

## **MEETING AGENDA**

**November 15, 2024, at 10:00 A.M.**

### **In-Person Address:**

WSBA office, 1325 4th Ave suite 600, Seattle, WA 98101

### **Attend Remotely Via Zoom (Public Session):**

<https://wsba.zoom.us/j/81373212035?pwd=m4xnUOtLuR6bT0Z9Z7EfBJ9BYJc2qM.1>

Meeting ID: 813 7321 2035 | Passcode: 928347

Zoom Conference Call Lines: **LOCAL OPTION:** (253) 215-8782 || **TOLL-FREE OPTION:** (888) 788-0099

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

1. Welcome and Introductions
2. Review/Approval of Minutes from Meeting on August 9, 2024
3. Discussion on Writing Application Publication Date
4. Structured Mentoring Program Application
5. Board Orientation
6. 2024-2025 MCLE Board Goals
7. DEI Plan Discussion and Feedback
8. Vice Chair Nomination
9. Audit Reports
10. MCLE Updates

### **CLOSED SESSION**

1. Activity Review
2. Petitions
3. Member Feedback on Admission and Practice Rule 11(c)(2)

### **Adjourn**

**Draft Minutes:**

**MCLE Board Meeting 8-9-2024**

**Minutes**

**August 9, 2024**

The meeting of the Mandatory Continuing Legal Education Board was called to order by Board Chair Efrem Krisher at 10:03 A.M. on Friday, August 9, 2024. The meeting was held via videoconference. Board members in attendance were:

Efrem Krisher (MCLE Chair)  
Chris Bueter  
Ayanna Coleman  
Darryl Coleman  
Merri Hartse  
Brendon (left at 12:00 pm)

Liaisons and Staff in attendance:

Kevin Fay	Board of Governors Liaison
Adelaine Shay	MCLE Board Staff Liaison
Renata de Carvalho Garcia	Chief Regulatory Counsel

**Review of Minutes**

The MCLE Board reviewed the minutes from the May 17, 2024, meeting. The Board approved the minutes with one correction. The mistake was rectified by the Board and the minutes with the correction were approved.

**YMCA Presentation**

Nolan Martin, Executive Director of WA YMCA Youth & Government program, and Commissioner Jill H. Sasser presented on Washington YMCA Mock Trial program. The Washington YMCA Youth & Government (sponsored by YMCA of Greater Seattle) requested that the MCLE Board consider suggesting an amendment to modify Admission and Practice Rule (APR) 11 to allow licensed legal professionals MCLE credit for judging or rating high school mock trial competitions. After the presentation the MCLE Board decided to form a subcommittee comprised of Darryl Coleman, Chris Bueter and Efrem Krisher, to further explore the suggestion and make a recommendation to the MCLE Board.

**DEI discussion**

Saleena Salango, WSBA Equity & Justice Lead, and Elliott Schwebach, WSBA Equity and Justice Lead, presented a power point and facilitated a DEI discussion with the MCLE Board.

#### Mentoring Subcommittee Report and Recommendation

The Mentoring Subcommittee has proposed changes to the current MCLE Board Standards for Approving Structured Mentoring Programs. The proposed changes modify the MCLE Board policy and permit law students, J.D. graduates, law clerks, and law clerk program graduates intending to become licensed in Washington, and/or inactive members to participate as mentees in approved structured mentoring programs, allowing WSBA members to receive MCLE mentoring credit pursuant to APR 11(e)(8).

The recommendations require that prior to commencing a mentoring relationship under the new policy, mentees who are inactive members, law school students, or those participating in the law clerk program must certify in writing their intention to complete all steps to obtaining an active WSBA license by signing the MCLE Board mentoring agreement. Those using the WSBA provided “Self-Directed Mentoring Program Guide” must continue to mentor active members of the WSBA to obtain MCLE credits. The MCLE Board unanimously approved all recommendation from the mentoring subcommittee. In accordance with APR 11(d)(2)(ii), the Board will be required to “notify the Board of Governors and the Supreme Court of [the policy adoption]. [The policy adoption] will become effective 60 days after promulgation by the MCLE Board.”

#### Discussion on Changing Undue Hardship Matrix

The Board unanimously approved the draft language revisions to the undue hardship decision matrix. Among these revisions were amending the definition of immediate family member to be more expansive by substituting the prior definition for the more inclusive one found in Washington’s Paid Family Medical Leave Act (RCW 50A.05.010 which defines immediate family member as “grandchild, grandparent, sibling, or spouse...and also includes any individual who regularly resides in the employee’s home or where the relationship creates an expectation that the employee care for the person, and that individual depends on the employee for care...”). The revisions also included language to accommodate for licensed legal professional who recently took parental leave, or who had an immediate family member deploy or return from military deployment. Additionally, the MCLE Board revised the draft to include updated language to the military service section of the fee waiver undue hardship matrix. These changes were made to align the fee waiver criteria with extensions criteria for military service.

#### MCLE Updates

The MCLE Staff Liaison provided updates of import to the Board including the timeline for Board recruitment to fill two upcoming vacancies, statistics regarding the number of suspended licensed legal professionals following the close of the 2022-2023 reporting period, the progress of postproduction work on the MCLE website, and the status of suggested amendments to APR 11 which would create new requirements in the areas of mental health and technology.

#### MCLE Board Staff Liaison Decisions

The MCLE Board decided, reviewed, and approved by motion on 1 staff liaison undue hardship petition decision. No further information is provided to protect member confidentiality.

Adjournment

There being no further business at hand, the meeting was adjourned at 12:45 PM. The next regularly scheduled MCLE Board meeting is to be determined and will likely be held in late October or early November 2024.

Respectfully submitted,

Adelaine Shay  
MCLE Board Staff Liaison

## **Discussion Summary:**

### **Writing Activity Applications - Definition of Published**

<b>DISCUSSION:</b> <b>Writing Applications</b>
---

**Summary:** May a licensed legal professional satisfy the APR 11(e)(5) requirement that writing has been “published” and report writing credits in the event they are able to verify that the writing has been sent to press and advertised for sale, but the writing has not yet been distributed?

**Background:** Admission and Practice Rule (APR) 11 (e)(5) states CLE credit is available for “Writing for the purpose of lawyer, LLLT, or LPO education, when the writing has been published by a recognized publisher of legal works as a book, law review, or scholarly journal article of at least 10 pages, will earn one credit for every 60 minutes devoted to legal research and writing.”

Margaret Morgan, Senior Legal Editor, Washington State Bar Association is requesting that the MCLE consider whether a licensed legal professional may 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? See the attached document titled “Discussion item for MCLE Board’s Nov. 15, 2024, meeting, submitted by Margaret Morgan, J.D., Senior Legal Editor, WSBA.”

**Relevant Rules:**

APR 11(e)(5): Writing for the purpose of lawyer, LLLT, or LPO education, when the writing has been published by a recognized publisher of legal works as a book, law review, or scholarly journal article of at least 10 pages, will earn one credit for every 60 minutes devoted to legal research and writing.

**Discussion:** Taking into consideration, APR 11 (e)(5) would a piece of writing that meets the criteria as outlined by Margaret Morgan be considered published?

**Attachments:**

- Discussion item for MCLE Board’s Nov. 15, 2024, meeting, submitted by Margaret Morgan, J.D., Senior Legal Editor, WSBA.

Discussion item for MCLE Board's Nov. 15, 2024, meeting, submitted by Margaret Morgan, J.D., Senior Legal Editor, Washington State Bar Association.

APR 11(e)(5) lists as an activity approved for earning MCLE credit:

(5) Writing for the purpose of lawyer, LLLT, or LPO education, when the writing has been published by a recognized publisher of legal works as a book, law review, or scholarly journal article of at least 10 pages, will earn one credit for every 60 minutes devoted to legal research and writing;

Under current policy and practice, writing credits as described above may not be *reported* until the writing has been "published."

**Query:** May a writer satisfy the "published" requirement and report writing credits when he or she can verify that the writing:

- has been accepted for publication by "a recognized publisher of legal works"; and
- has been through the entire editorial process, so that no further work from the writer is required; and
- has been compiled within a book, law review, or scholarly journal that has been sent to press and advertised for sale?

Example:

- Work on a new fifth edition of Volumes 1&2 of the WSBA's *Washington Real Property Deskbook* (Real Estate Essentials) began in **January 2022**.
- In January 2022 the WSBA had, and continues to have today, contracts with LexisNexis under which LexisNexis is obligated to accept all WSBA deskbook content and convert it for print, eBook, and online sale.
- WSBA members who volunteered to write for this project were given a deadline of **June 6, 2022**, to submit first drafts of their chapters.
- The editorial process from first draft to sending the final manuscript to LexisNexis<sup>i</sup> took another **two years and four months (through Oct. 2024)**.
- Volumes 1&2 of the *Washington Real Property Deskbook* (5th ed. 2024) are currently [advertised for "pre-order" sale on the LexisNexis site](#).

Authors<sup>ii</sup> of chapters in these volumes who have to report credits by 12/31/2024, who completed all work on their chapters over a year ago, and whose work is in a publication that is being offered for pre-order sale, understandably want to be able to report their writing credits in 2024.

---

<sup>i</sup> The editorial process included: front-line volunteer editors editing first drafts and sending them back to authors to revise and submit second drafts; front-line editors reviewing second drafts to confirm authors responded to all edits; WSBA staff copyediting second drafts; editor-in-chief reviewing the copyedited second drafts; final manuscript sent to publisher LexisNexis, which created galley proofs; galley proofs proofread by WSBA staff and sent to authors to review and sign off on; tables of authorities and index created by LexisNexis staff and galley proofs sent for review and correction by WSBA staff; proofread and corrected final galleys sent back to LexisNexis to convert for print, eBook, and online sale.

<sup>ii</sup> This applies equally to volunteer editors of this deskbook.



## **DISCUSSION:**

### **Structured Mentoring Program Application**

**DISCUSSION:**  
**Structured Mentoring Program Application**

**Summary:** An application has been submitted by the Washington State Office of Civil Legal Aid, Children’s Representation Program for the approval of its mentorship program as a structured mentoring program.

**Background:**

Pursuant to APR 11(e)(8), the Board has the authority to develop standards for and approve a structured mentoring program. At its August 15, 2015, meeting, the MCLE Board established the standards of approval for all mentoring programs seeking to become an APR 11(e)(8) structured mentoring program (see attachment titled “Standards for Approving Structured Mentoring Programs”).

The MCLE Board considers both these specific standards and the requirements of APR 11 when reviewing a structured mentoring application such as the one before it now. Since the structured mentoring program became effective in January of 2016, the MCLE Board has approved three applications seeking status as a structured mentoring program. These programs are the Seattle Low Bono Incubator Mentoring Program (approved on January 8, 2016), the Seattle Intellectual Property Inn of Court Mentoring Program (approved on October 7, 2022), and the Seattle Chinese Bar Association Mentoring Program (approved October 15, 2023). In addition, the MCLE Board has approved a Mentoring Guide for Self-Directed Structured Mentoring. Licensed legal professionals wishing to develop their own self-directed structured mentoring program with a chosen mentor or mentee, must follow the guidelines in the [Self-Directed Structured Mentoring Program Guide](#) in order to obtain MCLE credit.

On August 28, 2024, an attorney from the Washington State Office of Civil Legal Aid (hereon OCLA), Children’s Representation Program (hereon CRP) submitted the finalized application for their mentoring program. This program limited to attorneys contracted to provide child representation services for the CRP as required by RCW 2.53.045. Per the statute, 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 to meet the standards must undergo training designed to increase their competence to an adequate level. Given this program’s unique nature, this issue summary will include a full examination of the stated purposes, standards of approval, goals, eligibility criteria, and background of the structure mentoring program to assist in evaluating the proposed CRP program.

**Noteworthy Points:**

- Mentors and mentees are independent contractors for the CRP program of the Washington State Office of Civil Legal Aid and are not employed by OCLA.
- The mentor and mentee do not have a business relationship with each other.
- By participating in the mentoring program mentors may receive reduced caseloads that allow them to devote time to the mentee without contractual consequence. Mentees may also receive reduced caseload so that they can meaningfully engage in the mentorship process.
- The MCLE Board minutes from August 21, 2015, states the MCLE Board “decided to not allow in house mentoring for now, because it is on the job training and part of their work duties,” and the mentoring program application states “Note: In-house and on-the-job mentoring programs are not eligible for MCLE credit.” However, the standards of approval do not comment specifically on in-house or on-the-job-mentoring as being excluded and the eligibility criteria is more limited by stating “The mentor and mentee shall not be employed by the same employer.” The CRP mentoring program is sometimes treated as a contractual obligation between CRP and its attorney-contractors. The program requires the use of incoming and outgoing evaluation surveys that appear to measure

job readiness for child representation with the CRP. Approximately half of the program content is predetermined and not optional.

**Possible Discussion Questions to Consider:**

1. Given the structured mentoring program standard (2)(c) states programs must “Create a personalized mentoring plan that includes meetings on approved subjects under APR 11(f);” are there any aspects of the program which would limit the intent of a “personalized” mentoring plan?
2. Considering the MCLE Board’s structured mentoring program standard 9 which states “The mentor may not receive payment for the mentoring time;” Is a reduced caseload considered a form of compensation for the participating mentor?
3. Are there any aspects of the program which would be properly characterized as on-the-job training?
4. If the MCLE Board answers yes to questions 1,2, or 3:
  - a. Does the Board want to consider amending its policy to be more flexible or otherwise amend policy to accommodate programs such as the one before it now?
5. Taking into consideration, the purpose, standards, goals, and history of approved mentoring programs, should the MCLE Board approve or deny the structured mentoring program application submitted by Washington Office of Legal Aid, Children Representation Program now before it?

**The following are the stated purposes of structured mentoring programs:**

**1a. Foster professionalism, civility, and collegiality within the legal community**

One of the stated purposes of the CRP is to “build a supportive community for new and experienced attorneys based on lasting relationships.” This intention appears to be harmonious with the Board’s stated goal of fostering professionalism, civility, and collegiality.

**1b. Bridge the gap for new and transitioning attorneys**

The CRP program manual identifies one of its goals as “increasing new attorney’s competence consistent with the Standards” (the standards being those set by the Washington State Representation of Children in Foster Care to ensure competent representation). In this way, the program could be viewed as bridging the gap between attorneys becoming acquainted with this area of practice and more experienced practitioners.

**1c. Promote inclusion and eliminate bias with respect to the practice of law**

The CRP program has a demonstrated commitment to this purpose. This commitment is present in the “Programmatic Objectives,” which seek to “highlight and disrupt race-based or race-influenced decision making in the child welfare system...” the mentor qualifications which state that the mentor must have “demonstrated understanding of the impact of race, bias, discrimination, and differential treatment of communities disproportionately composed of” historically marginalized groups who have been overrepresented in the child welfare and justice systems, and the mentoring plan which has established mandatory sections devoted to diversity, inclusion, and bias topics.

**1d. Encourage professional development, including insights into the practice of law**

The program’s primary aim is to “strengthen the skills of attorneys new to dependency practice.” Throughout the program manual there is ample evidence that the program both promotes professional development and imparts many useful insights into the practice of law.

**1e. Encourage personal development including the need for healthy work-life balance, and awareness of mental health, addiction, and stress issues.**

As with encouraging professional development, the program appears to address matters related to personal development. The program guide establishes that mentors “will support the mentee’s development of values, self-awareness, empathy, and capacity to wholistically represent foster youth in dependency and termination proceedings.” It also is structured to acknowledge that “the practice of the child welfare system is difficult and isolating” and directs mentors to “infuse the mentor, mentee (*sic*) relationship with optimism.” Finally, the proposed mentoring plan includes multiple segments that are concentrated on personal development topics and even mandates one of them.

**1f. Support the community through public service**

The program does not identify promotion of public service as one of its goals outside of the legal services CRP attorneys render in the course of their representation of children.

**The following are minimal structural standards for a program to be approved:**

**2a. Attend an orientation meeting for which MCLE credit is not earned**

The sponsor of this mentoring program (CRP) has affirmed that such an orientation exists. In the program guide provided, willingness to attend an orientation meeting is listed as a requirement.

**2b. Sign a mentoring agreement**

The sponsor confirmed in their application that a mentoring agreement is available and provided a copy of a sample mentoring agreement with its application materials. Additionally, the sponsor set a specific deadline of completing the mentoring agreement within thirty days of program initiation.

