

Minutes

August 18, 2023

The meeting of the Mandatory Continuing Legal Education Board was called to order by Board Chair Todd Alberstone at 10:03 a.m. on Friday, August 18, 2023. The meeting was held via videoconference. Board members in attendance were:

Todd Alberstone, Chair
Ayanna Coleman
Asia Wright
Christopher Bueter

Liaisons and Staff in attendance:

Bobby Henry	Associate Director, Regulatory Services Department
Suzi Segulja	MCLE Analyst
Kevin Fay	Board of Governors Liaison

Review of Minutes

The MCLE Board reviewed the minutes from its July 14, 2023, special meeting. The Board unanimously approved the minutes without change.

Discussion: State of Proposed Amendments and Next Steps

The Board discussed the highlights of its proposed amendment presentation at the August 11, 2023, BOG meeting. Chair Todd Alberstone attended the meeting in-person in Richland, Washington and Member, Asia Wright, attended the meeting remotely. BOG Liaison, Kevin Fay, was also in attendance. The amendments were generally well-received by the BOG. However, not all BOG members were in favor of the amendments. Typical complaints centered on the presumed complexity of making changes. Some members were particularly concerned with the proposed structure having a detrimental effect on ethics because of the credit shift from six (6) to five (5) ethics credits. The MCLE Board has no intent to dilute any of the credit categories. Another complaint presented by the BOG was regarding the ability to find qualified technology presenters. As with other courses, MCLE is thorough in its review of content, including presenter credentials and qualifications. The MCLE Board expects technology courses to be held to the same high standards already implemented by the MCLE team in its review of CLEs.

The BOG voted to support the Mental Health amendment and voted to not support the Technology Security amendment. They neither supported nor attacked the proposed new credit structure and chose instead not to weigh in on a decision regarding the structure issue. The outcome of the BOG meeting was constructive in that it provided the MCLE Board with guidance on how to approach the Supreme Court in its presentation of the amendments.

There was also discussion regarding the MCLE Board's relationship with its BOG Liaison(s). Moving forward, the hope is to have more dialogue and mutual understanding of viewpoints concerning MCLE issues and proposals.

The next step in the process of moving the amendments forward - is to prepare materials for the Supreme Court's review. MCLE staff will draft the GR-9 cover sheet and memo for the MCLE Board to review and edit, as necessary. The deadline for rule submissions to the court is October 15th.

There was also discussion of materials submission to the Court in time for the MCLE Board's September 6, 2023, annual meeting with the Court.

Action: Proposed 2023-2024 MCLE Board Meeting Schedule

The proposed schedule was discussed, and the Board decided to meet on the proposed alternate dates for meetings one, two and five and meet on the proposed dates for meetings three and four.

The MCLE Board Meeting dates will be:

October 13, 2023

January 19, 2024

April 12, 2024

May 17, 2024

August 9, 2024

The first meeting will be held remotely, and the format of subsequent meetings will be decided by the Board during its first meeting.

Discussion: MCLE Board Annual Report to the Court

It was noted that the annual report will closely track last year's structure with applicable data updates. It was suggested that the annual report include the number of courses being approved for Equity Ethics

credits. It was concluded the activity submission numbers can be excluded from the report due to the difficult nature of extracting that data.

It was also noted that the Court will require a report agenda. It was suggested that a Question-and-Answer section as well as a General Comments section be added.

Action: Staff Liaison Decisions

The Board unanimously approved the three proposed staff liaison decisions.

Discussion: Other News

There was discussion regarding future BOG Liaison assignments and how committees and boards can express input on the process.

Adjournment

There being no further business at hand, the meeting was adjourned at 11:01 a.m. The next regularly scheduled MCLE Board meeting will be held at 10:00 AM on Friday, October 13, 2023.

Respectfully submitted,

Robert Henry
Acting MCLE Board Staff Liaison

<p>DISCUSSION:</p> <p>Goals for 2023- 2024</p>
--

The MCLE Board will discuss, identify, and set goals for the 2023-2024 meeting term.

