

**MEETING AGENDA**

**April 11, 2025, at 10:00 A.M.**

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

<https://wsba.zoom.us/j/88912902502?pwd=nQLnqwd0eAGYqxPhweMbgo8TIyZg7N.1>

**Meeting ID: 889 1290 2502**

**Passcode: 926033**

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

1. Welcome and Introductions
2. Review/Approval of Minutes from Meeting on January 1,2025
3. Discussion on Credit for High School Mock Trial
4. Discussion MCLE Board Goals
5. Audit Reports
6. MCLE Updates

**CLOSED SESSION**

1. Activity Review
2. Petitions
3. **Adjourn**

**Draft Minutes:**

**MCLE Board Meeting January 10, 2025**

**Draft Minutes**

**January 10, 2025**

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

Katharine Denmark (MCLE Chair)  
Efrem Krisher  
Chris Bueter  
Darryl Coleman  
Merri Hartse  
Henry Phillips  
Brandon Taga (arrived 10:07)

Liaisons and Staff in attendance:

Adelaine Shay	MCLE Board Staff Liaison
Ingo Mendes	MCLE Analyst

**Review of Minutes**

The MCLE Board reviewed the minutes from the November 15, 2024, meeting. The Board approved the minutes unanimously.

**MCLE Board Goals**

The Board will be conducting audits, with each member responsible for reviewing at least two CLE courses, with a focus on accredited sponsors. The Board is also working to improve diversity within the MCLE Board through recruitment efforts. The Board currently is exploring the possibility of eligibility of YMCA Mock Trial Volunteers for MCLE credit. MCLE Board member Henry Phillips expressed interest in joining the MCLE Board recruitment subcommittee.

**Medium to Long-Term Goals**

The Board discussed strategies to improve member accessibility to CLEs.

Suggestions were made to improve awareness of existing resources, such as mentoring programs, and to strengthen collaboration with other groups, including diversity-focused subcommittees. Expanding outreach to other organizations to create beginner-friendly resources was also recommended.

The Board unanimously agreed to pursue further research regarding Improving Accessibility, Engagement and Awareness for CLE's.

Additionally, the Board discussed looking into expanding comity to include additional states, particularly those with similar MCLE requirements. It was noted that pursuing these changes would require a rule amendment and consideration of differences in MCLE state requirements.

The Board unanimously agreed to explore comity with other states and committed to conducting further research and exploration of this topic.

### Audit Reports

Brandon Taga summarized 3 recent audits. Feedback was given CLE sponsors regarding lack of accessibility and interactivity in certain asynchronous presentations.

### MCLE Updates

The Board was updated on a recent influx of member inquiries via email and phone, particularly around December 31st, along with a summary of upcoming reminder emails to address upcoming deadlines.

A request was discussed regarding licensure pathways, involving the creation of a subcommittee with an invitation extended to include an MCLE Board representative. Efrem Krisher volunteered to join this subcommittee and will step down from the YMCA Mock Trial Committee.

An update was provided on accredited sponsors, including an explanation of the accreditation process. Board members were encouraged to audit Amazon.com, the newest accredited sponsor, as part of ongoing review efforts.

### Petitions

The MCLE Board reviewed and approved by motion 6 staff liaison undue hardship petition decisions.

### Adjournment

There being no further business at hand, the meeting was adjourned at 11:19 AM. The next regularly scheduled MCLE Board meeting will be held on April 11<sup>th</sup> in a hybrid in-person and videoconference format.

Respectfully submitted,  
Adelaine Shay  
MCLE Board Staff Liaison

**ISSUE SUMMARY:**

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

**ISSUE SUMMARY:**  
**Request for Suggested Amendment to Allow Credit for Participating in High School Moot Court Competitions**

**Summary:** At its August 9, 2024, meeting, The Washington YMCA Youth & Government division (YMCA) presented a proposal to the Board to consider amending APR 11 to allow attorneys and judges participating in high school mock trial events to earn credit for the work contributed to these events.

Background: At the August 9, 2024, meeting, YMCA delivered a presentation to make a case for the value of affording MCLE credit to those who judge or rate high school mock trials. The presentation provided an overview of the specific YMCA mock trial program, which is designed for secondary students, centered around a fictitious case crafted by a WA Superior Court Judge, and consists of three-hour trials presided over by sitting judges. In addition to the direct judging role, the program also includes attorney raters who provide additional feedback and evaluation. In support of its proposal, YMCA touted the professional and community benefits of such programs. These included providing opportunities for attorneys to interact with sitting judges, getting concrete experience with the rules of evidence and courtroom procedure through observing and participating in the evaluation of the mock trials, achieving a sense of personal and professional fulfillment through supporting students who may be aspiring to a legal career, and promoting diversity in the legal system by extending valuable legal education and practice to Washingtonians of all backgrounds. In its letter to the Board, YMCA also invited Board members to attend one of their hosted district competitions to observe the value and impact of these programs first-hand.

The letter and presentation both represent that other jurisdictions have adopted some level of MCLE credit in the context of high school mock trials. The states cited were Colorado, Nevada, Texas, Oregon, Kentucky, Georgia, New York, Vermont, Rhode Island, New Jersey, and Delaware. Independent of the materials provided by YMCA, the staff liaison has reviewed a chain email from the CLE regulators listserv on the topic of credit for high school and/or college mock trials, moot courts, and other similar simulations. State MCLE program managers and representatives confirmed in the chain that California, Oregon, Delaware, Nevada, and Texas have some form of CLE credit for high-school level trial programs. On the other hand, Virginia, Kansas, Ohio, Idaho, Montana, and Tennessee have represented that they do not offer credit for such activities.

**Request:** Allow MCLE credit for participating as judge or attorney rater in a high school mock trial program. See MCLE Mock Trial Presentation and Letter to the MCLE Board.

**Possible Discussion Points:**

- This request would require a rule amendment, as currently under APR 11(e)(9), credit for is restricted for judging or preparing law school students for a law school recognized competition. If this proposal is supported by the Board, then the Board will have to propose a rule amendment to expand credit availability for those members participating in high school mock trial events.

**Possible Actions by the MCLE Board:**

- Pursue or decline to pursue a rule amendment that would reflect YMCA's proposal.

**Relevant Rules:**

- **APR 11(e)(9):** Judging or preparing law school students for law school recognized competitions, mock trials, or moot court. The sponsoring law school must comply with all sponsor requirements under this rule.

**Attachments:**

1. MCLE Mock Trial Presentation delivered at its August 9, 2024, meeting.
2. Letter to the MCLE Board.



**BOARD OF DIRECTORS**

**Kelly Evans**, Board Chair  
Sound View Strategies

**Sung Yang**, Vice Chair  
Pacific Public Affairs

**Arlen Harris**, Secretary  
WA State Community &  
Technical Colleges

**Neil Strege**, Treasurer  
Washington Roundtable

**Dan McGrady**, Past Chair  
PEMCO Insurance

**Marty Brown**  
State Board for  
Community and Technical  
Colleges, ret.

**Holly Chisa**  
Lobbyist

**Jeanne Cushman**  
Attorney/Lobbyist

**Mike Egan**  
Microsoft

**Morgan Hickel**  
University of Washington

**Amber Lewis**  
Lewis Consulting

**Judge Robert Lewis**  
Clark Co. Superior Court

**Julien Loh**  
Puget Sound Energy

**Mary Catherine McAleer**  
Weyerhaeuser

**Jane Wall**  
WA State County Road  
Administration Board

Dear Mandatory Continuing Legal Education Board,

Please accept this letter from Washington YMCA Youth & Government (sponsored by YMCA of Greater Seattle) regarding a request to modify APR 11.

The previously stated sponsors respectfully request the Mandatory Continuing Legal Education (MCLE) Board of the Washington State Bar Association consider, put up for public comment, and approve the below change to APR 11.

New Section; Adding to Section (e)  
(11) Judging or rating high school mock trial competitions. The sponsoring organization must comply with all sponsor requirements under this rule.

The sponsors of this new section believe that changing the Washington MCLE APR 11 rule allowing attorneys and Judges to earn credit for judging and rating high school mock trial competitions would greatly benefit the members of the bar and the public. Specifically this would (1) provide attorneys, who are not often in court, with hands-on experience engaging with the Rules of Evidence and courtroom procedure, (2) encourage attorneys to take part in personal and professional development, (3) connect attorneys directly with sitting Judges, (4) expand and promote diversity of members of the legal system by fostering mock trial programs for students who may have an interest in legal careers, & (5) create opportunities for intrinsic satisfaction and personal inspiration while serving the legal community, communities at large, and our educational institutions specifically.

Similar rule adoption has been implemented in several states including Oregon under [Or. State Br MCLE Rule 5.300\(b\)\(2\) and \(3\)](#)

During this review process we invite all MCLE and WSBA Board members to attend one of our local district competitions that will occur in February 2025. We know that firsthand observation of these high school age mock trial competitors, with their impressive high level of legal knowledge and advocacy skill, will convince you of the value of mock trial programs and the necessary participation of attorneys and Judges. If you observe these students in these competitions yourself, it will provide a better understanding of why this requested change will benefit our legal community and the public. District competition dates will be distributed in December.

Thank you for your consideration. Please don't hesitate to reach out with questions. I can be reached at [nolanmartin@seattleyymca.org](mailto:nolanmartin@seattleyymca.org).

Sincerely,

Nolan Martin  
Executive Director  
WA YMCA Youth & Government

Kelly Evans  
Board Chair



.....  
**WASHINGTON YMCA MOCK TRIAL**  
.....

