

Tracy, Mary

From: OFFICE RECEPTIONIST, CLERK
Sent: Friday, February 06, 2015 8:24 AM
To: Tracy, Mary
Subject: FW: Feedback on proposed rule change of live CLE requirement
Attachments: live requirement.pdf; live requirement.doc

Good Morning! This is for you.

Kris Triboulet
Receptionist/Secretary
Washington State Supreme Court
Kristine.triboulet@courts.wa.gov
360-357-2077

-----Original Message-----

From: Andrew C. Johnston [mailto:attyjohnston@yahoo.com]
Sent: Thursday, February 05, 2015 8:19 PM
To: OFFICE RECEPTIONIST, CLERK
Subject: Feedback on proposed rule change of live CLE requirement

To Whom it May Concern:

I would like to provide the attached documents as feedback on the proposed repeal of the live CLE requirement.

Kind Regards,

Andrew Johnston

To the Membership of the WSBA:

RE: Support for Repeal of WSBA Live CLE Requirement

I would like to strenuously support the repeal of the live requirement for CLEs. I feel this change is reasonable and promotes fairness, with little downside for the vast majority of WSBA members, and may on balance help CLEs become more useful to the membership.

The character of the WSBA is changing, which makes the live requirement onerous for many members. The citizens of the U.S have been building global connections, making our economy and lives much more global in nature. For some, this global focus can happen within locales with plenty of CLE opportunities, however for many others, these opportunities are lacking, which creates a level of unfairness due to the difficulty and cost of arranging for live CLEs.

Once, the majority of WSBA attorneys may have been based in the major cities and towns of Washington State, however that will cease to be true, if it has not already.

In addition, technology allows us to reach an incredible amount of information, permitting us flexibility as to the time and location of CLEs. The CLE movement has led to a wealth of lectures, all available online, which is wonderful. However live CLEs are generally limited as to contents, so rather than being able to focus on the CLEs which are of use, this requirement leads to the potential for people to take live CLEs only for the purpose of satisfying the requirement, without any other benefit. That can't be the purpose of the CLE requirements of the WSBA, or a desired outcome.

At this juncture I should mention that the live requirement is fundamentally paternalistic, an attempt to force real engagement from members by requiring attendance. I think as attorneys we should respect the autonomy of the individual and trust each other to use this requirement for the right purposes, and to gain from the experience. The learner will gain the most from instruction when the contents and learning environment are what that person most prefers, and the live requirement inhibits that. There are certainly members that prefer to take their CLEs live, however there are others that do not.

Finally, in the interest of full disclosure, I live abroad in a locale with extremely few CLE opportunities, and thus fall under the generous waiver rules already in place of the live requirement. I need only dust off my waiver request every three years, and so technically have no dog in this fight. However, to be honest, I do not enjoy needing to go hat-in-hand to the board, or disclosing such personal information. Moreover, while the details of my specific case are easy to explain, it may not be so easy for those dealing with physical, psychological or other issues that make it onerous or difficult to attend live CLEs. Those people, like myself, are expected to confess their own personal issues, and that is intrusive and unnecessary.

Therefore, based on the above, I support repeal of the live CLE requirement.

Sincerely,

Andrew Johnston
WSBA# 32383
February 5th, 2015