Previous MCLE Board Goals:

- Form a subcommittee to explore and propose an amendment to the Admission and Practice Rule (APR) 11 ethics requirement-in the topics of both mental health and technology
- Commit to performing 2 audits per Board member with a focus on accredited sponsors and CLE courses covering topics of equity, inclusion, and the mitigation of both implicit and explicit bias.
- Continue to work to increase the diversity of the MCLE Board through recruitment.

DISCUSSION:

Structured Mentoring Program Application

Summary: An application has been submitted by Seattle Chinese Bar Association for the approval of its mentorship program as a structured mentoring program.

Background:

Pursuant to APR 11(e)(8), the Board has the authority to develop standards for and approve a structured mentoring program. At its August 15, 2015, meeting, the MCLE Board established the standards of approval for all mentoring programs seeking to become an APR 11(e)(8) structured mentoring program (see attachment titled “Standards for Approving Structured Mentoring Programs”).

The MCLE Board considers both these specific standards and the requirements of APR 11 when reviewing a structured mentoring application such as the one before it now. Since the structured mentoring program became effective in January of 2016, the MCLE Board has only approved two applications seeking status as a structured mentoring program. These programs are the Seattle Low Bono Incubator Mentoring Program (approved on January 8, 2016) and the Seattle Intellectual Property Inn of Court Mentoring Program (approved on October 7, 2022). In addition, the MCLE Board has approved a Mentoring Guide for Self-Directed Structured Mentoring. Licensed legal professionals wishing to develop their own self-directed structured mentoring program with a chosen mentor or mentee, must follow the guidelines in the [Self-Directed Structured Mentoring Program Guide](#) in order to obtain MCLE credit.

MCLE Board Structured Mentoring Program Eligibility Standards

Mentor Eligibility. The mentor must be an active member of the WSBA in good standing and have been admitted to the practice of law in Washington for at least five years. The mentor and mentee shall not be employed by the same employer.

Mentee Eligibility. The mentee must be an active member of the WSBA. The mentor and mentee shall not be employed by the same employer.

MCLE Staff Findings Regarding the Application of Standards to the Proposed Mentoring Program

The following are the minimal structural standards for a program to be approved:

1. Attend an orientation meeting for which MCLE credit is not earned.

The sponsor of this mentoring program (Seattle Chinese Bar Association) has affirmed that such an orientation exists.

2. Sign a mentoring agreement

The sponsor confirmed in their application that a mentoring agreement is available and provided a copy of a sample mentoring agreement with its application materials.

3. Create a personalized mentoring plan that includes meetings on approved subjects under APR 11(f)

The sponsor has confirmed that personalized mentoring plans will be integrated into the program and appears to have adopted the Self-Directed Structured Mentoring Program plan to fulfill this requirement.

**Have face-to-face mentoring meetings related to approved course subjects under APR 11(f).
Face-to-face meetings can be in person or via electronic means of communication**

The sponsor has confirmed that face-to-face meetings either in person or by electronic means will be held between mentor and mentee throughout the course of the program.

- 4. Provide an evaluation of the mentoring experience to the organization. The forms or the information from the forms must be retained for two years and provided to the MCLE Board upon request.**

The sponsor has confirmed that evaluation forms are provided to participants and consented to retaining those forms for two years and providing them to the MCLE Board upon request by signing the application form.

Discussion:

Given these standards of approval, should the MCLE Board approve the structured mentoring program application submitted by Seattle Intellectual Property Inn of Court now before it?

Staff Review: It appears that the application meets the requirements of APR 11 and the MCLE Board standards and can be an MCLE Board approved mentoring program.

