

Minutes
May 8, 2020

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

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

Liaisons and Staff in attendance were:

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

Review of Minutes for April 3 and April 17, 2020

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

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

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

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

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

Discussion: Suggested Amendment to APR 11

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

(c)(1)(ii)

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

(f)(2)

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

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

Discussion: Goals for Fiscal Year 2021

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

Course Audit Reports

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

MCLE Hardship Petitions

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

Adjournment

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

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Adelaine Shay".

Adelaine Shay
MCLE Board Staff Liaison