

MEETING AGENDA

August 7, 2020
10:00 A.M.

OPEN SESSION - 10:00am-11:45am:

- 10:00 – Review of Minutes
- 10:05 – Public Comment on Suggested Amendment to Admission and Practice (APR) 11
- 10:25 - Discussion on Suggested Amendment to APR 11
- 11:00 – Discussion on Pro Bono Credit
- 11:15 – Discussion on MCLE Trends
- 11:35 – Course Audits
- 11:40 – 2020-2021 MCLE Board Meeting Schedule
- 11:45 – 2020-2021 Vice Chair Nomination

CLOSED SESSION – 12:00pm -1:00pm:

- Petitions, Appeals and Staff Liaison Decisions
- End of Meeting

Minutes
May 8, 2020

The meeting of the Mandatory Continuing Legal Education Board was called to order by Chair Asia Wright at 10:05 AM on Friday, May 8, 2020. This meeting was held via videoconference. Board members in attendance were:

Asia Wright, Chair
Ayanna Colman
Merri Hartse
Robert Malae
Melissa Skelton
Todd Alberstone

Liaisons and Staff in attendance were:

Adelaine Shay	MCLE Manager/MCLE Board Staff Liaison
Jean McElroy (left at 10:23 AM)	Chief Regulatory Counsel, Regulatory Services Department
Michael Tonkin	MCLE Analyst

Review of Minutes for April 3 and April 17, 2020

The Board reviewed the minutes from their April 3, 2020 meeting, and their April 17, 2020 special meeting. The Board advised MCLE staff to include special meeting language to the April 3, 2020 minutes, and then approved both minutes with the change.

Discussion: Impact of Covid-19 on 2018-2020 MCLE Reporting Period

The MCLE Board discussed the impact of Covid-19 on MCLE reporting.

MCLE Board discussed concerns raised by county bar associations regarding licensed legal professionals in the 2018-2020 MCLE reporting period, and their ability to complete their MCLE requirements in light of the Covid-19 pandemic. Jean McElroy suggested that MCLE Board draft a letter to send to county bar associations detailing WSBA resources and links that have been compiled to assist licensed legal professionals, as well as detailing all MCLE requirements. Jean McElroy directed MCLE staff liaison to draft this letter.

The MCLE staff liaison reiterated that at their April 3, 2020 meeting, the MCLE Board approved by motion to direct WSBA Staff Liaison to grant an extension, for any 2017-2019 reporting period petition related to Covid-19 that would otherwise not receive an extension, to the date of the next Board meeting so the Board can discuss the petition.

Discussion: Suggested Amendment to APR 11

The MCLE Board discussed feedback from BOG liaison Russell Knight regarding the suggested amendment to APR 11. The Board considered the proposed formatting changes and focus on diversity language, removing the original edits that would have removed the terms 'diagnosable' and 'conditions' from subsection (f)(2). MCLE Board tailored and accepted formatting changes based on Russel Knight's feedback, and agreed to structure the proposed amendment to APR 11 as follows:

(c)(1)(ii)

at least six credits must be in ethics and professional responsibility, as defined in subsection (f)(2), with at least one credit in equity, inclusion, and the mitigation of both implicit and explicit bias in the legal profession and the practice of law, including client advising.

(f)(2)

Ethics and professional responsibility, defined as topics relating to the general subject of professional responsibility and conduct standards for lawyers, LLLTs, LPOs, and judges, including ~~diversity and antibias with respect to the practice of law or the legal system,~~ equity, inclusion, and the mitigation of both implicit and explicit bias in the legal profession and the practice of law, including client advising, and the risks to ethical practice associated with diagnosable mental health conditions, addictive behavior, and stress;

The Board discussed timeline and next steps, including outreach to stakeholders to receive statements of support. The Board directed MCLE staff draft tailored outreach letters.

Discussion: Goals for Fiscal Year 2021

The Board discussed potential goals for the next year, and affirmed that goals established last year remain good goals: 1) Continue to work on the preliminary suggested amendment to the APR 11 ethics requirement; 2) Two audits per year by each Board member, focusing on accredited sponsors; and 3) Work to increase the diversity of the MCLE Board through recruitment.

Course Audit Reports

The Board heard a report from Asia Wright on her audit of Cognistar's *It's Risky Business: Cyber Threats and Addressing Environmental Aspects of Commercial Transactions*.

MCLE Hardship Petitions

The Board approved Staff Liaison decisions on two petitions. The Board reviewed and decided by motion on one hardship petition. No listing of these motions are included in order to protect member confidentiality.

Adjournment

There being no further business at hand, the Board meeting was adjourned at 11:48 AM. The next regularly scheduled Board meeting will be held at 10:00 AM on August 7, 2020.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Adelaine Shay". The signature is fluid and cursive, with the first name "Adelaine" written in a larger, more prominent script than the last name "Shay".

Adelaine Shay
MCLE Board Staff Liaison

Minutes
July 9, 2020

The annual meeting of the Mandatory Continuing Legal Education Board and the Washington Supreme Court was called to order by Chief Justice Debra Stephens at 11:01 AM on Thursday, July 9, 2020. This meeting was held via videoconference.

Board members in attendance were:

Asia Wright, Chair
Ayanna Colman
Merri Hartse
Robert Malae
Melissa Skelton
Todd Alberstone
Chris Bueter

Supreme Court Justices in attendance were:

Debra Stephens, Chief Justice
Mary Yu
Steven Gonzales
Sheryl McCloud
Barbara Madsen
Helen Whitener
Charles W. Johnson
Raquel Montoya-Lewis

Liaisons and Staff in attendance were:

Jean McElroy	Regulatory Services Department Counsel
Russell Knight	BOG Liaison
Terra Nevitt	WSBA Interim Executive Director
Adelaine Shay	MCLE Manager/MCLE Board Staff Liaison

Discussion:

MCLE Board Chair, Asia Wright, gave a synopsis of the 2019-2020 fiscal year, summarizing duties of the Board and actions taken, including: interpretations made of Admission and Practice Rule (APR) 11, number of MCLE hardship petitions reviewed, and the Board's goals for the next year.

The MCLE Board then discussed the suggested amendment to APR 11, and a potential expedited timeline, with some comments by the justices with regards to deadlines. The MCLE Board was advised to submit suggested amendments before the November 2020 deadline to allow time for the Rules Committee to review.

Adjournment

There being no further business at hand, the Board meeting was adjourned at 11:31 AM.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Adelaine Shay". The signature is fluid and cursive, with the first name "Adelaine" written in a larger, more prominent script than the last name "Shay".

Adelaine Shay
MCLE Board Staff Liaison

Minutes
July 16, 2020

The special meeting of the Mandatory Continuing Legal Education Board was called to order by Chair Asia Wright at 11:04 AM on Thursday, July 16, 2020. This meeting was held via videoconference. Board members in attendance were:

Asia Wright, Chair
Ayanna Colman
Merri Hartse
Robert Malae
Melissa Skelton
Todd Alberstone
Chris Bueter

Liaisons and Staff in attendance were:

Adelaine Shay	MCLE Manager/MCLE Board Staff Liaison
Michael Tonkin	MCLE Analyst

Discussion: Suggested Amendment to APR 11

The MCLE Board discussed the proposed timeline regarding the suggested amendment to APR 11. The Board voted unanimously to expedite the suggested amendment proposal, with the goal of presenting to the WSBA Board of Governors at their September 2020 meeting. MCLE Board discussed stakeholder feedback regarding the language in the suggested amendment. Based on collected feedback, The MCLE Board decided to strike the proposed 'including client advising' clause, and agreed to structure the suggested amendment as follows:

(c)(1)(ii)

at least six credits must be in ethics and professional responsibility, as defined in subsection (f)(2), with at least one credit in equity, inclusion, and the mitigation of both implicit and explicit bias in the legal profession and the practice of law.

(f)(2)

Ethics and professional responsibility, defined as topics relating to the general subject of professional responsibility and conduct standards for lawyers, LLLTs, LPOs, and judges, including ~~diversity and antibias with respect to the practice of law or the legal system,~~ equity, inclusion, and the mitigation of both implicit and explicit bias in the legal profession and the practice of law, and

the risks to ethical practice associated with diagnosable mental health conditions, addictive behavior, and stress;

The Board discussed next steps, including outreach to the WSBA Board of Governors in advance of their September 2020 meeting. MCLE Staff Liaison discussed using an online survey format to allow for public comment on the suggested amendment, and MCLE Board agreed to request names of the respondents as part of the survey.

The MCLE Board agreed to have MCLE staff post all necessary materials and the survey link to the WSBA public website on the week of July 20, 2020.

Discussion: 2018-2020 Reporting Period Extension

MCLE Staff Liaison discussed the Court-ordered extension to the 2018-2020 reporting period, and implications of the extension regarding staff time, the MCLE online system, and messaging to licensed legal professionals.

Adjournment

There being no further business at hand, the Board meeting was adjourned at 12:36 PM.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Adelaine Shay". The signature is fluid and cursive, with the first name being more prominent.

Adelaine Shay
MCLE Board Staff Liaison

DISCUSSION:**Suggested Amendment to APR 11 Ethics Requirement**

The MCLE Board will review the suggested amendment discussed at prior MCLE Board meetings, hear public comments/feedback, and review comments and feedback received from the online public survey.

Background:

On July 24, 2020, a public comment survey requesting feedback regarding the suggested amendment was posted to the WSBA website. The MCLE Board page informed WSBA licensed legal professionals that they may make a public comment regarding the suggested amendment at the August 7, 2020 MCLE Board Meeting.

As of 8/04/20, **865** responses were collected via a survey monkey webpage. Out of those responses, 420 were in favor of the suggested amendment, and 393 were not in favor. The remaining 51 respondents were partially in favor. Of these 865 responses, about 339 respondents did not leave a comment after stating their position on the suggested amendment.

Possible Discussion Topics:

- Based on the feedback received regarding the suggested amendment should the MCLE continue to move forward with the suggested amendment?
- Should the suggested amendment be revised based on feedback received?
- Should the MCLE Board bring the suggested amendment to the September Board of Governors meeting and ask for their support?
 - If so, will the subcommittee prepare materials for the Board of Governors meeting?
 - Which MCLE Board members will present at the September Board of Governors meeting?
- Given that the comment period ends on August 22nd, should the subcommittee meet if any substantial changes to the feedback occur?

Timeline if MCLE Board decides to expedite suggested amendment:		
July 20 th		Open Comment Period
July & August		Gather Support of Stakeholders for BOG Meeting
August 7 th	Regularly schedule MCLE Board meeting	Discuss comments received to date, and begin materials to the BOG.
August 22 nd		Close Comment Period & Finalize BOG materials
Week of August 22 nd (TBD)	Tentative Subcommittee meeting	Subcommittee meeting only if substantial change in comments that were presented at earlier August meeting.
Sept 2 nd	BOG materials due	
Sept 17-18	BOG Meeting	Ask BOG for Support
Week of Sept 22 nd (TBD)	Special MCLE Meeting	Discuss feedback from BOG and decide whether to move forward with suggested amendment.
Sept 22 nd – October 1 st		Subcommittee Draft GR 9 Coversheet
October 2 nd	MCLE Board Meeting	Discuss any feedback from BOG, and decide whether to suggest amendment to the Court.
October 15, 2020		Deadline to send suggested amendment to the Court

Enclosed Documents:

- **APR 11 Preliminary Suggested Amendment**
- **Stakeholder Feedback**
- **Public Comments – Collected Feedback from Survey**
- **Emailed Feedback**
- **General Rule 9 Supreme Court Rulemaking**

Suggested Amendment – Collected Feedback

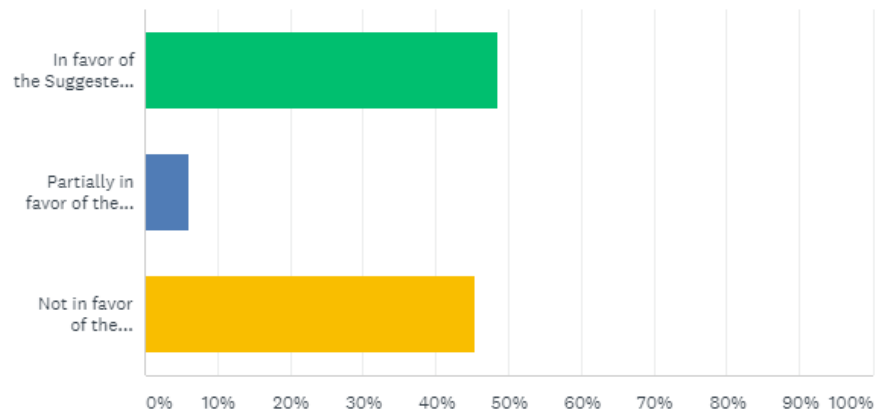
The below comments have not been edited in any way, including content, typographical errors, etc., and because the comments were submitted for consideration at a public meeting, we have included the commenters' names but not their email addresses or other identifying information.

Based on the survey questions, comments have been assigned to one of three categories: "In Favor", "Not in Favor", and "Partially in Favor". Within these three major groupings, comments are displayed in random order.

As of August 4, 2020:

Position on the MCLE Board's Suggested Amendment to APR 11 ethics requirements:

Answered: 865 Skipped: 3



ANSWER CHOICES	RESPONSES	
In favor of the Suggested Amendment	48.55%	420
Partially in favor of the Suggested Amendment with some changes	6.01%	52
Not in favor of the Suggested Amendment	45.43%	393
TOTAL		865

TOTAL IN FAVOR OF SUGGESTED AMENDMENT - 420	
Name	Feedback/Comments
N/A	It's necessary training. We need to know how to best serve and effectively work with the diverse community we live in.
Mikaela Louie	This is a welcome, important requirement. Thank you.
N/A	
Elizabeth Donovan	
Kristen Boyles	
Maria Parris	
Michael Tribbl	
Susanne Ruiz Rodriguez	
Shara De Lorme	This is a necessary and appropriate amendment.
Allie Sisson	
Marsha Mavunkel	I strongly support this amendment. As a licensed attorney in WA state for the last decade, and a woman of color, I believe that it would be extremely useful and relevant to elevate our conversation around ethics to specifically call out a designated CLE credit targeted at education our profession on diversity, equity, and inclusion and mitigation of bias. It would help us to understand each other and our clients better and to communicate more kindly within our profession and broader community.
Britenae Pierce	Fully support the amendment. Thank you for proposing it!
Alexandra Burton	I believe it is imperative the bar take steps to combat systemic racism, especially within the court system. This is a small requirement and back down on this would make it unlikely anything further would be done. Please adopt this amendment. Thank you.
Alyssa Barton	I support a requirement for additional training on "equity, inclusion, and the mitigation of both implicit and explicit bias in the legal profession and the practice of law" - and would be supportive of requiring more than 1 credit.
Asia Wright	One hour, every three years, is not much to ask. I watched the June WSBA Board of Governors meeting. One of the Governors made an offensive comment that was clearly rooted in bias. If that Governor had had this training that embarrassing moment could likely have been avoided.
Sally Linn	
Cynthia Hardiman	This should definitely be required!
Deborah Kaminetzky	

Steven Lee	
Laura Wulf	This is a great idea and I hope the committee will support it.
David Ward	
Sarah Leyrer	The suggested amendment is an important step to move the WSBA forward. We know that demographically, the legal profession is less successful in retaining and promoting women and BIPOC than white men, and people with intersecting identities (womxn of color) leave at the highest rates. Please approve this amendment to continue to advance inclusion within our ranks and a diverse perspective in the courts and the legal system.
Spencer Bishins	
Sruthi Namburi	One credit is nothing. More effort should be made. I don't understand why it even has to be lumped into ethics. I'd like to see a separate section for this with as much emphasis placed on it as ethics. Implicit biases don't go away with this little effort. A requirement that you spend one hour in 3 years on bias is almost meaningless.
Melissa Johnson	
Nicole Herrera	I am in favor of the suggested amendment, but I feel that only one credit in this area every 3 years is too little. It should require at least one credit per year, if not more. The legal system and legal profession are full of systemic racism and heavily contribute to the criminalization of poverty and mass incarceration. There is also almost no understanding of language access obligations and best practices in much of the state. Attorneys working in all practice areas should show a commitment to being part of the solution, rather than perpetuating the problems.
Janene Sohng	
Margaret Campbell	
Anuradha Zangri	This is so important. It will help lawyers be better lawyers, and for those that become judges, will help there too. We all have biases, so ongoing training on how to mitigate that is essential.
Andrew Pollom	Unfortunately, after the horrible comments of Gov. Hutchinson, it has become extremely clear that dedicating some credit hours to the elimination of implicit and explicit bias is warranted.
Jennifer Slagle Peck	
Pat Trudell	I agree with the Board's support of one (1) ethics credit in the topic of equity, inclusion and the mitigation of bias to be included in our ethics rule mandate. The rule moves us with society on issues of inclusion, equal treatment and fundamental fairness. Sincerely, Patrick Trudell
Erin Fullner	

Nicholas Berning	
Henry Dixon	
Laird A. Pisto	This makes perfect sense and should be approved.
Linda Sullivan-Colglazier	Strongly in favor of suggested amendment
Julie Kiesel	
Lauren Johnston	
Alisha Rodenbach	I think this would be a great way to educate legal professionals on diversity and implicit/explicit bias. It's critical that legal professionals know how to work with diverse populations as they are part of the population that is served.
Jay Spencer	
Janelle C Wilson	
Dean Browning Webb	Diversity, inclusivity, and civility are absolutely positively warranted!
Jaime Hawk	I strongly support this amendment, and would support an increased number of required equity, inclusion, and the mitigation of bias training CLE credits for each reporting period.
Jane Muhlstein Spencer	
David Spohr	Great idea.
N/A	I would like to see a wider variety of CLEs offered in this area, to encourage attorneys from various practice areas to actually engage in the practice material rather than just doing it to check off a requirement.
Christy King	
N/A	It is imperative
Carrie Benson	I solidly support this. I also hope it would encourage programming that educates WSBA membership on all the ways our legal system has historically perpetuated systems of oppression (e.g. by enforcing racist restrictive covenants). We have much work to do.
Roberta Church	I have no issues with making this change. Being more aware of sensitive issues, and listening to others' point of view on them, seems like a good thing.
N/A	
Carmela Conroy	It's a start! Too many members of the bar still talk like it's 1920, and they're ruining the impact of women on the profession.
Sarah Cuellar	
Sara Sandforf	
Kimberly Raphaeli	
Lynnette Jenkins	

michael lapin	About time
Grace McDonough	Since it's not an increase in the amount of credits you need, there's really no reason not to do this. It will only improve WSBA overall. As the saying goes, you are only as strong as your weakest link.
Sara Maleki	There is literally no reason not to do this.
Anthony W. Carter	
Audra Dineen	
N/A	
Laura A. Sutkus	Including some requirement for issues of bias and inclusion is appropriate. I understood that the 3 credit requirement in a 3 year period was rejected. This reduced requirement is a start. Thank you.
Danitza Casselman	Long overdue. Appears the amendment is based on sound scientific and social principles. I support WSBA efforts to formally recognize the importance of diversity, equity, and inclusion in our profession.
Trisha Wolf	
Don Kelley	
David Billetdeaux	Increased learning opportunities are helpful. Required learning is extremely helpful, as it will teach many attorneys for the first time about equity, inclusion, and the mitigation of bias.
Eliza Sanchez	
Carsen Nies	
Salaheddine K. Dandan	I am all in favor of the suggested amendment. Diversity and inclusion needs effort before it is realized. Making it a topic of study as part of the MCLE requirements would help.
Amy Lewis	
Tim Woodland	I think this is a great idea.
N/A	This is not only a good idea generally, it is a necessary step toward access to justice. I applaud the WSBA for this suggested amendment.
N/A	
Eileen Norton	It's about damn time.
Robert James Fallis	
Estera Gordon	
Alexandra L.	
Irene Hartzell Botero	
Brooke Pinkham	

Randall R. Hall	
Jamila E. Taylor	
Darcia C Tudor	Based upon my 40 years As an African practitioner in the Seattle area. I found my colleagues to be the most racist group I regularly deal with. They are not diverse or inclusive. They smile in your while telling you it's their clients which we find laughable. Successful minority and marginalized professionals must support practices of 80% or more white clients to succeed. We are here in spite of our colleagues not because of me.
Kirstin S. Dodge	One hour of such training every three years is a very small amount of time to dedicate to this very important issue.
Kim McCaulou	To address systemic problems, we must embed learning and discussion on the topics. This is one small, yet important way to encourage growth in this area.
Ann Stodola	1 hour of time dedicated to bias training is a good use of CLE time. In fact, it should probably be more!
Eileen	I believe this amendment is a positive step in the right direction. Attorneys and all those who serve the public should be educated in the fields of equity, inclusion and the mitigation of bias so that they may better understand, defend and protect whomever they serve.
Maria Puccio	
Kevin R. Scudder	I was in agreement with the prior proposal that we lawyers get three credits in IDEA concepts. Understanding these issues make us better humans, and better attorneys.
Dina Wong	
Victoria Thomas	
Nathan Barnes	
Allison O'Brien	
Colette Voge	
Susan West	
Roger D. Mellem	
Mark D Walters	Lawyers are life learners. Bring it!
N/A	I feel strongly about the inclusion of the word "equity" in the amendment because diversity and inclusion is not enough. The legal profession has made strides in diversifying the legal profession, but there continues to be a lack of diversity when it comes to partners and the retention of minority attorneys at large firms.
Gene E. Hays	
Nicole Westre	

Paul Oh	Perhaps more mandatory credit requirement for anti-bias training? If my graduating law class is a sample of what's to come, it is necessary.
N/A	
Jacob McCoy	
Paul Boyer	I think this is extremely important in today's environment and applaud the MCLE Board for proposing this amendment and showing leadership in this critical area.
Megan McNally	
Allison Stewart	I think this is fabulous, and important. Thank you!
Jay W Stansell	Excellent and obvious change. Bar members would benefit by a requirement of far more than one hour per year in this category, but this is a worthwhile first step.
Dwight Bickel	
N/A	The legal profession is in a position of power and such systems are inherently biased towards BIPOC and take part in systemic racism. Time to educate and make real change.
Kelly Stone	
Robert Tyler	Why not?
Lane Hatfield	Some of the current ethics training we're required to do doesn't always feel like the best use of my time. This, in contrast, could be the most important ethical issue we face today. Please add this to our CLE requirements!
Beverly	
Fo-Ching Lu	This is an important and much needed requirement that everyone would benefit from.
Valerie Sasaki	
Michaela Doelman	As a profession that serves all people and already required CLE why not? It's not that much to ask for. The fact that people are opposing such a small and easy ask shows just how much this training is needed.
Kristina Ralls	I am strongly in favor of this amendment. In fact, I believe that our profession would benefit from doing more than what is being requested. Like it or not, this is an issue that has been around for generations and is deeply engrained in our collective psyche. The more we can do to bring these concepts into the open, the brighter the future can be.
Veronica	
Laura Evezich	
Tajuraden Blackhorn	

Kurt Kruckeberg	It looks like the amendment focuses mainly on the "legal profession and practice of law" and deletes language about bias issues in the broader "legal system." I'm curious about that deletion because it seems important for attorneys to be educated on equity, inclusion, and the mitigation of implicit and explicit bias in both (1) the legal profession and the practice of law, AND (2) the broader legal system.
Marcus D. lee	I have no objections to the proposed changes. There is a concern that there will be sufficient availability of MCLE classes available for licensed members to attend (or view via online services) within the State and especially outside of the State. Additionally, there will need to be changes to the online CLE/MCLE accounting system to verify that this "separate" category of MCLE will be verified and accounted for in the tally.
Liz DeVleming	
Aileen Novess	
Faiza Mokhtar	
N/A	
Alix Foster	Great amendment
Elizabeth Haviland	This is an important piece to be added!
Darcy Cinq-Mars	
Joseph Benjamin Green	None
Kelsey Kittleson	Definitely needed.
Sara Amies	
Nanette Blackburn	Such a small thing to help a dinosaur of a profession come into a new day.
Colton Carothers	This is critical and would bring Washington in line with other jurisdictions such as Minnesota.
N/A	
Gwyn S Palchak	
Alma Zuniga	
Christina Maia Mittelstaedt	
Phil Brady	
Jeremy Jackson	Current justice system is broken. This is a bare minimum first step to fixing it.
Catherine Clark	
Lauren Parris Watts	
Kimberley Tibbert	
Tina	
Suzanne M Blakeney	

Christina Hartley	
Victoria slade	
Dainen Penta	For a profession that claims to be in the business of justice, the number of racist, homophobic, misogynistic lawyers who refuse to examine their own biases is alarming. I have met far too many in my time serving in WSBA leadership, a group that you would think was at least more enlightened on the whole than the larger bar. While we can't mandate that lawyers change their attitudes, we can change the continuing education requirements to help educate those who just need a little learning on the topic of equity. The rest will have to be dragged kicking and screaming, I am afraid.
Holai Holbrook	
Jean Kang	
Ann Miner	Black lives matter.
Deanna Swanson	
Jacqueline Justice	This amendment will equip people with the knowledge on how to best serve the increasingly diverse public.
Veenus Morgan	I would like to see more than 1 hour required but this is a step in the right direction.
Nathan Duletzke	
John M. Gray	As with the 2019 proposed amendment, I support the proposal to change APR 11(c)(1)(ii) and 11(f)(2). The last three years, and 2020 in particular, have shown that this proposal is needed. I think the proposal is a reasonable one and addresses legitimate concerns.
Melissa Pauley	
Nam Nguyen	
Jane Pearson	
Jeff	
Monica Turnbaugh	We don't know what we don't know. Requiring one measly credit per year is a start on the road to a legal system that delivers justice for all.
Jacqueline Walker	I am in support of this proposed rule. The legal profession must due its part in ending systemic racism and implicit bias in the legal profession and practice. All of us must educate ourselves, promote, and support diversity, equity, and inclusion in our nations efforts to someday live up to the ideals that it was founded upon.
Cynthia L. Smith	This seems like a good step forward for the WSBA.
Jamie Polito Johnston	
Laura Bradley	It's essential that legal professionals be educated in equity and anti-bias.