Attachments:

- Standards for Approving Structured Mentoring Programs
- Seattle Chinese Bar Association Mentoring Program Application
- Seattle Chinese Bar Association Sample Mentorship Agreement

STANDARDS FOR APPROVING STRUCTURED MENTORING PROGRAMS FOR MCLE CREDIT

The MCLE Board will approve structured mentoring programs for MCLE credit that meet the requirements of APR 11 and the following requirements and standards:

1. **Purpose.** Structured mentoring programs are intended to:
 - a. Foster professionalism, civility and collegiality in the legal community;
 - b. Bridge the gap for new and transitioning attorneys;
 - c. Promote inclusion and eliminate bias with respect to the practice of law;
 - d. Encourage professional development, including insights into the practice of law;
 - e. Encourage personal development, including the need for healthy work-life balance and awareness of mental health, addiction, and stress issues; and/or
 - f. Support the community through public service.
2. **Structured Mentoring Program Standards.** The minimum structural standards for a program to be approved include facilitating and requiring the mentor and mentee to:
 - a. Attend an orientation meeting for which MCLE credit is not earned;
 - b. Sign a mentoring agreement;
 - c. Create a personalized mentoring plan that includes meetings on approved subjects under APR 11(f);
 - d. Have face-to-face mentoring meetings related to the approved course subjects under APR 11(f). Face-to-face meetings can be in person or via electronic means of communication; and
 - e. Provide an evaluation of the mentoring experience to the organization. The forms or the information from the forms must be retained for two years and provided to the MCLE Board upon request.
3. **Goals of Approved Structured Mentoring Programs.** Approved Structured Mentoring Programs should:
 - a. Strive to appropriately match qualifying mentors with qualifying mentees;
 - b. Assist mentors and mentees in creating a mentoring plan that will best serve them in achieving their goals; and
 - c. Provide support as needed to help mentors and mentees fulfill their responsibilities.
4. **Application for Approval of Structured Mentoring Program.** Organizations shall submit an application, program materials and sample forms to the MCLE Board to be considered for approval.

5. **Self-Directed Structured Mentoring Programs.** Mentors and mentees wishing to develop their own mentoring relationship and attain MCLE credit for mentoring may do so through the Self-Directed Structured Mentoring Program Guide available at <https://www.wsba.org/for-legal-professionals/mcle/mcle-credit-for-mentorship>.
6. **Mentor Eligibility.** The mentor must be an active member of the WSBA in good standing and have been admitted to the practice of law in Washington for at least five years. The mentor and mentee shall not be employed by the same employer.
7. **Mentee Eligibility.** The mentee must be an active member of the WSBA. The mentor and mentee shall not be employed by the same employer.
8. **MCLE Credit for Participation.** Mentors and mentees may earn one MCLE credit per each 60 minutes during which they held mentoring meetings and covered topics or issues related to the approved course subjects under APR 11(f). Law and Legal Procedure credits may not be earned through mentoring. There are no limits on the number of MCLE ethics and “other” credits attorneys may earn and attorneys may participate as often as they wish. The mentor may not receive payment for the mentoring time.

APPLICATION FOR APPROVAL OF STRUCTURED MENTORING PROGRAM

1. Organization Name:		
Seattle Chinese Bar Association		
2. Program Name:		
Seattle Chinese Bar Association Mentorship Program		
3. Address:		
4. Telephone Number:	5. Email Address:	
2065914662	Seattlechinesebar@gmail.com;wangyf.thu@gmail.com	
6. Type of organization (check one):	<input type="checkbox"/> Profit <input checked="" type="checkbox"/> Nonprofit <input type="checkbox"/> Government <input type="checkbox"/> Other (Please describe) <input type="checkbox"/> Minority/Specialty Bar <input type="checkbox"/> Local Bar	
7. Is this in-house or on-the-job mentoring? <i>Note: In-house and on-the-job mentoring programs are not eligible for MCLE credit.</i>		<input type="checkbox"/> Yes <input type="checkbox"/> No
8. Does the program charge the mentee a fee for mentoring other than an administrative fee that is in an amount designed solely to defray administrative costs? <i>Note: The mentee is not permitted to pay the mentor for mentoring.</i>		<input type="checkbox"/> Yes <input type="checkbox"/> No

The Structured Mentoring Program is intended to achieve the following: (Check all that apply)