**2c. Create a personalized mentoring plan that includes meetings on approved subjects under APR 11(f)**

The program uses a highly detailed mentoring plan that includes coverage of many APR 11(f) subjects. However, it is arguable that the plan does not lend itself to sufficient personalization as 22 of the 44 plan subsections are mandatory. The obligatory nature of half of the plan content also draws attention to the program potentially resembling an internal training program.

**2d. Have face-to-face mentoring meetings related to approved course subjects under APR 11(f). Face-to-face meetings can be in person or via electronic means of communication.**

CRP requires mentors and mentees to meet monthly with each meeting being required to be 60 minutes in duration. CRP also anticipates that the mentor and mentee can expect to work together “approximately five hours per month. This includes time spent working on assessments, plan, and monthly meeting.” It also specifies that the first meeting must occur within 30 days of program entry.

**2e. 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.**

CRP provides a number of evaluative tools attached to their mentoring program. The evaluation titled “Mentee Competencies” is a detailed evaluative rubric that directs mentees to rate themselves across 29 separate categories that are derived from “The Washington State Representation of Children and Youth in Dependency Cases” standards. The second evaluation (Mentor Outgoing Assessment of Mentee’s Competencies) is the same competency rubric, except this time around, the mentor assesses the skill level of the mentee in 29 separate categories in accordance with dependency case standards. These evaluations appear to gauge the contractor-mentee’s readiness to take on the duties incumbent on them as CRP contractors, and this could point to the mentoring program’s role as internal or on the job training for its attorney-contractors.

The final evaluation is eliciting feedback on the program with seven separate questions. The questions touch on the quality of the orientation, frequency of in-person meetings, mentor fit, obstacles confronted, total benefit from the relationship, and an open-ended opportunity to share additional feedback. The competencies evaluations are significantly more detailed than the program evaluation.

**The following are the stated goals of approved structuring programs:**

**3a. Strive to appropriately match qualifying mentors with qualifying mentees.**

The CRP program manual expresses an intention to match “mentors with mentees, this may be based on geographic location, the knowledge or needs of the mentor or mentee, or other criteria.” In this way the CRP appears to match qualifying mentors with qualifying mentees.

**3b. Assist mentors and mentees in creating a mentoring plan that will best serve them in their goals.**

CRP makes several references to the mentee’s “professional development goals,” and the mentee appears to have some meaningful role in influencing the direction and character of their mentoring. Yet there are some notable constraints on mentee choice posed by the program. Firstly, the CRP contract can be invoked to require “contractor participation in the mentorship program based upon a review of the applicant’s education, skills, and practical experience.” The state of the program as a possible contractual condition as opposed to a completely voluntary election will necessarily have some influence on mentee’s freedom to structure a mentoring plan that will best suit their individual needs and interests. Secondly, the program is designed to operate with a high degree of oversight from the Program Manager who must be given a progress update “at least every three months on work that the mentor and mentee have completed,” has “sole discretion to find the mentorship program completed,” and is the only authority who can “provide a written waiver of the mentee’s completion of the mentorship program in satisfaction of the contractor’s contract requirements.” Arguably the program’s internal training aspects are perhaps most evident in the proposed “Mentorship Plan” itself. This plan is split into 44 distinct sections and is highly regimented in terms of topics to be covered. Moreover, the plan identifies many sections as mandatory which contributes to its rigidity. Out of the 44 sessions delineated, 22 are categorized as mandatory. There are also certain practicum assignments that the mentee is obligated to participate in including “the requirement to observe a guardianship or termination hearing and to be observed during a shelter care hearing and fact-finding, guardianship, or termination trial.” Overall, these predetermined requirements may restrict mentee choice in developing a personalized mentoring plan.

**3c. Provide support as needed to help mentors and mentees fulfill their responsibilities.**

CRP has built support and assistance into the program through the role of “Program Manager.” The Program manager is “responsible for addressing any complaints from either the mentor and mentee regarding the mentorship program, the relationship between the mentor and mentee, or other mentorship related concerns.” The program also is mindful about how challenging and isolating the practice of child welfare law can be and strives to create a positive learning atmosphere where “mentors will infuse the mentor, mentee (*sic*) relationship with optimism.” Given this, the program appears to be aligned with goal 3c.

**The following are the eligibility criteria:**

**7. Mentor Eligibility.**

To participate in a qualifying program, the mentor must be an active member of the WSBA in good standing and have been admitted to the practice of law in Washington for at least five years. CRP has represented that only mentors who have been active Washington bar members in good standing for the last five years will be considered as mentor candidates and has stated that there is no business relationship between the assigned mentor and mentee.

**9. MCLE Credit for Participation.**

Currently, mentoring standard 9 requires that the mentor does not receive compensation for the mentoring time. In the case of this program, both mentor and mentee are independent contractors and are paid at a rate set by their contracts. These contracts establish the required minimum and maximum caseloads. The contractors are also granted a 10% variance to allow for some flexibility while still meeting contract terms. To offset the time commitment of mentoring, mentors are allowed a reduced caseload without impacting their contractual caseload obligations. Seeing as the term compensation is not currently defined, whether or not a reduced caseload without any contract penalty can be considered a form of compensation is a matter of first impression for the Board.

### **History and background of structured mentor programs.**

For a final analytic lens, the Board can look to the history and background of the mentoring credit itself. The August 21, 2015, Board Meeting Minutes are the best record of original intent. The “Mentoring Goals and Objectives” section of those minutes discusses why mentoring should be an important focus, explaining that “based on 2012, membership study findings, lawyers in minority groups are leaving the practice within the first three years at a disproportionate rate. The number one reason is lack of mentoring.” It goes on to say, “the focus of mentorship program should be to bridge the gap for both new and transitioning lawyers” to “hasten the learning curve and help alleviate new lawyers in the current market...”. Additionally, the minutes touch on excluding in house mentoring observing that “the Board decided to not allow in house mentoring for now, because it is on the job training and part of their work duties,” however the minutes also say that the decision to limit in house mentoring could “...be modified if necessary at any time, as potential issues are heard.”

It is up to the MCLE Board to decide whether mentoring occurring in this context is compatible with the goals, standards, and purposes of obtaining CLE credit for mentoring.

### **Relevant Rules:**

APR 11 (d)(2)(vii): “Approve Mentoring Programs. The MCLE Board shall approve mentoring programs that meet requirements and standards established by the MCLE Board for the purposes of awarding MCLE credit under these rules.”

APR 11(e)(8): “Participating in a structured mentoring program approved by the MCLE Board, provided the mentoring is free to the mentee and the mentor is an active member of the Bar in good standing and has been admitted to the practice of law in Washington for at least five years. The MCLE Board shall develop standards for approving mentoring programs.”

### **Attachments:**

- Standards for Approving Structured Mentoring Programs
- OCLA CRP Structured Mentoring Program Application & Program Manual
- MCLE Board Meeting Minutes dated August 21, 2015
- MCLE Task Force Report

**STANDARDS FOR APPROVING STRUCTURED MENTORING PROGRAMS FOR MCLE CREDIT**  
**Adopted by MCLE Board on August 9, 2024**

The MCLE Board will approve structured mentoring programs for MCLE credit that meet the requirements of APR 11 and the following requirements and standards:

1. **Purpose.** Structured mentoring programs are intended to:
  - a. Foster professionalism, civility and collegiality in the legal community;
  - b. Bridge the gap for new and transitioning attorneys;
  - c. Promote inclusion and eliminate bias with respect to the practice of law;
  - d. Encourage professional development, including insights into the practice of law;
  - e. Encourage personal development, including the need for healthy work-life balance and awareness of mental health, addiction, and stress issues; and/or
  - f. Support the community through public service.
  
2. **Structured Mentoring Program Standards.** The minimum structural standards for a program to be approved include facilitating and requiring the mentor and mentee to:
  - a. Attend an orientation meeting for which MCLE credit is not earned;
  - b. Sign a mentoring agreement;
  - c. Create a personalized mentoring plan that includes meetings on approved subjects under APR 11(f);
  - d. 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
  - e. 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.
  
3. **Goals of Approved Structured Mentoring Programs.** Approved Structured Mentoring Programs should:
  - a. Strive to appropriately match qualifying mentors with qualifying mentees;
  - b. Assist mentors and mentees in creating a mentoring plan that will best serve them in achieving their goals; and
  - c. Provide support as needed to help mentors and mentees fulfill their responsibilities.
  
4. **Application for Approval of Structured Mentoring Program.** Organizations shall submit an application, program materials and sample forms to the MCLE Board to be considered for approval.

5. **Self-Directed Structured Mentoring Programs.** Mentors and mentees wishing to develop their own mentoring relationship and attain MCLE credit for mentoring may do so through the Self-Directed Structured Mentoring Program Guide available at <https://www.wsba.org/for-legal-professionals/mcle/mcle-credit-for-mentorship>.
6. **Eligibility.** The mentor and mentee shall not be employed by the same employer. Those using the WSBA provided “Self-Directed Mentoring Program Guide” must mentor active members of the WSBA to obtain MCLE credits.
7. **Mentor Eligibility.** The mentor must be an active member of the WSBA in good standing and have been admitted to the practice of law in Washington for at least five years.
8. **Mentee Eligibility.** To be eligible, the mentee must:
  - a) be an active member of the WSBA; or
  - b) be an inactive member of the WSBA who intends to return to active status within one year; or
  - c) be a J.D. graduate seeking admission in Washington; or
  - d) be an enrolled law student who has successfully completed not less than one third of a law school’s prescribed 3-year course of study or 16 months of a law school’s prescribed 4-year course of study; or
  - e) be an enrolled law clerk who has successfully completed not less than 16 months of the law clerk’s program prescribed 4-year course of study; or
  - f) have completed the APR 6 law clerk program.

Prior to commencing a mentoring relationship under this policy, mentees who are inactive members, law school students, or participating in the law clerk program must certify in writing their intention to complete all steps to obtaining an active WSBA license by signing the MCLE Board mentoring agreement.

9. **MCLE Credit for Participation.** Mentors and mentees may earn one MCLE credit per each 60 minutes during which they held mentoring meetings and covered topics or issues related to the approved course subjects under APR 11(f). Law and Legal Procedure credits may not be earned through mentoring. There are no limits on the number of MCLE ethics and “other” credits attorneys may earn and attorneys may participate as often as they wish. The mentor may not receive payment for the mentoring time.



**APPLICATION FOR APPROVAL OF STRUCTURED MENTORING PROGRAM**

1. Organization Name:	
Washington State Office of Civil Legal Aid (9608807)	
2. Program Name:	
Children's Representation Program	
3. Address:	
P.O. Box 41183 Olympia, WA 98504-1183	
4. Telephone Number:	5. Email Address:
	jeffrey.adams@ocla.wa.gov
6. Type of organization (check one):	<input type="checkbox"/> Profit <input type="checkbox"/> Nonprofit <input checked="" type="checkbox"/> Government <input type="checkbox"/> Other (Please describe) <input type="checkbox"/> Minority/Specialty Bar <input type="checkbox"/> Local Bar
7. Is this in-house or on-the-job mentoring? <i>Note: In-house and on-the-job mentoring programs are not eligible for MCLE credit.</i>	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
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? <i>Note: The mentee is not permitted to pay the mentor for mentoring.</i>	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

**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

JEFFREY ADAMS TRAINING COORDINATOR  
 Name and Title of Applicant

08/01/2024  
 Date

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

---

*For Internal Use Only*

- Approved
- Denied Reason: \_\_\_\_\_

Date: \_\_\_\_\_ Reviewed by: \_\_\_\_\_ Signature: \_\_\_\_\_

Washington State Office of Civil Legal Aid  
**CHILDREN'S REPRESENTATION PROGRAM**

**STRUCTURED MENTORSHIP  
PROGRAM MANUAL**

Revised 2024

## Table of Contents

1.0 Introduction .....	1
1.1 Purpose .....	1
1.2 Vision .....	1
2.0 Programmatic Objectives/Structure .....	2
2.1 Mentee .....	2
2.2 Mentor.....	2
2.3 Duration .....	3
2.4 Oversight.....	3
2.5 Purpose and Frequency of Meetings .....	3
2.6 Time Commitment .....	3
3.0 Stages of the CRP Mentoring Program.....	3
4.0 Rules for Participation in the Mentorship Program .....	5
Mentoring Agreement .....	7
Mentorship Plan.....	8
Mentorship Competencies Assessment Tool.....	13
Mentor Outgoing Assessment of Mentee’s Competencies.....	17

## **The CRP Mentorship Program**

### **1.0 Introduction**

The Washington State Office of Civil Legal Aid (OCLA), Children’s Representation Program (CRP) is required to “enter into contracts with attorneys and agencies for the provision of legal services.” RCW 2.53.045. Attorneys and agencies contracted with OCLA are independent contractors. The Washington State Representation of Children and Youth in Dependency Cases Practice, Caseload, and Training Standards (Rev. Sept. 2022) (the “Standards”) establish the need for these independent contractors to be “qualified through training or experience to effectively fulfill the duties of representing children in dependency court.” Washington State Supreme Court Commission on Children in Foster Care, Representation of Children and Youth in Dependency Cases Practice, Caseload, and Training Standards (Rev. Sept. 2022), 3, Pg. 5, available at <https://ocla.wa.gov/wp-content/uploads/2022/10/Child-Representation-Practice-Standards-September-2022-FINAL.pdf>. The Standards instruct OCLA to “ensure that compensation models include expectations that attorney time will be spent achieving and maintaining competency in the practice.” *Id.* Continuing, the Standards state:

Attorneys with no or little legal experience representing children in these proceedings should receive intensive training on effective representation consistent with these standards. Before undertaking representation, attorneys new to child representation practice should receive training covering the core competency areas below. It is assumed that attorneys new to this area of law will receive lower caseloads to meet the standards for child representation for at least a three-month period or until their proficiency is assessed to be sufficient, whichever is longer.

*Id.* at 3.1, Pg. 5. This manual provides a general overview of the CRP’s structured mentorship program, including its purpose, vision, and structure, a description of the roles and responsibilities of the mentor and mentee, and the implementing principles.

### **1.1 Purpose**

The CRP’s mentorship program is designed to strengthen the advocacy skills of attorneys new to dependency practice in Washington State, under the traditional, structured mentorship model. OCLA will match the mentee with a seasoned mentor to provide advice and guidance. Continuing, the program should build a supportive community of practice for new and experienced attorneys based on lasting relationships driven by genuine curiosity, joint interest, and honest conversation.

### **1.2 Vision**

To create enduring relationships and communities of practice dedicated to achieving and maintaining the highest-level practice amongst attorneys contracted by OCLA to represent children and youth in Washington State systems of care.

## 2.0 Programmatic Objectives/Structure

The mentoring program will address three critical areas of practice.

- **Knowledge and Skill Building.** The mentorship program will, in conjunction with the CRP Virtual Training Academy, increase new attorneys' competence consistent with the Standards.
- **Equity, Diversity, Inclusivity, and Disruption.** The mentorship program will highlight and disrupt race-based or race-influenced decision making in the child welfare system through safe, supportive communities of practice and meaningful anti-racist and pro-equity education.
- **Socialization and Orientation.** The mentorship program will highlight a commonality of purpose and build a culture of dedication and support to the practice of child representation. The program will bridge the gap between theoretical, academic instruction and practical, everyday practice skills.

## 2.1 Mentors

The CRP will carefully screen and select mentors from its existing panel of contracted attorneys who have shown dedication to the practice and an ability to build rapport and relationships with new practitioners. These mentors will be taught that the mentorship relationship involves more than communicating basic skills and information. Mentors should support the mentee's development of values, self-awareness, empathy, and capacity to holistically represent foster youth in dependency and termination proceedings.

The CRP recognizes that the legal practice in the child welfare system is difficult and isolating. Mentors should infuse the mentor, mentee relationship with optimism for the practice and a demonstrated commitment to the service of others and a fervent commitment to best practices.

Mentor Qualifications (required).

- ❖ Licensed member of the Washington State Bar in good standing and has been admitted to the practice of law in Washington for at least five (5) years.
- ❖ Significant experience representing children or parents in dependencies, including extensive trial work.
- ❖ Demonstrated understanding of the impact of race, bias, discrimination, and differential treatment of communities disproportionately composed of Black, Indigenous, and people of color, individuals who identify as LGBTQIA or other sexual minorities, individuals with disabilities, immigrants, limited English speaking persons, and others who have been historically disproportionately overrepresented in child welfare and in the law and justice systems.
- ❖ Willingness to attend an orientation meeting.

