

**WASHINGTON STATE BOARD OF
MANDATORY CONTINUING LEGAL EDUCATION**

MINUTES

October 6, 2017

The meeting of the Washington State Board of Mandatory Continuing Legal Education was called to order by Chairperson Melissa Skelton at 10:00 a.m. on Friday, October 6, 2017.

Board Members in Attendance: Melissa Skelton (Chair), John Bender, Andrew Benjamin, Scott Bergstedt, and Asia Wright.

Liaisons and Staff in Attendance: Robert Henry (Associate Director, Regulatory Services Dept.), Renata de Carvalho Garcia (MCLE Manager/MCLE Board Staff Liaison), Jean McElroy (Chief Regulatory Counsel), Paula Luu (MCLE Analyst), Gabe Moore (MCLE Analyst).

Review of Minutes for August 18, 2017 Meeting

The MCLE Board reviewed and approved the August 18, 2017 MCLE Board meeting minutes.

Diversity Training

Robin Nussbaum, the WSBA Inclusion and Equity Specialist, provided a one-hour training to Board members on Diversity and Inclusion.

MCLE Petitions

The Board reviewed and decided by motion on two hardship petitions. No listing of these motions is included in order to protect the confidentiality of the lawyers.

Course Accreditation Appeals

Activity 1046726: The Board reviewed and considered accreditation for activity 1046726. Staff denied accreditation for this activity because the documentary viewing portion of this activity is not targeted towards lawyers as required in APR 11(h)(1) and the 20-minute post-viewing discussion portion of this activity failed to meet APR 11(h)(5). The Board voted and upheld the staff's decision to deny accreditation for this activity.

Activity 1045584: The Staff Liaison to the MCLE Board conducted a live audit of activity 1045584. In response to the Staff Liaison's accreditation and audit report, the sponsor appealed the denial of two specific sessions: "Web-ex and Outlook" and "Military Considerations." The Board reviewed the course materials and considered accreditation for both sessions. The Board voted and upheld the staff's decision to deny accreditation for the "Web-ex and Outlook" session. The Board voted and approved the "Military Considerations" session for credit in the Nexus credit category.

Activities 1044343-1044345: The Board jointly considered accreditation for activities 1044343, 1044344, and 1044345. Each activity included a two hour tour of a correctional facility, which staff denied for MCLE credit. The Board voted and approved the tour portion of each activity for MCLE credit in the Nexus credit category because lawyers who represent incarcerated clients may need to know how to navigate the correctional facilities in order to give effective representation.

Limited Practice Waiver Request

The Board discussed a limited practice waiver request from a lawyer. The Board reviewed the meeting materials, applicable regulations, and also discussed their authority and responsibility of interpreting MCLE rules.

The Board voted in favor of sending a letter to the lawyer declaring that a limited practice waiver no longer exists under the current APR 11 and as a result, the lawyer must complete the required credits, change status, or file a hardship petition.

Course Audit Reports

Melissa Skelton presented her audit report for activity ID 1035465, "Step-by-Step Guide to Drafting Wills and Trusts," sponsored by National Business Institute. Renata Garcia, the Staff Liaison to the MCLE Board, also presented her audit report for activity 1045584, "2017 Claims Officer Workshop," sponsored by the Division of Child Support.

The Board discussed several concerns brought to light by the audit reports. For example, one sponsor drew attention to the presence of the auditor, which may have impacted the quality and delivery of the CLE. The other sponsor struggled to fill the scheduled time frames, may have used questionable methods to recruit inexperienced presenters, and the sponsor's on-site administrator appeared ill informed about the requirements in APR 11. The Board discussed the possibility of conducting surprise audits and suggested that the Board Chairperson write a letter authorizing staff and Board members to conduct surprise audits. The Board also suggested that the MCLE team conduct spontaneous live audits as part of the accredited sponsor audit.

Member Late Fee Discussion

Since some Board members were absent, the Board tabled the topic for discussion at the next Board meeting.

Adjournment

There being no further business at hand, the MCLE Board meeting was adjourned at 1:45 p.m. The next regularly scheduled Board meeting will be on Friday, January 12, 2018.

Respectfully submitted,



Renata de Carvalho Garcia
MCLE Board Staff Liaison