- ☐ Foster professionalism, civility and collegiality in the legal community;
- ☐ Bridge the gap for new and transitioning attorneys;
- ☐ Promote inclusion and eliminate bias with respect to the practice of law;
- ☐ Encourage personal development, including the need for healthy work-life balance and awareness of mental health, addictions, and stress issues;
- ☐ Encourage professional development, including insights into the practice of law;
- ☐ Support the community through public service; and/or
- ☐ Other: _____
- _____
- _____

Structured Mentoring Programs Minimum Requirements. Approved Mentoring Programs must require mentors and mentees to:

- (1) Attend an orientation meeting for which MCLE credit is not earned;
- (2) Sign a mentoring agreement;

- (3) Create a personalized mentoring plan that includes meetings on approved course subjects under APR 11(f);
- (4) Have face-to-face mentoring meetings related to the approved course subjects under APR 11 (f). Face-to-face meetings can be in person or via electronic means of communication; and
- (5) Provide an evaluation of the mentoring experience to the organization. The forms or the information from the forms must be retained for two years and provided to the MCLE Board upon request.

Goals of Approved Structured Mentoring Programs. Approved Structured Mentoring Programs should:

- (1) Strive to appropriately match qualifying mentors with qualifying mentees;
- (2) Assist mentors and mentees in creating a mentoring plan that will best serve them in achieving their goals; and
- (3) Provide support as needed to help mentors and mentees fulfill their responsibilities.

I certify that the structured mentoring program meets the requirements of APR 11 and the MCLE Board's Standards for Approving Structured Mentoring Programs for MCLE Credit. Our organization will notify the MCLE Board if there are any changes to the structured mentoring program or if the program is terminated.

Signature of Applicant

Name and Title of Applicant

Date

Please attach program materials and sample forms to be considered for approval.

For Internal Use Only

☐ Approved

☐ Denied Reason: _____

Date: _____ Reviewed by: _____ Signature: _____

MENTORING AGREEMENT

We, _____, Mentor, and _____, Mentee, agree to participate in the Seattle Chinese Bar Association Structured Mentoring Program in accordance with the terms of this agreement. We understand the goals of mentoring include:

- Foster professionalism, civility and collegiality in the legal community;
- Bridge the gap for new and transitioning attorneys;
- Promote inclusion and eliminate bias with respect to the practice of law;
- Encourage professional development, including insights into the practice of law;
- Encourage personal development, including the need for healthy work-life balance and awareness of mental health, addiction, and stress issues; and
- Support the community through public service.

We acknowledge and will abide by the following rules:

- Any communication between Mentor and the Mentee is not intended to be the rendering of legal or professional advice to the Mentee or his or her clients, and the Mentee will not rely upon such communications or cause any client to rely upon them.
- No confidential or attorney-client relationship is formed between Mentor and the Mentee as a result of participation in mentoring. Neither the Mentee nor Mentor will identify any client or reveal any client confidence to the other, nor will either seek professional or legal advice from the other about specific legal matters or clients. Instead all discussions about substantive legal matters between the Mentee and Mentor will be limited to hypothetical situations.
- Mentor is not assuming any liability or responsibility with respect to any legal matter of the Mentee's clients, nor will the Mentor render professional services to, or take any responsibility either directly or indirectly for any aspect of representation of the Mentee's clients.
- Mentor will not co-counsel any matter with the Mentee, nor will Mentor make referrals to or accept referrals from the Mentee during the term of their mentoring term.
- The Mentor and Mentee will not be employed by the same employer.

We hereby certify that we have read the above *Mentoring Agreement* and agree to its terms.

