

## **MEETING AGENDA**

**August 8, 2025, at 10:00 A.M.**

**Held Remotely Via Zoom (Public Session):**

**<https://wsba.zoom.us/j/81382932217?pwd=u8CUi3sW4wX2mO2WAIG5AXBxo35gau.1>**

### **OPEN SESSION 10:00 a.m.**

1. Welcome and Introductions
2. Review/Approval of Minutes from April 11, 2025
3. MCLE Board Goals Update
  - a. WA YMCA Mock Trial Program Update
  - b. Discussion
4. Decision Matrix Discussion
5. MCLE Updates

### **CLOSED SESSION**

1. Activity Review
2. Petitions

### **Adjourn**

Pursuant to WSBA AI External Use Policy AI use by external parties for WSBA work requires advance written notification.

**Minutes**

**April 11, 2025**

The meeting of the Mandatory Continuing Legal Education Board was called to order by Board Chair Katie Denmark at 10:01 A.M. on Friday, April 11, 2025. The meeting was held in-person and via videoconference. Board members in attendance were:

Katie Denmark (Chair)  
Chris Bueter  
Darryl Colman  
Merri Hartse  
Efrem Krisher (departed meeting at 1:00 p.m.)  
Henry Phillips

Liaisons and Staff in attendance:

Adelaine Shay	MCLE Board Staff Liaison
Ransom Smith	MCLE Analyst
Renata de Carvalho Garcia	Regulatory Counsel
Kevin Fay	WSBA Board of Governors Liaison

**Review of Minutes**

The MCLE Board reviewed the minutes from the January 10, 2025, meeting. The Board approved the minutes unanimously.

**YMCA Request for Suggested Amendment to Allow Credit for Participating in High School Moot Court Competitions**

At its August 9, 2024, meeting, The Washington YMCA Youth & Government division (YMCA) presented a proposal to the Board to consider amending APR 11 to allow attorneys and judges participating in high school mock trial events to earn credit for the work contributed to these events. This request would require a rule amendment, as currently under APR 11(e)(9), credit for is restricted for judging or preparing law schools students for a law school recognized competition. The MCLE Board discussed whether to continue to pursue a rule amendment that would reflect YMCA's proposal. The Board unanimously voted to continue to pursue suggesting a rule amendment. The Board noted that the suggested amendment could also contain language to provide credit for college level mock trials. The Board discussed restricting

credit to approved program only and to restrict credit for judging and writing for a mock trial. The Board determined this is a long-term goal to pursue through the next fiscal year.

### MCLE Board Goals

The MCLE Board recruitment subcommittee gave an update on their efforts to expand recruitment for the MCLE Board. The subcommittee has met three times (2/18/25, 3/17/25, and 4/7/25). Currently, the staff liaison is working with the WSBA Volunteer Manager on creating new materials that can be used to promote the position alongside other Supreme Court Board volunteer positions. Additionally, subcommittee members have been emailing regional affinity bar associations to get the word out about MCLE Board openings, offering to speak at, provide informational materials to, or otherwise engage with county bar associations. The subcommittee intends to reach out to judicial law clerks as well.

The MCLE Board discussed their long-term goal to pursue research regarding Improving, Accessibility, Engagement, and Awareness for CLEs.

The MCLE staff liaison will share a newly drafted MCLE guide, intended to assist newly admitted licensed legal professionals with understanding their MCLE requirements, in order to receive the MCLE Board's feedback.

The MCLE Board discussed strategies to improve member accessibility to earning CLE credit. The MCLE Board is interested in a free and low-cost webpage summarizing the various ways folks can find free and low cost CLEs or earn credit for free. MCLE staff will work with the MCLE Board on creating a webpage. The MCLE Board was also curious to find out why Legal Lunchbox recorded videos were not offered for free.

Additionally, the Board discussed looking into expanding comity to include additional states, particularly those that are geographically close with similar MCLE requirements. MCLE staff agreed to research states that meet that criterion, as well as find out how many members reside in those states and report back at the August meeting.

### Audit Reports

Katherine Denmark summarized three recent audits. Feedback was generally favorable; however, one presenter was found to be somewhat negative which detracted from the overall experience of the CLE. All three audit reports will be given to the CLE sponsors.

### MCLE Updates

The MCLE Staff Liaison, noted, as of April 2, 2025, approximately 97.64% of licensed legal professionals are compliant for the 2022-2024 reporting period. Presuspension notices were sent on March 4, 2025 to licensed legal professionals in the 2022-2024 reporting period who have not completed their MCLE requirements. A list of reminder emails was provided to the MCLE board noting that reminders were sent to those due to report MCLE on 10/18/2024, 11/4/2024, 12/10/2024, 1/28/2025, and 2/18/2025. On 3/4/2025 the Presuspension Notice was mailed to individuals not in compliance.

A reminder was provided to MCLE Board members to view the WSBA Regulatory School video if they have not done so already.

An update was given by Efreem Krisher the MCLE Board representative on the licensure pathways Core Competencies Subcommittee.

An update was given to the MCLE Board on the proposed policy for WSBA's administration of Supreme Court boards that it was sent to the Court on March 17, 2025. This policy was developed by The Task Force Administering Xenial Involvement with Court Appointed Boards (TAXICAB). The Task Force was comprised of six members of the Board of Governors and six representatives from the boards (including a representative from the MCLE Board). The staff liaison provided an update that the policy had recently been adopted by the Court, and further information would be provided to the MCLE Board.

The MCLE Budget summary for February and draft MCLE Budget for FY26 was shared with the MCLE Board.

#### Board Activity Review

The MCLE Board decided by motion on one activity accreditation requests. No listing of these motions is included in order to protect member confidentiality.

#### Petitions

The MCLE Board reviewed and decided by motion 66 staff liaison undue hardship petition decisions. The MCLE Board reviewed and decided by motion on the 6 petitions. No listing of these motions is included to protect member confidentiality.

#### Adjournment

There being no further business at hand, the meeting was adjourned at 1:30 PM. The next regularly scheduled MCLE Board meeting will be held on May 9<sup>th</sup> via videoconference format.

Respectfully submitted,  
Adelaine Shay  
MCLE Board Staff Liaison

**Draft Minutes**

**May 9, 2025**

The meeting of the Mandatory Continuing Legal Education Board was called to order by Board Chair Katie Denmark at 10:02 A.M. on Friday, May 9, 2025. The meeting was via videoconference. Board members in attendance were:

Katie Denmark (Chair)

Darryl Colman

Merri Hartse

Efrem Krisher

Henry Phillips

Brendon Taga- joined 10:12 a.m.

Liaisons and Staff in attendance:

Adelaine Shay	MCLE Board Staff Liaison
Ransom Smith	MCLE Analyst

**Review of Minutes**

The MCLE Board reviewed the minutes from the April 11, 2025, meeting. The Board approved the minutes unanimously with minor grammatical edits.

**Decision Matrix**

MCLE Board provided feedback on the initial draft changes to the decision matrix and directed MCLE staff to bring an updated draft to the August meeting. The feedback included changes within the financial hardship section of the fee waiver matrix which would factor in the number of credits completed by an individual at the time of petition submission before referring to the MCLE Board for review. Additionally, within the fee waiver matrix, the MCLE Board would like to consider including a definition of “disaster” in the draft natural disaster section. An updated draft will be reviewed at the next regularly scheduled MCLE Board meeting.

**MCLE Board Goals**

The Recruitment subcommittee drafted emails to affinity and local bar associations as well as to law clerks. The MCLE Board discussed inviting the YMCA Director to present with the MCLE Board, at the next annual meeting with the Court, on the possibility of suggesting an

amendment to APR 11 that would allow for MCLE Credit to those judging mock trials at a high school or undergraduate competition.

#### MCLE Board Chair Nomination

Darryl Colman was nominated by MCLE Board to be the next MCLE Board Chair. Nominations for the Vice-Chair position were tabled to future meeting.

#### Proposed Meeting Schedule

The MCLE Board discussed and unanimously passed (with one abstention) the meeting schedule for fiscal year 2026.

Meeting #	MCLE Board Meeting Date
1	October 17, 2025 (in-person)
2	January 9, 2026
3	April 17, 2026 (in-person)
4	June 5, 2026
5	August 14, 2026 (in-person)

#### MCLE Updates

- MCLE Certification

MCLE staff reported that as of May 6, 2025, 99.36% (10,802) of licensed legal professionals were compliant for the 2022-2024 reporting period. At the time of the presuspension deadline 47 Licensed Legal Professionals were not compliant for their 2022-2024 reporting period, and an additional 23 had extensions (including one payment extension) until 6/2/2025. Seven reminder emails were sent to those due to report MCLE including a presuspension notice.

- Newly Admitted Materials

Three draft documents, 1) The Newly Licensed Legal Professional's Guide to Getting Started with Mandatory Continuing Legal Education (MCLE), 2) MCLE Quick Reference Guide, and 3) The CLE Planning Template were created in order to have resources available for newly admitted licensed legal professionals and for those looking to plan their CLE in advance. The drafts were shared with the MCLE Board for review before the MCLE Board Staff Liaison submits them to the communications department for review and design.

- WSBA Licensure Pathways Implementation Steering Committee Update

The committee which is tasked with implementing the alternative pathways to licensure adopted by the Court is forming subcommittees including a Core Competencies Subcommittee tasked with defining the core competencies to be included in each pathway to ensure competence to practice law. The MCLE Board invited a representative to join and weigh in on this important work. MCLE Board member Efrem Krisher is representing the MCLE Board on the subcommittee and provided a brief update.

- Budget

The MCLE Board Staff Liaison provided a brief overview of the current MCLE Budget Summary.

#### Petitions

The MCLE Board reviewed and decided by motion 7 staff liaison undue hardship petition decisions. The MCLE Board reviewed and decided by motion on the 1 petition. No listing of these motions is included to protect member confidentiality.

#### Adjournment

There being no further business at hand, the meeting was adjourned at 12:00 PM. The next regularly scheduled MCLE Board meeting will be held on August 8<sup>th</sup> via videoconference format.

Respectfully submitted,  
Adelaine Shay  
MCLE Board Staff Liaison

## Updates to MCLE Board Annual and Long-Term Goals

**Discussion Summary:** The MCLE Board has committed to pursuing several annual and long-term goals. The Board has discussed each goal and commenced work to advance each one.

### Annual Goals

- Each Board member will commit to conducting two CLE course audits per fiscal year with a focus on accredited sponsors and CLE courses that cover the topic of Equity Ethics.
- The Board will continue to advance diversity in recruitment efforts for any Board openings.

### Long-Term Goals

- Pursue research regarding Improving, Accessibility, Engagement, and Awareness for MCLE.
- Explore the possibility of extending comity to other jurisdictions and commit to researching this topic.
- Explore creating a rule amendment to the APR 11(e) approved activities subsection that would allow for attorneys evaluating high school and undergraduate competitions (such as those hosted by the YMCA) to earn MCLE credit.

### MCLE Board Subcommittee on Increasing Diversity in Board Recruitment

- As of this meeting, the MCLE Board is continuing recruitment efforts to fill the open public member position on the MCLE Board for the next term. Nominations for the two lawyer positions have been provided to the WA Supreme Court for final review and possible appointment.

### Awareness Regarding MCLE

- Newly Admitted Licensed Legal Professionals Guide, MCLE Planner, and Overview of MCLE Requirements have been sent to the WSBA Comm department for review and design. Once completed these tools will be posted online.
- Staff continues to work on designing and implementing a webpage with information regarding free and low-cost CLE opportunities online.
- At the MCLE Board's direction the following messaging was integrated into the online application for CLE Sponsors regarding cloned activities: Cloned activities are considered identical to their original activity in whole or in part. Licensed legal professionals cannot receive credit more than once for an identical activity within the same reporting period. [Admission and Practice Rule \(APR\) 11\(g\)\(1\)\(ii\) & \(c\)\(2\)](#)

### Comity

- At the MCLE Board's direction staff have provided information on active WSBA licensed legal professionals with law licenses in states additional states. Staff were able to obtain two reports both with limited information.
  - Provides a count of currently active lawyers who reported being licensed in a state(s) other than Washington at the time of WSBA admission. In this report, staff also included MCLE requirements for the states reported by the most WSBA members and for those geographically close to Washington.



- Provides a count of currently active lawyers with a primary address in a state or territory outside of Washington.

#### MCLE Credit for High School or Undergraduate Mock Trial/ Moot Court Volunteers

- At the MCLE Board's direction MCLE staff researched established moot court and mock trial programs for high school and undergraduate students in Washington State. Research concluded that there are two established Mock Trial programs. The YMCA Youth and Government Program operates at the high school level, while the Seattle Regional Mock Trial Tournament, in partnership with American Mock Trial Association and hosted at University of Washington, provides a forum for undergraduates.

