

## Tracy, Mary

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**From:** OFFICE RECEPTIONIST, CLERK  
**Sent:** Monday, January 12, 2015 8:37 AM  
**To:** Tracy, Mary  
**Subject:** FW: Proposed Changes to APR 11 - Washington

Here you go ☺

*Kris Triboulet*

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**From:** Sieberson, Stephen C. [mailto:StephenSieberson@creighton.edu]  
**Sent:** Friday, January 09, 2015 8:21 PM  
**To:** OFFICE RECEPTIONIST, CLERK  
**Subject:** Proposed Changes to APR 11 - Washington

Dear members of the Washington Supreme Court,

I am writing to comment on proposed changes to APR 11. I am a member of the WSBA, membership number 6367, having been admitted in the fall of 1975. After approximately 25 years of law practice in Seattle, I am currently a full time law professor at Creighton University School of Law in Omaha, NE. My courses include legal ethics, business associations, and a variety of international law courses.

Here are my comments:

1. I think full time law professors should be granted a full exemption from the MCLE requirements (Proposed Rule 11(c)(4)). We spend most of our professional time (a) studying current law or new legal developments in preparation for class lectures, and (b) carrying out research and writing in the field of law. In addition, we counsel students and serve as resources to the bar. The purpose of the MCLE rules is to encourage lawyers to career-long legal study, and law professors are involved in such study to a greater extent than any other members of the legal profession.
2. As an alternative to a blanket exemption for full time law professors, I propose that proposed Rule 11(e)(6) be amended to eliminate the phrase "when the instructor is not a full-time law professor." Why should my teaching be of any less value than that of an adjunct professor? During my practice years I was an adjunct professor on a regular basis, and I understand that adjuncts make a significant contribution to legal education. But as a career professor today, so do I. Why should Rule 11 ignore my teaching activity?
3. Current Regulation 103(d) offers up to 10 hours preparation credit for a 1-hour MCLE presentation. Proposed Rule 11(e)(2) reduces the preparation credit to five hours per hour of presentation. I object to this change. Please be aware that I have regularly given MCLE presentations on ethics to the bar in the state where I am currently teaching (Nebraska), and it is my experience that I invest at least 40 hours preparing for a one-hour presentation. I am grateful for the 10 hours preparation credit I have received in the past. Why should this be cut in half?

4. As to credit for writing activities, the proposed rule, 11(e)(5) reads as follows: "Writing for the purpose of lawyer education, when the writing has been published by a recognized publisher of legal works as a book, law review or scholarly journal article of at least 10 pages, will earn one credit for every 60 minutes devoted to legal research." I wish to note the following:

a. Bar journals, such as NW Lawyer or the ABA Journal or any other bar publication, should be added to the list. When they offer articles on substantive law or law practice, they constitute "scholarly journals."

b. The 10-page requirement should be eliminated. What constitutes 10 pages is not clear, and a shorter piece can be just as valuable as a longer one. The key should not be a word or page count, but the legal content and requiring the writer to self-certify the amount of research time invested.

c. What does it mean to be "writing for the purpose of lawyer education"? I assume that any book, law review article or other legal article has as one of its purposes the education of lawyers such as practicing attorneys. However, scholarly legal writing may also be for the purpose of stimulating legislative change or assisting judges to make their decisions. Would such writing be disqualified? Furthermore, is law student education the same as "lawyer education"? In that regard, please consider the textbook that I have just co-authored. It is called "International Business Contracting – Theory and Practice." It includes theoretical analysis and many practical exercises on contract negotiation and drafting. One of its purposes will be to educate second and third year law students studying international business law. Another purpose will be to educate other types of students, such as MBA students. A third purpose will be to educate lawyers, with the book appropriate as a text for MCLE courses and presentations. I have spent two years and many hours of research on this project. What kind of credit should I receive for such a project?

Please give careful consideration to these comments. I will be happy to offer additional comments on these subjects if you so request.

Very truly yours,

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