



THE STATE BAR OF CALIFORNIA

180 HOWARD STREET, SAN FRANCISCO, CA 94105-1639

OFFICE OF PROFESSIONAL COMPETENCE

PLANNING, AND DEVELOPMENT

TELEPHONE: (415) 538-2167

MEMORANDUM

DATE: July 9, 2012

TO: Members of the Board's Regulation, Admissions & Discipline Oversight Committee

FROM: Randall Difuntorum, Director, Professional Competence Programs

SUBJECT: RAD Meeting on July 19, 2012 – Status of the Professional Competence Unit

This memorandum provides a report on the activities of the Professional Competence Unit through May 31, 2012.¹ In addition to this memorandum, provided are the following: (1) Ethics Hotline Activity Statistics, (2) Professional Competence Budget Summary – Authorized vs. Actuals, and (3) Ethics Hotline satisfaction survey excerpts. Board members with questions may contact Randall Difuntorum at (415) 538-2161 or Lauren McCurdy at (415) 538-2107.

1. ETHICS HOTLINE

As of May 31, 2012, 6,471 member inquiries were received with a completion rate of 87%. This completion rate includes distribution of 183 copies of published ethics opinions and other written materials requested by inquirers and 2,698 referrals to information posted at the Bar's website. (Due to the availability of State Bar Formal Opinions at the Ethics Information area of the website, there is a decreasing need for distribution of this information by mail.) In addition, the staff made 1,066 courtesy follow-up calls to members who placed a call to the Hotline, received a call back from Hotline staff but were not available at that time to take the call from the Hotline staff person. These members received instructions on how to call-in and receive priority handling when they choose to return the Hotline's call at their convenience. However, when no return call is received, the Hotline initiates a courtesy follow-up call.

Five Ethics Hotline paralegals are currently handling the majority of calls received. As of May 31, 2012: (1) the monthly average number of total calls handled by one paralegal was 408; (2) the monthly average number of completed calls by one paralegal was 238; and (3) the monthly average number of left messages by one paralegal was 169. Between April and May, since the last status report for RAD's May 10th meeting, 20 voluntary satisfaction surveys were received from members after using the Ethics Hotline service. Each survey asks for a rating on several specified categories of service, including: satisfaction with the system for handling the calls; helpfulness of receptionist; helpfulness of paralegal; usefulness of materials sent; whether the inquirer would recommend the Hotline to others; and whether they received the assistance they needed. Nearly all of the surveys received gave the Hotline top marks in most survey categories. Another member gave a "dissatisfied" rating concerning the question of "How helpful was the receptionist?" without offering any specific additional comments, while ratings in all other survey categories were marked as "very satisfied." (Copies of the surveys are available upon request).

¹ There are 13.5 authorized positions in the Professional Competence Unit. The authorized positions include a Program/Court Systems Analyst position that is shared with the Office of General Counsel. In addition, although currently vacant, a temporary law clerk is assigned to the Office of Professional Competence. A vacant paralegal position has been filled with a new hire scheduled to start on July 9, 2012.

In addition to ratings, comments from members were provided on 17 of the 20 surveys and the majority of those comments were complimentary of the Hotline service and staff assistance received. However, one member expressed dissatisfaction in several survey categories with the service received by the staff person who assisted them and provided comments critical of the customer service received by the paralegal handling the call. Another survey provided the following additional suggestion unrelated to the Hotline service: "I would suggest that you have a biweekly or monthly conference call and/or webinar to keep attorneys 'fresh' on their (our) understanding of the ethics and how they apply to specific fact patterns . . . perhaps a Q&A after a short recital of the rule may work . . . just a thought." (An excerpt from these 17 survey forms with the full text of the member comments is attached.)

ETHICS HOTLINE ISSUES PERCENTAGES BY MONTH

(Shading and Asterisks Indicates the Top Issue(s) for Each Month and for the Overall Average to Date)

	Jan.	Feb.	Mar.	Apr.	May	Avg. % to date
Advertising	14%	15%	15%	12%	14%	14%
Communications	16%*	18%*	16%	15%*	14%	16%*
Competence	9%	9%	9%	9%	9%	9%
Confidence and Secrets	10%	10%	12%	13%	12%	11%
Conflicts	11%	10%	11%	11%	12%	11%
Fees and Costs	16%*	16%	17%*	14%	15%*	16%*
Files	5%	5%	6%	4%	4%	5%
Forms of Practice	1%	1%	1%	1%	1%	1%
Misconduct/ Moral Turpitude	9%	9%	8%	11%	10%	9%
Unauthorized Practice of Law	4%	4%	4%	6%	5%	5%
Withdrawal from Employment/ Termination	3%	3%	3%	3%	4%	3%