## 2.2 Mentees

The CRP Program Manager may require contractor participation in the mentorship program based upon a review of the applicant's education, skills, and practical experience. Also, a mentee may elect to participate,

with approval of the Program Manager, in the mentorship program, depending on space and availability. The mentee must work cooperatively with their assigned mentor and, where required by contract, complete the mentorship program, unless waived in writing by the Program Manager.

### **2.3 Duration & Oversight**

The mentorship program must be completed pursuant to the terms of the contractor's contract with the CRP. The program is designed to be completed in no less than nine (9) months. The mentor will update the Program Manager or their designee at least every three months on work that the mentor and mentee have completed. The mentor will provide written notice to the Program Manager or their designee stating that the mentee has completed the program with documented support for that conclusion. The Program Manager will have the sole discretion to find the mentorship program completed and may terminate the mentee's participation in the mentorship program. The Program Manager may, at their sole discretion, provide a written waiver of the mentee's completion of the mentorship program in satisfaction of the contractor's contract requirements.

The Program Manager or their designee shall provide oversight of the mentorship program. The Program Manager or their designee is responsible for matching mentors with mentees. This may be based on geographic location, the knowledge or needs of the mentor or mentee, or other criteria. The Program Manager or their designee is responsible for communicating with the mentor and generally tracking progress of the mentee throughout the process. The Program Manager or their designee is also responsible for addressing any complaints from either the mentor or mentee regarding the mentorship program, the relationship between the mentor and mentee, or other mentorship related concerns.

### **2.4 Purpose and Frequency of Meetings**

Mentors and mentees are required to meet within thirty (30) days of entering the mentorship program and within thirty (30) days complete the Mentorship Plan, the Mentee Competencies Incoming Skills Assessment, and Mentoring Agreement. Thereafter, the mentor and mentee will meet monthly to work through the mentorship plan and professional development goals. Depending on need or agreement, the mentor and mentee may meet more frequently, but not less than monthly.

### **2.5 Time Commitment**

Over the life of this mentorship program, the mentor and mentee should anticipate working together approximately five (5) hours per month. This includes time spent working on the assessments, plan, and monthly meetings. Monthly meetings should be as long as necessary to move expeditiously through the plan but should be no less than sixty (60) minutes in length. Pursuant to the Standards, the Program Manager will adjust the mentor and mentees caseload caps down to accommodate for the additional time and effort that both the mentor and mentee are expected put into completing the mentorship program.

### **3.0 Stages of the Mentoring Program**

#### **TIMELINE**

#### **STAGE 1: Getting Started**

**Due Date:** Within forty-five (45) days of program entry, the mentor and mentee must complete their first meeting, the Mentorship Plan, the Mentee Competencies Incoming Skills Assessment, and Mentoring Agreement.

**Due Date:** Within sixty (60) days after receiving a mentee assignment, the mentor will contact the Program Manager or their designee regarding the status and progress of the mentorship.

### **The First Meeting**

The purpose of this meeting is for the mentor and mentee to:

- Get to know one another.
- Discuss roles and responsibilities.
- Discuss expectations, communications styles, and barriers.
- Examine the mentorship requirements and timelines.
- Review the mentorship plan and agreement.

This first stage is important to building a foundation of trust, honesty, commitment, and respect. Additional requirements during this stage:

- Provide the mentor with a redacted writing sample, if available.
- Provide the mentor with a general overview of the types of cases and stages that have been assigned, i.e., dependency, guardianship, termination and shelter care, fact-finding, first review, permanency planning review, etc.

### **Competencies Assessment**

The mentee must complete the Mentorship Competencies Incoming Skills Assessment (Incoming Assessment) within forty-five (45) days of entering the mentorship program. This Incoming Assessment will guide the mentee through a course of self-reflection regarding the requirements of standards-based representation, their understanding and grasp of important law, theory, and relevant social science, and general knowledge of the practice and business of law.

The Incoming Assessment will also assist the mentor and mentee throughout the mentorship program and ground the relationship upon the mentee's relevant needs. The mentee will provide a copy of the Incoming Assessment to the mentor, and upon request, to the Program Manager or designee.

### **Mentorship Plan**

The mentee and the mentor must complete the Mentorship Plan within forty-five (45) days of entering the mentorship program. The Mentorship Plan will, in conjunction with the Assessment, guide the progression of the mentorship relationship throughout the course of the program. A copy of the Mentorship Plan must be provided to the Program Manager, or designee.



## **Mentorship Agreement**

The mentee and mentor must also complete the Mentorship Agreement within forty-five (45) days of entering the mentorship program. A copy of the Mentorship Agreement must be provided to the Program Manager, or designee.

### **STAGE 2: Progress**

During this stage, the mentor and mentee will meet regularly to review both the mentorship plan and the mentee's progress in achieving specific professional development goals. Also, during this time, the mentee will complete all required observations, including the requirement to observe a guardianship or termination hearing and to be observed during a shelter care hearing and fact-finding, guardianship, or termination trial, or other substantive hearings when permitted in writing by the CRP Program Manager or designee. Throughout this stage, the mentor and mentee may amend the mentorship plan, in writing, based upon developments in the mentee's practice. In such instances, the mentor must notify the CRP Manager or their designee and supply a copy of the amended plan when requested.

**Due Date:** The mentor and mentee shall meet at least monthly for no less than nine (9) months and should meet for no less than sixty (60) minutes per meeting to work through the mentorship plan.

### **Mentorship Meetings**

Mentorship meetings can be done in person or remotely at the election of the mentor and mentee. During these meetings, the mentor and mentee will collaboratively work through the discussion topics contained in the Mentorship Plan.

### **STAGE 3: Completion**

At this stage, the mentor and mentee will assess the mentee's achievements regarding the mentee's professional development goals and complete mentorship assessments. The mentor will communicate directly with the Program Manager or their designee regarding completion of the program and recommendation for closure.

**Due Date:** Within thirty (30) days of completing the Mentorship Plan or at least nine (9) months after program entry, whichever occurs last, the mentee must complete the Mentorship Competencies Outgoing Skills Assessment (Outgoing Assessment).

**Due Date:** Within thirty (30) days of completing the Mentorship Plan or at least nine (9) months after program entry, whichever occurs last, the mentor must complete the Mentor Outgoing Assessment of Mentee's Competencies and provide a written summary of the mentorship program to the Program Manager, including if the mentor is recommending the completion and closure of the mentorship program.

## **4.0 Rules for Participation in the Mentorship Program**

Participants in the mentorship program must agree to abide by the following rules:

- Any communication between mentor and the mentee is not intended to be the rendering of legal or professional advice to the mentee or his or her clients because of participation in the mentoring program, and the mentee will not rely upon such communications or cause any client to rely upon them.

- No confidential or attorney-client relationship is formed between mentor and the mentee because of participation in the mentoring program. NEITHER THE MENTEE NOR MENTOR WILL IDENTIFY ANY CLIENT OR REVEAL ANY CLIENT CONFIDENCE TO THE OTHER, NOR WILL EITHER SEEK PROFESSIONAL OR LEGAL ADVICE FROM THE OTHER ABOUT SPECIFIC LEGAL MATTERS OR CLIENTS. Instead, all discussions about substantive legal matters between the mentee and mentor will be limited to hypothetical situations. Please review the following:
  - RPC 1.6: Confidentiality of Information.
  - ABA: You Can't Make Me Tell – Or Can You? Can Observing Mentee- and Mentor-Lawyers Be Compelled to Testify About Confidential Client Information?
- Mentor is not assuming any liability or responsibility with respect to any legal matter of the mentee's clients because of participation in the mentoring program, nor will the mentor render professional services to, or take any responsibility either directly or indirectly for any aspect of representation of the mentee's clients because of participation in the mentoring program.



## Mentoring Agreement

We, \_\_\_\_\_, Mentor, and \_\_\_\_\_, Mentee, agree to participate in the mentoring program in accordance with the terms of this agreement. We understand the goals of mentoring include:

- 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 professional development, including insights into the practice of law.
- Encourage personal development, including the need for healthy work-life balance and awareness of mental health, addiction, and stress issues.
- Support the community through public service.

We acknowledge and will abide by the following rules:

- Any communication between mentor and the mentee is not intended to be the rendering of legal or professional advice to the mentee or his or her clients because of participation in the mentoring program, and the mentee will not rely upon such communications or cause any client to rely upon them.
- No confidential or attorney-client relationship is formed between mentor and the mentee because of participation in the mentoring program. Neither the mentee nor mentor will identify any client or reveal any client confidence to the other, nor will either seek professional or legal advice from the other about specific legal matters or clients. Instead, all discussions about substantive legal matters between the mentee and mentor will be limited to hypothetical situations.
- Mentor is not assuming any liability or responsibility with respect to any legal matter of the mentee's clients because of participation in the mentoring program, nor will the mentor render professional services to, or take any responsibility either directly or indirectly for any aspect of representation of the mentee's clients because of participation in the mentoring program.

We hereby certify that we have read the above Mentoring Agreement and agree to its terms.

Mentor Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Mentee Signature: \_\_\_\_\_

Date: \_\_\_\_\_



## Mentorship Plan

### I. Theory to Practice

Elected	Plan Sup.	Action	Comp. Date
	I.1	Meet at the local courthouse(s) and make appropriate introductions to members of the judiciary, court personnel, and clerks of court. Discuss customary rules of civility or etiquette among lawyers and judges in the community.	
Mandatory	I.2	Observe a fact-finding hearing; discuss the following: <ul style="list-style-type: none"> <li>❖ Motions in limine.</li> <li>❖ Theme.</li> <li>❖ Opening statements.</li> <li>❖ Direct examinations.</li> <li>❖ Cross examinations.</li> <li>❖ Objections and rulings.</li> <li>❖ Exhibits.</li> <li>❖ Closings.</li> <li>❖ Best practices.</li> <li>❖ Candor and professionalism of parties.</li> </ul>	
Mandatory	I.3	Observe a termination or parental rights or guardianship trial; discuss the following: <ul style="list-style-type: none"> <li>❖ Motions in limine.</li> <li>❖ Theme.</li> <li>❖ Opening statements.</li> <li>❖ Direct examinations.</li> <li>❖ Cross examinations.</li> <li>❖ Objections and rulings.</li> <li>❖ Exhibits.</li> <li>❖ Closings.</li> <li>❖ Best practices.</li> <li>❖ Candor and professionalism of parties.</li> </ul>	
Mandatory	I.4	Discuss how to interview and otherwise communicate with clients in trauma-informed, developmentally appropriate ways. Discuss tips and strategies for engaging clients who might be difficult to connect with or are otherwise showing resistance to legal counsel.	
Mandatory	I.5	Discuss shelter care hearings, review hearings, and permanency planning hearings, including the primary issues, rules, best practices, and traps.	
	I.6	Discuss explaining the attorney's role to clients, foster parents, and providers. Discuss common pitfalls and misconceptions people have about children's attorneys and how to avoid them.	
	I.7	Other:	

## II. Ethics and Professional Responsibility in Child Welfare

Elected	Plan Sup.	Action	Comp. Date
Mandatory	II.1	Discuss practices to maintain client confidentiality.	
	II.2	Discuss how to screen for, recognize, and avoid conflicts of interest.	
Mandatory	II.3	Discuss the responsibilities of the client and the attorney in decision-making, and the best ways to involve a client in their case, including the impacts of trauma and development on this decision.	
	II.4	Discuss how to prepare for negotiation of a legal matter, when and how negotiation is initiated, how to involve the client, ethical and professionalism obligations of negotiators, skills needed to be an effective negotiator and how to acquire them.	
Mandatory	II.5	Discuss common malpractice and grievance traps in the child welfare setting, and how to recognize and avoid common pitfalls.	
	II.6	Without disclosing confidential information, discuss a legal ethics issue the mentor has faced in representing a dependent child or youth and how it was analyzed and resolved; or an ethical hypothetical including conduct, rules, and resolutions.	
	II.7	Discuss potential resources and procedures for dealing with complicated ethical issues, including conflict of interests.	
	II.8	Discuss the grievance process and an attorney's duty to cooperate with a disciplinary investigation.	
	II.9	Other:	

## III. Diversity and Inclusion

Elected	Plan Sup.	Action	Comp. Date
Mandatory	III.1	Discuss disproportionality in the child welfare system and its causes.	
	III.2	Discuss any personal experiences involving diversity, inclusion, and disproportionality in the child welfare system, including those impacted by the system and the professionals who practice within it.	
Mandatory	III.3	Discuss the high rates of LGBTQIA+ children in systems of care and how to improve outcomes for these youth.	
Mandatory	III.4	Discuss how to improve diversity awareness as a skill for oneself and others, including implicit or unconscious bias.	
Mandatory	III.5	Explore how anti-racist, equity-centered advocacy can actively promote the advancement of diversity and inclusion through intentional, positive, and conscious efforts and discuss how to be an ally.	
	III.6	Other:	

#### IV. The Law

Elected	Plan Sup.	Action	Comp. Date
Mandatory	IV.1	Discuss the following subjects: <ul style="list-style-type: none"> <li>❖ Legal and stated interest representation.</li> <li>❖ Visitation.</li> <li>❖ Placement.</li> <li>❖ Permanency, including relational permanency, termination, guardianship, and adoption.</li> </ul>	
Mandatory	IV.2	Discuss the following collateral subjects: <ul style="list-style-type: none"> <li>❖ Release of information.</li> <li>❖ Psychotropic medications.</li> <li>❖ Restraining orders.</li> <li>❖ Courtroom closure.</li> <li>❖ Contempt.</li> <li>❖ Immigration.</li> </ul>	
Mandatory	IV.3	Discuss court reports/youth reports and providing a voice for the child in court.	
Mandatory	IV.4	Discuss service resources and community supports.	
Mandatory	IV.5	Discuss Standards identified in the mentee's self-assessment (OCLA CRP Mentorship Competencies) as inexperienced (1 or 2) after mentee has had the opportunity to complete the relevant section of the Academy or as otherwise identified as topics of interest to the mentee.	
	IV.6	Other:	

## V. Professionalism

Elected	Plan Sup.	Action	Comp. Date
	V.1	Discuss professional skills including effective lawyering, leadership, career development, communication, and presentation skills.	
Mandatory	V.2	Discuss how incivility, if left unchecked, can erode into other improper behaviors.	
Mandatory	V.3	Discuss strategies for managing incivility in highly charged situations.	
Mandatory	V.4	Discuss proper legal counseling, and the duties and responsibilities of advising clients.	
Mandatory	V.5	Discuss methods for encouraging client engagement and participation in the legal process.	
	V.6	Other:	

## VI. Personal Development and Mental Health

Elected	Plan Sup.	Action	Comp. Date
	VI.1	Discuss long-term and short-term career objectives and identify ways to achieve them.	
Mandatory	VI.2	Discuss strategies for finding a balance between career and personal life, keeping daily stress in perspective, reconciling job expectations with actual experience, and maximizing career satisfaction.	
	VI.3	Explore methods for improving and maintaining physical and mental health through well-being techniques.	
	VI.4	Discuss prominence of substance abuse and mental health issues in the legal profession; review warning signs of substance abuse or mental health problems; what to do if the Mentor, Mentee, a colleague, or a superior is faced with a substance abuse or mental health problem; and the resources for assistance.	
	VI.5	Discuss “emotional intelligence” and why it is so important in the legal profession. Explore emotional awareness; the ability to harness emotions and apply them to tasks like thinking and problem solving; and the ability to manage emotions, which includes regulating your own emotions.	
	VI.6	Other:	

## VII. Office Management

Elected	Plan. Sup	Action	Comp. Date
	VII.1	Discuss law office management processes and procedures. Examples may be: <ul style="list-style-type: none"> <li>❖ Client Management Software.</li> <li>❖ Filing system and procedures.</li> <li>❖ Time keeping records and requirements, including CAROS.</li> <li>❖ CRP reimbursement forms and processes.</li> <li>❖ Conflict check procedures.</li> <li>❖ Document retention plan.</li> <li>❖ Calendar reminder systems.</li> <li>❖ Information technology system.</li> <li>❖ Lexis Nexis or other legal search programs and software.</li> <li>❖ JIS, Odyssey, or other relevant court programs and software.</li> </ul>	
Mandatory	VII.2	Discuss importance of client communication, how to maintain appropriate ongoing communication (returning telephone calls, email) to keep clients informed as required under the standards.	
	VII.3	Discuss methods of obtaining and supporting client participation and feedback.	
	VII.4	Discuss effective time management skills and techniques. Identify a specific time management issue or problem that you have faced or anticipate facing; develop a plan for improving in that area.	
		Other:	

### MENTORING PLAN PLEDGE

We, \_\_\_\_\_, Mentor, and \_\_\_\_\_, Mentee, agree upon this Mentoring Plan of activities elected above. We pledge that we will devote the time and effort necessary to carry out this Mentoring Plan.