#### Discussion

- Potential Upcoming CLEs to Audit
- Recruitment Update
- Next Steps for Long Term Goals

#### Links

- Undergraduate program -- Seattle Regional Mock Trial Tournament  
<http://www.uwmocktrial.com/regional.html>
- Demographics and counts of WSBA licensed legal professionals:  
[https://www.wsba.org/docs/default-source/licensing/membership-info-data/countdemo\\_20190801.pdf?sfvrsn=ae6c3ef1\\_290](https://www.wsba.org/docs/default-source/licensing/membership-info-data/countdemo_20190801.pdf?sfvrsn=ae6c3ef1_290)

#### Attachments

- Comity Research & Report

# Comity Research Report

State	# Licensed at time of WA Admission	# of Active WSBA members with state listed as primary address	States Near WA	MCLE Requirements
CA	2,933	1,447	X	<b>Reporting Period:</b> 3 year reporting period <b>Total Credits:</b> 25 <b>Required Credit Types:</b> 4 ethics, 2 elimination of bias, 2 competence (one of which must be focused on detection and prevention), 1 technology, and 1 civility.  <b>Considerations of Note:</b> -Self-administered test taking is eligible for credit if graded and evaluated by a provider -Allows for self-study activities that do not require attendance verification and do not conform to our live or recorded instruction format.
OR	2,660	2,274		Already a Comity State
NY	1,435	191		<b>Reporting Period:</b> 2 year reporting period <b>Total Credits:</b> 24 <b>Required Credit Types:</b> 4 Ethics, 1 Diversity, Inclusion and Elimination of Bias , and 1 Cybersecurity, Privacy and Data Protection  <b>Considerations of Note:</b> -Maintain very exact standards and curriculum requirements for newly admitted attorneys
DC	1,050	257		No Requirements
TX	645	343		<b>Reporting Period:</b> Annually <b>Total Credits:</b> 15 <b>Required Credit Types:</b> 3 Ethics  <b>Considerations of Note:</b> -Three of the total fifteen hours, including one of the ethics/professional responsibility hours can be completed as self-study (including self-paced reading). Attorneys are directed to self-compute credits amount of time spent on a self-paced activity .

# Comity Research Report

State	# Licensed at time of WA Admission	# of Active WSBA members with state listed as primary address	States Near WA	MCLE Requirements
IL	628	136		<b>Reporting Period:</b> 2 year reporting period <b>Total Credits:</b> 30 <b>Required Credit Types:</b> 6 Ethics, 1 Diversity & Inclusion, and 1 mental health and substance abuse  <b>Considerations of Note:</b> -No credit for reading -Can receive credit for serving as in the Illinois General Assembly for qualifying legislative sessions -Also can receive credit for attending meetings of certain boards, commissions, committees, and task forces of the Supreme Court of Illinois
CO	458	208		<b>Reporting Period:</b> 3 year reporting period <b>Total Credits:</b> 45 <b>Required Credit Types:</b> 7 of which must be in ethics (2 of the 7 must be in the area of equity, diversity, and inclusivity)  <b>Considerations of Note:</b> -CLE credit is available for performing research under a qualified committee
ID	407	374		Already a Comity State
FL	388	201		<b>Reporting Period:</b> 3 year Reporting Period <b>Total Credits:</b> 30 (50 min = 1 credit) <b>Required Credit Types:</b> 3 technology, 5 Ethics, professionalism, substance abuse, or mental health and wellness courses (including 2-credit hour Florida Bar Legal Professionalism course)  <b>Considerations of Note:</b> -Excess credits cannot be carried over to the next reporting cycle. -Full-time government employees will receive credit for courses put on by governmental agencies.

# Comity Research Report

State	# Licensed at time of WA Admission	# of Active WSBA members with state listed as primary address	States Near WA	MCLE Requirements
AZ	328	259	X	<b>Reporting Period:</b> Annually <b>Total Credits:</b> 15 <b>Required Credit Types:</b> 3 hours must be in professional responsibility/ethics.  <b>Considerations of Note:</b> -Allows credit for qualifying service as an arbitrator
MA	326	69		
PA	293	53		
MN	267	74		
NJ	249	36		
VA	249	165		<b>Reporting Period:</b> Annually <b>Total Credits:</b> 12 (4 hours must be live-interactive credit). <b>Required Credit Types:</b> 2 Ethics Every 3 years, at least one (1) credit hour of lawyer well-being education related to the practice of law.  <b>Considerations of Note:</b> -Has a very strict definition of ethics that excludes topics that we would normally consider as falling into the purview of ethics (for example ethics for government employees which apply to attorneys in such positions).
MD	223	96		
NV	215	120	X	<b>Reporting Period:</b> Annually <b>Total Credits:</b> 13 <b>Required Credit Types:</b> 2 ethics credits, and 1 credit in the area of substance abuse, addictive disorders and/or mental health issues that impair professional competence

# Comity Research Report

State	# Licensed at time of WA Admission	# of Active WSBA members with state listed as primary address	States Near WA	MCLE Requirements
AK	205	97	X	<b>Reporting Period:</b> Annually <b>Total Credits:</b> 12 <b>Required Credit Types:</b> 3 ethics <input type="checkbox"/> <b>Considerations of Note:</b> -Provides credit for participating in a member in specified bar committees and divisions -Maintains a separate category of CLE called Voluntary Continuing Legal Education that is not mandated but highly encouraged through a system of incentives and penalties
GA	200	69		
MO	199	55		
WI	193			
UT	186	126		Already a Comity State
MT	185	110	X	<b>Reporting Period:</b> Annually <b>Total Credits:</b> 15 (10 must be Live courses) <b>Required Credit Types:</b> 2 Professional Fitness and Integrity  <b>Considerations of Note:</b>  *Up to 5 credits can be in a different format and read-and-test appears to be legitimate.
OH	175	55		
MI	152	44		

**DISCUSSION SUMMARY:****Draft Language and Further Discussion Regarding the Hardship Matrices****Action:** Second Read

**Discussion Summary:** The current contemplation of reforming the Hardship Matrices stems from two separate sets of petition circumstances that were considered by the Board at its last May 9, 2025, meeting. After the Board had both considered circumstances of severe financial hardship and natural disaster that impacted a member's ability to comply, it requested that MCLE Staff draft language that created greater parity in fee waiver relief between financial hardship and medical hardship and provided relief for members who had suffered a natural disaster that impaired their ability to comply.

**Background:**

At its May 9 meeting, the Board discussed potential edits to the Hardship Matrices. The goal of matrix reform would be two-fold: (1) treat medical and financial hardships more equitably when it comes to the subject of full fee waivers; and (2) carve out a new and specific hardship category to accommodate for members who have experienced significant natural disasters impacting their ability to comply.

Based on feedback provided by the Board, MCLE staff has modified the initial suggestions, presented at the May 9<sup>th</sup> meeting, to amending the Late Fee Waiver Matrix and integrating amount of credits remaining as a criteria affecting the availability of reduction or waiver. Also at the Board's direction, MCLE staff has drafted language designed to level the relief available for both medical and financial hardship petitioners and establish a new hardship category related to significant natural disasters. The language is provided in copies of adjusted draft Matrices enclosed.

Draft language includes:

- (1) amending the late fee waiver criteria so that the circumstances governing full fee waiver or fee reduction are equitably applied across both the medical and financial hardship categories;
- (2) in the case of members who have not yet completed requirements at the time of a petition submitted past the credit deadline, making the availability of reduction or waiver of the late fee via staff liaison dependent on whether the member has 30 or less credits remaining at the time of the petition submission (set to a 30 or less threshold instead of 15 or less in recognition of the reality that members experiencing financial hardship will have more difficulty locating courses due to that hardship);
- (3) redefining household income to mean current annual income as opposed to last year's 1040-derived annual income to account for a sharp or sudden change in financial circumstances;
- (4) increasing the poverty level threshold used to determine financial hardship to 270% of the federal poverty level which would be consistent with the Board of Governors' potential plan to base hardship on ALICE Measures that were developed for the purpose of generating more accurate poverty thresholds based on location-specific factors and cost of living adjustments;
- (5) creating the opportunity for reduction to a \$75.00 fee if a member's income falls within 400% of the federal poverty guideline which is used and has been considered by various state organizations (including

Gonzaga University's Moderate Means Program, Pace University's Women Center, the New York State Bar Association, the Louisiana State Bar Association, and the Colorado Supreme Court Advisory Committee), and other entities serving low-income clientele (including the DC Affordable Law Firm, Charleston Legal Access, and similarly oriented nonprofit sliding scale law firms) to establish moderate means circumstances that entitle qualifying individuals to special income-based aid;

(6) establishing new hardship categories that allow for fee waivers, fee reductions, and extensions for members that plead a disaster hardship that meets certain conditions; and

(7) contouring the definition of disaster to accommodate for a wide range of circumstances while being restricted to severe emergencies that carry significant ramifications. This concept of disaster was devised by MCLE staff after drawing from definitions of disaster across a variety of state laws and regulations and includes clearly recognizable criteria reflected in the enclosed draft language.

**Possible Discussion Topics:**

- Does the Board want to consider any other dimensions of improvement/revision to the matrix that may have been overlooked in the presented drafts?
- Should the decision matrix be amended to effect more equitable treatment of financial hardships regarding fee reductions and waivers and account for disastrous circumstances?

**Links**

[2025 Washington State ALICE Report](#)

**Attachments:**

1. Matrices (Extension, Late Fee Waiver, and Modification) with Drafted Language.
2. Board of Gov. Materials - Proposed changes to hardship exemption criteria for license fees.

## LATE FEE WAIVER DECISION CRITERIA

Note: If "Credits by 12/31" is "Y," then late fee was assessed because certification was submitted after the February 1 deadline.

Y\* = Complete at time petition considered

No.	SITUATION	CREDITS BY 12/31?	CREDITS DONE After 12/31?	CERTIFIED?	1st Non- Comp RP	>1 Con- secutive Non- Comp RP	DECISION
<b>MEDICAL HARDSHIP/DEATH</b> <ul style="list-style-type: none"> <li>"Immediate family member" as defined by RCW 50A.05.010 " as child, grandchild, parent, grandparent, sibling, or spouse of [the member] and also includes any individual who regularly resides in the [member's] home or where the relationship creates an expectation that the [member] care for the person, and that individual depends on the [member] for care. "Family member" includes any individual who regularly resides in the [member's] home, except that it does not include an individual who simply resides in the same home with no expectation that the [member] care for the individual."</li> </ul>							
A1	Significant medical hardship of self or immediate family member for whom licensed legal professional is primary support, or Death of immediate family member which caused lawyer hardship (e.g., emotional, physical, financial, scheduling)	Y/N	Y*	Y/N	X		Waive if certification submitted or once it is submitted.
A2	Significant medical hardship of self or immediate family member for whom licensed legal professional is primary support, or Death of immediate family member which caused lawyer hardship (e.g., emotional, physical, financial, scheduling)	Y/N	Y*	Y/N		X	Reduce or waive [depending on the circumstance] if certification submitted or once it is submitted.