Through May, the categories of "Communications" and "Fees and Costs" are tied for the most frequently raised issue categories by Hotline callers in 2012. The "Communications" category encompasses questions concerning: a lawyer's duty to communicate with clients; the prohibition on contacts with a represented party absent the consent of the party's attorney; and restrictions on communications with judges and jurors. The "Fees and Costs" category encompasses questions concerning: client trust accounts; fee agreements; and costs (litigation expenses, advances of costs to client, loans to client, payment of third party expenses). Close behind is the category of "Advertising." Historical data indicates that these three categories often occupy the top three positions each year.

2. COPRAC

Since the last Professional Competence status report submitted for the Board Committee's May 10, 2012 meeting, COPRAC met on May 18, 2012 in San Francisco, and on June 6, 2012 via conference.

At the May 18th meeting, COPRAC considered the public comment received on Formal Opinion Interim No. 10-0003 (virtual law office), and 09-0001B (duty of confidentiality and seeking legal advice); and continued post-public comment consideration of 09-0001A (state bar complaint threats). COPRAC continued pre-public comment work on the following opinions: 11-0001 (third party payors); 11-0002 (duties to opposing side);

11-0004 (ESI and discovery requests); 12-0001 (disclosure of confidences at motions for withdrawal); 12-0002 (shifting conflicts); and 12-0003 (attorney rating descriptions). There was also continued discussion on the development of a CBeJ article on the topic of confidential information and unsolicited email correspondence. The committee continued to work on plans for the COPRAC MCLE programs to be offered at the 2012 Annual Meeting. Subcommittee reports were presented on the topics of committee outreach and ABA Ethics 20/20 Commission developments.

Post-public comment consideration of the following opinions occurred at the Committee's May 18, 2012 meeting, and the Committee revised the opinions in accordance with the Committee's discussion following consideration of the public comments and approved the opinions as revised for submission to the Board Committee on Regulation, Admissions and Discipline (RAD). The draft opinions were circulated to RAD for a 30-day approval period with a deadline of July 6, 2012.

Formal Opinion Interim No. 09-0001B:

ISSUE: May an attorney disclose client confidences to her own attorney to evaluate a wrongful discharge action against her former firm and, in pursuing her claim, may she or her attorney publicly disclose those client confidences?

DIGEST: While an attorney may disclose client confidences to her own attorney to evaluate a potential wrongful discharge claim against her former firm, neither she nor her attorney may publicly disclose those confidences except in the narrowest of circumstances.

Formal Opinion Interim No. 10-0003:

ISSUE: May an attorney maintain a virtual law office practice ("VLO") and still comply with her ethical obligations, if the communications with the client, and storage of and access to all information about the client's matter, are all conducted solely through the internet using the secure computer servers of a third-party vendor (i.e., "cloud computing").

DIGEST: As it pertains to the use of technology, the Business and Professions Code and the Rules of Professional Conduct do not impose greater or different duties upon a VLO practitioner operating in the cloud than they do upon an attorney practicing in a traditional law office. While an attorney may maintain a VLO in the cloud where communications with the client, and storage of and access to all information about the client's matter, are conducted solely via the internet using a third-party's secure servers, Attorney may be required to take additional steps to confirm that she is fulfilling her ethical obligations due to unique issues raised by the hypothetical VLO and its operation. Failure of Attorney to comply with all ethical obligations relevant to these issues will preclude the operation of a VLO in the cloud as described herein.

Post-public comment consideration of the following opinion occurred at the Committee's May 18, 2012 meeting, the Committee revised the opinion in accordance with the Committee's discussion following consideration of the public comments and approved the opinion as revised for submission to the Board Committee on Regulation, Admissions and Discipline. Circulation to RAD for final approval will take place following the processing of the two preceding draft opinions (09-0001B and 10-0003).

Formal Opinion Interim No. 09-0001A:

ISSUES: In settling a dispute with a former client, may an attorney seek: (1) the former client's written representations that no State Bar complaint

has been filed; (2) the former client's representation that he or she has no present intention to file a State Bar complaint; (3) the former client's written contractual agreement not to file a State Bar complaint against the attorney based on matters relating to or arising out of the representation; or (4) the former client's oral agreement not to file a State Bar complaint against the attorney based on matters relating to or arising out of the representation?

