



February 5, 2015

The Honorable Barbara Madsen, Chief Justice  
Washington State 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) and Appendix APR 11. Regulations of the Washington State Board of Continuing Legal Education

Dear Chief Justice Madsen:

The University of Washington School of Law is concerned about the proposed elimination of the "live" credit requirement (current APR 11.2(a)(1)).

Without doubt, access to and delivery of education has been rapidly changing due to the advent of new digital technologies. Internet access as well as the utilization of mobile devices has greatly increased the ability of people to access and share knowledge on a global level. "Learners" now have more control over access to and the creation of shared knowledge. This often results in an individual obtaining information "just in time" when they need it. Social media also provide opportunities for people to learn by sharing information.

Providers of CLE programs, including University of Washington School of Law, are responding to this rapidly changing learning environment through webcasts, webinars, self-study materials and synchronous and asynchronous distance learning opportunities. New services, new content and new delivery modes that keep pace with changing technologies are required now and in the future.

Continuing Legal Education, however, should strike a balance between remote learning and live programming to be effective for adult learners. Live programs provide essential components to adult education that other delivery modes often lack. In addition to providing quality content, live CLE programs allow face-to-face interaction and discussion to take place in real time rather than in chat rooms.

Live programs provide a means for professional development and networking. Some live programs that require in person participation, notably those that enhance professional skills, cannot be conducted through on-line methods. For example, Mediation and ADR training necessarily require in-person interaction and contemporaneous critique. Moreover, live programs allow participants to share information with their peers and offer the opportunity for new and/or young lawyers to meet potential mentors.

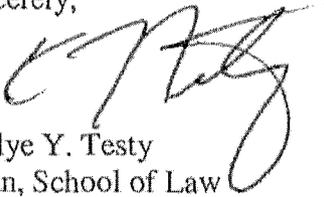
It is understandable that required attendance at a live CLE program may cause a hardship for attorneys who live and practice in a remote geographic location within Washington State. The

current Regulation 103. Earning and Calculating Credits (k) (4) states "With approval from the MCLE Board, a lawyer in a location within the United States that is very remote and removed from reasonable opportunities for attendance at live CLE programs may earn a maximum of 45 credits per reporting period through approved self-study courses. Such approval will be granted sparingly." This regulation could be retained to accommodate those attorneys who document their geographic hardship.

We believe that abolishing the live CLE credit requirement will deprive attorneys of a meaningful chance to build and maintain professional skills as well as valuable opportunities to network and build the their peer community. We heartily endorse the many advantages that on-line education can provide, but these opportunities are not a substitute for the professional connection and peer-to-peer learning that are delivered in live CLE programs. The proposed changes to APR 11 should, therefore, not totally eliminate the live credits requirement.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Testy', written over the typed name.

Kellye Y. Testy  
Dean, School of Law  
Judge James W. Mifflin University Professor of Law

## Tracy, Mary

---

**From:** Hinchcliffe, Shannon  
**Sent:** Tuesday, February 10, 2015 1:30 PM  
**To:** OFFICE RECEPTIONIST, CLERK; Tracy, Mary  
**Cc:** Keown, Julie  
**Subject:** FW: System Information MX-B201D  
**Attachments:** Julie\_20150210\_210340.pdf

It looks like the attached comment was submitted to the Chief's office prior to the closing of the comment period for APR 11 - are you able to post the comment? Thank you.

Shannon Hinchcliffe | Office of Legal Services and Appellate Court Support Administrative Office of the Courts | P.O. Box 41174 | Olympia, WA 98504-1170  
☎ (360) 357-2124 | [shannon.hinchcliffe@courts.wa.gov](mailto:shannon.hinchcliffe@courts.wa.gov) | [www.courts.wa.gov](http://www.courts.wa.gov)

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

From: [noreply@courts.wa.gov](mailto:noreply@courts.wa.gov) [mailto:[noreply@courts.wa.gov](mailto:noreply@courts.wa.gov)]  
Sent: Tuesday, February 10, 2015 9:04 PM  
To: Keown, Julie  
Subject: System Information MX-B201D

DEVICE NAME:  
DEVICE MODEL: MX-B201D  
LOCATION:

FILE FORMAT: PDF  
RESOLUTION: 150dpi \* 150dpi

Attached file is scanned image in PDF format.