

Minutes

August 9, 2024

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

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

Liaisons and Staff in attendance:

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

Review of Minutes

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

YMCA Presentation

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

DEI discussion

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

Mentoring Subcommittee Report and Recommendation

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

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

Discussion on Changing Undue Hardship Matrix

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

MCLE Updates

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

MCLE Board Staff Liaison Decisions

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

Adjournment

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

Respectfully submitted,

Adelaine Shay
MCLE Board Staff Liaison