DIGEST: Business and Professions Code section 6090.5 prohibits an attorney from seeking a client's written or oral agreement not to file a State Bar complaint against that attorney. "Seeking" an agreement includes any attorney communication to a client proposing or suggesting a prohibited agreement. "Seeking" also may encompass factual recitations in the settlement agreement that the client has not filed a State Bar complaint, or concerning the client's future intentions regarding filing a State Bar complaint. Section 6090.5 might prohibit these types of recitations because they could produce an impermissible chilling effect on the client's future filing of a State Bar complaint. If a lawyer seeks an oral or written agreement to not file a State Bar complaint, withdrawal of that request does not cure the ethical violation.

The following opinion was tentatively approved by COPRAC for 90-day public comment circulation at its March 23, 2012 meeting, with a public comment deadline of July 2, 2012. Post-public comment consideration of the opinion will occur at the Committee's August 10-11, 2012 meeting.

Formal Opinion Interim No. 10-0001:

ISSUE: Under what circumstances would an attorney's postings on social media websites be subject to professional responsibility rules and standards governing attorney advertising?

DIGEST: Material posted by an attorney on a social media website will be subject to professional responsibility rules and standards governing attorney advertising if that material constitutes a "communication" within the meaning of rule 1-400 (Advertising and Solicitation) of the Rules of Professional Conduct of the State Bar of California; or (2) "advertising by electronic media" within the meaning of Article 9.5 (Legal Advertising) of the State Bar Act. The restrictions imposed by the professional responsibility rules and standards governing attorney advertising are not relaxed merely because such compliance might be more difficult or awkward in a social media setting.

COPRAC's Appointment Nominations Subcommittee met on May 31st in Los Angeles and June 1st in San Francisco to interview applicants for appointment for the 2012/2013 committee year. At a meeting on June 6, 2012, the Appointment Nominations Subcommittee's full slate of recommended candidates was approved by COPRAC, for conveyance to the Board Committee on Nominations and Appointments (NAC) and the Board for final approval at the Board's July 20, 2012 meeting. COPRAC also discussed the draft article on confidential information and unsolicited email correspondence.

On Saturday, May 19th, COPRAC conducted the 2012 Annual Statewide Ethics Symposium at UC Hastings in San Francisco. The day-long program offered 6 hours of continuing legal education credit in legal ethics. State Bar President Jon Streeter attended and provided opening remarks. The keynote address was delivered by UC Hastings' Chancellor and Dean Frank Wu. Approximately 95 people were in attendance and the evaluations received were largely complimentary (a summary of evaluation results is attached). The Symposium panels were videotaped and the panels are expected to be posted for participatory credit at the online MCLE site shortly. The panel

entitled "The No Contact Rule: Up Close and Personal" has been selected to be provided as a free MCLE offering in legal ethics.

COPRAC's next meeting is scheduled for June 29, 2012 and will be held in San Francisco. At this meeting, COPRAC will consider any public comments received on Formal Opinion Interim No. 10-0001 (social networking). COPRAC will also discuss the revised draft of 06-0004 (confidential information and unsolicited email correspondence), previously contemplated as a possible CBeJ article. COPRAC will continue pre-public comment work on the following opinions: 11-0001 (third-party payors); 11-0002 (duties to opposing side); 11-0003 (dissolving firm and moving to new firm); 11-0004 (ESI and discovery requests); 12-0001 (disclosure of confidences in motion for withdrawal); 12-0002 (shifting conflicts); and 12-0003 (attorney ratings descriptions). The discussion of possible new opinion topics will also be considered, and subcommittee reports will be presented on the topics of Annual Meeting program planning, committee outreach, and ABA Ethics 20/20 Commission developments.

3. RULES REVISION COMMISSION

At its meeting on June 13, 2012, the Board Committee on Operations, acting on behalf of the full Board, adopted a resolution clarifying instructions to staff on the comments portion of the proposed new and amended Rules of Professional Conduct. In filing the rules with the Supreme Court, the clarifying instructions direct staff to present a range of options for Supreme Court consideration of the comments.

4. HARRY B. SONDHEIM CALIFORNIA PROFESSIONAL RESPONSIBILITY AWARD

The Harry B. Sondheim California Professional Responsibility Award was created by the Board in 2010 to recognize a California lawyer, living or deceased, for outstanding long-term contribution to the advancement of attorney professional responsibility standards in California. It is issued every three years and the next award will be conferred in 2013. The nomination period will run from July 1 – August 31. All submissions will be reviewed by a selection committee which will provide a recommendation to the Board of Trustees for final approval. In addition to considering all timely received nominations, the selection committee may also identify and select a nominee for consideration. It is anticipated that the Nominations and Appointments Committee (NAC) and the Board of Trustees will take action on the selection committee recommendation for the award at the Board's meetings on November 15-16, 2012. The award will be announced following the Board action and a formal presentation will be made at the 2013 Annual Statewide Ethics Symposium.

