WASHINGTON STATE BAR ASSOCIATION

Regulatory Services Department

MCLE Board

Established by Washington Supreme Court APR 11 Administered by the WSBA Katie Denmark, Chair

MEETING AGENDA

January 10, 2025, at 10:00 A.M.

Held Remotely Via Zoom (Public Session):

https://wsba.zoom.us/j/82319796011?pwd=7gpMUaM8shRBnwXsfbgBoQvS784OLg.1

Meeting ID: 823 1979 6011 Passcode: 489430

OPEN SESSION 10:00 a.m.

- 1. Welcome and Introductions
- 2. Review/Approval of Minutes from Meeting on November 15,2024
- 3. 2024-2025 MCLE Board Goals
- 4. Audit Reports
- 5. MCLE Updates

CLOSED SESSION

- 1. Petitions
- 2. Adjourn

Draft Minutes:

MCLE Board Meeting November 15, 2024

WASHINGTON STATE BAR ASSOCIATION

Regulatory Services Department

MCLE Board

Established by Washington Supreme Court APR 11 Administered by the WSBA Katie Denmark, Chair

Draft Minutes

November 15, 2024

The meeting of the Mandatory Continuing Legal Education Board was called to order by Board Chair, Katie Denmark, at 10:02 a.m. on Friday, November 15, 2024. The meeting was hybrid – held in-person at the WSBA office and via videoconference. Board members in attendance were:

> Katie Denmark, Chair Christopher Bueter Darryl Colman Merri Hartse Efrem Krisher Brendon Taga

Liaison and Staff in attendance:

Kevin Fay	Board of Governors Liaison
Renata de Carvalho Garcia	Director, Regulatory Services Department
Adelaine Shay	MCLE Manager
Suzi Segulja	MCLE Analyst

Also in attendance: Margaret Morgan, Senior Legal Editor, Washington State Bar Association and Jeffrey Adams, Training and Operations Manager, Washington State Office of Civil Legal Aid (OCLA)

OPEN SESSION

Review of Minutes

The MCLE Board reviewed the minutes from its August 9, 2024 meeting. The MCLE Board unanimously approved the minutes without change.

Presentation and Discussion: Writing Application Publication Date

Margaret Morgan, Senior Legal Editor at WSBA, requested the MCLE Board to consider that a licensed legal professional (LLP) satisfy the 'published' requirement and report writing credits when the writing has 1) been accepted for publication by "a recognized publisher of legal works"; 2) been through the entire editorial process, so that no further work from the writer is required; and 3) been compiled within a book, law review, or scholarly journal that has been sent to press and advertised for sale.

The MCLE Board held a discussion centered on when a writing submitted for MCLE credit rises to being "published." The MCLE Board decided that writing must be available for readership for writing

credit to be granted. The MCLE Board expressed an appreciation for the time work that volunteers and staff put into making the desk books.

Discussion: Structured Mentoring Program Application

Jeffrey Adams, Training and Operations Manager with the Washington Office of Civil Legal Aid (OCLA), Children's Representation Program (CRP) requested the approval of its mentorship program as a structured mentoring program. The OCLA representative noted the program is limited to attorneys contracted to provide child representation services for the CRP. OCLA is responsible for ensuring that all attorneys contracted with the CRP meet competency standards specific to child representation and set by a committee of the Washington Supreme Court. Attorneys who do not have the level of experience needed must undergo training designed to increase their competence to an adequate level. It was noted that individuals are not direct employees but rather work on a contractual basis with OCLA. The OCLA representative noted the mentorship training to onboard practitioners is part of a training academy process developed through and based upon WSBA standards and closely mirrors the mentorship requirements laid out by the MCLE Board.

The MCLE Staff Liaison sought guidance and clarification from the MCLE Board as the mentorship application may need to be revised since the MCLE Board previously decided mentorships should not be approved for in-house, on-the-job training. It was decided that the application should be updated to state: In-house and on-the-job mentoring programs through your employer are not eligible for MCLE credit.

The MCLE Board unanimously approved the structured mentoring program application and agreed to update and clarify the language of the application.

MCLE Board Orientation

MCLE Staff Liaison, presented a power point presentation orientation to the MCLE Board members. RSD Director, Renata de Carvalho Garcia, provided a brief overview regarding the regulatory school's content, which included the Board's historical background and the program's essential preparation for service. Initial feedback regarding the program was positive. Future programs may be offered annually or bi-annually. A recording of the regulatory school will be made available soon. A link will be provided upon its editorial completion.

2024-2025 MCLE Board Goals

The MCLE Board decided to continue to commit to conducting two CLE course audits with a focus on accredited sponsors and CLE courses that cover the topic of Equity Ethics. The MCLE Board also recommitted to continue to work to increase the diversity of the MCLE Board through recruitment. The suggestion to be proactive and give presentations to local specialty bar groups was well-received. MCLE Board members, Efrem Krisher and Darryl Colman, agreed to spearhead a subcommittee to increase diversity of the Board and promote volunteer commitment to achieve this goal.

The MCLE Board discussed the possibility of exploring of the current comity state requirements and the consideration of additional comity states as a potential goal. The three states Washington currently has MCLE comity with are: Idaho, Oregon and Utah. The MCLE Board discussed preparing a historical summary or check list for future suggested amendments. Board Chair, Katie Denmark, suggested the MCLE Board continue this discussion at the next meeting and requested that each Board member come up with a prioritized goal to discuss at the next meeting.

DEI Plan Discussion and Feedback

It was noted the deadline to provide feedback on the DEI Plan is November 29, 2024. The MCLE Board unanimously voted in favor of supporting the DEI Plan with no additional feedback.

Vice Chair Nomination

The MCLE Board nominated and approved the nomination of Darryl Colman as Vice Chair for the

2024-2025 fiscal year.