No.	SITUATION	CREDITS BY 12/31?	CREDITS DONE After 12/31?	CERTIFIED?	1st Non- Comp RP	>1 Con- secutive Non- Comp RP	DECISION
A3	Significant medical hardship of self or immediate family member for whom licensed legal professional is primary support, or Death of immediate family member which caused lawyer hardship (e.g., emotional, physical, financial, scheduling)	N	N	<del>Y</del> /N	X	X	<15 credits remaining = Reduce or waive [depending on the circumstance] if Certification submitted by the deadline (with all credits needed for compliance completed).  ≥15 credit remaining = Refer to the Board
<p><b>FINANCIAL HARDSHIP</b></p> <p>as defined by <del>200</del><u>270</u>% of Federal Poverty Guidelines based on <u>gross</u> household <u>current</u> annual income due to</p> <p>(1) being unemployed or employed with poverty-level wages;  (2) major medical expense for self or family member; or  (3) bankruptcy.</p> <p><del>The guidelines are the same ones approved by the BOG in 2018 for determining a one-time waiver of the annual license fee based on financial hardship. (See attached "WSBA License Fee Exemption Request Form".)</del></p> <p><u>If between 270% and 400% of FPL refer to B4.</u> Offer a payment extension if necessary, taking the following guidelines into consideration:</p> <ul style="list-style-type: none"> <li>• Petition received for financial hardship waiver of late fee;</li> <li>• Waiver was denied or late fee was reduced;</li> <li>• Gross household income between 200-400% of the Federal Poverty Guidelines;</li> <li>• Credit requirements have been met and certified;</li> <li>• The late fee amount owed is equal to or more than \$450;</li> <li>• The fee is paid in full within 3-5 months depending on the amount.</li> </ul>							
B1	FINANCIAL HARDSHIP	<u>Y</u> /N	<u>Y</u> *	<u>Y</u> /N	X		Waive
B2	FINANCIAL HARDSHIP	<u>Y</u> /N	Y*	<u>Y</u> /N*	<del>Y</del>	<u>X</u>	<u>Waive if certification submitted or once it is submitted. Reduce to \$50 [waive \$100] if paid by the deadline.</u>

No.	SITUATION	CREDITS BY 12/31?	CREDITS DONE After 12/31?	CERTIFIED?	1st Non- Comp RP	>1 Con- secutive Non- Comp RP	DECISION
B3	FINANCIAL HARDSHIP	<del>Y/N</del>	<del>N</del>	N	X	<del>X</del>	<del>Reduce to \$50 (waive \$100) if paid and certified by the deadline. &lt;30 credits remaining =</del> <del>Reduce or waive [depending on the circumstance] if Certification submitted by the deadline (with all credits needed for compliance completed).</del> <del>≥30 credit remaining = Refer to the Board</del>
<u>Between 270% and 400% of Federal Poverty Level</u>							
<del>B4B4</del>	FINANCIAL HARDSHIP	<del>N</del>	<del>Y/N</del>	<del>Y/N</del>	X	<del>X</del>	<del>If between 270% and 400% of FPL and has &lt;15 credits remaining =</del> <del>Reduce to \$75 if certification is complete by deadline.</del> <del>≥15 credit remaining = Refer to the Board</del> <del>Reduce to \$75 (waive \$75) if paid and certified by the deadline.</del>
<del>B5</del>	FINANCIAL HARDSHIP	<del>X</del>	<del>-</del>	<del>Y/N</del>	<del>-</del>	<del>X</del>	<del>Waive \$200 if paid by the deadline.</del>
<del>B6</del>	FINANCIAL HARDSHIP	<del>-</del>	<del>Y/N</del>	<del>Y/N</del>	<del>-</del>	<del>X</del>	<del>Waive \$200 if paid by the deadline.</del>
<del>B7</del>	FINANCIAL HARDSHIP	<del>X</del>	<del>-</del>	<del>N</del>	<del>-</del>	<del>X</del>	<del>Waive \$250 if paid and certified by the deadline.</del>
<del>B8</del>	FINANCIAL HARDSHIP	<del>-</del>	<del>Y/N</del>	<del>Y/N</del>	<del>-</del>	<del>X</del>	<del>Waive \$150 if paid and certified by the deadline.</del>
<u>≥401% of Federal Poverty Level</u>							

Formatted: Space After: 0 pt, Line spacing: single

No.	SITUATION	CREDITS BY 12/31?	CREDITS DONE After 12/31?	CERTIFIED?	1st Non- Comp RP	>1 Con- secutive Non- Comp RP	DECISION
B59	FINANCIAL HARDSHIP qualifying criteria not met		Y*/N	Y/N	X	X	<u>&gt;401%</u> Deny - Include payment extension language in denial letter.
	Maternity/Paternity Leave						
C1	Leave must be taken within the last year of member's reporting period. Waive if ≤approximately half of credit requirement is remaining (22 total credits for lawyers or 15 total credits for LLLT/LPOs), No fee waiver if more than half of credits remaining.						
	MILITARY -- On active military in a location where it is possible to access CLE courses, but military obligations do not allow enough time to complete credits by the deadline or internet is unreliable.						
D1	MILITARY -- See header criteria	Y/N	Y*/N	Y*/N	X		Waive late fee.
D6	MILITARY -- See header criteria	Y/N	Y*/N	Y/N		X	Refer to the Board
	MAIL DELIVERY PROBLEM						
D7	Claims certified by 2/1.	Y	Y*	Y*	X	X	Grant if licensed legal professional establishes timely certification or if administrative error; otherwise deny.
	MILITARY FAMILY						
E1	If immediate family member is deployed overseas or is returning from overseas deployment in the last 3 months of member's reporting period. Waive if approximately half of credit requirement is remaining (22 total credits for lawyers or 15 total credits for LLLT/LPOs), No fee waiver if more than half of credits remaining.						

Formatted: Font: 9 pt

Formatted: Font: 9 pt

Formatted: Font: 9 pt

No.	SITUATION	CREDITS BY 12/31?	CREDITS DONE After 12/31?	CERTIFIED?	1st Non- Comp RP	>1 Con- secutive Non- Comp RP	DECISION
<del>MIS INFORMATION FROM WSBA / LICENSED LEGAL PROFESSIONAL'S FAILURE TO LEARN MCLE REQUIREMENTS</del> <u>Natural or Other Disasters. Disaster means major flood, fire, tornado, hurricane, extreme weather, earthquake, explosion, or any combination thereof that significantly impacts ability to complete CLE requirements.</u>							
F1	<u>Member cites hardship due to natural disaster which significantly impacts ability to complete CLEs or cites any equivalent household disaster of similar emergent circumstances resulting in relocation or loss of housing.</u>	<u>Y/N</u>	<u>Y*</u>	<u>Y/N</u>	<u>X</u>		<u>Waive if certification submitted or once it is submitted.</u>
F2	<u>Member cites hardship due to natural disaster which significantly impacts ability to complete CLEs or cites any equivalent household disaster of similar emergent circumstances resulting in relocation or loss of housing.</u>	<u>Y/N</u>	<u>Y*</u>	<u>Y/N</u>	<u>-</u>	<u>X</u>	<u>Reduce or waive [depending on the circumstance] if certification submitted or once it is submitted.</u>
F3	<u>Member cites hardship due to natural disaster which significantly impacts ability to complete CLEs or cites any equivalent household disaster of similar emergent circumstances resulting in relocation or loss of housing.</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>X</u>	<u>X</u>	<u>&lt;15 credits remaining =</u> <u>Reduce or waive [depending on the circumstance] if Certification submitted by the deadline (with all credits needed for compliance completed).</u>  <u>&gt;15 credit remaining =</u> <u>Refer to the Board</u>

Formatted: Font: (Default) +Body (Calibri), 9 pt, Font color: Auto

Formatted: Space After: 10 pt

No.	SITUATION	CREDITS BY 12/31?	CREDITS DONE After 12/31?	CERTIFIED?	1st Non- Comp RP	>1 Con- secutive Non- Comp RP	DECISION
<u>MIS-INFORMATION FROM WSBA / LICENSED LEGAL PROFESSIONAL'S FAILURE TO LEARN MCLE REQUIREMENTS</u>							
<del>F2G</del> 1	Reports that certification completed online by 2/1 and it was the <u>first time</u> licensed legal professional certified online. Certification was not submitted correctly, therefore 2/1 deadline not met.	Y		Y*	X	X	Waive the late fee once certification has been completed successfully. (This policy was passed by the Board on 3/19/10.)
<del>F2G</del> 2	Reports being told by WSBA staff certification not needed	Y/N	Y*	Y*/N	X	X	Deny
<del>F3G</del> 3	Licensed legal professional reports receiving other errant information from the WSBA [and it was reasonable for the licensed legal professional to be dependent on the information] or other WSBA administrative error occurred causing the late fee.	Y	Y*	Y*	X	X	Reduce or waive the late fee depending on the circumstances.
<del>F4G</del> 4	Licensed legal professional reports receiving the previous petition decision letter after the deadline that had to be met for a fee reduction.	Y	Y*	Y*	X	X	Reduce or waive the late fee depending on the circumstances.
	SPONSOR MIS-ADVERTISEMENT						

No.	SITUATION	CREDITS BY 12/31?	CREDITS DONE After 12/31?	CERTIFIED?	1st Non- Comp RP	>1 Con- secutive Non- Comp RP	DECISION
H1	Short credits due to sponsor error or mis-advertisement of CLE credits (if < or = 2 credits)	See note	See note	Y	X	X	Grant if * At least 43 credits are in reporting period * Shortfall made up in timely manner after notification of misaccreditation * All credits needed for compliance are complete * Certification is complete
	MISC. REASONS FOR NON-COMPLIANCE						
K1	Certified reporting period roster with a duplicate course; deletion of the course causes credit non-compliance after 12/31. * All other credits were taken within the RP * < or = 4 credits need to be taken to make up credit deficiency. * Credits made up and certified in a timely manner. * Never late before.	Y		Y	X		Reduce late fee to \$75 [waive \$75]. if payment postmarked/delivered to the WSBA by the deadline.
K2	Busy practice / Oversight / Other non-medical or non-financial hardship reason [See "Misc." list below]						Deny
	MISC. REASONS FOR NON-COMPLIANCE						
	Claims mailed certification to WSBA but not received by WSBA.						
	Class that licensed legal professional planning to take cancelled at last minute and licensed legal professional still has time in reporting period to take needed credits.						

No.	SITUATION	CREDITS BY 12/31?	CREDITS DONE After 12/31?	CERTIFIED?	1st Non- Comp RP	>1 Con- secutive Non- Comp RP	DECISION
	Did not know certification had to be submitted since all credits are on the MCLE web site (even though instructions about requirement for certification is in APR 11, and in the July 1st letter, in the NW Lawyer FYI column Sept.-April each year, on the certification forms in the annual license packet and in all email reminders about license renewal).						

## EXTENSION (EXT) REQUESTS MATRIX

Reason No.	SITUATION <i>Applies to first period of non-compliance, and multiple consecutive periods of non-compliance.</i>	DECISION
EXT 1	(1) Significant medical hardship of self or immediate family member for whom member is primary support; and  (2) Requested extension deadline is in the same calendar year in which the lawyer is due to report.	* First request -- grant extension with reasonable deadline * Second request -- refer to the MCLE Board
EXT 2	(1) Death of immediate family member which caused lawyer hardship (e.g., emotional, physical, financial, scheduling); and (2) Requested extension deadline is in the same calendar year in which the lawyer is due to report.	* First request -- grant extension with reasonable deadline * Second request -- refer to the MCLE Board
EXT 3	(1) Financial hardship -- due to (a) being unemployed or employed with poverty-level wages <u>(270% of Federal Poverty Level)</u> ; (b) major medical expense for self or family member; or (c) bankruptcy; and (2) Requested extension deadline is in the same calendar year in which the lawyer is due to report.	* First request -- grant extension with reasonable deadline * Second request -- refer to MCLE Board
EXT 4	On an active military assignment in a location where it is possible to access CLE courses but military obligations do not allow enough time to complete credits by the deadline.	* First request -- grant extension with reasonable deadline * Second request -- refer to MCLE Board
EXT 5	Immediate family member is about to be deployed overseas or is returning from overseas deployment within the last 3 months of the reporting period.	* First request -- grant extension with reasonable deadline * Second request -- refer to the MCLE Board
EXT 6	Took parental leave within the last year of member's reporting period.	* First request -- grant extension with reasonable deadline * Second request -- refer to the MCLE Board
<u>EXT 7</u>	<u>Member cites hardship due to natural disaster which significantly impacts ability to complete CLEs or cites any equivalent household disaster of similar emergent circumstances resulting in relocation or loss of housing. Disaster means major flood, fire, tornado, hurricane, extreme weather, earthquake, explosion, or any combination thereof that significantly impacts ability to complete CLE requirements.</u>	<u>* First request -- grant extension with reasonable deadline</u> <u>* Second request -- refer to the MCLE Board</u>



EXT <del>87</del>	All other requests	Deny or Refer to Board
-------------------	--------------------	------------------------

\*"Immediate family member" as defined by RCW 50A.05.010 "as child, grandchild, parent, grandparent, sibling, or spouse of [the member] and also includes any individual who regularly resides in the [member's] home or where the relationship creates an expectation that the [member] care for the person, and that individual depends on the [member] for care. "Family member" includes any individual who regularly resides in the [member's] home, except that it does not include an individual who simply resides in the same home with no expectation that the [member] care for the individual."