WASHINGTON YMCA YOUTH AND GOVERNMENT

# Program History



- **1987** - YMCA along with other co-sponsors held the first state competition. Co-sponsors included the Administrative Office of the Courts and the Young Lawyers Division of the Washington State Bar Association.
- **1994** – Washington YMCA Youth and Government took on full sponsorship of the Mock Trial Program
- **2024** – The highest number of teams, coaches, participants, and supports in program history (below).



66 High School Teams  
6 Middle School Teams



131 Coaches



933 Youth Participants  
Both MS and HS



714 Attorney and Judges  
Supporters

# Program Structure



- Middle & High School age-based teams
- Before/During/Afterschool
- Minimal cost to participate \$800/team
- Comprehensive fictitious case written by sitting WA Superior Court Judge.
- Three-hour trials presided over by sitting judges.
- Registered bar members are required to rate student performances & provide feedback.
- Trial requires three attorney raters and one judge per round.
  - 560 required for Statewide Program
  - 192 required for Championship

Washington Mock  
Trial Statewide  
Program **66  
Teams**

WA State  
Championship  
Competition **24  
Teams**

National High  
School Mock Trial  
Competition **1  
Team**

Since 2001 Washington teams have placed in the top 16 at Nationals including 3 first place finishes.

# PROPOSED CHANGE

APR 11

## MANDATORY CONTINUING LEGAL EDUCATION (MCLE)

(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; and

(9) Judging or preparing law school students for law school recognized competitions, mock trials, or moot court. The sponsoring law school must comply with all sponsor requirements under this rule.

(10) Tutoring clerks through the APR 6 Law Clerk Program courses when providing “personal supervision” as defined in APR 6(d)(2).

(11) Judging or rating high school mock trial competitions. The sponsoring organization must comply with all sponsor requirements under this rule.

# Benefits for Lawyers



Connecting attorneys directly with sitting judges

Hands-on experience engaging with the Rules of Evidence and courtroom procedure.

Intrinsic satisfaction and personal inspiration through volunteerism

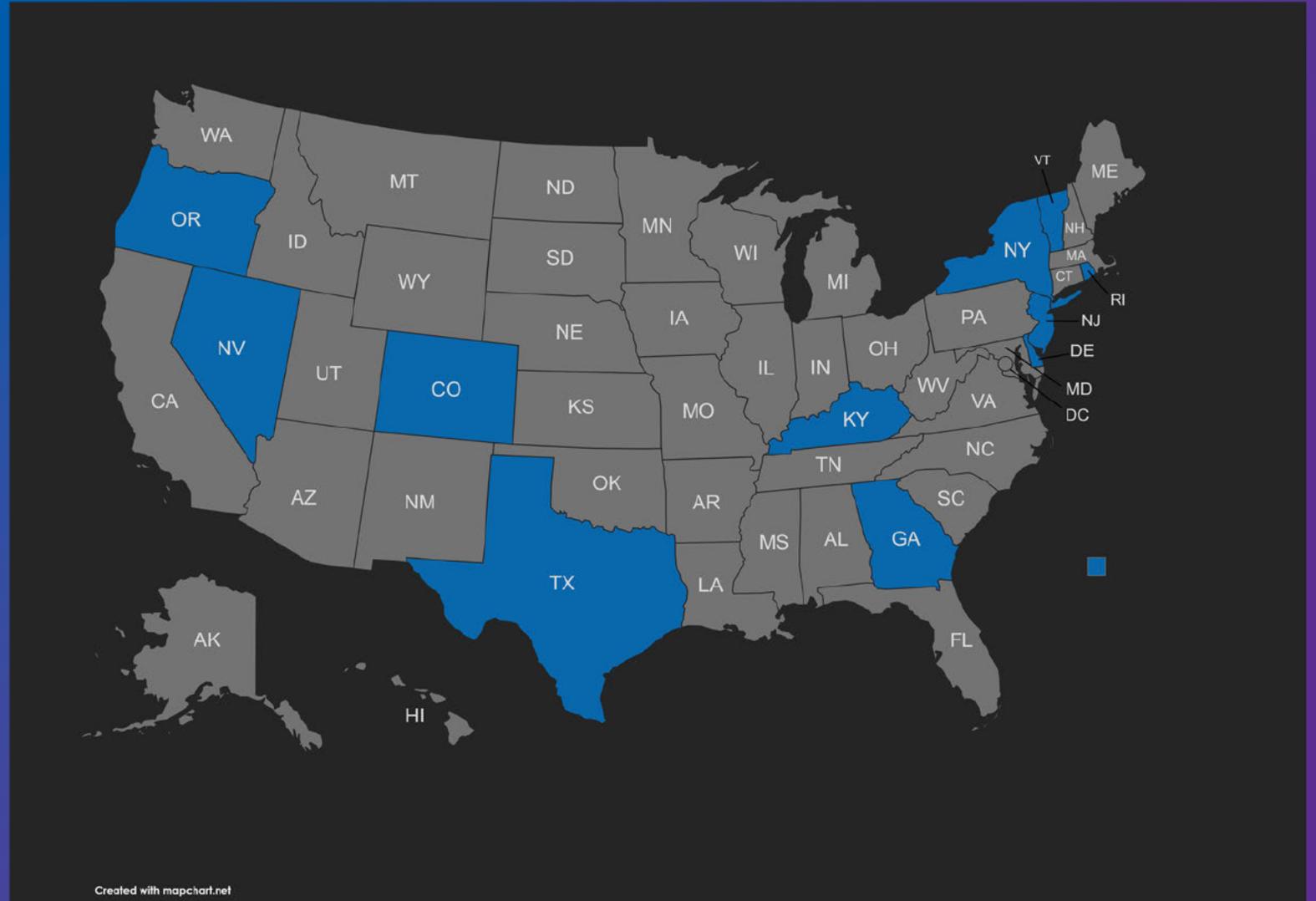
Personal and Professional development through community engagement

Expand and promote diversity in the legal system

# STATE COMPARATIVES

Current States that allow some varying level of MCLE Credit for High School Mock Trial

- Colorado
- Nevada
- Texas
- Oregon
- Kentucky
- Georgia
- New York
- Vermont
- Rhode Island
- New Jersey
- Delaware









## **Discussion Summary - MCLE Board Goals**

## MCLE Board Annual and Long-Term Goals

### Annual Goals

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

### Long-Term Goals

- Pursue research regarding Improving, Accessibility, Engagement, and Awareness for CLEs.
- Explore the possibility of extending comity to other jurisdictions and commit to researching on this topic.

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

- As of this meeting, the subcommittee working on efforts to increase diversity in recruitment of open MCLE Board positions has met three times (2/18/25, 3/17/25, and 4/7/25) and have devised a number of proposals and strategies for increasing recruitment reach in the hopes of attracting a wider range of candidates. In these meetings, subcommittee members have explored a number of methods for advancing this goal including coordinating with other regulatory board volunteer recruitment efforts to model our efforts on those that are already active, emailing regional affinity bar associations to get the word out on Board openings, offering to speak at, provide informational materials to, or otherwise engage with county bar associations, inviting association representatives to attend Board meetings, and generally building towards meaningful connections with the association community.

### Discussion

- Recruitment Committee Update
- Next Steps for Long Term Goals

## **Audit Reports**

---

**MEMORANDUM**

**TO:** MCLE Board

**FROM:** Katie Denmark

**RE:** CLE Audit Report

**COURSE SPONSOR:** Amazon

**COURSE TITLE:** *Mary's Place Pro-Bono Immigration Clinic Training: Understanding Asylum Law*

**COURSE DATE(S):** February 12, 2025

**ACTIVITY ID#:** 2012047

**ACCREDITATION:** Currently fulfills 1.50 Law & Legal Credits

**DATE OF REPORT:** March 25, 2025

---

Sponsor

This course is sponsored by Amazon, which the WSBA has recently approved as an Accredited Sponsor. Amazon's legal team, through its pro bono program and other initiatives, sponsors events and collaborates with law firms and organizations to provide legal services and resources, particularly for underserved communities.

Nature of the Program

This approximately 1.5-hour course is a recording of a live webinar presentation originally held on February 12, 2025. It features PowerPoint slides alongside an embedded speaker video.

Faculty

Rebecca Press, of Co-Counsel NYC, is an immigration attorney recognized for her legal expertise and commitment to supporting community-centered advocacy efforts. With over a decade of experience, she actively supports communities through education, advocacy, and legal support. Press has represented hundreds of clients in various immigration matters before the Immigration Courts and Board of Immigration Appeals. She has a robust practice before the Second Circuit Court of Appeals where she litigates complex areas of the law.

### Location/Time

This webcast was recorded on February 12, 2025, in New York City and was/is accessible to virtual attendees.

### Facilities

N/A

### List of Presenters and Their Qualifications

See above faculty biography.

### Written Materials

The written materials consist of a 48-page downloadable packet that contains the substantive information included during the session.

### Attendance

The sponsor provides two embedded audio/visual codes during the presentation, used track or monitor attendance in jurisdictions requiring such.

## **SUMMARY**

*Mary's Place Pro-Bono Immigration Clinic Training: Understanding Asylum Law* meets the requirements of APR 11. It is appropriately accredited for 1.50 Law & Legal Credits.