Audit Reports

Chair, Katie Denmark, provided a brief audit report of WSBA CLE, Activity ID 2012047, "Al and Human Rights: Legal Perspectives and Dilemmas." The recorded activity was five hours in duration. While some ideas were repetitive, this was somewhat expected, given its length. Despite this, it was interesting to hear people's opinions on the topic and it included interesting ways Al could be used to help the profession.

MCLE Updates

The MCLE Staff Liaison, noted MCLE certification is open and as of November 6, 2024, 13% of members due to report during the 2022-2024 reporting period were compliant. MCLE hired two seasonal temporary employees. MCLE reporting reminders were emailed to members in October and early November 2024. The updates included the MCLE Board meeting schedule for 2025. As well as an update on the amendments to the WSBA bylaws – return to active status and readmission after voluntary resignation – noting the changes were approved and became effective November 1, 2024. The amendments were designed to simplify and make more consistent and equitable the MCLE requirements when members return to active. The MCLE Budget summary was shared with the MCLE Board.

CLOSED SESSION

Activity Review

The MCLE Board decided on one member activity accreditation review request. No further information is provided to protect member confidentiality.

Petitions

The MCLE Board reviewed and approved request to transfer credits for writing to the reporting period in which it was published.

Member Feedback on Admission and Practice Rule 11(c)(2)

The member feedback contained member compliance information, which is confidential per APR 11 (k), as such the discussion was held in closed session. The MCLE Board discussed member provided feedback on the "eight-hour rule" (APR 11 (c)(2)). The MCLE Board determined its purpose was beneficial and necessary and should not be amended or altered. There was discussion regarding the ability to retain course information beyond eight hours. Also, there was discussion regarding the potential for suspicious credit claims and an overall negative impact without the eight-hour rule.

Adjournment

There being no further business at hand, the meeting was adjourned at 12:42 PM. The next regularly scheduled MCLE Board meeting is January 10, 2025 at 10:00 a.m.

Respectfully submitted,

Adelaine Shay

MCLE Board Staff Liaison

Discussion Summary - MCLE Board Goals

DISCUSSION: MCLE Board Goals

Discussion: The MCLE Board will discuss, identify, and set goals for the MCLE Board.

Current MCLE Goals for 2024-2025:

- Commit to performing 2 audits per Board member with a focus on accredited sponsors.
- Continue to work to increase the diversity of the MCLE Board through recruitment.

Current Subcommittees projects include:

- Exploring whether YMCA Mock Trial volunteers could be eligible for MCLE credit.
 Darryl Coleman, Chris Bueter, and Efrem Krisher
- Increasing the diversity of the MCLE Board through recruitment.
 - Darryl Coleman and Efrem Krisher

Possible Discussion Topics:

- Would the MCLE Board like to set long-term goals?
- Would the MCLE Board like to continue the work of each subcommittee with the full Board at the regularly scheduled meetings?
- Would the MCLE Board like to create a consideration check list when considering new suggested amendments to APR 11?
- Given the suggestion by Justice Stephens at the recent annual meeting with the Court; would the MCLE Board like explore the current comity state requirements and consider additional comity states as a goal?

Audit Reports

MEMORANDUM

то:	Mandatory Continuing Legal Education Board				
FROM:	Brendon Taga, MCLE Committee Member				
RE:	CLE Audit				
COURSE SPONSOR:	Washington Association of Prosecuting Attorneys				
COURSE TITLE:	2023 WAPA Fall Victim Witness Summit Webinar				
COURSE DATE(S):	Asynchronous Webinar (10/12/23 – 10/13/23 Recording)				
ACTIVITY ID#:	2001266				
ACCREDITATION:	7.75 LL; 1.50 O				
DATE OF REPORT:	6/29/24				

Nature of the Program

The 2023 Fall Victim Witness Summit, recorded in October 2023 and available for viewing until October 12, 2028, was organized by the Washington Association of Prosecuting Attorneys (WAPA), a non-partisan, non-profit service organization founded in 1975. WAPA's mission is to provide training and support for county prosecutors, serve as a voice for county prosecutors at state and national levels, and act as a liaison between counties and other levels of government. This two-day asynchronous webinar offered 9.25 CLE credits, distributed across Law & Legal Procedure (7.75) and Other (1.50) categories.

The program targeted attorneys but was also suitable for related professionals such as victim advocates, law enforcement officers, and mental health practitioners. While primarily directed at attorneys, the content's interdisciplinary focus addressed broader professional audiences. The summit's agenda featured diverse topics such as human trafficking case studies, expressive arts workshops, insights into jail calls, victim impact statements, criminal/civil commitment flips, and effective strategies for collaborating with attorneys at different experience levels. Presentations were structured to logically progress from foundational advocacy knowledge to specialized legal procedures, supporting a well-rounded learning experience.

<u>Faculty</u>

Thirteen presenters contributed to the program, showcasing a wide range of expertise in victim advocacy, law enforcement, and legal practice. Each session featured individual speakers or panelists who are recognized subject matter experts. The faculty included seasoned professionals with advanced degrees, extensive field experience, and specialized training.

Presenters' qualifications were well-documented, highlighting their professional backgrounds and relevant certifications. Their diverse blend of theoretical knowledge and practical experience added depth to the sessions, particularly in discussions on Criminal/Civil Commitment Flips and strategies for working with attorneys of varying experience levels.

Please also see the section below on "List of Presenters and Their Qualifications."

Location/Time

The original program was held at the Davenport Hotel in Spokane, WA, on October 12-13, 2023. The audited version was presented asynchronously via webinar. Sessions adhered to the scheduled times, with no deviations noted.

Facilities

The asynchronous webinar was delivered through a user-friendly online platform. Materials were accessible via Dropbox links in Word and PDF formats. While the platform effectively supported content delivery, it lacked accessibility tools such as Zoom captions, which could impact participants with disabilities. Technical issues were minimal and resolved within a few minutes, ensuring an uninterrupted learning experience.

List of Presenters and Their Qualifications

Please see the attached "Faculty List."