Mentor Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Mentee Signature: \_\_\_\_\_

Date: \_\_\_\_\_

### MENTOR CERTIFICATION

I, \_\_\_\_\_, mentor, certify that as of the date below, the mentee has completed the Mentorship Plan per the program requirements and restrictions.

Mentor Signature: \_\_\_\_\_

Date: \_\_\_\_\_





### Mentee Competencies

Incoming Skills Assessment     Outgoing Skills Assessment

Please review the following statements and select your practical experience with each, on a scale from “Advanced” to “Inexperienced.”

#### Washington State 2022 Standard’s Requirements

	Advanced (5) – Proficient (3) – Inexperienced (1)				
	5	4	3	2	1
Relevant federal and state laws, regulations, policies, rules, and court decisions.					
Trial advocacy and trial-related skills.					
Infant, young child, and adolescent development needs and abilities, including the impact of trauma and disability.					
Developmentally appropriate interviewing and counseling skills.					
The role of the attorney for the child and their ethical responsibilities to the client.					
Racial disparity in treatment and legal outcomes in the dependency system.					
Strategies for affirmatively representing clients to prevent adverse consequences of race-based or race-influenced decision making.					
Other biases that operate within the child welfare, juvenile, and criminal legal systems that could interfere with the ability of the attorney to successfully advocate for a child's stated interest.					

	Advanced (5) – Proficient (3) – Inexperienced (1)				
	5	4	3	2	1
The ability to ethically and effectively represent inter-, cross-, and multi-cultural children and youth clients. This includes understanding religious values and boundaries, including religions other than one’s own, if applicable, and advocating for the youth’s religious or spiritual preferences, including a preference not to practice a religion.					
Effective and affirming representation of LGBTQIA+ youth and children and youth, and those exploring their gender and sexual identities.					
The practices, policies, regulations, program supports, and opportunities of dependent youth approaching dependency exit (age out).					
Strategies for consulting with experts who can assist attorneys on various case issues.					
Family dynamics and dysfunction, such as impacts of various trauma on family relationships. Knowledge of family preservation services and family supports available in the community.					
The role and authority of the Department of Children, Youth, and Families (DCYF) and both public and private organizations connected to the dependency court system.					
Understanding the intersection of other systems and processes that often affect the trajectory of a case or the resource needs of individual children/youth (e.g., education/special education; juvenile justice; family civil litigation including domestic violence and child custody; and public and private resources available to children, youth, and families.).					
Understanding of one’s own privilege and the potential impact that their own biases may have on the conduct of their representation and the discharge of ethical duties to their clients.					

	Advanced (5) – Proficient (3) – Inexperienced (1)				
	5	4	3	2	1
Understanding issues that adversely impact children and youth in the dependency system and having competency to identify and to either represent the client or refer the client for legal representation or legal advocacy in other legal systems, such as the education/special education system, juvenile court child custody proceedings, public and other benefits, and immigration-related proceedings.					

### General Practice Requirements

	Advanced (5) – Proficient (3) – Inexperienced (1)				
	5	4	3	2	1
Understanding of the local court system, courthouse, and etiquette.					
Trial experience generally.					
Shelter care litigation experience.					
Fact-finding trial experience.					
Termination of parental rights trial or guardianship trial experience.					
Client interviewing.					
Client counseling.					
Understanding of client confidentiality.					
Understanding the process for screening for and avoiding conflicts of interest.					
Understanding of the responsibilities of the client and the attorney in decision-making, and the best ways to involve a client in their case, including the impacts of trauma and development on this decision.					

	Advanced (5) – Proficient (3) – Inexperienced (1)				
	5	4	3	2	1
Understanding of negotiation tactics.					
Understanding of common malpractice and grievance traps in the child welfare setting, and how to recognize and avoid common pitfalls.					

**CERTIFICATION**

I, \_\_\_\_\_, certify that I have conducted this assessment in good faith.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_



## Mentor Outgoing Assessment of Mentee’s Competencies

### Washington State 2022 Standard’s Requirements

	Advanced (5) – Proficient (3) – Inexperienced (1)					
	5	4	3	2	1	N/A
Mentee’s demonstrated understanding of relevant federal and state laws, regulations, policies, rules, and court decisions.						
Mentee’s demonstrated understanding of trial advocacy and trial-related skills.						
Mentee’s demonstrated understanding of infant, young child, and adolescent development needs and abilities, including the impact of trauma and disability.						
Mentee’s demonstrated understanding of developmentally appropriate interviewing and counseling skills.						
Mentee’s demonstrated understanding of the role of the attorney for the child and their ethical responsibilities to the client.						
Mentee’s demonstrated understanding of racial disparity in treatment and legal outcomes in the dependency system.						
Mentee’s demonstrated understanding of strategies for affirmatively representing clients to prevent adverse consequences of race-based or race-influenced decision making.						

	Advanced (5) – Proficient (3) – Inexperienced (1)					N/A
	5	4	3	2	1	
Mentee’s demonstrated understanding of other biases that operate within the child welfare, juvenile, and criminal legal systems that could interfere with the ability of the attorney to successfully advocate for a child's stated interest.						
Mentee’s demonstrated understanding of the necessary skills to ethically and effectively represent inter-, cross-, and multi-cultural children and youth clients. This includes understanding religious values and boundaries, including religions other than one’s own, if applicable, and advocating for the youth’s religious or spiritual preferences, including a preference not to practice a religion.						
Mentee’s demonstrated understanding of effective and affirming representation of LGBTQ+ youth and children and youth, and those exploring their gender and sexual identities.						
Mentee’s demonstrated understanding of the practices, policies, regulations, program supports, and opportunities of dependent youth approaching dependency exit (age out).						
Mentee’s demonstrated understanding of strategies for consulting with experts who can assist attorneys on various case issues.						
Mentee’s demonstrated understanding of family dynamics and dysfunction, such as impacts of various trauma on family relationships. Knowledge of family preservation services and family supports available in the community.						
Mentee’s demonstrated understanding of the role and authority of the Department of Children, Youth, and Families (DCYF) and both public and private organizations connected to the dependency court system.						

	Advanced (5) – Proficient (3) – Inexperienced (1)					N/A
	5	4	3	2	1	
Mentee’s demonstrated understanding of the intersection of other systems and processes that often affect the trajectory of a case or the resource needs of individual children/youth (e.g., education/special education; juvenile justice; family civil litigation including domestic violence and child custody; and public and private resources available to children, youth, and families.).						
Mentee’s demonstrated understanding of their own privilege and the potential impact that their own biases may have on the conduct of their representation and the discharge of ethical duties to their clients.						
Mentee’s demonstrated understanding of issues that adversely impact children and youth in the dependency system, and competency to identify and to either represent the client or refer the client for legal representation or legal advocacy in other legal systems, such as the education/special education system, juvenile court child custody proceedings, public and other benefits, and immigration-related proceedings.						

### General Practice Requirements

	Advanced (5) – Proficient (3) – Inexperienced					
	5	4	(1) 3	2	1	N/A
Understanding of the local court system, courthouse, and etiquette.						
Demonstrated trial experience generally.						
Demonstrated shelter care litigation experience.						
Demonstrated fact-finding litigation experience.						
Demonstrated termination of parental rights trial or guardianship trial experience.						
Understanding client interviewing.						
Understanding client counseling.						
Understanding of client confidentiality.						
Understanding the process for screening and avoid conflicts of interest.						
Understanding of the responsibilities of the client and the attorney in decision-making, and the best ways to involve a client in their case, including the impacts of trauma and development on this decision.						
Understanding of negotiation tactics.						
Understanding of common malpractice and grievance traps in the child welfare setting, and how to recognize and avoid common pitfalls.						

Overall observations: (please attach additional papers as necessary)

---



---



---



---



A series of horizontal lines for writing.

**CERTIFICATION**

I, \_\_\_\_\_, certify that I have conducted this assessment in good faith.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## MENTORING EVALUATION

Name: \_\_\_\_\_ Date: \_\_\_\_\_

1. Are you the Mentor or Mentee?  
 Mentor  
 Mentee
2. Was the orientation helpful in beginning your mentoring relationship? Explain.
3. How many in-person meetings have occurred to date?
4. Does your mentoring relationship support open communication and learning? Explain.
5. Did you encounter any difficulties completing the selected activities in your mentoring plan? Explain, and describe how you resolved these difficulties.
6. Are you benefiting from this mentoring relationship? Explain.
7. Is there anything else you would like to share?

**From:** [Adams, Jeffrey \(OCLA\)](#)  
**To:** [MCLE](#)  
**Cc:** [Gordon, Rowan \(OCLA\)](#)  
**Subject:** RE: [External]Structured Mentorship Plan CLE Request  
**Date:** Wednesday, August 7, 2024 4:18:23 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[MCLE CLE Request.pdf](#)

---

To Whom it May Concern:

Thank you for conducting an initial review of the documents that we submitted. We were unable to find a definition of in-house or on-the-job mentoring. After speaking with the MCLE team, we selected “yes” out of an abundance of caution. Yet, we are still requesting review and approval of the structured mentorship program, as we do believe it is distinguishable from what is commonly understood to be “on the job” or “in-house” training.

Under RCW 2.53.025, the Washington State Office of Civil Legal Aid (OCLA) is required to ensure the provision of standards-based representation of children in dependency. To do this, OCLA enters into contracts with attorneys and agencies for the provision of legal services and must verify that attorneys providing legal representation to children under RCW 13.34.212 meet certain statutorily prescribed standards of practice, caseload limits, and training guidelines. These “[Standards](#)” require that attorneys be qualified “through training or experience” to represent children in dependency proceedings and that attorneys with little to no legal experience representing children will have adequate support when entering this area of practice and that their proficiency will be assessed prior to taking on full-time casework. Accordingly, this mentorship opportunity is targeted and will only be available to attorneys who are on contract with OCLA.

The total caseload for the mentor and, if necessary, the mentee will be temporarily reduced to provide the mentor and mentee with sufficient time to engage in the program without a concomitant reduction in pay (to reflect the lower overall caseload). In this context, we thought the temporary reduction of caseload could be construed as “payment”; however, we do not believe this structure amounts to “on the job” or “in-house” (i.e., compensated) training. Here, the mentor and mentee are independent contractors engaging in a dialogue and building a bridge from the theoretical to the practical. At its core, the proposed mentoring program is designed to build connections and relationships between independent contractors for purposes of fostering communities of practice, developing attorney practice, and supporting attorney mental health.

The proposed structured mentoring program at OCLA is built upon the model proposed by the MCLE Board. It will be offered to OCLA contracted attorneys (independent contractors) who are new to the field of dependency. As OCLA is prohibited by law from providing direct representation, the mentee will be matched with a mentor from OCLA’s existing panel of independently contracted attorneys. The mentors, not OCLA employees, have the skills and experience to effectively mentor the mentee. The goal of this opportunity is consistent with the purposes of mentoring:

Mentoring creates an opportunity for a Mentor to provide professional guidance and share practical knowledge and skills with a Mentee in order to:

1. Foster professionalism, civility and collegiality in the legal community;
2. Bridge the gap for new and transitioning attorneys;
3. Promote inclusion and eliminate bias with respect to the practice of law;
4. Encourage professional development, including insights into the practice of law;
5. Encourage personal development, including the need for healthy work-life balance and awareness of mental health, addiction, and stress issues; and
6. Support the community through public service.

See [Self-Directed Structured Mentoring Program Guide](#).

While the mentorship opportunity is being reviewed and required for contracting purposes, it is otherwise consistent with the guidance and spirit of APR 11. We believe that this mentorship program is outside what was contemplated by the MCLE Board when it decided to preclude credit to in-house or on-the-job trainings.

Thank you for your consideration.

Sincerely,



Jeffrey Adams, Training Coordinator (he/him)  
Office of Civil Legal Aid  
Children's Representation Program  
(360) 485-1563  
(564) 200-4381 (mobile)  
[jeffrey.adams@ocla.wa.gov](mailto:jeffrey.adams@ocla.wa.gov)

---

**From:** MCLE <MCLE@wsba.org>  
**Sent:** Monday, August 5, 2024 10:52 AM  
**To:** Adams, Jeffrey (OCLA) <jeffrey.adams@ocla.wa.gov>  
**Cc:** MCLE <MCLE@wsba.org>  
**Subject:** RE: [External]Structured Mentorship Plan CLE Request

External Email

Hi Jeffrey,

Thank you for contacting us!

Your structured mentoring application will be reviewed by the MCLE Board at the next available

th

meeting (October 25 ). If approved, mentor and mentee will be able to claim CLE credit for the program.

But first, to complete your application please fill out option 7 and option 8 located in the first page of the application and re-send it to us. We will then file it for review.

Best,

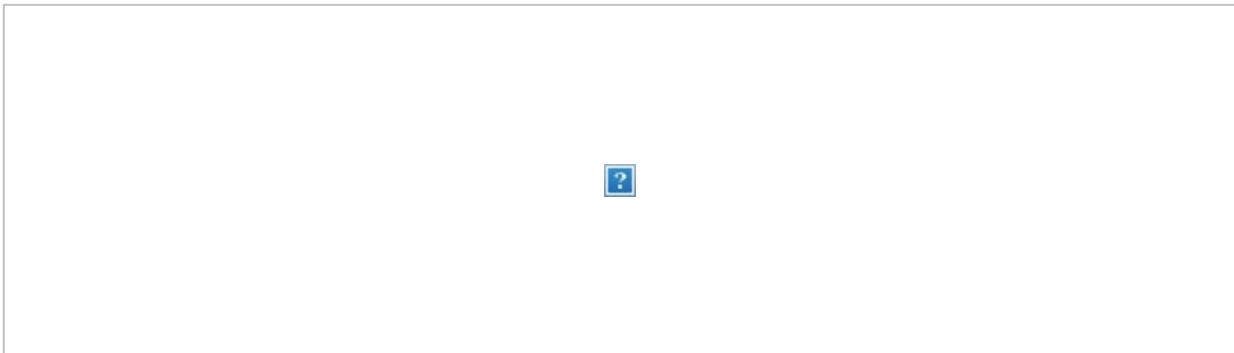


**Ingo Mendes | MCLE Analyst**

**Washington State Bar Association** | 206.733.5987 | F 206.727.8313 | [mcle@wsba.org](mailto:mcle@wsba.org)

1325 Fourth Avenue, Suite 600 | Seattle, WA 98101-2539 | [www.wsba.org](http://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 [admissions@wsba.org](mailto:admissions@wsba.org).



---

**From:** Adams, Jeffrey (OCLA) <[jeffrey.adams@ocla.wa.gov](mailto:jeffrey.adams@ocla.wa.gov)>

**Sent:** Thursday, August 1, 2024 4:51 PM

**To:** MCLE <[MCLE@wsba.org](mailto:MCLE@wsba.org)>

**Cc:** Zydek, Bailey (OCLA) <[bailey.zydek@ocla.wa.gov](mailto:bailey.zydek@ocla.wa.gov)>; Gordon, Rowan (OCLA) <[rowan.gordon@ocla.wa.gov](mailto:rowan.gordon@ocla.wa.gov)>

**Subject:** [External]Structured Mentorship Plan CLE Request

You don't often get email from [jeffrey.adams@ocla.wa.gov](mailto:jeffrey.adams@ocla.wa.gov). [Learn why this is important](#)

To Whom It May Concern:

Please find attached hereto an application for approval of the Washington State Office of Civil Legal Aid, Children's Representation Program's structured mentoring program. Included is the *Application for Approval of Structured Mentoring Program* and the current *Structured Mentorship Program Manual*, which includes the mentorship agreement, plan, and assessments. Please advise if there is anything additional that is required for your review or approval.

Thank you for your time and consideration.

