

CONTINUING EDUCATION REGULATIONS OF THE LIMITED PRACTICE BOARD

REGULATION 101. DEFINITIONS

As used in these regulations, the following definitions shall apply:

A. A "Limited Practice Officer" (LPO) shall mean any person admitted to practice under Washington Supreme Court Rule APR 12.

B. An "approved" education activity shall mean an individual seminar, course, or other continuing education activity approved by the Continuing Education Committee of the Limited Practice Board.

C. A "credit hour" equals one (1) clock hour of actual attendance.

D. The "Committee" shall mean the Continuing Education Committee of the Limited Practice Board.

E. The "staff" shall mean the staff of the Washington State Bar Association.

F. "APR 12" shall mean Admission to Practice Rule 12, together with any subsequent amendments thereto, as adopted by the Supreme Court of the state of Washington.

G. "Teaching" in an approved continuing education activity shall mean and encompass the preparation and/or delivery of a prepared talk, lecture, or address at such activity.

H. "Participating" in an approved continuing education activity shall mean and encompass: 1) acting as a planning and organizing chair of such activity, or 2) taking part in such activity as a member of a panel discussion, without the preparation of written materials or the delivery of a prepared talk, lecture, or address.

I. "Calendar year" shall mean January 1 to December 31.

J. To qualify for "liability credit," a course or subject must deal with the legal rights, duties, or responsibilities of LPOs.

REGULATION 102. CONTINUING EDUCATION REQUIREMENT

As provided for in Regulation 12 of the Regulations of the APR 12 Limited Practice Board, each active and inactive Limited Practice Officer shall complete a minimum of ten (10) credit hours of approved education during each calendar year, except as exempted by Regulation 114. Two (2) hours of the required ten (10) hours of continuing education per year must be on liability issues. These classes must be approved by the Board and must be taken annually. If an LPO completes more than ten (10) such credit hours in a given calendar year, the excess credit, up to ten (10) credits, may be carried forward and applied to such LPO's education requirement for the next calendar year. Liability credit hours may be carried forward as liability credits or regular credits.

Failure to comply with the provisions of this Regulation and Regulation 12 of the Regulations of the APR 12 Limited Practice Board each calendar year shall subject the Limited Practice Officer to suspension or revocation of license as an LPO.

REGULATION 103. CREDITS/COMPUTATION

A. Continuing education credit may be obtained by attending, teaching, or participating in, continuing education activities which have 1) been previously approved by the Committee, or 2) have been afforded retroactive approval by the Committee pursuant to APR 12 and these regulations.

B. A credit shall be awarded for each hour actually spent by an LPO in attendance at an approved education activity.

C. Credit will not be given for time spent in meal breaks.

D. Excess or "carry-over" credits may be applied to the succeeding calendar year's credit hour requirement. Such credits shall be reported to the Committee on or before January 31 as required by Regulation 108 A.

E. Credit toward the continuing education requirements set forth in APR 12 and Regulation 102 may be earned through teaching or participating in an approved continuing education activity on the following basis:

1. An LPO teaching in an approved education activity shall receive credit on the basis of one (1) credit for each hour actually spent by such LPO in attendance at and teaching in a presentation of such activity. Additionally, an LPO teaching in such an activity shall also be awarded further credit on the basis of one credit for each hour actually spent in preparation time, provided that in no event shall more than ten (10) hours of credit be awarded for the preparation of one (1) hour or less of actual presentation.

2. An LPO participating in an approved educational activity shall receive credit on the basis of one (1) credit for each hour actually spent by such LPO in attendance at a presentation of such activity. Additionally, an LPO participating in such an activity shall also be awarded further credit on the basis of one (1) credit for each hour actually spent in preparation time, provided that in no event shall more than five (5) hours of credit be awarded for such preparation time in any one such continuing education activity.

F. Service on the Limited Practice Board or Escrow Commission is considered an approved continuing education activity for both general and liability credits.

REGULATION 104. STANDARDS FOR APPROVAL

The following standards shall be met by any course or activity for which approval is sought:

A. The course shall have significant intellectual or practical content and its primary objective shall be to increase the attendee's professional competence as an LPO.