The presenters included a diverse group of professionals from various backgrounds and roles. There were a total of 13 presenters, each bringing unique qualifications and experiences to their sessions. The roles covered in the faculty included program management, victim advocacy, law enforcement, prosecution, and behavioral health. Qualifications varied widely, with many presenters holding advanced degrees, extensive experience in their respective fields, and specialized training relevant to victim advocacy, legal procedures, and mental health support.

Kim Choat, with twelve years at the YWCA Spokane, brings extensive experience in corporate training and body-centered psychotherapy, focusing on empowering women through holistic programs. Teresa Dixon, also from YWCA Spokane, leads psychoeducational and expressive arts groups, leveraging her background in sculpture and ongoing pursuit of an MSW. Jodi Hammond, Chief Criminal Deputy at Kittitas County Prosecutor's Office, brings deep prosecutorial experience in felony family violence crimes, contributing practical insights into victim advocacy. Jodine Honeysett, Section Manager at OCVA, emphasizes advocacy through her long-standing role in the Violence Against Women Program. Cheryl Rasch, as Program Manager at OCVA, combines managerial expertise with a commitment to victim advocacy programs. Derek Keenan, from Snohomish County Prosecutor's Office, offers a diverse background in financial investigation and

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felony domestic violence prosecution. Kim Sandall, Victim Witness Assistant at Kittitas County, provides crucial victim support informed by extensive experience in local courts.

Detective Ryan Shull of Ellensburg Police Department contributes investigative expertise in major crimes, enriching the summit with law enforcement perspectives. Nicholas Williamson, Section Chief at WA State AG's Office, blends legal acumen with a focus on mental health law, advocating for balanced public policy. Natasha Willson, Victim Advocate Supervisor at King County Prosecuting Attorney's Office, supervises a team supporting victims through the justice system, also offering training on victim advocacy. Thomas O'Ban, Senior Deputy Prosecuting Attorney at King County, brings prosecutorial experience in high-profile cases, including homicide and domestic violence, complemented by military service in JAG Corps. Kameon Quillen, Victim Advocate Program Coordinator at Snohomish County, specializes in traumatic grief support and advocacy, facilitating therapeutic groups for victims. Derek Milligan, Assistant Attorney General at WA State AG's Office, applies his background as an Administrative Law Judge and former Assistant District Attorney in New York City to represent health and human services divisions.

Written Materials

Written materials included supplemental documents and templates provided electronically, such as resources for victim impact statements. The quality of materials was high, featuring clear language, professional formatting, and relevant content. For example, the inclusion of transcripts for jail calls demonstrated a thoughtful approach to accessibility. However, the reliance on PDFs posed challenges for participants requiring screen-reader compatibility. No hard copy materials were distributed.

<u>Attendance</u>

The webinar was delivered asynchronously, focusing on recorded sessions and accompanying materials. Participant engagement was structured through post-training attendance forms, allowing feedback on presenters and content quality, measured on a scale of 1 to 5.

SUMMARY

The 2023 Fall Victim Witness Summit featured a diverse group of presenters, including victims, practitioners, and educators with extensive backgrounds in victim advocacy, law enforcement, and legal practice. Some of the presenters were attorneys, while others brought their expertise from related fields. This diversity of perspectives ensured that participants received a comprehensive understanding of the topics presented. The presenters' qualifications were well-documented, and their enthusiasm for their subjects was evident, especially during emotionally impactful sessions such as the human trafficking case studies and victim impact statements. These sessions effectively highlighted the real-world implications of victim advocacy, adding authenticity and emotional depth to the learning experience.

While the objectives of the summit were implicit in the agenda, an initial overview of the program could have provided clearer guidance for participants. The content was highly relevant, ranging from foundational knowledge in victim advocacy to specialized legal procedures. Sessions like "Criminal/Civil Commitment Flips" and "Working with Apathetic, New, Inexperienced, and Overzealous Attorneys" targeted legal professionals effectively, while others, such as the Responder Expressive Arts Workshop, focused on personal development and mental health. The well-being sessions were particularly commendable for explaining the rationale behind the exercises and their professional benefits. These sessions broke up more didactic content with activities that encouraged participants to connect mind and body, supporting their overall well-being.

The teaching methods primarily included lectures supported by PowerPoint presentations and Q&A sessions, which successfully engaged participants. Victim voices and practitioner stories enriched the content, particularly in sessions like the human trafficking case study. These narratives made the material more relatable and impactful, fostering moments of transformative learning. While the inclusion of participant questions during live sessions enhanced engagement, additional interactive elements, such as think-pair-share opportunities or structured reflection periods, could have further deepened understanding. Ample time for Q&A sessions ensured participants could clarify complex points and engage directly with the presenters.

The asynchronous format of the summit allowed participants to navigate the content at their own pace, which was particularly beneficial for flexibility. The online platform used was userfriendly and accessible, with no significant technical issues reported. Dropbox links for documents and Zoom for sessions proved effective, though the absence of interactive tools such as quizzes or discussion forums was a missed opportunity. Multimedia content was of high quality, and supplemental materials, such as transcripts for lengthy calls in the Jail Calls session, were appreciated. However, accessibility could be improved, as the lack of Zoom captions and reliance on PDFs posed challenges for participants with disabilities.

The presenters effectively balanced theoretical knowledge with practical insights, particularly in sessions that felt more like conversations between the audience and the speakers, such as the one on "Working with Apathetic, New, Inexperienced, and Overzealous Attorneys." This conversational approach allowed for meaningful engagement and highlighted the importance of participant backgrounds and experiences. To better tailor the content to the audience, pre-assessments and post-assessments could have been used to understand participants' demographics and knowledge levels. Additionally, integrating interactive quizzes, self-assessment tools, and structured discussion threads could enhance engagement and promote active learning in future iterations of the summit.