Sally Butts	
Valerie Inforzato	
N/A	
Leone Reinbold	
Evan F	
William Nvin Appel	<p>I respect this as an effort to make lawyers better people, outside legal and ethical requirements of our practice. Because it is only one hour, I don't object. But I do not see making lawyers better people as part of a legitimate legal education curriculum. I can think of numerous ways I would like to see members of the bar be better people that would also better society, but I do not ask the Bar Association to provide that remedy. I do understand that the injustices to people of color have deep historic roots with profound effect on everyone involved, whether or not they know it. One of my sons and two of my grandsons are of color, and I am close to their stories. It's my opinion that the kinds of sensitivity training being offered by the Bar Association should start at the earliest and most universal points of education. It is a good cause, but I do not see it as a Bar Association function. But one hour of CLE shouldn't be too much of a burden to respond to well-applied but ill-placed pressure.</p>
Katrin Johnson	<p>I'm also licensed in Minnesota where we are required to complete 3 "elimination of bias credits" per reporting cycle. This rule has been in place there for 20+ years, and it's absolutely worthwhile. I wholeheartedly support the Bar's efforts in adding this one, small requirement to help us better represent the interest of ALL our clients.</p>
Charles C. Caldart	<p>Even if the required course were to have a positive effect on only one out of every ten participants, it would be worth the effort.</p>
Elizabeth Backstrom	
Steven P. McMurdo	
Carol L Johnson	
David Corbett	
Alyssa	<p>Racial equity and implicit/explicit bias are extremely important topics to address in the legal system. These topics are often something that is only explored by those directly impacted or individuals who seek to educate themselves. I think it is a wonderful idea to make this a required CLE credit.</p>
N/A	
Faith Ireland	<p>As a former judge and justice I wholeheartedly support this amendment as a step forward in assuring our members focus on fairness.</p>

N/A	
Michael F. Schumacher	
Michael Bassi	As a white man, with mostly white male peers, this can't hurt. I am a 26.09 GAL and think the bias training we receive should be offered regularly and regionally to members of the bar.
Misti Schmidt	This is a great idea.
Seth Dawson	I am strongly in favor of the suggested amendment but would respectfully suggest that at least two credits in equity, inclusion, and bias-related topics should be required. One credit out of six is insufficient given the magnitude of these issues in the legal profession and in the broader society we a sworn to serve.
Michael Hintze	I strongly support this amendment. Being champions of equity and inclusion is core to the profession of law. And working to uncover and address our own biases and those of others is essential to meeting our basic professional and ethical responsibilities as lawyers.
N/A	
Aaron F. Dalan	It is a good idea and I will happily attend a CLE of this nature, 1.0 credit hours every 3 years is extremely reasonable and it is very needed as well given the state of our profession and our nation as a whole.
Edward Alexander	The mandatory credit should also include systemic racism.
Aaron Masser	
N/A	This sounds like just the right step.
Laurel Simonsen	I think this is a necessary, and overdue, first step. I honestly believe that the WSBA and all legal professionals in Washington should be doing MUCH more than this to combat racism and bias in our profession. The legal profession is long overdue to engage in meaningful anti-racism work. If this is the first step in requiring that all practitioners begin engaging in that work, then I am all for it. But we need much more than this.
Michael L Farrell	This amendment demonstrates a strong commitment to achieving equity in our profession.
N/A	
Evelyn Sue Tanner	
John Butler	Yes, we should absolutely require this training. As part of the system upholding white supremacy, we have a duty to shine a light on and dismantle the obstacles to equality and equity.
Mary Beth Short	
Ann Stevens	
Colin Folawn	

Deirdre Glynn Levin	
Don Jacobs	
James McVittie	
Peggy Hawkins	
Aliza Allen	
Andrew Shawber	
William Justyk	
N/A	
John Nettleton	Strongly in favor of this amendment
Joanne Black	This is so necessary. I would recommend more than 1 hour but I guess you start somewhere.
Melanie E. Baillie	One credit is probably not enough. However, one credit is better than nothing. As legal professionals it is our responsibility to take the lead in the changes our country desperately needs to make regarding racism, and racial, disability and gender bias.
Harmony Crawford	Knowledge it power!
Tong Li	
Blake Van Zile	
N/A	
Philip Mortenson	
Alex Silverman	This amendment does not go far enough but it is a start. Elimination of Bias should be a separate CLE requirement in addition to, not instead of, other CLE. Even so, one has to start somewhere so I support this.
Brandi McNeil	
Glenn C. Schroeder	Equity, inclusion and bias are among the gravest issues of our time -- not because they are "new" issues, but more accurately because we have not truly paid attention to them for decades (in my lifetime), or centuries (in our society). As the last few months have starkly demonstrated, until we ALL confront reality and address these issues we cannot claim to have committed ourselves to justice. Within the Bar we have a special role to model open and civil conversations that bring all of us together, as a high priority. I welcome and wholeheartedly support the suggested amendment.
Roxanne Mennes	
Lori Oliver	

Amy Sommers	Having members receive ongoing training on this subject would be a positive development and further strengthen the Bar Association's goal of professional and ethical licensed legal practitioners.
Yoona Lee	A working knowledge and application of inclusivity and equity principles is a sine qua non for any lawyer—especially in the current social climate, with the racial justice movement for Black lives making strides. For those working for justice, it's a dire necessity to combat white supremacy (which those who suggested MCLE were "Nazis" for proposing this amendment are shamefully complicit in upholding) and ensuring equity in every way possible. This amendment is a crucial step in the right direction.
Stephen Falk	
Rachel Roberts	Older white men are over-represented, compared to their percentage in the general population, in the legal profession. So I think this kind of training is particularly important to break down barriers to inclusion within the legal profession. Obviously, very few, hopefully none, of the legal professionals who take these classes will consider themselves racist/sexist/etc. But we can't do anything about our implicit biases if we don't know that they are there. I have found implicit bias training that I had to take when I worked in recruiting for the federal government to be really helpful for myself, and I think it would be really helpful for all lawyers to take those sorts of classes.
Chris Stecher	I think this is a great first step.
Richard Serns	
Jeanne Dawes	
Darby DuComb	Great idea!!
Janet Watson	
Janis L. Harwell	As an African American woman, I believe the legal profession's diversity and treatment of ethnic minorities, women and LGBTQ individuals is abysmal. This training is the very least the bar association should to begin to address the problem.
Karim Lalani	A good way to start building inclusion into the legal thinking mind.
N/A	
N/A	Wholeheartedly support this amendment.
Laurie Powers	Great idea. We are requiring this training of our law students. Our lawyers should have this too.
Tammi Hill	
Daniel Foster	

Melba T. Caliano	As a lawyer admitted to the New York Bar, I already have to meet such a requirement, thus, it is not an imposition because I already meet your suggested requirement. This kind of requirement will become widespread throughout the US in a very few years. It makes sense to implement it now. And, some people need to have their eyes opened a little more than they are open now.
Travis Lauricella	
John Donahue	
Jade Mitchell	Legal professionals should be hyper aware of the ways in which implicit bias can manifest in all forms in order to better defend their clients and communities. I am in favor.
Stacie Foster	
Joanna Braden	It looks like there was already a grammatical error in APR 11(f)(2) pre-amendment, it reads: "Ethics and professional responsibility, defined as topics relating to..." where it should probably read "Ethics and professional responsibility are defined as topics relating to...."
Roy Martin	I see the proposed change as a small and possible ineffective effort to rectify an important social problem. But real change happens in small and often ineffective steps. I appreciate the effort and it doesn't seem overly burdensome so perhaps even we attorneys, always quick to argue and complain, will go along with it. I hope so.
N/A	
Laurel Oates	
Leslie S Johnson	Change can only happen with education. Every lawyer can afford at least 1 hour every 3 years for this subject.
Jim Krueger	Thank you for your concern
Mary Pool	Great idea. Oregon did something similar quite some time ago.
Catharine Roner-Reiter	
Molly Matter	I was disappointed to see this recommendation not be advanced in 2019 and wholeheartedly approve of required Ethics training in racial equity and mitigating bias. It is the absolute least we can do.
Wendy Hernandez	I like it!
Pamela Loh Veljacic	
Bryan Roth	
Elliot Rockler	I would like to see the explanation for this change. I believe that this would be most useful in a discussion format. It will be difficult to engage many members of the bar, but this is vital for promoting real democracy.

Christine Anderson	
Scott Missall	Every little bit helps. Systemic problems (and we've got a big one) are hard to overcome. Go for it --
Jane Steadman	I am in favor of the suggested amendment, but it is incumbent upon the bar to ensure such CLEs are offered frequently and at little or no cost.
John Bury	it is a good thing. if a lawyer thinks they do not need it then the DO need it.
Lauren M. Ransford	
Kristin Beneski	
Dick Manning	An excellent proposed amendment - we all need it!
Peter Mostow	Knowing the good is not the same as doing the good, but it's a start
TALLIS KING GEORGE	
Laurie Johnston	
Nina Mesihovic	
N/A	Hopefully such a course will be scientific and not politically motivated and inspired. Also, it should not demonize certain ethic or racial or religious groups to fit a hidden agenda.
N/A	
Neil Diemer	
Carol Sue Janes	I am strongly in favor of this proposed amendment. I think it is a great idea, and will make a difference for our profession.
Maria E. Sotirhos	This is an excellent idea! I hope the amendment passes.
David Rynn	Great idea. Fully support even with more ethics credit. Thank you.
Mary Logan	
Jeffry Finer	I can foresee that some folks will scream bloody murder. Which underscores how needed this training would be. If the quality is poor it will erode progress, but the need is great. No one likes discomfort but lawyers can adjust to discomfort. Please include at least one hour requirement.
Brian King	
Sarah E. Mack	I support this amendment. It is narrowly drawn to address a critical responsibility that we have as lawyers to advocate for justice and equity. Provided the WSBA honors its commitment to regularly offer free CLEs on this topic, this amendment will expand our opportunities to meet CLE ethics requirements and would not unduly burden any practitioner.

J. William Zook, Jr.	It's too bad that the broader amendment proposed to the Supreme Court in late 2019 was rejected, but if this latest suggested amendment is accepted, then it will at least be a step in the right direction.
Audrey Powers	
Catherine Pope	
Bruce E. Ridley	
Julia Harris	
John Laney	
Leesa Manion	This amendment is long overdue. Kudos to the WSBA for seeking input and approval of this amendment.
Margaret Boyle	Great idea.
Tina Kondo	
Dianne Winter Brookins	
Glade Kim Risenmay	
Adam Smedstad	
Robert S. Morse	Been in a wheelchair all of my 41 years of admission to the Bar. Know what it is like to have a law firm, early in my career, tell me I didn't "fit their image" because of the chair. Received this information from a friend who was an associate with the firm. The partners on the hiring committee didn't have the guts to tell me this to my face.
Sarah Ward	
Kathryn Boling	
Joshua Steven Rouse	This is a great idea and I commend the Bar for its efforts.
Anita D. Raddatz	Long time coming...
Merrilee Harrell	
Charles Quackenbush	While I support this change as an important first step, one credit for hour every three years is dramatically inadequate.
Brian McClatchey	
Kari L. Sand	
Jennifer Divine	Excellent proposal and long overdue.
Iris Leong	I'm in favor of the suggested amendment as long as there are enough free Ethics & Professional Responsibility course resources available online for us to take. As you may know, the Ethics courses are harder to come by. Thank you.

James "Doug" Boling	I heartily endorse this as a reasonable (and probably not robust enough) change to the ethics policy. As lawyers we wield enormous power that is capable of significantly harming people if motivated by implicit or explicit bias. Unfortunately, I fear that the very professionals who need this training the most will resist even this small change to our continuing education requirements.
David E. Ortman	
N/A	
Omar Nur	We feel this amendment will give all the members of our bar the opportunity to learn more about these issues and better educate themselves on their importance.
Ross Jacobson	
Ken Levinson	
Shane Carew	Great idea!
Kaleigh Powell	
James William Fox	As attorneys we play a critical role in ensuring the trust and competency of the legal system. It is essential that we leverage whatever tools we have to help end systemic biases throughout our legal community. As a result I wholeheartedly support the proposed rule change.
Christopher Fournier	I agree with the proposed Amendment but would like to see the requirement expanded at some point to require 3 CLE credits required for equity, inclusion, and bias training (1 credit per year). I think that as members of the legal profession we are in a unique position to advocate for equity and inclusion in broader society and to ensure accountability when conscious or unconscious bias leads to inequity and discrimination. In my opinion it's important that legal professionals have a deep awareness and understanding of these ideas and concepts in order for change to occur on a more societal level. I fully support this suggested amendment, but hope it is only the tip of the iceberg.
Maria Hoover	It is important for legal professionals to understand implicit and explicit bias, and to work to eliminate bias from their practice of law. Clients have a right to unbiased representation and unbiased judicial officers. Indigent clients are particularly vulnerable to bias in the legal arena. I believe this amendment would do much to protect Indigent clients.
Emily Krueger	
Anne Milligan	I am in favor of this amendment and am recommending to my Oregon Board of Governors representative to make similar change in Oregon.
Sierra Valadez	

Daniel Pizarro	As a minority member of the bar, I believe this more specific requirement would be helpful address issues of bias.
Garrett Heilman	
Tina Krol	
Jennifer Adams	
Michael Leong	
Wei-ping Wood	
Don Morrison	Absolutely necessary.
N/A	
Justin R Jensen	
N/A	Great idea.
Thomas Nathanael Hutchings	
N/A	
Lynn Clare	
N/A	Great idea! You can begin with the Supreme Court's letter to the community, and keep the conversations going!
Kristen M. Blankenship	
Julia Osher Clark	No question that this amendment should be passed.
N/A	Drop back from 45 hours to 25 every three years, as California did. 45 is onerous, and unnecessary. While I have complied for several cycles, and occasionally I have learned something from a CLE, in most cases it has been a waste of time and money. It is not making me a more competent lawyer, by and large, because I learn everything I know through practice and by following developments in my practice field and related fields, on a daily basis, for which I do not receive credit. I suggest you survey attorneys on 45 vs. 25, which would be a more productive use of your time. No objection to the current amendment, regardless of 25 or 45. It seems to be tinkering with something that already exists, for no particularly good reason, i.e. a lot of people spending time on it when they might be working on something else, but it seems okay anyway.
Dua Abudiab	
Mindy Longanecker	
John Gagliardi	It seems like a timely and appropriate amendment to further social justice for all.
Carl Ullman	It is a good idea.
G P Sessions	It saddens me to realize that such a rule change is necessary. But it is necessary.

Karen A. Moore	Critical changes need to happen in our society regarding equality. Importantly, knowing that this does unfortunately include implicit bias, even if people cannot see that in themselves. This change to CLE requirements is a step towards what I hope would be encouraging, educational, and professional discussions.
Nathan Sugg	
Leslie Nelson	
	I think this is a small but important step towards spreading a broader understanding of a critical issue for every member of our American society.
Mercedes Donchez	I am strongly in favor of this amendment, although I would favor more than 1 credit being required. This amendment is especially important given recent comments by BOG members, it is clear that the members of the WSBA have a serious fundamental lack of understanding regarding equity and inclusion.
Maura Fahey	
Earle J. Hereford	
Kenneth Larkin VanDerhoef	
D'Adre Cunningham	
Julie Kate Mayer	Very glad to learn about this proposal!
Catherine West	
Aaron Maki	Should have increased the requirement here to 2 hours.
Matthew Crane	Appears reasonable and helpful to the professional
Salim D. Lewis	As a person of color in this community, I believe it is imperative that this amendment be included to ensure that we continue the process of rooting out racism, misogyny, and bias from this profession, which is steeped in those issues.
Kaustuv M. Das	
Melissa Pearlstein	
James Trefry	
Virginia C. Antipolo-Utt	Would suggest that any presenter on the topic have relevant experience in this area and not simply be an attorney. Bringing in wisdom utilizing a range of multi-disciplinary approaches would be appreciated. V
Laura Johnson	I feel this is an important topic to require. 1 credit should not offend anyone.
N/A	We should be allowed to count credits we have already taken prior to the amendment in this topic, if our reporting period ends after the amendment takes effect.

David Zapolsky	I think this is a positive change, one that is needed and useful, consistent with the mission of the Bar, and one that won't in any way add administrative or other burden on members of the profession. If I could make one change it would be to increase the number of required hours to two (2).
N/A	
Rachel Harper	
Justin Abbasi	I would go farther and require more, but this is a step in the right direction.
Adam Walters	
Michael Rossotto	WSBA CLE should provide a variety of trainings that satisfy this requirement free of charge throughout the year.
Molly Winston	Great idea.
Cayle Sharratt	Fully in support and believe this is a step in the right direction.
C. Morgan-Riess	Ensure that such credits are made available from WSBA to members, perhaps at no cost.
scott carness	
Marc R Ward	I am originally from California, where the state bar has an "elimination of bias" requirement. Spending an hour of time to better understanding how bias can effect the practice of law can actually be eye-opening (particularly to a 60 year-old white male).
Summereen Nott	
Gina L Cumbo	
Klaudia Ochocka	I think that educating legal professionals about inclusion and the mitigation of bias should be mandatory. It's a specific, but extremely important topic in current times that may not be always addressed with the current requirements.
Kendra LaCour	
Amir John Showrai	
James W. Spencer	I wholly support this Amendment. It is the right thing to do given the times in which we live.
Courtney J. Hagermann	Although I am in favor of the suggested amendment, I actually believe it would be beneficial to have a separate CLE requirement for training and ongoing education on issues related to bias and systemic racism, and educating legal professionals on how to recognize and appropriately address and mitigate the same. In particular, training on the recognition of biases in one's self would be beneficial.
Sherilyn Peterson	
Cassandra Quick	
James Smith	

Mark Rachel	I just relocated to WA after practicing in MO, which already adopted such a requirement. I supported it there, and would be happy to see it here!
Shannon McCarthy	I strongly support this amendment.
Margaret Christopher	It's the absolute minimum that the WSBA could do and in that regard it's offensive, but I support it because it's right. Now go do more things on this issue please.
Anusha Jones	
Zhi-Xiang Oh	
Donna Masumoto	
Ashley Gomez	
Jennifer S. Rance	
Andrew Morrison	
Holly Shannon	
Samantha Gouveia	
Amy Perlman	Thank you!!!
Beth Salaguinto	
Kristen Cha	
Alyssa Wiedenheft	
Emily robinson	
Leslie Lawson-Sims	
Sara Maleki	
Synova Edwards	
Elizabeth Arwood	
Elizabeth Fontanilla	
Christine Knisely	
Ada Hardy	
Marika Barto	You should be focusing a lot of time and energy training in diversity, equity and inclusion topics. It should become how you operate and not a stand along training requirement!
Monica Brown	Please consider approving this amendment. It is critically important that our trusted legal professionals maintain proximity to the issues of equity, inclusion and bias (both conscious and unconscious forms). The work our licensed legal professionals is too important to all in society and as citizens we want to trust that our lawyer will represent us and issues with an aware and just point of view.
Stephanie Fierst	

Courtney Lyon	
Darryl Colman	Diversity and inclusion are essential competencies that should be the subject of mandatory education for all attorneys. Not only will this help curb acts of bias and make the profession more welcome for non-majority groups, but also it will help businesses and organizations access the demonstrable benefits of better inclusion (better workers, better office culture, better decision making). Not only is this needed from the point of equity, but it's also just smart to hold lawyers accountable for these topics. The amendment should be adopted in full.
Anthony Jolley	I am an employee at the law firm of Ryan, Swanson & Cleveland PLLC. I support the proposal to add a mandatory CLE credit on the topic of equity, inclusion and the mitigation of bias. As a firm, we have committed to educate ourselves about our biases, implicit and explicit, and to work to overcome them. The proposed change will increase the availability of quality programming on this issue, reach more people, and remind all licensed legal professionals to stay engaged and keep learning about this important topic. As a result, we will be more effective in using the unique opportunities afforded to us in the legal profession to advance justice, access to justice, respect, and safety for all.
Brenda Ferderer	I am an employee at the law firm of Ryan, Swanson & Cleveland PLLC. I support the proposal to add a mandatory CLE credit on the topic of equity, inclusion and the mitigation of bias. As a firm, we have committed to educate ourselves about our biases, implicit and explicit, and to work to overcome them. The proposed change will increase the availability of quality programming on this issue, reach more people, and remind all licensed legal professionals to stay engaged and keep learning about this important topic. As a result, we will be more effective in using the unique opportunities afforded to us in the legal profession to advance justice, access to justice, respect, and safety for all.
Miriam Simmel	I work at Ryan, Swanson & Cleveland PLLC and support the proposal to add a mandatory CLE credit on the topic of equity, inclusion and the mitigation of bias. Our firm is committed to proactive ways in which to keep this topic and teaching fresh for greater on-going awareness.

Joel Paget	I am an [attorney/employee] at the law firm of Ryan, Swanson & Cleveland PLLC. I support the proposal to add a mandatory CLE credit on the topic of equity, inclusion and the mitigation of bias. As a firm, we have committed to educate ourselves about our biases, implicit and explicit, and to work to overcome them. The proposed change will increase the availability of quality programming on this issue, reach more people, and remind all licensed legal professionals to stay engaged and keep learning about this important topic. As a result, we will be more effective in using the unique opportunities afforded to us in the legal profession to advance justice, access to justice, respect, and safety for all.
N/A	I am a member at the law firm of Ryan, Swanson & Cleveland PLLC. I support the proposal to add a mandatory CLE credit on the topic of equity, inclusion and the mitigation of bias. As a firm, we have committed to educate ourselves about our biases, implicit and explicit, and to work to overcome them. The proposed change will increase the availability of quality programming on this issue, reach more lawyers, and remind all lawyers to stay engaged and keep learning about this important topic. As a result, we will be more effective in using the unique opportunities afforded to us in the legal profession to advance justice, access to justice, respect, and safety for all. Thank you for advancing this proposal.
Ryan Florek	I am an employee at the law firm of Ryan, Swanson & Cleveland PLLC. I support the proposal to add a mandatory CLE credit on the topic of equity, inclusion and the mitigation of bias. As a firm, we have committed to educate ourselves about our biases, implicit and explicit, and to work to overcome them. The proposed change will increase the availability of quality programming on this issue, reach more people, and remind all licensed legal professionals to stay engaged and keep learning about this important topic. As a result, we will be more effective in using the unique opportunities afforded to us in the legal profession to advance justice, access to justice, respect, and safety for all.
Jason Miller	I am an employee at Ryan, Swanson & Cleveland PLLC and support the proposal to add a mandatory CLE credit on the topic of equity, inclusion and the mitigation of bias. As a firm, we have committed to educate ourselves about our biases, implicit and explicit, and to work to overcome them. The proposed change will increase the availability of quality programming on this issue, reach more people, and remind all licensed legal professionals to stay engaged and keep learning about this important topic.
Lisa Keeler	
Bradley Moericke	

TOTAL NOT IN FAVOR OF SUGGESTED AMENDMENT - 393

Name	Feedback/Comments
Bruce Medeiros	Attorneys should demonstrate no bias by their actions, not by satisfying one cle credit requirement every 3 years.
N/A	I fell like, yet again, the WSBA is trying to compel its members to belong to a political action organization, which was never its designed purpose. I completely agree with equality and diversity of core principle of a healthy and successful society and, more specifically, bar association. But in light of the political positions espoused by the bar that I frequently have disagreed with in the past as a 20 year member, I do not support compelling this curriculum.
Gary Andrews	This is unnecessary. Just creates a point in CLE program for "emergency" phone calls, extended bathroom breaks, checking Facebook posts or mind-numbing, eyes glazed over audience. Forces choices of programs based upon providing the necessary check-off as opposed to meaningful legal education.
Kevin Halverson	MCLE is the wrong tool for this. Instead, I'd suggest offering free seminars on the subject or partnering with KCBA or other community organizations to offer seminars that might have broader interest. Catering to lawyers seeking to fulfill MCLE licensing requirements is going to make it less engaging and probably less useful for the social ends.
Alicia Berry	This CLE is a waste of time and resources and will put an undue burden on young lawyers. The professional of law is one of the primary places where equality and justice for all has flourished making such a class unnecessary. The topic does not lend itself for anyone to teach, and thus attorneys from more rural areas would be forced to travel to attend such a class or pay exorbitant prices for a Seattle based class because they cannot get it locally. Lastly, it does not teach anything that furthers the practice of law, only a political position, which is inappropriate.