B. The course shall constitute an organized program of learning dealing with matters directly relating to the limited practice of law and/or to the professional responsibility or ethical obligations of an LPO, which may include continuing legal education seminars and courses approved by the Washington State MCLE Board.

C. Each faculty member shall be qualified by practical or academic experience to teach a specific subject.

D. Thorough, high quality, readable, and carefully prepared written materials should be distributed to all attendees at or before the time the course is presented. It is recognized that written materials are not suitable or readily available for some types of subjects; the absence of written materials for distribution should, however, be the exception and not the rule.

E. Courses should be conducted in a setting physically suitable to the educational activity of the program. A suitable writing surface should be provided where feasible.

F. No course will be approved which involves solely television viewing in the home or office or correspondence work or self-study. Video, motion picture, or sound tape presentations may be approved, provided a teacher or moderator is in attendance at each presentation to comment thereon, answer questions, or conduct the discussion.

REGULATION 105. PROCEDURE FOR APPROVAL OF CONTINUING EDUCATION ACTIVITIES

A. An LPO or sponsoring agency desiring approval of a continuing education activity shall submit to the Committee all information called for by Form 1 at least thirty (30) days prior to the date scheduled for the class, along with an application fee for each occurrence. The application fee shall be set by the Board with the approval of the WSBA Board of Governors.

B. Approval shall be granted or denied in accordance with the provisions of Regulation 107 herein. Upon approval of the activity, a list of certified limited practice officers will be provided to the class sponsor if requested in the initial application, along with written acknowledgment of approval.

C. As to a course that has been approved, the sponsoring agency may announce, in informational brochures and/or registration materials: "This course has been approved by the Continuing Education Committee of the Limited Practice Board for ___ hours of credit."

D. On the date of the continuing education activity, the sponsoring agency shall give a copy of the LPB course approval form to each LPO attending.

REGULATION 106. DELEGATION

A. To facilitate the orderly and prompt administration of APR 12 and these regulations, and to expedite the processes of, inter alia, course approval, and the interpretation of these regulations, the staff of the Washington State Bar Association may act on behalf of the Committee under

APR 12 and these regulations. Any adverse determinations and all questions of interpretation of these regulations of APR 12 by the staff shall be subject to review by the Committee upon written application by person adversely affected.

B. The Committee may organize itself into committees and/or appoint subcommittees for the purpose of considering and deciding matters arising under APR 12 and these regulations.

REGULATION 107. STAFF DETERMINATIONS AND REVIEW

A. Staff shall, in accordance with Regulations 104 and 106, respond in writing to all written requests for course approval and interpretation of the continuing education regulations of APR 12. The staff may seek a determination of the Committee before making such response. At each meeting of the Committee, the staff shall report on all determinations made since the last meeting of the Committee.

B. The Committee shall review any adverse determination of the staff. An LPO or the sponsoring agency affected may, at the discretion of the Committee Chair, present information to the Committee in writing, in person, or both. If the Committee finds that the staff has incorrectly interpreted the facts, the provisions of APR 12, or the provisions of these regulations, it may take such action as may be appropriate. The Committee shall advise the LPO or sponsoring agency affected of its findings and any action taken.

REGULATION 108. SUBMISSION OF INFORMATION--REPORTING OF ATTENDANCE

A. Compliance Report. Each LPO shall, on or before January 31 of each year, submit an affidavit to the Committee, setting forth all information required by Form No. 2, concerning such LPO's completion of approved continuing education during the preceding calendar year. Such affidavit shall also contain a report of "carryover" credits, if any, as delineated in Regulation 102.

B. Supplemental Report. If an LPO has not completed the minimum education requirement for the preceding calendar year, or complied with Regulation 108 A, compliance may still be accomplished by:

1. Submitting by April 30 the affidavit called for by Regulation 108 A (Form 2) setting forth therein the extent of the LPO's compliance with the minimum education requirement, **AND**

2. Paying at the time of filing such supplemental affidavit a special \$50 service fee.

C. An LPO who fails to comply with the provisions of this regulation shall be subject to the procedures and provisions of Regulation 111.

