

**MINUTES**

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

**May 11, 2012**

The meeting of the Washington State Board of Mandatory Continuing Legal Education was called to order by Chair John Tappan Menard at 9:07 a.m. on Friday, May 11, 2012, at the WSBA Conference Center in Seattle, Washington. Board members in attendance were:

John Tappan Menard, Chair  
 Stacy A Bjordahl  
 John W. Chessell  
 Efrem Krisher  
 Aaron Scott Okrent  
 Karen L. Sayre  
 Kay L. Verelius

Liaisons and Staff attending were:

Jean McElroy	General Counsel/Chief Regulatory Counsel
Kathleen Todd	MCLE Board Executive Secretary
Adriana Castano-Agudelo	MCLE Analyst

**APPROVAL OF THE MINUTES**

The minutes of the March 9, 2012, meeting were approved by motion.

**AUDIT OF CLE COURSE**

The Board heard a presentation regarding a CLE course that was audited by a Board member. The auditor found the course to be very engaging due to the quality of the speakers and the intimacy of a small class of 16 attendees. All the presenters were well-known in the field and were more than willing to stay after the course to talk to attendees.

**MEETING SCHEDULE FOR 2012-2013**

The MCLE Board approved the Board meeting schedule for 2012-2013. It will be posted on the MCLE Board page of the WSBA web site.

**SPONSOR REQUEST**

The Board considered a request from a sponsor for accreditation of an online interactive course on sexual harassment. The Board resolved by motion to grant two audio-visual credits for the course.

**SPONSOR REQUEST**

The Board considered a request from a sponsor for accreditation of an online interactive course on facial expression recognition. The Board denied the request by motion.

**MEMBER REQUEST**

The Board considered a request from a member to allow accreditation of the time spent listening to podcasts of the Supreme Court arguments on the Health Care law. The Board denied the request because such activities are not accreditable under the current APR 11.

**CHARGE FOR COMITY CERTIFICATES**

The Board considered a request from the WSBA senior management to begin charging \$25 per request by a member for a Comity Certificate of MCLE Compliance. The WSBA processes approximately 435 such requests each year; the comity certificates are labor intensive to issue during the high volume times of the year. The Board approved the request by motion to charge \$25 for each request placed (of single or multiple copies) for a comity certificate.

**SECOND READING OF PROPOSED AMENDMENTS TO APR 11**

The Board of Governors requested that all the Admission to Practice Rules (APR) be reviewed and amendments proposed to send to the state Supreme Court later this year. The MCLE Board did a second reading of proposed amendments to APR 11, the MCLE rules. The amendments include suggestions from stakeholders who have made presentations to the Board over the past year. The Board approved by motion all the APR 11 amendments and to forward them to the WSBA Board of Governors for approval (as required by APR 11.4(c)). Two meetings in June were scheduled for the first and second readings of the amendments to Appendix APR 11.

**WLI PROGRAM ACCREDITATION REQUEST**

Ron Ward, former BOG President and founder of the WLI program, made a presentation to the Board requesting that the accreditation of the 2012 program match the 2011 program accreditation. He also requested specific amendments to Appendix APR 11 that would allow accreditation of topics that are important in the WLI training program but not currently accreditable. The Board tabled a decision on the 2012 program accreditation request pending receipt of the agendas for the remaining programs in 2012. Determinations about the proposed amendments to Appendix APR 11 will be discussed at the Board's meetings in June that will be devoted to the first and second reading of the proposed amendments to Appendix APR 11.

**SPONSOR APPEAL**

A sponsor made an in-person appeal for accreditation of a course for which credit was previously denied because the subject matter is not accreditable under the current MCLE rules and regulations. The sponsor also requested an amendment to Appendix APR 11 to allow accreditation of courses on leadership. The decision on the appeal was tabled to allow more time for discussion – and for the sponsor to forward materials requested by the Board. The request for an amendment will be discussed at the Board's meetings in June.

**PRO BONO CREDIT PROPOSED AMENDMENTS**

Two representatives from the Pro Bono and Legal Aid Committee gave a presentation to the Board requesting an increase in the number of pro bono service credits, a decrease in the training credit requirement, and allowing pro bono credits to be earned at any time during a member's reporting period instead of restricting the number of credits that can be earned to an annual basis. The Board resolved by motion (1) to allow pro bono training and service credits to be earned at any point in the reporting period, (2) to make the number of training credits required be contingent on the number of service credits that a member wants to earn, and (3) to allow the same number of service credits as is currently allowed over a three- year reporting period. The amendments to APR 11 were updated to include these changes.

**LAWYER PETITIONS**

The Board reviewed and approved by motion 72 petition decisions made by the Executive Secretary since the previous Board meeting. All decisions were approved by motion.

Thirty-six lawyer petitions were submitted to the Board on the Consent Calendar. All petitions were previously considered by the MCLE Board Petition Committee on April 27, 2012, and a recommendation on each was made for review by the full Board. The full Board assessed each recommendation and approved the decisions by motion.

The Board also considered 13 lawyer petitions. Each of these petitions was considered and resolved by motion. No listing of these motions is attached to these minutes to protect the confidentiality of the members.

**ADJOURNMENT**

There being no further business at hand, the MCLE Board meeting was adjourned at 2:35 p.m. The next Board meeting will be at 10:00 a.m. on Friday, July 13, 2012.

Respectfully submitted,

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Kathleen Todd  
MCLE Board Executive Secretary