## **DISCUSSION**

This course is geared toward attorneys who are training to assist asylum applicants at the Mary's Place Pro-Bono Immigration Clinic. The course is divided into multiple practical subject areas: working with "the person in front of you," a review of asylum law's fundamentals, studying the asylum application, and application of this information during clinic work. The presenter opened the presentation by emphasizing that working with asylum applicants can be difficult in that attorneys are working with people seeking safety and who are often dealing with the deep and ongoing impacts of trauma and grief. This is difficult for the client and can also be difficult for the listener/person helping to address and mitigate that trauma. She then helped answer the fundamental question: what is asylum? She explained that the term refers to humanitarian protection for those who have already suffered and/or will suffer persecution in their country of citizenship. Those who are afraid to return to their country of citizenship have the right to ask for asylum, but that doesn't mean that everyone qualifies. She just went through the legal requirements needed to obtain asylum.

To be eligible for asylum, one must demonstrate a well-founded fear of future persecution on account of a protected characteristic, and one must apply within one year of arriving in the United States. The presenter explained that, according to case law, "a well-

founded fear” requires only a 10% likelihood that the person will be persecuted. Past persecution gives rise to a presumption that they will be persecuted in the future. If the applicant has not been persecuted, they must show that their subjective fear is objectively reasonable. She emphasized that “persecution” requires both serious harm and the “right” motive. Serious harm without the persecutory motive is not considered “persecution.” She then provided examples of harm serious enough to be considered persecution: serious physical harm, such as repeated physical assaults, rape or sexual assault, attempted murder; physical abuse by government officials conducted in the context of arrest or detention; psychological abuse; FGM/C (female genital mutilation or cutting); menacing and credible death threats (whether unfulfilled threats count depend on the Circuit); and economic deprivation so severe that it constitutes a threat to life or freedom. These factors are considered cumulatively and the age at which the harm occurs is relevant.

The presenter then covered protected characteristics (the “right” motives): political opinion, race, religion, nationality, and/or a particular social group. Asylum will not be granted to those who exclusively flee poverty or general violence. She then presented extensive examples for each category of these protected characteristics, which very informative (for example, the requirement that a “particular social group” must be defined by immutable or fundamental characteristics, be sufficiently particular, and socially distinct within the society in question). She explained the protected characteristic must be “at least one central reason” motivating the persecutor; protected characteristics cannot be incidental, tangential, or superficial. A “totality of the circumstances” analysis is used to know if a persecutor was motivated by a protected characteristic. The presenter then covered some additional information of note, including exceptions to the one-year filing deadline and the Circumvention of Lawful Pathways (CLP) asylum ban.

The next portion of the webinar was devoted to the I-589 application itself. The presenter divided the application into two parts: biographic information, including residence and educational history, and substantive questions. By going line by line on a form application projected onto the screen, the presenter made this portion of the training very accessible to those who are new to asylum law and to the application process. She emphasized to attendees the importance remembering the legal elements required while completing an application – is the harm serious enough to be persecution? How can you describe it as such? Is there government involvement? How so? What does the harm have to do with a protected characteristic? She recommended writing summaries rather than a detailed declarations because they are more credible and because memory fails, mistakes happen, translation can present challenges, and because the applicant will have the opportunity to provide more details in the future.

The final portion of the webinar was devoted to what this process might look like on clinic day. The presenter detailed where attorneys would check in, where they could locate required documents/forms, and what their case summaries might look like. She divided the attorney-client meeting into distinct parts: the beginning of the conversation, completing the substance of the application itself, and how to close the conversation. This portion of the webinar did a nice job synthesizing the information presented during the first two portions of the presentation and covering what attorneys might encounter as they work with their asylum applicant clients.

## **CONCLUSION**

My overall impression of this recorded webcast was very favorable. The presenter did a nice job of explaining the fundamentals asylum law and providing enough specific examples to demonstrate what is legally required to show that granting asylum is appropriate. The presenter was knowledgeable and clear, and provided a comprehensive training for those who may not have previously been familiar with asylum law. This course meets the requirements of APR 11 and is appropriately accredited for 1.50 Law & Legal Credits.

---

**MEMORANDUM**

**TO:** MCLE Board

**FROM:** Katie Denmark

**RE:** CLE Audit Report

**COURSE SPONSOR:** Lorman Education Services

**COURSE TITLE:** **ChatGPT for Lawyers: What You Need to Know**

**COURSE DATE(S):** Course date unavailable

**ACTIVITY ID#:** 2022131

**ACCREDITATION:** Currently fulfills 1.5 Credits; 1.0 Law & Legal, 0.5 Ethics

**DATE OF REPORT:** January 22, 2025

---

Sponsor

Lorman Education Services has been in business for over 29 years offering continuing education classes and products for a wide range of professionals. It offers 80-100+ live webinars each month in the following categories: HR, Construction & Development, Engineering & Environment, Medical, Legal & Government, Banking & Finance, Accounting & Tax, Business & Management, as well as a few other miscellaneous categories. Lorman's live webinars are recorded and made available in three different formats: OnDemand, MP3, and audio and reference manual on flash drive. It also offers videos, white papers, reports, and articles.

Nature of the Program

This 1.5-hour program featured one speaker and was recorded for subsequent on-demand access. The intended audience of this course is lawyers interested in ChatGPT and generative AI's impacts on the legal industry and/or those who use it in practice.

Faculty

**Patrick T. Cronin** is a Senior Manager for Accenture, a consultancy that enables its clients' teams to implement the processes and technology needed to deliver data excellence and drive their business forward. Cronin's focus is privacy, security, and data governance. Cronin was a

principal for 10 years at the forensic firm of Eastern Computer Forensics. Eastern Computer Forensics provided litigation support to law firms in the areas of data analysis, historic cell tower analysis, and forensic cell phone/hard drive analysis. He conducts regular seminars on data privacy, security, analysis, and visualization for attorneys, and has been admitted in both criminal and civil proceedings as an expert in the data space. Cronin has a J.D. Degree from Rutgers University; a B.S. Degree in computer science from William Paterson University; a Cert. Forensic Analysis from Champlain College; and a Cert. Data Analysis from Johns Hopkins University.

#### Location/Time

The date of this recorded podcast is unavailable.

#### Facilities

N/A

#### List of Presenters and Their Qualifications

See above faculty biography.

#### Written Materials

The written materials consisted of a 33-page downloadable packet of the slides shown during the presentation.

#### Attendance

The sponsor tracked attendance by requiring attendees to click periodic prompts confirming continued participation in the program, as well as by providing two embedded audio codes (which it did not request upon completion but presumably uses in other jurisdictions that may require proof of attendance).

### **SUMMARY**

This course meets the requirements of APR 11. It is appropriately accredited for 1.00 Law & Legal and 0.5 Ethics Credits.

### **DISCUSSION**

The presenter opened the presentation with the “simple” question: What is generative AI? He posited that we should not be wary of this technology but should understand it and how we can use it in practice. His stated aim was to “defang and demystify” AI technology, and he made this discussion easily digestible by providing a clear overview of the presentation, dividing the topic areas into discussion questions, and providing basic definitions of the technology itself and what it is capable of. The first portion of his presentation was devoted to explaining the following concepts: machine learning; natural language processing (NLP); large language models (LLM) (i.e. ChatGPT, Llama, Gemini); and the degree to which this technology is lacking sentience. He explained that generative AI is something that generates content humans can generate – emails, music, videos. He believes the greater discussion should focus on leveraging a new technology,

but understands the most common questions: Is generative AI coming after my job? Can you replace an attorney with it?

The presenter believes that the answers to these questions are no; not now and probably not ever, as AI cannot spend time listening to and empathizing with clients like attorneys do. But he believes it can help us with tasks such as creating trial transcript summaries. However, we must make sure we are using it in an effective and safe manner. The presenter explained his background as a computer programmer informs his interest in and understanding of this topic. He has been a subject matter expert in this area since 2015, when he started providing expert testimony about digital forensics. He “knows” data from a forensics perspective, and now helps deliver data governance packages, data security, etc. for his firm. The presenter offered to answer questions during the presentation (submitted by those attending in real time), which was helpful as he covered more complicated material. He explained that, in general, providers like Lexis Nexis, are currently our best bets as practitioners because their corpus is refined using case law and domain-specific information. They are also much more sensitive to protecting privacy. He is unsure, however, if they are better content-wise than something like OpenAI. He addressed some of the ethical concerns about using open generative AI and emphasized that practitioners need to know what risks are – for example, if you use as a translator when working with a client who speaks another language, the client needs to be warned that information may be disclosed to third parties. If the model an attorney uses is behind a firewall, then this risk may be limited or avoided, but open sources do not offer these safeguards.

He then addressed the question: what is a model? A fashion or an airplane model is a representation of another physical state or object; mathematical models are similar in that they create a visualization of a set of numbers. He shared a graphic illustrating how statistical models evolved into what ChatGPT/gen AI is now, which was helpful in contextualizing its development. Machine learnings allow us to get better insights into some of the problems we are trying to solve. We now have more data than we can compute. The development of neural networks arose out of an attempt to use computers to model how our brains operate. He revisited some of the ethical issues posed by the legal profession’s use of these models, such as the inadvertent sharing of client information and the improper use of statistical inferences (inferring conduct based on a mathematical model because the model reflects the real world in calculating post-judgment interest for example). He explained that this technology is being used to determine bail and to assess public safety risks. The presenter then shared another useful graphic that illustrates what machine learning does – formulate, gather, train, validate, and deploy. It clarified the process by breaking down these concepts into digestible chunks of explanation. NLP is first step in LLMs; he shared an example of training an NLP model on nursery rhymes and then asking it to predict the next sequence of natural language. Deep neural networks (DNN) try to replicate brain capabilities and do better job predicting next steps in a sequence than other models.