5. COMPETENCE PUBLICATIONS

Handbook on Client Trust Accounting for CA Attorneys: A revised 2011 online version of the handbook is available at the Bar's website. The online Trust Accounting Handbook html webpage has been visited 2,821 times between January – May, 2012.

California Compendium on Professional Responsibility: The *Compendium* is an annually updated reference manual that contains a comprehensive collection of various ethics authorities that includes: 1) the ethics opinions of the State Bar of California; 2) a comprehensive subject matter index; 3) the California Rules of Professional Conduct and the State Bar Act; and, 4) the Code of Judicial Ethics. Most of the components of the Compendium are posted at the Bar's website. The *Compendium* html webpage, with links to the various content, has been visited 2,661 times between January – May, 2012. Updated content for the online ethics opinions, Rules of Professional Conduct and the State Bar Act are posted at the website, and the updated *Compendium* index was posted in May. A hardcopy of the *Compendium* Update is also available for sale to a regular

subscriber base. The 2012 hardcopy update is in progress and anticipated to be distributed in the 3rd quarter of 2012.

CA Rules of Professional Conduct & State Bar (a.k.a Publication No. 250): The 2012 Publication 250 books were received from the printer on June 19th and inter-office and external subscriber order fulfillment is underway. Since its debut at the 2011 State Bar Annual Meeting, 126 copies of the e-Reader version of the 2011 Publication 250 have been sold. The 2012 edition of the e-reader version of Pub. 250 was completed and posted for sale at Amazon.com in early June.

6. COMPETENCE RESOURCES AT CALBAR.CA.GOV

The State Bar tracks the web activity for all html website pages accessed.² The chart below lists selected web pages administered by Professional Competence and the 2012 activity in terms of visits.

Professional Competence Web Resources – Activity Detail January – May, 2012	
Webpage	Approx. Number of Visits
Trust Accounting Handbook html webpage	2,821
Rules of Professional Conduct html webpages	225,504
The State Bar Act html webpages	15,913
Ethics Opinions html webpages	18,598
Ethics Information html webpages	107,292

The new Ethics and Technology webpage and its subpages have been accessed approximately 8,300 times in 2012 and 15,800 times since this area was established in September 2011.

The following online MCLE offerings are offered to members free of charge. These offerings were produced by COPRAC, or by Professional Competence staff, and provide an opportunity to obtain both participatory and self-study credit in legal ethics.

MCLE Participatory Credit (date posted)	Jan. – May, 2012	Aggregate Use Since Posting
<i>Ethics in Limbo: Practical Issues for Lawyers as Changes in the Law Regulating Lawyers Continue (6/2011)</i>	1,176	1,720
<i>Ethics Update 2011: Significant Developments in the Law of Lawyering (12/2011)</i>	994	1,123

MCLE Self-Study Articles	Jan. – May, 2012	Aggregate Use Since Posting
<i>The Proposed New and Amended Rules of Professional Conduct (8/2010)</i>	2,079	5,633
<i>A "Charging Lien" as an Adverse Interest Under Rule 3-300 of the Rules of Professional Conduct (11/2010)</i>	1,726	4,457

² Web download statistics are not available for web content posted as Adobe PDF documents.

Since the last Professional Competence status report submitted for the Board Committee's May 10, 2012 meeting, the following website updates have been made:

1. Substantial work on the Ethics Information web pages has been performed to assure that content on those pages is ADA compliant. Some content linked at the Rules Revision Commission page was not capable of being made ADA compliant (this content included scanned public comment letters and documents with redline/strikeout rule text). This content was removed from the site and will be assessed for possible remediation and reposting in the future.
2. Posted ADA compliant version of newly updated 2012 index to the *California Compendium on Professional Responsibility*, a comprehensive research tool listing ethics authorities (rules, statutes, case law, and advisory ethics opinions) by subject matter headings.

cc: Robert A. Hawley

ETHICS HOTLINE ACTIVITY STATISTICS - 2012

Month	Work Days	Incoming Calls	Completed Calls	Left Messages	Percentage of Incoming Calls that are Completed Calls	Percentage of Incoming Calls that are Left Messages	Resources Mailed/ Faxed	Internet Resource Referrals
January	22	1,316	1,113	203	85%	15%	41	519
February	20	1,227	1,053	174	86%	14%	44	557
March	21	1,314	1,166	148	89%	11%	35	542
April	21	1,263	1,121	142	89%	11%	37	533
May	22	1,351	1,198	153	89%	11%	26	547
Cumulative Totals	106	6,471	5,651	820	87%	13%	183	2,698

EXPLANATIONS

Incoming Calls: Total member inquiries to the Hotline received during that month.