Sincerely,



Jeffrey Adams, Training Coordinator (he/him)  
Office of Civil Legal Aid  
Children's Representation Program  
(360) 485-1563  
(564) 200-4381 (mobile)  
[jeffrey.adams@ocla.wa.gov](mailto:jeffrey.adams@ocla.wa.gov)

**MINUTES**

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

**August 21, 2015**

The special meeting of the Washington State Board of Mandatory Continuing Legal Education was called to order by Vice Chair Scott J. Bergstedt at 10:10 a.m. on Friday, August 21, 2015. Board members in attendance were:

Scott J. Bergstedt, Vice Chair  
 Andrew L. Benjamin  
 Daniel M. Lear  
 Aaron S. Okrent  
 Melissa Skelton, Board member effective October 2015

Liaisons, Staff, and guests attending were:

Robin Haynes	BOG Liaison, WSBA President-Elect
Renata de Carvalho Garcia	MCLE Board Executive Secretary
Robert Henry	RSD Associate Director
Jean McElroy	RSD General Counsel
Danielle Olliver	MCLE Analyst
Nina Winder	MCLE Analyst

Under the new APR 11 Rule effective January 1, 2016, mentoring is an approved type of activity for MCLE credit in Washington. The purpose of the special meeting was to provide time for a roundtable discussion on setting the minimum standard for approving mentorship programs in Washington as mandated by APR 11(e)(8). No motions were made at the meeting.

**MENTORING GOALS AND OBJECTIVES**

Based on 2012 membership study findings, lawyers in minority groups are leaving practice within the first three years at a disproportionate rate. The number one reason is lack of mentoring. MCLE task force recommended incentivizing mentors by giving credit for participating. The focus of mentorship programs should be to bridge the gap for both new and transitioning lawyers. Mentoring would hasten the learning curve and help alleviate new lawyers in the current market of increasing competitiveness for jobs and rising law school debt.

**MENTOR/MENTEE ELIGIBILITY**

The Board agreed on the importance of not limiting the pool of mentor candidates as much as possible. A working definition of eligible mentor is “an active member of WSBA in good standing for five years”.

Mentee eligibility remained as defined – “The mentee must be an active member of the WSBA. The mentee is not permitted to pay the mentor for the mentoring”.

### **MENTORING PROGRAM FEES**

The Board proposed the following: Administrative and license fees to the organization running the mentorship program can be charged and is not the same as a charge to the mentor from the mentee. There will be no additional charge to the mentee for participating in a mentoring program.

### **PROGRAM STRUCTURE AND CRITERIA**

An approved mentoring program will consist of the following: required orientation, signed agreement between mentor/mentee (small groups included), personalized mentoring program, mentoring meetings on subject matters covered in APR 11(f)(1-7) without an in-person requirement, attestation of compliance of these criteria, and a program evaluation. Credits can be reported even if not completed, while the agreement will be submitted only once. The Board recommends using the WLI mentorship toolkit as a resource for self-directed programs.

### **IN-HOUSE MENTORING**

The Board decided to not allow in-house mentoring for now, because it is on-the-job training and part of their work duties. In addition, some private law firms already have existing opportunities for in-firm mentoring. This rule may be modified if necessary at any time, as potential issues are heard.

### **RECOMMENDATIONS**

The Board delegated to the MCLE staff the drafting of the standards for approving programs based on the Board’s decisions today and any necessary forms.

### **ADJOURNMENT**

There being no further business at hand, the MCLE Board meeting was adjourned at 1:10 p.m. The next Board meeting will be at 10:00 a.m. on Friday, October 2, 2015.

Respectfully submitted,

---

Renata de Carvalho Garcia  
MCLE Board Executive Secretary



# REPORT AND RECOMMENDATIONS OF THE MCLE TASK FORCE

---

## **Background**

The current MCLE rules and regulations have been amended several times over the years resulting in a long, complicated set of rules and regulations. In 2013, the MCLE Board, after receiving significant input from various sources and stakeholders, submitted a new set of suggested amendments to the Court. The suggested amendments in 2013 proposed new subject areas, credit caps on certain subjects and activities, and recommended requirements to be met to earn credits in some of the approved subjects and activities. The Court recognized the frequent amendments and difficulty in understanding the rules by all stakeholders and, therefore, tabled consideration of the suggested amendments and stated that they would wait for the Task Force's comprehensive review of the MCLE rules.

## **The Process**

The MCLE Task Force was charged with suggesting amendments to the MCLE rules in light of the changes in the areas of education and training, the rapidly changing legal services marketplace, and the widely varied needs of Washington lawyers and their clients in the 21<sup>st</sup> century. In order to accomplish their charge, the task force of about 20 members of the Bar Association met once a month for the last nine months. In between meetings, task force members studied MCLE related articles, information relating to best learning practices and reviewed evolving drafts of proposed APR 11 revisions. During the course of its work, the task force also heard from several different stakeholders and experts in related fields:

- Paula Littlewood, WSBA Executive Director, who discussed the future of the legal profession and the changes taking place in the 21<sup>st</sup> century.
- Mark Johnson, malpractice lawyer with Johnson Flora PLLC and past president of the BOG, who discussed malpractice claims and the fact that somewhat less than half of the claims result from substantive law knowledge errors and a significant number of claims result from administrative errors and client relations issues;
- Doug Ende, Chief Disciplinary Counsel, who discussed the underlying reasons for grievances and pointed out that violations of the RPC generally do not arise from a lack of understanding the RPCs. Rather, the data suggests that courses on improving the lawyer-client relationship would likely decrease the number of grievances;

- Peg Giffels, WSBA Education Programs Manager, who discussed key factors for learning, primarily that the subject matter be relevant and include practical application as opposed to a pure lecture format;
- Michal Badger, WSBA LAP Manager, who discussed the important correlation between a lawyer's mental and emotional health and a lawyer's career satisfaction;
- Mary Wells, WSBA LOMAP Advisor, who discussed the importance of technology related skills, employee relations skills, and practice management skills; and
- Supreme Court Justices Charles Johnson and Sheryl Gordon McCloud, who provided some insight into the matters important to the Court such as making sure the rules are relevant to the lawyers of today's world and meet the original purpose of MCLE—keeping lawyers competent to practice law.

Finally, the task force sought and considered comments and feedback from the WSBA membership and CLE providers.

## **Key Premises**

### **Easy to Understand and Administer**

The task force recommends a complete rewrite of APR 11. The rules recommended by the task force are clear, concise and easy to understand. The comprehensive review of all of the current rules and regulations led the task force to conclude that the substance and purpose of MCLE, now and going forward, is better served by these new rules. The task force believes that these new rules will greatly increase the lawyer's understanding of how to earn MCLE credit, assist efficient administration of the MCLE program, and provide each lawyer expanded opportunities to grow in the profession.

### **Expanding and Diverse Bar**

One of the fundamental premises on which the task force bases its recommendations is that Washington lawyers are not only engaged in the traditional lawyer-client representation, but that there is an increasing amount of lawyers in Washington whose career options or employment are in a myriad of different legal and nonlegal professions. In addition, the Bar is rapidly expanding with a large number of newer lawyers entering the profession while older lawyers are starting to retire. These newer lawyers are more diverse and more technologically savvy than previous generations of lawyers.

The task force's proposed new rules recognize, in its requirements, that a lawyer who is not practicing law in the traditional sense is still licensed to practice while an active member of the Bar. The task force's recommendations, therefore, attempt to strike a balance between the needs of protecting the public and the needs of all lawyers who may or may not be practicing law but could do so at any moment in any given situation.

### **Prevention**

Task force members understand that prevention of problems through education can have a positive impact on the practice of law. Several speakers and related materials addressed

the importance of creating and maintaining good lawyer-client relationships and office practices. The task force recognizes the importance of work-life balance and the fact that a happy, healthy lawyer makes a competent lawyer. Allowing lawyers to use MCLE to address lawyer-client, stress management, or office management issues will more likely increase overall client satisfaction and assist in preventing the types of issues that lead to lawyer discipline cases and malpractice claims.

### **Self Regulation**

The task force also recognizes the fact that the profession is self-regulating. The task force has a great deal of trust and respect for the membership and strongly believes that lawyers, in terms of both a profession and as individuals, are perfectly capable, and should be able, to choose the education that best suits their needs for their particular situation. Learning something relevant to one's situation is one of the key factors for successful learning. The recommendations are designed to address the needs of all lawyers by trusting each lawyer to decide what he or she most needs to remain competent and fit to practice law.

### **The Future**

Finally, the task force recognizes that these recommendations are cutting edge and forward thinking. Yes, they are ahead of other states' MCLE rules. But then so were the current rules when they were adopted. There is significant literature (including a recent ABA Committee analysis) to the effect that MCLE as currently structured is not effective in protecting the public or making better lawyers. The task force intentionally drafted rules for the future. It will be 2016 at the earliest before the new rules take effect. The task force is of the opinion that it is important to look ahead and plan for the changes in the legal landscape. These rules do that by foreseeing the needs of the whole membership, not just litigators or general practitioners, but all lawyers. By taking action now to address the educational and training needs of the membership as we see it, the lawyers of Washington will be better equipped to maintain their competence and professionalism which in turn serves to better protect the public in the long run.

## **Recommendations**

### **Purpose (Proposed APR 11(a))**

Based on those key premises, the task force recommends expanding and clearly defining the purpose of MCLE to include competence, character, and fitness. Those are the three fundamental requirements for admission to the practice of law that, therefore, should be maintained by any lawyer wishing to continue in the practice of law. The purpose also clearly states that public protection is an important purpose for MCLE.

### **Education Requirements (Proposed APR 11(c))**

The task force recommends that lawyers be required to complete a minimum of 15 credits in "law and legal procedure" courses and a minimum of six "ethics and professional responsibility" credits. After having met these minimum requirements, lawyers may choose to earn the remaining 24 credits in any of the approved subject areas or approved activities that qualify for MCLE credit. This is a simplified structure without credit caps

and numerous conditions for other approved activities and subject areas as found in the current rules.

### **“Law and Legal Procedure” Subject Area (Proposed APR 11(c)(1)(i) and (f)(1))**

The "law and legal procedure" subject area continues the recognition of the importance of keeping current on the law. The task force recommends that a minimum of 15 credits be earned from “law and legal procedure” courses. This subject area represents the traditional, substantive, black letter law courses, including updates and developments in all areas of law and legal procedure. Any course related to substantive “law” or “legal procedure” falls into this subject area. This subject area was created to enable the new simplified structure to work properly. More importantly, requiring courses in this subject area eliminates the possibility, as it exists now, that any one lawyer could obtain all their credits through other approved activities without attending or completing a single traditional CLE course.

### **Approved Course Subjects (Proposed APR 11(f))**

The task force recommends more diversity in the approved course subjects. As discussed above, after a lawyer meets the minimum 15 “law and legal procedure” course credits and the six “ethics” credits, the remaining credits may be earned in a number of other approved subject areas. All of the proposed course subjects relate directly to the practice of law and the legal profession. In fact, most of them are already approved for CLE credit under the existing rules or were included in the 2013 suggested amendments. These subject areas incorporate the needs of all lawyers as identified by the expert reports to the task force.

This structure allows lawyers who are engaged in the practice of law to choose to continue to supplement their knowledge of the law by attending additional “law” courses. On the other hand, lawyers may choose courses or activities that enhance their knowledge and skills relevant to their situation or the legal profession while at the same time maintaining minimum competence to practice law.

### **No “Live” Credit Requirement**

The task force recommends the elimination of the “live” credit requirement. Currently, the rules require lawyers to earn at least half of their credits by attending courses that occur in real time—this includes live webcasts.

There are several factors that convinced the task force to eliminate the “live” credit requirement. Members often express concern about the cost of CLE courses—and not only the course tuition or registration fees. For many members, the cost of attending CLE courses in person includes travel expenses and time away from the home and office. A majority of newer lawyers, post-recession, may not be able to quickly find employment. In addition, those new lawyers finding employment typically start out in small law firms (two-to-ten lawyer size firms) rather than joining large law firms as has been the case historically. These lawyers do not have the same resources and ability to take time away from the office as lawyers in larger law firms. In addition, the Bar

Association now has over 30,000 active lawyers living and working around the world so access and expense is a real issue.

Among other factors are the rapid advances in technology that now bring pedagogically sophisticated CLE courses into lawyers' offices and homes, and, the reality that most live seminars are simply lectures with a brief question and answer period at the end. Research shows that these lecture programs are a less effective learning method compared to actual "doing" (trial advocacy programs, handling a pro bono case, for example). There are very few courses that provide significant time for participation or application of the new knowledge or skills. Given this reality, the task force sees little benefit in travelling to or viewing a live lecture when the same experience can be replicated at your home or office at a time that is convenient for you.

The task force understands that in a proper learning environment the best learning can happen when people are able to participate and interact with the educators and other attendees. Likewise, the task force understands the need for some lawyers to use CLE courses and seminars as a way to network and connect with other lawyers in their areas of practice. These are all good reasons for sponsors to continue to offer these live courses.

The task force is of the opinion that those lawyers who need or want a "live" or participatory experience will continue to seek out such courses. It may even turn out that CLE providers will improve their "live" offerings to capture lawyers who are looking for courses that are more than a lecture. However, "live" should not be a requirement especially when such a requirement does not necessarily provide a better learning experience and can also be a barrier for those with limited means or limited geographic opportunities to attend "live" courses.

### **Approved Activities (Proposed APR 11(e))**

The task force recommends simplifying requirements for earning credits for approved activities. The primary recommendations for approved activities involve removing credit caps and most of the requirements to be able to earn credits for the activities. This, again, simplifies and works with the new recommended structure for earning credits after the minimum requirements are met. One significant change is the recommendation that CLE speakers or presenters earn a maximum of five credits of preparation time *per hour* of presentation time. This is a change from the current ten credits *per course*.

The task force also recommends adding mentoring for MCLE credit. This is the most significant recommendation in this section. The task force believes mentoring is important for the profession and that both the mentor and mentee should earn MCLE credit in this experiential learning environment. The task force recommends that credit be awarded for structured mentoring programs that are approved by the MCLE Board. The MCLE Board would be tasked with establishing standards for approving mentoring programs.

## **Sponsor Deadline for Application for Approval of Courses (Proposed APR 11(g))**

Finally, the task force recommends requiring all sponsors to apply for credit at least 15 days prior to the date of the course. This is likely the most significant recommendation affecting sponsors of CLE courses. Currently, only private law firms, corporate legal departments and government sponsors need to apply in advance of the first presentation of the course. The purpose is to encourage sponsors to apply for credit in advance so that lawyers know in advance what course are available and how much MCLE credit they are going to earn from attending a course. Sponsors who fail to meet the deadline may still submit an application for approval subject to a late fee.

## **Conclusion**

In conclusion, the recommendations of the task force for updating APR 11 are much broader, deeper, and clearer than previous amendments. The recommendations arise out of the context of today's 21<sup>st</sup> century Washington state lawyer who is now practicing in a global economy with rapidly changing technologies which are in turn radically changing the practice of law. The recommendations also address specific current and future needs of WSBA members wanting healthier practices and recognition that the practice of law – and use of a lawyer's skills – is much wider than in the past. In addition, the recommendations are based on solid pedagogical grounding – that mandatory legal education is only effective if it addresses a lawyer's true needs and is relevant to the lawyer. The public is also best protected and served when members take courses that address true need.

The lawyers on the MCLE Task Force were specially chosen to represent a broad cross-section of the WSBA membership. As such, over the past nine months there were many opposing views on specific issues. The task force members held true to the overarching purpose of MCLE and – with each issue – were able to find the balance point that all could agree on. The task force's recommendations are the result of this collaborative, deliberative and reflective process.

## **MCLE Board Orientation**



# MCLE BOARD BOARD MEMBER ORIENTATION

1

---

---

---

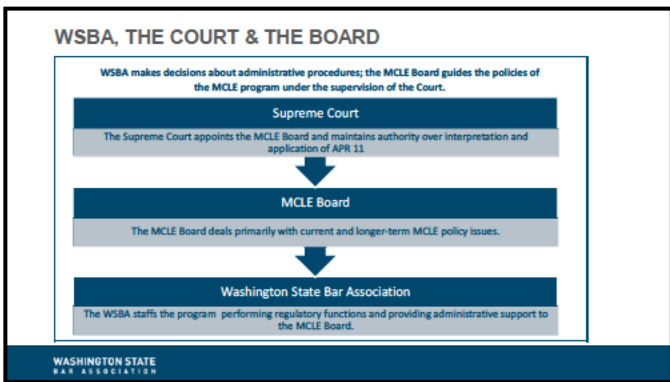
---

---

---

---

---



2

---

---

---

---

---

---

---

---

### BRIEF HISTORY OF MCLE

- The MCLE Board was formed in 1977, the year that the mandatory CLE rule was adopted in Washington.
- The Board consists of seven members, one of whom is a public member. Members are selected by a nomination team comprising the staff liaison, Board of Governors (BOG) liaison, and chair. The BOG nomination committee sends the nomination to the Supreme Court, along with any alternate nominations.
- The Board has some delegated independent adjudicative authority, for which it is solely answerable to the Supreme Court.

