



Justice... Professionalism... Service... Since 1886

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:

I am writing on behalf of the King County Bar Association to request that the Court retain a live real-time continuing legal education credit requirement for attorneys in our state.

KCBA and other organizations are transmitting a letter that articulates our joint concerns.

In addition to that letter, I am enclosing with this letter a copy of my February 2015 KCBA Bar Bulletin column, which offers some additional observations about this proposal.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven R. Rovig". The signature is stylized and cursive.

Steven R. Rovig
President, King County Bar Association



President's Page

By Steve R. Rovig

Shooting Daylight from a Cannon

Looking intently at his latest class of fresh-faced criminal procedure students, Prof. William F. ("Duke") Crowley growled that the evidence in the case suggested the defendant was guilty. So guilty that after sentencing, "they'll have to shoot daylight to him with a cannon." Those of us in the class howled with laughter. Duke never cracked a smile.

All these years later, I remember that teaching moment like it was yesterday. But, oddly enough, I can barely recall the online CLE seminar I took in December. How memorable and effective continuing legal education in Washington will be is now under debate.

In 2013, the WSBA Board of Governors chartered an MCLE Task Force to peer into the future of continuing legal education and to make recommendations to revise Admission and Practice Rule (APR) 11. The effort was led by Michele Radosevich, past WSBA president and an active member of the King County Bar Association. She recently presented a summary of the Task Force's recommendations to KCBA's Board of Trustees.

The Task Force describes its recommendations as "cutting edge and forward thinking." By taking action now, the new rules would "address the educational and training needs of the membership" so that "the lawyers of Washington will be better equipped to maintain their competence and professionalism which in turn serves to better protect the public in the long run."

Many of the proposed changes may well benefit our profession as we grapple with the new realities of practice in the 21st Century. However, the Task Force's proposal to deep six the requirement for live CLE credits has raised significant concerns about whether this change is cutting edge or a dumbing down of the profession.

In a memo prepared for KCBA's Board of Trustees, our CLE Advisory Committee Chair Jason Hanson addressed the proposed elimination of live CLE credits. "As far as we could tell, the MCLE Task Force report did not indicate that it was based on soundly based adult education principles," Hanson said. "There is

strong educational value in human interaction as part of an organized system of learning. The current MCLE regulations encourage a balance among in-house, audio-visual and traditional live formats, but the proposed MCLE regulations do not."

Under today's MCLE rules, Washington lawyers are required to earn half of their CLE credits by attending live courses or — importantly — via live webcasts. The Task Force argues that this imposes a burdensome cost on lawyers who face travel expenses and "time away from home and office." Really?

Being sensitive to the economic challenges facing attorneys is admirable. However, we are talking about an average of 7.5 hours of live CLE each year — hardly an unreasonable burden for the privilege of maintaining a license to practice law. And, again, the current rule allows members for whom travel is a burden to attend by webcast.

Some might see the objections raised by KCBA as technophobic. After all, if we can shop for golf clubs and play Scrabble from the comfort of our computers, why do we have to schlep to a CLE presentation? Rather than the hand-wringing of Luddites, the debate in our board meeting centered on whether the nominal benefits of dispensing with the live CLE requirement justifies the potential loss to our profession (and ultimately the public) of quality learning experiences.

The Board's concerns are shared by the deans of the Seattle University and University of Washington law schools. They both question the pedagogical soundness of this proposal.

A final concern of KCBA could be considered parochial by some. For decades, KCBA has produced top-notch legal seminars. During 2014, approximately 2,400 lawyers seeking to broaden and deepen their professional abilities attended our CLE programs. If the live CLE requirement is eliminated, the Board sees a dive toward the bottom of cheap and easy, at-your-desk programs. In that battle, KCBA may see national, for-profit providers dominate local, not-for-profit programs like ours.

No one questions that the MCLE Task Force approached its review and amendment of APR 11 with

a sincere desire to improve the existing rules governing continuing legal education. But the proposal to send the live credit requirement to the dust bin of history is not well founded in best practices for learning. It sacrifices the advancement of the profession for illusory economic benefits. And it potentially damages KCBA's CLE program.

As Duke would have said, that recommendation should be sent to where they'll have to shoot daylight to it with a cannon. ■

KCBA President Steve Rovig is a principal with Hillis Clark Martin & Peterson P.S. where his practice emphasizes commercial real estate. Steve can be reached at steve.rovig@hcmp.com or 206-470-7620.

BAR BULLETIN

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The King County Bar Association provides support to its diverse membership; promotes a just, collegial and accessible legal system and profession; works with the judiciary to achieve excellence in the administration of justice; strives to benefit the community through its own efforts and those of its Foundation; and offers opportunities for public service and input into matters of public policy.

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King County Bar Association
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Profile Illustration by Mike Durrant

AIKEN, ST. LOUIS & SILJEG, P.S.

is pleased to announce that

Christopher C. Lee

has joined the firm.

Chris joins us from Helsell Fetterman LLP where he was Of Counsel to the firm. Chris is an experienced litigator who focuses his practice on trust and estate litigation, guardianship, and elder protection. He lives in Seattle with his family and their new dog Diesel.

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BAR BULLETIN UPCOMING ISSUE

Submissions
Welcome

MARCH
CHANGES

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Tracy, Mary

From: Hinchcliffe, Shannon
Sent: Monday, February 09, 2015 1:02 PM
To: Tracy, Mary
Subject: FW: King County Bar Association Comment Opposing Live CLE Credit Elimination
Attachments: rovig transmittal to supreme court re APR11.pdf

Here's another copy – I don't know if the last one he submitted was cutoff or if it just happened when posting.

Shannon

From: Andrew Prazuch [mailto:AndrewP@kcba.org]
Sent: Monday, February 09, 2015 12:56 PM
To: Hinchcliffe, Shannon
Subject: RE: King County Bar Association Comment Opposing Live CLE Credit Elimination

Shannon, I just noticed that the KCBA letter posted to the court's website is showing a cutoff version of an attachment we used. If it's helpful, I'm reattaching the properly formatted version, in case your folks want to put that up for Steven Rovig's letter.

Thanks,
Andy.

From: Hinchcliffe, Shannon [mailto:Shannon.Hinchcliffe@courts.wa.gov]
Sent: Monday, February 09, 2015 10:45 AM
To: Andrew Prazuch
Subject: RE: King County Bar Association Comment Opposing Live CLE Credit Elimination

Thanks Andrew!

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 | 🌐 www.courts.wa.gov

From: Andrew Prazuch [mailto:AndrewP@kcba.org]
Sent: Friday, February 06, 2015 5:23 PM
To: Hinchcliffe, Shannon
Subject: FW: King County Bar Association Comment Opposing Live CLE Credit Elimination

Dear Shannon,

This is a separate letter from the King County Bar Association, different than the group letter I already forwarded.

--Andy.

From: Andrew Prazuch
Sent: Friday, February 06, 2015 5:05 PM
To: Barbara Madsen (J_B.Madsen@courts.wa.gov)
Subject: King County Bar Association Comment Opposing Live CLE Credit Elimination

Dear Chief Justice,

Attached is a letter with attachment from KCBA President Steven Rovig outlining our concerns about the pending changes to APR11.

Sincerely,
Andy Prazuch

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

February 6, 2015

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