Completed Calls: Member inquiries received in that month that were handled and resolved by staff during that month.

Left Messages: Member inquiries received in that month where staff left an initial message or courtesy follow-up message, but did not reach the member to resolve the inquiry.

Percentage of Incoming Calls that are Completed Calls: Proportion of Incoming Calls that were Completed Calls handled and resolved by the staff.

Percentage of Incoming Calls that are Left Messages: Proportion of Incoming Calls where staff left a message but the member did not return the call.

Key Hotline Activity Averaged by Day and Month

Daily:	Incoming Calls:	61
	Completed Calls:	53
Monthly:	Incoming Calls:	1,294
	Completed Calls:	1,130

Aggregate Outgoing Calls

Current Month:	2,192*
Cumulative to Date:	10,191*

These figures account for all calls placed by staff, including: Completed Calls; Left Messages; and, courtesy follow-up calls. Due to "telephone tag" with members, staff may place multiple calls and leave multiple messages prior to completing a call.

Professional Competence Budget Summary

Authorized vs. Actual

Year-to-Date as of May 2012

Budget (Actual)	\$587,901
Budget (Authorized)	\$725,867
Variance	\$137,966

Monthly (January-May)

	January	February	March	April	May	June
Budget (Actual)	\$145,141	\$80,120	\$154,649	\$97,654	\$110,337	
Budget (Authorized)	\$131,450	\$135,113	\$189,078	\$135,113	\$135,113	
Variance	-\$13,691	\$54,993	\$34,429	\$37,459	\$24,776	

Excerpt from Ethics Hotline Customer Satisfaction Surveys
Additional Comments
(Surveys Received for April, 2012 - May, 2012)

1. Received April 4, 2012

COMMENTS / SUGGESTIONS:

David, the receptionist, is always extremely helpful and professional. Today, I spoke with Ricardo, who was right on the money. He even put me on hold to double check with a supervisor, because I was calling on an issue which is not written about much. Two weeks ago I spoke to another analyst who was exceptionally helpful. Please don't ever get rid of this service. It's very valuable.

2. Received April 9, 2012

COMMENTS/SUGGESTIONS:

Thank you! Very helpful information and I received both a follow-up call and fax from your staff on the same day regarding my questions.

3. Received April 12, 2012

COMMENTS / SUGGESTIONS:

1. I made a call regarding a question regarding Rule 2-200.
2. During the phone call, the paralegal from the State Bar kept on insisting that I have failed to do my research beforehand and had violated the rule(s). These accusations made me feel very uncomfortable, and difficult to discuss the legal authorities with her in a calm, respectful manner.
3. I think instead of accusing members of wrongdoing or non-compliance, the ethics hotline should be a service more focused on helping us with compliance, or provide guidance to help us comply with the rules.
4. I felt that the attitude and tone of the the paralegal was argumentative and not very helpful. Her litigious attitude made it difficult for me to continue with the discussion.
5. The paralegal did provide me with some idea regarding compliance of the rule, which was helpful. But I believe the paralegal should treat callers with more respect. I will continue to call the ethics hotline because I want to make sure I am in compliance with ethics rules. I hope in the future the State Bar would endeavor improve your customer service.

4. Received April 13, 2012

COMMENTS/SUGGESTIONS:

Ms. Cobb even called back, twice, with extra points one of her colleagues and a State Bar attorney had come up with when she took the extra trouble to talk with them about the issue (which I think was somewhat unusual and therefore interesting for its own sake); and certainly the life and human-ness of her spirit was worth more than I can calculate. As I told her, I recommend that she be put in charge of the Universe. Thank you.

5. Received April 18, 2012

COMMENTS/SUGGESTIONS:

Another excellent--just excellent--experience with the Ethics staff. I had a long list of difficult ethical questions, and she did a great job of responding to each complex matter. I am always impressed with these people. Please keep funding this resource.

6. Received April 18, 2012

COMMENTS/SUGGESTIONS:

David was friendly and professional...really appreciated that. The paralegal was clear and on point...and walked me through the code to refer to the correct section. I would suggest that you have a biweekly or monthly conference call and/or webinar to keep attorneys "fresh" on their (our) understanding of the ethics and how they apply to specific fact patterns....perhaps a Q&A after a short recital of the rule may work...just a thought.

7. Received April 24, 2012

COMMENTS/SUGGESTIONS:

David the receptionist and Lynn were great!