Kevin Wills	<p>divisive issue of coerced diversity (as if as attorneys and college graduates, we haven't been force-fed this amorphous and ever-shifting concept from day one of our education). They claim that this is viewed as one of the most important issues facing the legal profession. Really?! How about the cancer of political correctness in the legal field? For example (and there are many), strictly in the name of "diversity," California recently lowered the passing score required to pass the state bar and enter the legal profession. I guess California feels that racial minorities aren't as capable as their non-minority counterparts. This is clear, unmitigated, conscious bias. But I suppose this form of bias is alright given it helps a favored group. Is Washington next? The watering down of the legal profession in this manner is an existential threat to the legal profession itself. It isn't the members of the legal profession who need more diversity training, it is the "diversity" acolytes who need to be de-programmed. Yes, we need to do more as a bar association. Because with all that diversity brought to bear on the collective decision-making of our Board (through the diversity committee and numerous self-serving racial/gender/sexual preference-based bar associations), as currently constituted, we must continue to push "diversity" (favoritism toward one group and the punishment of another) and indoctrinate members of the WSBA into our already dangerously PC-overboard legal culture. To rationalize this requirement, the MCLE Board's report cites: •"an increased demand for the legal profession to increase its commitment to address systemic inequalities and increase awareness of both conscious and unconscious bias." •The MCLE Board's critical role, as set forth in Admission and Practice Rule (APR) 11 to among other things "improve equitable outcomes." Please reveal where this increased demand that the legal profession increase its already lopsided commitment to these issues comes from. Who or what is demanding that the legal profession increase it's already obsessive proselytizing on this issue? Promoting systems that attempt to create so-called diversity (coerced favoritism) outside of diversity created organically through individual merit and hard work is the definition of bias, i.e. conscious and intentional bias. Further, APR 11 contains no reference to the WSBA's or the MCLE Board's duty or role to "improve equitable outcomes." Is the WSBA in the business of engineering equitable outcomes for favored groups or individuals? Or is this just misleading rhetorical flourish on the part of the WSBA? I would like to believe the latter, although with the evidence in hand, I'm certain the WSBA believes the former. Please define</p>
Laura McClellan	<p>I feel this requirement falls outside the scope of legal ethics and is simply a general moral/ethics topic. I don't object to the Bar offering and/or encouraging the creation of CLE courses covering these topics, but to make it a requirement that would potentially force lawyers to attend courses that might be sponsored by parties with agendas not consistent with the actual best interests of the profession could create conflict that actually impairs the ability to thoughtfully address these issues.</p>

Trish Lenz	<p>A very similar proposal was floated last year and rejected. It should be rejected again. While important topics, these are better treated as optional offerings rather than mandated. I already receive hours of training on these topics from my employer, but none will count toward my WA CLE requirements. I live and work out of state and it is difficult enough to obtain my regular Ethics CLE hours without forcing me to take WA unique courses, for which I will almost certainly 1) have to come out of pocket and 2) take remotely. Why doesn't WSBA trust its members to determine the CLE they want to expend their time and money on and which will best serve their areas of practice? Again, this isn't to say that these aren't important topics to discuss, but if they're so important to the WSBA, put your money where your mouth is and offer them without charge and on demand. Or you could trust your members to behave like legal professionals, capable of making good decisions on their own.</p>
Joseph Harper	
N/A	<p>Unusually requirements like this are unduly burdensome for lawyers with multiple bars and diverse CLE requirements. They add nothing to most practices in reality. I am a member of OR, WA, and VA. If you have to do something like this, please at least coordinate with Oregon. There are a lot of dual OR/WA bar member. If we have to do a special extra hour, make it qualify in two states, please.</p>
Anonymouse	<p>I am opposed to this because I don't believe that it is appropriate for the bar to be indoctrinating people with political speech. Nor do I think the bar should change its curricula because of political violence I am submitting anonymously because I fear political retribution.</p>
Kerry Kovarik	
Jeff French	<p>This is just more overkill by the bar in response to the politics of the time. MCLE has gone from education to the forced study of the "chosen" topics of the political elite. Enough. can't we as professionals choose what we do or do not wish to educate ourselves on? Do we really need more intervention from the state mandating the study of politically motivated topics? Lets keep politics out of the bar and let people have the freedom to choose what they do or do not want to study. I would simply make this another one of many course offerings and leave it at that.</p>

Ronald Roy Weston	I do not agree with specifying the 1 credit requirement for any particular ethics topic. Racial equity and inclusion might be the cause of the moment, it should not be a mandatory training obligation.
Jason Moscovitz	This is an unnecessary change to the MCLE rules that will add complexity for little to no benefit. No specific problem is solved by adding a separate ethics sub-category; ethics credit CLEs are already available that include the listed issues. This proposal appears to be an attempt to foist form over substance and to make it look like we are "doing things" to address nebulous problems. Let's not add additional onus to simply be able to pat ourselves on the back.
Dennis Beemer	I rarely comment on actions taken on behalf of our Association. However, I do not condone the Board's second attempt to bite this politicized apple. The Board exceeds appropriate boundaries when it mandates a specific CLE requirement in racial bias in order to maintain one's license to practice law. I represent many people of color in my practice, and mandating that "I need training in racial bias" is simply ridiculous. With regard to every other CLE credit I take, I am able to select the topic which will be most beneficial for expanding my knowledge base to ensure my continued effective representation of my clients. After 35 years of practicing law, the Board's proposed amendment essentially concludes I am no longer capable of determining which ethic requirement CLE's will best benefit my legal practice and/or my clients. I suggest the Board's broad brush-stroke conclusion that every attorney requires this training is a generalization without factual basis. If you want to offer a CLE on this subject fine. I can choose to attend or not attend based upon my assessment of the topics to be covered, and ultimate benefit to my practice. But REQUIRING me or others to pay to attend a CLE on racial bias is, in my humble opinion, nothing more than political grandstanding by the Board, and cannot be condoned.
Mark Robinson	LEGAL ethics is the only requirement that a BAR Association should be making. As professionals, we are capable and should be allowed to choose the subjects we need. I disagree with a legal professional organization such as the Bar Association getting involved in forced indoctrination into non-legal, cultural opinions and viewpoints.
William J Obrien	Condescending.

Michael K. Levy	While it is an innovative idea, there are many other ways to accomplish this goal. An example is the Board produces its own video on the subject and asks members to watch the video. This way the message is consistent and clear to the members. Otherwise, you get completely different messages depending upon what the provider puts out. In addition, they overcharge for every CLE course when they know you must take it. I think good ideas get subverted when they can be put forth in a simple and concise manner. I would put up a different video every year, and have all members of the Bar watch it.
Rene Erm II	The WSBA should concern itself with the practice of law, not the practice of politics, which is what this is.
Tom Hayden	CLE is enough of a hassle without the mind programming included.
Jonathan Baner	
anonymous	Racism is when a person is judged by the color of their skin and not the content of their character. I am being told daily that I am racist because of the color of my skin. That is racism. Stop already. The more you try to make me feel guilty because of the color of my skin the angrier I am becoming. The more you insist that I did not work for what I have but it was given to me because of the color of my skin the angrier I am becoming. Before you create another requirement show me the data that supports your position.
Nate Adams	
James Donohue	Required specialized requirements such as this will not achieve the laudable goal of increasing inclusion or diversity. The CLE coursework presented should include commentary on these goals. Thus the important message is imparted to persons attending without the specific "requirement," which by itself, could cause some negative pushback. The goals can be accomplished better by inclusion into the course material when presented. Focus should be on the presenters to figure out how to include this important message in their course presentation and materials.
Beth A. Jensen	I strongly disagree that the Bar should be forcing lawyers to take particular courses in order to satisfy licensing requirements.

N/A	<p>I work for a Tribe. I do this as a choice and because I believe in representing the smallest of minorities. With that said, many people work for non-profit and other organizations that focus on equality and social justice issues. This is a choice. I feel uncomfortable with the WSBA forcing a political agenda on its paying members. If this is a forced requirement, people will not get what they need to out of this kind of ethics training. It has to be voluntary.</p>
James Patrick Brown	<p>Contrary to the MCLE Board's statement, the new amendment is not a "much narrower amendment to the rule, to focus on equity, inclusion, and mitigation of bias." The prior proposed amendment would have required CLE credits for "diversity and anti-bias with respect to the practice of law or the legal system." The current proposed amendment would require at least one CLE credit concerning "equity, inclusion, and the mitigation of both implicit and explicit bias in the legal profession and the practice of law." Both proposed amendments would require CLE credits concerning diversity and anti-bias. The MCLE Board is attempting to take advantage of the current environment to push the same amendment that was rejected by the Board of Governors and the Washington Supreme Court in late 2019. I am offended by the MCLE Board statement that I, and my fellow Bar members, are uneducated on these issues, lack "cultural competency" and are unable to work "with the diverse public we serve" absent taking a 1 hour CLE each year. While I laud diversity and anti-bias, being forced to take CLE classes on these topics is not appropriate. These are Continuing Legal Education classes not Continuing Social Awareness classes. Please reject the proposed amendment.</p>
Paul Treyz 16642	<p>Adding such a change to the ethics portion of MCLE requirement would not be helpful and would only make the reporting requirement more confusing and burdensome. After all, anyone who is unequitable and/or biased toward his or her client is, in my opinion, unfit to be a lawyer in the first place and would be unlikely to be benefited by any such ethics CLE.</p>
N/A	<p>This should be optional. Dont make it harder to complete credits because they are all so specific</p>

Stewart Feil	<p>The law must not treat any individual differently from any other individual. The smallest minority -- the individual -- is the most likely to be treated unfairly by government. That is the only minority that the law has any business recognizing, and that the WSBA has any business providing training for. Shaming people because of their whiteness or accusing them of "implicit bias" because of their whiteness IS RACISM. It is unconscionable for the WSBA to train people INTO one form of racism on the premise that it is correcting another form of racism. We are lawyers. Our oath of attorney requires us to respect INDIVIDUAL rights and to protect each person from abuse of the legal process. To say that there is "implicit bias" is to say that all lawyers are violating their oath of attorney without a shred of evidence to support the assertion. If you want to increase disparity, increase tensions, increase racism, then pursuing this type of psychologically demeaning, virtue signal based, and completely unscientific training is the right way to go. If you want lawyers who are zealous advocates, who give everyone equal consideration, and fights ACTUAL injustice wherever it occurs then this social justice warrior nonsense needs to stop.</p>
N/A	1
Erika Balazs	<p>Here we go again. I will provide the same comment I did last time. I am tired of lectures on bias. I am a female who graduated from law school in 1982 and practiced in a larger firm for many years. I had some experience with bias and dealt with it. Progress has been made in a lot of areas and more is needed, but mandatory CLE hectoring is not going to change minds. What I learned from my practice was work hard, be as good a lawyer as you could and change the minds of the doubters by example, not by whining. Every lawyer I ever talk to about "diversity" and "inclusion" is equally sick and tired of the constant lectures. At this point, I think it does more harm than good. I have listened to several of the free lunch time CLE on these topics - not so much out of interest but because the price is right - and honestly some of the suggestions get so "out there" I cannot take them seriously. So I will repeat, trying to force wokeness on everyone is just not a helpful approach to these difficult issues. I would reject the proposal</p>
Larry Chin	<p>This amendment, while well intended, is an unwanted intrusion into how we as attorneys should view and interact with the world. We are adults and ought not be preached to or have a certain world view imposed by the Bar.</p>

Aaron Shawn Hicks	The proposed amendment is purely political. I disdain all the negative politics on the news. Forcing me to pay for and watch someone else's politics is, in my opinion, an unconstitutional invasion of my freedom of speech and association. If I am compelled to pay for and consume someone's political agenda, I will sooner resign as a lawyer. If you adopt this amendment, then perhaps that is what you want - my resignation.
Clint Coons	Ridiculous. Your suggested amendment begins with the assertion based on unproven suppositions that the legal profession is biased and thus needs training to unlearn our unknown bias.
eric krening	I believe that the old language better serves the LEGAL interests of civil rights. The knew amended language seems much more "political" and a knee jerk and ill conceived reaction to the current POLITICALLY charged environment. Additionally, the knew language ASSUMES such biases in the profession and highlights certain political agenda and interests above other equally meritorious interests with respect to civil rights and ethics. For these reasons, as a lawyer who has fought for a wide variety of civil rights for over 30 years, I find the proposal deeply concerning.
Richard Young	The world is getting littered with these hectoring courses that, frankly, seldom reach genuine issues. They are a blight in business, government and academia. Don't do it.
Kelly	This is another means by which WSBA is seeking to force its Progressive politics and worldview on members. It's bad enough that its publication already does this (which is an intellectual disgrace). Anyhow, this will wind up being redundant. A number of the free "legal lunchbox" CLEs already feel like PC struggle sessions.
Drake Mesenbrink	This amendment is a waste of time and money. A one hour CLE is never going to convince someone who does not care about equity and inclusion to change their practice. The amendment will just anger both sides of the issue. Those that oppose will feel anger at having to do one more, what they consider, a useless CLE. Those that agree already provide such services will continue to do so. This appears to simply be a political position and will not benefit any member of the bar.
Jon Parker	You do not need to guide me in my personal beliefs and behavior. Stick to law and not social engineering. You insult us.

Julia Youngs	<p>While I am all for "equity, inclusion and the mitigation of bias in the legal profession and the practice of law," I have NEVER heard allegations that lawyers in Washington state are perpetrators of such – in fact, just the opposite! What existing problems in Washington State are we trying to correct? At first blush, this feels like a token action, accomplishing little except politically correct virtue signaling. To engage in such actions dilutes the impact of WSBA statements/actions, including those that would truly be meaningful. If we have a significant, demonstrated problem, let's call it out and address it. If we don't, then let's not make changes because it "can't hurt and it makes us look responsive."</p>
Jennifer Whang	<p>It is already difficult enough to find courses that fulfill the ethics requirement, so I am not in favor of requiring a specific type of ethics course, especially if I am not in the Washington state area. It will be difficult to determine what types of courses qualify for the new requirement as well.</p>
Anonymous	<p>Bias instruction tends to be inherently biased where implemented, based on the biases of the controlling parties responsible for leading the instruction. The instruction tends to further the biases, political agendas, and other opinions of the controlling party. If implemented, and I am not suggesting that it should be, extreme care must be taken to address religious (or non-religious), political, regional, and socio-economic biases of those promoting and controlling such bias instruction. Special care must be taken (especially in today's environment) to support objection thought and critical thinking skills, while avoiding the divisive and hateful message of identity politics. Do not every forget the message provided with the blindfold on Lady Justice.</p>

N/A	<p>I have taken many WSBA approved and presented CLE courses and have been sadly disappointed in the quality of the materials and instructions in many of them in the past few years. I have been amazed some of the CLEs WSBA has put on were even approved for CLE credit. WSBA's oversight for approval has obviously changed. For example, unlike in years past, WSBA now frequently approves and presents CLEs, including ones with political or positional overtones, and allows presentations and material by just one side of the discussion/topic excluding completely presenters from the other side. CLEs should be learning tools, with both sides present as speakers when topics have more than one perspective. I have no problem with the proposed topic of the amendment being included as an eligible Ethics CLE topic, but I would not want WSBA to require one of the credits to be on the topic as (1) I do not trust WSBA to accurately gauge what is a quality educational presentation on the topic, and (2) there are many important ethic topics on which licensed legal professionals need to be regularly educated to protect the public and the professionals, and I do not support setting aside one of the ethics hours for a topic on which I lack confidence WSBA can accurately define or address. WSBA should continue to provide free CLEs on topics it wants members to learn, but WSBA needs to ensure it invites presenters from differing perspectives and "sides" even for those where there are differing perspectives and sides. We all learn by hearing from people and perspectives other than our own, right? So give us different people and perspectives. Yes, let's embrace the topics in the amendment, through free CLEs put on by WSBA, with WSBA being inclusive and balanced and inviting speakers from differing sides and perspectives. But don't try and set aside an hour for the topic, and then try and define what is covered by it. I don't trust you to do that well, and the Supreme Court should not either.</p>
David Risley	<p>slippery slope: what's next: climate change; plastic waste; public safety in a time of left wing terrorism or some other topic of the hour? Lets make better lawyers and leave reform of human kind to other agencies. Also, the property destruction, rapes and murders associated with the ideology this amendment propagates is becoming loathsome to many who don't share your political persuasion.</p>
Dan Brady	<p>I think this course should be offered for CLE ethics credit but not required.</p>

Laura Crowley	Leave the MCLE requirements alone. Most of the ethics training out there addresses these issues, anyway. I am wholly opposed to this additional requirement.
N/A	
Michael W. Vaughn II	<p>While the topics of equity, inclusion and the mitigation of bias are worthwhile subjects for CLE's, they should not be part of a mandatory CLE ethics requirement. My argument against adopting this amendment is based on three points: 1) This dilutes the ethics requirement currently in place by assigning CLE's under the banner of equity, inclusion and the mitigation of bias in place of the full 6 credits of Ethics currently required. By reducing the ethics requirement currently in place, public trust in the legal profession is reduced; 2) A one size fits all approach is not beneficial. Not all members of the Bar will benefit equally from such a requirement and members of the Bar are adult professionals who are in the best position to choose which programs best suit their practice area, background, geographic location, and personal needs; 3) Along related lines, the notion that this is a topic that needs to be repeated every three years, eternally into the future, seems presumptuous--our members are in the best position to assess which topics currently best suit their professional and personal needs. No doubt, the future will hold other crises and other topics of importance that will come forward. Rather than rewrite our ethics requirements every few years to focus on topics that seem the most socially relevant, it is better to maintain the current system where our members can focus on what is best for their own needs at the present time. I believe a better solution would be for the Bar to sponsor one or more free CLE seminars dealing with the topics of equity, inclusion and the mitigation of bias in order to encourage participation and voluntary education in these areas. Put another way, if this is a topic of considerable importance for the Board of Governors, then it is better to incentivize voluntary participation than requiring involuntary participation. Incentives create interest. Mandates create resistance.</p>
Amanda Vey	I am absolutely opposed to anyone dictating to me what courses I have to take AND PERSONALLY PAY FOR in order to satisfy someone's uninformed idea of what I need to "know".

Sterling Throssell	This is continuing LEGAL education, not an opportunity for grievance mongers from every supposed maltreated party to whine. If you want to address laws prohibiting discrimination, fine, but the WSBA has already beaten the dead horse of diversity, inclusiveness, and whatever other kowtowing to a complaining minority enough. We've heard the whining, complaining, and self-flagellation enough. This isn't legal education, it is someone's quasi-religious belief. Don't try to force feed this to the rest of us.
Douglas Scott	When you get national CLE packages they mostly don't contain such a class. Plus it's political.
James Butler	As I stated in response to last year's proposed amendment, the Ethics requirement should be just that-- Ethics and Professional Responsibility. The Public should know that that is what the Bar and its members take seriously. Tinkering with the requirement to impose social engineering topics du jour, such as "equity, inclusion and mitigation of bias" is nothing more than an attempt at imposing the political polemic of some on the Bar as a whole. Keep "Ethics" "Ethics".
N/A	We already zealously advocate for our clients in an ethical manner. Is the suggested requirement designed for lawyers who do not represent their clients well due to implicit bias against their clients, or are we supposed to change the way we view and treat our adversaries, not our clients? This seems to be just more bandwagon politically correct sop. Please, stop.
Felicia Watson	I believe that this is an important issue, but do not believe it belongs within the mandatory ethics portion of Washington's CLE requirements. Finding quality CLE courses, and particularly relevant ethics courses can be difficult at times and mandating one credit must be in a certain type of course can make compliance difficult.
Ami Abuan	It is already difficult to obtain ethics credits. This will just add another barrier. Please do not make this mandatory.
N/A	Given the prevailing climate in this state on these issues, I think a focus on equity, inclusion and mitigation of bias, would likely serve only to emphasize and exacerbate our diversity of views on these issues, rather than heal any actual bias or inequities that may exist.

SHANNON MOREAU	I do not believe as professionals we need to be taught about inclusion and racial bias. A requirement that this be part of our ethics isn't necessary. This feels more like the WSBA trying to be politically correct. The WSBA does not need to regulate or teach equity, and certainly should avoid looking like it is trying to demonstrate its members are morally and politically good people. These are principals already existing. The WSBA should be standing up for lawyers because our ethics and profession already foster equity.
Douglas Oles	Equity and inclusion tend to be subjective, and WSBA should not mandate CLE's on ethical issues where there is no consensus in the Bar.
Jason A. Foust	Diversity training is required by many attorneys place of employment. Creating ethics credit obligations for the same is a little too much. Additionally, in depth vetting of any of these suggested programs would be required, as I personally have been witness to statements in diversity programs that are patently racist and misleading. This also raises the issue that if something is considered racist or offensive to the listener, the WSBA is essentially forcibly requiring attorneys to be subjected to racist or offensive content for the sake of retaining their license to practice law in Washington state.
Kimberley Lane	In these times of COVID, it is hard enough to get basic requirements completed as is. For those in the metropolitan areas, this may not be a difficult request, but for those in rural communities that are struggling just to keep our firms alive, this is a burdensome requirement. Keep in mind, my practice is wholly pro (low) bono for the benefit of my community so that they have at least SOME access to justice. Requirements like this make services to the public like mine THAT much more difficult to provide. Therefore RESOUNDING NO VOTE. P.S. This requirement smacks of a board Bar that wants to virtue signal rather than truly spend time and money helping those who truly need access to justice. DO something; don't just draft something to feel better about yourselves. \$ where mouth is.
N/A	Ethics education should be limited to enforceable criteria, and not social issues or areas that may infringe on first amendment rights.
N/A	
David R. Hevel	This would be the same as appointing someone to teach what is moral and what is immoral. It is not the proper role of WSBA to teach the difference between right and wrong.
Mark Monson	

N/A	<p>This is already a topic included in the ethics section. MCLE credits allow lawyers to choose to improve on the areas of law most relevant to their own practice. This additional requirement limits the ability of lawyers to choose to make adult choices.</p>
John Panesko	<p>Any mandatory CLE subject is a sign of failure. If we won't take your class voluntarily, that says something about the class. If you want to force our attendance, that says something about you. Imagine Starbucks requiring that we buy a cup of green tea each week or they'll exclude us from their stores. We'd soon hate green tea. Is that the response you seek? Your assumption that we all need this training is insulting. What about forced alcohol addiction training or forced spouse-abuse training or forced gambling addiction training? Implicit is the assumption that we are all so morally or socially bankrupt that we deserve annual guidance as punishment for our cultural sins. Who elected your group to judge us all guilty? Any effort to eliminate our freedom of choice should meet the strict scrutiny test. Firstly, are there serious violations of human rights by licensed legal professionals? Where is your proof that lawyers are illegally discriminating? Why haven't we heard of all the cases? Why are not the worst offenders punished and held up as examples? Without such proof, you fail the first prong of the strict scrutiny test. The second prong (choosing the least intrusive solution) takes us back to my main point: Why start with mandatory instruction for all? The Board of Governors is right. Equity, inclusion, and bias are loaded with moral and social judgment calls. Based on such corporate classes, these judgment calls will be presented from a leftist viewpoint dismissing other views (including firmly held religious beliefs) as backwards. You say you are eager for the bar to "catch up" with such training. The fact that we will lose our license if we don't accept your moral and social judgement calls, makes this a form of ethnic cleansing. If you can't convince other equally-competent professionals that their actions need correcting, then forcing moral and political viewpoints down our throats is the very worst thing you can do. You already knew that, yet you proceed.</p>
N/A	<p>WSBA shouldn't be taking positions on these kinds of issues -- it's not the Association's role. It's one of the reasons that I (and many of my colleagues) would not be a member if I wasn't forced to be.</p>
Frank Abramonte	

N/A	It is hard enough to find appropriate, relevant, legal ethics CLEs. To narrow the focus in this way would make this harder.
mandy m mackenzie	I feel that since it's harder than most realize to get all the CLEs within a reporting period, narrowing the scope of one or more of them just puts added stress on fulfilling the CLE requirement
Vincent Bennett	
Jeffrey Hartwick	<p>I am OPPOSED to a mandatory “equity, inclusion, and the mitigation of both implicit and explicit bias” course for Washington lawyers. The MCLE Board Report provides no evidence that there is rampant implicit and explicit bias in the profession. It merely states platitudes and unfounded allegations of “systemic inequities,” and that somehow such an MCLE course “will better equip legal professionals with tools of cultural competency and understanding.” The MCLE Board insultingly assumes that lawyers with seven years of university education, from diverse upbringings and backgrounds, are unable to “better understand the lived experiences of individuals and entire communities” that are underserved without such a forced course requirement. Where are the statistics that attorneys are biased against others in society or in their practice of law? Where is the evidence that attorneys don’t understand the plight of the underserved? Further, there is no evidence that demographic differences in the profession are due to bias in the profession. The MCLE Board is attempting to craft a cure when there is no diagnosed disease. The purpose of MCLE is to foster professionalism, competency, and ethics. A forced implicit and explicit bias requirement does nothing to further this goal. It is instead political indoctrination that would promote divisiveness; all must be purged of “biased” thoughts and instead embrace those sanctioned by a governmental organization to which all attorneys must belong. This is Orwellian. Individuals become lawyers to help others and further justice in their communities. Many of us help underserved communities every day. To mandate the “re-education” of lawyers based upon a controversial explicit/implicit bias psychological theory is wrong. We are already a heavily regulated profession. The focus should be on practical MCLE classes, not pseudo-science or the progressive cause du jour. If the MCLE Board believes they suffer from “bias” and want to delve into bias education, then they ought to do that themselves and not force it on all attorneys. Both the WSBA Board of Governors and the Washington State Supreme Court have wisely rejected the prior Amendment. It should be rejected again, as unnecessary political indoctrination that is not within the province of the Bar.</p>

Peter Mueller	This seems to me to be both perfunctory posturing and the height of offensive political correctness. Licensed attorneys and judges do not require mandatory annual training in such basic and clearly understood matters.
Bob Lyons	
Maria Diamond	I like many of my colleagues have previously taken courses dealing with this subject. It is an important subject but I do not think there should be a mandatory ethics requirement to include it. As someone who has been well educated on the subject, I and other similarly situated practitioners should have the freedom to choose how to earn our ethics credits.
N/A	I oppose the continued effort to "require" CLE on given topics deemed "appropriate" those seeking to promote social and political agendas. This is unnecessary to the practice of law and inappropriate as a licensing requirement.
Joseph E. Nagy	
Suddeth, William	I am not interested in being forced to pay for something that does does nothing to enhance my legal practice or knowledge Base. Change the Lange to something like: encouraging at least one credit.....
Thomas J Hoffmann	
Rhonda Neben	Encourage providing ethics credits for D&I and bias mitigation courses, without adding the requirement, to ensure that the programs are quality programs and not just surface, check-the-box programs to fulfill a requirement.

