MCLE BOARD MINUTES October 12, 2012

MINUTES

WASHINGTON STATE BOARD OF MANDATORY CONTINUING LEGAL EDUCATION

October 12, 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 October, 2012, at the WSBA Conference Center in Seattle, Washington. Board members in attendance were:

Efrem Krisher, Chair Stacy A Bjordahl John Tappan Menard Aaron Scott Okrent E. Lee Schlender Kay L. Verelius

Board member John W. Chessell was not in attendance.

Liaisons, Staff, and guests attending were:

James W. Armstrong, Jr.	BOG Liaison
Patrick A. Palace	BOG President Elect
Kathleen Todd	MCLE Board Executive Secretary
Jean McElroy	General Counsel / Chief Regulatory Counsel
Bobby Henry	Regulatory Services Department Associate Director
Adriana Castano-Agudelo	MCLE Analyst
Terri Gailfus	MCLE Analyst

APPROVAL OF THE MINUTES

The minutes of the July 13, 2012, meeting were approved by motion.

APR 11.6(c)(4)(C) HEARING

The Board held an APR 11.6(c)(4)(C) hearing and issued findings and an order.

VICE CHAIR

The Board selected Aaron S. Okrent to be the Board's Vice Chair for the 2012-2013 term. As Vice Chair, Okrent will also become a member of the Board's petition committee that reviews petitions and makes a preliminary determination. The petitions

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and preliminary determinations are submitted for review on the Consent Calendar of the next meeting of the full Board.

MEMBER REQUEST

The Board considered a written request, from a lawyer living outside of the United States, to be able to count his "articling" experience for MCLE credit. The Board denied the request because there was insufficient information to determine accreditability under the regulatory requirements of Appendix APR 11.

MEMBER REQUEST

The Board considered a written request from a lawyer who gave lectures outside of the United States to waive the evaluation requirement of Appendix APR 11 Regulation 102(e). The Board approved the request.

BOARD AUDIT OF CLE COURSE

A Board member who audited a CLE course made a presentation to the Board about the audit. The Board auditor rated the course attended as excellent and the topic covered was very relevant since it pertained to a current major concern.

AUDIT OF CLE COURSE

The Board heard a presentation regarding a teleconference CLE course that was audited by an auditor designee of the Board. The presenter rated the program content as excellent; it was all ethics and very unique in how the presenter put it together. However, the auditor found the course a little bit difficult to do via teleconference. The content fully satisfied the Appendix APR 11 Regulation 101(g) requirements for being accredited as ethics.

AUDIT OF CLE COURSE

The Board heard another CLE audit presentation by the auditor designee of the Board. The focus of the audit was on whether the ethics credit claimed by the sponsor for the webcast program satisfied the requirements of Appendix APR 11 Regulation 101(g) for ethics accreditation. It was determined that the requirements for ethics accreditation were not met. The sponsor will be allowed to retain the ethics credit already given but the program may not be accredited for ethics in any future presentation or recorded version.

AUDIT OF CLE COURSE

The Board heard another CLE audit presentation by the auditor designee of the Board. The auditor rated the live, in-person program as a "fine course" and it was accredited correctly. However, the subject covered seemed overly broad and some of the presenters seemed to have problems narrowing the scope of their presentations to a pedagogically effective length to maximize the learning opportunities for the attendees.

AUDITS OF CLE COURSES

The Board heard CLE audit presentations by two Board members and two auditor designees of the Board. Each audited a course for which the focus was on whether the ethics credit claimed by the sponsor for the live in-person program satisfied the

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requirements of Appendix APR 11 Regulation 101(g) for ethics accreditation. The auditors found for each course that, although RPCs were cited in each section of the presentations, they were never the focus of what was being taught. The learning objective of each unit was on an accreditable topic, but not on a topic that satisfied the definition of ethics.

POLICY ISSUE

The Board discussed whether there should be a separate, higher sponsor application fee for paper Form 1s since these are significantly more labor-intensive to process than online Form 1s. The Board resolved by motion that the sponsor application fee for paper Form 1s will increase from \$50 to \$100, to be effective 90 days from the date of approval by the Board of Governors.

ACCREDITATION ISSUES

The Board considered several requests from the MCLE staff for a clarification of the Appendix APR 11 regulations pertaining to specific Form 1s submitted for which accreditation needed to be determined. For each the Board gave an interpretation and an accreditation determination.

LAWYER PETITIONS

The Board reviewed and approved by motion six 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.

ADJOURNMENT

There being no further business at hand, the MCLE Board meeting was adjourned at 3:45 p.m. The next Board meeting will be at 10:00 a.m. on Friday, January 25, 2013.

Respectfully submitted,

Kathleen Todd

MCLE Board Executive Secretary