## CREDIT MODIFICATION (MOD) DECISION MATRIX

Reason No.	SITUATION <i>Applies to first period of non-compliance, and multiple consecutive periods of non-compliance.</i>	DECISION
MOD 1	Significant medical hardship of self or immediate family member for whom lawyer is primary support.	Grant as appropriate
MOD 2	Death of immediate family member which caused lawyer hardship (e.g., emotional, physical, financial, scheduling).	Grant as appropriate
MOD 3	Financial hardship (as defined by <del>the "First Time Late Fee Waiver Requests Decision Criteria" table</del> <u>≤270% of the federal poverty guidelines</u> ).	Grant as appropriate
MOD 4	All other reasons	Deny

\*"Immediate family member" as defined by RCW 50A.05.010 "as child, grandchild, parent, grandparent, sibling, or spouse of [the member] and also includes any individual who regularly resides in the [member's] home or where the relationship creates an expectation that the [member] care for the person, and that individual depends on the [member] for care. "Family member" includes any individual who regularly resides in the [member's] home, except that it does not include an individual who simply resides in the same home with no expectation that the [member] care for the individual."

Draft Definition for Natural Disaster:

Member cites hardship due to natural disaster which significantly impacts ability to complete CLEs or cites any equivalent household disaster of similar emergent circumstances resulting in relocation or loss of housing.

Disaster means major flood, fire, tornado, hurricane, extreme weather, earthquake, explosion, or any combination thereof that significantly impacts ability to complete CLE requirements.

# WASHINGTON STATE BAR ASSOCIATION

To: Board of Governors

From: Budget and Audit Committee

Subject: License Fee Exemption Based on Financial Need

Date: May 20, 2025

**FIRST READ:** Proposed amendments to WSBA Bylaws relating to the hardship exemption for payment of license fees.

## **BACKGROUND:**

At the March 21-22, 2025 meeting, the Board of Governors reviewed a proposal to expand the license fee hardship exemption and provided feedback regarding the title and description of the exemption, emphasizing the need for inclusivity and understanding of diverse financial situations among members and the stigma surrounding different titles.

At its May 19, 2025 meeting, the Budget and Audit Committee reviewed recommendations provided by Governor At-Large Jordan Couch and Chief Regulatory Counsel Renata Garcia (see *attachment A*) and unanimously approved them to be moved forward to the Board of Governors. The proposal is to amend the WSBA Bylaws relating to the hardship exemption for payment of active license fees as follows:

1. Increase the number of times a member is eligible for the hardship exemption from two to three.
2. Raise the eligibility threshold from 200% of the federal poverty level to 270% of the federal poverty level.
3. Change the name from *Hardship Exemption* to *License Fee and Assessment Exemption Based on Financial Need*.

**WSBA RISK ANALYSIS:** *This section is to be completed by the Office of General Counsel, with input from the proposing entity or individual.*

The legal risk analysis is in the BOG's confidential materials.

**WSBA FISCAL ANALYSIS:** *This section is to be completed by the Finance Department, with input from the proposing entity or individual.*

The fiscal impact of the proposal is provided in Attachment A under the "Fiscal Analysis" section.

**WSBA EQUITY ANALYSIS:** *This section is to be completed by the Equity and Justice Team, with input from the proposing entity or individual.*

The purpose of the equity analyses is to understand how entities incorporated an equity lens into proposed action items presented to the Board of Governors. Applying an equity lens includes 1) identifying and centering people and communities most impacted decisions and/or 2) meeting people and communities according to their specific needs to produce fair and equal outcomes for all. The people most impacted by this proposed

policy appear to be the licensed legal professionals who have financial need (and relatedly, the clients they would serve as long as they're able to remain licensed). The proposed changes center legal professionals with financial need by broadening the policy's application and make eligibility more inclusive. Based on our review, there do not appear to be concerns about inequitable outcomes.

**ATTACHMENTS:**

Attachment A: License Fee Exemption Based on Financial Need Memo from April 28, 2025

Attachment 1: Recommended Amendments to WSBA Bylaws- Markup Version

Attachment 2: Recommended Amendments to WSBA Bylaws- Clean Version

**TO:** WSBA Board of Governors  
**CC:** Terra Nevitt, Executive Director  
**FROM:** Jordan Couch, Governor At-Large  
Renata Garcia, Chief Regulatory Counsel  
**DATE:** April 28, 2025  
**RE:** License Fee Exemption Based on Financial Need

**ACTION:** Recommend to the Board of Governors amending the WSBA Bylaws relating to the hardship exemption for payment of active license fees. The recommendation is to increase the number of times a member is eligible for the hardship exemption from two to three, raise the eligibility threshold from 200% of the federal poverty level to 270% of the federal poverty level, and change the name to License Fee and Assessment Exemption Based on Financial Need.

### Recommended Amendments

Currently, active members who have a household income at or below 200% of the federal poverty level are eligible to claim a license fee hardship exemption. If granted, the member is exempt from paying the active license fee and client protection fund (CPF) assessment. The member is permitted to receive the exemption only twice during the member's lifetime. The recommendations before the committee are to (1) increase the income eligibility threshold to 270% of the federal poverty level, (2) allow an active member to claim the exemption up to three times, and (3) change the name of the exemption to License Fee and Assessment Exemption Based on Financial Need, which more accurately describes the purpose for the exemption than does "hardship exemption".

### ALICE Threshold

The purpose of the proposed recommendations is to better support active members who are living in effective poverty, that is members who are living at or below a household income level known as the ALICE threshold. ALICE is an acronym for Asset Limited, Income Constrained, Employed, and represents families who are unable to afford the basics of housing, child care, food, transportation, health care, and technology.<sup>1</sup>

### Financial Analysis

The amount of license fees that have been exempted due to past exemptions is illustrated in the table below. The exemption limit increased to two times in 2021; 129 of the 237 exemptions in 2021 represent members using the exemption for the second time.

Year	Exemptions	License Fees
2025	67	\$ 27,480.00
2024	89	\$ 38,243.00
2023	83	\$ 36,754.50
2022	74	\$ 31,373.00
2021	237	\$ 100,760.00

<sup>1</sup> ALICE information, reports, and income levels are available online at <https://www.unitedforalice.org/>.

2020	43	\$ 17,404.00
2019	71	\$ 28,965.50
2018	95	\$ 37,940.50

We anticipate that there will be a substantial increase in 2026 (as there was in 2021) due to both the higher income threshold and allowing the exemption up to three times. In subsequent years, the number of exemptions will remain higher than prior years because of the higher income threshold.

If, for example, there were 300 exemptions in 2026, the impact on license fees would be approximately \$140,400; which represents about \$4.20 to be absorbed by each lawyer member paying the full active license fee.<sup>2</sup>

#### Attachments

1. Recommended Amendments to WSBA Bylaws – Markup Version
2. Recommended Amendments to WSBA Bylaws – Clean Version

---

<sup>2</sup> This calculation is based on a license fee of \$468 and 33,132 active lawyer members paying the full license fee.  $33,432 - 300 = 33,132$ .  $\$140,400 / 33,132 = \$4.23$ . Lawyer members paying a discounted license fee would absorb a prorated amount.

## Budget and Audit Committee Recommended Amendments to WSBA Bylaws

WSBA Bylaws Art. III Sec. I.5. (page 15 of WSBA Bylaws)

### 5. License Fee and Assessment Exemption Based on Financial Need ~~s-Due to Hardship~~

~~In case of proven extreme financial hardship, which must entail~~ An active member with an current annual household income equal to or less than ~~200%~~ 270% of the federal poverty level as determined based on the member's household income for the calendar year immediately preceding the calendar year for which the member is seeking to be exempted from license fees, ~~the Executive Director may be granted~~ an exemption from payment of annual license fees and assessments by the Executive Director ~~any Active member. Hardship e Exemptions~~ are for one licensing period only, and a request must be submitted on or before February 1st of the year for which the exemption is requested. Denial of an exemption request is not appealable. A member may be granted ~~a hardship~~ an exemption a maximum of ~~two~~ three times, on the basis of separate exemption requests, and the exemptions may be granted for consecutive or non-consecutive calendar years.



## **Budget and Audit Committee Recommended Amendments to WSBA Bylaws**

WSBA Bylaws Art. III Sec. I.5. (page 15 of WSBA Bylaws)

### **5. License Fee and Assessment Exemption Based on Financial Need**

An active member with an annual household income equal to or less than 270% of the federal poverty level as determined based on the member's household income for the calendar year immediately preceding the calendar year for which the member is seeking to be exempted from license fees, may be granted an exemption from payment of annual license fees and assessments by the Executive Director. Exemptions are for one licensing period only, and a request must be submitted on or before February 1st of the year for which the exemption is requested. Denial of an exemption request is not appealable. A member may be granted an exemption a maximum of three times, on the basis of separate exemption requests, and the exemptions may be granted for consecutive or non-consecutive calendar years.

**TO:** WSBA Board of Governors  
**CC:** Terra Nevitt, Executive Director  
**FROM:** Jordan Couch, Governor At-Large  
Renata de Carvalho Garcia, Chief Regulatory Counsel  
**DATE:** February 12, 2025  
**RE:** License Fee Hardship Exemption

**DISCUSSION:** The WSBA Budget and Audit Committee seeks input from the Board of Governors regarding potential changes to the WSBA Bylaws relating to the hardship exemption for payment of active license fees. The changes being considered would increase the number of times a member is eligible for the hardship exemption from two to three, and, to raise the eligibility threshold from 200% of the federal poverty level to 270% of the federal poverty level.

#### Summary

At its January 2025 meeting, the Budget and Audit Committee considered potential changes to the WSBA Bylaws relating to the hardship exemption for payment of the active license fees. Currently, members who have a household income at or below 200% of the federal poverty level are eligible to claim the hardship exemption up to two times only. The Committee reviewed existing data and discussed several options before deciding to seek input of the Board of Governors on the recommendation to allow a member to claim the hardship exemption up to three times and to increase the income eligibility threshold to 270% of the federal poverty level. The purpose of the proposed recommendations is to better support members who are living in effective poverty, that is members who are living at or below a household income level known as the ALICE threshold.

#### Background

The background information for the Committee's initial recommendation for discussion is contained in the attached memorandum to the Budget and Audit Committee dated January 8, 2025.

#### ALICE Threshold

ALICE is an acronym for Asset Limited, Income Constrained, Employed, and represents families who are unable to afford the basics of housing, childcare, food, transportation, health care, and technology.<sup>1</sup> Instead of using the ALICE threshold which would require individual calculations based on the member's location, including state and county, and household composition, we foresee using the FPL threshold equivalent to Washington's ALICE threshold which is approximately 270% FPL.

#### Information for Equity Analysis

Provide information to help inform the Equity Analysis:

- *Increasing the eligibility threshold for the exemption shifts payment of the exempted license fees to paying members some of whom may be only slightly above the new threshold.*

---

<sup>1</sup> ALICE information, reports, and income levels are available online at <https://www.unitedforalice.org/>.

WSBA RISK ANALYSIS: *This section is to be completed by the Office of General Counsel, with input from the proposing entity or individual.*

To be provided when a specific proposal is ready for BOG review.

WSBA FISCAL ANALYSIS: *This section is to be completed by the Finance Department, with input from the proposing entity or individual.*

To be provided when a specific proposal is ready for BOG review.

WSBA EQUITY ANALYSIS: *This section is to be completed by the Equity and Justice Team, with input from the proposing entity or individual.*

To be provided when a specific proposal is ready for BOG review.

#### Attachments

1. Memorandum to Budget and Audit Committee dated January 8, 2025

**TO:** WSBA Budget and Audit Committee  
**CC:** Terra Nevitt, Executive Director  
**FROM:** Renata Garcia, Chief Regulatory Counsel  
Jordan Couch, Governor At-Large  
**DATE:** January 8, 2025  
**RE:** License Fee Hardship Exemption

---

**Discussion:** Discussion of potential changes to WSBA Bylaws regarding license fee exemption due to hardship

### **Executive Summary**

At its October 2024 meeting, the Budget and Audit Committee had an initial discussion on the proposal submitted by Governor Jordan Couch to better support members who are living in effective poverty by reassessing 1) the limitation on the number of times a member can claim the hardship exemption, and 2) the income threshold used for eligibility. Members of the committee expressed interest in exploring these changes and the topic was then set for further discussion in January 2025.

