

Draft Minutes
November 15, 2024

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

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

Liaison and Staff in attendance:

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

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

OPEN SESSION

Review of Minutes

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

Presentation and Discussion: Writing Application Publication Date

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

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

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

Discussion: Structured Mentoring Program Application

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

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

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

MCLE Board Orientation

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

2024-2025 MCLE Board Goals

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

The MCLE Board discussed the possibility of exploring of the current comity state requirements and the consideration of additional comity states as a potential goal. The three states Washington currently has MCLE comity with are: Idaho, Oregon and Utah. The MCLE Board discussed preparing a historical summary or check list for future suggested amendments. Board Chair, Katie Denmark,

suggested the MCLE Board continue this discussion at the next meeting and requested that each Board member come up with a prioritized goal to discuss at the next meeting.

DEI Plan Discussion and Feedback

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

Vice Chair Nomination

The MCLE Board nominated and approved the nomination of Darryl Colman as Vice Chair for the 2024-2025 fiscal year.

Audit Reports

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

MCLE Updates

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

CLOSED SESSION

Activity Review

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

Petitions

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

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

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

Adjournment

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

Respectfully submitted,

Adelaine Shay

MCLE Board Staff Liaison