Overall, the summit met the requirements of APR 11 for accreditation by providing a wellrounded learning experience that was timely, relevant, and professionally enriching. By addressing critical topics such as human trafficking, mental health, and legal procedures, the program supported the development of legal professionals and victim advocates alike. While the summit was highly effective, incorporating more interactive tools and improving accessibility would further enhance the learning experience for all participants.

CONCLUSION

The summit was a well-structured and engaging educational experience. It combined strategic and technical content with personal development, providing a comprehensive understanding of victim advocacy and legal procedures. Key strengths included:

- Comprehensive and interdisciplinary content: Effectively targeted attorneys while remaining relevant to related professionals.
- Diverse and qualified faculty: Enriched sessions with practical insights and real-world applications.
- High-quality written materials: Supplemental resources demonstrated thoughtful preparation and attention to detail.

Recommendations to further enhance the program's impact and accessibility:

- Incorporate accessibility tools: Add features such as Zoom captions and ensure materials are compatible with screen readers to support participants with disabilities.
- Increase interactivity: Include quizzes, discussion forums, or live Q&A sessions to deepen engagement, particularly in asynchronous formats.
- Utilize pre- and post-assessments: Gain insights into participant demographics, baseline knowledge, and learning outcomes to tailor content more effectively.

By building on these strengths and implementing the above recommendations, the summit can continue to foster a collaborative and dynamic learning environment while addressing areas for improvement.

Administered by the WSBA

MEMORANDUM

TO: MCLE Board

FROM: Brendon Taga, Member, MCLE

RE: CLE Audit

COURSE SPONSOR: Law Seminar International

COURSE TITLE: Electric Power in the West

COURSE DATE(S): January 25-26, 2024

ACTIVITY ID#: 2011027

ACCREDITATION: 11.75 LL

DATE OF REPORT: 12/21/2024

Nature of the Program

The program ran for two days, January 25-26, 2024, and was directed at a diverse audience that included attorneys, utility executives, legal counsel, policymakers, and regulators. While not exclusively for attorneys, many sessions were relevant to legal professionals in the energy sector, with utility professionals and legal counsel as the primary focus, along with policymakers and environmental stakeholders.

Faculty/Presenters

The program featured over 15 subject matter experts, blending solo presentations and panel discussions.

- Stan Berman, Esq.: A co-founder of Berman and Todderud, with expertise in complex litigation and appeals at FERC and state regulatory commissions.
- Katherine A. McDowell, Esq.: A partner at McDowell Rackner Gibson, focusing on utility regulation, resource development, and environmental compliance.
- Matthew Christiansen, Esq.: General Counsel at FERC, providing insights into federal energy regulatory priorities.
- Douglas W. Smith, Esq.: A partner at Van Ness Feldman, specializing in FERC regulatory issues and climate policy.

- Kevin Poloncarz, Esq.: A partner at Covington & Burling, focusing on GHG standards and compliance strategies.
- Philip D. Moeller: Executive VP at Edison Electric Institute, offering industry-level perspectives on federal policies.
- Elliot Mainzer: President and CEO of CAISO, with expertise in grid management and market operations.
- Nicholas D. Fram, Esq.: A litigation partner at Munger Tolles & Olson, specializing in wildfire-related cases.
- Todd Filsinger: Founder of Filsinger Energy Partners, known for grid resilience and wildfire mitigation planning.
- Megan Decker, Esq.: Chair of the Oregon Public Utility Commission, addressing statelevel regulatory priorities.
- Arne Olson: Senior Partner at E3, specializing in energy market analysis and modeling.
- Craig Gannett, Esq.: A partner at Davis Wright Tremaine, focusing on cap-and-trade policy and climate change law.
- Sarah Edmonds, Esq.: President and CEO of Western Power Pool, focusing on resource adequacy and grid reliability.
- Mary Wiencke, Esq.: Executive Director of Public Generating Pool, addressing utility challenges.
- Richard A. Glick, Esq.: Principal at GQ New Energy Strategies and former FERC Chair, with deep expertise in energy markets.

Location/Time

Each session was presented at the scheduled time and for the specified duration as outlined in the agenda.

<u>Facilities</u>

No significant technical difficulties were reported during the event.

Written Materials

Written materials were provided electronically in PDF and PowerPoint formats. Since the user attended asynchronously, it remains unclear whether hard copies were distributed. The materials were comprehensive, well-organized, and directly aligned with the session objectives.

SUMMARY

Day 1: Sessions

The program began with an introduction and overview presented by Stan Berman, Esq., and Katherine A. McDowell, Esq. Both attorneys, specializing in energy regulation and litigation, set the stage for the event. The session met accreditation requirements under APR 11 by addressing timely issues within the last five years. The speakers demonstrated enthusiasm and effectively engaged the audience through a mix of structured lecture and Q&A, fostering a strong start to the program.

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Federal Energy Policy sessions featured insights from Matthew Christiansen, Esq., Douglas W. Smith, Esq., and Kevin Poloncarz, Esq. These presenters provided detailed analyses of FERC's 2024 priorities, EPA regulatory interplay, and GHG standards. Content was timely, addressing emerging trends and meeting APR 11 standards. The engaging presentation style included audience participation and practical examples, enhancing the sessions' impact.

Practical Implications of Federal Policies were discussed by Philip D. Moeller and Elliot Mainzer. The session examined the broader impacts of federal policy on industry operations and regional implementation. Objectives were met by providing actionable insights into grid management and market structures. The speakers used relevant examples to maintain engagement, blending lectures with audience interactions.

Wildfire Impacts and Mitigation featured Nicholas D. Fram, Esq., Todd Filsinger, and Rich George, Esq., focusing on wildfire litigation and infrastructure hardening. Each presenter met the session's objectives by offering practical strategies for risk management and regulatory compliance. The speakers maintained audience interest through vivid examples and case studies, ensuring alignment with APR 11 standards.