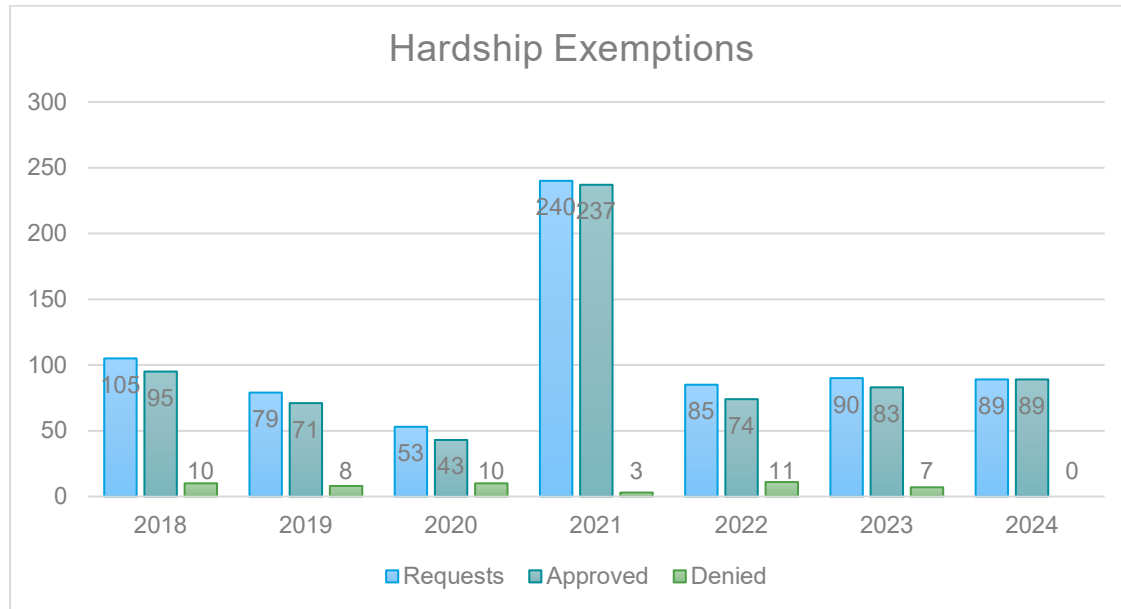
### **Background**

The WSBA Bylaws, at Art.III Sec. I.5, contain a provision that permits the Executive Director to grant active members an exemption from paying the annual license fee if the members file a request certifying that they meet the qualifying requirements (“current annual household income equal to or less than 200% of the federal poverty level as determined based on the member’s household income for the calendar year immediately preceding the calendar year for which the member is seeking to be exempted from license fees”).

The exemption, which is granted based solely on the members’ certification of qualifying household income, was limited to only one time per member. In recognition of the pandemic related economic challenges impacting WSBA members, the BOG decided to expand the hardship exemption in 2020 and allow for it to be granted up to two times per member. The intent was to assist active members facing a financial hardship to remain active and provide WSBA with sufficient data to assess future changes regarding member eligibility.

### **Hardship Exemption Request History**

As seen below, the number of hardship exemption requests has not changed much throughout the years except for 2021 when members were allowed to claim it more than once. Based on that, if the limitation on the number of times a member can claim the hardship exemption is removed, we can make a rough estimate that the number of requests will likely triple in the first year.



### Fiscal Impact

The table below provides an overview of the fiscal impact of the hardship exemption which is equivalent to the amount of license fees not collected because of granted exemption requests.

	Requests	Approved	Denied <sup>1</sup>	License Fees
2024	89	89 (33 for the 2 <sup>nd</sup> time)	0	\$ 38,243.00
2023	90	83 (29 for the 2 <sup>nd</sup> time)	7	\$ 36,754.50
2022	85	74 (45 for the 2 <sup>nd</sup> time)	11	\$ 31,373.00
2021	240	237 (129 for the 2 <sup>nd</sup> time)	3	\$ 100,760.00
2020	53	43	10	\$ 17,404.00
2019	79	71	8	\$ 28,965.50
2018	105	95	10	\$ 37,940.50

<sup>1</sup> Most denials are due to members seeking the exemption more than the allowed maximum number of times.

### Other Jurisdictions

Based on our research, we found that some states offer a similar license fee exemption based on financial hardship, medical hardship, or active military service. At least two states (Oregon<sup>2</sup> and California<sup>3</sup>) offer a reduction of the license based on income levels, and several states do not appear to offer any type of waiver of reduction of the license fee other than perhaps the ability to pay in installments. Expanding this, it seems, would be putting Washington on the forefront of this and that is part of why the recommendations include studying the issue further.

### Limitations of the Current Criteria

The current limitation on the number of times a member can claim the hardship exemption is clearly a barrier for members whose financial hardship spans beyond two years. Another potential barrier is the current threshold of 200% of the federal poverty level in that it excludes members who are not living in poverty but are also unable to afford basic expenses.

A potential equity concern with increasing the threshold is that the fiscal impact would be shifted to paying members including those who may be just slightly above the new threshold.

### Possible Recommendations

- Remove the limitation on the number of times or increase it to 3 to see what impact that increase has first.
- Increase the threshold to 2.7 times the Federal Poverty Level which is based on the ALICE metric (Asset Limited, Income Constrained, Employed) designed to represent the “working poor” population.
- Adopt a license fee discount based on income level or that adjusts below a certain level of income.
- Recommend a survey of members who request a license fee discount or have requested a license fee to investigate what the circumstances are/were and what happened in the following years (especially for repeats).

WSBA Legal, Financial, and Equity analyses will be provided in the final memo for consideration at a future Budget and Audit Committee meeting.

### Attachments

1. October 16, 2024 Memo to Budget and Audit Committee

---

<sup>2</sup> “Members with an annual gross income (AGI) below \$47,500 will have a reduced fee equivalent to 80 percent of the regular active member base fee.” See <https://www.osbar.org/fees/feeFAQ.html#Discount>.

<sup>3</sup> “An active licensee who has a total gross annual individual income from all sources of less than \$60,478.35 may request a 25% reduction of annual license fees.” See [https://www.calbar.ca.gov/Portals/0/documents/rules/Rules\\_Title2\\_Div2-License-Fees.pdf](https://www.calbar.ca.gov/Portals/0/documents/rules/Rules_Title2_Div2-License-Fees.pdf)

**TO:** WSBA Budget and Audit Committee  
**CC:** Terra Nevitt, Executive Director  
**FROM:** Renata de Carvalho Garcia, Chief Regulatory Counsel  
Tiffany Lynch, Director of Finance  
**DATE:** October 16, 2024  
**RE:** License Fee Hardship Exemption

**Discussion:** Discussion of potential changes to WSBA Bylaws regarding license fee exemption due to hardship

### Executive Summary

At its September 2024 meeting, the Board of Governors approved proposed amendments to the WSBA Bylaws creating a fee-waiver for inactive members who are experiencing a significant health condition that is either the reason for the transfer to inactive status or preventing them from returning to active status. At that time, a suggestion was made to assist active members facing a significant health issue by allowing them to pay a substantially reduced license fee. Based on follow up discussions with Governor Jordan Couch and Treasurer Kari Petrasek, this topic is now being referred to Budget and Audit Committee for further discussion and potential action including but not limited to reassessing 1) the limitation on the number of times a member can claim the hardship exemption, and 2) the income threshold used for eligibility.

### Background

The WSBA Bylaws, at Art.III.I.5, contain a provision that permits the Executive Director to grant Active members an exemption from paying the annual license fee if the members file a request certifying that they meet the qualifying requirements (“current annual household income equal to or less than 200% of the federal poverty level as determined based on the member’s household income for the calendar year immediately preceding the calendar year for which the member is seeking to be exempted from license fees”).

The exemption, which is granted based solely on the members’ certification of qualifying household income, was limited to only one time per member. In recognition of the pandemic related economic challenges impacting WSBA members, the BOG decided to expand the hardship exemption in 2020 and allow for it to be granted up to two times per member. The intent was to assist active members facing a financial hardship to remain active and provide WSBA with sufficient data to assess future changes regarding member eligibility.

### Discussion Questions

- What is the policy reason for the exemption?
- How does changing the policy impact license fees?
- Should there be a reduced fee for specific circumstances separate from a full fee exemption?

- Is there a need to change the income threshold for eligibility for exemptions?
- Should there be a limit on the number of times the exemption can be claimed?

#### **Attachments**

1. June 15, 2020 memo to the Board of Governors



**TO:** WSBA Board of Governors

**FROM:** Dan Clark, Treasurer  
Jean McElroy, Chief Regulatory Counsel

**DATE:** June 15, 2020

**RE:** Hardship Fee Exemption Bylaw, Art III.I.5 - Proposed Amendment To Permit Exemption to Be Granted Up To Two Times For Qualifying Active Members – **Second Reading/Action**

---

**FOR SECOND READING/ACTION:** Discussion and action on proposed amendments to WSBA Bylaws (Art.III.I.5) designed to increase to two the number of times Active members can receive a hardship exemption from paying annual license fees.

---

## **BACKGROUND**

This item is on the agenda for Second Reading and Action, as required by the WSBA Bylaws for proposed Bylaw amendments. This proposed amendment was reviewed and approved by the Budget and Audit Committee at its January 15, 2020, special meeting, for presentation to the full Board of Governors for consideration. It was on for First Reading at the March 19, 2020, Board of Governors meeting. No input has been received since that date.

The WSBA Bylaws, at Art.III.I.5, contain a provision that permits the Executive Director to grant Active members an exemption from paying the annual license fee if the members file a request certifying that they meet the qualifying requirements (“current annual household income equal to or less than 200% of the federal poverty level as determined based on the member’s household income for the calendar year immediately preceding the calendar year for which the member is seeking to be exempted from license fees”). The Bylaws currently provide that this exemption may be granted only one time while the member is a licensed member of the WSBA. The exemption is granted based solely on the members’ certification of qualifying household income, without requiring verification of the stated income.

The proposed amendment would increase the number of times such an exemption may be granted to two times while the member is a licensed member of the WSBA.

This proposed amendment is being suggested as a way to 1) assist Active WSBA members with a lower income to remain on Active status despite facing a current financial hardship, and 2) allow WSBA to conduct a preliminary assessment of the effect on WSBA’s budget, regulatory requirements, and other members’ license fees, among other considerations, if the number of Active members receiving exemptions goes up significantly. In light of the current coronavirus social distancing requirements and business restrictions, and in consideration of how these requirements and restrictions are affecting the current economic conditions for WSBA members and members of the public, expanding this exemption seems appropriate.

It is possible that WSBA could eventually decide to permit the hardship exemption to be granted more times, or even an indefinite number of times, to qualifying members. It is difficult to assess the effects of that possibility without gathering more data. An initial increase to two grants of hardship exemption (from the current one

exemption) would allow WSBA to gather some data about the number of Active members who would make such a request and how that affects WSBA license fee revenue and programming. Additional consideration may be warranted regarding the question of whether any additional regulatory safeguards should be in place in the future for determining member eligibility for the exemption, if the exemption were to be permitted more than twice.

**ATTACHMENTS:**

1. WSBA Bylaws Art.III.I.5 redlined version to show proposed amendments.
2. WSBA Bylaws Art.III.I.5, clean version containing proposed amendments.
3. 2020 Hardship Exemption request form.

### III. MEMBERSHIP

#### Attachment 1 - Redline

...

#### I. ANNUAL LICENSE FEES AND ASSESSMENTS

...

##### 5. License Fee and Assessment Exemptions Due to Hardship

In case of proven extreme financial hardship, which must entail a current annual household income equal to or less than 200% of the federal poverty level as determined based on the member's household income for the calendar year immediately preceding the calendar year for which the member is seeking to be exempted from license fees, the Executive Director may grant ~~an one-time~~ exemption from payment of annual license fees and assessments by any Active member. Hardship exemptions are for one licensing period only, and a request must be submitted on or before February 1st of the year for which the exemption is requested. Denial of an exemption request is not appealable. A member may be granted a hardship exemption a maximum of two times, on the basis of separate exemption requests, and the exemptions may be granted for consecutive or non-consecutive calendar years.

### **III. MEMBERSHIP**

Attachment 2 - Clean

...

#### **I. ANNUAL LICENSE FEES AND ASSESSMENTS**

...

##### **5. License Fee and Assessment Exemptions Due to Hardship**

In case of proven extreme financial hardship, which must entail a current annual household income equal to or less than 200% of the federal poverty level as determined based on the member's household income for the calendar year immediately preceding the calendar year for which the member is seeking to be exempted from license fees, the Executive Director may grant an exemption from payment of annual license fees and assessments by any Active member. Hardship exemptions are for one licensing period only, and a request must be submitted on or before February 1st of the year for which the exemption is requested. Denial of an exemption request is not appealable. A member may be granted a hardship exemption a maximum of two times, on the basis of separate exemption requests, and the exemptions may be granted for consecutive or non-consecutive calendar years.