8. Received April 26, 2012

COMMENTS/SUGGESTIONS:

The receptionist, David, and the Ethics Advisor (I am sorry that I did not ask her name) were very kind and informative. This was the first time in 20 years I needed to use the Ethics Hotline and it is a component of our Association of which we can be extremely proud!

9. Received April 27, 2012

COMMENTS/SUGGESTIONS:

My telephone call to the Hotline was promptly answered by DAVID who was extremely responsive. My call was promptly returned by PAM HILL and her guidance and helpful information was invaluable. As most of us (attorneys), I considered my request to be quite urgent to preserve and protect the interests of my client.

10. Received April 30, 2012

COMMENTS/SUGGESTIONS:

Words cannot express what an invaluable service the Ethics Hotline is for members. First, David is every attorney's dream for a receptionist. He is professional, courteous, and aware of the hotline's high call volume. David has a keen sense of the urgency of some calls and is able to explain the call-back system in a very fair, concise manner.

Second, I have had the pleasure of speaking with Susan on more than one occasion. There are times I have a general idea of where to search, but more often than not, Susan provides a wealth of information for which I would never have thought to look. Even though I have used the

Hotline in the past, Susan is very careful to explain she is not able to provide an answer to the problem or give legal advice. I certainly respect the boundaries Susan maintains.

I firmly believe the Ethics Hotline and its wonderful employees probably don't get the deserved kudos as often as is warranted. I am please to "sign" my name to this survey as I believe the Ethics Hotline and employees have offered a service to save attorneys from themselves. THANK YOU!!!!

11. Received May 2, 2012

COMMENTS/SUGGESTIONS:

Both David and Elbert were amazing. David should be in charge of all receptionist customer service training and Elbert should be in charge of all paralegal customer service training. I dreaded calling the Bar from past experience, but these two men were OUTSTANDING.

12. Received May 3, 2012

COMMENTS/SUGGESTIONS:

Very satisfied with Lynn's prompt call-back and professional assistance on a difficult ethical question. She provided the proper resources for my decision. Thank you.

13. Received May 10, 2012

COMMENTS/SUGGESTIONS:

I must commend both the initial call taker David, as well as the para legal, Susan, that returned my call. Both were extremely friendly, professional and not only outlined clearly what I needed to know about the Bar's services provided to lawyers using the hotline but made sure that I fully understood their instructions and guidance. The guidance and resources which Susan provided saved me was effective in saving hours of research time as well as directing me to the primary issues that I needed to consider in my matter. Susan not only later faxed to me relevant opinions but called me back with further updated authorities on the issues I had related to her.

14. Received May 10, 2012

COMMENTS/SUGGESTIONS:

Couldn't live without them - invaluable resource.

15. Received May 15, 2012

COMMENTS/SUGGESTIONS:

I called at 4:40 pm on Monday, and I received a call back at 11 am the next day, so I was extremely pleased and impressed with the speediness of the response. Lynn Cobb assisted me, and she is a FANTASTIC asset for the State Bar. I didn't even realize she was a paralegal because she was more knowledgeable and on point than many attorneys I have dealt with. She provided me with rule cites, case cites and ethics opinions cites off the top of her head, including the facts that went with those respective items. She covered all the bases, and all within a matter of 6-7 minutes! This was the first time I used this service in my 6.5 years practicing law, and I was very pleased and impressed. It is a fantastic service, it is speedy, right on point, and I am very glad that we have this service. THANK YOU!

16. Received May 17, 2012

COMMENTS/SUGGESTIONS:

I originally spoke to David on your hotline. Subsequently I spoke to paralegal Elbert. I was very impressed with the professionalism and competence of your staff.

17. Received May 17, 2012

COMMENTS/SUGGESTIONS:

I originally spoke to David on your hotline. Subsequently I spoke to paralegal Elbert. I was very impressed with the professionalism and competence of your staff.

ETHICS SYMPOSIUM 2012 EVALUATIONS

To what extent were your personal objectives satisfied? 4.46

- Strong overall program, very good speakers. The program is always excellent.
- Very informative. All speakers were [dynamic,] thoughtful, and knowledgeable.
- Other: 9:30-5:15 is a long day, especially for us old farts. What about shortening each presentation by 15 min. or eliminating the keynote address?
- Start on time. I drove 2.75 hours and [got] here at 8:30. It is disrespectful to start late.
- Yes, my objectives were satisfied. Very knowledgeable speakers and enjoyable program.