	<p>Thank you for this opportunity to provide feedback for this newest suggested amendment proposal from the Mandatory Continuing Legal Education (MCLE) Board, regarding changing the ethics CLE requirement. This issue was already proposed and rejected last year. As a side note recommendation, the WSBA should consider instating (what many have suggested in the past) that if a proposal is pushed and rejected, that there needs to be a “respite” period of a couple years before the same (or substantially similar) proposal is pushed on the membership yet again. It appears this “new” proposal is really just the bulk of the already proposed and rejected proposal of 2019, reworked a bit, as an attempt to allow “the camel to get its nose in the tent”. Simply an attempt to continue to wear the membership down, forcing them to keep ever vigilant, requiring them to fend off in essence the same proposal over and over again, and if it is passed, I fully expect the rest of the old proposal to be proposed again, next year. This proposal is simply another attempt for some individuals within the WSBA to foster their personal, political, and social opinions and viewpoints upon the membership. I recommend that this proposal be rejected.</p>
Charles Bates	
N/A	

Jim	<p>I disagreed with this the first time, and I disagree with it the second, even as more narrowly defined. There is no attempt to make the case, to begin with, for approval. I don't know why you are proposing this or why I should or shouldn't approve it. But more importantly, this is not an appropriate role for the WSBA to be playing; it is, within a firm, the responsibility of the governing body, its policies and procedures and of its HR department to comport with applicable law and regulation. This is true from the largest of firms, where these matters are or should be formalised, to the sole practitioner, where the means may not be as formalised but where equivalent means exist for managing them. From a WSBA accountability standpoint, there is no transparency into the governance process around who decides what the language you are proposing means, or what courses will need to deliver to be eligible for credit. As a member of the WSBA who lives outside the state of Washington, there will likely be a dearth of courses that meet the criteria (whatever those are) for credit. Whatever the concerns underlying this proposal, they are not professional in nature; they are political. Once enshrined in law it is for management to implement any legal or regulatory requirements. Although you have not defined what your concerns are, they appear to apply to society at large, not just to lawyers licensed in the state of Washington. So leave it to the politicians to address them.</p>
Karl Barth	
Collin Alberts	Most law schools now train students on these issues during law school. Therefore, requiring additional MCLEs on these issues is unnecessary for most new lawyers.
Jennifer Lee	Jesus Christ is the ONLY way, truth, and life. Study of Him and the Bible is the only necessary education with respect to "equity and inclusion."
Mariano Morales, Jr.	
JOANNE G COMINS RICK	
N/A	Already too many requirements.
Curtis J. Coyne	Totally unnecessary. Keep it simple stupid.
Paul E. McIlrath	Attorneys are expected to be fair, unbiased and impartial in our dealings with clients and potential clients. I do not believe further training on diversity and inclusion is warranted.

Vicki Parker	As well-educated attorneys, we do not need requirement which is actually a politically motivated requirement. Please, respect our professionalism and reject this proposal.
Stephen Faust	
N/A	If you do this, you should change the name to "Mandatory Legal Indoctrination". Whatever course should be required should be a viewpoint neutral look at the issues. But by the name, there is a very definite viewpoint being presented. I would rather see a name such as "Racial and Gender Issues in the Legal Profession."
N/A	Lawyers do not need more instruction on what courses we should take to improve our practices. We are professionals and far better judges of this than you. Please stop trying to micro-manage everyone else!
Tim Rybka	Mandating an ethics credit in the topic of equity, inclusion and the mitigation of bias is not only one sided and suppressive, but highly insulting to the legal profession as it assumes facts not in evidence towards a lawyers character.
Linda Tompkins	This is a good first step but doesn't go far enough. Three to five credits per reporting period would be a better first step. Without raising the overall total requirement, there is an urgent need to provide an understanding of the historical development of the law and it's factual bases.
Stephan R. Illa	
Jason Hatch	This is a stupid, wasteful attempt to regulate morality. You are acting as if the legal profession is filled with children that need to have the details of equity explained to them. If this mission is this important to you, you should be able to provide it as an optional, free seminar. Make it available to all practicing attorneys. The expectation that you know something about equity and inclusion that other professionals don't is pathetic. I do believe your heart is in the right place, but I absolutely assure you your ego is in an elevated place that it never deserved to be. All the best.
N/A	Mandating training does not work. Those who don't want to listen will tune out the cle and resent it. If not online and free, harder for those in rural areas to meet this requirement.

James E Yocom	<p>I am a PhD sociological social psychologist at a large public university, in addition to being an inactive member of the bar. As part of Oregon's State Bar I organized and helped administer various D/I issues over the years. Here is my problem with the proposed language. On what grounds will program developers and reviewers of MCLE applications be deemed competent to provide scientifically accurate, empirically adjudicated content? Repeatedly in D/I administration I observe practitioners prepare and deliver content that is inaccurate, misleading, misrepresentative of scientific consensus, and sometimes just partisan propaganda. Unlike typical CLE content, which is prepared by people with a colorable claim to expertise based on practice, the overwhelming majority of people seeking to administer this sort of D/I content have minor or extremely low-quality training in the area, and their competencies are mostly self-declared. How is the MCLE application reviewer going to be able to distinguish a program with a balanced set of perspectives on D/I issues with a firm grasp of the diverse views presented by scholars from a variety of disciplines, from the ravings of a single scholar who was cherry-picked because of a credential but terrible grasp of the scholarship, or from a foaming-at-the-mouth activist with an ax to grind? Look, I can grant that this content is important, but there needs to be a quality-control mechanism in place somewhere, which does not involve someone with no formal training in the SCIENCE of D/I issues--which often conflicts with popular discourse--deciding what is "good" CLE content. You are heading down a road in which possibly good and, god forbid, creative content and ideas on increasing diversity, fairness, etc., etc. will be drowned out by (civil) religious fervor. The strain this will put on politics in the bar--and the possibly delegitimizing effects it will have on the institution--could be considerable. You have GOT to seriously think about, and incorporate into the rules, how competence will be judged before this floodgate gets opened.</p>
Paul C Burton	<p>Stop with the politically correct indoctrination schemes and concentrate on leadership which brings us all together, not divides us into political camps.!!</p>
Tom Prescott	<p>I am admitted in CA as well and they have a similar requirement. I have found this requirement to be essentially useless. It feels like a politically correct hour rather than a substantive learning opportunity. The same objective can be achieved in other ways.</p>

Susan Komori	The legal community is already aware of this and it would narrow the focus of learning in other areas if one specific area of ethics is singled out. ALL areas of ethics are of equal importance.
Allan A. Bonney	I am not in favor of the suggested amendment until and unless the substance and topics and specifics of the required CLE courses are provided, in other words, until and unless the definition of "equity, inclusion, and mitigation of both implicit and explicit bias in the legal profession and the practice of law" is defined. How would an MCLE provider and the MCLE Program staff know whether a proposed course met the APR requirements.
Colleen	
N/A	Just sounds like a money making opportunity for the WSBA.
Emily Calkins	
Ryan English	
Kerry Regan	
N/A	
Krystle Gomez	
Jessica	Ethics courses are difficult to obtain. Adding a bias component to the curriculum requirements of ethics courses seems a more streamlined manner in which to ensure legal professionals receive such training. If this amendment passes, I strongly urge the WSBA to offer a free/low cost webinar in each of the first 3 years to accommodate low means counsel, LPOs & LLTs; & ensure all those in the legal profession have equal access to what will be a difficult credit to obtain.
N/A	
James Robertson	Forcing every member to take this particular topic every cycle is biased toward folks who think this is the most important ethics issue; not all of us do; let us chose which ethics topics we study, including possibly, but not mandatorily, this one.
Tiersa Justice	
S.	This is not necessary.
Mitchell Stocks	I live overseas and meeting the CLE requirements is already challenging. I am not in favor of any special requirements.

David Cromwell	While I appreciate and support the overall intent of the Suggested Amendment it should not be made mandatory as part of our ethics training. If it is made mandatory, it should be required only as part of admission to the Bar by new members. Ethics training should be focused on PR. The WSBA can and should offer this type of training, which I have previously completed in other venues and found highly informative, but it should be optional and count towards general CLE requirements. As an out-of-state attorney I am also concerned about requiring very specific training that will likely not be readily available without costs where I reside. If said training is required, then the WSBA should make it easily accessible and free over the internet, but that undermines the value of this type of training. If we're simply checking a box then there is no value-added.
N/A	Ethics credits are expensive and not enough will be done to achieve this goal in terms of cost. All CLE credits are way too expensive. I haven't gotten one from the WSBA in years that I've paid for. It's a rip off.
N/A	This has nothing to do with legal education. It is just political propaganda that has no place being called "continuing legal education."
Jay Bromme	The strides already made in this area make spending time on this amendment unnecessary
D. Wendel	1. As written, the use of conjunctive "and" twice, with the three main and two sub subjects, becomes a challenging curriculum to comport with. 2. The precedent of prescribing curriculum within the existing two categories poses a specter of undue complication and growth in CLE costs, as further specific curriculum subjects, general and ethics, arise.
Tim George	Against any proposal requiring specific politically-motivated CLE prescriptions. Please keep identity-minded, politically-divisive rhetoric out of required continuing legal education. If a member wants to improve their cultural skills, great! Those offerings should definitely be made available! They should not be mandated.
Pamela Bradley	WSBA should merely offer these types of ethics CLE's rather than mandating that licensed professionals track this additional requirement. It's completely unnecessary and creates an additional burden on the professionals.
N/A	This is just one more restriction on being an attorney, for that attorneys have to pay their own money for the privilege of earning a living. I don't think it's going to actually have a positive benefit. It's just annoying and expensive.

Edward S. Winskill	<p>I oppose this proposal in each and every respect. It adds nothing to the existing legal ethics, dignity, and responsibilities of our honorable profession. I propose that the WSBA concern itself henceforward and forevermore solely with the practice of law, eschewing the shifting, ever changing political landscape. Get back to the real business of the practice of law. Spare us the barrage of politics that has disfigured every issue of the Bar News these last several years. One last comment: I am a lawyer, not a "Licensed Legal Professional (Lawyer, LLLT, LPO)". I modestly suggest you have the category "Lawyer" to check in these sorts of surveys in the future. I do have a question, rather than an assertion: if the Supreme Court rejected the proposed rule, why is the WSBA trying to resurrect it?</p>
Aldo Melchiori	
Yvonne Kinoshita Ward	<p>As a civil rights practitioner, I caution that "Equity" is both a subjective and now highly politicized term. Who defines it? Will counter speech be allowed? Given that the WSBA is a government agency, this is probably unconstitutional. It will most definitely be DIVISIVE.</p>
N/A	
Robert Gudmundson	<p>The study and practice of law is inherently aimed at the elimination of unfairly prejudicial bias. Attempting to require a special focus on specific forms of bias tends to chop up and divide. This gives rise to unintended opportunities to create or enhance bias that is not specifically proscribed or focused on. We all can be described as an "intersectional" assortment of traits and backgrounds. To attempt to address only select bias and not all unfair bias is too great a risk to take. I do not support the amendment.</p>
John Moore	
Tom Prescott	<p>I'm also admitted in California and the MCLE requirements include a similar item. Frankly I have found this requirement to be virtually meaningless. I'd much rather completely a substantive MCLE hour.</p>
Julie Sak	<p>Any presentation on bias or the mitigation of bias will inevitably include the speakers opinions which is therefore personal bias. Why should I be forced to sit and listen to someone spout their bias at me? It will be much like the Bar choosing which free speech to endorse and which to silence. If someone chooses to take an ethics course on this subject, that is their right but it should not be mandated.</p>

John Brolin	I am concerned with finding access to these specialized CLE courses.
N/A	Totally unnecessary.
Inez Peterssen	I am also not in favor of the WSBA opening up this vote to people that do not have to CLE requirements levied upon them. When those people pay dues or part of my dues, then they can have a say about CLEs but not before.
Frank Washko	
N/A	I wholeheartedly disagree with the proposal. Many PR courses already taught cover these precepts-- which are also strongly deeply-rooted within our ethical rules. In addition, these are always being subject to ongoing dialogues within our sections. I find it quite offensive as a minority person that every mandated response for every real or fictitious issue now turns inexplicably into equity, inclusion, and bias--particularly when these precepts have been ingrained in every attorney since our first day of law school and continue to be part of our ethical obligations and training we receive. Such mandate equates to requiring specific hours for given PRC titles.
Suzanne MB Hayden	Frankly, I see no reason to complicate the ethics portion of the MCLE. Keep it the way it is please.
bruce bjerke	
Kyle L. Perkins	
Jessica Winn	I'm fairly neutral on this topic. On the one hand, I think many lawyers would benefit from some continuing education about bias, equity, and inclusion. On the other hand, I think that the CLE requirements are already complicated and somewhat burdensome, and I don't advocate further complicating them. I am also somewhat skeptical that a one-hour CLE credit per reporting cycle will address the issues; in my experience, one-hour CLEs either delve deeply into one very narrow topic, or address superficially a broad topic, such as the one being proposed here.
Osgood S. Lovekin	Despite all the clamor about "systemic racism" I believe that lawyers as a group are among the least racist and most inclusive people in society.
Julie Olds	
Alicia Derry	
N/A	It is racist. It is proven to create bias and animosity or heighten it. It has nothing to do with being a competent lawyer. Oppose.
N/A	

N/A	
Carin Marney	For the same reasons that a similar amendment was rejected in 2019, ethics education is left to the broad discretion of the individual attorney. It is unreasonable to mandate this subject and not others. It is also not within the WSBA's authority to mandate that I must take credits on this topic, but I can otherwise select all CLEs that affect my practice at my discretion. I oppose having this topic mandated.
Bruce Reed	Cultural Indoctrination, Political Correctness Compliance and Thought Policing is not the purpose of Continuing Legal Education. This State has embarrassed itself too much already.
Ya right, and invite the angry mob	"Implicit bias" is pseudo-science brainwashing. Equity and inclusion are fine.
Jeff Oster	One size does not fit all. If you saw the extreme and strong diversity of the companies we've done, you would know that we walk the walk and don't need to be lectured by those who merely talk the talk. While the goal is laudable, the execution to achieve this goal is misguided. The ends don't justify the means.
Michael J. Folise, Esq.	The amendment is political and divisive.
AnnMichelle G Hart	Unless you plan to offer *multiple* opportunities-as in MANY classes on this narrow requirement &/or re-mark existing CLEs that fill it, it's going to be challenging to find affordable stand-alone CLEs that will meet the requirement. It's hard enough to get in all the required CLE already without making it more challenging and potentially more costly to obtain.
N/A	Every diversity/anti-bias training I have taught me that my white, Southern upbringing is Black culture -- which it most assuredly is not. I grew up in many years of separate but equal and I remember "colored" water. There needs to be training, I'm happy to go, but it needs to be authentic, viable, real, and reflective of the entire Black experience from the most marginalized to the most favorable.
Zachary Leighton	I'm not against it, but I wouldn't say "partially in favor" either. Overall, I'd say I don't have a preference either way. If a 1 credit requirement was included, I would want more information as to how those CLEs would work. Would there be more broad CLEs with multiple ethics credits, including a credit for the equity and inclusion requirement? Or, would there be more of a focus on 1 credit CLEs for equity and inclusion training? Some additional information on that would probably influence my opinion one way or another.

David Crump	While I wholeheartedly agree that there should be no place for bias, racism, or inequality of any protected class, it is my position that WSBA should not require CLE Ethics credits for any topic other than "professionalism".
William Mord	I have no issue with these types of MCLEs being offered, and I agree that we should be mindful of, and attempt to mitigate bias. Considering the average attorney does not decide who does or does not become a licensed attorney in WA, I'm unclear as to what the drafter's specifically mean by "equity [and] inclusion [...] in the legal profession." Based on the proposed change to APR 11(f)(2), these phrases must mean something other than "diversity and antibias." Currently, six credits of ethics and professional responsibility MCLE is required of attorneys. The proposed change would instead require five credits of ethics and professional responsibility and one credit of whatever is meant by these terms – which is apparently different than "diversity and antibias." In my humble opinion, this appears to be trendy virtue signaling in light of current events.
Dan Plantz	
Stephen Whitehouse	I am not opposed to the concept, and would not oppose a requirement that at some time each licensed attorney be required to view on line something like a two hour presentation on the subject, for credit. I am opposed to a continuing requirement.
Caleb Perkins	This appears to be codification of a political movement which just seems a bit ridiculous.
N/A	This is an attempt to inject a divisive political issue into what should be objective training relating to a lawyer's competence to practice law. I will oppose any Board Member who supports this change.
Don Lukes	MCLE should be about legal education. It's one thing to add ethics training but requiring lawyers to DISPLACE legal education with equity, diversity, etc. Training diminishes the WSBA and opens it to a charge of being "politically correct." I wholeheartedly believe in equity, diversity, etc. but it's not the job of the WSBA to push this. Why not require training on the importance of being a good spouse, parent, citizen, etc.? Just as relevant--more so. The WSBA should help all of its members be better practitioners--not use our resources to pander to the movements of the hour--as valid as those are.

K. Garl Long	Absolutely opposed. The CLE requirement should not be used to impose a social dogma; or to require others to listen to such dogma. The bar has become too political already. A mandatory propaganda program is inconsistent with its mission; liberty should not be treaded upon, no matter how much the proponent is enamored with its social message.
N/A	Unless you can show clear and factually based evidence to support the recommendation that we have to be "woke" in order to be lawyers, I think you should stop wasting our time trying to facility the left wing agenda.
Neil Meyers	The WSBA should stop all political and "social justice" activities, and limit itself to necessary regulation of the legal profession.
Robert Wayne	The purpose of CLE is legal education. Once you open it to political / social cause re-education there is no limit to how it will be used. It is not legal education to attempt to reprogram lawyers on implicit bias. I just took an hour CLE on this through NITA. It was a waste of time and a soap box for a politically correct point of view. I oppose implicit bias, try to recognize it in myself and attempt to deal with people as people. This kind of a lecture is condescending and ineffective. Please don't follow down the path that the Calif. Bar has followed.
Paul G Hanson	This Equity, Inclusion & Bias topic is a relevant one that will attract many lawyers to voluntarily attend CLE's on it. But there is no need to make it mandatory. Lawyers do not need to be ordered to attend CLE's that help them practice law better. No need for coercion like this.
DB	This is outside the prevue of the WSBA's mandate. It is getting tiring having to constantly monitor the WSBA in its ever-evolving mission to force their political agenda upon the membership.
Cris Anderson #8228	In my experience, making something "mandatory" means you've already failed. It's a "feel good" measure. Rather than your suggestion, just make all-inclusive requirements "for ALL ethics credit courses" to include areas you believe mandatory. That would be better than saying "take 1 hr of this and you are deemed 'fixed'". I would think members would learn enough about this seeing that we need multiple ethic-hours to renew.
Douglas Ross	We don't require any specific courses as part of the CLE requirement--we don't require that a family lawyer, for example, take CLE in family law (let alone show continuing competence in family law). We should not start requiring specific content unless it's part of a comprehensive effort to reform CLE requirements.

Bruce Ross	As a Trial Attorney for DOJ, I am already required to complete a number of CLE ethics credits each year, for which I don't get credit from WSBA. But REQUIRING annual lessons on "equity, inclusion and the mitigation of bias" each year does not strike me as particularly effective--more like a waste of time. Instead of requiring everyone to watch one of THESE topics, why not expand the choices of ethics programs by INCLUDING these topics, instead of compelling them--i.e., more choice, not less?
Michael Cressey	Proposal makes you sound and look so caring and inclusive but otherwise a waste of time. I was on both the CLE committee and Pro Bono Legal Aid committees in the past. We proposed and you rejected every idea that would improve the practice of law in favor of these look pretty meaningless amendments. If you really gave a damn about the quality of legal services you would have long ago: 1. Required all attorneys to take a course in client funds management. (that is primary source of injury to clients) 2. Provide heavy CLE credit to attorneys who provide pro bono and reduced fee services through QLSP's. For those persons in need, the quality of legal service is currently zero. You could increase it infinitely if you would only use your powers to encourage lawyers to provide services to the poor and underrepresented. You wont because you get no brownie points for that. But that would improve the quality of legal services to those in need. Please stop wasting your time and our dues on lets look like we are cool and care meaningless provisions. It may not be as much fun to talk about at your social events but it would make a difference to those you claim to care about. Mike Cressey,
N/A	
Larry Johnson	This proposal is just so much pious, left-wing virtue signaling.
Robyn Dokken	
Beverley Brown Losey	Just makes keeping track of CLE ethics requirements more complex; and, subject is already a part of ethics.
N/A	My understanding of the CLE requirement is that it provides information to the practitioner about specific areas of the law. A sort of law school continuance. This proposal is an attempt to inculcate an attitude. I therefore oppose it.
Wilton Viall	BS

Eric Gorrell	Obviously, this is will be an emotional offering, based on perceived biases, and certainly will have no factual basis. worse, such coursework will be taught based on a political agenda with little regard for the truth. Daniel P Moynihan once said "You are entitled to your opinion, but you are not entitled to your own facts." In the above offering, only politically correct Opinion will be taught or tolerated, and will have absolutely no basis in fact. I will not attend, nor will I support, such an effort.
Todd Miller	There are ample opportunities to explore these areas for concerned individuals. This does not need to be forced on everyone.
N/A	
Charles Lagattuta	
N/A	This topic is not in the purview of the Bar and should always remain optional— never mandatory.
Kris Sundberg	MCLE compliance is already getting too complex and difficult to keep track of. Furthermore, this particular subject is one fraught with so much subjective baggage that I fear it will serve little useful purpose other than to make WSBA feel like it is "doing the work."
Lisa Kosek	
Gary A. Morean, WSBA #12052	The WSBA should not get into the business of micromanaging and mandating specific CLE issues/topics that are, or maybe, inapplicable to individuals and their areas of practice. You should approve a CLE, but I should get to choose if it is of interest and/or would be of help in my practice. Shoving any topic down someone's throat is not a recipe for successful education.
Walker Weitzel	This is an incursion of critical theory, and has no place in a legitimate organization.
Clark Fridley	
Sarah Brown	NOT in favor of making this a requirement. Do not create additional burdens on your membership. In favor of allowing equity, inclusion, and the mitigation of bias as topics that could count for ethics credit.
N/A	
Jacqueline Marks	unnecessary change

Robert A Dutton	<p>Until the Board can conduct itself in conformity with ethical and moral principles, it should not burden the membership with yet another bandaid approach. The Board's stunning lack of transparency concerning the termination of the former executive director and the bickering, claims and lawsuits among Board members does not give the Board the moral high ground on any issue. Further, the Bar Association is a regulatory agency. It would seem such a rule as proposed would violate the First Amendment. Finally, we don't need more rules or training to tell Members what is the right thing to do. If there is a problem within the Bar (and there does appear to be one among the "leadership") there are already adequate tools to address those shortcoming.</p>
Suzanne Burke	
Dennis DeFelice	<p>This seems to be another attempt to find a problem where none exists. It also seems to promote "diversity and inclusion" as some type of quota or minimum number that can lead to discrimination by requiring the inclusion of less qualified individuals to meet the quota to the exclusion of more qualified individual that do not meet the "preferred or desired" mix of the quota as arbitrarily determined by a favored or privileged class that pushes for these types of provisions under the guise of "equality."</p>
Sandi Shelton	<p>These topics are extensively covered through free CLE offerings. I oppose a mandate.</p>
Gregory Lyle	<p>Mandatory ethics CLE requirements should be limited to ethics responsibilities set forth in the Rule of Professional Conduct. If equity, inclusion, and the mitigation of bias are to be required education, they should be set forth as requirements in the Rules of Professional Conduct, adopted with the full discussion and procedure that modification of those Rules requires.</p>
James Richman	

John W. Rankin	<p>This Suggested Amendment appears to be an exercise in political correctness for the sole purpose of appearances to the public. In my opinion, the proposed required CLE hour would be useless in creating more inclusion in the profession. Most of us know how to act and speak properly, and those that don't will not learn anything from the required course. And the addition of one more course we are required to attend (assuming it is a stand-alone) simply complicates complying with the existing MCLE requirements. The ethics time requirements imposed by the MCLE rules are better spent reviewing legal ethics that directly affect the practice of law.</p>
Jake	
Bradley Bowen	
C. Scott East	<p>Some legal professionals need less training in this area than other professionals and do not wish to increase the overall time required for CLE training. Each should be entitled to select that CLE training in areas that we determine to be most needed in order to stay competent in our respective practices.</p>
Scott D. Gambill	<p>It is not necessary, as the current rule covers ethical issues related to bias. It is also smacks of forcing a political agenda on legal practitioners. The current cultural madness raging in the streets of our cities is mostly driven by radical left anarchists and communist agitators who illegitimately cloak themselves in rhetoric related to the social justice movement. Their motives have little to nothing to do with "inclusion" or "implicit bias." In proposing this rule change, it appears that the MCLE Board harbors many of the same political leanings as those rioting in the streets. The current rule already requires all legal practitioners to take courses in ethics. A practitioner should be allowed to satisfy that requirement with ethics classes that do not include clear political indoctrination.</p>
James J. Lamont	<p>If any "group" of people is aware of the need to avoid bias of any sort, it's attorneys. I believe this amendment is simply an attempt, driven by politics rather than need, to make attorneys look good; it's just political pandering. Therefore, I'm against it.</p>

Julie Smith	I feel very strongly that mandating specific CLE topics is a bad idea. As a professional I do not need my CLE selections to be micromanaged; I am very much able able to choose the areas of CLE, within the basic requirements, that will best help me grow as an attorney. I worry that the specific topics will proliferate so that each 3 year period has many sub-topic requirements. Such a requirement is also very hard on attorneys trying to meet CLE mandates from more than one state and could present hardships for out of state practitioners. Would there be free on-line ways to meet such a requirement? An aspirational goal, with strong encouragement would be more appropriate Than a requirement.
bruce butcher	I believe it is a fell good and politically correct amendment proposal that has nothing to do with legal ethics. If professional have not learned about how to treat others by the time the are licensed , they never will. A better requirement would be a requirement that before admission to the Bar or Licensed they have attended a class on diversity of some type
Eugene Graff	While understanding and confronting bias is a necessary part of the profession, the timing of the proposal to mandate it as an ethical requirement suggests to me it is attempt by some to exploit the passions of the moment in the service of a political agenda.
Patrick J. Kirby	Let's focus on practicing law and not social engineering.

