



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: October 25, 2012

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

FROM: Randall Difuntorum, Director, Professional Competence Programs

SUBJECT: RAD Meeting on November 15, 2012 – Status of the Professional Competence Unit

This memorandum provides a report on the activities of the Professional Competence Unit through September 30, 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 September 30, 2012, 11,444 member inquiries were received with a completion rate of 87%. This completion rate includes distribution of 240 copies of published ethics opinions and other written materials requested by inquirers and 4,616 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 1,836 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 September 30, 2012: (1) the monthly average number of total calls handled by one paralegal was 397; (2) the monthly average number of completed calls by one paralegal was 231; and (3) the monthly average number of left messages by one paralegal was 166.

Between June and September, since the last status report for RAD's July 19th meeting, 28 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 the survey categories. In one survey response, good marks were given for most of the survey categories, except the category of satisfaction with the system for handling calls, but no explanation was given in the comment field provided. (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. A vacant paralegal position was filled with a new hire that began employment on July 9, 2012.

ETHICS HOTLINE ISSUES PERCENTAGES BY MONTH

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

	Jan	Feb	Mar	Apr	May	Jun	July	Aug	Sept	Avg. % to date
Advertising	14%	15%	15%	12%	14%	14%	13%	15%	10%	14%
Communications	16%	18%	16%	15%	14%	17%	16%	17%	19%	16%
Competence	9%	9%	9%	9%	9%	5%	3%	6%	9%	8%
Confidence and Secrets	10%	10%	12%	13%	12%	13%	10%	8%	11%	12%
Conflicts	11%	10%	11%	11%	12%	10%	15%	13%	13%	12%
Fees and Costs	16%	16%	17%	14%	15%	17%	17%	18%	13%	17%
Files	5%	5%	6%	4%	4%	5%	5%	4%	5%	5%
Forms of Practice	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%
Misconduct/ Moral Turpitude	9%	9%	8%	11%	10%	10%	10%	9%	10%	10%
Unauthorized Practice of Law	4%	4%	4%	6%	5%	4%	7%	5%	6%	5%
Withdrawal from Employment/ Termination	3%	3%	3%	3%	4%	4%	4%	3%	3%	3%

Through September, the category of “Fees and Costs” was the most frequently raised issue category by Hotline callers in 2012. 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 are the categories of “Communications” and “Advertising.” Historical data indicates that these categories often occupy the top three positions each year.

2. COPRAC

Since the last Professional Competence status report submitted for the Board Committee’s July 19, 2012 meeting, COPRAC met on June 29, 2012 in San Francisco, August 10, 2012 in Los Angeles and on October 11, 2012 during the Annual Meeting in Monterey.

A. Published Opinions

The following opinions were completed and published at the Bar’s website:

Formal Opinion No. 2012-183 (formerly Interim Opinion 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 No. 2012-184 (formerly Interim Opinion 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 distinct 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.

B. Meetings

At the June 29, 2012 meeting, COPRAC discussed the revised draft of 06-0004 (confidential information and unsolicited e-mail correspondence), previously contemplated as a possible California Bar eJournal article. COPRAC continued 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 at motions for withdrawal); 12-0002 (shifting conflicts); and 12-0003 (attorney rating descriptions). 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. The Committee began initial discussions on the location, and possible speakers, for the 2013 Annual Ethics Symposium.

The following opinion was tentatively approved by COPRAC for a 90-day public comment period at its June 29, 2012 meeting, with a public comment deadline of October 3, 2012. Post-public comment consideration of the opinion occurred at the Committee’s October 11, 2012 meeting.

Formal Opinion Interim No. 11-0001:

ISSUE: Who is entitled to the refund of remaining advance fees at the end of a case where fees were paid by non-client?

DIGEST: Where a third party pays the attorneys fees for a client and there are funds remaining after the representation is concluded, the attorney must return the balance to the payor, rather than to the client, unless the agreement with the client and the payor specifies otherwise.

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

At the August 10, 2012 meeting, COPRAC considered the public comments received on Formal Opinion Interim No. 10-0001 (social networking). COPRAC discussed the revised draft of 06-0004 (confidential information and unsolicited e-mail correspondence), previously contemplated as a possible California Bar eJournal article. COPRAC continued pre-public comment work on the following opinions: 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 at motions for withdrawal); 12-0002 (shifting conflicts); and 12-0003 (attorney rating descriptions). 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. The Committee continued initial discussions on the location, and possible speakers, for the 2013 Annual Ethics Symposium. Also, the Committee discussed several new opinion topics.

The following opinion was tentatively approved by COPRAC for a 90-day public comment period at its August 10, 2012 meeting, with a public comment deadline of November 27, 2012. Post-public comment consideration of the opinion will occur at the Committee's December 7, 2012 meeting.