To what extent did the environment contribute to the learning experience? 2.92

- The smaller the room the easier it is for panel and audience to interact.
- It is too cold in the room. I know it was not in control of panel, but cold hindered learning experience.
- Too cold; otherwise - convenient location and good visibility of speakers; some audio and visual problems.
- Regulate air conditioning -Freezing and breezy! Microphone distractions, on screen presentations difficult to read, especially highlighted materials/terms.
- Too cold and the room was not well lit; but spacious with places to write; also sound system cut-off.
- Freezing - too cold. Good room of adjacent.
- Constant microphone problems very annoying.
- I liked the setting but it was cold in the room.
- Cold, room too big for conversation.
- The room was too cold and the sound system was terrible - one mike kept [going] out. There wer not enough microphones for the panels, and the video was out for part of the last panel. Also, street fair interfered with parking options.
- Got so cold hard to focus.
- It was really cold. Mic problems were serious.
- The room was very cold and there were audio issues. A plus was the breakfast, lunch, and the convenient location of facilities. Room was a bit dark. Registration process was very easy.
- Too cold; sound equip malfunctioned
- The room was too cold. The microphones were clicking off and on. The sound was loud enough.

To what extent did the materials contribute to the learning experience? 3.92

- OK- but 2010-179 should have been included for the 2nd session -- hated when questions were asked that were deferred.
- Need copies of powerpoints, case cites; please send out. Panels 1 and 2 insufficient materials.
- Would like handouts (hard copies) of overheads.
- Good.
- Helpful - there was so much info. The materials for further review will be good.
- Panel 3 - poor - much info given verbally or in slides, but not long enough to get all info. Case info also missing from Panel 2's materials; otherwise, good.
- Very good.
- The materials were very comprehensive and informative. The written materials were thoughtfully prepared.
- Wish some Powerpoint materials were included in booklet.

To what extent were the objectives stated in the promotional literature or those stated at the beginning of the activity satisfied? 4.23

- Very competent speakers; very topical.
- Satisfied all expectations.
- As described.
- The promotional materials satisfied the objectives of the program. Great materials for future reference.

To what extent did the activity contain significant current intellectual or practical content? 4.58

- Very current.
 - Extremely timely and important. Dean Wu was great!
 - Also like practical advice.
 - Very practical info about what mistakes attorneys commonly make and need to be informed about to avoid repetition. Greate program!
 - Some too basic but much excellent
 - The info is always significant and intellectually stimulating at these ethics symposium.
 - Very good speakers
 - The course contains cutting edge information about legal ethics in the information age. Excellent content and very knowledgeable speakers.
-

Panel One: The No Contact Rule: Up Close and Personal (N. Wertlieb, R. Kehr, J. Steele, M. Tenenbaum)

Overall Teaching Effectiveness: 4.52

Effectiveness of Teaching Methods: 4.54

Significant Current Intellectual or Practical Content: 4.54

Comments:

- All of the presentations were well organized, and presented with obvious interest in the subject matter held by each panel member. Discussions between them were lively and clear. Ethical behavior can be difficult when applied to real life situations that [cannot] actually be quantified into a rule; judgment must be carefully considered in each case as the rules may be in apparent conflict. Honesty, as always, is the best guide. These remarks apply equally to all panels, and will not be repeated below. I enjoyed the entire day.
- Enjoyed interactive and discussion from panel. Good presentation and interesting follow-up discussion.
- Too much emphasis on civil practice.
- Good debate. Best format for presentation with audience interaction.
- 5 - Steele - excellent presentation 3 - Tenenbaum - approach sensible large corp. context; not all 3 - Kehr - lacks practicality does not distinguish best practices from what is appropriately disciplinable.
- M. Tenenbaum practical insights effective.
- The moderator should have answered the audience's question instead of deferring to a hypothetical they didn't get to. I would have like more discussion and less hypotheticals.
- Would like a hard copy of projected materials and citations to cases referred to in lectures. But unhappy they didnt get to pub. bd exceptions to CA rule - unique CA problem.
- I thought the panel was good but tried to do too much. Eliminate the most obvious hypos; save more time for comments and questions.
- Very good. It would be nice to have the hypos listed to save time. Talking about the rules is good but we seek practical information. Solos don't have money for consultants. We come to these classes. Very informative althout M. Tenenbaum disagreed on nearly every issue, so unclear whether he supported the view of the panel (but he was entertaining). Panel was very knowledgeable.
- Good basis and forth; enjoyed Tenenbaum's wit even as I disagreed with him.
- The panelists and the visual aids and subjects chosen for discussion were exteremely successful in outlining potential complications.