WASHINGTON STATE  
BAR ASSOCIATION

3

---

---

---

---

---

---

---

---



**PHILOSOPHY OF THE MCLE BOARD**

- The MCLE Board is committed to protecting the public by ensuring that members continue their legal education throughout the period of their active practice of law.
- The Board is also committed to creating conditions which promote the accessibility and affordability of continuing legal education courses.
- The Board treats members with respect and courtesy while enforcing the MCLE requirements.

WASHINGTON STATE  
BAR ASSOCIATION

4

---

---

---

---

---

---

---

---

**MCLE BOARD SCHEDULE**

- The MCLE Board typically meets five times a year (October, January, April, May and August).
- Board meetings are generally held on Fridays from 10am-Noon, with a longer meeting April. Meeting are held typically held virtually, with the option of in-person attendance at the Washington State Bar Association.

WASHINGTON STATE  
BAR ASSOCIATION

5

---

---

---

---

---

---

---

---

**MCLE BOARD MEMBER EXPECTATIONS**

- Familiarity with and understanding of Admission and Practice Rule (APR) 11.
- Attendance at most or all meetings (remote or in person).
- Advance review of meeting materials.
- Timely compliance with expense reimbursement policy. Submit expense reports within 60 days of incurring the expense.
- Willingness to audit courses and provide written feedback based on APR 11.
- The ability to disagree respectfully.
- A commitment to collaboration with other Board members and WSBA staff.

WASHINGTON STATE  
BAR ASSOCIATION

6

---

---

---

---

---

---

---

---

### WSBA VALUES

WSBA VALUES (adopted January 28, 2016)

Through a collaborative process, the WSBA Board of Governors and Staff have identified these core values that shall be considered by the Board, Staff, and WSBA volunteers (collectively, the "WSBA Community") in all that we do.

To serve the public and our members and to promote justice, the WSBA Community values the following

- Trust and respect between and among Board, Staff, Volunteers, Members, and the public
- Open and effective communication
- Individual responsibility, initiative, and creativity
- Teamwork and cooperation
- Ethical and moral principles
- Quality customer-service, with member and public focus
- Confidentiality, where required
- Diversity and Inclusion
- Organizational history, knowledge, and context
- Open exchanges of information

WASHINGTON STATE  
BAR ASSOCIATION

7

---

---

---

---

---

---

---

---

---

---

### MCLE REQUIREMENTS OVERVIEW

#### Certification

- In addition to CLE activity reviews, MCLE staff handle the certification review process. As MCLE reporting and certification are based on a three-year reporting period, MCLE analysts review and verify that the MCLE requirements are completed for one-third of active licensed legal professionals each year.

- MCLE Certification and Licensing typically opens for licensed legal professionals on or around November 1st.

#### MCLE Deadlines

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

#### Late Fees

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

WASHINGTON STATE  
BAR ASSOCIATION

8

---

---

---

---

---

---

---

---

---

---

### UNDUE HARDSHIP PETITIONS

- Per APR 11(i)(5): "a lawyer, LLLT, or LPO may file with the MCLE Board an undue hardship petition for an extension, waiver, and/or modification of the MCLE requirements." All petitions are first reviewed by the MCLE staff liaison and approved, denied, or forwarded to the MCLE Board based on the Board-approved decision matrix, which defines applicable hardships.

- At each meeting, the MCLE Board reviews undue hardship petitions that have been submitted requesting a waiver or modification of the requirements.

- If a petition is denied, a licensed legal professional may request a hearing before the Board and, if still denied, may appeal to the Washington Supreme Court

WASHINGTON STATE  
BAR ASSOCIATION

9

---

---

---

---

---

---

---

---

---

---

**ESSENTIAL PREPARATION FOR SERVICE**

Required Training: Regulatory School **\*New this year\***

Read

- APR 11
- Board Roster
- 2023 Report to the Supreme Court
- Expense Policy
- Bar Records for Committees & Boards
- Open Meetings Info for Committees & Boards
- MCLE Late Fee Info Sheet
- WSBA Entity Chart
- Decision Matrix

Check out the MCLE website: [www.wsba.org/mcle](http://www.wsba.org/mcle)

WASHINGTON STATE  
BAR ASSOCIATION

---

---

---

---

---

---

---

---

**Discussion:**  
**MCLE Board Goals**

**DISCUSSION :**  
**Goals for 2024- 2025**

The MCLE Board will discuss, identify, and set goals for the 2024-2025 meeting term.

**2023-2024 MCLE Board Goals:**

- Commit to performing 2 audits per Board member with a focus on accredited sponsors and CLE courses covering topics of equity, inclusion, and the mitigation of both implicit and explicit bias.
- Continue to work to increase the diversity of the MCLE Board through recruitment.

Possible Discussion Topics:

- 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?
- Would the MCLE Board like to continue their goals from 2023-2024?
  - If so, are there any changes to the way the MCLE Board would like to approach the goals?

**DEI Plan Discussion and Feedback on the draft  
WSBA Equity and Justice Plan**

## **DISCUSSION :**

### **MCLE Board feedback on the draft WSBA Equity and Justice Plan**

#### **Discussion Summary**

The Washington State Bar Association (WSBA) DEI Council invites the DEI Community to provide feedback on the [draft WSBA Equity and Justice Plan](#).

The WSBA DEI Council drafted the new Equity and Justice Plan based on the 2024 membership demographic study and input from a broad spectrum of members on how WSBA can improve its DEI efforts. The DEI Council is soliciting feedback now through November 29, 2024 to inform the draft that will be presented to the Board of Governors for a first reading in January.

#### **Background**

The following information is taken from the WSBA [Equity and Justice webpage](#):

“The 2013 Diversity and Inclusion Plan set out a commitment to do a comprehensive membership demographic study every 10 years. The WSBA began the process to [conduct a new study in 2023](#); it was completed in 2024 by KGR+C, an independent research consulting firm that did a similar study for the Oregon State Bar. This new study has positioned us with renewed, data-driven takeaways to inform the new Equity and Justice Plan.

#### **Key takeaways from the study**

- Our profession does not reflect the diversity of our state population.
- The lack of diversity exacerbates professional barriers and personal issues specific to members from marginalized and underrepresented communities.
- Members from marginalized and underrepresented communities are less likely to report positive, satisfying, or accommodating workplace environments.
- Nearly all members acknowledge a lack of diversity and inclusion in their workplace, but the negative impacts are not distributed equally.
- Members of dominant groups are least likely to face negative consequences for reporting injustice in the workplace and fail to notice the frequent negative workplace experiences of their colleagues from marginalized and underrepresented communities.

#### **New Equity and Justice Plan Goals**

1. Strengthen the legal profession by fostering belonging and building community.
2. Advance a fair, inclusive, effective, and accessible legal system for all people in our State.
3. Deepen and broaden the Bar’s commitment to equitable decision-making.

#### **Possible Discussion Topics**

- Would the MCLE Board like to provide feedback to the DEI Council draft Equity and Justice Plan?

## Attachments

- Draft Equity and Justice Plan:

## Links

- 2024 Member Demography, Identity, +Impact Study:
  - [https://www.wsba.org/docs/default-source/about-wsba/diversity/wsba-summary-presentation-member-demography-identity-and-impact.pdf?sfvrsn=b8f119f1\\_3](https://www.wsba.org/docs/default-source/about-wsba/diversity/wsba-summary-presentation-member-demography-identity-and-impact.pdf?sfvrsn=b8f119f1_3)
- Video Presentation: 2024 Member Demography, Identity + Impact Study:
  - [https://youtu.be/XygdyCeAi\\_A](https://youtu.be/XygdyCeAi_A)



## 2025-2030 WSBA EQUITY AND JUSTICE PLAN

The Washington State Bar Association (WSBA) recognizes the crucial role that diversity and inclusion play in advancing equity in our legal profession and justice in our legal system. We believe that a legal profession that reflects the rich diversity of the communities we serve and fosters inclusion and belonging among its members will improve public trust and confidence in the profession. The Equity and Justice Plan aims to strengthen our legal profession, advance a legal system that is fair and accessible, and demonstrate our commitment to equitable decision-making. The authority for this work stems from the Washington State Supreme Court’s inherent and plenary authority to regulate the practice of law. Through General Rule 12.2, the Court explicitly delegates to WSBA the responsibility to “promote diversity and equality in the courts and legal profession” and “promote an effective legal system, accessible to all.” This plan honors the mandates set forth by the Washington Supreme Court and is informed by the 2024 membership demographic study and input from a broad representation of our membership including members who are underrepresented and historically marginalized. The plan’s goals affirm WSBA’s unwavering commitment to its mission—to serve the public and members, ensure the integrity of the profession, and champion justice.

### EQUITY AND JUSTICE PLAN’S THREE GOALS



## **GOAL #1: Strengthen the legal profession by fostering belonging and building community.**

**VISION FOR SUCCESS:** The legal profession reflects the public we serve, and every legal professional feels they belong in the legal community and can thrive regardless of their social identity and background.

### **STRATEGIES:**

- Partner with affinity bar associations, underrepresented communities and organizations working to make the legal profession more reflective of the public we serve and accessible to all communities, particularly those who are underserved.
- Leverage and improve data collection, analysis and reporting to learn from the data, identify inequities, ease entry and acceptance into the profession and reduce and eliminate disparities in the delivery of legal services.
- Equip legal leaders including employers and the judiciary to meaningfully remove barriers to inclusion and belonging for legal professionals regardless of their social identity and background.
- Support opportunities that promote wellness, mentorship, leadership, accessibility and community for all members regardless of their social identity and background.
- Explore and support innovative pathways to the profession.

## **GOAL #2: Advance a fair, inclusive, effective, and accessible legal system for all people in our State.**

**VISION FOR SUCCESS:** All Washingtonians have access to high quality and affordable legal services delivered with cultural humility.

### **STRATEGIES:**

- Support innovative legal services delivery models that provide more affordable legal services to the most underserved and marginalized communities in our state.
- Implement changes that make WSBA more accessible for people with disabilities and people with limited English proficiency.
- Equip Bar members and other legal practitioners with knowledge and tools to improve the quality of legal services for all including underserved and marginalized communities.
- Support policymaking efforts that address a lack of quality legal services.

### **GOAL #3: Deepen and broaden the Bar's commitment to equitable decision-making.**

**VISION FOR SUCCESS:** Members of the Bar act and practice in ways consistent with WSBA's mission and values of diversity, equity, inclusion, belonging and justice for all and the public express confidence and trust in the legal profession.

#### **STRATEGIES:**

- Authentically engage the public by moving from informing and consulting to involving and collaborating.
- Equip Bar leaders and volunteers to apply an equity lens to their work so they so equitable decision-making is advanced.
- Facilitate a culture of belonging and inclusion among all Bar entities.
- Create and share accessible and digestible reports on progress on equitable decision- and policymaking.

**Discussion:  
Vice Chair Selection**

**DISCUSSION SUMMARY:****Vice-Chair Selection**

**Summary:** On April 4, 2024, the MCLE Board nominated MCLE Board member Katie Denmark for the role of Chair for the 2024-2025 term pending Court appointment. Katie accepted the nomination and was appointed by the Court. The MCLE Board must now vote on a member to appoint as Vice-Chair for the 2024-2025 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.

## **MCLE Board Audits**

**MEMORANDUM**

**TO:** MCLE Board

**FROM:** Katie Denmark

**RE:** CLE Audit Report

**COURSE SPONSOR:** Washington State Bar Association (WSBA)

**COURSE TITLE:** AI and Human Rights: Legal Perspectives and Dilemmas

**COURSE DATE(S):** Webcast recorded on 10/06/2023

**ACTIVITY ID#:** 2012047

**ACCREDITATION:** Currently fulfills 5 MCLE Credits; Ethics: 1.00, Ethics Equity: 1.00,  
Law & Legal: 1.00, Other: 2.00

**DATE OF REPORT:** September 9, 2024

---

Sponsor

This course was sponsored by WSBA CLE and was introduced by Program Chair Regina Paulose. Paulose obtained her J.D. from Seattle University School of Law and her L.L.M. in International Crime and Justice from the University of Torino/UNICRI. She presents and publishes on topics related to international criminal law, transnational crimes, and human rights. In partnership with WSBA Sections volunteer faculty, WSBA CLE develops continuing legal education programming via live in-person, webcast, and webinar formats, as well as on-demand seminars. WSBA CLE offers programs geared to Washington legal professionals focusing on Washington-specific law.

Nature of the Program

This 5-hour program featured multiple speakers and was recorded for subsequent on-demand access. The intended audience of this course is lawyers interested in AI and its potential impacts on human rights and the legal industry.

Faculty

**Mark Potkewitz** is General Counsel of ForHumanity, a non-profit organization examining and analyzing the downside risks associated with AI and automation and is an Adjunct Professor of Clinical Law at Brooklyn Law School where he leads tech-enabled access to justice projects in

the Legal Justice Lab at the Brooklyn Law Incubator and Policy (BLIP) Clinic. He has background in US federal and administrative legislative policy with an emphasis on technology, privacy, telecommunications, national security, and cyber security. He is an Associate at Borstein Legal Group and has served as Director of the Legal Innovation Centre at Ulster University (UK), a Legal Technology Fellow at Brooklyn Law School (USA), and Adjunct Fellow at TechFreedom (USA).

**Karina Kesserwan** was born in St. Petersburg, Russia. Coming from a multicultural background and having resided on three continents, she developed an interest in understanding different cultures from an early age. Kesserwan received a Bachelor of Civil Law and a Bachelor of Laws from McGill University and a Certificate in Mining Law from Osgoode Hall Law School. She then pursued graduate studies in ethics and sociology and is currently writing a master's thesis on aboriginal governance in the context of mining development.

**Gary Merchant** is a Regent's Professor of Law and director of the Center for Law, Science, and Innovation. His research interests include legal aspects of genomics and personalized medicine, the use of genetic information in environmental regulation, risk and the precautionary principle, and governance of emerging technologies such as nanotechnology, neuroscience, biotechnology, and artificial intelligence. He teaches courses in Law, Science and Technology, Genetics and the Law, Biotechnology: Science, Law and Policy, Health Technologies and Innovation, Privacy, Big Data and Emerging Technologies, and Artificial Intelligence: Law and Ethics. He was named a Regents' Professor in 2011 and is a professor in ASU's School of Life Sciences, a Distinguished Sustainability Scientist in ASU's Julie Ann Wrigley Global Institute of Sustainability and is a Lincoln Professor of Emerging Technologies Law and Ethics with the Lincoln Center for Applied Ethics at ASU.

**Natalie Knowlton** is the Founder of Access to Justice Ventures, which empowers entrepreneurs who are developing scalable access to justice solutions. She formerly served as an Advisor on Regulatory Innovation and the Director of Special Projects at IAALS, the Institute for the Advancement of the American Legal System at the University of Denver. Knowlton has expertise in legal regulatory innovation, access to justice issues, direct-to-consumer legal technology, self-represented litigation, and public trust and confidence in the justice system. Knowlton sits on the Justice Technology Association Board of Advisors and is a judge for the American Legal Technology Awards (Access to Justice category).

**Prince Amadi** is a partner with the firm Mathsman Attorneys & Solutions, where he practices in the areas of human rights, criminal law, and justice (with particular focus on financial and cybercrimes), cyber security, and regulatory governance. Amadi has practiced law since 2016 after obtaining a license to practice by the Nigerian Bar Licensing Board. He is currently focused on research on law and technology with particular interest in AI and cybersecurity. Amadi has advised and represented several clients on issues of law, especially on human rights, law and technology, and regulatory governance. Amadi is a frequent speaker on the issue of regulatory governance regarding artificial intelligence.



Location/Time

The live/recorded webcast was divided into five “chapters.” The speakers’ videos played in conjunction with their respective PowerPoint presentations.

Facilities

N/A

List of Presenters and Their Qualifications

See above faculty biographies.

Written Materials

The written materials consisted of a 149-page downloadable coursebook that contained the substantive information included during each presenters’ session.