	<p>Certainly everyone has and faces biases from time to time, which as professionals who are in the pursuit of justice we already ought to be—and no doubt are—working within ourselves to check. However, the notion that bias in the legal profession is material enough that it needs to be addressed at all, let alone repeatedly year over year, by regulatory mandate, rests on unchallenged and unproven assumptions. Furthermore, the ideas that the WSBA by its regulatory purview over lawyers in the State of Washington is the right organization—and that the MCLE rules are the right means—to address this unproven set of assumptions, are themselves unchallenged and unproven assumptions. "Bias" and the "elimination of bias" are code words within the realm of the deconstructive philosophy of critical theory, which is at best a theory about how to view the world but certainly not the "correct" method of viewing the world or even necessarily a productive or good way of looking at the world. Critical theory demands that everything be viewed through a lens of bias based on features of human beings that they cannot control, i.e., anything that is not about character or action. Such "bias" in critical theory is always axiomatically presumed to exist (again without proof; only mere assertion). This jargon is designed to sound reasonable and unassailable, but as code words, they represent a paradigm that certainly not all (or even the vast preponderance of) members of the WSBA agree with. To the extent that ethics and professional responsibility are the principles by which we commonly understand how we should regulate ourselves, critical theory is inapposite to that mission, wholly unnecessary, and as a potential regulatory educational requirement, an unlawful abridgement of the freedom of speech and belief of the members. It is not the WSBA's proper purpose to espouse or socially engineer belief in the philosophy of critical theory (and its subgenres of critical race theory, critical gender theory, and critical [X] theory) among its members. Furthermore, given the communist origins of critical theory, it is disturbing that this paradigm is now possibly being foisted upon the members of the WSBA using the classic Leninist technique of (re)-education. Certainly, members of the WSBA should act with equality and equanimity to all persons based on the aspects about them that have nothing to do with the content of their character. This proposal is not the way to achieve that goal.</p>
O.Shane Balloun	
N/A	
John Poffenbarger	I think the focus of the eithics CLE requirement should remain on compliance with the RPC's - Lawyers have enough trouble just with that.
Joseph Valente	I think it is well intentioned to try to make lawyers kinder, more empathic and sensitive to needs of others. I also think this is beyond the scope of a mandatory state licensing agency.
Beth	Not interested in any rule changes during this time.

Kristofer Pasquale	
N/A	
Derek Jensen	Don't be reactionary. We already have well developed ethical standards. Check the box ethics is not helpful to the profession.
N/A	Is the WSBA going to offer a free course that would meet this requirement? Does the Board believe that we are so backwards in this day and age that we do not know about being inclusive? Has there not been enough education given and consumed by WSBA members in this area so that we have to re-learn it every three years? We are neither idiots nor ignorant children and should not be treated as such.
N/A	You're telling us that we are bad persons, in need of change. Also, you allege universal inequities, biases, and "continued injustices that Black and other minority communities and individuals" yet provide no proof, nor even one example of where this is occurring. While I do not challenge that there are those in society who are racist (and this goes for persons of every race), I do not believe it is widespread, nor that our institutions are systemically racist or biased. Again, no proof has been presented by this Bar Association nor any other entity or individual. I absolutely do not support this amendment.
Glen Miller	Appreciate the sentiment but not the mandate. As a military attorney, I'm sure we are afterthoughts for many WSBA requirements but this seems like another assumption that everyone is in Washington or even the United States and finds WSBA offerings convenient. This has not been my experience. Although licensing fees continue to climb, I'm not seeing increased benefit. If you are looking to encourage diversity training, by all means encourage it. If you'd like to track it, I'd recommend a similar approach to pro bono hours.
Withheld	
N/A	The Ethics rules are too important to practitioners to change the current mandated credit requirements. Why not amend the required legal credits instead. How would the Bar's proposal change behavior?
Rob Keefe	Enough of this PC Nonsense! Give WSBA members credit that they already sign up for such courses when offered. As persons and professionals we already do!! Geeze, enough!!

Kevin Fichter	<p>Equity, inclusion, and bias are important, and a deficit in one of these areas should be sufficient to call into question whether the member should be a member. But a CLE such as this type is not going to accomplish its goals. For people who are tolerant and empathetic, the CLE isn't going to teach anything new. For people not so inclined, they'll suffer through and ignore it. Imagine if a diehard racist was a member of our bar, they'd attend the CLE because they have to, but will that do anything? Will the CLE teach them how not to hate or how to not burn churches down? Will the CLE requirement encourage them to give up lynching? CLEs should be about teaching and keeping current with the law, not about being a kind, decent human. We don't teach kindergarten civics in law school because that is assumed baseline knowledge. For our bar, it should be assumed/required baseline behavior to be equitable, inclusive, and unbiased, and a deficit in such an area is not solved or even addressed by a one hour mutable YouTube video twice a decade. At its core, my concern is that this CLE requirement is just lip service, window dressing, to make it look like the bar takes the issue seriously, and I fear it would distract the bar from making more fundamental changes to actually effect positive change throughout our membership to be more inclusive, equitable, and unbiased.</p>
Jody Long	<p>I'm licensed in many states and they might not have such a specialized requirement. That means instead of taking one CLE over two days, I would have to take another day to satisfy a particular requirement in a different state. However, I don't have any problem with making it a suggestion rather than a mandate.</p>
Lewis W. Card	<p>Social engineering is not a proper reason for Bar rules. The proposed rule, though presented as a proper ethics topic, is really an attempt to get the Bar to endorse politically motivated social engineering.</p>
Clayton Montgomery	<p>I thought everyone was equal under the law, or did that recently change? This is racist virtue-signaling that makes no meaningful positive change in the world of law, and instead says that we should treat minority communities as different, rather than actually equal under the law</p>
N/A	<p>My office already requires me to take 6-8 hours a year of this training. It is almost always redundant, and I'm concerned that this would be equally repetitive with what I'm already required to take. In addition, based on the WAPA presentation on this topic in 2020, I think this is often a highly politicized presentation.</p>

Allan Marson	Now is not the right time to introduce this topic because the topics of equality, inclusion and bias are being used as an excuse for widespread illegal and unconstitutional activity. Equality and bias could be introduced later in a less charged atmosphere.
George C. Rondeau, Jr.	While politically correct, it is not believed necessary. My experience is that attorneys are very knowledgeable in these areas already, sensitive to the social and legal issues, and in larger firms, get a great amount of internal training on the subject.
Meredith McKell Graff	This is a political dictate and it is not appropriate for the bar to require members to submit to political speech in the guise of an ethics requirement.
Michael Murray	Given the recent decision to waive the Bar Exam, I'm in favor of waiving all CLE requirements.
George A. Leone	Don't see the need to further restrict the ability to chose CLE's in one's area of practice.
N/A	
Sean lewis	I'm still trying to figure out what the problem is you're trying to solve. I think everybody is trying to shove out solutions but they haven't identified a problem they're solving.
LARRY BERG	I am a government lawyer. This kind of training has been Routine. The news cycle covers these issues extensively. The only way I would support this requirement is if it could be fulfilled by a one hour self study with supporting declaration.
Alan Seago, Bar 22574	Your willingness to follow every political correctness fad is disappointing. Rather than your proposal, I suggest instead that every Washington attorney be required to participate in one hour of CLE each year regarding the historical legal foundations of the U.S. Constitution, or the international law aspects of human rights abuses committed by Russia, China, North Korea, and Iran.
John j Soltys	

J.E. Sullivan	Further qualification of ethical credits is unnecessary. Mandating bias education creates an additional obstacle to obtaining the minimum ethics credits. As professionals, we should retain some flexibility in choosing our continuing education courses. I have attended bias education - and I understand the issues. Most of us in the legal field do understand. While I appreciate your goal, I think it is misplaced. We don't need to attend over and over and over and over again. Please drop this ill-advised idea.
N/A	
N/A	
Larry Schreiter	Having been told "no" already, this is yet another attempt by those holding a certain social and/or political ideology to impose upon the entire Bar membership more propagandistic claptrap. It may only be a single hour, but there is more than ample amounts of this stuff in the media and all around us in seemingly all our institutions. I respectfully decline the obligation to endure being berated by ideologues because of my faith, my race, my ancestry, my beliefs, and my heritage. If the MCLE people want to approve such nonsense for credit hours, fine, but do not make any of it mandatory. Thank you.
Douglas Tesdahl	This is typical far left-wing political correctness and has nothing to do with making lawyers understand their ethical obligations under the RPCs.
Jim Bledsoe	By definition the amendment is not a subject of continuing legal ethical education, unless you assume legal ethical education pertains to instructing members of the legal profession without regard to a legally required ethics rules. This view opens the door to almost anything it would seem. What evidence exists of a need in this area or is this just a move to point toward positive action should anyone claim they have not been included or perceived some sort of bias?
N/A	

Benjamin Miller	<p>I don't believe this requirement would serve the ultimate purpose of continuing education for lawyers. Having courses available in the areas of equity, inclusion, and mitigation of bias is sufficient for those who are interested in such topics to fulfill continuing education requirements. I don't believe in using continuing education requirements as a platform for social justice and I am strongly against making it a requirement. At least with ethics CLE requirements, there is some relation in that attorneys must demonstrate knowledge of the rules of professional conduct to be licensed, and must continue to adhere to those rules in practice. Because of that close relation, it is appropriate for the state bar to require ethics CLEs. There is not any such relation to the topics of equity, inclusion, and mitigation of bias to justify a mandate with respect to those topics. This seems to be a reactionary proposal to the current political environment rather than a well-reasoned proposal with an appropriate nexus to the actual practice of law.</p>
N/A	<p>While this is an important topic, it is not an appropriate topic to mandate as part of MCLE credits for legal professionals. There is no other topic mandated with this level of specificity as part of MCLE requirements. Even ethics hours are much broader. There are plenty of other opportunities for practitioners to obtain this information and mandating this credit will not have the desired change. Instead, make these courses eligible to receive MCLE credit and let practitioners choose how they satisfy credit general credit requirements consistent with the needs of their practice and personal interests.</p>

Anonymous WSBA Member afraid of cancellation and retaliation	I have been a licensed WSBA member for over 20 years and wish to remain anonymous because I'm afraid of professional repercussions and retaliation for opposing this amendment. In my opinion, this CLE requirement will be used to indoctrinate members into thinking in certain ways about the contentious issues of race and gender. It will also burden attorneys' first amendment rights to think and say what they please about important social issues and subsidize the diversity consulting industry. The WSBA has had a long-stranding disconnect with many of its members and this proposed burden will only serve to further alienate those members. The WSBA might as well say it is going to require 1 credit of CLEs in "Why attorneys should be woke progressives and only vote for such candidates and policies" or "Why you need to be anti-racist" or "Color-blindness is not enough." This is not an appropriate mandate. Please leave your members alone and let them practice law.
gary p schuetz	I believe the suggested amendment is unnecessary and just pandering to a media created non-issue.
N/A	
Jose R Mata	For those of us admitted in multiple jurisdictions, there is a balkanization of MCLE requirements where each state has specific requirements no other state has. Perhaps if uniform content for specialized credits could be negotiated so you can attend a diversity CLE and it is good for e.g. all of Washington, Idaho, Oregon, California.
Melissa Hall	I really WANT lawyers to get this kind of training but I don't think the research is there yet and some evidence shows awareness training alone can backfire. Models for behavioral change seem to do better esp. habit breaking frameworks, but given the way CLEs tend to be developed I am worried about missing these nuances in the programming. (https://scholars.org/sites/scholars/files/skocpol_edit_ssn_key_findings_goff_swencionis_and_bandes_on_implicit_bias_training_is_not_a_silver_bullet.final_.pdf https://www.ucd.ie/equality/t4media/ub_an_assessment_of_evidence_for_effectiveness.pdf) These are my favrote ethics training options but I don't think we are ready to require it, instead I would prefer we make it clear the duty of compentance includes cultural compentance wrt the communities you serve

Richard Sybert	This is nothing less than mandating political correctness, reminiscent of totalitarian "re-education camps." You have no right to tell someone else how or what to think. I do not need you to instruct me on morality. Any such substantive requirement as proposed here should be abolished.
Laura	These topics are highly biased and political, and rarely involve any factual basis. I could not be more opposed to the idea of being forced to sit through the WSBA's attempted brainwashing on these subjects.
Gerald "Jerry" R. Neal	Why does this group want to impose their agenda on the entire membership? At best make any similar CLE voluntary only. Thank you for the opportunity to comment.
Joe MORris	Absolute waste of time and really amounts to nothing more than virtue signalling by the board. C'mon now, you're better than that...maybe
Kathleen Dassel	
Patrick Julian	We dont need the MCLE Board playing politics. Who the hell are they to say I need this training? they are saying every person in the bar is racist. they dont know anything about me or care about me. Hell no to this rule change!
N/A	While I would encourage it, I believe that long term, coming up with topics that are covered in this area would be difficult to find and cost burdensome. Unless you are also planning on arranging to put on this type of CLE every year and also making it free, I think carving it out is unnecessary.
Gregory Mark Wilson	As with any good rule, it would be wise to define the terms: specifically, what is the intended meaning of equity, inclusion, and the mitigation of both implicit and explicit bias in the practice of law. What is equity? It means justice. That is a given for lawyers, right? Lawyers have equity bias? Well the antonym of equity is bias? So, someone thinks we are biased to justice? That is silly. What is inclusion? You probably mean the act or practice of including and accommodating people who have historically been excluded by lawyers because of their race, gender, sexuality, or ability. Define your terms instead of hiding behind ambiguity.
Craig Ritchie	I love the concept. However, I don't think requiring a CLE makes sense. There are many additional great topics for mandatory CLE involving mental health and suicide prevention, substance abuse issues, environmental issues and criminal justice, access to justice issues, but mandating a CLE for each issue is not the way to educate lawyers. Use the Bar Journal.

Ryan McPherson	
Christopher A. Johnson	While the goal of expanding this area of instruction is laudable, I have reservations of making it a requirement. Perhaps it would be better to simply make it policy, for the WSBA and all Sections, to include such a topic in at least 1 or 2 sponsored CLEs each year. (And encourage private CLE sponsors to do the same.)
Breanna	Although i think it's a good idea these types of ethical CLEs are offered, i think requiring one to be specifically on that topic is too narrow. My concern would be trying to find CLEs regarding this topic. It could potentially add an additional cost. As of right now, i've been fortunate to find many ethics CLEs for free. If this one is not free, it's adding to my costs ON TOP OF the \$500+ i pay a year just to have my license. If the WSBA offered to host/provide this specific of a CLE once a month so everyone could attend, then i would be for it. But otherwise, i think the intention and topic is good, but in reality going to cause a lot of problems. I don't want to be out of compliance because i was unable to find a CLE of that nature or couldnt find one between my trial schedules. And i'm not willing to pay an astronomical amount for 1 credit of the specific CLE when i can find plenty of ethics CLEs for free.
Diana Anderson	I am tired of the 'presumption' that I am racist, biased etc. and that I must be REQUIRED to complete these kinds of trainings. It is offensive to me to have the Bar Association presume that myself, and all other members, need to have these kinds of trainings. I do not deny that some members of the bar may have issues that need to be addressed with this kind of training but that should be the province of bar complaints and remedial sanctions etc.
N/A	
Greg Raburn	My practice is patent law and my clients are large corporations. Like the other specialized CLEs I already have to take to maintain my Oregon license (e.g., elder abuse, child abuse, bias about the legal profession, etc.), this continuing legal education requirement seems to be one more requirement that has very little applicability to my practice.
N/A	
Anthony Bandiero	Please do not tell me what ethical training I need. I want freedom to choose. Thank you.

Erich Potter	I'm very much in favor of increasing equity, inclusion and the mitigation of bias related to the practice of law, however I'm against any and all additional MCLE requirements.
David Gecas	I am not in favor of the amendment because I am not in favor of mandatory CLE's. I previously practiced in Michigan where CLE's are optional, and most attorneys, including me, attended CLE courses but they are not required. Other jurisdictions where CLE's are not required include District of Columbia, Maryland, Massachusetts, and South Dakota. The proposed amendment would not add to the total number of required CLE credits, but would require a credit on a particular ethics sub-topic, and the requirement would be recurring. I may be interested in taking a CLE on that ethics sub-topic at some point, but would like it to remain optional, and do not want it to become a new recurring requirement.
Bruce Echigoshima	Many already get this training at the companies they work for. (I work for a corporation).
Ilya Gamel	
Suzanne Pierce	There are many worthwhile values that most of us choose to espouse but very few should be made mandatory, or the subject of mandatory education.
Jason Gelfand	What do the authors mean by equity? That's a term that seems to mean radically different things to different people.
Louise Wolfe	I believe that the ethical demands of justice are far more varied than this amendment would appear to assume, and I favor allowing members of the Washington bar, of which I am one, to decide for themselves which courses on ethics offer them the most useful content without narrowing it in this manner. I think it would be particularly important to abstain from changing CLE requirements at a time when the U.S. is in a fevered and polarized political climate which is not conducive to open respectful debate. I favor giving lawyers discretion over what ethics content is most relevant to their individual professional lives, and respecting their decency and wishes for a fair and just American society enough to believe that they will make wise and judicious choices which benefit society as a whole.
William Waller	Keep requirements simpler. Let people do specifics on their own, less mandates.

Christien L. Drakeley	<p>I find this amendment to be offensive. This topic is an EEO and HR issue. To devote an entire class to the issue is over the top and to make it mandatory is absurd. This is not a bar issue. It is a civil matter. It is addressed or should be addressed in courses that deal with civil matters. I have black attorney friends. I have worked for and have had work for me black people, Fillipinos and Chinese people. The mere fact that you make this a mandatory requirement class insinuates that I and every other attorney is racist or could possibly be racist and I find it highly offensive. The bar has never mandated a particular ethics class that ALL attorneys need to take.</p>
David Freeburg	<p>I am a member of numerous other state bar associations that do not require CLEs. CLE requirements are not helpful to lawyers or the public, because any lawyer who does not stay abreast of continuing legal developments is committing malpractice with or without CLE requirements. Instead, CLEs requirements have created a cottage industry of unhelpful but mandatory and expensive CLE providers. The WSBA should propose a different amendment to eliminate CLEs together.</p>
Jean Jorgensen	<p>Our ability to continue to practice law should remain focused on competency as opposed to current/political issues. Where would this stop? Why wouldn't a requirement pertaining to LGBTQ follow? We have a variety of attorneys in practice with diverse opinions, backgrounds, and perspectives, all of which are valuable in different ways to different clients. We all have biases, as human beings, and no ethics class is going to change that. This simply creates an unnecessary hurdle and expense for competent counsel who have demonstrated no personal deficiencies, so that the Bar can take credit for taking a step toward addressing a non-issue in the first place. CLEs are not designed to serve as self-help tools.</p>
Steven Cooke	<p>No, No, Hell No. This is nothing more than blatant political activism, and a REQUIRED indoctrination to a political view and movement. It will not be content neutral, is not scientific, and is not intellectually rigorous. It's about FEELINGS because the WSBA and its leadership are on a political jihad of virtue signaling, self-guilt and social transformation. You are exercising the power of the state and many of us do not believe in the corrosive and divisive agenda of the liberal/socialists which infect the Bar. Keep "the summer of love" sickness in King County.</p>

Dominic Lindauer	The proposed amendments should be rejected. Existing sections APR 11 (f)(3), (f)(4), (f)(5), (f)(6), (f)(7) should be deleted. APR 11 (2) should be truncated as "...LPOs, and judges."
Brook Goddard	
Michael Boswell	
William Weissinger	I oppose any effort to require any specific "segments" of ethics education.
Kimberly Sloan	I strongly support anti-bias efforts, however I do not believe training in this topic should be required as a regulatory matter in WSBA's purview. The purpose of the bar is to regulate members and the services they provide. WSBA seems to go far afield of this. As the most expensive bar association in the country, WSBA should be concerned with limiting its scope, not expanding it.
Colleen Broadus	
Tim Borchers	Are we going to start sub requirements for the General CLE area, such as 1 credit on how to take a deposition or 1 credit on trusts? Let the members of the bar be adults and choose the credits that are most important to them and their practice. If they want a credit on equity it will be available for those who want to take it.
Thomas G. Jarrard	This looks like view point politics, that we need to steer away from. We already address equity, inclusion and the mitigation of bias in RPC 8.4 and the oath of an attorney. Also, by requiring one hour, without increasing the Ethics hour requirements, then you are necessarily eliminating hours on other ethic topics that are major problems that are much more prevalent, such as malfeasance with client funds. I see lawyers every month in the back of the bar magazine who have misused client funds. I have never seen anything (or observed an attorney) doing anything that would be offensive to the concepts of equity, inclusion or mitigation of bias in our system of justice.
Steven King	
N/A	I am all for having a broad range of CLE topics available for attorneys. I also agree on the current ethics requirement and the ability to voluntarily choose qualifying CLEs. I even agree the Bar Association might encourage the voluntary selection of particular CLEs. However, I disagree with a requirement that narrows voluntary choice and mandates a political correctness CLE-- which is what this amendment proposes. Once the Bar Association gets onto the slippery slope of a arrowing process, what is next? Mandatory CLEs on stress, diet, life-styles, religion, etc.?

N/A	While the goal of this is laudable, it goes beyond the scope of what is intended for continuing legal education. The purpose of CLE is to improve the skills, knowledge and ethical behavior of attorneys. It is not intended to tell us how to conduct our businesses or to impose political positions. I think the current rule adequately addresses the need for equity. I do not believe we need to be preached to, as opposed to educated. I would urge the BOG to reject the amendment.
Jeff Riback	
Grant B. Anderson	I am opposed to the "leftists" dictating unnecessary requirements impacting how I run my Practice and my life. The Constitution provides for equality and fair treatment for all.
Benjamin D. Reichard	When the previous amendment was suggested, I opposed it on the grounds that the bar would be inviting itself undue headaches with such a requirement, despite its apparent good intentions to ensure a membership that reflects contemporary cosmopolitan ethics. Nothing changes with the amendment. Principles of equity and bias are topics that are exquisitely difficult to teach in a manner that is not politically tempered, especially in a brief CLE format that invites a reductionist approach that would tend to disserve those complex topics. That being so, my belief is that this proposal will have an effect that is the opposite of its intent. I think the bar is better served by leaving that training to individual employers who wish their employees to receive such training.
mary ronnestad	
J Thomas McCully	This is just chasing the latest buzzword - it's a meaningless gesture. It will have little to no impact on the problem.
Lloyd W. Sadler	This amendment would make the Washington Bar different from all others, the consequence of which is that compliant CLE courses are unlikely to be found in other states. This amendment would therefore be a great and unfair burden (in both time and cost) to members of the Washington Bar who live outside the state. It is inappropriate for the Washington Bar to implement rules that discriminate against and disadvantage any group of bar members and this includes members who reside outside the State of Washington. I, therefore, urge you to reject this proposed amendment.