The presenter then discussed OpenAI, and other AI tools offered by Meta and Google, tools that many members of the public are currently using. Although it is free, users lose confidentiality, and data is vulnerable because it is being retained and shared with the model. We also need to understand that LLMs do not know anything; all they can do it predict that next number or word in a sentence. They do not know right from wrong or have intelligence; they will

even kick out gibberish if it does not know the next word (hallucination). Many vendors, however, offer pretrained models that can be refined for legal or medical purposes (like Lex Machina, Thompson Reuters AI, etc.). The presenter explained that advantages of using these tools are that they factor in ethical constraints and, for a price, can sustain work and stay within ethical guidelines. 98% of American attorneys have access to AI through Microsoft's Office360, for example, but the attorneys must make sure that data is protected. As expense increases, these risks decrease. He emphasized that, when using these tools for drafting purposes, the outputs received will only be as good as their prompts. Open-ended prompts will result in different outputs than prompts that include a persona to whom it is speaking; then its completion (answer) can be tailored to the needs of the attorney and client. With respect to brief drafting, attorneys must be careful because models sometimes offer incomplete/inaccurate completions.

Other uses of this model include language translation and document review – attorneys can use it to translate documents and communications, assist review by categorizing and summarizing, identify relevant information in documents, and flag potential issues for further review. It can be used for legal research and can help attorneys draft outlines, bullet points, and preliminary contracts, pleadings, and memos. Trust, but verify! Attorneys can be sanctioned under rule 11 so use AI to create first drafts of documents based only on trusted examples. Attorneys can also use it to prepare for potential objections, judge questions, etc., or to “turbo charge” discovery tasks like interrogatory questions, document requests, and requests to admit. The presenter then touched upon the intersection of our ethical rules and the use of LLMs, as competency, candor, confidentiality, and fees are all very important to consider. He believes that in addition to its time-saving benefits, it can help attorneys with thoroughness and in improving the quality of legal services. However, this idea is predicated on an orchestration of attorney skills and all the tools an attorney uses. He believes that we do not sacrifice quality by using generative AI but can improve quality; an attorney must keep abreast of technology, however, as this is an element of competency. Attorneys must understand the benefits and risks associated with it. With respect to candor to the tribunal – if you sign a pleading, you are responsible for everything that is in it; if you use generative AI to draft that document, then that is your responsibility.

With respect to the ethical charging of “reasonable” fees, if using generative AI allows for less time spent drafting documents, then it is unethical to charge clients for the time it would normally take to complete task? What if a client asks you to use it and you decline? Can you charge the amount it took for you to draft without this tool? Probably not. There is also an ethical mandate to avoid implicit bias. The presenter concluded the session by emphasizing the importance of checking everything generated by these platforms and always vet the platforms you use! Think before you send something and always advise clients if you are using this tool.

## **CONCLUSION**

My overall impression of this recorded webcast was very favorable. Having recently attended other CLEs about this topic, I found this presenter to be the most knowledgeable about generative AI and its implications on legal practice. He provided enough technological information to understand how the different models operate but focused his presentation on the practical and ethical considerations attorneys should factor into its application in practice. Given his background in technology, data security, privacy, and the law, I found the presenter to be

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

**MCLE Board**

Established by Washington Supreme Court APR 11

Administered by the WSBA

engaging, intelligent, and nuanced in his discussion of this new and somewhat controversial technology. This course meets the requirements of APR 11 and is appropriately accredited for 1.00 Law & Legal Credit and 0.5 Ethics Credits.

---

**MEMORANDUM**

**TO:** MCLE Board

**FROM:** Katie Denmark

**RE:** CLE Audit Report

**COURSE SPONSOR:** TRTCLE

**COURSE TITLE:** **An Overview of Alternative Dispute Resolution**

**COURSE DATE(S):** Date of recording unavailable

**ACTIVITY ID#:** 2040126

**ACCREDITATION:** Currently fulfills 2.0 Law & Legal Credits

**DATE OF REPORT:** January 13, 2025

---

Sponsor

This course was sponsored by TRTCLE. TRTCLE is a family-run organization that provides continuing legal education courses. Founded by Dr. William Brown, a clinical psychologist and lecturer on ethics and professionalism, TRTCLE has been creating content for the past 33 years. In 1991, Brown published *The Right Thing*, a book examining the ethical realities behind making the choice between right and wrong. Heavily influenced by the moral code prescribed in the book, Dr. Brown and his wife, Nett, founded The Right Thing (TRT) CLE. While initially created with a focus on ethics courses, TRTCLE has expanded its scope to include a multitude of course subjects across 40 states. It now has over 40 lecturers from every facet of law practice, including judges, medical specialists, and active legal professionals.

Nature of the Program

This 2-hour recorded program features one speaker. The intended audience for this course is lawyers interested in alternative dispute resolution.

### Faculty

**Christopher S. O'Donnell** graduated magna cum laude from Skidmore College in Saratoga Springs, New York with a B.A., majoring in government and minoring in law and society. He graduated cum laude from New York Law School in 2009. He is a recipient of the Dr. Max Reich Award for Excellence in Civil Trial Advocacy and a member of the New York State Trial Lawyers Association. He is currently a partner at Greenstein & Milbauer, LLP practicing in Plaintiff's personal injury litigation. He is admitted in New York and New Jersey.

### Location/Time

This webcast was recorded on an unknown date (sometime during/shortly after the COVID-19 pandemic, when in-person gatherings were still limited), in an unknown location.

### Facilities

N/A

### List of Presenters and Their Qualifications

See above presenter biography.

### Written Materials

The written materials consisted of a 55-page downloadable course handbook.

### Attendance

TRTCLE provides an attendance certificate after an attendee views the webcast, completes every attendance "click" prompt to verify participation during the recording, and submits their electronic request for proof of certification (providing two embedded two audio "codes" that are provided during the presentation).

## **SUMMARY**

This course meets the requirements of APR 11. It is appropriately accredited for 2.0 Law & Legal Credits.

## **DISCUSSION**

This presentation was divided into two main topic areas: mediation and arbitration. The presenter began the session by providing a brief overview of the various types of dispute resolution, including the mechanics of basic negotiation and litigation. He explained how, in both litigation and arbitration, parties give up some degree of control over the process and confer authority to a third party. Mediation, on the other hand, involves a neutral third party who aids in settlement negotiation and provides a procedural "middle ground" between negotiation and litigation. The presenter explained that mediation may be desirable when the parties do not want to confer control to a third party but need help during the negotiation process. Unlike arbitration and litigation, parties can also have ex parte discussions with the mediator, can maintain

confidentiality and privacy, and can avoid public scrutiny if desired. He then explained the differences between voluntary mediation and court-mandated mediation (which is less common) and the advantages and disadvantages of each process. He provided real world examples he has encountered in practice as to when he has encouraged clients to engage in these alternative processes. Next, the presenter presented a list of considerations attorneys should consider when choosing a mediator, including practical experience (as an attorney and/or judge), personality type, and style of communication. He emphasized that, in his opinion, one of the most important traits to consider is a mediator's ability to effectively talk to a client when the client is being unreasonable. The presenter then offered several examples of cases in which the specific goals of those mediations were discussed. Although interesting, this portion of the presentation was lengthy and could have been summarized in a more succinct manner.

The presenter then touched upon the different types of mediation (facilitative and evaluative), how ex parte communication and private caucuses operate (both in general and when an impasse arises), and how the rules of evidence and litigation techniques may differ in a mediation setting. This portion of the presentation was useful, as the presenter offered many specific examples of tactics or behaviors attorneys should avoid during a meditation. Because this course was recorded during/shortly after the COVID-19 pandemic, the presenter spent some considerable time discussing virtual mediations and how to prepare the client for this format of meeting. He then explained that parties are entitled to private and confidential ex parte discussions with the mediator, and that mediators may consider facts or factors a judge and jury, or an arbitrator might not take into consideration. He also explained the importance of mediation as a voluntary act because of reactive devaluation. When you enter mediation, he explained, you devalue the client's information that other party receives. He provided an example of a case that went to mediation in which the mediator was an experienced defense "guru." He and client voluntarily chose him because he had to be neutral and was useful in pointing out when the opposing party was "just being difficult" (versus had a legitimate stance), whether particular issues needed to be resolved, or if the attorney or client was "coming across" poorly. Court-ordered mediations that are used as a means of outsourcing cases can be difficult to settle because they are not necessarily a voluntary process. He then shared that evaluative mediations are useful in that can result in nonbinding opinions, or opinions regarding specific issues. Finally, the presenter explained why he believes some mediations fail and provided some personal examples. While these examples illustrated some important concepts, the presenter's approach to talking about opposing counsel (and what various attorneys may have "done wrong" during this process) was somewhat off putting and sometimes belabored the point. The presenter then concluded the first portion of the course by highlighting that ADR may provide good opportunities for parties to understand how they can avoid working with the court directly if attendees do not wish to litigate, or can also be used to approach non-litigation legal tasks such as drafting divorce documents, etc. He emphasized that ADR requires a totally different skill set than litigation, in his opinion.

