STATEMENT OF PURPOSE FOR
SUGGESTED AMENDMENTS TO APR 11,
BY RULE SECTION

RULE	**PURPOSE**
11.1	The suggested amendment would clarify that WSBA members must comply with the continuing legal education requirements to remain authorized to practice law in Washington.
11.2 through 11.6	In addition to the other purposes described below, the suggested amendments to these rules would update the numbering for APR 11 Regulations, based on the suggested amendments to the Regulations.
11.2(a)(4)	This suggested amendment would create a new category of accreditable CLE activity, "development" credits. Development credits could be earned for accredited practice development, professional resilience development, law office closing, and other professional development activities that are not strictly related to substantive legal education but are intended to help lawyers maintain and improve in other areas deemed necessary to the continued professional and ethical practice of law. Development credits would be limited to six to ensure that at least a few of the required 45 credits a lawyer would be required to earn are devoted to substantive legal education, in light of the permissible limits under the suggested amendments of twenty-two and a half credits for pro bono service, six credits for "Leadership" courses, six credits for law competition judging, and six credits for ethics. If the suggested amendments are adopted, over 22.5 self-study credits and 12 live credits could be fulfilled with activities that are not primarily intended to increase or improve a lawyer's substantive legal knowledge. Adding in the ethics credit requirement, if a lawyer chose to certify their MCLE credits through all of these activities, and if the ethics credit requirement were added to these credits, only 4.5 live credits would remain that would be devoted solely to substantive legal education.
11.2(a)(6)	This suggested amendment would create a new category of accreditable CLE activity, "leadership" credits. The suggested amendment would limit the number of "leadership" credits to six for the same reason as stated for 11.2(a)(4) above.
11.2(a)(7)	This suggested amendment would significantly increase the number of pro bono credits that could be earned and counted toward the 45 credit requirement for active lawyers, and would change the timing for earning such credits to reflect that some lawyers may put in many more hours in one year on a large pro bono matter rather than spread those hours out over three years. The suggested amendment would change the period during which the credits can be earned from annually to anytime during the three-year

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	reporting period. The suggested amendment also would increase the total number of pro bono credits that can be earned in one reporting period from the current 18 credits to 25.5 credits. The suggested amendment would treat pro bono credits as self-study credits: Of a lawyer's total 45 credits required per reporting period, up to 22.5 can be earned as self-study credits. Self-study credits generally cannot be accurately verified, which is also true of pro bono service hours. The suggested amendment would specify that the pro bono service must be performed at a Washington qualified legal services provider in order to count as pro bono credit, which is the current situation but one that is frequently misunderstood by practicing lawyers.
11.2(a)(8)	This suggested amendment would clarify that failure to meet the requirements for timely earning and reporting credits through comity – for lawyers choosing to meet credit compliance in this way – could result in late fees and suspension from practice.
11.2(b)	The suggested amendment would more clearly delineate the period during which new admittees must earn their first set of MCLE credits and would clarify the specific types and numbers of credits.
11.2(c)	The suggested amendment would clearly state in the rules that a late fee would be assessed for credits taken after the end of the reporting period, consistent with the current rules and WSBA Board of Governors policy and MCLE Board practice.
11.2(d)(2)	The suggested amendment would put into the rule the policy and practice previously adopted by the MCLE Board regarding limiting carryover of excess credits into only the immediately following reporting period.
11.3(a)	The suggested amendment would state the term limit for the MCLE Board Chair.
11.3(b)	The suggested amendment would delineate the process and requirements for appointments to fill a vacancy on the MCLE Board.
11.3(c)	The suggested amendment would clearly define a quorum for the MCLE Board.
11.4(d)	The suggested amendment would state that the MCLE Board can adopt policies, which is currently stated only in the Appendix APR 11 Regulations.
11.4(f)	The suggested amendment would clarify that undue hardship is the only reason for granting a petition request, because age and infirmity are considerations in determining whether undue hardship exists, and clarify that the petitioner needs to demonstrate hardship.
11.4(h)	The suggested amendment would clarify that the MCLE Board is empowered

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	to hold hearings, a power that is assumed in later sections of APR 11.
11.6(a)(1)(A)	The suggested amendment would clarify that sponsors only report attendance for live courses.
11.6(a)(1)(A)(ii)	The suggested amendment would permit the submission of course attendance reports in any manner acceptable to the WSBA, rather than require the submission of forms.
11.6(a)(1)(B)	The suggested amendment would clarify sponsor requirements when the sponsor is required to report lawyer attendance.
11.6(a)(3)(i) and (ii)	The suggested amendment would delete two rules that have never been enforced and that are counter-productive to lawyer compliance.
11.6(b)(1)	The suggested amendment would update the requirements to permit for filing in the manner prescribed by the Bar Association, rather than requiring paper reports or forms.
11.6(b)(3)	The suggested amendment would clarify the actions a lawyer must take if a petition is approved.
11.6(c)	The suggested amendment would clarify the process and timing for the assessment of late fees.
11.6(d)(1)	The suggested amendment would correct the section title.
11.6(d)(1)(A)	The suggested amendment would clarify the three types of non-compliance for which a pendency of suspension notice can be sent. It would also re-format the rule for greater clarity.
11.6(d)(1)(B)	The suggested amendment would clarify what notice would be sent.
11.6(d)(1)(D)	The suggested amendments would clarify that a minimum of 10 days would be allowed for the two different compliance/petition submission periods that MCLE has had since 2009.
11.6(d)(2)(A)	The suggested amendments would clarify that this rule relates to petitions and that a lawyer only needs to return a petition within “10 days of receipt” of a pendency notice if the lawyer cannot complete the compliance requirements by the pendency period deadline, which will reduce the number of petitions received and assist in administration of this rule.
11.6(d)(4)	The suggested amendment would clarify that it would apply to petitions that were timely filed and that hardship is the sole criterion considered by the MCLE Board, with age and disability being considerations in determining whether hardship exists.
11.6(d)(4)(C)(ii)	The suggested amendment would clarify that the rule is focused on the oath

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	and administration of the oath.
11.6(d)(4)(C)(iii)	The suggested amendment would make it clear that the hearing will be recorded, and clarify that a lawyer may arrange for additional methods of creating a record at the lawyer's own expense.
11.6(d)(4)(C)(vi)	The suggested amendment would eliminate the statement of a specific docket fee (since this is subject to change), and would change the name of the MCLE Board as described elsewhere in the rules.
11.6(e)	The suggested amendment would delete a phrase to improve the clarity of the rule.
11.6(e)(4)	The suggested amendment would more accurately describe the process used.
11.6(f) (deleted)	The suggested amendment would eliminate the requirement that the WSBA pay a lawyer's costs related to a MCLE appeal to the Court.
11.6(g)	The suggested amendment would clarify that the word "Active" refers to a specific type of WSBA membership, as opposed to being a general adjective.
11.6(h)	The suggested amendment would clearly authorize the MCLE Board to conduct audits of MCLE certifications by members if cause exists to indicate that an audit is warranted.
11.7	The suggested amendment would clarify the rule and relieve the need for amendments if the name of a particular department within the WSBA structure is changed.

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