Danielle Flatt	A subcategory of ethics credit and new criteria would make it more difficult to find subject matter experts as speakers, and more difficult to plan and create accredited presentations. It would be better to leave the ethics requirement as-is, but allow this type of topic to count towards ethics credits (which I believe it already does; I have attended a few diversity & inclusion presentations throughout the years which counted towards ethics)
Janet Anderson-Briggs	I am also licensed in the State of Texas, where I have to obtain three hours of ethics annually. However, there is no similar ethics requirement in Texas as you are proposing. I take my CLE classes from the ALI-CLE, so that I can meet both jurisdictions' requirements at the same time. If you require this amendment, I am concerned that it will be more difficult to find specific classes at the ALI-CLE to meet the specialized requirements of Washington State. I do not take CLE classes from vendors solely in Washington State.
Joshua Park	
Ken Harer	I believe is unnecessary and will reduce the number of CLE hours completed by attorneys which are directly related to their area of practice.
Joseph Evans	I advocate for and spend large portions of time working towards inclusion and equal justice, that is my choice and part of my passion. That being said, ordering members to take one cle every 3 years on a subject is not going to change any hearts and minds. One CLE every 3 years is a remedial measure that will simply create an additional burden for members while not affecting attitudes. It is a bad idea that should be instituted.
N/A	
Zack Mosner	I don't think you can teach a bigot to change through mandatory sit down lectures. If I felt you could I would heartily endorse it. Admirable for trying. Why not work on a broader base teaching tenets of civility and collaborative problem-solving as an adjunct to the legal process?
Mary Jo Moltzen	
Richard B Sanders	This is an effort to be politically correct and push a point of view. If people want to take a CLE on this that's fine but should not be mandatory.
Susan Stearns	
Mark Clausen	We should not require any specific subject for MCLE credit. The subjects of the seminars attended should be selected in the discretion of the attorney in his/her professional judgment.

Garrett	This is ridiculous.
A. S. Quigley	<p>I think the bar should produce an equity, inclusion, and mitigation of bias CLE and make it available without charge to licensed professionals. Ethics credits are hard to come by. Many professionals will take the course as an easy and inexpensive way to meet CLE requirements. That will get the message out as proponents wish. I do not think, though, there should be a requirement to take the course. This may very well be the start of a very slippery slope. People will start advocating that various other course subjects should also be mandated. This will be divisive, when we need healing. Moreover, it seems odd to mandate such a course be taken by those who feel they are the subject of inequitable treatment, exclusion, or bias. People who have those feelings should be free to take other courses which pertain to their professional needs. In short, provide such a course, make it inviting, but don't make it mandatory, which may in turn create unintended negative consequences.</p>
Roger Belman	Will we end up with a specific requirement for each of the six hours of ethics and professional responsibility training? If programs on inclusion and mitigation of bias are being offered and no one is attending, are there ways to increase attendance on a voluntary basis?
Raymond Davis	I suggest everyone read The Disuniting of America (Reflections on a Multicultural Society) by Arthur Schlesinger Jr., (1992).
N/A	It is improper to use bar association powers to advance political objectives.
Mark J. Hilliard	<p>This additional requirement will have no impact, whatsoever, on truly advancing issues of equality; rather, it is simply a superficial means of "checking the box" in reaction to recent political events. Moreover, these types of credits are not as easy to find, or as readily available, as "general" credits or other "ethics" credits. Thus, the proposed amendment imposes a burden on members while at the same time, failing to provide any true or meaningful benefit to those who contend they are treated unfairly. The amendment should be defeated as unnecessary.</p>

Mark Beatty	I'm a solo practitioner that does not litigation. I do not understand how the proposed requirement relates to my law practice in any manner. I make an effort to treat all opposing counsel with respect (assuming I receive similar treatment). I typically do not meet with them or see them (email and phone are the most common forms of contact) so have no idea of their race, gender or sexual preference.
N/A	This should be optional, not required. Only those who care to continue their education on this topic will actually benefit from it. If it's required, then certain individuals will take the course to simply "check the box". You can't make people care by imposing a requirement -- it needs to be organic and genuine.
Jason Powers	
N/A	
David Sprinkle	Not needed and strays from the PRCs. But it is a good job of virtue signaling.
Wm. Randolph Turnbow	Please excuse attorneys who comply with Oregon's ethics requirements to avoid non-parallel access to justice CLE requirements.
John P. Livingston	Mandating such courses is downright insulting, because it is based on a flawed "assumption," i.e., that all attorneys have "implied" bias. You don't know me. I am an individual. All attorneys are individuals. All black attorneys do not think alike. All LGBT attorneys are not alike, and all BIPOC attorneys do not think alike. That being said, there is no such thing as "white privilege." It is a buzz-phrase from a racist, exclusionary ideology that assumes all people of a certain group all think alike and have the same biases. If such courses are such a good idea, how come you have to mandate attendance by the entire bar membership. I treat all my clients, opposing parties, opposing counsel and judges the same: I presume most lawyers are well-intentioned honest people, until I have direct evidence to the contrary. I will not comply with such "mandated good ideas." John P. Livingston.
N/A	I would very much prefer to take courses that are actually applicable to my practice and practice area(s) with regard to both subject matter and ethics CLE's.
Eric Graham	The language of the proposed amendment is vague and meaningless. More importantly, political agendas of any stripe have no place in the regulation of the legal profession.
N/A	I do not believe this is something that should be required.

Phillip C. Gilbert	Respectfully, I think the Bar would be going too far in adopting this requirement; the Bar cannot require all members to adopt values that the Bar's Board holds. I also think that in today's day and age, everyone has been exposed to generous information regarding these subjects, and has the ability to look deeper (i.e. on-line) if they so choose.
Dione Hauger	
Joseph Banks	The bar has the responsibility to regulate the practice of law and not to promote any political agenda. I am strongly against such a measure.
Andrew Mathers	How do you expect to get a fair and real survey in this new cancel culture?
Tory Johnson	
Jody Cloutier	This topic has become too politicized, and any training on this topic is subject to bias based on politics with radical groups conducting the training, so I am not in favor of the amendment.
Alexander Trueblood	Social justice warrior engineering should play no part in continuing legal education. It is irrelevant, harmful, and an insult to everyone's intelligence.
Michael J. Andrews	This is an attempt to mandate a political point of view, and not ethics.
Anna A. Argenti	Hello, I do not see any necessity in the amended ethics requirements. The requirement of "six credits must be in ethics and professional responsibility" is broad enough and includes all the necessary components of the legal profession. Thank you, Anna
Jane Burns	No!! Enough of the thought control, force-fed, genuflecting to the politically correct mantra! It's a fad; it's meaningless, and damaging to all. Please stick with the law.
anonymous lawyer	
Lynn Maynard	
N/A	Because I have plenty of other things to worry about. I had to take Indian Law on the bar exam even though I don't practice in that area and nothing in my practice touches or concerns Indian Law. Trying to work out of state and maintain this license requirements while meeting overly politically correct ethics requirements? Working against bias should be part of our daily jobs as attorneys. Maybe if 49 other states had this as a CLE requirement?
Antony Sayess	Stop mandating social justice causes on the legal profession.

Sarah Carpenter	The suggested topic falls into the realm of HR and is not unique to the profession of law. Employers are widely instituting training regarding diversity, inclusion, equity, and bias. To add this as an MCLE requirement is duplicative. MCLE should focus on issues unique to the practice of law, which are not addressed by employers in other capacities, such as through HR.
Carlos Hector Oliveto	
N/A	I agree that equity, inclusion, and bias CLE offerings should be made available and supported by the WSBA. However, adding one more specialized category to the CLE requirements makes it more difficult to meet CLE expectations and leads to hunting for courses the check boxes not further useful education. Additionally, without direction from the WSBA now on what CLE topics would satisfy this requirement this amendment creates too much ambiguity.
jim johnston	This is a political view outside the scope of the WSBA - please stop it and focus
Darius Massoudi	I am a gay Iranian-American and am in favor of equity and inclusion efforts, yet recognize that adding additional requirements to the MCLE regulations may themselves actually hurt equity and inclusion within the legal profession. I am fortunate to have a well paying and stable legal job, but what about those in our community that are struggling? What if they are unable to meet these requirements because they cannot find a reasonable and affordable option for them? Please stop adding additional MCLE requirements when jurisdictions like the District of Columbia do not even have any. There are other ways of ensuring that you are up to speed with the law rather than mandatory requirements like this that constantly threaten to revoke or suspend your license.
N/A	
N/A	
John van Velthuyzen	
Michael Grim	
Ron Santi	It is becoming a full time job reviewing communications and proposals from WSBA and MCLE. Well intentioned no doubt, but relentless tinkering.
Matthew Gerber	Equality before the law and equal protection of individual rights are what truly matter. I am very concerned that any policy that elevates a group Of whatever type over the sanctity of the individual.

David Hallowell	You need to change the whole CLE requirements. first ten years should be 45 hours per three year period. second ten years should be 30 hours. third ten years should be 20 hours and after 30 years in practice it should be 10 hours all ethics.
Kevin Rosenfield	
Dana Hein	Why force this, you will not change minds or hearts in doing so. Instead offer many of these types of courses- make them interesting, engaging and thoughtful- not the typical political diatribe- and convenient and cheap. For ex., convenient does not mean on Tuesdays mid-day for working people. However, the Legal Lunchbox curriculum could easily deliver these topics 10 times each year. Give our members the opportunity to opt in. It will be a better long term result
N/A	It is a waste of time. And code for far left identity politics. Inclusion should be by merit. Don't need training in this
Raymond Graham	Stop messing with the CLE requirements. If people want to take those classes, they can. Heck, offer them for free on the brown bag series.
Julia Phillips	stop trying to add more requirements, we already have enough and this not needed
James Benedetto	I have no objection to members voluntarily taking MCLE credits on this topic, but I oppose making such a requirement mandatory.
Joshua Kastan	Too many MCLE requirements already; this would just add yet another burdensome requirement that is unnecessary.
Tyler Everett	This would mean professionals who are trying to keep updated in our primary practice areas would be taking classes to meet the requirement which would have no bearing on our practice. If this is an important issue then MCLE should require their presenters to include materials in each subject specific area which discuss diversity.
Moshe Admon	There are many available CLEs on this topic. Adopting this amendment and mandating that practitioners take one credit on this topic further politicizes an already heated issue and will create rifts in our legal community. I will support a proposal that Judges should be required to take such a CLE, but mandating attorneys to do so puts additional unnecessary pressure on us.
Ralph Yenne	
Joseph Coli	
N/A	Stop trying to force your political/moral agenda on us in the professional realm. We address these issues privately.

N/A	
John Dorsey	
Doug Ogden	Diversity and inclusion ethics instruction should be part of ALL CLE ethics courses, not a special break-out category. Categorization of what should be fundamental (and broadly, not "specially" taught) doesn't strike me as solving the problem. But I'll go along with whatever is decided, as our society, and attorney leadership, needs to be fundamental.
Jay Griffiths	
Mark Makler	We already do this and as attorneys this is part of our oath of office and our admission requirements. Do not add more political fodder to the fire - attorneys know the rules and if not then the WSBA can sanction and discipline for failure to follow the rules as they are NOW! No more "added" and force-fed lectures and training for what is already and remains current and the norm.
N/A	
Eric Theile	CLE cost and compliance are already burdensome for many lawyers. Adding the proposed requirement will only increase that. This topic is heavily addressed in undergraduate and law school curriculums.
Anonymous	
Andy Chase	
Matthew Hardin	The MCLE requirement is working just fine as-is. There is no need to inject political ideas and viewpoints into the MCLE process.
Ryan Beaudoin	
N/A	Seems awfully reactionary and not well thought out. We should let this sit for a bit and see if its sill just as pressing in 12 months. Having the requirement is one thing. Having access to programs to fulfill it is another. There needs to be a market before a requirement.
N/A	
Benjamin Sheridan	I'm confused. Is there a problem with attorneys being inequitable or noninclusive that the need to be trained in it every three years by mandate? Why not just make it a means by which attorneys can meet their credit hours or give a pitch as to why its needed. Is there any data on this?
N/A	

Thomas Vest	This proposal is a symbol of everything that is wrong with the WSBA-attempted unnecessary indoctrination of professionals harboring no biases with "corrected" attitudes dictated by the WSBA.
Charlotte Smith	
Isaac Anderson	This is nothing short of an attempt to infuse the legal profession with mandatory reeducation on highly debatable and politically charged subjects.
N/A	
Michael Schrenk	I think lawyers should be able to select the ethical topics of interest to them when choosing CLE's.
J Scott Miller	This appears to be a solution in search of a problem. Although I'm sure there is a benefit including this topic in CLE programs it is not appropriate to impose a minimum.
N/A	This is not necessary.
Gail Tylor	Bar association should stay away from making a requirement that involves a political issue. Stay out of politics. Such CLEs could be optional.
Bruce Kriegman	I fully support the ideals that underlie the purpose of this proposed amendment. I believe that there is systemic bias that needs to be addressed and purged from the judicial system by effective measures but I do not believe CLE or ethics credits are appropriate means or an effective vehicle for what is needed to accomplish that. In fact, I think it could have negative effects in as much as it could be regarded as unnecessarily coercive if not authoritarian.
Debra Defreyn	
N/A	Let's stick to APRs that relate to the practice of law and not try to force a political agenda into what should be apolitical rules. While I'm in favor of reducing bias, it's absolutely not a CLE issue.
Hans Korge	It is the mandate of lawyers to uphold the law in the most impartial way possible while protecting the rights of the individual. Force-feeding diversity to a profession that is already over the top in their virtue signaling of political correctness will do nothing to serve the public interest. This is just a coy way for special interests in the bar to push their self-serving agenda.
Charles Huber	

TOTAL PARTIALLY IN FAVOR OF SUGGESTED AMENDMENT - 51

Name	Feedback/Comments
Hugh Spitzer	I teach Professional Responsibility at the University of Washington School of Law. I have a strong interest in ethics CLEs for practicing lawyers. I support the concept of the Suggested Amendment, but I recommend that the number of mandatory CLE hours be increased to 7 hours, rather than cannibalizing the existing 6 hour ethics requirement. It is hard enough as it is to keep lawyers, LPOs and LLLTs fully up to speed and conscious of the wide range of professional responsibility rules. So again, I would ADD this new requirement (for a total of 7 ethics credits and perhaps a total of 31 overall MCLE required hours). Thanks. Hugh Spitzer, UW School of Law
Julia Rutledge	Having even more than 1 credit hour would be amazing.
Alexander D. DeVitis	The suggested change to APR 11(f)(2) is an improvement. I disagree with the added complexity to the mandatory CLE requirements that the suggested APR 11(c)(1)(ii) revision would bring. The same policy goals could be addressed by providing a no-cost CLE course on the subject providing ethics credits for members.
W. Scott Railton	I favor the requirement, but would make it in addition to the standard 6 Ethics Credits requirements. The importance of this training for legal professionals is clear. However, I do not favor reducing the obligation for training in other ethics subjects, which already are at a low threshold for protecting the public from professional responsibility errors and omissions. Over the course of three years, every attorney can dedicate a focused hour, above and beyond the 45 credit requirement, to this implicit and explicit bias training. Hopefully, attorneys would opt for more training than that.
Lisa Stephanie Mays	Would this apply to BIPOC as well? It seems our lived experience would suggest that one-size fits-all training to the persons the subject of bias and those perpetrating the bias is indeed a bit tone-deaf and risks further victimization.

Ellen Nolan	I believe training on equity and inclusion is important. I think it should include a diversity component as well. I hope if this passes, the MCLE board will be generous in certifying courses, such as those offered by the state (which is my employer) as I've attended entire conferences (two days) devoted to equity, diversity and inclusion training.
Susan DanPullo	I believe it should be at least two (2) credits instead of just one (1).
Andrew Ackley	One hour per credit reporting period is not even close to being enough. Recognizing bias is a skill not just something to "know" once and be done with.
Todd George	My only concern is the availability of credits that would meet this requirement. It's already hard enough to get enough ethics credits, and this seems like it would compound that difficulty.
Robert W. Richardson 37271	I support the initiative fully. However, programming of this type in the past has at times been inadequate or off-topic. People just telling life stories - however impressive or enlightening - does not necessarily make for professional educational credit. More thought has to be put into just who and what the speakers / modules are actually purporting to teach.
April Benson	I fully support the concept of these amendments, and think they are important and necessary for our profession. A small suggested change is that the proposed amendment to APR 11(f)(2) would be reformatted to reduce confusion in how the two required topics may or may not overlap/fit together (there are a lot of clauses and commas as proposed), and explaining whether the list is meant to be exclusive. For example, I would suggest: APR 11(f)(2) Ethics and professional responsibility, defined as topics relating to the general subject of professional responsibility and conduct standards for lawyers, LLLTs, LPOs, and judges, including, but not limited to: (i) equity, inclusion, and the mitigation of both implicit and explicit bias in the legal profession and the practice of law, and (ii) the risks to ethical practice associated with diagnosable mental health conditions, addictive behavior, and stress;
Laura Kisielius	I whole-heartedly support this amendment. I encourage the WSBA include this topic as a free Legal Lunchbox CLE once each calendar year.

Chancey C Crowell	In this time where my reporting requirements have been extended and the conferences I rely on to obtain credits have been canceled, adding any new requirements for the reporting period is onerous. I'm certain that many of the credits that I have already earned would have qualified for the proposed new requirement, none of the learning experiences were classified to meet this new requirement. Changing the rules too early is onerous. Please delay implementation to 2022 at the earliest.
N/A	
ron culpepper 7133	As always, the details matter. Certainly GOOD discussions, seminars, talks are helpful. Poorly thought agenda driven things, not so much.
Paul Okner	DEI training is so important for us lawyers. I think the minimum requirement should be higher - maybe one hour per year.
Cherlyn Walden Borjes	I'm in favor of the proposed amendments, but would like to see diversity left in APR 11(f)(2).
Amy Stephson	I do not think that much can be accomplished in one hour, but oppose making such a class any longer. I would support this on several conditions: (1) WSBA creates the class using really excellent speakers; (2) It contains lots of concrete examples in the legal setting, not platitudes or attacks; (3) It includes all types of bias, not just racial; and (4) It is electronically available at a modest cost.
N/A	I am in favor of the Suggested Amendment so long as similar ethics CLE's already in other jurisdictions (CA, OR) are accepted by WA as well. These ethics issues are not jurisdictions-specific.
Matthew Samples	I think this is an important topic. I do not think this amendment goes far enough. One hour every 3 years is not enough time to have an impact, especially for those who could most benefit from this education. I think the it should be a third requirement category, along side ethics and L&L. I think 3 hours every 3 years should be the minimum requirement. I am concerned there will be a dearth of approved courses. So I hope WSBA will provide free online courses to fulfill this requirement. I also would like to see WSBA develop a free course on the topic. Perhaps make it mandatory for all members or at least, new members as a requirement to be sworn in. Thank You

Sands McKinley	<p>Greetings. CLE requirements are regulatory in nature; as such, the exercise of that regulatory power should be limited in scope to its purpose, to wit: the practice of law. The intent behind the amendment is good, but these topics are related to social and political issues - not the practice of law itself, and therefore should not be specifically required credits, but available (as approved) for general credits.</p>
Jennifer Biely	<p>I am in favor of adding a DEI ethics requirement, as long as WSBA provides free DEI ethics courses for its members. This issue is so important that having free and available classes on this topic should also be requirement. Since we already pay relatively high dues for annual membership and there are not very many DEI classes available, it would be an excellent service of WSBA to provide free DEI ethics credits and would reduce barriers of cost and availability that may prevent some members from taking these courses.</p>
Anonymous Lawyer	<p>I am actually taking no position on the amendment. Instead, I am objecting to names being made public if people ask to weigh in on this. It feels an awful lot like a shaming tactic. Anyone who doesn't want mandatory bias training has to out themselves publicly. This is going to have an obvious chilling effect for any lawyer who opposes the training, especially in our modern cancel culture where such opposition could easily be treated as evidence of bias in itself. Do you really think the average lawyer will risk his or her reputation publicly over one credit hour? There should be a silent vote and opportunity for anonymous comments. If you don't offer that then please don't pretend this process is fair or that any of us actually get a say or a real opportunity to express opinions.</p>
Chris Williams	<p>We have been doing corporate trainings for entities about diversity, sensitivity, and - in the case of police forces - de-escalation for decades and the country is in one of its worst phases for accomplishing what those trainings teach. We clearly cannot train ourselves out of our own biases (sadly). Structural changes must also be made such as making the law easier to access and reducing the cost of legal services. Billing at \$500/hour will pretty much guarantee that you will never meet a person of modest means in your professional capacity. Studying them for an hour each year is not going to give you a fair impression of them either.</p>

Patricia Lally	1 credit is not sufficient to make adequate progress on institutional racism, equity and bias.
Jeremy Bordelon	<p>I support the goals of this amendment. However, as an attorney licensed in Washington, but principally practicing and licensed in Oregon, I ask that it be modified to continue allowing Oregon attorneys who are in compliance with Oregon CLE requirements to satisfy Washington's requirements without the necessity of additional CLE hours. While Oregon does not currently have an inclusion/bias CLE requirement, it does require credits in ethics, as well as specific additional courses in Child and Elder Abuse Reporting, Access to Justice, and Substance Abuse and Mental Health, each of which areas touches on topics related to inclusion. Allowing these Oregon credits to continue to satisfy Washington's CLE requirements would avoid adding a substantial hurdle to dual-licensed attorneys' CLE compliance.</p>
Andrew Grimm	<p>The Amendment is a good idea, but the MCLE course (or at least one course fulfilling the requirement) must be available online, for free, at any time. These are sensitive issues and, as such, those fulfilling the requirement must be able to take view the course in a place and time that is most comfortable to them. Also, the curriculum must ensure that diversity and inclusion includes all types of diversity, including political and ideological diversity. The legal profession has lawyers of a wide range of ideological views and represents clients of an even wider range of ideological views. Disrespect toward persons, no matter their political and ideological views, is unprofessional just like disrespect toward people based on other characteristics. No such disrespect is befitting for the profession. If both of these changes are incorporated into the suggested amendment, it has my support.</p>

<p>KalMarie Rawald</p>	<p>I support this training in general, if WSBA offers it for free to all members. WSBA already has onerous CLE requirements. Even if you substitute one ethics CLE, the specialize nature of this training will likely be burdensome and expensive for WSBA members to meet. If the MCLE Board truly cares about the need for this training, then WSBA should find a way to make it available to all members at no charge (including increasing dues). The Board should also consider allowing training of this nature that is not "legal" to qualify for this requirement. I work for the federal government and my agency presents annual training on mitigating bias, however, it's part of our HR training. I sincerely doubt that WSBA will accept this training for CLE credit since in the past I have had trouble getting WSBA to accept any of my annual federal training for CLE credit. If the Board truly supports this need, then it should be open to alternate training options to allow members to meet this requirement.</p>
<p>Joseph "Gus" Voss, Jr.</p>	<p>Equity, inclusion and mitigation of both implicit and explicit bias in the legal system are good values to pursue; these values ought to be explicitly targeted toward dismantling the oppressive elements of the legal system. I support this amendment over the current language; I would go further and incorporate language about dismantling the ways in which the legal system manifests the interpersonal, organizational, systemic, and structural oppression that we see throughout American society. Understanding that this language would be unlikely to be implemented by the Supreme Court, I am in favor of the language proposed.</p>
<p>Alan J Scherkenbach</p>	<p>As a former EEO/Diversity professional - 30 years in EEO investigation, management and training - I consider the gesture of 1 credit in 3 years meaningless. So why do it at all? It may be a symbolic gestesture, but anyone with any sense in this area knows one hour will change absolutely nothing. Do it right or don't do it - acknowledge that one hour of training does not change minds or attitudes and/or that it is not the role of the Bar to train in this area.</p>

Sharon Ann Saito	Equity, inclusion, mitigation of bias and cultural competency are areas in which we can benefit as professionals. Our conduct affects the clients and communities we serve and it has never been more apparent given the current political and social climate that there is still much room for improvement despite past efforts. I would support the amendment, with a caveat: That there will be accessible, affordable, and adequate CLEs (live/webinar/on demand) offered via WSBA per year to satisfy that requirement. My professional liability insurance carrier requires me to earn three ethics credits each year to renew my policy. If the new amendment would result in an additional credit over our three-year reporting periods, I would still support such an amendment, provided we have the opportunity to access CLEs in those relevant areas.
Joe Hochman	
Lisa Bragg	I would favor the suggested amendment, assuming sufficient availability of CLEs focusing on those topics.
Gail G. Maurer	Amendment should provide that WSBA shall be required to produce a cle program(s) incorporating the required ethics subject matter which shall be free of charge and on demand throughout a cle reporting cycle.
Carol A Churchill	I became inactive because of the number of units required for practice. I am semi-retired, and provide exclusively pro bono services to the poor. I just do not want to study topics I am not interested in to get 45 units.
John Vomacka	While the aim is laudable I question the propriety of the bar association foraying into what I consider the slippery slope of what I consider to be "social engineering." I suggest offering such materials for those who wish to view them but not making them mandatory for MCLE purposes.