In the second half of the course, the presenter turned to the mechanics of arbitration. Arbitration is like litigation. However, arbitrations are private, not open to public scrutiny, and are not appealable generally. He reminded attendees that we have all agreed to arbitrations when we have purchased concert tickets, booked cruises, entered cell phone contracts, etc. Unlike mediation, arbitration confers authority to other people; mediation allows parties retain to control

of the process. An arbitration is binding, arbitrators act as private judge, and the process is less formal and generally shorter than trial. He explained that arbitrators need not be judges but need to be people who understand the ins and outs of the arbitration process and/or may have subject matter expertise. He encouraged attorneys to always ask about their arbitrator's expertise before arbitration, to ensure that they will be neutral and knowledgeable. The presenter shared a situation in which an attorney told him that an arbitrator had used "unsavory" terms regarding racial minorities; the presenter then requested a new arbitrator since his client was a racial minority and he had concerns about neutrality. Parties can arbitrate by agreement or by direction of the court. Setting parameters is important because doing so can help limit bad faith settlements, and parties can choose the governing rules and limit the scope of issues decided. The presenter shared how handling an arbitration is different from how one might handle a trial, evidence wise and etiquette/conduct wise. He explained that splitting liability is more common in arbitration than trial, as juries typically will not do assign percentages of liability. Finally, he explained what summary jury trials are; advisory, which is like trial but is shorter in duration and has fewer witnesses, and one in which a judge and jury is present and there is a pretrial hearing where all evidence comes in. Many clients prefer these, but in doing so they give up appeals and there are no directed verdicts, if nonbinding. Parties may choose this option when an insurance policy might limit the amount won but experts cost a lot of money; trials are obviously more expensive and lengthier.

## **CONCLUSION**

My overall impression of this recorded presentation was mostly favorable. Although he presented clear information regarding important ADR concepts, the presenter could have offered fewer real-world examples in which he repeatedly referred to "difficult" opposing parties. The overall tone of this course was somewhat negative which, in my opinion, detracted from the practical information the presenter had to offer. This course would be useful to newer attorneys or those who are less familiar with alternative dispute resolution options. This course is appropriately accredited for 2.0 Law & Legal Credit in accordance with APR 11.

## **Discussion: MCLE Updates**

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

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

**Discussion Topics:**

- **MCLE Certification**

As of April 2, 2025, approximately 97.64% or 10,657 licensed legal professionals are compliant for the 2022-2024 reporting period. Presuspension notices were sent on March 4, 2025, to 359 licensed legal professionals in the 2022-2024 reporting period who have not completed their MCLE requirements. Reminder emails were sent to those due to report MCLE on:

- 10/18/2024,
- 11/4/2024,
- 12/10/2024,
- 1/28/2025,
- 2/18/2025, and
- 3/4/2025 Presuspension Notice.

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

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

- **Regulatory School**

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

- **Budget**

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

- **TAXICAB Update**

The proposed policy for WSBA’s administration of Supreme Court boards (“boards”) was sent to the Court on March 17, 2025. This policy was developed by The Task Force Administering Xenial Involvement with Court Appointed Boards (TAXICAB). The Task Force was comprised of six members of the Board of Governors and six representatives from the boards (including a representative from the MCLE Board). The policy was sent to the Court in order to seek approval of the policy through court order.

- **MCLE Board Meeting Schedule**

Meeting #	Upcoming MCLE Board Meeting Dates
4	May 9, 2025
5	August 8, 2025

**Attachments:**

- MCLE 2022-2024 Reporting Period Email Reminders
  - Email sent on 10/18/2024
  - Email sent on 11/4/2024
  - Email sent on 12/10/2024
  - Email sent on 1/28/2025
  - Email sent on 2/18/2025
- Presuspension notice mailed on 3/4/2025
- FY26 MCLE Budget Draft
- MCLE February Budget Summary
- Memo to Supreme Court RE Proposed Policy for Administration of Supreme Court Boards
- Proposed TAXICAB policy BOG approved 2024-07-19

**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



## Adelaine Shay

---

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

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



**Connor Smith | Communications Coordinator**

Washington State Bar Association | 📞 206.733.5948 | [connors@wsba.org](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 <[MCLE@wsba.org](mailto:MCLE@wsba.org)>  
**Sent:** Tuesday, December 10, 2024 10:11 AM  
**To:** Connor Smith <[Connors@wsba.org](mailto:Connors@wsba.org)>  
**Subject:** [External]Important Reminder – Your MCLE Requirements



**THE WASHINGTON  
STATE BAR ASSOCIATION**

December 10, 2024

Dear Licensed Legal Professional:

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

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

**The 2022-2024 Reporting Period MCLE deadlines are:**

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

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

**Important MCLE Reporting Reminders:**

- You may earn a **maximum** of eight credits per calendar day.
- No credit will be given for an identical activity within the same reporting period.
- A **late fee** will be assessed if you complete your credit requirements after December 31, 2024, or if you certify or submit a comity certificate after February 3, 2025. The MCLE late fee starts at \$150 and increases in increments of \$300 for each consecutive late reporting period.
- There is **no live credit** requirement. All credits may be earned remotely.

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

WSBA MCLE Team

**WASHINGTON STATE BAR ASSOCIATION**  
1325 Fourth Ave., Suite 600  
Seattle, WA 98101-2539 | [Map](#)



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

**OFFICIAL WSBA COMMUNICATION**

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

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



**From:** [Connor Luk](#)  
**To:** [Executive Leadership Team](#); [Service Center](#); [MCLE](#); [Adelaine Shay](#); [Gabe Moore](#); [Colin Rigley](#); [Noel Brady](#); [Kirsten Lacko](#); [Jennifer Olegario](#)  
**Subject:** FW: [External]Your MCLE Certification Reminder  
**Date:** Tuesday, January 28, 2025 9:59:19 AM  
**Attachments:** [image001.png](#)

This message was sent today at 9:47 a.m. to members as of 9:10 a.m. on January 28, who have enough MCLE credits to certify and have not done so. (official)(447).



**Connor Luk | Communications Coordinator**  
**(formerly Smith)**

**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 <[MCLE@wsba.org](mailto:MCLE@wsba.org)>  
**Sent:** Tuesday, January 28, 2025 9:47 AM  
**To:** Connor Luk <[Connors@wsba.org](mailto:Connors@wsba.org)>  
**Subject:** [External]Your MCLE Certification Reminder

[WSBA Seal](#)



January 28, 2025

Dear Licensed Legal Professional:

According to our records, as of 9:10 a.m. on January 28, 2025, you have not yet submitted your MCLE certification. As required by APR 11(i)(1), after earning the required credit totals, you must certify your credits by attesting to the accuracy of your transcript via the online certification process.

Be sure to submit your certification by the **February 3, 2025, deadline** to avoid a late fee (if you have not already been assessed one).

Helpful Links:

- Step by step certification instructions can be found on the MCLE webpage under [Certification Instructions](#).
- The [MCLE for Licensed Legal Professionals page](#) on the WSBA website has easy to find links to information and instructions to help you. Please bookmark this page as it has important and useful MCLE information. There is also a link to the page on the main MCLE page: [www.wsba.org/mcle](http://www.wsba.org/mcle).

If you experience any difficulties or need additional assistance, please contact us at [mcle@wsba.org](mailto:mcle@wsba.org) or 206-733-5987.

Sincerely,

The MCLE Team

**WASHINGTON STATE BAR  
ASSOCIATION**

1325 Fourth Ave., Suite 600  
Seattle, WA 98101-2539 | [Map](#)

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



**OFFICIAL WSBA COMMUNICATION**

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

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





# WASHINGTON STATE BAR ASSOCIATION

[NAME] License #[ ]

According to our records, you have not completed your 2025 license renewal or MCLE compliance requirements, which were due on Feb. 3, 2025. If you recently mailed your payment, please allow up to 10 business days for processing. Please check your status and complete all required parts of your renewal online at [licensing.wsba.org](https://licensing.wsba.org).

We will send you a presuspension notice if your renewal is not complete by Monday, March 3. The Supreme Court will enter an order suspending you from the practice of law if all requirements are not complete within 60 days of the date the presuspension notice is mailed to you (Washington Supreme Court Admission and Practice Rule 17).

Please take immediate action:

1. Review your [license renewal](https://licensing.wsba.org) (licensing.wsba.org) and [MCLE compliance](https://mcle.wsba.org) (mcle.wsba.org) online, and complete any outstanding requirements.
2. If you have questions about MCLE compliance after you have reviewed your online MCLE transcript, you may contact MCLE staff at [mcle@wsba.org](mailto:mcle@wsba.org) or 206-733-5987.
3. If you have questions about your license renewal after you have reviewed your licensing status online you may contact the WSBA Service Center at [questions@wsba.org](mailto:questions@wsba.org) or 800-945-9722.

Please note that call wait times may be lengthy for several days immediately following the delivery of this email. We strive to return all calls and emails within two business days if not sooner.

Licensing instructions are available on the [Annual License Renewal](https://wsba.org/licensing) webpage at wsba.org/licensing.

Thank you for your attention to this important matter.

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

## License Fees & Renewal

General Inquiries	<a href="https://wsba.org/licensing">wsba.org/licensing</a>	<a href="mailto:questions@wsba.org">questions@wsba.org</a>
Login Issues		<a href="mailto:questions@wsba.org">questions@wsba.org</a>

## 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 My 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 or  
Voluntarily Resign

[wsba.org/statuschanges](https://wsba.org/statuschanges)   [statuschanges@wsba.org](mailto:statuschanges@wsba.org)

The WSBA administers the licensing and renewal process for Washington licensed legal professionals on behalf of and under rules adopted by the Washington Supreme Court. Failure to comply with licensing requirements may result in a Supreme Court order of suspension (Washington Supreme Court Admission and Practice Rule 17).