State Regulatory Updates included commissioners from Idaho, Oregon, and Washington. These sessions provided a regional perspective on regulatory challenges and priorities. Timely content covered recent state-specific developments, and audience engagement was encouraged through interactive Q&A, making the sessions both relevant and practical.

Day 2: Sessions

Energy and Carbon Markets were addressed by Arne Olson, John Tsoukalis, Craig Gannett, Esq., and Walker Stanovsky, Esq. This session focused on supply-demand dynamics, GHG modeling, and cap-and-trade implementation. Objectives were clearly outlined and achieved, with timely discussions of regulatory and market integration trends. Presenters employed Q&A and audience feedback to foster engagement, meeting APR 11 requirements.

Resource Adequacy was the focus of presentations by Sarah Edmonds, Mary Wiencke, and Rachel Dibble. The session explored strategies for maintaining resource adequacy from various utility perspectives. Objectives were achieved by addressing planning priorities and regulatory demands. Speakers effectively used real-world examples to engage the audience, and the content was timely and relevant.

Transmission and Regional Market Operations sessions were moderated by Randall W. Hardy and included contributions from Bill Magness, Esq., Richard A. Glick, Esq., Debra Smith, Kristine Raper, Bruce Rew, and Bill Edmonds. The session covered challenges in transmission infrastructure and market operations, offering innovative solutions and case studies. Presenters achieved their objectives and maintained audience interest through interactive discussions, aligning with accreditation standards.

CONCLUSION

The program adhered closely to the agenda and met accreditation requirements by providing timely, relevant, and comprehensive content. Sessions were well-structured and addressed pressing issues in the energy sector, including regulatory updates, wildfire mitigation, and resource adequacy. The diverse faculty contributed a wealth of knowledge, enhancing the learning experience through clear objectives and engaging presentations.

Recommendations

- Introduce sessions focused on equity in energy policies and the integration of emerging technologies.
- Provide pre-conference workshops to deepen understanding of complex regulatory topics.
- Enhance interactivity through tools like live polling and scenario-based discussions.



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MEMORANDUM

TO: Mandatory Continuing Legal Education Board

FROM: Brendon Taga, MCLE Committee Member

RE: CLE Audit

COURSE SPONSOR: West LegalEdcenter

COURSE TITLE: What Emojis Teach about Lawyer Communication

COURSE DATE(S): 1/31/2024

ACTIVITY ID#: 2014875

ACCREDITATION: 1 Ethics

DATE OF REPORT: 12/20/2024

Nature of the Program

The program was a one-hour course designed primarily for attorneys but open to public enrollment. The session explored the substantive and ethical implications of emojis in legal practice, making it relevant to licensed legal professionals.

Faculty/Presenters

The course was presented by a single faculty member, Stuart Teicher, Esq., a legal educator with over 30 years of experience as a practicing attorney. Known for his focus on legal ethics, writing instruction, and corporate compliance, Stuart has delivered numerous Continuing Legal Education (CLE) programs and compliance workshops. His expertise made him well-suited to address the course topics.

Location/Time

Each section of the program was presented as scheduled, and the program adhered to the allotted one-hour duration without any deviations.

Facilities

The program encountered no technical difficulties during its presentation, ensuring a seamless experience for attendees.

Written Materials

Attendees received written materials in the form of a PDF handout accessible via the course webpage. No hard copy materials were distributed since this was an online offering. The written materials were text-based, formal, and clear, although the PowerPoint slides used during the presentation were not provided, which might have been helpful for note-taking and follow-up learning.

SUMMARY

The course was presented by Stuart Teicher, Esq., a seasoned legal educator with over 30 years of experience as a practicing attorney. His extensive expertise in legal ethics, writing instruction, and corporate compliance was evident throughout the session. The objectives of the presentation were clear and effectively addressed. The session explored the ethical implications of emojis in legal practice, focusing on their role in communication (Rule 1.4), ethical adaptability to new symbols (Rule 1.1, Comment [8]), the duty to advise clients (Rule 2.1), and providing direction and supervision (Rule 5.3). The course content was targeted to licensed legal professionals, with frequent references to the Rules of Professional Conduct (RPCs) both in the presentation and the written materials.

The course met APR 11 accreditation requirements by addressing ethics and professional responsibility, including equity, inclusion, and the mitigation of implicit and explicit biases. It also highlighted risks to ethical practice linked to mental health conditions, addiction, and stress, making the content timely and relevant to current legal challenges. While Stuart's presentation style was highly passionate and engaging, there were no opportunities for audience interaction or sharing of experiences, either during the live webinar or asynchronously. The inclusion of entertaining "war stories" added value to the learning experience, though not all were directly relevant to the objectives.

CONCLUSION

The program adhered to the advertised agenda, and all sessions were accreditable, meeting the total credit requirements outlined in the CLE Accreditation form. The presentation successfully addressed an emerging and important topic in legal ethics, providing real-world applications and insights from a knowledgeable and enthusiastic presenter. However, the lack of engagement opportunities, such as live Q&A or interactive features like polls, limited the program's interactivity. While the ability to submit comments through an online form was available, it did not fully compensate for the absence of real-time or asynchronous engagement during the course. Additionally, including the PowerPoint slides in the written materials would enhance the attendee experience and provide a more comprehensive resource for review.

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Recommendations: Consider incorporating interactive elements, such as live Q&A sessions, audience polls, or asynchronous discussion opportunities, to enhance engagement and learning. Providing PowerPoint slides alongside the written materials would also be beneficial. Overall, the course delivered valuable content but could improve attendee engagement and resource accessibility.

Discussion: MCLE Updates

DISCUSSION: MCLE Updates

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

Discussion Topics:

• MCLE Certification

As of January 3, 2025, approximately 65% or 7,276 licensed legal professionals are compliant for the 2022-2024 reporting period.

Reminder emails were sent to those due to report MCLE on:

- o 10/18/2024,
- o 11/4/2024, and
- o **12/10/2024**.

