

MINUTES

WASHINGTON STATE BOARD OF MANDATORY CONTINUING LEGAL EDUCATION

January 25, 2013

The meeting of the Washington State Board of Mandatory Continuing Legal Education was called to order by Chair Efrem Krisher at 10:01 a.m. on Friday, January 25, 2013, 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

Board members John W. Chessell and Kay L. Verelius resigned from the Board.

Liaisons, Staff, and guests attending were:

James W. Armstrong, Jr.	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 October 12, 2012, meeting were approved by motion, as corrected.

MCLE BOARD MEETING SCHEDULES FOR 2013-2014

The MCLE Board approved the Board meeting schedule for 2013-2014. It will be posted on the MCLE Board page of the WSBA web site.

SCHEDULE OF DEADLINE DATES FOR PETITION EXTENSION REQUESTS

The Board considered a proposed schedule, submitted by the Executive Secretary, of extension deadline dates that would be granted to members for whom further extensions may need to be decided by the Board. Each of deadline dates on the schedule associates with a Board meeting date to eliminate the need for special Board meetings to consider member requests for further extensions. The Board resolved by motion to approve the schedule of deadlines.

BOARD AUDIT OF CLE COURSE

A Board member who audited a CLE course made a presentation to the Board about the audit of a live in-person course. The Board member rated the program content as excellent and that he would recommend it to others. The instructor gave the attendees very practical and applicable ideas and techniques, including how to recognize significant issues and how to calm down escalated clients. He also demonstrated the techniques throughout the course. The content of the ethics session was tied in directly with the RPCs and with everyday situations that may set up a lawyer for a potential ethics violation.

BOARD AUDIT OF CLE COURSE

Another Board member reported on his audit of a teleconference course. The course was excellent and the topic was very relevant to practitioners in the field since the subject matter pertains to a majority of cases that are handled. However, the auditor reported that the course went a half hour longer than the 90 minutes for which it was scheduled. In addition, 90 minutes seems to be the maximum time that teleconference programs should be. Because of the nature of the medium, it is too difficult to listen effectively if a teleconference course goes longer.

BOARD AUDIT OF CLE COURSE

The Board heard another presentation by a Board member who audited a rebroadcast of a live program. The Board member reported that there was too much going on in the screen as she took the course. Because of this the member thought the course was unwieldy and felt much less engagement than happens at a live, in-person course. In addition, the sponsor did not let attendees know in advance how to log in. Thus, the member was 16 minutes late in getting into the program. The program itself covered step-by-step processes. It was geared towards the general public and not attorneys in particular.

MEMBER REQUEST

The Board considered a written request, from a lawyer who took a self-paced online module course, to grant audio-visual credit for the presentation portions of the course. The Board resolved by motion to grant the credit requested because (1) the sponsor reported the average time that it should take to complete each module, and (2) the course, in all other respects, met the requirements for accreditation.

SPONSOR REQUEST

The Board considered a written request from an accredited sponsor to be able to continue to use the CLE pricing structure that they have been using for many years. The structure allows a significant discount for multiple attendees from one office. However, the structure also includes charging an extra fee – on top of the course registration fee – if a member wants the sponsor to retain a record of the member's attendance at the course and to report the member's attendance to the WSBA. The Board denied the request. If the sponsor wants to continue this pricing structure then they will lose their accredited status.

ACCREDITATION ISSUES

The Board considered two 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 23 petition decisions made by the Executive Secretary since the previous Board meeting. All decisions were approved by motion.

The Board also considered 30 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 2:15 p.m. The next Board meeting will be at 10:00 a.m. on Friday, March 22, 2013.

Respectfully submitted,

Kathleen Todd
MCLE Board Executive Secretary