Attendance

WSBA did not provide an attendance certificate after attendees viewed the webcast. The sponsor did not provide codes, survey questions, or other prompts to track or monitor attendance.

**SUMMARY**

“AI and Human Rights: Legal Perspectives and Dilemmas” meets the requirements of APR 11. It is appropriately accredited for 1.00 Ethics Credit, 1.00 Ethics Equity Credit, 1.00 Law & Legal Credit, and 2.00 Other Credits.

**DISCUSSION**

**CHAPTER ONE: How Technology Impacts Notions of Privacy (Potkewitz) (59:31)**

This session covered foundational concepts regarding privacy law and the history of its regulation, explaining that the earliest discussions about privacy related to the protection of property and privacy-related trespass torts and, later, to journalism and commercial photography. The presenter then offered some legal history and case law regarding privacy and how this discussion evolved over time. He then shared significant historical markers that arose during the evolution of the Internet, search engines, and social media, as well as the legislation and regulation that followed from their development. He briefly discussed the Privacy Act of 1974, the Foreign Intelligence Surveillance Act of 1978 (which created the Foreign Intelligence Surveillance Court), and the impact of the Cold War/terrorism on the increased surveillance on foreign targets. He presented some case law regarding privacy as it applied to early telecommunications. Although the presenter’s subsequent discussion about cryptography and steganography (art of concealing info), as well as public keys, this portion of the presentation did assume attendees’ prior knowledge of this area of study and could have been more effectively

simplified. Finally, the presenter shared some interesting anecdotes in which he needed to verify whether an email sent to him was from Edward Snowden and in which public keys were used to verify government email addresses and secure ACLU lawyer emails. The presenter concluded his session by emphasizing that we need to understand what a system like AI is doing or accomplishing to even begin answering questions about its impact on privacy. Although the presenter was extremely knowledgeable, he seemed to assume that all attendees had prior knowledge about telecommunications and other surveillance concepts. He could have condensed some of the initial historical information and used that time to better explain some of these more advanced concepts to the audience.

## **CHAPTER TWO: Cultural Diversity, Ethics, and the Future of AI: Integrating Indigenous Perspectives (Kesserman) (58:27)**

This session covered the importance of cultural diversity in AI, specifically the importance of integrating indigenous perspectives in its use and development. The presenter explained that many challenges indigenous communities experience can be addressed through AI and asked the audience: When we talk about AI, who do we care about and what do we care about? Do we care about human rights and humans, or do we care about AI as a concept or as an entity? If AI is a reflection, built by humans, then who is looking into the mirror and being reflected? Who is making the mirror? The presenter then shared some statistics about those who work in AI, highlighting the fact that women and persons of color represent only 20 percent of technical roles in companies that help build and shape AI. She then asked: How does lack of diversity affect AI? Since machine learning is all about helping machines discover their own algorithms and adapt without explicit instruction, who is teaching the machines and how that does affect these learned algorithms? Examples: Amazon used AI to review the resumes of potential job candidates. When humans started reviewing the machine's work, they found that AI was biased against women (weeding out resumes using the qualifying word "women's" or certain traditionally non-preferred "female" activities); Uber rolled out a security program in which drivers can ask app to take passenger selfies, and the app would not recognize trans passengers; there are many racial biases in speech recognition tools. This section of the webcast was very interesting, and the presenter raised some thought-provoking questions about cultural diversity, ethics, and the future of AI. This section could have been shortened in length, however, by limiting the number of examples used to illustrate the same concepts. The presenter also concluded the session by abruptly raising concepts such as cultural differences regarding the human/world hierarchy and Eastern versus Western world views and their relationship to robots and technology without having the time to explore them thoroughly or discuss them with attendees.

## **CHAPTER THREE: Generative AI as a Gamechanger for Client Service (Knowlton) (1:00:05)**

The presenter began this session by echoing other presenters' feelings that this is both an exciting and potentially fearful time in legal industry due to the introduction and use of AI in its operation. Although the presenter was not an expert in legal technology, generative AI, or technology generally (and noted that he would not address IP or ethical or regulatory issues or bias in AI during the session), he did have expertise in access to justice issues and lead the

session with that perspective. The presenter addressed what, he believes, are “harmful clickbait headlines” regarding future impacts on AI on the legal profession and highlighted the fear-based and reactionary nature of the speculation that AI will replace lawyers entirely. He also emphasized the overly simplistic view that only lawyers who use AI will replace lawyers who do not utilize these tools. The truth, he believes, lies somewhere in the middle. The presenter explained that these mindsets arise from unrealistic expectations we collectively place on these tools, so we need to understand AI’s limitations (i.e. information provided may not be relevant to question asked, or information provided may be out of date, inaccurate, or completely fabricated). He hypothesized that approximately 44 percent of legal tasks could be replaced by AI in the future but explained that use cases show that many of these tasks are ones practitioners are already exploring in practice – using AI to draft emails, research matters, to summarization information – and that any feared inaccuracies are also capable of being produced by humans. The presenter also explained that summarization capabilities will become more sophisticated in pulling together info and identifying themes, which will be helpful. He suggested that lawyers look outside of the profession to see how other industries are successfully using AI, as well as consider how people in smaller or solo practices have utilized AI to generate content for web and for clients, or to offer fixed fee and subscription-based services to clients and potential clients. Lawyers can expediate the relationship between clients, the Internet, and the law greatly using AI, as winning “the SEO game” can be important in finding people where they are online and adding value to their experience. He asked attendees to consider the following questions: Can we all make services more efficient and therefore less expensive by using AI to streamline services? As far as client workflow, can we use AI to generate questions, generate and summarize research, create content, and generate outlines and first drafts? This may solve the “blank page problem” of starting a first draft and may allow lawyers to react and edit from there. AI may also support efforts to simplify concepts and make writing more accessible to clients, diversify content, and develop resources like video, media, graphics, etc. He then concluded the presentation by addressing the arguments for and against the need to disclose to use of AI in practice. He explained that the answer may depend on whether the courts decide to require disclosure, whether disclosure can provide a competitive advantage regarding a reduction of fees and increase in efficiency, and whether lawyers will in fact pass on these savings to consumers. Of all the webinar’s sessions, this one was perhaps the most thought-provoking and nuanced, as Knowlton urged participants not to oversimplify these issues and instead think about AI from many perspectives.

#### **CHAPTER FOUR: Ensuring Humans Rights Protection in the Age of AI (Amadi) (54:07)**

Unlike Knowlton, Amadi lead this session from a less optimistic or nuanced perspective as he addressed AI’s impact on human rights, plainly stating that AI will have a dire impact on humans’ right to work and will result in the loss of many jobs across sectors, including law, banking, healthcare, and finance. The presenter believes the use of AI to read medical imagery, its ability to provide fast comparative analysis, and its impacts on law and legal research will ultimately threaten the right to work and therefore the rights to reasonable shelter or housing, the right to nondiscrimination, and the right to life. He explained that if one does not have the right to work and is therefore unable to access housing, one’s dignity is greatly affected. He briefly discussed the prospects of protection against this and the dilemma of regulation and said that he believes in a balanced approach that considers both profit and the protecting jobs. This approach

may include limiting the deployment of AI within jobs. Finally, the presenter fielded question from the audience such as whether the international community can come to agreed upon regulatory standards (especially when some countries do not believe AI should be regulated in their own countries), whether regional agreements would be more effective, and whether some jobs should be strictly limited to humans. Given the concerns Amadi expressed about many of these issues, this session provided an interesting juxtaposition to Knowlton's previous urging against such "reactionary" approaches to AI.

## **CHAPTER FIVE: AI & Legal Ethics (Marchant) (1:04:51)**

The final presenter opened his session with the idea that "AI is the new electricity" in that, like most modern machines, AI will be built into all future equipment and devices. AI, he believes, will impact 100% of jobs, professions, and industries. Marchant explained that legal resources such as Westlaw and Lexus are already utilizing AI and will soon unveil new products incorporating generative AI. New cars, social media, and other systems are also successfully utilizing this technology. Marchant explained the difference between narrow AI (which completes one task only) versus artificial general intelligence (which offers a full range of capabilities similar to the human mind). He understands that the real fear of future AI systems is that humans will be an impediment to them and that AI will eventually wipe out humans. Marchant worked on a grant project, however, that came to conclusion that as long as we can confuse AI as to what humans want, we can curb this. He believes that AI is still limited in many respects. Technology is advancing quite quickly in areas like natural language processing (the ability of machines to "talk" to humans), in vision capabilities, and in data-based learning (learning what to do versus us inputting information). Marchant addressed the concern that humans will inadvertently commit illegal activities due to using AI but explained that the mens rea needed to commit those crimes will still be absent. He shared some interesting information regarding AI's ability to classify/categorize/predict things using larger sets of data to predict what comes next, to provide an advanced form of autocomplete, and to generate content (ChatGPT). He explained that many AI tools are still "stochastic parrots" in that they repeat words without understanding the meaning of those words. Therefore, we must be careful to understand that AI does not possess true reasoning or understanding. It can, however, provide exciting insights and predictions. Although AI sometimes "lies" or "hallucinates," we are still not sure why; perhaps it is because we have asked it to be creative (he provided an example in which he asked AI to generate a list of his publications, but it made them up even though it had access to his resume). Marchant explained that about 20 percent of hallucinations or false citations are based on biases built into the data, so practitioners should be careful to check all AI-generated citations and research. Marchant concluded his session by addressing audience questions about AI's effects on efficiency and profit, and accuracy as it relates to law.

## **CONCLUSION**

My overall impression of this recorded webcast was favorable, as it offered diverse perspectives about AI and its current and potential future impacts on law and other professions. Although some presenters offered more nuanced perspectives than others, they each provided unique and thought-provoking approaches to thinking about and applying AI in real-world practice. Given the breadth of topics covered over the course of these five sessions, this course

**WASHINGTON STATE**  
**BAR ASSOCIATION**  
**Regulatory Services Department**

**MCLE Board**

Established by Washington Supreme Court APR 11

Administered by the WSBA

meets the requirements of APR 11 and is appropriately accredited for 1.00 Ethics Credit, 1.00 Ethics Equity Credit, 1.00 Law & Legal Credit, and 2.00 Other Credits.

## MCLE Updates

<p><b>DISCUSSION:</b></p> <p><b>MCLE Updates</b></p>
--

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

**Discussion Topics:**

- **MCLE Certification**

As of November 6, 2024, approximately 13% or 1,505 licensed legal professionals are compliant for the 2022-2024 reporting period. MCLE traditionally hires seasonal temporary employees to assist with certification, as such two seasonal temporary employees began working with MCLE on October 1<sup>st</sup>. Reminder emails were sent to those due to report MCLE on 10/18/2024 and 11/4/2024.

- **MCLE Board Meeting Schedule for the 2024-2025 term**

Meeting #	MCLE Board Meeting Date
1	November 15, 2024 (in-person/remote hybrid)
2	January 10, 2025
3	April 11, 2025 (in-person/remote hybrid)
4	May 9, 2025
5	August 8, 2025

- **Amendments to WSBA Bylaws Art. III Sections D, K, and N  
MCLE Requirement for Return to Active Status & Readmission After Voluntary Resignation**

The Court issued an order approving the bylaw amendments effective November 1, 2024. These proposed amendments are designed to simplify and make more consistent and equitable the MCLE requirements when WSBA members are returning to active status. In addition, the proposed amendments more clearly define the process for readmission under the Bylaws for members who have been voluntarily resigned from the WSBA for four years or less.

- **Budget**

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

**Attachments:**

- Amended Order 25700-B-718
- Email reminder sent on 10/18/2024
- Email reminder sent on 11/4/2024
- MCLE Budget Summary

# THE SUPREME COURT OF WASHINGTON

IN THE MATTER OF THE APPROVAL OF  
AMENDMENTS TO THE WSBA BYLAWS

) **AMENDED ORDER**

)  
) NO. 25700-B-718  
)  
\_\_\_\_\_ )

The Washington Supreme Court has plenary authority over the practice of law in Washington. The Washington State Bar Association (WSBA) serves under the delegated authority of the Court in regulating and administering licenses to practice law in Washington and effectuating other purposes and functions as set forth in General Rule (GR) 12 and 12.1 – 12.5. All amendments to the WSBA’s bylaws are subject to Supreme Court approval.

In an email dated September 10, 2024, the WSBA provided the Court proposed amendments to Article III and Article VI of the WSBA bylaws that were approved by the Board of Governors at its September 7, 2024, meeting. The amendments relate to a) inactive license fee exemption due to significant health condition, b) MCLE requirement for return to active status and readmission after voluntary resignation, c) pre-suspension notice delivery, and d) election of governors for out-of-state members.

Now, therefore, it is hereby

ORDERED:



PAGE 2  
AMENDED ORDER NO. 25700-B-718  
APPROVAL OF AMENDMENTS TO THE WSBA BYLAWS

That the WSBA Bylaws Amendments to Article III and Article VI, as described above and as provided in the attached copy of the amendments, are approved by this Court effective November 1, 2024, and shall be given full force and effect.

DATED at Olympia, Washington this 23rd day of October, 2024.

Johnson J

madsen, J.

Stephens, J.

Carrátez, C.J.

Heath McLeod, J.

Lu, J.

Montoya-henry, J.

Whitener J.

**Proposed Amendments to WSBA Bylaws Article III Section I.**

**New Provision for Inactive License Fee Exemption Due to Significant Health Condition**

**6. Inactive License Fee Exemption Due to Significant Health Condition**

The Executive Director may grant an exemption from payment of the annual license fee by any Inactive member who is experiencing a significant health condition that is either (1) the reason for the member transferring to inactive status, or (2) preventing the member from returning to active status. A request must be submitted on or before February 1<sup>st</sup> of the year for which the exemption is requested. Inactive license fee exemptions under this section are for one calendar year only. An exemption request under this section can be submitted annually. Denial of an exemption request is not appealable.

**7. License Fee Referendum**

...

## WSBA BYLAWS

### ARTICLE III. MEMBERSHIP

...

#### D. CHANGE OF MEMBERSHIP STATUS TO ACTIVE

1. Members may change membership status as provided below.
  - a. **Transfer from Inactive to Active.**
    - 1) An Inactive member or Honorary member may transfer to Active by:
      - (a) paying an application and/or investigation fee and completing and submitting an application form, all required licensing forms, and any other required information. The fee in this paragraph is not required from an LPO or LLLT who has been inactive for 90 days or less;
      - (b) paying any MCLE late fees owed;
      - (c) demonstrating active legal experience as defined in APR 1(e) for at least one year of the three years preceding the filing of the application or completing MCLE requirements as outlined in subsection (d) below. Regardless of demonstrating active legal experience, if the member has been Inactive or a combination of Inactive, Pro Bono, Suspended, or Judicial for one year or less as of the date the application was submitted, and the member was required to report during that time period, then the member must establish MCLE compliance for that reporting period.
      - (d) completing MCLE requirements as outlined below when a member cannot demonstrate active legal experience as described in subsection (c) above. A member may use MCLE comity to meet the MCLE requirements of this section as provided for in APR 11(c)(6).
        - i. If the member has been Inactive or a combination of Inactive, Pro Bono, Suspended, or Judicial for one year or less as of the date the application was submitted and the member was not required to report during that time period, or if the member is changing status during their first MCLE reporting period, then the member has no additional MCLE requirements.
        - ii. If the member has been Inactive or a combination of Inactive, Pro Bono, Suspended, or Judicial for one year or less as of the date the application was submitted, and the member was required to report during that time period, then the member must establish MCLE compliance for that reporting period.
        - iii. If the member has been Inactive or a combination of Inactive, Pro Bono, Suspended, or Judicial for more than one year or up to six consecutive years as of the date the application was submitted, then the member must earn and report approved MCLE credits in a number and manner consistent with the requirements for one MCLE reporting period under APR 11 except that

the credits required in this section must be earned no earlier than six years prior to the date the application is submitted.