# WASHINGTON STATE BAR ASSOCIATION

Regulatory Services Department

## 2020 License Fee Exemption Request Form

*This form must be postmarked or received on or before Feb. 3, 2020. If your request is denied and payment is not made online or postmarked or received by Feb. 3, 2020, a 30% late fee will be assessed. You will be denied only if you do not meet the eligibility criteria outlined below.*

### ELIGIBILITY CRITERIA

Article III, section I of the bylaws provides:

#### 5. License Fee and Assessment Exemptions Due to Hardship.

In case of proven extreme financial hardship, which must entail a current annual household income equal to or less than 200% of the federal poverty level as determined based on the member's household income for the calendar year immediately preceding the calendar year for which the member is seeking to be exempted from license fees, the Executive Director may grant a one-time exemption from payment of annual license fees and assessments by any Active member. Hardship exemptions are for one licensing period only, and a request must be submitted on or before February 1st of the year for which the exemption is requested. Denial of an exemption request is not appealable.

Supporting documentation may be requested.

#### The 2019 Federal Poverty Guidelines for the 48 Contiguous States and the District of Columbia\*

Persons in family	Annual <u>Gross Household</u> Income – Poverty Guideline	200%
1	\$12,490	\$24,980
2	16,910	33,820
3	21,330	42,660
4	25,750	51,500
5	30,170	60,340
6	34,590	69,180
7	39,010	78,020
8	43,430	86,860

For families with more than 8 persons, add \$4,420 for each additional person.

\*For Alaska and Hawaii see [aspe.hhs.gov/poverty-guidelines](https://aspe.hhs.gov/poverty-guidelines)

### CERTIFICATION

I, \_\_\_\_\_, License # \_\_\_\_\_, hereby submit a request for a **one-time** exemption from payment of the annual license fee and assessment for the 2020 license year, based on the following:

- 2019 Annual gross household income: \_\_\_\_\_
- Number of persons in family: \_\_\_\_\_

I certify that my 2019 annual gross household income is equal to or less than 200% of the federal poverty level.

Signature \_\_\_\_\_

Date \_\_\_\_\_

Place signed (city, state) \_\_\_\_\_



1325 4th Avenue | Suite 600 | Seattle, WA 98101-2539  
800-945-9722 | 206-443-9722 | [questions@wsba.org](mailto:questions@wsba.org) | [www.wsba.org](http://www.wsba.org)

**DISCUSSION:**  
**MCLE Updates**

The MCLE Staff Liaison will provide general updates to the MCLE Board

**Discussion Topics:**

- **MCLE Certification**

As of July 30, 2025, only one lawyer in the 2022-2024 reporting period missed their 6/2/2025 extended deadline and remains not compliant. In accordance with APR 17, if they are not compliant by the presuspension deadline of 4:00 p.m. on August 25, 2025, a recommendation for administrative suspension will be sent to the Court.

- **MCLE Planning Materials for Newly Licensed Legal Professionals**

Three draft documents were created, for newly admitted licensed legal professionals and for those looking to plan their CLE in advance and were shared with the MCLE Board for feedback. No feedback or revisions from the MCLE Board revisions were received, so the documents have been submitted to the WSBA communications department for review and design.

- **WSBA Licensure Pathways Implementation Steering Committee Update**

MCLE Board member Efreem Krisher who is representing the MCLE Board on the Core Competencies Subcommittee will provide a brief update at the meeting.

- **Staff Meeting with the Court**

On July 9<sup>th</sup>, several WSBA regulatory staff went to the Temple of Justice for a meeting with members of the Supreme Court Clerk's office, as well as some AOC staff and the Chief Justice. WSBA staff were tasked with proposing a schedule and potential format for annual reports and meetings between the Court and WSBA Court appointed Boards moving forward.

- **Budget**

The MCLE Board Staff Liaison will provide a brief overview of the current MCLE Budget Summary.

- **FY 26 MCLE Board Meeting Schedule**

Meeting #	Upcoming MCLE Board Meeting Dates
1	October 17, 2025 (in-person)
2	January 9, 2026
3	April 17, 2026 (in-person)
4	June 5, 2026
5	August 14, 2026 (in-person)

**Attachments:**

- Draft MCLE materials for Licensed Legal Professionals
  - The Newly Licensed Legal Professional's Guide to Getting Started with Mandatory Continuing Legal Education (MCLE)
  - MCLE Quick Reference Guide
  - CLE Planning Template
- WSBA Licensure Pathways Implementation Steering Committee Meeting Materials
- MCLE 2025 June Budget Summary

# The Newly Licensed Legal Professional's Guide to Getting Started with Mandatory Continuing Legal Education (MCLE)

## ☐ Step One: Familiarize yourself with Admission and Practice Rule (APR) 11

- Review [APR 11 on the Courts webpage](#).

### Important MCLE Reporting Reminders

- To meet your MCLE requirements you must (timely) complete your credit requirements **and** certify your credits via the online certification process.
- You may earn a maximum of eight credits per calendar day.
- No credit will be given for an identical activity within the same reporting period.
- To receive reporting reminders, ensure that your contact information is accurate by logging to your myWSBA.org account.

## ☐ Step Two: Calendar Important Deadlines

Mark your calendar with your MCLE and Licensing deadlines. (Licensing is an independent annual process from MCLE. View licensing deadline and requirements [here](#). Your licensing requirements may be completed prior to certification).

### MCLE Deadlines

- Earn credits by **Dec. 31** of the third year of your reporting period.
- Certify credits by **Feb. 1** of the year following your reporting period.

### MCLE Late Fees

- A late fee will be assessed if you complete your credit requirements after **Dec. 31**, or if you certify after **Feb. 1**. The MCLE late fee starts at \$150 and increases in increments of \$300 for each consecutive late reporting period.

## ☐ Step Three: Login to the MCLE Online System

Login to the [MCLE Online System](#) account using the same credentials as myWSBA to determine your reporting period, view your earned credits and add credits to your transcript:

- You can verify that your credits are listed correctly, delete any duplicate listings, and add additional MCLE credits earned via the MCLE online system.
- Bookmark this page with detailed Instructions for the MCLE Site: <https://www.wsba.org/for-legal-professionals/mcle/mcle-for-lawyers>

## ☐ Step Four: Create a plan

Create a continuing legal education plan of detailing how you will earn all the required credits during your three-year reporting period. Consider the topics that will assist you in your current or future roles consider including topics such as office management or professional development. Consider using the “Continuing Legal Education Planner Template” to map out topics, credit amounts, and timeframe in which you plan earn CLE credits. Update the spreadsheet with exact view/participation dates and sessions attended after the CLE for your records.

## ☐ Step Five: Earn Credits



You may earn CLE credits by attending approved MCLE courses or activities. Review the [Ways to Earn MCLE Credit](#) on the MCLE webpage.

#### **Key Reminders:**

- Retain personal records of the credits you have earned.
- Be sure to document your view dates for any recorded CLE, and keep any certificates provided by CLE sponsors.

### **□ Step Six: Report your CLE credits**

- Before starting a new activity application look for an approved Activity ID or search the MCLE system to see if someone has already applied for credit.
- CLE Sponsors will submit your attendance for Realtime (aka, “live” webinars or in-person) courses
  - Allow the CLE sponsor 30 days to report your attendance
- You must self-report attendance for recorded content (recorded audio/video content, podcasts...)
  - Use activity IDs provided by the CLE Sponsor to claim credit on a recorded activity
    - **Finding the Activity ID:** A number of major course providers will provide a certificate as proof of your course completion. These certificates often provide information that assists with reporting in Washington and may include our Activity ID for courses that are already approved in our system. A variety of terms are used to describe this approval code. Some of the most common terms include:
      - Jurisdiction Activity/Approval Code
      - Course/Activity Number
      - Reporting Number
      - Activity ID
      - State Course Number
      - Activity Number
      - Course Number
      - Approval Number

#### **Applying for Credit**

- Some activity types require you to submit an activity application for review. Such as writing, pro bono service, mentoring, law school courses, course preparation, law school competition, and law clerk tutoring credit.
- If a CLE sponsor does not apply for credit, you may submit your own activity application. Note: To be eligible for MCLE credit in Washington all credit must meet the standards of approval as laid out in APR-11(h). Including but not limited to APR 11 (h)(1): “A course must have significant intellectual or practical content designed to maintain or improve a lawyer’s, LLLT’s, or LPO’s professional knowledge or skills, competence, character, or fitness(.)”

### **□ Step Seven: Certify your transcript or Submit Comity from Oregon, Utah, or Idaho**

- Certify your credits
  - At the end of your MCLE RP, you must certify your MCLE Transcript through the MCLE online system by attesting under penalty of perjury that the information provided on your MCLE transcript is accurate. Simply adding credits to your transcript is not enough for MCLE compliance.
- Submit a Comity Certificate

- The CLE requirements of Idaho, Oregon and Utah substantially meet Washington's CLE requirements. These states are designated comity states. Lawyers may certify with these rules in lieu of meeting Washington CLE requirements. Additional information regarding certification process via comity may be found here: [Certify By Comity \(ID, OR, UT\)](#)

## □ Step Eight: Verify Compliance and Retain a Personal Record

- Once you have certified your transcript or submitted comity staff will need to review your submission.
  - If more information is needed it will be marked as incomplete,
  - or if your submission is complete your certification will be marked as approved.
- Carryover
  - APR 11 (c)(7): "Carryover Credits. If a lawyer, LLLT, or LPO completes more than the required number of credits for any one reporting period, up to 15 of the excess credits, 2 of which may be ethics and professional responsibility credits, may be carried forward to the next reporting period."
  - MCLE Board policy on Equity Carryover
    - Equity credit earned in excess of the reporting period requirement may be carried over as ethics credit in accordance with APR 11(c)(7), but a new equity credit must be earned in each reporting period.
- Once you have met all of your MCLE requirements (including earning and reporting credits, certifying an accurate and complete transcript, and paying any outstanding fees) you are compliant, congratulations! Begin at step one again.

## Undue Hardship Petition

If you are experiencing and undue hardship you may petition the MCLE Board for an extension, modification, or waiver of the MCLE reporting period requirements. Per APR 11(i)(5), the Board shall "consider factors of undue hardship, such as serious illness, extreme financial hardship, disability, or military service, that affect the lawyer's, LLLT's, or LPO's ability to meet the education or reporting requirements." Email [MCLE@wsba.org](mailto:MCLE@wsba.org) if you would like to submit a petition of undue hardship.

## MCLE Quick Reference Guide

The Mandatory Continuing Legal Education (MCLE) rule [Admission and Practice Rule \(APR\) 11](#) gives you the opportunity to customize your continuing education to best meet your needs. You can take advantage of MCLE approved course subjects and activities to address important topics like lawyer-client issues, office management, personal and professional development, and stress management, in addition to the standard ethics and law and legal procedure subjects. Be sure to calendar your MCLE Deadlines; earn your credits by **Dec. 31** of the third year of your reporting period and certify credits by **Feb. 1** of the year following your reporting period. For more detailed information on activities and categories eligible for MCLE credit consult APR 11 (h-f).

Each three-year MCLE reporting period earn and certify the following:

### 6 Ethics Credits (including 1 Equity Credit)

Ethics credits can be earned by attending or presenting courses, writing, or participating in a structured mentoring program.

### 15 Law & Legal Procedure Credits

At least 15 credits must be earned from attending approved courses (live or recorded) in the subject of law and legal procedure.

### 24 Credits in Any Category

The remaining credits may be earned in the above categories, as well as in the subjects below:

- Professional development
- Personal development and mental health
- Office management
- Improving the legal system

Or by participating in approved activities, such as:

- Writing for a book, law review, or scholarly journal article for a recognized publisher of legal works
- Teaching or attending a Law School Course
- Providing pro bono legal services to a QLSP
- Judging law school competitions
- Participating in a structured mentoring program
- Participating as a law clerk tutor

### 45 total credits required (30 for LPOs and LLLTs)



## Continuing Legal Education Planner

Name \_\_\_\_\_ Reporting Period \_\_\_\_\_

Note: All courses submitted for MCLE credit must meet the standards of approval as laid out in [Admission and Practice Rule](#) (APR) 11(h).

**Enter your Credit Deadline:** December 31, \_\_\_\_\_

**Enter your Certification Deadline:** February 1, \_\_\_\_\_

Below are some sample questions to consider when planning your MCLE schedule:

Have there been updates in the area(s) of law in which you practice? Do you wish to expand your knowledge to new areas of law? If so, what area(s)?

Are there meetings/conferences you attend on an annual basis? What are they?