Gary M. Georgeff	<p>Here is my feedback on the proposed MCLE ethics requirements. “Equity, inclusion, and mitigation of bias” is a slight cosmetic improvement on the previously proposed “Diversity and anti-bias” amendment which was rejected. The proposed amendment, even under its new name, pretty much starts with the insulting assumption that lawyers themselves are against equity, inclusion, and are biased. Even if you believe that to be true, that is no way to build goodwill and engender thoughtful conversations about those kinds of issues. It is like forcing people to go to church. Also, you can unintentionally create the impression in the minds of various minority groups that secretly most people are out to get them. This recalls the rhetoric of the Oregon State Bar's (OSB) similar “diversity” and “elimination of bias” MCLE program. That was a disaster and led to the first ever Member referendum by which, by about a 2 to 1 margin, the membership voted that the program be dropped. (I am the OSB lawyer who authored the membership referendum and who was the principal proponent throughout the process.) Eventually, a compromise was worked out. The CLE hour requirements were reduced and the program renamed “Access to Justice”. It would be much better if the WSBA adopted the OSB name “Access to Justice” or something similar. It is surprising how much of a positive change this made in OSB program content. Instead of having people preach at the membership and basically accuse them of being bigots, it engendered the birth of programs with a positive approach. Examples include really important things, for example, like helping clients with physical disabilities get their legal problems through the legal system, education about transgender people, and societal norms for communication cues and styles based on gender. I now actually like the Access to Justice programs. So, if you are going to go down this path, learn from your OSB neighbor and do not make the WSBA Board of Governors any more unpopular than it already is. I also hope that the WSBA would allow the credit requirement to be filled when lawyers licensed in multiple jurisdictions take CLE courses to satisfy similar requirements.</p>
Carol Burton	<p>I’m fine with the requirement as long as there are some free options, like the Lunchbox series. I don’t work at a firm, so I have to pay my own way and it’s expensive for some of us.</p>
Lena E. Barouh	<p>The language about diversity and antibias/antiracism is important. The rule doesn't go far enough without it, and anyone who would suggest otherwise is more interested in sweeping those problems under the rug than actually making meaningful progress towards solving them.</p>

Stephanie Mairs	Hello. I support the amendment. I would, however, like to see several opportunities offered to earn this credit free of charge. A number of us work at government agencies or even NGOs--all public interest law entities--where we are paid far less than most legal professionals and must pay for our CLE courses ourselves.
Ward Morrison Jr.	While I support the apparent motivation behind this proposed amendment, I do not believe it is a serious proposal. Indeed, it sounds somewhat pathetic (and perhaps even defeatist). One credit during a 3-year period? This will not do anything to move the needle toward a greater understanding of these complex and difficult issues. A serious problem requires a serious remedy, and this one falls far short. Again, I appreciate the effort and the good intentions, but if the MCLE Board wants to promote change and a greater understanding then the Board must be prepared to be more aggressive. Thank you.
Aneelah Afzali	I think this change is needed/appropriate, but would support more than just 1 credit (I would suggest at least 2 credits). Thanks!
Walton Dabney	In current form it requires one hour training covering an overly broad concept. 1. equity 2. inclusion 3. mitigation of bias, are each deep substantive topics in their own right. A mere one out to cover all three will not cover any of them properly. I recommend changing the language to read... "with at least one credit in *either* equity, inclusion, *or* the mitigation of both implicit and explicit bias in the legal profession and the practice of law." That way a CLE focusing on bias will not also have to cram equity and inclusion education into the hour to count toward this rule.
Bernard Ryan	Without a clear standard and definitions, this proposed amendment offers little to improve matters. It would help greatly if some clarity is offered on terms such as "inclusion" and "implicit" and "explicit". Without this, there will be a plethora of seminars and most of them will be so at odds with each other that we will never be able to know which (if any) of the seminars actually make a difference. Just taking a class on these subjects offers little chance for progress.

Steven L Gross	Because the current rule already includes diversity and anti-bias training I do not object to broadening the description. I disagree with the proposed change to have 1 of the 6 credits dedicated to this specific issue. The bar does not mandate any other specific type of training, and once you start doing so the other 44 credits can rapidly be carved up which would limit members' ability to select the training they believe is best suited for their practice.
James Miersma	I am fully in support of the proposed amendment with the understanding that it be effective in future years. I am scheduled to report my CLE time at the end of 2020 and already have all my requirements completed. I'd rather not take more CLEs when I have already fulfilled the current requirements.
Chloe Thompson Villagomez	I am in favor of this. In my experience, many attorneys are in need of greater awareness in the areas of equity, inclusion, and bias. I would actually like to see more than 1 credit required. I am also admitted to practice in Minnesota, and we have had to obtain 2 Elimination of Bias credits every reporting period for at least as long as I've been admitted (15 years). I would support requiring up to 3 such credits per reporting period. It's not a hard requirement to fulfill, and the topics are often quite interesting.
N/A	I do not support the mandate in APR 11(c)(1)(ii)
Richard E. Gifford	What is the anticipated scope/substance of the "bias/inclusion" training under consideration? It would help were you more specific and clear.
Maria Luisa Germani	Please consider giving equity-related required CLE presentation(s) throughout the year for free for five years. This important topic should remain on the front burner moving forward, and all/any obstacles, e.g., financial for some attorneys, should be removed, at least temporarily. Thank you for considering this! - ML
Robert Carson Warden	In the spirit of equity, inclusion, and elimination of bias, such CLE should be provided by wsba free of charge every year in an easy online format. I am not in favor of any change that would potentially increase the cost of compliance. Only if WSBA provides the newly required CLE free of charge online am I in favor. Wsba membership is already far too expensive.
Carol Koller	More hours should be required on this subject, for example two per year.

Stakeholder Feedback

Received as of 8/04/2020

This feedback was based on an initial draft of the suggested amendment. Edits to the suggested amendment were made in response to the below feedback.

Disclaimer: The comments have not been edited in any way, including content, typographical errors, etc., and because the comments were submitted for consideration at a public meeting, we have included the commenters' names and but not their email addresses.

Comment #1: Alan Tindell (Member of Character and Fitness Board)

I would object to requiring an legal education credit that is specifically focused on any particular topic within the overarching topic of "ethics".

Comment #2: Laura Spradley (Member of Board of Bar Examiners)

I heartily endorse the proposed amendment, provided that the required ethics credit is offered as a free CLE, which you propose.

Comment #3: Nicholas Larson (Member of Public Service Committee)

Thank you for the email. We will review this at our next committee meeting and get back to you.

Comment #4: Nestor Gorfinkel (Member of Limited Practice Board)

Can you kindly explain what would the curriculum entail for "equity, inclusion, and the mitigation of both implicit and explicit bias in the legal profession and the practice of law, including client advising"? Could the one credit be best served by a general topic called "Professionalism in the Industry" which would entail the pursuit and practice of the highest ideals and tenets of the profession, which is more than compliance with the minimal standards of professional conduct, but include a commitment to civility and respect to all persons.

Thank you for the opportunity to provide input.

Comment #5: Jonathan Ko (Member of WAWDA)

Thank you for your email. Our board looked over the amendment and we are in support of it. There was not much comment – some of the Board were in support of the changes last year. We appreciate that you reached out to us.

Hope you're doing well and staying healthy.

Comment #6: Joshua Treybig (Member of QLaw)

My only thought would be perhaps a brief mention that given the current unrest and conversation about racism in the country calls us to focus on the equity and inclusion requirement, of the three

originally proposed, as the most important for our profession to address. QLaw would certainly be in support of this amendment. It is a very small ask given the importance many corporations and local governments have placed on similar efforts toward addressing race equity. Please let me know anything else you need from me.

Take care!

Comment #7: Omar Nur (Member of MELAW)

Thank you for reaching out about this amendment to the MCLE requirements. Although I have not circled back with the rest of the board (yet), in the past we have supported this amendment and we continue to do so. Would you like an actual statement from melaw or is our endorsement of the changes enough?

UPDATED COMMENT:

To follow up on my last communication, we circulated the proposed amendments to the rest of our board for comment and feedback. We received resounding support of the proposed changes, but no additional feedback on how else to improve or change the rules. Please let us know how we can further participate in the future and make sure our support of this amendment is shared with the WSBA BOG.

Thank you.

Comment #8: Dalynne Singleton (Member of Disciplinary Board)

I have reviewed what you have presented and have just one change or suggested revision I would deem necessary.

☐ Reference to “client advising” is unclear to me and I am not sure of the significance of this wording. I would consider an alternate term or a definition of what this is referring to in the changes.

☐ Client advising may mean something to me and another to other legal professional. We are “counselors” by profession. We give legal advice to clients. This seemed to be an addition or after thought.

☐ Are we trying to promote better inter-cultural communication? Say that.

Comment #9: Doug Walsh (Member of Practice of Law Board)

Thank you for your response. POLB hopes to meet before 7/15 and provide timely feedback.

Comment #10: Gregory Morrison (Member of 2014 MCLE Task Force)

I think the proposed amendment is necessary, appropriate, well composed and, therefore, should be adopted.

Comment #11: Beth Bersson (Sponsor Representative for Lawline)

I hope all is well!

I wanted to submit my feedback on the proposed rule change, which will add an equity, inclusion, and mitigation of bias requirement. We at Lawline think it is a wonderful idea for Washington to start requiring this specialty credit!

Many CLE states are moving towards requiring attorneys to complete courses on this important topic. Just this July, Vermont became the eighth state to implement a Diversity & Inclusion CLE requirement. By requiring attorneys to study this area on a continuous basis, Washington will ensure that attorneys are turning their attention to, and finding ways to combat, some pervasive problems within the legal industry and beyond.

Lawline already offers many courses in this area for other states. If it is helpful, I would be happy to provide you or anyone at the WA MCLE Board with access to some sample courses. Some comments we have received from our current Diversity & Inclusion and Elimination of Bias courses:

“Amazing. We ended up with my family gathered around my iPad, listening and pausing to discuss points she made. Excellent. A fabulous presentation on a complex topic.”

“I really enjoyed this program. It was eye opening to some of my own biases.”

“Good discussion with honest admission that we all have biases to overcome and that the process is ongoing at all times.”

“Very well done. Raised important and interesting dynamics of all our biases and how to deal with them.”

This is a critically important topic area for everyone to be focusing on, but it’s particularly important for attorneys. We believe that adding this to the CLE requirements will help drive change within the legal industry and elevate the profession as a whole.

Thank you in advance, and I look forward to seeing this change roll out in the future!

Comment #12: Emily Sheldrick (Member of Client Protection Board)

I am very much in support of the suggested amendment to APR 11. I would be in favor of the Client Protection Board issuing a joint statement supporting the proposed amendment.

Comment #13: Gloria Ochoa-Bruck (Member of Client Protection Board)

I second Emily and would also be in favor of the Client Protection Board issuing a joint statement supporting the proposed amendment.

Comment #14: Amber Haslett-Kern (Washington Association of Prosecuting Attorneys)

Please accept my apology for the tardiness of this response. I hope our Association's feedback can still be considered.

As a Sponsor, we host several programs annually.

We train in upwards of 1200 attorneys/members per year.

These attorneys/members are in various departments within their respective offices.

With each of our programs

We offer at least 15 CLE's, with a minimum of 2 Ethics credits, and

Our Ethics topics address prosecutor specific issues and generally include content in equity, inclusion and antibias

In addition, our non-Ethics topics regularly incorporate these issues

If the Board's Rules Subcommittee voted the proposed amendment

It would require our Association to *Implement the additional Ethics topic at every program*, In order for our members to stay in compliance with the requirement

Eliminate our ability to address other Ethical needs and requirements

We are also required by the State to conduct training, however, We have limited training funds, *Which will be cut drastically with our current pandemic*

We are a non-profit organization

Having these proposed amendments for the required Ethics credits would be a financial burden to our Association. We acknowledge the value and timing of these topics. We would like to suggest that these proposed amendments only be considered as "permitted accreditable topics."

Comment #15: Nancy Chupp/Nick Larson (Pro Bono and Public Service Committee)

To the Members of the MCLE Board:

The WSBA Pro Bono and Public Service Committee would like to express its strong support of the MCLE Board's suggestion of amending APR 11 to require each licensed legal professional to complete at least one (1) ethics credit in the topic of equity, inclusion and the mitigation of bias per three-year MCLE reporting period.

The Pro Bono and Public Service Committee recognizes that inequality and inequity remain steadfastly embedded in the foundations of the American legal system, resulting in longstanding and continuing systematic denials of justice to large portions of our community. This committee recognizes further that remedying such injustice will not simply occur as a result of mere good intentions or a continuation of the status quo, but will require proactive engagement and effort by the very legal professionals who are the front-line practitioners and gatekeepers of justice in our state. The Pro Bono and Public Service Committee believes that mandatory education about equity, inclusion, and bias for every Washington legal professional is a critical component of this effort.

Moreover, given the magnitude and gravity of the challenges we are faced with, the Pro Bono and Public Service Committee puts forth that the MCLE Board's proposal of 1 DEI credit per reporting period (a scant 20 minutes per year!) is insufficient. Rather, our committee suggests that the MCLE Board and the Board of Governors move for an even greater mandate of DEI training (e.g., 1 hour per year) for all Washington legal professionals, thereby demonstrating a meaningful institutional commitment to this important objective.

Comment #16: Vanessa Martinez (Latino/Latina Bar Association)

Good afternoon,

LBAW supports the suggested amendment. Equity, inclusion, and the elimination of biases in the law and practice of law are very important to our board and membership.

Thank you.

Comment #17: : Shanthi Raghu (Staff Liaison for WSBA CLE)

Dear MCLE Board,

As an accredited CLE sponsor, WSBA CLE thanks you for reaching out for feedback on the preliminary suggested amendment to APR 11. WSBA CLE is in support of the overall preliminary suggested amendment, is committed to equity and inclusion in the legal profession and the practice of law, and currently develops and delivers content that falls within this subcategory.

As outlined, the WSBA Board of Governors committed WSBA to developing and delivering three free (live and later available on demand) CLE credits in three credit categories (equity, inclusion, and mitigation of both implicit and explicit bias; mental health and addiction; and the use of technology as it pertains to professional responsibility including how to maintain security); one of the CLE credits to be offered annually falls under the preliminary suggested amendment to APR 11.

WSBA CLE respectfully requests that additional guidance is posted for sponsors to help determine what content would qualify under this new credit category. Additionally, WSBA CLE suggests that there is no expectation (or recommendation) that sponsors are to amend existing accredited activities in light of this proposed amendment.

Finally, a suggested edit to the preliminary suggested amendment is also offered for the Board's consideration:

"with at least one credit in equity, inclusion, and the mitigation of both implicit and explicit bias in the legal profession and/or the practice of law, including client advising.

Thank you again for the opportunity to respond to the preliminary suggested amendment to APR 11.

Comment #18: Wil Miller (WSBA CLE Committee, Chair)

Dear MCLE Board,

The WSBA CLE Committee met today to discuss the proposed amendment to APR 11. For the purpose of this email, the content of the proposed amendment to APR 11 shall be referred to as the "subject matter".

The CLE Committee agreed the proposed subject matter is timely and important, and also agreed it supports WSBA's mission statement regarding inclusion, diversity and access. Given that only one hour is required in any given reporting period, the requirement does not seem onerous. However, as the CLE Committee, we feel it's more important for us to address the operational aspects of implementing access to the subject matter, rather than the policy issues for developing it.

The committee as a whole felt it was very important that the one hour of approved CLE credit on the subject matter be provided every year, on demand, and available for free to any WSBA member.

The committee agreed a new hour of material should be provided each year, for free, and that it makes fiscal sense that the preceding year's CLE be sold on the CLE Store once the next year's credit hour is made available for free. By renewing the content each year, those interested in the subject matter can access a new, free, on demand hour on the subject matter annually.

The committee thought the areas of Employment Law and Family Law were particularly well suited to include a one-hour segment on the subject matter within their longer CLE's (i.e. Family Law Mid-Year), and could also be included in the "year end omnibus CLE's" that contain many subjects and are designed to provide "catch up" credits for attorneys with looming CLE compliance deadlines.

Otherwise, the committee acknowledged it might be difficult to incorporate the subject matter CLE's in other areas of the law, making the need for a readily available, standalone CLE on the subject all the more important.

Thank you.

Comment #19: Salvador Mungia (Access to Justice Board, Chair)

I write on behalf of the Access to Justice Board in response to the Mandatory Continuing Legal Education (“MCLE”) Board’s request for a statement of support for the MCLE’s Board’s efforts to further explore proposing a modification to Admission and Practice Rule 11(c).

The Access to Justice Board supports the MCLE Board’s consideration of a modification to APR 11 to require at least one ethics credit from among the existing required credit threshold to involve education in equity, inclusion, and the mitigation of implicit and explicit bias in the legal profession and the practice of law.

The proposed modification to APR 11 is consistent with the ATJ Board’s 2020- 22 priorities, which highlight the importance of promoting systemic and internal race-equity practices, working toward a vision that race or color does not determine the availability and quality of services, fairness of outcomes, or opportunities for communities and individuals. The proposed modification would also support the goals of the ATJ Board and all of the members of the Alliance for Equal Justice as we continue the work outlined in the most recent State Plan for the Coordinated Delivery of Civil Legal Aid to Low Income People, which centers around race equity. The proposed modification is also consistent with the ATJ Board’s participation in the Washington Race Equity and Justice Initiative, and the ATJ Board’s recent Call to Action to convene members of the Alliance for Equal Justice to work for racial justice at every level in our legal system.

The ATJ Board supports the MCLE Board’s efforts to further explore a modification to APR 11. As the MCLE Board carries out this work, we ask that you please share drafts of the text of any proposed rule with the chair of the ATJ Board’s Rules Committee for feedback before the rule is formally proposed for adoption.

Sincerely,

Emailed Feedback

Received as of 8/4/2020

*** Disclaimer: The comments have not been edited in any way, including content, typographical errors, etc., and because the comments were submitted for consideration at a public meeting, we have included the commenters' names and but not their email addresses.**

Email #1:

Dear Colleagues,

A few minutes ago I received a survey from the WSBA that involves a topic of serious concern to many these days. The WSBA efforts to gain insights regarding what stakeholders think on this topic.

The survey as currently constructed arguably introduces a chilling effect. As a result, your results will likely be seriously skewed.

While not exactly the same situation, please see the linked cartoon below for an example.

<https://dilbert.com/strip/1992-07-05>

("Dilbert", Scott Adams, July 5, 1992)

Sincerely,

Dominic Lindauer

Email #2:

While I do not disagree that the topics covered by the proposed amendment are important, I do not believe the bar should be mandating them as topics. I feel that the bar should focus on insuring that practitioners are competent to provide sound legal advice and do so in a manner that is consistent with the current ethic rules. Additionally, many of us who work for corporations are fully aware of these issues and regularly attend classes or are provided information on these topics on a continuing basis.

Bruce S. Echigoshima

General Rules

GR 9 SUPREME COURT RULEMAKING

(a) Statement of Purpose. The purpose of rules of court is to provide necessary governance of court procedure and practice and to promote justice by ensuring a fair and expeditious process. In promulgating rules of court, the Washington Supreme Court seeks to ensure that:

- (1) The adoption and amendment of rules proceed in an orderly and uniform manner;
- (2) All interested persons and groups receive notice and an opportunity to express views regarding proposed rules;
- (3) There is adequate notice of the adoption and effective date of new and revised rules;
- (4) Proposed rules are necessary statewide;
- (5) Minimal disruption in court practice occurs by limiting the frequency of rule changes; and
- (6) Rules of court are clear and definite in application.

(b) Definitions. As used in this rule, the following terms have these meanings:

- (1) "Suggested rule" means a request for a rule change or a new rule that has been submitted to the Supreme Court.
- (2) "Proposed rule" means a suggested rule that the Supreme Court has ordered published for public comment.

(c) Request for Notification. Any person or group may file a request with the Supreme Court to receive notice of a suggested rule. The request may be limited to certain kinds of rule changes. The request shall state the name and address of the person or group to whom the suggested rule is to be sent. Once filed, the request shall remain in effect until withdrawn or unless notice sent by regular, first-class U.S. mail is returned for lack of a valid address.

(d) Initiation of Rules Changes. Any person or group may submit to the Supreme Court a request to adopt, amend, or repeal a court rule. The Supreme Court shall determine whether the request is clearly stated and in the form required by section (e) of this rule. If the Supreme Court determines that a request is unclear or does not comply with section (e), the Supreme Court may (1) accept the request notwithstanding its noncompliance, (2) ask the proponent to resubmit the request in the proper format, or (3) reject the request, with or without a written notice of the reason or reasons for such rejection.

(e) Form for Submitting a Request to Change Rules.

(1) The text of all suggested rules should be submitted on 8 1/2- by 11-inch line-numbered paper with consecutive page numbering and in an electronic form as may be specified by the Supreme Court. If the suggested rule affects an existing rule, deleted portions should be shown and stricken through; new portions should be underlined once.

(2) A suggested rule should be accompanied by a cover sheet and not more than 25 pages of supporting information, including letters, memoranda, minutes of meetings, research studies, or the like. The cover sheet should contain the following:

(A) Name of Proponent--the name of the person or group requesting the rule change;

(B) Spokesperson--a designation of the person who is knowledgeable about the proposed rule and who can provide additional information;

(C) Purpose--the reason or necessity for the suggested rule, including whether it creates or resolves any conflicts with statutes, case law, or other court rules;

(D) Hearing--whether the proponent believes a public hearing is needed and, if so, why;

(E) Expedited Consideration--whether the proponent believes that exceptional circumstances justify expedited consideration of the suggested rule, notwithstanding the schedule set forth in section (i).

(f) Consideration of Suggested Rule by Supreme Court.

(1) The Supreme Court shall initially determine whether a suggested rule has merit and whether it involves a significant or merely technical change. A "technical change" is one which corrects a clerical mistake or an error arising from oversight or omission. The Supreme Court shall also initially determine whether the suggested rule should be considered under the schedule provided for in section (i) or should receive expedited consideration for the reason or reasons to be set forth in the transmittal form provided for in section (f) (2).

The Supreme Court may consult with other persons or groups in making this initial determination.

(2) After making its initial determination, the Supreme Court shall forward each suggested rule, except those deemed "without merit", along with a transmittal form setting forth such determinations, to the Washington State Bar Association, the Superior Court Judges Association, the District and Municipal Court Judges Association, and the Chief Presiding Judge of the Court of Appeals for their consideration. The transmittal shall include the cover sheet and any additional information provided by the proponent. The Supreme Court shall also forward the suggested rule and cover sheet to any person or group that has filed a notice pursuant to section (c), and to any other person or group the Supreme Court believes may be interested. The transmittal form shall specify a deadline by which the recipients may comment in advance of any determination under section (f) (3) of this rule. If the Supreme Court determines that the suggested rule should receive expedited consideration, it shall so indicate on the transmittal form. The form may contain a brief statement of the reason or reasons for such consideration.

(3) After the expiration of the deadline set forth in the transmittal form, the Supreme Court may reject the suggested rule, adopt a merely technical change without public comment, or order the suggested rule published for public comment.

(g) Publication for Comment.

(1) A proposed rule shall be published for public comment in such media of mass communication as the Supreme Court deems appropriate, including, but not limited to, the Washington Reports Advance Sheets and the Washington State Register. The proposed rule shall also be posted on such Internet sites as the Supreme Court may determine, including those of the Supreme Court and the Washington State Bar Association. The purpose statement required by section (e) (2) (C) shall be published along with the proposed rule. Publication of a proposed rule shall be announced in the Washington State Bar News.

(2) Publication of a proposed rule in the Washington State Register shall not subject Supreme Court rule making to the provisions of the Administrative Procedures Act.

(3) All comments on a proposed rule shall be submitted in writing to the Supreme Court by the deadline set forth in section (i).

(4) If a comment includes a suggested rule, it should be in the format set forth in section (e). All comments received will be kept on file in the office of the Clerk of the Supreme Court for public inspection and copying.

(h) Final Action by the Supreme Court, Publication, and Effective Date.

(1) After considering a suggested rule, or after considering any comments or written or oral testimony received regarding a proposed rule, the Supreme Court may adopt, amend, or reject the rule change or take such other action as the Supreme Court deems appropriate.

Prior to action by the Supreme Court, the court may, in its discretion, hold a hearing on a proposed rule at a time and in a manner defined by the court. If the Supreme Court orders a hearing, it shall set the time and place of the hearing and determine the manner in which the hearing will be conducted. The Supreme Court may also designate an individual or committee to conduct the hearing.

(2) Regarding action on a suggested rule:

(A) If the Supreme Court rejects the suggested rule, it may provide the proponent with the reason or reasons for such rejection.

(B) If the Supreme Court adopts the suggested rule without public comment, it shall publish the rule and may set forth the reason or reasons for such adoption.

(3) Regarding action on a proposed rule:

(A) If the Supreme Court rejects a proposed rule, it may publish its reason or reasons for such rejection.

(B) If the Supreme Court adopts a proposed rule, it may publish the rule along with the purpose statement from the cover sheet.

(C) If the Supreme Court amends and then adopts a proposed rule, it should publish the rule as amended along with a revised purpose statement.

(4) All adopted rules, or other final action by the Supreme Court for which this rule requires publication, shall be published in a July edition of the Washington Reports advance sheets and in the Washington State Register immediately after such action. The adopted rules or other Supreme Court final action shall also be posted on the Internet sites of the Supreme Court and the Washington State Bar Association. An announcement of such publication shall be made in the Washington State Bar News.

(5) All adopted rules shall become effective as provided in section (i) unless the Supreme Court determines that a different effective date is necessary.

(i) Schedule for Review and Adoption of Rules.

(1) In order to be published for comment in January, as provided in section (i) (2), a suggested rule must be received no later than October 15 of the preceding year.

(2) Proposed rules shall be published for comment in January of each year.

(3) Comments must be received by April 30 of the year in which the proposed rule is published.