• WSBA Licensure Pathways Implementation Steering Committee

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

Regulatory School

The WSBA Regulatory School video is now available on the WSBA CLE Store. If you did not attend the Regulatory School event on October 28, you are asked to watch this recording in its entirety by Friday, January 10. This will help to ensure that all board members receive the same essential onboarding content as 2025 begins. Visit the WSBA CLE Store here. Please complete your viewing of the video by January 10.

• New Accredited Sponsor

Per Admission and Practice Rule (APR) 11 (j)(7): "Accredited Sponsors. The Bar may approve and accredit sponsoring organizations as "accredited sponsors" subject to procedures and fees established by the Bar. Accredited sponsors have the same duties as sponsors but have the additional responsibility of approving their own courses and determining appropriate MCLE credit in accordance with this rule. Accredited sponsors pay an annual flat fee for all course applications submitted in lieu of an application fee for each individual course."

Accredited sponsors have the responsibility of self-accrediting their courses and are expected to have a thorough understanding and application of the court rule for MCLE, APR) 11. Very few sponsors (24 out of over 2000) are accredited. Accredited sponsors pay an annual fee instead of a per activity submission fee and are still subject to late submission fees and late attendance reporting fees on every activity.

MCLE staff conduct a thorough review of courses prior to granting the accredited status. Once an application and application fee are submitted, we will request all records for at least 10 courses. This includes all presentations, agendas, presenter qualifications, attendance records,

evaluation forms, and more, for each course reviewed. After receiving and application and conducting a review Amazon was granted accredited sponsor status to begin in 2025.

• Budget

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

• MCLE Board Meeting Schedule

Meeting #	Upcoming MCLE Board Meeting Dates				
3	April 11, 2025 (in-person/remote hybrid)				
4	May 9, 2025				
5	August 8, 2025				

Attachments:

- MCLE 2022-2024 Reporting Period Email Reminders
 - Email sent on 10/18/2024
 - Email sent on 11/4/2024
 - Email sent on 12/10/2024
- Amazon Accredited Sponsor Letter
- Member Feedback on Course Preparation Credit
- MCLE Budget Summary
- Updated Application for Structured Mentoring Programs

Adelaine Shay

From:	Connor Smith
Sent:	Tuesday, December 10, 2024 10:21 AM
То:	Executive Leadership Team; Service Center; Colin Rigley; Noel Brady; MCLE; Adelaine
	Shay; Gabe Moore; Margaret Morgan
Subject:	FW: [External]Important Reminder – Your MCLE Requirements

This message was sent at 10:11 a.m. to all licensed legal professionals who are not compliant for MCLE and due to report in the 2022-2024 reporting period (official)(7,510).



Connor Smith | Communications Coordinator Washington State Bar Association | 206.733.5948 | connors@wsba.org Pronouns: he/him 1325 Fourth Ave., #600 | Seattle, WA 98101-2539 | www.wsba.org The WSBA is committed to full access and participation by persons with disabilities. If you have questions about accessibility or require accommodation please contact accomodations@wsba.org.

From: Washington State Bar Association <MCLE@wsba.org> Sent: Tuesday, December 10, 2024 10:11 AM To: Connor Smith <Connors@wsba.org> Subject: [External]Important Reminder – Your MCLE Requirements



December 10, 2024

Dear Licensed Legal Professional:

You are receiving this email as a reminder that you are due to report MCLE credits for the 2022-2024 reporting period. According to our records, as of 9:10 a.m. on December 10, 2024, you have not fulfilled the MCLE requirements for your 2022-2024 reporting period. You may

view your remaining MCLE requirements, report credits, or certify your credits (by attesting to the accuracy of your transcript via the online certification process) at https://mcle.wsba.org/.

The 2022-2024 Reporting Period MCLE deadlines are:

- Earn MCLE credits by December 31, 2024
- Report and certify your credits by February 3, 2025

The MCLE for Licensed Legal Professionals page on the WSBA website has easy-to-find links to information and instructions to help you.

Important MCLE Reporting Reminders:

• You may earn a maximum of eight credits per calendar day.

• No credit will be given for an identical activity within the same reporting period.

• A late fee will be assessed if you complete your credit requirements after December 31,

2024, or if you certify or submit a comity certificate after February 3, 2025. The MCLE late fee starts at \$150 and increases in increments of \$300 for each consecutive late reporting period. • There is **no live credit** requirement. All credits may be earned remotely.

If you experience any difficulties or need additional assistance, we will be happy to assist you. You can contact the MCLE Team at mcle@wsba.org or 206-733-5987.

WSBA MCLE Team

WASHINGTON STATE BAR ASSOCIATION

1325 Fourth Ave., Suite 600 Seattle, WA 98101-2539 | Map († 🔰 🔼

Toll-free: 800-945-9722 Local: 206-443-9722

OFFICIAL WSBA COMMUNICATION

All members will receive the following email, which is considered official:

- Licensing and licensing-related materials
- Information about the non-CLE work and activities of the sections to which the member belongs
- Mandatory Continuing Legal Education (MCLE) reporting-related notifications
- Election materials (Board of Governors)

- Selected Executive Director and Board of Governors communications

H higher logic

From:	Amy Christensen
To:	Adelaine Shay
Subject:	FW: [External]Important 2025 License Renewal and MCLE Information
Date:	Wednesday, November 6, 2024 12:57:19 PM
Attachments:	Outlook-WSBA-Logopng

From: Colin Rigley <Colinr@wsba.org> Sent: Friday, October 18, 2024 12:55 PM To: Connor Smith <Connors@wsba.org>; Executive Leadership Team <ExecutiveLeadershipTeam@wsba.org>; Service Center <ServiceCenter@wsba.org>; Jennifer Olegario <jennifero@wsba.org>; Noel Brady <noelb@wsba.org>; Margaret Morgan <morganm@wsba.org>; Amy

Christensen <AmyC@wsba.org>

Subject: Fw: [External]Important 2025 License Renewal and MCLE Information

This message was sent today at 12:46 p.m. to all license types, official (42,208).