Are there legal skills you need to hone? Which skills are they? (e.g., negotiation, presentation skills, communication skills)

Do you need an update on client related skills? If so, what skills? (e.g., client communication, working with interpreters, client interviewing techniques)

What areas do you require any updates or a refresher on related to ethics? (e.g., professional ethics and standards, practice management, marketing, data security, mental health and substance abuse, AI)

Are there specific areas relating to equity, inclusion, and the mitigation of bias in the legal profession that you would like to learn about? (e.g. disability and inclusion, implicit bias)

Do you need to hone your Professional Development or Office Management skills as it relates to the legal profession? If so, what specifically do you want to improve? (e.g., business development, technology, Computer/IT skills Personnel management, Time Management, Leadership, Career Development, Presentation Skills)

## Continuing Legal Education Planning Worksheet

**Enter your Credit Deadline:** December 31, \_\_\_\_\_

**Enter your Certification Deadline: February 1, \_\_\_\_\_**

Knowledge, Skill, Practice Area to be developed	Priority	Credit Category (Law and Legal, Ethics, Ethics- Equity, Other)

### YEAR 1 POTENTIAL CLE COURSES OR ACTIVITIES

[illegible]

## YEAR 2 POTENTIAL CLE COURSES OR ACTIVITIES

[illegible]

### YEAR 3 POTENTIAL CLE COURSES OR ACTIVITIES

[illegible]



## WSBA LICENSURE PATHWAYS IMPLEMENTATION STEERING COMMITTEE AGENDA

August 4, 2025, 2:30pm – 4:30pm

### REMOTE

To Join by Video Conference:

<https://wsba.zoom.us/j/84409758845?pwd=RHxr5ba04HRSMJm2klnI2lZthJONSP.1>

For audio only: (253) 215-8782 || Meeting ID: 844 0975 8845 || Passcode: 924436

- |         |  |  |
|---------|--|--|
| 2:30 pm | <b>Call to Order and Welcome</b>                         | <i>Zaida Rivera, Steering Committee Chair</i>  |
| 2:35 pm | <b>Approve July 8, 2025 Meeting Minutes</b>              |  |
| 2:40 pm | <b>Member and Public Comment</b>                         | <i>Speakers are limited to 3 minutes, however, the Chair may modify the time for comments if necessary</i> |
| 2:45 pm | <b>Continue Discussion of Proposed Core Competencies</b> | <i>Assistant Dean Jeff Minneti and Professor Sandra Simpson</i>  |
|         | <i>Approve proposed core competencies</i>                |  |
| 4:30 pm | <b>Adjourn</b>   |  |

# WASHINGTON STATE BAR ASSOCIATION

## LICENSURE PATHWAYS IMPLEMENTATION STEERING COMMITTEE MEETING MINUTES

Virtual Meeting  
July 8, 2025

### Call to Order and Welcome

The meeting of the Licensure Pathways Implementation Steering Committee of the Washington State Bar Association (WSBA) was called to order by Chair Zaida Rivera on Monday, July 8 at 1:02 p.m. Committee members in attendance were:

Zaida Rivera  
Jordan Couch  
Greg Crowder  
Alfredo González Benítez  
Judge Cathy Helman  
Vivian Hernandez  
Dusty Weber LaMay  
Dean Tamara Lawson  
Julia McGann  
Justice Raquel Montoya-Lewis  
Terra Nevitt  
Judge Leone Reinbold  
Dean Jacob Rooksby  
Yuriko Hannali Styles  
Dean Anthony Varona

Also in attendance were WSBA Chief Regulatory Counsel Renata Garcia; WSBA Associate Director Bobby Henry; Logan Cornett, IAALS Director of Research and Courtney Petersen-Rhead, IAALS Program Associate; Professor Gillian Dutton; Assistant Dean Jeff Minneti; Professor Sandra Simpson; Core Competencies Subcommittee member Caesar Kalinowski; and Supervised Practice Subcommittee member Nat Jacob.

### Approve Feb. 3, 2025 Meeting Minutes

Alfredo moved to approve the February 3, 2025 Steering Committee meeting minutes. Jordan seconded. Minutes unanimously approved.

### Member and Public Comment

None



#### Presentation on Washington Lawyer Preparedness Survey from IAALS

Logan Cornett, IAALS Director of Research and Courtney Petersen-Rhead, IAALS Program Associate provided background information and shared the results of the research which was focused on assessing how prepared new lawyers (licensed between 2019 and 2022) feel when they first enter practice and whether the level of preparedness was meaningfully different between those licensed through diploma privilege or through the bar exam. Logan and Courtney answered questions from the committee including questions about the sample size and response rate. Committee members commented on the importance and relevance of the results despite the response rate.

#### Update from Core Competencies Subcommittee

Assistant Dean Jeff Minneti and Professor Sandra Simpson provided a report on the Core Competency Subcommittee's work. They described the process for generating the draft which included reviewing existing research and soliciting feedback and walked through the draft competencies. Several committee members asked questions and provided input on the "understanding of threshold concepts in many subjects" competency including potentially refining the language or providing examples. The discussion will be continued at the next meeting as there was not enough time to cover every competency.

#### Update from Supervised Practice Subcommittee

Professor Gillian Dutton provided a report on the Supervised Practice Subcommittee's work including the intent to develop resources to support participants and supervisors and incentives to encourage lawyers to become supervisors.

#### **ADJOURNMENT**

There being no further business, Chair Rivera adjourned the meeting at 2:57 p.m. on July 8, 2025.

Respectfully submitted,

Renata de Carvalho Garcia  
Chief Regulatory Counsel

**Pathways Implementation  
Core Competencies Subcommittee  
Draft Core Competencies  
June 30, 2025**

**I. Introduction**

Core lawyering competencies are baseline-level demonstratable skills, professional behaviors, and areas of knowledge that a candidate for licensure must possess to protect the public from harm in the provision of legal services. Given the interrelationship between lawyering skills, behaviors, and knowledge, there is a necessary degree of overlap between core competencies. The core competencies apply to each licensure pathway.

The competencies are based primarily on research conducted by the Institute for the Advancement of the American Legal System (IAALS), as reported in [\*Building a Better Bar: The Twelve Building Blocks of Minimum Competence\*](#). The competencies also supplement with findings from IAALS' [\*Foundations for Practice\*](#) project, the NCBE's Testing Task Force's 2021 [\*Final Report\*](#), other jurisdictions efforts to frame core competencies,<sup>1</sup> and interviews with experts in lawyer competencies and licensing<sup>2</sup> and Washington practitioners. Academic deans from all three Washington law schools and legal practitioners with experience in mentorship, APR 6 clerkships, and foreign legal education also provided feedback on these competencies.<sup>3</sup> Parentheticals below indicate the principal source from which each competency and explanation was derived.

Below the description of each competency are examples of how the competency has been assessed in other novel licensing programs used or proposed in Nevada, Oregon, and Utah. Oregon's Supervised Practice Portfolio Examination is a non-exam method of licensure in which candidates demonstrate competence to practice law through activities performed during supervised practice. Bar examiners assess candidate competence primarily through review of work product and supervisor-completed rubrics that are submitted as part of the candidate's portfolio. Nevada and Utah's programs involve exams to some degree but also include supervised practice components. While Washington may ultimately elect to use a

---

<sup>1</sup> The committee reviewed the work of similar committees in Minnesota, Nevada, and Utah.

<sup>2</sup> The committee consulted with Joan Howarth, Emerita Professor of Law at UNLV's William S. Boyd School of Law and author of *Shaping the Bar, The Future of Attorney Licensing*; Logan Cornett, Director of Research Legal Education and Licensure at IAALS and co-author of *Building a Better Bar*; and Gina Alexandris, Lawyer Consultant and Coach and former Senior Director of the Law Practice Program at Toronto Metropolitan University.

<sup>3</sup> Thank you to the following individuals for providing their insights on these competencies: Agnieszka McPeak, Gonzaga Law Associate Dean for Academic Affairs and Program Innovation; John Eason, Seattle U Incoming Associate Dean for Academic Affairs; Brooke Coleman, Seattle U Vice Dean for Academic Affairs; Elizabeth Pendo, UW Academic Dean; Helen Boyer, attorney and mentor; Eduardo Krueel, attorney licensed in Brazil and UW LL.M. graduate; Chris Maund, Seattle U Director of International Graduate Studies; Dana Raigrodski, UW Associate Teaching Professor and Director, General Law; Anita Ramasastry, UW Associate Dean for Global and Graduate Affairs; Kelly Ruhlig, UW Law Interim Director of Graduate Programs.

**Pathways Implementation  
Core Competencies Subcommittee  
Draft Core Competencies  
June 30, 2025**

different methods of assessment than those used in these states, they provide a helpful illustration of program requirements that provide an opportunity for candidates to demonstrate their competence and for examiners to assess those abilities.

## **II. Core Lawyering Competencies**

**A licensure candidate must demonstrate an understanding of legal processes and sources of law (IAALS 12 Building Blocks).** Understanding legal processes and sources of law includes understanding the appropriate application of state and local law, federal law, administrative rules, and local court rules and understanding the channels of legal practice, including alternative dispute resolution processes, negotiation skills, legislative processes, administrative and regulatory processes, and court processes (IAALS 12 Building Blocks).

*Assessment illustrations: As part of Nevada’s supervised practice component of their admissions requirements, candidates must complete self-directed learning tasks and journal entries addressing “the legal system, community organizations, and agencies in Nevada.” Oregon requires candidates to submit a portfolio of eight written pieces of work product addressing substantive aspects of legal matters. In creating these written pieces, candidates must assess the appropriate source of law for the legal matter. In addition, Oregon requires candidates to lead two negotiations. Lastly, Utah’s proposed alternative pathway requires completion of coursework that addresses legal processes, such as civil procedure; administrative law; and legislative regulation, statutory interpretation, or legislative process.*

**A licensure candidate must demonstrate an understanding of threshold concepts in many subjects (IAALS 12 Building Blocks).** A threshold concept is an “insight that transforms understanding of a subject.” (IAALS 12 Building Blocks at 37.) Threshold concepts “distinguish individuals who have begun to master a subject from all others” and “allow new learners to understand the ‘how’ and ‘why’ of their field rather than simply the ‘what.’” (IAALS 12 Building Blocks at 37.) This competency “focuses on understanding principles and policies that govern the law, rather than memorizing specific black-letter rules” and “allow lawyers to identify issues, search for the appropriate rule, and see nuances in the rule.” (IAALS 12 Building Blocks at 37.)

Examples of threshold concepts include constitutional law topics, such as federal/state powers and individual rights; common law topics such as negligence, contract formation and enforcement, and rights in real property; statutory topics, such as commercial and

**Pathways Implementation  
Core Competencies Subcommittee  
Draft Core Competencies  
June 30, 2025**

criminal law codes; and administrative law topics, including agency powers and limits, rulemaking, and adjudication. Precisely identifying an exhaustive set of threshold concepts a candidate for licensure must understand to be competent to practice law, however, has proven challenging even to experts in attorney licensure and would likely pose significant administrative costs for licensing authorities. Nonetheless, consensus among experts holds that such threshold concepts are widely incorporated into law school curricula and, in Washington, APR 6 law clerk coursework. Therefore, rather than attempt to create a list of required threshold concepts, the Core Competencies Subcommittee anticipates that this competency will be satisfied by candidate's completion of a course of legal study in the APR 6 law clerk program or an approved<sup>4</sup> law school.

*Assessment Illustrations: Looking first to methods other non-exam based state licensure pathways use to assess this competency, Oregon requires candidates to complete 15 hours of MCLE providing an overview of doctrinal principles commonly encountered in entry-level law practice and to complete certain law school coursework. Utah, similarly, requires completion of certain law school coursework. In addition, Oregon requires that each piece of work product included in the portfolio address at least one legal issue that differs from the legal issues addressed in other pieces of work product.*

*With respect to Washington, the Subcommittee anticipates that the Law Clerk Board or a law school's registrar's office would certify a law licensure candidate's completion of the applicable program of legal education and submit that certification to the Washington State Bar Association to be considered as part of the candidate's licensure portfolio.*

*Currently, the APR 6 Program is a four-year course of study. Each year consists of 12 months during which the law clerk is required to study 6 subjects, pass 12 exams and submit 3 book reports. Collectively the subjects include a four-year reading program in jurisprudence (focused on legal history, philosophy, theory and biography); four months of study in constitutional law, three months of study in the uniform commercial code; three months of study in wills, estates, trusts, and probate; two-months of study in the following courses: basic legal skills, civil procedure, tort, contracts, agency and partnerships, property, criminal law, constitutional law, corporations, evidence, domestic relations, conflict of laws, and criminal procedure, and one month of study in community property and professional responsibility. The remaining months of the fourth year of study are composed of electives selected by the law clerk in consultation with the tutor and*

---

<sup>4</sup> See the list of approved law schools generated by the Board of Governors of the Washington State Bar pursuant to APR 2(a)(5).