REGULATION 109. SUBMISSION OF INFORMATION--CREDIT FOR TEACHING OR PARTICIPATING

An LPO who seeks credit for teaching or participating in an approved continuing education activity pursuant to Regulation 103 E, shall, on or before January 31 of the year following the calendar year in which such teaching or participating was accomplished, submit an affidavit to the Committee setting forth all information required by the appropriate portions of Form 3, concerning such teaching and/or participating in approved education courses or activities during the preceding calendar year.

REGULATION 110. EXTENSIONS, WAIVERS, MODIFICATIONS

The Committee may grant extensions, waivers, or modifications of these regulations in cases of undue hardship, age, or infirmity. Requests for extensions, waivers, or modifications shall be made in writing.

REGULATION 111. NON-COMPLIANCE-BOARD PROCEDURES

An LPO who has not complied with the educational or reporting requirements of APR 12 and these regulations by April 30 of each year may be ordered suspended until in compliance with the regulations.

To effect such suspension, the Committee shall send to the non-complying LPO by certified mail, directed to the LPO's last known address as maintained on the records of the Board, a written notice of non-compliance. The notice shall advise such LPO of the pendency of suspension proceedings, and the provisions for revocation of license, unless within ten (10) days of receipt of such notice such LPO completes and returns to the Committee an accompanying form of petition, to which supportive affidavit(s) may be attached for extension of time for, or waiver of, compliance with the requirements of APR 12 and these regulations or for a ruling by the Committee of substantial compliance with the requirements.

A. If such petition is not filed, such lack of action shall be deemed acquiescence by the LPO in the finding of non-compliance. The Committee shall report such fact to the Board with the Committee's recommendations for appropriate action. The Board shall take such action as it deems appropriate.

B. If such petition is filed, the Committee may, at its discretion, approve the same without hearing or may enter into an agreement on terms with such LPO as to time and other requirements for achieving compliance with APR 12 and these regulations.

C. If the Committee does not approve such petition or enter into such agreement, the affected LPO may request a hearing before the Board. At the discretion of the Chair of the Board, the hearing may be held before the entire Board or panel thereof. The Board or panel thereof shall enter written findings of fact and an appropriate order, a copy of which shall be transmitted by certified mail to the LPO affected at the address of such member on file with the Board. Any such order shall be final and, in case of an adverse determination, shall be transmitted to the

Supreme Court.

**REGULATION 112. REINSTATEMENT OF LPOS SUSPENDED FROM PRACTICE
FOR FAILURE TO COMPLY WITH THE CONTINUING EDUCATION
REQUIREMENT**

A. An LPO who is suspended from practice for failure to comply with the Continuing Education Requirement must make up the deficiency and fully comply with the provisions APR 12 and these Regulations before he or she can be reinstated to active or inactive status.

B. Once a suspended LPO has complied with the immediately preceding provisions of this Regulation, the Board shall notify the Supreme Court that the suspended LPO has satisfied the requirements of APR 12 and these Regulations.

REGULATION 113. APPEALS TO THE SUPREME COURT

An adverse decision of the Board may be appealed by the LPO affected to the Supreme Court in accordance with the applicable provisions of APR 12. As to such appeals, the Board shall be represented by counsel .

REGULATION 114. EXEMPTIONS

New Admission. An LPO shall not be required to comply with the minimum continuing education requirements of APR 12, as implemented by these regulations, during the calendar year in which the LPO is admitted to practice.

REGULATION 115. RULEMAKING AUTHORITY

The Committee, subject to the approval of the Board, has continuing authority to make or amend regulations consistent with APR 12 in furtherance of the development of continuing education for LPO's and the regulation thereof.

REGULATION 116. CONFIDENTIALITY

The files and records of the Committee shall be deemed confidential and shall not be disclosed except in furtherance of the Committee's duties, or upon the request of an affected LPO member, or pursuant to a proper subpoena duces tecum, or as directed by the Supreme Court.