE Board and the BOG it became clear that a new start from scratch was needed to determine what MCLE should look like to meet the needs of the profession in the 21st century. The MCLE Task Force was formed and a charter created to study this and prepare a report for the Supreme Court within 18 months.

How do we prepare lawyers for a 21st century practice?

To study this, the Task Force will need to let go of what MCLE is and focus on what MCLE should be – to think big with no limits. The precedent for this is the APR task force that made major changes to all of the APRs last year (except the MCLE APR 11). For example, almost all borders for admission to the bar will be dropped as of January 1, 2014, when the new admission rules go into effect.

The key question for the MCLE Task Force is “What is the purpose of MCLE?” The Task Force is starting with a blank slate. Some tasks and questions to consider:

- How can it be determined if the training that the lawyers are receiving in CLE courses is actually benefitting lawyers and protecting the public?
- Interview trial court judges. What do they see in the day-to-day practice of lawyers that is missing?
- Get feedback from clients about what is missing in how lawyers serve them.
- How effectively are lawyers dealing with clients in crisis since this has not traditionally been dealt with in law schools?
- What is the function of law in society – some of the fundamentals of the role of law?
- What should be the focus of MCLE? To exclusively be directed towards protecting the public? To also include activities that directly benefit the lawyer that may not be a direct benefit to the public?

Littlewood distributed “WSBA Entities” chart and explained how the MCLE Board and the Task Force relates to the total WSBA structure. The MCLE Board needs to put forward the rules and regulations that the Task Force comes up with. Task Forces are time limited – to produce a report and then disband.

Littlewood also distributed the WSBA mission statement and strategic goals document and discussed how the Task Force’s work fit in.

Littlewood will find out if the Court will be involved in this MCLE Task Force process.

Our Changing Profession: Challenges and Opportunities – Paula Littlewood

Littlewood spoke about the challenges of and opportunities for changes in the legal profession. See the PowerPoint that was used for the presentation as well as the article “Rethinking Legal Education in a Changing Legal Profession” for the content of this presentation.

In the discussion that followed the presentation a primary theme was that clients are telling lawyers that the system is not working by, for example, the fact that the public is going to places like Legal Zoom instead of lawyers for legal services. Lawyers need to accept this and decide how they will act. The future has to be about the consumer and what the consumer wants. Lawyers need to make the process easier to navigate (e.g. by simplifying the laws). They also need to ensure that clients get information – before it is too late – about when it would not be wise to use internet tools for a legal issue.

The Broad Context of the Task Force’s Work (Discussion of Appendix 2 Articles)

Todd gave a summary of each of the articles in Appendix 2. The articles together present a couple of very different viewpoints regarding what MCLE should be going forward. The first article describes the evolution of MCLE. It also presents an argument for why legal education should continue to be the focus of MCLE. The other article focuses on a

model for conducting MCLE that may have a greater likelihood of maintaining or improving a lawyer's competence to practice law than does the current traditional model.

Discussion of Possible Subcommittee Formation

The Task Force decided it was too early to form subcommittees. However, a listserv will be set up so that Task Force members can start discussing the issues raised at this meeting.

For next meeting, the agenda will include the following:

- Discuss the quote by Yogi Berra that was on the last slide of Littlewood's presentation – "If you don't know where you are going, you might end up somewhere else...."
- Decide on the specific issues and tasks that the Task Force will undertake to achieve the mandates of its charter. As a part of this, different models of decision-making will be considered. It was also suggested that Task Force member Colleen may have exercises that she can use to help with this process.

Schedule of Future Task Force Meeting

The Task Force will meet in early to mid November and also early to mid December at 1:00 so that people from east of the mountains can avoid overnight stays. The Task Force will meet less often once subcommittees are formed.

Adjournment

The meeting was adjourned at 11:00 a.m.