- (e) passing a character and fitness review essentially equivalent to that required of all applicants for admission to the Bar, pursuant to APR 20-24.3; and
  - (f) paying the current Active license fee, including any mandatory assessments, less any license fee (not including late fees) and assessments paid as an Inactive member for the same year.
- 2) If a member has been Inactive or any combination of Inactive, Pro Bono, or Suspended in Washington for more than six consecutive years as of the date the application was submitted, the member must, in addition to complying with subsection 1)(c) or (d) above, complete a reinstatement/readmission course sponsored by the Bar, which must consist of education on law office management and professional responsibility (including the applicable RPC for the member's license type, proper handling of client funds and trust accounts, and client communications), legal research and writing, and changes in the law that apply to the member's license type, as follows:
- (a) For lawyer members, a minimum of 15 MCLE credits, consisting of at least four credit hours on law office management and professional responsibility, at least three credit hours on legal research and writing, and the remaining credit hours on recent significant changes in the law;
  - (b) For LLLT members, a minimum of seven MCLE credits, consisting of at least two credit hours on law office management and professional responsibility, at least one credit hour on legal research and writing, and the remaining credit hours on recent significant changes in the law in approved LLLT practice or core education areas;
  - (c) For LPO members, a minimum of seven MCLE credits, consisting of at least two credit hours on professional responsibility, and the remaining credit hours on recent significant changes in the law covered by the approved LPO Study Topics.

The MCLE credits earned for the course will apply to the total credits required in subsection 1)(d) above. The member must comply with all registration, payment, attendance, and other requirements for the course, and will be responsible for submitting proof of completion to the Bar.

- 3) Any member seeking to change to Active who was Inactive or any combination of Suspended and Inactive in Washington and does not have active legal experience as defined in APR 1(e) in any jurisdiction for more than ten consecutive years as of the date the application is submitted, must, in addition to the requirements in Art. III. Sec.D.1.a.(1)(a), (b), (e) and (f) above, take and pass the examinations required for admission to the Bar for the member's license type.
- 4) A Disability Inactive status member may be reinstated to Active pursuant to the disciplinary rules applicable to their license type. Before being transferred to Active, after establishing compliance with the disciplinary rules, the member also must comply with the requirements in these Bylaws for Inactive members transferring to Active status.

- 5) A member of any type who has transferred to Inactive status during the pendency of a grievance or disciplinary proceedings may not be transferred to Active except as provided herein and may be subject to such discipline by reason of any grievance or complaint as may be imposed under the ELC, ELPOC, or ELLTTC.

**b. Transfer from Judicial to Active.**

A Judicial member may request to transfer to any other status, including Active. Upon a Judicial member's resignation, retirement, or completion of such member's term of judicial office, such member must notify the Bar within 10 days, and any Judicial member desiring to continue an affiliation with the Bar must change to another membership status within the Bar.

- 1) A Judicial member who has complied with all requirements for maintaining eligibility to return to another membership status may transfer to Active by submitting an application for change to Active membership status, paying any MCLE late fees owed, and paying the then current Active license fee for the member's license type, including any mandatory assessments, less any license fee (not including late fees) and assessments paid as a Judicial member for the same licensing year.
- 2) A Judicial member wishing to transfer to Active upon leaving service as a judicial officer who has failed in any year to provide the annual member registry information or pay the annual license fee required of Judicial members to maintain eligibility to transfer to another membership status shall, prior to transfer to Active, be required to pay the Active license fee for the member's license type for any years the registry information was not provided or the Judicial fee was not paid, in addition to complying with the requirements of (1) above.

**c. Transfer from Pro Bono to Active**

A Pro Bono member may transfer to Active by complying with the requirements for members returning from Inactive to Active. There is no limit on how long a member may be Pro Bono before returning to Active status.

**d. Referral to Character and Fitness Board**

All applications for readmission, reinstatement or transfer to Active status will be reviewed by Bar staff and handled consistent with the provisions of APR 20-24.3. In all cases reviewed by it, the Character and Fitness Board has broad authority to recommend withholding a transfer to Active status or imposing conditions on readmission to Active status, which may include retaking and passing the licensing examination applicable to the member's license type. The member will be responsible for the costs of any investigation, examination, or proceeding before the Character and Fitness Board and the Washington Supreme Court.

[...]

## **K. CHANGING STATUS AFTER SUSPENSION**

1. Upon the completion of an ordered disciplinary or interim suspension, or at any time after entry of an order for an administrative suspension, a suspended member may seek to change status from suspended to any other membership status for which the member qualifies at the time the change in status would occur.
2. Before changing from suspended status, a member who is suspended pursuant to an interim or disciplinary suspension must comply with all requirements imposed by the Washington Supreme Court and/or the applicable disciplinary rules in connection with the disciplinary or interim suspension. Additionally, such member must comply with all other requirements as stated in these Bylaws and in the applicable APR.
3. All requirements associated with each reason for suspension must be met before the change from suspended status can occur.
4. Unless otherwise provided in the applicable APR, a suspended member may seek to change status by:
  - a. paying the required license fee and any assessments for the licensing year in which the status change is sought, for the membership status to which the member is seeking to change. For members seeking to change to Active or any other status from suspension for nonpayment of license fees, the required license fee will be the current year's license fee and assessments, the assessments for the year of suspension, and double the amount of the delinquent license fee and late fees for the license year that resulted in the member's suspension;
  - b. completing and submitting to the Bar an application for change of status, any required or requested additional documentation, and any required application or investigation fee, and cooperating with any additional character and fitness investigation or hearing that may be required pursuant to APR 20-24.3;
  - c. completing and submitting all licensing forms required for the license year for the membership status to which the member is seeking to change;
  - d. paying any MCLE late fees owed; and
  - e. demonstrating active legal experience as defined in APR 1(e) for at least one year of the three years preceding the filing of the application, or, complying with the MCLE requirements for members returning from Inactive to Active as set forth in Art. III Sec. D.1.a.(1)(d) and D.1.a.2).
5. Any member seeking to change to Active who was Suspended or any combination of Suspended and Inactive in Washington and does not have active legal experience as defined in APR 1(e) in any jurisdiction for more than ten consecutive years at the time the application is submitted, must, in addition to the requirements of Art. III, Sec. K.4.(a)-(d), above, take and pass the examinations required for admission to the Bar for the member's license type.

[...]

## **N. READMISSION AFTER VOLUNTARY RESIGNATION**

Any former lawyer or LPO member who has voluntarily resigned and who seeks readmission to membership must apply for admission under APR 3 unless the member has been voluntarily resigned for less than four years at the time the application is submitted, in which case the member may choose to apply as follows.

1. A former member choosing to file an application for readmission less than four years after voluntary resignation in lieu of filing an application for admission under APR 3 must:
  - a. submit an application for readmission in the form and manner prescribed by the Bar, including a statement detailing the reasons for voluntarily resigning and the reasons for seeking readmission;
  - b. pay an application fee equal to that of a general bar exam applicant;
  - c. establish that such person is morally, ethically, and professionally qualified to be licensed as the applicable member type and is of good moral character and has the requisite fitness to practice law consistent with the requirements for other applicants for admission to practice law as the applicable member type. An application for readmission will be subject to character and fitness investigation and review as described in APR 20-24.3, consistent with other applications for admission;
  - d. demonstrate active legal experience as defined in APR 1(e) for at least one year of the three years preceding the filing of the application, or, earn and report approved MCLE credits in a number and manner consistent with the requirements for one MCLE reporting period under APR 11 except the credits required in this section must have been earned no earlier than six years prior to the date the application was submitted;
  - e. pay any MCLE late fees owed;
  - f. complete the reinstatement/readmission course as required in Art. III Sec. D.1.a.(2); and
  - g. upon successful completion of the above requirements, the former member must satisfy the preadmission requirements and be admitted by Supreme Court order as set forth in APR 5, except that a lawyer who has been resigned for less than four years need not take and pass the Washington Law Component.

## **Proposed Amendments to WSBA Bylaws Article III Section J.3. Administrative Suspension**

[page 15 of WSBA Bylaws Amended April 10, 2023]

### **3. Administrative Suspension**

- a. Administrative suspensions are neither interim nor disciplinary suspensions, nor are they disciplinary sanctions. Except as otherwise provided in the APR and these Bylaws, a member may be administratively suspended for the following reasons:
  - 1) Nonpayment of license fees or late-payment fees;
  - 2) Nonpayment of any mandatory assessment (including without limitation the assessment for the Client Protection Fund);
  - 3) Failure to file a trust account declaration;
  - 4) Failure of a lawyer to file a professional liability insurance disclosure;
  - 5) Failure of a LLLT or LPO to provide proof of financial responsibility;
  - 6) Failure to comply with mandatory continuing legal education requirements;
  - 7) Nonpayment of child support;
  - 8) Failure to designate a resident agent or notify the Bar of change in resident agent or the agent's address;
  - 9) Failure to provide current information required by APR 13 or to notify the Bar of a change of information required by APR 13 within 10 days after the change; and
  - 10) For such other reasons as may be approved by the BOG and the Washington Supreme Court.
- b. Unless requirement for hearing and/or notice of suspension are otherwise stated in these Bylaws or the APR, ELC, ELPOC or ELLLTC, a member will be provided notice of the member's failure to comply with requirements and of the pendency of administrative suspension if the member does not cure the failure within 60 days of the date of the written notice, as follows:
  - 1) Written notice of non-compliance will be sent one time by the Bar to a member at the member's address of record with the Bar by first class mail. Such written notice will inform the member that the Bar will recommend to the Washington Supreme Court that the member be suspended from membership and the practice of law if the member has not corrected the deficiency within 60 days of the date of the notice.
  - 2) In addition to the written notice described above, the Bar will make one attempt to contact the member at the telephone number(s) the member has made of record with the Bar and will speak to the member or leave a message, if possible. The Bar will also make one attempt to contact the member at the member's e-mail address of record with the Bar.
- c. Although not required to provide any additional notice beyond what is described above, the Bar may, in its sole discretion, make such other attempt(s) to contact delinquent members as it deems appropriate for that member's situation.
- d. A member failing to correct any deficiency after two months' written notice as provided above must be suspended from membership. The Executive Director must certify to the



Clerk of the Supreme Court the name of any member who has failed to correct any deficiency, and when so ordered by the Supreme Court, the member will be suspended from membership in the Bar and from the practice of law in Washington. The list of suspended members may be provided to the relevant courts or otherwise published at the discretion of the BOG.

## Suggested Amendments to WSBA Bylaws, Art. VI.C.2.a

1 Clean Copy:

2

3 VI. ELECTIONS

4 A. – B. [Unchanged]

5 C. ELECTION OF GOVERNORS

6 1. [Unchanged]

7 2. Voting in the Election of Governors from Congressional Districts will be conducted in the  
8 following manner:

9 a. Eligibility to Vote. All Active members, as of March 1st of each year, are eligible to vote in  
10 the BOG election for their district, subject to the election schedule shown above. Active  
11 members residing in the State of Washington may only vote in the district in which they  
12 reside. Active members residing outside the State of Washington who engage in the practice  
13 of law in Washington may vote in the district of their primary Washington practice. Active  
14 members residing outside the State of Washington who do not engage in the practice of law  
15 in Washington may only vote in At-Large Governor elections.

16

17

18

19

20

21

22

23

24

25

26

**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-Logo-.png](#)

---

---

**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 <jennifer@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](mailto:colinr@wsba.org)

1325 Fourth Avenue, Suite 600 | Seattle, WA 98101 | [www.wsba.org](http://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](mailto:adamr@wsba.org).

---

**From:** Washington State Bar Association <[noreply@wsba.org](mailto:noreply@wsba.org)>  
**Sent:** Friday, October 18, 2024 12:46 PM  
**To:** Colin Rigley <[Colinr@wsba.org](mailto:Colinr@wsba.org)>  
**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 [mcle.wsba.org](https://mcle.wsba.org) to find out if you are in the 2022-2024 MCLE reporting period. If so you must complete required [MCLE](#) 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 [payment plan option](#). (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 [mywsba.org](https://mywsba.org) 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 [hardship exemption](#). 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 [armed forces exemption](#).

**If you have questions:** Visit the [Annual License Renewal](#) webpage or contact the WSBA Service Center at 800-945-9722 or 206-443-9722 or [questions@wsba.org](mailto:questions@wsba.org).

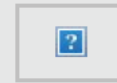
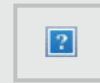
**WASHINGTON STATE BAR  
ASSOCIATION**

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



**From:** [Amy Christensen](#)  
**To:** [Adelaine Shay](#)  
**Subject:** Fw: [External]2025 License Renewal is Open  
**Date:** Monday, November 4, 2024 12:45:35 PM  
**Attachments:** [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 <jennifer@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](mailto:connors@wsba.org)

Pronouns: he/him

1325 Fourth Ave., #600 | Seattle, WA 98101-2539 | [www.wsba.org](http://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 [accommodations@wsba.org](mailto:accommodations@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 [licensing.wsba.org](https://licensing.wsba.org), 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 [mcle.wsba.org](https://mcle.wsba.org). The [MCLE for Licensed Legal Professionals](#) 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 [mywsba.org](https://mywsba.org) 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](https://wsba.org/licensing)

[questions@wsba.org](mailto:questions@wsba.org)

Login Issues

[questions@wsba.org](mailto:questions@wsba.org)

### MCLE

General Inquiries	<a href="https://wsba.org/mcle">wsba.org/mcle</a>	<a href="mailto:questions@wsba.org">questions@wsba.org</a>
Adding CLE Activities	<a href="https://wsba.org/mcle">wsba.org/mcle</a>	<a href="mailto:mcle@wsba.org">mcle@wsba.org</a>
Certifying MCLE Compliance	<a href="https://wsba.org/mcle">wsba.org/mcle</a>	<a href="mailto:mcle@wsba.org">mcle@wsba.org</a>
Login Issues		<a href="mailto:questions@wsba.org">questions@wsba.org</a>

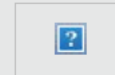
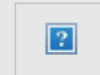
### License Status Options

Change License Status	<a href="https://wsba.org/statuschanges">wsba.org/statuschanges</a>	<a href="mailto:statuschanges@wsba.org">statuschanges@wsba.org</a>
-----------------------	---	--

### 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





## Washington State Bar Association

Statement of Activities

For the Period from September 1, 2024 to September 30, 2024

**100% OF YEAR COMPLETE**

	FISCAL 2024 REFORECAST	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET	YEAR TO DATE VARIANCE FAVORABLE/(UNFAVORABLE)
<b>MANDATORY CONTINUING LEGAL EDUCATION</b>						
<b>REVENUE:</b>						
ACTIVITY APPLICATION FEE	550,000	59,100	724,600	(174,600)	132%	174,600
ACTIVITY APPLICATION LATE FEE	220,000	19,950	266,650	(46,650)	121%	46,650
MCLE LATE FEES	190,000	(450)	266,925	(76,925)	140%	76,925
ANNUAL ACCREDITED SPONSOR FEES	36,000	250	37,500	(1,500)	104%	1,500
ATTENDANCE LATE FEES	90,000	7,500	120,050	(30,050)	133%	30,050
COMITY CERTIFICATES	27,800	250	30,072	(2,272)	108%	2,272
<b>TOTAL REVENUE:</b>	<b>1,113,800</b>	<b>86,600</b>	<b>1,445,797</b>	<b>(331,997)</b>	<b>130%</b>	<b>331,997</b>
<b>DIRECT EXPENSES:</b>						
DEPRECIATION	130,449	11,653	124,381	6,068	95%	6,068
STAFF MEMBERSHIP DUES	500	-	50	-	100%	-
MCLE BOARD	5,000	-	-	5,000	0%	5,000
STAFF TRAVEL/PARKING	50	-	-	50	0%	50
STAFF CONFERENCE & TRAINING	4,000	-	3,400	436	89%	436
<b>TOTAL DIRECT EXPENSES:</b>	<b>139,999</b>	<b>11,653</b>	<b>128,445</b>	<b>11,554</b>	<b>92%</b>	<b>11,554</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (5.88 FTE) **	454,500	28,493	445,511	8,989	98%	8,989
BENEFITS EXPENSE	155,895	12,097	143,462	12,432	92%	12,432
OTHER INDIRECT EXPENSE	173,230	6,036	156,271	16,964	90%	16,964
<b>TOTAL INDIRECT EXPENSES:</b>	<b>781,625</b>	<b>46,626</b>	<b>745,245</b>	<b>38,385</b>	<b>95%</b>	<b>38,385</b>
<b>TOTAL ALL EXPENSES:</b>	<b>923,629</b>	<b>68,278</b>	<b>873,690</b>	<b>49,939</b>	<b>95%</b>	<b>49,939</b>
<b>NET INCOME (LOSS):</b>	<b>190,171</b>	<b>18,322</b>	<b>572,108</b>	<b>(381,937)</b>	<b>301%</b>	<b>381,937</b>

\*\*Budget reallocations apply to this line item details, see FY2 Budget Reallocations memo(s) included in the Board of Governors meeting materials