Colin Rigley | Communications Specialist

Washington State Bar Association | Cell: 206.771.5738 | Office: 206.733.5932 | colinr@wsba.org

1325 Fourth Avenue, Suite 600 | Seattle, WA 98101 | www.wsba.org

Pronouns: he/him

The WSBA is committed to full access and participation by persons with disabilities. If you have questions

about accessibility or require accommodation please contact adamr@wsba.org.

From: Washington State Bar Association <<u>noreply@wsba.org</u>>
Sent: Friday, October 18, 2024 12:46 PM
To: Colin Rigley <<u>Colinr@wsba.org</u>>
Subject: [External]Important 2025 License Renewal and MCLE Information

WSBA Seal

?

October 18, 2024

Licensing is paperless and notifications and reminders will be sent by email. While certifications must be completed online, check payments may be mailed in.

License renewal will begin in November and must be completed by Feb. 3, 2025.

Here is what you can do now:

- Please be sure that emails from the wsba.org domain will not be marked as spam and calendar a reminder.
- Log in to <u>mcle.wsba.org</u> to find out if you are in the 2022-2024 MCLE reporting period. If so you must complete required <u>MCLE</u> credits by Dec. 31, 2024, and certify your credits by Feb. 3, 2025.
- If you would like to spread your license fee payment over several months, you may sign up for our <u>payment plan option</u>. (Balance must be paid in full by Feb. 3, 2025.)
- You now have the option of including pronouns on your profile in the WSBA Legal Directory. Please go to <u>mywsba.org</u> to include yours! Pronouns are words used to refer to someone in the third person in place of their name. The purpose of including them is to indicate how others can respectfully refer to you.

Exemptions must be requested by Feb. 3:

- If you are experiencing financial challenges, you may qualify for our license fee <u>hardship</u> <u>exemption</u>. A member may be granted a hardship exemption a maximum of two times, on the basis of separate exemption requests, and the exemptions may be granted for consecutive or non-consecutive calendar years.
- If your license is active and you are activated from reserve duty status to full-time active duty for more than 60 days in 2025, or will be deployed or stationed outside the U.S. for full-time active military duty in 2025 you may qualify for the <u>armed forces exemption</u>.

If you have questions: Visit the <u>Annual License Renewal</u> webpage or contact the WSBA Service Center at 800-945-9722 or 206-443-9722 or <u>questions@wsba.org</u>.

WASHINGTON STATE BAR ASSOCIATION	
1325 Fourth Ave., Suite 600	
Seattle, WA 98101-2539 <u>Map</u>	
Toll-free: 800-945-9722	
Local: 206-443-9722	

OFFICIAL WSBA COMMUNICATION

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Amy Christensen
Adelaine Shay
Fw: [External]2025 License Renewal is Open
Monday, November 4, 2024 12:45:35 PM
image001.png

From: Connor Smith <Connors@wsba.org> Sent: Monday, November 4, 2024 12:40 PM

To: Executive Leadership Team <ExecutiveLeadershipTeam@wsba.org>; Service Center <ServiceCenter@wsba.org>; Jennifer Olegario <jennifero@wsba.org>; Colin Rigley <Colinr@wsba.org>; Noel Brady <noelb@wsba.org>; Amy Christensen <AmyC@wsba.org> Subject: FW: [External]2025 License Renewal is Open

This message was sent today for License Renewal to WSBA Members reporting MCLE (official) (11,359).



Connor Smith | Communications Coordinator Washington State Bar Association | 🕿 206.733.5948 | connors@wsba.org Pronouns: he/him 1325 Fourth Ave., #600 | Seattle, WA 98101-2539 | www.wsba.org The WSBA is committed to full access and participation by persons with a

The WSBA is committed to full access and participation by persons with disabilities. If you have questions about accessibility or require accommodation please contact accomodations@wsba.org.

From: Washington State Bar Association <noreply@wsba.org> Sent: Monday, November 4, 2024 12:24 PM To: Connor Smith <Connors@wsba.org> Subject: [External]2025 License Renewal is Open

WSBA Seal

?

November 4, 2024

2025 license renewal is open!

Licensing is paperless and notifications and reminders will be sent by email. Your license renewal must be completed online at <u>licensing.wsba.org</u>, where you will be able to complete required certifications and securely pay your license fee or print an invoice to mail with a check. You are in the **2022-2024** reporting period and are due to report CLE credits and certify MCLE compliance.

Deadlines:

Dec. 31, 2024

Complete MCLE credits

Feb. 3, 2025

- · Pay license fee
- · Certify trust account information and liability insurance disclosure or financial responsibility
- Certify MCLE credits
- Optional: Request license fee exemption

Certify MCLE Compliance. Certify online at <u>mcle.wsba.org</u>. The <u>MCLE for Licensed Legal</u> <u>Professionals</u> webpage has easy to find links to information and instructions to help you add MCLE credits and certify compliance. Please bookmark this page.

License fee exemptions available for licensed legal professionals who qualify. Payment plans are also available. Learn more.

New option for member pronouns. You now have the option of including pronouns on your profile in the WSBA Legal Directory. Please go to <u>mywsba.org</u> to include yours! Pronouns are words used to refer to someone in the third person in place of their name. The purpose of including them is to indicate how others can respectfully refer to you.

Join or renew your Section membership(s). Learn more.

Update your demographic information. This information is essential to understanding the demographic makeup of licensed legal professionals in the state, and can help inform better policymaking by decisionmakers, including the Washington Supreme Court.