March 4, 2025

**2025 PRESUSPENSION NOTICE**

Name License #: XXXXX  
Company  
Address  
City, ST Zip

According to our records, as of March 3, 2025, you have failed to complete your 2025 License Renewal, due on Feb. 3, 2025. All licensing requirements must be complete and received within 60 days of the date of this notice, i.e., by 4:30 p.m. PDT on May 5. **If you have not complied by 4:30 p.m. PDT on May 5, the Washington Supreme Court will receive a recommendation from the WSBA for suspension of your license to practice law (APR 17).** Log in to [licensing.wsba.org](http://licensing.wsba.org) to complete your renewal.

License Renewal

Pay 2025 License Fee and CPF: \$XXX  
(includes 30 percent late fee on license fees only)  
Submit Professional Liability Insurance Disclosure  
[or Financial Responsibility]  
Submit Trust Account Declaration

MCLE Compliance

Complete your Credit Requirements  
Submit MCLE Certification  
Pay MCLE Late Fee: \$XXX

If you cannot complete your MCLE requirements within 60 days of the date of this notice due to an undue hardship [APR 11(i)(5)], you may request a petition ([mcle@wsba.org](mailto:mcle@wsba.org), (206) 733-5987). You must file the petition no later than 30 days after the date of this notice, i.e., by April 3, 2025, in order to avoid suspension if the petition is granted (APR 11(i)).

If you recently mailed your payment, we recommend you verify receipt on [licensing.wsba.org](http://licensing.wsba.org). If you still have questions after you have reviewed that information, please contact the WSBA Service Center at [questions@wsba.org](mailto:questions@wsba.org), 800-945-9722, or 206-443-9722.

**PAYMENT OPTIONS**

(1) Check (mail with this form), (2) Electronic Funds Transfer ([licensing.wsba.org](http://licensing.wsba.org) – no transaction fee), or (3) Credit card ([licensing.wsba.org](http://licensing.wsba.org) – online only for your security). Our service provider will charge you a separate, non-refundable transaction fee of 2.5% on all bank card transactions. **For your security, do not mail or email credit card information.**

The WSBA administers the licensing and renewal process for Washington licensed legal professionals on behalf of and under rules adopted by the Washington Supreme Court.

FOR OFFICE USE ONLY			
(AR) Date _____	Check # _____	Amount \$ _____	
(AP) Date _____	Amount \$ _____	Requested by _____	Approved By _____
Comments _____			



DRAFT

**Washington State Bar Association**

Mandatory CLE Administration Budget

	<b>FY 2026 Budget</b>	<b>FY 2025 Reforecast</b>	<b>2025 Actuals</b>	<b>2024 Actuals</b>	<b>2023 Actuals</b>	<b>2022 Actuals</b>	<b>2021 Actuals</b>	<b>2020 Actuals</b>	
<b>REVENUE:</b>									
45210	ACTIVITY APPLICATION FEE	670,000	600,000	303,800	724,600	671,300	615,700	559,700	512,900
45215	ACTIVITY APPLICATION LATE FEE	250,000	220,000	124,450	266,650	252,000	226,200	221,455	222,800
45220	MCLE LATE FEES	232,000	225,000	181,500	266,925	231,800	422,350	6,196	189,450
45230	ANNUAL ACCREDITED SPONSOR FEES	36,250	39,000	39,000	37,500	39,000	34,500	42,250	41,750
45240	ATTENDANCE FEES	-	-	-	-	-	-	(124)	-
45250	ATTENDANCE LATE FEES	120,000	120,000	49,400	120,050	126,650	119,450	115,345	97,900
45255	COMITY CERTIFICATES - REQUEST	13,000	13,800	9,575	13,497	12,900	16,825	13,637	13,725
45260	COMITY CERTIFICATES - SUBMIT	17,000	16,000	17,725	16,575	17,450	29,325	2,550	16,125
<b>TOTAL REVENUE:</b>		<b>1,338,250</b>	<b>1,233,800</b>	<b>725,450</b>	<b>1,445,797</b>	<b>1,351,100</b>	<b>1,464,350</b>	<b>961,010</b>	<b>1,094,650</b>
<b>DIRECT EXPENSES:</b>									
50100	STAFF TRAVEL/PARKING	50	50	-	-	-	-	-	9
50110	STAFF CONFERENCE & TRAINING	4,400	4,600	-	3,564	250	100	-	-
50120	STAFF MEMBERSHIP DUES	525	500	500	500	500	500	-	500
54380	ONLINE LEGAL RESEARCH	-	-	-	-	-	1,908	1,839	1,490
54390	LAW LIBRARY	-	-	-	-	-	138	133	94
55210	MCLE BOARD EXPENSES	4,000	4,000	992	-	-	-	-	1,091
55220	DEPRECIATION-SOFTWARE	146,557	142,183	60,060	124,381	6,443	24,455	142,864	250,392
<b>TOTAL DIRECT EXPENSES:</b>		<b>155,532</b>	<b>151,333</b>	<b>61,552</b>	<b>128,445</b>	<b>7,193</b>	<b>27,102</b>	<b>144,835</b>	<b>253,577</b>

## Washington State Bar Association

Statement of Activities

For the Period from February 1, 2025 to February 28, 2025

**42% OF YEAR COMPLETE**

	FISCAL 2025 BUDGET	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	600,000	67,200	303,800	296,200	51%	53,800
ACTIVITY APPLICATION LATE FEE	220,000	23,250	124,450	95,550	57%	32,783
MCLE LATE FEES	225,000	114,900	181,500	43,500	81%	87,750
ANNUAL ACCREDITED SPONSOR FEES	39,000	15,000	39,000	-	100%	22,750
ATTENDANCE LATE FEES	120,000	4,950	49,400	70,600	41%	(600)
COMITY CERTIFICATES	29,800	3,275	27,300	2,500	92%	14,883
<b>TOTAL REVENUE:</b>	<b>1,233,800</b>	<b>228,575</b>	<b>725,450</b>	<b>508,350</b>	<b>59%</b>	<b>211,367</b>
<b>DIRECT EXPENSES:</b>						
DEPRECIATION	142,183	12,012	60,060	82,123	42%	(817)
STAFF MEMBERSHIP DUES	500	-	500	-	100%	(292)
MCLE BOARD	4,000	-	992	3,008	25%	675
STAFF TRAVEL/PARKING	50	-	-	50	0%	21
STAFF CONFERENCE & TRAINING	4,600	-	-	4,600	0%	1,917
<b>TOTAL DIRECT EXPENSES:</b>	<b>151,333</b>	<b>12,012</b>	<b>61,552</b>	<b>89,781</b>	<b>41%</b>	<b>1,503</b>
<b>INDIRECT EXPENSES:</b>						
SALARY EXPENSE (4 78 FTE)	402,008	37,185	184,189	217,819	46%	(16,686)
BENEFITS EXPENSE	136,972	11,386	56,134	80,838	41%	938
OTHER INDIRECT EXPENSE	114,768	9,969	50,666	64,101	44%	(2,846)
<b>TOTAL INDIRECT EXPENSES:</b>	<b>653,747</b>	<b>58,540</b>	<b>290,989</b>	<b>362,758</b>	<b>45%</b>	<b>(18,594)</b>
<b>TOTAL ALL EXPENSES:</b>	<b>805,080</b>	<b>70,552</b>	<b>352,541</b>	<b>452,539</b>	<b>44%</b>	<b>(17,091)</b>
<b>NET INCOME (LOSS):</b>	<b>428,720</b>	<b>158,023</b>	<b>372,909</b>	<b>55,811</b>	<b>87%</b>	<b>194,276</b>

# WASHINGTON STATE BAR ASSOCIATION

**TO:** Chief Justice Debra Stephens, Washington State Supreme Court  
**CC:** Sunitha Anjilvel, President  
**FROM:** Kyle Sciuchetti, Chair of the Task Force Administering Xenial Involvement with Court Appointed Boards Terra Nevitt, Executive Director  
**DATE:** February 13, 2025  
**RE:** Proposed Policy for WSBA's Administration of Supreme Court Boards

---

Attached, please find a proposed policy for WSBA's administration of Supreme Court boards ("boards"). This policy was developed by The Task Force Administering Xenial Involvement with Court Appointed Boards (TAXICAB). It was approved by the Board of Governors on July 19, 2024, and subsequently distributed to the chairs of the boards for a final update and opportunity to provide feedback. Having received no further feedback and because both WSBA and the boards report directly to the Court, we are seeking your approval of the policy through court order.

## Background

[Washington General Rule 12.3](#) charges WSBA with the "authority and responsibility to administer certain boards and committees established by court rule order. This delegation of authority includes providing and managing staff, overseeing the boards and committees to monitor their compliance with the rules and orders that authorize and regulate them, paying expenses reasonably and necessarily incurred pursuant to a budget approved by the Board of Governors, performing other functions and taking other actions as provided in court rule or order or delegated by the Supreme Court, or taking other actions as are necessary and proper to enable the board or committee to carry out its duties or functions." WSBA administers several such entities and over the years, and challenges have arisen in terms of the application of GR 12.2 and other WSBA policies, budget and staff allocations, the ability to hire and direct staff, the scope and meaning of "administration," conflicting policy objectives, and decision-making authority.

