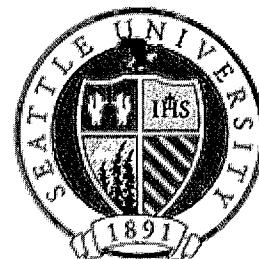


February 7, 2015

The Honorable Ronald Carpenter  
Clerk of the Washington Supreme Court  
P.O. Box 40929  
Olympia, WA 98504-0929



Re: Public Comment on Suggested Amendments to Rule 11 of the  
Admission and Practice Rules (APR)

Dear Mr. Carpenter:

On behalf of Seattle University School of Law, I write in opposition to the portion of the proposed amendments to Admission and Practice Rule 11 that would completely eliminate the requirement of live/real-time MCLE credits for admission to practice and attorney licensing in the state of Washington. I incorporate by reference the position taken in the joint letter that was signed and submitted by the King County Bar Association, the three Washington law schools, and others organizations, but I also wish to make a couple of additional points via this letter:

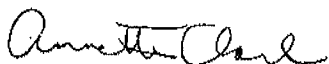
**Such a change will negatively impact the purpose and role of continuing legal education in this state.**

- The proposal appears to be premised on the proposition that “most live seminars are simply lectures with a brief question and answer period at the end.” As a factual matter, I do not believe this is an accurate representation of much of CLE education in our state, and it certainly doesn’t represent the high quality programming designed and delivered by the CLE Department at Seattle University School of Law. We (and a number of other providers) regularly provide dynamic and interactive CLE content that is highly rated by attendees, and the Q&A periods are lively and designed to meet the educational needs of attendees. While admittedly not all live/real-time programming is of similarly high quality, the solution to that problem endorsed by the proposed amendments is a “race to the bottom,” such that attorneys would be able to obtain all required CLE credits through a passive and non-participatory process. Fundamentally, any recommendation that supports the passive viewing of taped lectures to the exclusion of live, active programming is not good educational policy and suggests a misunderstanding of the nature of education and the needs of adult learners.
- With regard to the online “live” programming option, webinar software technology has been developed to provide a high-quality educational experience through the use of moderated online discussions during live webcasts. This is an interactive experience that has been recognized nationwide as a best practice for CLE webcasting, so it is not accurate to describe participation in live programming through online methods as lacking in engagement or significant educational value.

- The report supporting the proposed amendments notes the important role of community networking that occurs with live programs, which includes the vitally important and valuable piece of “learning from each other” (whether in-person or through webinar interaction). Attorneys report that this benefit often occurs in unstructured ways during live programming, and it has always been a primary benefit of live/interactive webinar CLEs. This community function is not served by a change in the rules that would allow all credit requirements to be met through pre-recorded programming. For some time, the legal community has been moving toward greater isolation and disconnection within its membership, caused in part by the increasing pressures of the evolving legal landscape. Devaluing a principal means for community development and networking through the avenue of live educational programming—in fact dis-incentivizing one of the only avenues that engages the entire membership—disregards a vital need that live programming supports.
- With regard to pre-recorded CLE programs and their efficacy, many have noted concerns regarding the process actually utilized by attorneys watching pre-recorded online programming. No matter how well-intentioned, lawyers find themselves drawn to other tasks, such that the recording is running but without the active engagement that learning requires. While lawyers can also “tune out” with live programming, it is much less likely to occur in this setting given the mechanisms for engagement that are built into live programming. As appealing as the notion is that we should just trust lawyers to guide their own education, such a position is not consistent with human nature or the demands of professional practice. We should therefore not abrogate the minimal enforcement mechanism currently contained with APR 11 that requires lawyers to participate in some live educational programming.

In making the arguments contained within this letter, I want to emphasize my respect for the APR Task Force and its work, as well as my support for other proposed changes such as a broadening of the topics that will be eligible for CLE credit. My disagreement is with only one of the proposed changes, that which would allow attorneys to complete all 45 required CLE credits without having to engage in any live, interactive CLE programming.

Sincerely,



Annette E. Clark  
Dean and Professor of Law

## Tracy, Mary

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**From:** OFFICE RECEPTIONIST, CLERK  
**Sent:** Monday, February 09, 2015 8:24 AM  
**To:** Tracy, Mary  
**Subject:** FW: Public comment to proposed amendments to APR 11  
**Attachments:** SU Law APR 11 Amendment Response Letter 2-7-15.pdf

Here you go...

*Kris Triboulet*

Receptionist/Secretary  
Washington State Supreme Court  
[Kristine.triboulet@courts.wa.gov](mailto:Kristine.triboulet@courts.wa.gov)  
360-357-2077

**From:** Clark, Annette [mailto:annclark@seattleu.edu]  
**Sent:** Saturday, February 07, 2015 4:43 PM  
**To:** OFFICE RECEPTIONIST, CLERK  
**Cc:** Sideman, Mark  
**Subject:** Public comment to proposed amendments to APR 11

Dear Mr. Carpenter,

Please see the attached letter, which is submitted as a Seattle University School of Law's public comment to proposed changes in APR 11.

Thank you.

**Annette E. Clark '89**  
Dean and Professor of Law

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