(4) Proposed rules published in January and adopted by the Supreme Court shall be republished in July and shall take effect the following September 1.

(5) All suggested rules will be considered pursuant to the schedule set forth in this section, unless the Supreme Court determines that exceptional circumstances justify more immediate action.

(6) The Supreme Court, in consultation with the Washington State Bar Association, the Superior Court Judges Association, the District and Municipal Court Judges Association, and the Chief Presiding Judge of the Court of Appeals, shall develop a schedule for the periodic review of particular court rules. The schedule shall be posted on such Internet sites as the Supreme Court may determine, including those of the Supreme Court and the Washington State Bar Association.

(j) Miscellaneous Provisions.

(1) The Supreme Court may adopt, amend, or rescind a rule, or take any emergency action with respect to a rule without following the procedures set forth in this rule. Upon taking such action or upon adopting a rule outside of the schedule set forth in section (i) because of exceptional circumstances, the Supreme Court shall publish the rule in accordance with sections (g) or (h) as applicable.

(2) This rule shall take effect on September 1, 2000 and apply to all rules not yet adopted by the Supreme Court by that date.

[Adopted effective March 19, 1982; amended effective September 1, 1984; September 1, 2000.]

SUGGESTED AMENDMENTS TO APR 11 (Redline)

TITLE

ADMISSION AND PRACTICE RULES (APR)

RULE 11. MANDATORY CONTINUING LEGAL EDUCATION (MCLE)

Sections (a) – (b) No Changes.

(c) Education Requirements.

(1) Minimum Requirement. Each lawyer must complete 45 credits and each LLLT and LPO must complete 30 credits of approved continuing legal education by December 31 of the last year of the reporting period with the following requirements:

- (i) at least 15 credits must be from attending approved courses in the subject of law and legal procedure, as defined in subsection (f)(1); and
- (ii) at least six credits must be in ethics and professional responsibility, as defined in subsection (f)(2), with at least one credit in equity, inclusion, and the mitigation of both implicit and explicit bias in the legal profession and the practice of law.

Sections (c)(2) – (e) No Changes.

(f) **Approved Course Subjects.** Only the following subjects for courses will be approved:

- (1) Law and legal procedure, defined as legal education relating to substantive law, legal procedure, process, research, writing, analysis, or related skills and technology;
- (2) Ethics and professional responsibility, defined as topics relating to the general subject of professional responsibility and conduct standards for lawyers, LLLTs, LPOs, and judges, including ~~diversity and antibias with respect to the practice of law or the legal system,~~ equity, inclusion, and the mitigation of both implicit and explicit bias in the legal profession and the practice of law, and the risks to ethical practice associated with diagnosable mental health conditions, addictive behavior, and stress;

SUGGESTED AMENDMENTS TO APR 11 (Redline)

1 **Sections (f)(3) – (k).**

2 **No Changes.**

DISCUSSION :

Pro Bono Credit

The MCLE Board will discuss a letter drafted by a lawyer who is requesting that “transactional legal services” done on a pro bono basis for a non-profit organization – that is not listed as a Qualified Legal Service Provider (QLSP) –be eligible for MCLE credit.

Under Admission and Practice Rule (APR) 11(e)(7), legal services must be rendered through a qualified legal services provider as defined in APR 1 ; therefore, any pro bono application submitted for credit wherein the work is not completed through a QLSP is not eligible for MCLE credit.

Background:

MCLE Staff received a letter from a WSBA member dated June 19, 2020, regarding the requirements for pro bono credit. The letter is a request to consider pro bono legal work completed for non-profits that are not designated as a QLSP, and of a more transactional nature for MCLE credit.

During the last major revision of APR 11, when an MCLE Task Force convened in 2014 to suggest rule changes, the MCLE Task Force heard from various sources about the impact of pro bono services being eligible for MCLE credit. The discussion centered on using MCLE credit as an incentive to attract lawyers to volunteer for “qualified legal services providers”. The original idea behind giving pro bono work MCLE credit was to give credit to Washington lawyers for pro bono work that benefits Washington residents – which QLSPs do, but other organizations might not.

Qualified Legal Services Providers are defined as organizations that primarily provide legal services to low income individuals in Washington State. The intent of the rule change to allow unlimited number of pro bono hours through a QLSP was intended to be a mechanism to encourage volunteers and increase the access to justice for low income individuals. Additionally, providing pro bono legal services were cited as a valuable learning experience.

Benefits to limiting MCLE credit for pro bono service to QLSPs:

- QLSPs are already vetted by WSBA so we know they provide work to low-income people.
- Provides an incentive for licensed legal professionals to volunteer with QLSPs, thereby increasing the access to justice for low income individuals in Washington State.
- QLSPs provide malpractice insurance and training to their volunteers.
- QLSPs provide an avenue to verify that the work was completed in the case of an audit.
- Educational materials are available to people who provide pro bono services through QLSPs that are not available to people who do pro bono work for other organizations, helping to ensure their competency.

Potential Talking Points:

- **Should the MCLE Board discuss this request further?**
 - **For example, Should the MCLE Board suggest a future rule change, and/or form a subcommittee to research the QLSP requirement?**
- **How should the MCLE Board respond to this letter?**
- **How would you like MCLE staff to respond to inquiries of this nature in the future?**

Supplemental Information:

- APR 11(e)(7): Providing pro bono legal services provided the legal services are rendered through a qualified legal services provider as defined in APR 1;
- APR 1 (e)(8): “Qualified legal services provider” means a not for profit legal services organization in Washington State whose primary purpose is to provide legal services to low income clients.
- WSBA webpage about QLSPs: <https://www.wsba.org/connect-serve/volunteer-opportunities/psp/qlsp>

Enclosed Documents:

- **Letter from WSBA member dated 6/19/2020**
- **Email to member dated 6/26/2020**
- **Letter from Washington Pro Bono Council dated 5/07/2014**

LAW OFFICE OF COKE ROTH

ATTORNEY AT LAW

LICENSED TO PRACTICE IN WASHINGTON AND OREGON

8836 GAGE BOULEVARD, SUITE 204-A
KENNEWICK, WASHINGTON 99336
PHONE 509.783.0220 FAX 509.783.0411

June 19, 2020

Washington State Bar Association
1325 4th Ave., Suite 600
Seattle, WA 98101 – 2539

Re: Pro Bono Legal Services – Albert Coke Roth III, WSBA #22948

Ladies and Gentlemen:

I am in solo practice in the Tri-Cities area providing transactional legal services. As part of my practice, I have developed a robust and visible pro bono nonprofit practice.

One of the glaring inequities that I see with regard to being able to qualify pro bono hours for Continuing Legal Education is the fact you deeply embrace and reward those who perform litigation services, however, to all of the dozens of nonprofits that I service with my time, energy and expertise, and even filing fees that I donate, there is apparently no path for me to receive an ounce of Continuing Legal Education credit. Last year, alone, I performed 181 hours of non-billable, pro bono services for organizations that focus their nonprofit efforts on education, law enforcement, artistic, sports, religion, social purpose, community purpose, missionary activities, community awareness and a host of other philanthropic purposes.

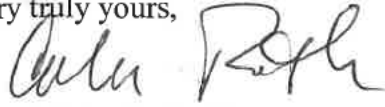
If a pro bono lawyer defends a defaulting tenant through some sanctioned WSBA qualified legal services provider, or a pro bono lawyer is involved in a structured mentoring program, apparently CLE is gladly credited. However, if I and others spend unpaid, unbilled hours on formation and governance documents and consultation for a nonprofit, the WSBA has no vector for me or others to acquire even a modicum of CLE credit.

I ask the WSBA to strongly consider granting WSBA members who perform nonprofit transactional services to be allowed to claim a few hours of CLE credit for the good we provide to our communities through nonprofit legal services, education and advocacy.

I am not interested in receiving recognition for my pro bono legal services, and I am not interested in applying for any credit you may later extend. I gave up reporting my pro bono credits years ago after having received several Pro Bono Publicum awards from the WSBA, and I get well more legitimate CLE than required. However, the WSBA should be vitally interested in promoting transactional professional legal services to the nonprofit community, and I feel that the most effective way you're going to ever be successful is to allow some amount of credit to those of us to roll up our sleeves outside of the courtroom.

Thank you very much for your consideration on this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Albert Roth", written over the typed name.

Albert Coke Roth, III
Attorney at Law
coke@cokerothlaw.com

ACR:wkc

WASHINGTON STATE
BAR ASSOCIATION

Regulatory Services Department

June 26, 2020

Albert Coke Roth III
8836 Gage Boulevard, Suite 204-A
Kennewick, WA 99336

RE: Request for Consideration of Non Profit Pro Bono Service as MCLE credit

Dear Albert Coke Roth, III:

Thank you for your recent letter requesting consideration of pro bono service provided to non-profit organizations as MCLE credit. Your letter has been added to the agenda and public materials for the next regularly scheduled MCLE Board meeting: August 7, 2020.

Sincerely,

Gabriel Moore
MCLE Analyst
gabem@wsba.org





MEMBERS

TERRA NEVITT, CHAIR
SUSAN ARNEY
CATHERINE BROWN
LAURIE DAVENPORT
RYAN FEENEY
ANITA HALE
MELISSA JOHNSON
SUSAN KING
THREESA MILLIGAN
GAIL SMITH
LORI BASHOR-SARANCIK
EVA WESCOTT

STAFF

BETH LEONARD
PRO BONO COUNCIL MANAGER
(206)267-7026
BETHL@KCBA.ORG

May 7, 2014

Washington State Bar Association
MCLE Task Force
1235 Fourth Ave., Ste 600
Seattle, WA 98101-2539

Re: Support for APR 11.2 and Regulation 103

Dear MCLE Task Force:

The Pro Bono Council (PBC) voted at its May 5, 2014 meeting to endorse the continued existence and expansion of APR 11.2 and corresponding Regulation 103, which give WSBA members the opportunity to receive CLE credits for pro bono service and training. Further, the PBC encourages the MCLE Task Force to adopt the 2012 proposal of the Pro Bono and Legal Aid Committee (PBLAC) that APR 11.2 be expanded to allow up to 30 credit hours per reporting period for pro bono service and training.

The PBC is part of the current effort to support, provide a unified voice, and advocate for the network of 18 Volunteer Lawyer Programs (VLPs) in the State of Washington. The VLPs provide free, high quality, efficient, and innovative civil legal assistance to low income people through the recruitment, training, supervision, and support of volunteer lawyers. The success of the VLPs is dependent on the participation of lawyers that volunteer their time to assist low-income residents of Washington with their civil legal needs.

The VLPs have reported that, because it gives WSBA members the opportunity to attain CLE credit through pro bono work and training, APR 11.2 is an invaluable recruitment tool. This sentiment is echoed by the ABA's most recent report on pro bono work, which states that receiving CLE credit is one of the biggest incentives to do pro bono service.¹ Without APR 11.2, the VLPs are at risk of losing volunteers and,

¹American Bar Association Standing committee on Pro Bono and Public Service, *Supporting Justice III: A Report on the Pro Bono Work of America's Lawyers*, 26 (2013). Available at http://www.americanbar.org/content/dam/aba/administrative/probono_public_service/ls_pb_Supporting_Justice_III_final.authcheckdam.pdf

therefore, losing capacity to provide services to the already under-served low-income client population in Washington State. Further, APR 11.2 encourages WSBA members to fulfill the aspirational goal of 30 hours of pro bono public service a year in accordance with RPC 6.1, and demonstrates that the State bar values pro bono efforts and the work of VLPs.

The PBC is in the process of supporting the VLPs in advertising the availability of CLE credit under this rule, as well as making the required training from a Qualified Legal Service Provider more accessible to lawyers statewide. Unfortunately, it has been reported that many volunteers find the process of applying for the CLE credit to be difficult. For this reason, the PBC proposes, in order to encourage more widespread use of APR 11.2, that the MCLE board adjust the rule so that the process for attaining credit is streamlined for the ease of WSBA members who take the time to provide volunteer service. This would allow the amount of CLE credits reported to more accurately reflect the amount of pro bono service that WSBA members engage in.

In addition to supporting services to low-income clients, APR 11.2 provides an important mechanism of legal education to WSBA members. Pro bono work, because it is real-life experiential learning, is a high quality approach to educating lawyers. Through pro bono service, lawyers are faced with immediate situations that are often outside their comfort zone; live clients, opposing parties, and courts; and unforeseen case complexities that need to be addressed. Therefore, live pro bono work supplements traditional classroom-based CLEs and allows lawyers to put skills learned in the classroom into practice. WSBA members have reported that doing pro bono work gives them the opportunity to learn and practice many skills that are not always available to them in their employment. These skills include client interviewing, arguing in court, conducting legal research, applying law to real life, cultural competency, and legal writing.

Due to this high potential for legal skills training, experiential education has been integrated into the legal profession as a valuable form of learning. Washington's law schools have come to realize that students often gain more skills and knowledge from working directly with clients than from only listening to a lecture and have increased the availability of their clinical programs as a result. Receiving CLE credit for conducting pro bono services is consistent with this form of education. Credit for these activities extends the availability of experiential learning to practicing lawyers and allows WSBA members to access the highest quality of legal education throughout their careers.

As a whole, the legal profession is responsible for ensuring that all people, regardless of income, are afforded meaningful access to the justice system for ensuring that lawyers are educated and ready to provide high quality legal services. On behalf of the VLPs, their volunteers and their clients, the PBC joins Washington's 3 law schools, the WSBA BOG, PBLAC, and the ATJ

Board in respectfully endorsing the continued existence and expansion of APR 11.2 and corresponding Regulation 103.

Thank you,

A handwritten signature in black ink, appearing to read 'Terra Nevitt', with a stylized, sweeping flourish at the end.

Terra Nevitt, Pro Bono Council Chair

DISCUSSION:

MCLE Trends

The MCLE Staff Liaison will discuss current trends with MCLE in the midst of the COVID-19 pandemic, including changes in CLE sponsor applications.

Background:

The Covid-19 pandemic has effectively cancelled all in-person CLE opportunities as of spring 2020, and CLE sponsors have had to adapt to the changing environment in order to provide content, moving to an almost entirely virtual setting. CLE sponsors have adjusted their seminars, conferences, and training programs in a number of different and novel ways. Many larger conferences, for example, have now converted to a hybrid of live webcasts and on-demand recordings as part of a single registration, while others have become holistic packages spanning several weeks, even months of live broadcast, rather than several days. These novel formats that spread over many weeks or months can complicate the application fee process.

Per some initial data analysis, CLE sponsor activity applications appear to be trending down, while member submitted applications appear to be rising. Some CLE sponsors advertise that those licensed in Washington will need to apply for credit on their own, effectively avoiding an activity application fee and putting the reporting burden on licensed legal professionals.

Additionally, with the work on the admissions database coming to a close the MCLE staff continues to work with IT staff on exploring the options for a central MCLE database that will house MCLE data for all three license types. MCLE staff are working with IT staff to explore the feasibility of purchasing a third party database versus modifying the existing database with internal IT staff. Either way MCLE staff hope to begin work on the MCLE database this coming fiscal year.

Possible Discussion Topics:

- Should the MCLE team research the apparent trend of CLE sponsors submitting activity applications less frequently?
- Does the MCLE Sponsor fee structure need to be re-examined in light of these trends?
 - Should activity applications be charged by credit rather than CLE?
 - Should the MCLE Board discuss what they consider to be one, single activity application?
 - For instance, should a conference spread out over months be charged one application fee, or a fee for each individual day? If so, what would be the impact on attendance reporting, tracking eight hour violations, and the budget?
- Would the MCLE Board like to discuss, at a future Board meeting, some possible actions (if any) to encourage CLE Sponsors advertising that they will not apply for credit in WA to submit applications?

WASHINGTON STATE BAR ASSOCIATION

July 30, 2020

TO: WSBA Committees, Boards, Panels, Councils & Section Executive Committees

FROM: Terra Nevitt, Executive Director

SUBJECT: WSBA In-Person Meetings and Events

Committed WSBA Leaders,

We have all been faced with the challenges, both personally and professionally, brought on by this unprecedented global pandemic. As plans to reopen continue to be in flux, and after conferring with President Mujumdar, I'd like to update you with information about the Washington State Bar Association's (WSBA's) plan to resume in-person meetings and events, both at the WSBA offices in Seattle and around the state.

My priority is and will always be the health and safety of staff and WSBA community members. With this in mind, and following public health guidelines, please know **all in-person meetings and events will not be planned or held until all Washington counties are, at a minimum, in Phase 3 (allowing for non-essential travel) according to Washington State Coronavirus Response Phased Approach**. This encompasses meetings and events held either at the WSBA office or around the state, and regardless of whether there is in-person staffing support or not. When such time occurs, staff and volunteers must adhere to the requisite safety guidelines.

There are a few exceptions to the restriction on in-person meetings and events, including work mandated by Court Rule and work that *cannot* be transitioned virtually (such as the administration of the bar exam), or if the current modifications to the Open Public Meeting Act change.

Please connect with WSBA staff to discuss resources and support around virtual meetings and events. If you would like to plan for in-person meetings and/or events when all counties are in Phase 3, please contact your staff liaison as soon as possible.

I understand the value derived from in-person meetings and events. This is a significant shift in how the WSBA carries out its work and we are all adapting to a 'new normal' for the foreseeable future. I want to express my sincere gratitude for your commitment to the WSBA during these trying times. In a time when it is entirely reasonable for a volunteer to surrender their voluntary obligations, I have, on the contrary, seen an increase in volunteer engagement and member involvement. The work done by all WSBA volunteers is immeasurably important. WSBA staff are committed to furthering this work, while maintaining all reasonable considerations around the health and safety of the WSBA community and we greatly appreciate your understanding.



WASHINGTON STATE B A R A S S O C I A T I O N

FREQUENTLY ASKED QUESTIONS

Travel by WSBA Staff and Volunteers to In-person Events during the COVID-19 Pandemic

Q: Can WSBA entities (members, volunteers) and staff travel from counties in phase 1 or 2 into counties in phase 3 or 4 to hold an in person event involving more than 5 people?

A: WSBA entities and staff may hold in person events and travel to the location of the events only if the Executive Director has determined that the event and the related travel are essential or for nonessential travel, when all counties are in Phase 3 according to the Washington State Coronavirus Response Phased Approach.

The Governor's [Safe Start Reopening Plan](#) allows essential and limited non-essential travel in Phase 1 for activities that are permitted in Phase 1 and it also allows essential and limited non-essential travel in Phase 2 for activities that are permitted in Phase 1 and 2. There is no clear definition of essential travel specifically for business activities. The Office of Financial Management (OFM) [advises](#) that state agencies limit travel and provides a list of factors to determine what essential travel is. OFM states that agencies should *"assess the need for conferences and large gatherings of 50 or more, and whether alternative accommodations can be made to mitigate exposure. Essential conferences that cannot be delayed or conducted by other means, must comply with all local health authority guidance on strategies to mitigate exposure."*

The Municipal Research and Service Center has advised that "essential" travel is that travel necessary to work at or patronize an essential business. This is supported by Proclamation 20-25 that indicates individuals should "cease leaving their homes or places of residence" except to participate in essential activities or for employment in essential business services.

The health and safety of WSBA members, volunteers and staff will always be our priority. Moving forward, many gatherings and events will likely be cancelled, postponed, [or modified in some way](#) to better protect our participants and staff. If an in-person event and the related travel is determined to be non-essential, it should be cancelled or postponed. Essential events should be modified to minimize physical contact among participants.

Q: How will the Executive Director determine whether a planned event/travel is essential or not?

A: The Executive Director will decide on a case-by-case basis, based on health and safety guidelines issued by national, state and local health authorities. The Executive Director will consider the following factors, as suggested by OFM for agency directors, to determine whether the planned event and the related travel can be considered essential or not:

- **Is the meeting/travel critical to WSBA's operation, business continuity or court-mandated functions?**

Meetings and events indispensable to the operation of WSBA and court-mandated functions of the organization are essential while social gatherings, meetings and conferences that can be postponed, canceled or organized by using alternative, remote means are not.

- **What is the destination and is it currently impacted?**

In accordance with the Governor's Safe Start Plan, different counties across Washington State are in [different phases of reopening](#), depending on the COVID-19 activity along with health care system readiness, testing capacity and availability, case and contact investigations, and ability to protect high-risk populations. Events planned in Phase 1 and 2 counties may expose participants to a greater risk than events in counties in Phase 3 or 4.

- **What is the mode of travel and does it involve movement through or to areas that are in earlier phases of reopening, or travel through or to impacted areas on the [CDC list](#)?**

COVID-19 cases and deaths have been reported in all 50 states. Travel increases the chances of getting infected and spreading COVID-19. The higher the level of community transmission in the area that the event is being held, the higher the risk of COVID-19 spreading during the event.

The Municipal Research and Service Center has provided the following additional advice on the matter:

Phase 1: allows for limited travel – only travel associated with essential activities or essential businesses. A WSBA event would not fall under an essential business or essential activity.

Phase 2: only allows for "[e]ssential travel and limited non-essential travel for Phase I & II permissible activities." We don't think this should be read to permit the volunteer to travel outside the county for an event. Since individuals in a Phase 2 county are only allowed "essential travel and limited non-essential travel," traveling from a Phase 2 county to hold an event in a Phase 3 county seems to go beyond the intent of the meaning of "essential" and "limited non-essential" travel. Contrast this phrasing with what is allowed in Phase 3 - individuals can resume all non-essential travel. So, once a county is Phase 3, an individual would not be restricted from traveling to another Phase 3 county.

- **What is the purpose of the travel, and does it take participants into a higher exposure situation (i.e. large conference)?**

The more people participate at a meeting or event and the longer that interaction lasts, the higher the potential risk of becoming infected with COVID-19 is. While virtual-only events represent no health risk to participants, the more people participate in-person at an event, the [higher the risk of infection and transmission](#) is.

- **Are there alternative methods that can still accomplish the purpose of the event (video conference, remote access, etc.)?**

Online alternatives, live-streaming, teleconferencing are a few of the many available methods of holding events effectively and without in-person attendance.

Q: I am planning to hold an in-person event, what information do I need to submit to the Executive Director for consideration?

A: Please work with your staff liaison to submit the following details to the Executive Director as soon as possible, prior to the planned date of the event:

- Detailed description of the event, including its purpose;
- Explanation why an in-person event is necessary and why the event cannot be delayed or conducted by any other, remote means;
- Planned date and place of the event;
- Planned safety measures to protect the health of participants and staff;
- Number of planned participants and number of WSBA staff needed to support the event;
- The planned mode of travel by participants and staff¹;
- The list of counties (including other states) participants and WSBA staff will be travelling from.

Q: If the Executive Director determines that the event/travel are essential, what safety measures must participants and staff follow when traveling to and conducting the event?

A: Participants and staff must follow the relevant health and safety guidelines of the [CDC](#), [Washington state](#), and [local health authorities](#) to prevent the spread of the coronavirus.

Q: If the Executive Director determines that the event/travel are non-essential, what other options do I have to hold the event?

A: Please work with WSBA staff to develop alternatives for conducting the event to minimize risk, including canceling the event or postponing it to a later date, or using a remote meeting technology. For any questions or concerns with the Open Public Meetings Act (OPMA), seek legal advice from the General Counsel based on specific factual situations.

¹ If this information is available at this point of planning. Don't collect the home address information of participants. The list of counties participants will be travelling from and information about the planned mode of travel will help the Executive Director in considering the potential risks of the planned event.

I S S U E S U M M A R Y :**Proposed 2020 - 2021 MCLE Board Meeting Schedule****ISSUE:**

- The 2020-2021 MCLE Board meeting schedule needs to be approved by the Board so that it can be posted on the WSBA website.

Proposed MCLE Board Meeting Schedule for the 2020 - 2021 term:

Meeting #	MCLE Board Meeting Date
1	October 2, 2020
2	January 8, 2021
3	April 9, 2021
4	May 21, 2021
5	August 6, 2021

ISSUE SUMMARY :**Vice-Chair Selection**

ISSUE: The MCLE Board needs to select a Board member to be the Vice-Chair for the 2020-2021 term.

BACKGROUND: At the MCLE Board's July 15, 2005 meeting the MCLE Board created a new position of "Vice-Chair."

- **Vice-Chair Position** – The Board member to fill the "Vice-Chair" position will be selected by the MCLE Board members each year. During the term of the Vice-Chair, the Board member filling this position will train in the duties of the Board Chair, become familiar with the history of the Board, and step in as acting Chair during meetings when the Chair cannot be present for some or all of the Board meeting. The Vice-Chair may also be called on to represent the MCLE Board at a Board of Governors meeting, Court hearing, or other official function if the Chair is unable to attend. The intent of the Vice-Chair position is to be a likely successor to the current Chair, as a potential candidate to recommend to the Washington Supreme Court for the next term. Ultimately, the Supreme Court appoints the MCLE Board Chair, taking into account the recommendation of the MCLE Board nomination team and the Board of Governors.
- **Purpose** – The Board created the Vice-Chair position to give more continuity to the functioning of the Board. Because the Board has evolved into much more of a policy-making Board than previously, it is more critical now that a potential candidate for next term's Chair position have a good working knowledge of the history of the issues that have come before the Board. In addition, it is also critical that the candidate be fully cognizant of all the connections with outside groups that need to be made in order for effective policies to be developed and promulgated. These connections are also vital for developing high quality rules, regulations, and policies that best serve the members, sponsors, administrators, and citizens of the State of Washington.