Questions? Visit the following webpages or contact us for assistance:

License Fees & Renewal

General Inquiries

wsba.org/licensing

questions@wsba.org

questions@wsba.org

Login Issues

MCLE

General Inquiries	wsba.org/mcle	questions@wsba.org
Adding CLE Activities	wsba.org/mcle	mcle@wsba.org
Certifying MCLE Compliance	wsba.org/mcle	mcle@wsba.org
Login Issues		questions@wsba.org
License Status Options		
Change License Status	wsba.org/statuschanges	statuschanges@wsba.org



OFFICIAL WSBA COMMUNICATION

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WASHINGTON STATE BAR ASSOCIATION

Regulatory Services Department

November 27, 2024

Pilar Pitts Amazon.com 1201 3rd Ave Seattle, WA 98102

RE: Application for Accredited Sponsor Status in Washington State

Dear Pilar Pitts & Amazon.com Team:

I am pleased to inform you that Amazon.com has been approved as an accredited sponsor by the Washington State Board of Mandatory Continuing Legal Education. You will receive an annual accredited sponsor invoice reflecting all activities submitted during the calendar year. Please note that Amazon's status as an accredited sponsor is contingent upon continued compliance with the rules and regulations governing accredited sponsors in Washington State.

Before you start submitting courses as an accredited sponsor, please review the attached rules and regulations carefully. The <u>CLE Sponsors</u> page on the WSBA website has easy to find links to information and instructions to help you. Please bookmark this page as it has important and useful MCLE information.

Sincerely, Adelaine Shay Mandatory Continuing Legal Education Manager



From:	
To:	MCLE
Subject:	RE: [EXTERNAL] Course Prep
Date:	Tuesday, December 17, 2024 4:34:45 PM
Attachments:	image001.png
	image002.png

Thanks Suzy,

I appreciate your help. Thanks for sharing my comments with the board.

Regards,

From: MCLE <MCLE@wsba.org> Sent: Tuesday, December 17, 2024 3:59 PM To: Cc: MCLE <MCLE@wsba.org> Subject: [EXTERNAL] Course Prep

I'm following up on our phone call from earlier today regarding your recent course prep submission for Activity ID

As we discussed, the accurate maximum credit request for 85 minutes of presentation time is indeed 7.0 credits.

I want to let you know, your comments and suggestions, included with your activity submission and noted below, will be shared with the MCLE Board.

Comment from) RE: Activity	
l gave two presentati	ions at the seminar. Titled:	, and "I
Presentation time on	the first was 45 minutes.	
Preparation time on t	the first was 17.65 hours	
Presentation time on	the second was 40 minutes.	
Preparation time on t	the second was 4.7 hours	
	consider the 5 hour preparation time limitation. My w 19 footnotes. My written materials for the second pr	
	discourages writing quality materials for the present imply not workable. I will have to think hard about do	5

Let us know if you have any other questions or need further assistance.

Best,



Suzi S. | MCLE Analyst Washington State Bar Association | 206.733.5987 | F 206.727.8313 | mcle@wsba.org 1325 Fourth Avenue, Suite 600 | Seattle, WA 98101-2539 | www.wsba.org

Washington State Bar Association Statement of Activities For the Period from October 1, 2023 to October 31, 2023 8% OF YEAR COMPLETE

	FISCAL 2024 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET FAVO	YEAR TO DATE VARIANCE RABLE/(UNFAVORABLE)
MANDATORY CONTINUING LEGAL EDUCATION						
REVENUE:						
ACTIVITY APPLICATION FEE	550,000	60,600	60,600	489,400	11%	14,767
ACTIVITY APPLICATION LATE FEE	220,000	24,500	24,500	195,500	11%	6,167
MCLE LATE FEES	190,000	150	150	189,850	0%	(15,683)
ANNUAL ACCREDITED SPONSOR FEES	36,000	-	-	36,000	0%	(3,000)
ATTENDANCE LATE FEES	90,000	13,050	13,050	76,950	15%	5,550
COMITY CERTIFICATES	27,800	950	950	26,850	3%	(1,367)
TOTAL REVENUE:	1,113,800	99,250	99,250	1,014,550	9%	6,433
DIRECT EXPENSES:						
DEPRECIATION	130,449	5,368	5,368	125.081	4%	5,503
STAFF MEMBERSHIP DUES	500	-	-	500	4% 0%	42
MCLE BOARD	5,000	_	_	5,000	0%	417
STAFF TRAVEL/PARKING	50	_	_	50	0%	4
STAFF CONFERENCE & TRAINING	4,000	-	-	4,000	0%	333
TOTAL DIRECT EXPENSES:	139,999	5,368	5,368	134,631	4%	6,299
INDIRECT EXPENSES:						
SALARY EXPENSE (5 88 FTE)	454,500	33,008	33,008	421,492	7%	4,867
BENEFITS EXPENSE	144.327	10.343	10.343	133,984	7%	1,684
OTHER INDIRECT EXPENSE	177,078	14,302	14,302	162,775	8%	454
TOTAL INDIRECT EXPENSES:	775,905	57,653	57,653	718,252	7%	7,006
TOTAL ALL EXPENSES:	915,904	63,021	63,021	852,883	7%	13,304
NET INCOME (LOSS):	197,896	36,229	36,229	161,667	18%	19,737

APPLICATION FOR APPROVAL OF STRUCTURED MENTORING PROGRAM

1. Organization Name:				
2. Program Name:				
2. Hogium Rume.				
3. Address:				
(m 1 1)) 1				
4. Telephone Number:	5. Email Address:			
6. Type of organization (check one):	Profit Nonprofit Government Oth Minority/Specialty BarLocal Bar	ner (Please describe)		
	job mentoring? mentoring programs through your employer are not eligible for	YesNo		
MCLE credit.	the mentee a fee for mentoring other than an			
8. Does the program charge the mentee a fee for mentoring other than an administrative fee that is in an amount designed solely to defray administrative costs? Yes No				
Note: The mentee is not permitted to pay the mentor for mentoring.				

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

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

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

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

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

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

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

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

Signature of Applicant

Name and Title of Applicant

Date

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

		For Internal Use Only
	Approved	
	Denied Reason:	
Date:	 Reviewed by:	Signature: