

February 6, 2015

The Honorable Barbara Madsen, Chief Justice
Washington State Supreme Court
P.O. Box 40929
Olympia, WA 98504-0929

Dear Chief Justice Madsen:

We are writing on behalf of the six bar associations and three law schools listed below to ask that the Court retain the requirement in Rule 11 of the Admissions and Practice Rules that a portion of all continuing legal education credits be earned through "live" real-time education programming.

The proposed revisions under consideration would remove the long standing provision that attorneys must obtain a portion of their education by attendance at real-time programs. While we appreciate the proponents' motives for suggesting this change, we believe the detriments far outweigh any benefits to such a change.

1. **Real-time education provides one of the best formats for adult learning.** A real-time environment for learning provides numerous benefits to adult learners. For example, educators are able to adapt presentations based on questions and discussions occurring in the classroom, whether a traditional or virtual classroom. Educators can include interactive participation in their presentations, which experts in adult learning know improves retention and understanding of the subject matter. And students are able to indicate in real-time when they have questions about the materials, allowing the presenter to ensure all attendees have mastered a first concept before moving to a next-level concept.

While many CLE providers offer recorded versions of these programs, we do not believe they offer as high a quality learning experience as real-time participation allows. Also, it is important to note that recorded CLE programs currently offered by providers are not the same as distance/online learning options offered in academic settings. Where academic-type distance learning includes not only lectures but facilitated interactions with faculty, group discussions of materials with fellow students, and various forms of testing and written reports to measure understanding of subject matter, online CLE providers rarely, if ever, offer more than a one-way video clip to be viewed. Given the lesser quality educational experience of most current recorded CLE offerings, we believe retaining a real-time component to continuing legal education remains necessary.

2. **The rule inadvertently serves as a disincentive for in-person programs to be produced.** Proponents of the rule change have suggested that real-time programs are not eliminated by the rule, and that attorneys will still be able to choose to attend live programs. Our concern, however, is that without the impetus of the partial requirement for real-time programs, many

CLE providers in Washington State will be less likely to offer superior real-time programs. Producing real-time programs involves increased logistics and expenses for providers, but if more attorneys choose to watch recorded programs only, providers will respond by offering fewer real-time programs.

In addition, we believe the proposal favors large CLE providers such as the Washington State Bar Association and for-profit national providers over smaller groups such as local and minority bar associations. While WSBA has a dedicated state-of-the-art CLE production facility at its disposal, the vast majority of CLE providers in our state have limited ability to produce programs for quality online viewing, including the e-commerce infrastructure to support such efforts. Without the real-time credit requirement, smaller providers will find it difficult, if not impossible, to offer alternatives to programming produced by large providers.

3. *Attorneys may meet the live credit requirement through real-time online education offerings.* Finally, we note that proponents for removing the live credit requirement have suggested that their proposal addresses the financial and geographic difficulties faced by some attorneys when fulfilling this requirement. However, the current requirement does not require in-person attendance. The three days over three years requirement for "live" CLE can currently be met by participation at their office or other remote location in a real-time webinar or audioconference training program. There is no financial or geographic obstacle in such cases to prevent an attorney from obtaining a portion of his or her credits from real-time programs.

In summary, real-time, live CLEs are the superior educational format, and we believe attorneys receive better training by participating in these programs. The availability of such high quality programs and the viability of smaller organizations to produce them is at risk by adoption of the proposed rule. And attorneys in remote locations or who face financial challenges continue to have efficient and economical options to participate in these live programs by webcast or audioconference.

We urge the Court to retain a live real-time credit requirement for continuing legal education.

Sincerely,

Gonzaga University School of Law
Jane Korn, Dean

King County Bar Association
Andrew J. Prazuch, Executive Director

Seattle University School of Law
Annette Clark, Dean

The Honorable Barbara Madsen
February 6, 2015
Page 3

Spokane County Bar Association
Penny Youde, Executive Director

University of Washington School of Law
Kellye Testy, Dean

Washington Association for Justice
Gerhard Letzing, Executive Director

Washington Association of Criminal Defense Lawyers
Teresa Mathis, Executive Director

Washington Defender Association
Christie Hedman, Executive Director

Washington Defense Trial Lawyers
Maggie S. Sweeney, Executive Director

Tracy, Mary

From: OFFICE RECEPTIONIST, CLERK
Sent: Monday, February 09, 2015 8:28 AM
To: Tracy, Mary
Subject: FW: Multi-Group Letter Opposing Elimination of Live CLE Requirement
Attachments: opposition to elimination of live cle credit requirement.pdf

And another...

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

From: Andrew Prazuch [mailto:AndrewP@kcba.org]
Sent: Friday, February 06, 2015 5:13 PM
To: OFFICE RECEPTIONIST, CLERK
Subject: FW: Multi-Group Letter Opposing Elimination of Live CLE Requirement

From: Andrew Prazuch
Sent: Friday, February 06, 2015 5:00 PM
To: Barbara Madsen (J.B.Madsen@courts.wa.gov)
Subject: Multi-Group Letter Opposing Elimination of Live CLE Requirement

Dear Chief Justice,

The following is a joint letter to the Court from six bar associations and the state's three law schools.

Regards,
Andy Prazuch

Andrew J. Prazuch
Executive Director
King County Bar Association
andrewp@kcba.org
206-267-7061

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