Mentor Signature: _____

Date: _____

Mentee Signature: _____

Date: _____

MENTORING PLAN

a) Substantive Law

Elected	Action	Completion Date
	Discuss the following substantive law subjects:	
	Discuss practice skills such as taking depositions, trial techniques, and interviewing clients.	
	Other:	
	Other:	

b) Ethics and Professional Responsibility

Elected	Action	Completion Date
	Discuss practices to maintain client confidentiality.	
	Discuss how to screen for, recognize, and avoid conflicts of interest.	
	Discuss the responsibilities of the client and the attorney in decision-making, and the best ways to involve a client in their case.	
	Discuss preparation and proper behavior during discovery.	
	Discuss how to prepare for negotiation of a legal matter, when and how negotiation is initiated, how to involve the client, ethical and professionalism obligations of negotiators, skills needed to be an effective negotiator and how to acquire them.	
	Discuss common malpractice and grievance traps in your practice area or setting, and how to recognize and avoid common pitfalls.	
	Discuss potential resources and procedures for dealing with complicated ethical issues, including conflict of interests.	
	Discuss appropriate ways to handle situations where an attorney believes another attorney has committed an ethical violation; the obligation to report misconduct; and the appropriate way to handle a situation where a Mentee is asked by a senior member of the firm/organization to do something that is unethical or unprofessional.	
	Discuss the grievance process and an attorney's duty to cooperate with a disciplinary investigation.	
	Other:	
	Other:	

c) Professional Development

Elected	Action	Completion Date
	Discuss professional skills including effective lawyering, leadership, career development, communication and presentation skills.	
	Discuss various career paths such as large firm, small firm, government and non-profit practice, corporate counsel, and nontraditional legal positions and identify resources for exploring options.	
	Discuss long term and short-term career objectives and identify ways to achieve them.	
	Other:	
	Other:	

d) Personal Development and Mental Health

Elected	Action	Completion Date
	Discuss strategies for finding a balance between career and personal life, keeping daily stress in perspective, reconciling job expectations with actual experience and maximizing career satisfaction.	
	Discuss prominence of substance abuse and mental health issues in the legal profession; review warning signs of substance abuse or mental health problems; what to do if the Mentor, Mentee a colleague, or a superior is faced with a substance abuse or mental health problem; and the resources for assistance.	
	Other:	
	Other:	

e) Office Management

Elected	Action	Completion Date
	Discuss the following office management matters:	
	Discuss business planning, financial management, and office technology.	
	Discuss practice development and marketing, client relations, employee relations and responsibilities when opening or closing an office.	
	Other:	
	Other:	

f) Improving the Legal System

Elected	Action	Completion Date
	Discuss types of alternative dispute resolution such as mediation, arbitration, early neutral evaluation, summary jury trials, and collaborative representation.	
	Acquaint Mentee with access to justice issues, various Washington legal services organizations, and opportunities to engage in <i>pro bono</i> activities.	
	Develop an awareness of diversity and inclusion issues in the legal profession by reading recent published studies and articles, and discussing them.	
	Other:	
	Other:	

Mentoring Plan Pledge

We, _____, Mentor, and _____, Mentee, agree upon this *Mentoring Plan* of activities elected above. We pledge that we will devote the time and effort necessary to carry out this *Mentoring Plan*.

Mentor Signature	(Bar Number)	Date
------------------	--------------	------

Mentee Signature	(Bar Number)	Date
------------------	--------------	------

MENTORING EVALUATION

Name: _____ Date: _____

1. Are you the Mentor or Mentee?

☐ Mentor

☐ Mentee

2. Was the orientation helpful in beginning your mentoring relationship? Explain.

3. How many in-person meetings have occurred to date?

4. Does your mentoring relationship support open communication and learning? Explain.

5. Did you encounter any difficulties completing the selected activities in your mentoring plan? Explain, and describe how you resolved these difficulties.

6. Are you benefiting from this mentoring relationship? Explain.

7. Is there anything else you would like to share?

MENTORING EVALUATION

Name: _____ Date: _____

1. Are you the Mentor or Mentee?

☐ Mentor

☐ Mentee

2. Was the orientation helpful in beginning your mentoring relationship? Explain.

3. How many in-person meetings have occurred to date?

4. Does your mentoring relationship support open communication and learning? Explain.

5. Did you encounter any difficulties completing the selected activities in your mentoring plan? Explain, and describe how you resolved these difficulties.

6. Are you benefiting from this mentoring relationship? Explain.

7. Is there anything else you would like to share?