**Pathways Implementation  
Core Competencies Subcommittee  
Draft Core Competencies  
June 30, 2025**

*approved by the Law Clerk Board. In general, a law clerk studies one subject each month and must pass an exam on the topic before proceeding to the next. The courses designated for each year of the program must be completed before proceeding to the next year's courses.*

*Law clerks completing the APR 6 Program of Education would satisfy the threshold knowledge competency.*

*Gonzaga University School of Law currently requires its students to complete 85 credits to graduate. Required courses include six credits of constitutional law; eight credits of legal writing across four semesters; four credits of civil procedure; four credits of contracts; three credits of each of the following courses: torts, criminal law, property, evidence, lawyering skills, business associations, professional responsibility; one credit of professional and academic foundations, and six credits of experiential learning. Students may enroll in an array of electives to fulfill their remaining credits. Students must maintain a cumulative GPA of 2.2.*

*Students completing Gonzaga University School of Law's program of legal education would satisfy the threshold knowledge competency.*

*Seattle University School of Law requires students to complete 90 credits to graduate. Students must take nine credits of legal writing; six credits of constitutional law; six credits of experiential learning course work; four credits of each of the following courses civil procedure, contracts, criminal law, property, tort, and evidence; three credits of professional responsibility; two credits of law and systemic inequity coursework; and one credit of foundations of law study. Students may select from an array of electives to complete the remaining forty-three credits. Students must maintain a cumulative grade point average of at least 2.4 to remain in good standing.*

*Students completing Seattle University School of Law's curriculum would satisfy the threshold knowledge competency.*

*The University of Washington School of Law, which is on the quarter system, requires its students to complete 135 credit hours, which includes the following required courses: introduction to perspectives on the law, contracts, civil procedure, property, torts, criminal law, legal analysis, research and writing, constitutional law, professional responsibility, administrative law, business organizations, evidence, global law distributional perspectives distributional, experiential course work, and an advanced writing requirement. The credits assigned to most subjects varies across a range of 2-8 credits. Some courses have a*

**Pathways Implementation  
Core Competencies Subcommittee  
Draft Core Competencies  
June 30, 2025**

*prescribed credit value. In addition to the required courses, UW students may select from an array of electives to complete their 135 credits. Students must maintain a cumulative GPA of 2.0 to make satisfactory academic progress. Students must have a cumulative GPA of 2.33 to graduate.*

*Students completing the University of Washington's program of legal education would satisfy the threshold knowledge competency.*

**A licensure candidate must demonstrate the ability to act professionally and in accordance with the rules of professional conduct (IAALS 12 Building Blocks).** This competency includes the demonstrated ability to conduct oneself with respect for and in accordance with the law, including compliance with the requirements of applicable state, local, and federal constitutions, laws, rules and regulations, and any applicable court order. A candidate for licensure may satisfy this competency by managing a law related workload (IAALS 12 Building Blocks, NCBE's Final Report, IAALS Foundations for Practice); coping with the stress of legal practice (IAALS 12 Building Blocks, IAALS Foundations for Practice); pursuing self-directed learning (IAALS 12 Building Blocks, IAALS Foundations for Practice); understanding the business of maintaining a legal practice (IAALS Foundations for Practice, Ontario Lawyer Licensing Pathways); and appropriately using technology in legal practice.

*Assessment Illustrations: In Nevada, candidates for licensure must pass the Multistate Professional Responsibility Exam (MPRE) and complete self-directed learning tasks and journal entries on professional development, civility, and ethics; law office and time management; and wellness programs for attorneys. Oregon's SPPE provides two options for demonstrating competence in professional responsibility. Candidates may either pass the MPRE or pass a law school professional responsibility course and submit 10 journal entries discussing professional responsibility issues following Bar guidelines on the content of entries. These journal entries are assessed by Oregon's bar examiners. Utah requires candidates to complete a law school professional responsibility course and complete a six-hour well-being training and two-hour self-directed learning module.*

**A licensure candidate must demonstrate the ability to interpret legal materials (IAALS 12 Building Blocks, NCBE's Final Report).** This competency emphasizes the ability to understand and interpret constitutional provisions, statutes, judicial opinions, and regulations and the ability to evaluate how legal documents, such as contracts, should be construed.

**Pathways Implementation  
Core Competencies Subcommittee  
Draft Core Competencies  
June 30, 2025**

*Assessment Illustrations: This competency aligns most closely with Oregon's SPPE program requirements. As noted above, that program requires candidates to submit a portfolio of eight pieces of work product addressing some substantive aspect of a legal matter, as well as a prediction, conclusion, or recommendation related to that issue. These submissions are an opportunity for candidates to demonstrate the ability to interpret legal materials and for bar examiners to assess their competence in this skill.*

**A licensure candidate must demonstrate the ability to identify issues (IAALS 12 Building Blocks, NCBE's Final Report).** This competency emphasizes the ability to understand the "big picture" of client matters (IAALS 12 Building Blocks, IAALS Foundations); identify legal principles and legally significant facts relevant to a client matter; identify goals and objectives in client matters (IAALS 12 Building Blocks); identify legal claims and remedies that might address a client's needs (IAALS 12 Building Blocks); identify legal and practical obstacles to achieving any proposed resolution (IAALS 12 Building Blocks); and develop strategies to guide client matters (IAALS 12 Building Blocks).

*Assessment Illustrations: Nevada requires candidates to complete four out of a list of eight specific activities during the supervised practice portion of their licensing process. Those activities include discussing the "big picture" of client needs and preparing a strategic approach to achieve client needs by analyzing applicable law and facts. Here again, Oregon's portfolio requirements provide an opportunity to assess candidate's ability to identify issues. Oregon also requires candidates to lead two client interviews or counselling sessions, and their supervisors assess their performance using a rubric that is later submitted to the bar association. These interviews are a further opportunity for candidates to demonstrate their ability to identify and pursue issues during fact-gathering from clients or when counselling clients on legal options.*

**A licensure candidate must demonstrate the ability to conduct research (IAALS 12 Building Blocks, NCBE's Final Report).** This competency includes the ability to: research answers to specific legal questions (IAALS 12 Building Blocks); recognize relevant and/or dispositive legal sources applicable to a client matter; appreciate the authoritative weight of sources of law relevant to a client matter; utilize strategies to update sources of law and/or find additional sources of law that are relevant to a client matter (IAALS 12 Building Blocks); acquire facts and non-legal information for client matters; develop the factual record (IAALS 12 Building Blocks, NCBE's Final Report); and locate information about local rules or practices (IAALS 12 Building Blocks).



**Pathways Implementation  
Core Competencies Subcommittee  
Draft Core Competencies  
June 30, 2025**

*Assessment Illustrations: With respect to this competency, conducting legal research and preparing documents for the client's matter or for filing are among the eight activities candidates may choose to complete in Nevada. Oregon candidates will also very likely conduct legal research to create their eight submissions for their portfolio. Lastly, Utah requires completion of one credit of legal research coursework during law school and 40 hours of legal research time during supervised practice.*

**A licensure candidate must demonstrate the ability to apply legal authority to the relevant facts in a client matter.** This competency emphasizes the ability to make logically sound arguments based on precedent, analogy, and policy; assess the strengths and weaknesses in a client's position and an opposing party's position; and forecast potential outcomes of a client matter.

*Assessment Illustrations: Here, the activities candidates are required to complete as part of Nevada's supervised practice component include preparing a strategic approach to achieve client needs by analyzing applicable law and facts, preparing documents for the client's matter to be filed or submitted on the client's behalf, and appearing in court or before an administrative tribunal or other body. These activities will typically require candidates to apply legal authority to relevant facts in a client matter. Similarly, in creating work product for Oregon's portfolio that addresses substantive legal issues and draws conclusions, candidates will be provided an opportunity to demonstrate this competency. Through review of these submissions, bar examiners may assess candidates' fulfillment of this competence.*

**A licensure candidate must demonstrate the ability to communicate as a lawyer (IAALS 12 Building Blocks, NCBE's Final Report).** This competency includes the ability to choose a method of communication appropriate to the circumstances and audience (IAALS 12 Building Blocks); communicate the application of legal authority to the facts in a written or oral form that is appropriate for the audience, including the client, opposing counsel, the courts, and other stakeholders; draft and edit legal documents and legal correspondence (IAALS Foundations); work collaboratively with others, including opposing counsel, to address a client matter (IAALS 12 Building Blocks); and apply negotiation skills to advocate on behalf of a client.

*Assessment Illustrations: The activities Nevada candidates must select to perform that address this competence include: Drafting correspondence to the client, adjudicators, or opposing counsel; preparing documents for the client's matter or to be filed or submitted on the client's behalf; negotiating, arbitrating, or mediating on behalf of a client; and*



**Pathways Implementation  
Core Competencies Subcommittee  
Draft Core Competencies  
June 30, 2025**

*appearing in court or before an administrative tribunal or other body. In addition to its portfolio requirement, Oregon specifically requires candidates to lead two client interviews or counselling sessions and two negotiations, which are assessed using rubrics completed by supervisors. Utah requires completion of two legal writing courses during law school and that candidates spend 20 hours during their supervised practice time on client-facing activities.*

**A licensure candidate must demonstrate the ability to interact effectively with clients (IAALS 12 Building Blocks).** This competency emphasizes the ability to gain a client's trust; recognize the importance of cross-cultural competence and seek available resources to understand the needs of their clients; gather relevant facts and identify client goals (IAALS 12 Building Blocks); communicate regularly with clients, convey information and options in terms that a client can understand, and help the client choose a strategy (IAALS 12 Building Blocks); manage client expectations, convey bad news, and cope with difficult clients (IAALS 12 Building Blocks).

*Assessment Illustrations: Here, again, some of the activities Nevada requires students to complete address the ability to interact with clients, such as interviewing or counselling a client, discussing the "big picture" of client needs. As noted above, Oregon specifically requires candidates to lead two client interviews or counselling sessions, and Utah asks that candidates devote 20 hours to client-facing activities during supervised practice.*

# Washington State Bar Association

## Statement of Activities

For the Period from June 1, 2025 to June 30, 2025

**75% OF YEAR COMPLETE**

	FISCAL 2025 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF REFORECAST	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>MANDATORY CONTINUING LEGAL EDUCATION</b>						
<b>REVENUE:</b>						
ACTIVITY APPLICATION FEE	600,000	60,300	547,600	52,400	91%	97,600
ACTIVITY APPLICATION LATE FEE	220,000	23,300	216,050	3,950	98%	51,050
MCLE LATE FEES	225,000	600	252,800	(27,800)	112%	84,050
ANNUAL ACCREDITED SPONSOR FEES	39,000	-	39,750	(750)	102%	10,500
ATTENDANCE LATE FEES	120,000	9,550	78,950	41,050	66%	(11,050)
COMITY CERTIFICATES	29,800	1,100	32,075	(2,275)	108%	9,725
<b>TOTAL REVENUE:</b>	<b>1,233,800</b>	<b>94,850</b>	<b>1,167,225</b>	<b>66,575</b>	<b>95%</b>	<b>241,875</b>
<b>DIRECT EXPENSES:</b>						
DEPRECIATION	142,183	12,012	108,108	34,075	76%	(1,471)
STAFF MEMBERSHIP DUES	500	-	500	-	100%	(125)
MCLE BOARD	4,000	-	1,806	2,194	45%	1,194
STAFF TRAVEL/PARKING	50	-	-	50	0%	38
STAFF CONFERENCE & TRAINING	4,600	-	-	4,600	0%	3,450
<b>TOTAL DIRECT EXPENSES:</b>	<b>151,333</b>	<b>12,012</b>	<b>110,414</b>	<b>40,919</b>	<b>73%</b>	<b>3,085</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (4.76 FTE)	400,391	26,721	307,475	92,916	77%	(7,182)
BENEFITS EXPENSE	136,403	11,114	100,884	35,518	74%	1,418
OTHER INDIRECT EXPENSE	121,596	6,637	83,169	38,428	68%	8,029
<b>TOTAL INDIRECT EXPENSES:</b>	<b>658,390</b>	<b>44,473</b>	<b>491,528</b>	<b>166,862</b>	<b>75%</b>	<b>2,265</b>
<b>TOTAL ALL EXPENSES:</b>	<b>809,723</b>	<b>56,485</b>	<b>601,942</b>	<b>207,781</b>	<b>74%</b>	<b>5,350</b>
<b>NET INCOME (LOSS):</b>	<b>424,077</b>	<b>38,365</b>	<b>565,283</b>	<b>(141,206)</b>	<b>133%</b>	<b>247,225</b>