TAXICAB was created by the Board of Governors on April 17, 2020, to assess WSBA's role in administering the boards, work with the Court to ensure that such administration is consistent with the Court's intent, and to convey to the Court information about the boards and member concerns. After identifying the recurring challenges and determining that a lack of clarity in how GR 12.3 is to be carried out is one of the causes behind those challenges, the task force determined that a policy, approved by the Supreme Court, that detailed WSBA's administration of the Boards, would help to alleviate some of the recurring challenges.

TAXICAB was comprised of six members of the Board of Governors and six representatives from the

boards. The representatives provided regular updates and opportunities to review the draft policy to their boards throughout the process of developing the process. The proposed policy was unanimously adopted for recommendation to the Board of Governors at the Task Force's February 8, 2023 meeting. Subsequent revisions were shared with TAXICAB and current members of those boards in January 2024 and following approval of the attached proposed policy by the Board of Governors.

#### Intended Impact of the Policy

In recent memory, and perhaps beyond that, there has been periodic conflict and tension between WSBA and the boards. These conflicts almost always relate to resources and decision-making authority and tension revolves around a central unanswered question: "to what extent are these entities independent from WSBA?" The boards are created by the Supreme Court and "administered" by WSBA under GR 12.3, so they are clearly of a different character than entities created by the Board of Governors and fully governed by WSBA. And yet, they are funded by WSBA license fees, through a budget approved by the Board of Governors; much of their work is carried out by WSBA employees; volunteers are recruited, trained, and supported by WSBA processes and policies; and, crucially, they lack a separate legal identity that would enable them to open a bank account, enter into a contract, or be a party in a lawsuit. Examples of specific conflicts and questions that have arisen over the years are listed below. Most of these conflicts are minor, while others have been highly disruptive and public. These conflicts have touched nearly all, if not all, of the Boards.

Below are areas of conflict and questions that the policy attempts to address.

- Are the boards subject to the open meetings provisions of the WSBA Bylaws? Can they hold executive sessions for reasons other than those articulated by the WSBA Bylaws? Can they exclude staff from a meeting? Can they exclude their BOG liaison from a meeting?
- Are the boards subject to the limitations of GR 12.2? Are the boards subject to WSBA's public comment policy? Can the boards take public positions on federal policy or otherwise? Are boards' positions subject to review by WSBA prior to taking a public position?
- Can WSBA direct the boards to not engage in an activity that it has determined may expose the organization to liability? In the case of a lawsuit, is WSBA liable for the actions of the boards? Will WSBA defend and/or indemnify volunteers of the boards? Are volunteers of the boards considered WSBA volunteers and will insurance coverage extend to their actions?
- Are there any limits on the Board of Governors' decision making over the boards' budgets? Can the Board of Governors reject any budget proposal for any reason? As a mechanism to direct the actions the boards? To effectively defund the boards?
- Do the boards play a role in hiring or evaluating the staff assigned to support and carry-out their work?
- Can the boards direct the actions of WSBA staff? Who decides the priorities of WSBA staff?
- Are there any limits on the Executive Director's ability to direct the actions of staff assigned to support and carry-out the work of the boards?
- Can the Board of Governors direct the Executive Director to intercede into the actions or

work of the boards?

- Do the boards have access to other WSBA staff and resources (beyond the assigned staff liaison) such as graphic design, the ability to send emails to the membership, broadcast technology, or the ability to partner with WSBA CLE? Who decides the priorities for use of these resources?
- Who has final say over the proposed budget submitted to the Board of Governors for the boards?
- Can the boards use WSBA letterhead? Are they required to use WSBA letterhead? Are they allowed to develop their own logos and/or letterhead?

The majority of the proposed policy provisions seek to document and formalize existing practices and procedures. In so doing, we hope to ensure that current and future staff and volunteers operate with a common set of expectations.

- 3.0 establishes that WSBA is not limited in its ability to take actions to protect itself from liability.
- 3.1 establishes that supreme court boards are subject to all applicable statutes, court rules, and orders.
- 3.2 establishes that WSBA and the boards will work collaboratively to help the boards to carry out their duties as set forth by their authorizing rules/orders.
- 3.3 establishes that the boards may communicate with the public without prior authorization by the Executive Director of the BOG. Boards will not use WSBA letterhead, except in the case of regulatory communications.
- 4.0, 4.1, 4.2, and 4.3 establish that the Executive Director is responsible for assigning staff to each board; that staff are WSBA employees subject to all WSBA personnel policies and the supervision of the Executive Director; and that boards are not involved in the hiring of WSBA staff.
- 4.1 establishes that it is the Executive Director's responsibility to allocate staff resources based on each board's projected workload and overall WSBA capacity.
- 4.2 establishes the nature of the relationship between a staff liaison and the board they are assigned to support. Specifically, that the staff liaison is not a member of the board, does not vote, and does not impact quorum.
- 4.2 establishes that the staff liaison will facilitate access to other WSBA resources and that access to those resources is limited by WSBA's overall capacity.
- 4.2 establishes that the staff liaison is not responsible to direct the work of a board.
- 4.4 establishes that appointments to the boards are determined by their authorizing rule/order.
- 4.5 establishes the nature of the relationship between the BOG liaison and the board they are assigned to. Specifically, that the liaison is not a member of the board, does not vote, and does not impact quorum.
- 4.6 establishes that it's within the boards' exclusive purview to make decisions about their internal structure and operations, unless otherwise defined by their authorizing order/rule.

- 5.0 establishes WSBA’s duty to oversee and monitor the compliance of the boards with their authorizing rules/orders.
- 5.0 establishes that the boards are subject to GR 12.4, which relates to access to bar records.
- 5.1 establishes that the boards shall submit annual reports to the Court and provide a copy to the Executive Director and Board of Governors.
- 6.2 articulates the process for a board to request funding outside of the budget cycle.
- 7.0 establishes that WSBA can engage in activities or make resources available to support the boards in their work, subject to WSBA’s overall capacity.
- 8.1 establishes a duty on WSBA to cooperate with boards and the Court to provide and defend any immunity provided by a board’s authorizing court order/rule.

Some provisions of the policy shift our current practice or seek to provide greater clarity in areas that have been sources of conflict in the past. In this way, we hope to reduce future conflict.

- 3.0 defines the nature of the relationship between WSBA and the boards. Specifically, the policy establishes that the boards are “independent” from WSBA and defines what that means.
- 3.3 establishes a duty on boards to not knowingly engage in communications that would subject WSBA to liability and to seek prior input from the Executive Director if there is a reasonable question as to risk.
- 3.4 and 5.0 acknowledges that the boards are subject to first amendment limitations on the use of compelled license fees. Note that the policy does not make the boards subject to the limitations of GR 12.2 or the WSBA Bylaws.
- 3.5 establishes a duty on the Executive Director to notify boards when a WSBA proposed rule or policy change is pending that will have a direct affect on a board’s activities or functions.
- 3.6 establishes a duty on boards to notify the Executive Director prior to taking any action that may expose the WSBA to liability.
- 4.3 encourages soliciting input from the boards about the staff liaison’s performance.
- 4.3 encourages soliciting input from the boards about the skills and experiences required for the role.
- 5.2 establishes a conflict resolution process that calls on the Supreme Court to ultimately resolve disputes.
- 6.1 establishes that the budget for boards is to be created collaboratively with the board and the Executive Director (or designee) and that the Board of Governors cannot pass a budget for a board without providing an opportunity for input by that board.
- 6.3 provides guidance for establishing board budgets. Specifically, that boards should be funded at a level that ensures they can meet their functions and duties; that the Board of Governors has the authority to establish that budget; and that budgetary discretion cannot be used to interfere with a board’s independence as defined in section 3.0 of the policy.
- 6.4 establishes that a board can engage in fundraising and will need to seek the approval of WSBA or the WSBF to accept and manage the funds. It also provides for an outside fiscal

sponsor with the consent of WSBA or the Court.

- 8.2 establishes that the indemnification provided in the WSBA Bylaws to volunteers extends to members of the boards.

Finally, please note several areas for potential conflict that the policy does not address.

- There is some lack of clarity about which entities are governed by GR 12.3. This policy does not clarify that further. Section 2.0 limits the scope of the policy to current and future “Supreme Court Boards administered by WSBA.” This is narrower than GR 12.3 and also leaves some room for interpretation.
- The policy does not make the boards subject to the WSBA Bylaws and does not address open meetings requirements, including whether a staff or BOG liaison can be excluded from an executive session.
- The policy does not specifically address how a board might engage in activities that it is not prohibited from carrying out, but that a staff liaison would not be permitted to engage in given that employees are subject to all WSBA policies, all aspects of the WSBA Bylaws, and all laws, court rules, court orders, and policies affecting WSBA, including GR 12.2 and the WSBA Bylaws.
- The policy does not specifically state that volunteers serving on boards are “WSBA volunteers,” although it does provide for indemnification to the same extent as WSBA volunteers.

The areas of conflict not addressed proved to be too intractable to find consensus at the present time, leaving it open for further discussions on those important issues in the future. Instead, the policy seeks to bring clarity to the procedures and processes that often give rise to conflict, including staffing, budget, taking public positions, and assessing risk. For the most part, the policy makes explicit/formal what is already informally in practice, with a few exceptions highlighted above. Importantly, the policy also sets forth a process for resolving disputes. In so doing, the intent is to reduce conflict for staff and volunteers by establishing shared expectations about day-to-day processes and decision-making. While this step may feel modest, we believe it is a move to the right direction and something that can be built upon in the future.