Panel Two: Maintaining Confidences and Competence in an ESI World (J. Friedhofer, M. Baldwin, T. Forsheit, B. McAuliffe)

Overall Teaching Effectiveness: 4.03

Effectiveness of Teaching Methods: 3.72

Significant Current Intellectual or Practical Content: 4.48

Comments:

- E-discovery has almost nothing to do with legal ethics. This program was of no interest. The Forsheit presentation was dramatic but unbalanced by not recognizing that electronic issues parallel non-electronic, e.g., what do any of us know about the reliability of ADP, Iron Mountain, FedEx, or our messenger service?
- After panel #1 - lectures here were long and boring at times. While important, slow and not interactive.
- Disorganized, too much emphasis on civil practice, I don't know what was the point of the first panelist, slides were not helpful.
- Jim is very entertaining. Speakers individually spoke too long. Good content (best of the day in terms of being thorough).
- 4 - Baldwin - good 3 - Forsheit - too basic 5 - McAuliffe - most practical assistance 5 - Friedhofer - very good
- J. Friedhofer - good materials. Good insights, could have gone longer, no other materials provided by other panelists -- but they were good.
- Tanya - too general - more interaction needed w/panelists and audience. Merri's much better speaker. Would prefer to have more debate on controversial issues. Jim - good speaker (particularly right before lunch).
- Again - hard copies... and cites.
- Somewhat disjointed.
- More interactive format would have been more effective. Friedhofer's materials especially good.
- Some discussion among the panelists would have been good. Time for questions would have been appreciated. Here is a question I think the panel impliedly raised 2 questions it did not answer: 1) Is there any room for a solo practitioner dealing with these issues? 2) How can a middle class or worse off person have access to justice if e-discovery takes several people and \$100,000 or more?
- Very informative and knowledgeable speakers.
- More interaction among panel would improve presentation. As expected from COPRAC and Hastings the panelists and their chosen materials provided practical advice and better understanding of a constantly evolving area of law.

Panel Three: With "Friends" Like These - The New Face of Legal Practice: Ethical Implications in Cyberspace and Social Media (W. Patrick, M. Dembin, A. Johnson, B. Marean)

Overall Teaching Effectiveness: 4.36

Effectiveness of Teaching Methods: 4.2

Significant Current Intellectual or Practical Content: 4.4

Comments:

- Lively and focused. Excellent written materials. Wendy Patrick - good m.c.
- Didn't answer questions they posed.
- I enjoyed this panel most. I would suggest simply providing answers as opposed to asking audience for input and then not fully answering the query.
- Mr. Johnson did not contribute much and was late interesting discussion and rapport.
- 5 - Patrick 5 - Dembin 5 - Marean 3 - Johnson All excellent!
- Wendy is a terrific moderator -- really got the group involved but still needed more audience participation.

- Antone late and not sufficiently specific or relevant, not-prepared or really on topic. Marean left early and hurt panel presentation. Panel too distracted. Dembin was very interesting. Wendy with assist of Dembin did the heavy lifting.
- Moderator monopolized the presentation, which is rude to the panelists and less interesting for the audience. The presentation generally was terribly diffuse, containing war stories and personal rants that were not informative and often had little to do with legal ethics.
- Very disorganized - too many war stories / opinions not enough content.
- Strayed from the topic.
- The panel was very entertaining and well spoken, but often went off topic.
- I always enjoy comedy to learn.
- W. Patrick was excellent mediator. Very enthusiastic! Good speaker! Panel presented very comprehensive information. Very entertaining!
- Lively and entertaining - it occasionally veering off topic.
- I have heard similar cautionary tales before, but the panel provided a very compelling look at an ever-evolving area of the law. Makes me glad I have avoided social media.

Panel Four: The Ethical and Practical Implications of Shared Client Representations (W. Chang, J. D'Ambrosio, D. Parker, E. Rodrigues)

Overall Teaching Effectiveness: 4.25

Effectiveness of Teaching Methods: 4.37

Significant Current Intellectual or Practical Content: 4.58

Comments:

- *Comment not relevant to this panel and is omitted.
- Excellent practical content. Good format with lead by moderator. Knowledgeable panel.
- 5 - Parker - excellent 5 - D'Ambrosio - excellent 3 - Rodrigues
- I liked the topic; panel interacted well with each other. Very knowledgeable speakers. Good risk management focus.
- Uneven speakers.
- Panel's presentations were somewhat dry; could have used more interplay among panelists. The outline in materials was thorough and helpful and presentation were informative.
- Projector didn't work at first, mics still issue. Knowledgeable panel.
- This panel discussion was of particular interest to me because I have been of counsel in selected matters to several California law practices for almost 20 years.