CC: TAXICAB Members  
Supreme Court Board Chairs

## **Joint Administration Policy Between the Washington State Bar Association and the Supreme Court Boards**

### **1.0 Introduction**

Under Washington State Court [General Rule 12.3](#), the Supreme Court (Court) delegates to the Washington State Bar Association (WSBA),

“[t]he authority and responsibility to administer certain boards and committees established by court rule or order. This delegation of authority includes providing and managing staff, overseeing the boards and committees to monitor their compliance with the rules and orders that authorize and regulate them, paying expenses reasonably and necessarily incurred pursuant to a budget approved by the Board of Governors, performing other functions and taking other actions as provided in court rule or order or delegated by the Supreme Court, or taking other actions as are necessary and proper to enable the board or committee to carry out its duties or functions.”

Supreme Court Boards (Boards) report directly to the Court. The duties and functions these Boards perform on behalf of the Court are important to the public, the Court, and WSBA and its members.

### **2.0 Scope**

This policy applies to all current and future Supreme Court Boards administered by WSBA.

### **3.0 Board Independence**

Supreme Court Boards are created by and derive their authority from the Washington Supreme Court. Boards set their own priorities and goals and determine how to carry out their duties and functions as authorized by the Supreme Court. Boards' independence does not limit WSBA's authority or responsibilities under GR 12.3 or to direct its own activities, including taking action to protect the WSBA from liability.

#### **3.1 Effect of Court Rules and Statutes on Board or Committee Independence**

Boards are subject to Washington Statutes, and Washington court rules and orders, including such court orders or rules that authorized the Board, and which regulate each Board's duties and functions. This specifically includes GR 12.4 governing records and public access to records.

#### **3.2 WSBA's Administration of Boards**

WSBA recognizes that GR 12.3 provides each Board independence in terms of carrying out its activities consistent with any Court order or rule authorizing its existence. WSBA and the Boards will work cooperatively and maintain respect for the Boards' independence as needed to ensure that the Boards can carry out

their duties and functions as authorized by the Supreme Court and that the WSBA can fulfill its duties under GR 12.3.

### **3.3 Communication with the Public**

WSBA acknowledges that Boards have the authority to communicate with the public. Boards will not state that any communication is being made on behalf of WSBA. Boards will not use WSBA letterhead for any public communication. Boards will not knowingly engage in any communications that would subject the WSBA to liability. If there is a reasonable question as to the risk a communication might pose, Boards will seek input from the Executive Director prior to publishing or distributing the communication. The prohibition on using WSBA letterhead does not apply to communications related to regulatory matters.

### **3.4 Lobbying Activities**

WSBA acknowledges that Boards, in order to carry out their mission, may take positions on matters of public interest. These positions may include communicating with federal, state, and local governmental and community leaders. Constitutional limitation on the use of compelled license fees apply to the Boards' activities to the extent that they are funded by license fees.

### **3.5 WSBA Policy Changes**

When there is proposed change to a WSBA policy, a proposed adoption of a new WSBA policy, or a WSBA proposal to change a Court rule, that the Executive Director believes will directly affect a Board's activities or functions, The Executive Director or their designee will notify the potentially affected Board(s) of the proposal as soon as is practicable and prior to final action, so each Board shall have the opportunity for comment with the Board of Governors, the Executive Director, and the Court.

### **3.6 Board Action**

When a Board is considering taking action that it believes may expose the WSBA to liability, the Board chair will take steps to ensure that the WSBA Executive Director receives notice of the proposed action. The notice will be given so that the WSBA will have adequate time to provide input into the Board's decision-making process.

## **4.0 Staffing**

The Executive Director provides and manages staff for each Board.

### **4.1 Staff Liaison**

The Executive Director shall assign a staff member to serve as a Staff Liaison to each Board. The Staff Liaison shall serve as the primary contact between the Board and WSBA. The Executive Director shall allocate additional staff time to

support each Board in carrying out its duties and functions based on the projected workload for the Board and overall WSBA capacity.

#### **4.2 Staff Liaison Responsibilities and Duties**

The WSBA Staff Liaison will work with the Board and make available other WSBA resources as needed and available given WSBA's overall capacity.

The Staff Liaison is not a member of the Board. The Staff Liaison will not vote on matters before a Board that requires Board approval. The presence or absence of the Staff Liaison at any meeting does not affect the quorum for a meeting.

Although a Staff Liaison represents WSBA to the Board it is not the responsibility of the Staff Liaison to direct how the Board proceeds.

#### **4.3 Staff Liaison and Support Personnel are WSBA Employees**

Staff Liaisons supporting a Board are WSBA employees and will be hired and have their job performance evaluated per the WSBA Employee Handbook and other WSBA personnel policies.

When evaluating the performance of WSBA staff, the Executive Director, through their representative, should solicit feedback from each Board regarding the performance of the Staff Liaison and any supporting staff working with that Board.

The Board is not involved in the hiring of WSBA staff. However, with any employee whose primary or exclusive role is to support the duties and functions of a Board, WSBA should seek and may receive input from the Board as to skills and experience required for the role.

#### **4.4 Board or Committee Membership**

Each Board or Committee will add members to the Board and Committee per the Court rule or order that authorized and regulates the Board or Committee.

#### **4.5 Board of Governors Liaison**

The WSBA President may appoint a liaison between the Board of Governors and a Board.

The Board of Governor Liaison is not a member of the Board. They will not vote on matters before a Board that require Board approval. The presence or absence of the Board of Governors Liaison does not affect the quorum for a meeting.

#### **4.6 Internal Structure of a Board**

Unless otherwise defined by the court order or rule which authorizes and regulates a Board, the internal structure, such as the creation of subcommittees and appointment of members to such subcommittees, designating a chair or sub-chairs, and other decisions about how the Board conducts its duties and functions, is the sole province of each Board.

## **5.0 Oversight and Compliance Monitoring**

Consistent with GR 12.3, WSBA shall oversee and monitor the compliance of Court Boards with the court rules and orders which authorize and regulate it. This includes GR 12.4 and First Amendment limitations relating to use of compelled license fees.

### **5.1 Reporting to the Court and WSBA**

Boards shall submit an annual report to the Court and submit a copy of the report to the Executive Director and the Board of Governors. Boards shall submit other reports as stated in the court rules and orders authorizing them.

If the court rule or order which authorizes or regulates each Board is silent on the structure of an annual report the Board shall decide the format of the report.

### **5.2 Resolving Compliance Issues**

#### **5.2.1 Good Faith Standard—First Attempt to Resolve**

If the Staff Liaison has a good faith belief that a Board is not complying with the court rules or orders which authorize and regulate the Board, the Staff Liaison shall first attempt to resolve the matter with the Board.

#### **5.2.2 Escalation to Executive Director**

If resolution fails and/or if the Staff Liaison is unable to address the matter directly, the Staff Liaison shall report any perceived non-compliance issue to the WSBA Executive Director who should attempt to work directly with the Board to resolve the issue.

#### **5.2.3 Escalation to the Court**

If these parties cannot resolve the matter, it may be presented to the Court for resolution.

## **6.0 Budget and Expenditures**

### **6.1 Annual WSBA Budget Process**

The Staff Liaison works collaboratively with the Board, and the Executive Director or their designee, to develop a budget that will allow the Board to fulfill its duties and functions, consistent with the rules and orders that authorize and regulate the Board.

The Board's budget will be submitted for approval to the Board of Governors as part of WSBA's overall budget.

WSBA and the Board of Governors cannot pass a budget for a Board without an opportunity for the Board to provide input to the WSBA and Board of Governors.

### **6.2 Funding Outside the Annual Budget Process**

A Board may request additional funding outside of the budget cycle.

Such requests should be submitted to the Executive Director and will be considered by the Executive Director, the Budget & Audit Committee, or Board of Governors as authorized by WSBA Fiscal Policies & Procedures.

### **6.3 Funding a Board Duties and Functions as Described by GR 12.3**

All reasonable and necessary Board duties and functions as defined by each Board's court order or rule must remain funded at a level that ensures the duties and functions can be met. The Boards acknowledge that WSBA has the authority to establish the budget for the WSBA and the Boards. The WSBA acknowledges that this authority cannot be used to interfere with a Board's independence as defined in section 3.0.

### **6.4 Board Fundraising**

A Board may seek additional funding, above and beyond the funding which WSBA provides, including grants for a particular duty or function from a government, private, or public sector entity.

If a Board raises such funds, then WSBA shall not reduce the budget of the Board because of the funds raised, unless it is for the same work.

As a Board is not a legal entity entitled to have and manage a bank account, the Board will need to seek the approval of WSBA, the Washington State Bar Foundation (WSBF), or with the approval of WSBA or the Court another appropriate entity to accept and manage such funds on behalf of the Board.

## **7.0 Other Actions**

Consistent with GR 12.3, WSBA may engage in other activities that are necessary and proper to enable Boards to carry out their duties and functions consistent with the overall capacity of WSBA. This might include access to other WSBA resources and teams, including communication channels, design and publication services, website presence, financial analysis, WSBA technology, and continuing legal education.

## **8.0 Immunity & Indemnification**

### **8.1 Immunity**

If a court order or rule that authorizes and regulates a Board extends immunity to the Board and the members serving on a Board, WSBA shall cooperate with the Board and the Court to provide and defend such immunity.

### **8.2 Indemnification from Lawsuits**

WSBA Bylaw Article XIV indemnification applies to members of court created boards described by this policy to the same extent as volunteers appointed by the WSBA.