Formal Opinion Interim No. 11-0002:

ISSUE: Has an attorney engaged in deceitful conduct by not alerting opposing counsel of: (A) an apparent material error made by opposing counsel in contract language; or (B) a material change made by the attorney in contract language?

DIGEST: Where an attorney has engaged in no conduct or activity that induced an apparent error by opposing counsel, the attorney has no obligation to alert the opposing counsel of the apparent error. However, where the attorney has made a material change in contract language in such a manner that his conduct constitutes deceit, active concealment or fraud, the failure of the attorney to alert opposing counsel of the change would be a violation of his ethical obligations.

At the October 11, 2012 meeting, COPRAC considered the public comments received on Formal Interim Opinion No. 11-0001 (third-party payors); and continued post-public comment consideration of 10-0001 (social networking). COPRAC discussed the revised draft of 06-0004 (confidential information and unsolicited e-mail correspondence), previously contemplated as a possible California Bar eJournal article. COPRAC

continued pre-public comment work on the following opinions: 11-0003 (dissolving firm and moving to new firm); 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). Subcommittee reports were presented on the topics of Committee Outreach and ABA Ethics 20/20 Commission developments. The Committee continued initial discussions on the location, and possible speakers, for the 2013 Annual Ethics Symposium, which has been tentatively scheduled to be held on April 20, 2013 at the UCLA School of Law. The Committee selected four new opinion topics: 12-0004 (in rem proceedings); 12-0005 (in-firm communications re malpractice); 12-0006 (attorney blogging); and 12-0007 (puffing in negotiations).

The following opinion was tentatively approved by COPRAC for a 90-day public comment period at its October 11, 2012 meeting, with a public comment deadline of January 22, 2013. Post-public comment consideration of the opinion will occur at the Committee's February 1, 2013 meeting.

Formal Opinion Interim No. 06-0004:

ISSUE: If an attorney receives from a non-party a confidential communication between opposing counsel and opposing counsel's client, what should the attorney do if the attorney reasonably believes that the communication may not be privileged because of the crime-fraud exception to the attorney-client privilege?

DIGEST: If an attorney receives an unsolicited intentionally transmitted written communication between opposing counsel and opposing counsel's client under circumstances reasonably suggesting that it is a confidential communication apparently sent without the consent of its owner, the attorney may not ethically read the communication, even if she suspects the crime-fraud exception might vitiate the privilege. The attorney must notify opposing counsel as soon as possible that the attorney has possession of the communication. The two attorneys should try to resolve the privilege issue or, if that fails, obtain the assistance of a court. Attorney may not read, disseminate, or otherwise use the communication or its contents absent court approval or consent of its owner.

The following opinion was tentatively approved by COPRAC for a 90-day public comment period at its October 11, 2012 meeting, and is currently being prepared for circulation. Post-public comment consideration of the opinion will occur at the Committee's March 1, 2013 meeting.

Formal Opinion Interim No. 11-0003:

ISSUE: Upon the dissolution of a law firm, what duties does an attorney formerly affiliated with the firm owe to a client on whose behalf he or she provided legal services if the attorney will no longer be representing the client following the dissolution? What duties does she owe to the client if she had no connection with or knowledge of the client prior to dissolution of the firm? Do those duties differ depending on the nature of the attorney's position with the firm?

DIGEST: California Rules of Professional Conduct, rule 3-700, provides that a member may not withdraw from the representation of a client until the member has taken reasonable steps to avoid reasonably foreseeable prejudice to the rights of the client. The requirements of rule 3-700 also apply when an attorney's withdrawal is prompted by the dissolution of a law firm. In the event of dissolution, all attorneys who are employed by or partners of a firm are required to comply with rule 3-700 as to all clients of the firm, regardless of their knowledge of or

connection to any specific client or the specific nature of their affiliation with the firm.

Post-public comment consideration of Formal Opinion Interim No. 10-0001, which was previously discussed above, occurred at the Committee's October 11, 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 Regulations, Admissions and Discipline (RAD). Circulation to RAD for final approval will take place following the November 15-16, 2012 Board Meeting.

COPRAC's next meeting is scheduled for December 7, 2012 and will be held in Los Angeles. At this meeting, COPRAC will consider any public comments received on Formal Opinion Interim No. 06-0004; Formal Interim Opinion No. 11-0003; and Formal Opinion Interim No. 11-0002 (duties to opposing side). The Committee will continue post-public comment work on 11-0001 (third-party payors). COPRAC will continue pre-public comment work on the following opinions: 11-0004 (ESI and discovery requests); 12-0001 (disclosure of confidences in motion for withdrawal); 12-0002 (shifting conflicts); 12-0003 (attorney ratings descriptions); 12-0004 (in rem proceedings) 12-0005 (in-firm communications re malpractice); 12-0006 (attorney blogging); and 12-0007 (puffing in negotiations). Sub-Committee reports will be presented on the topics of the 2013 Ethics Symposium, Committee outreach, and ABA Ethics 20/20 Commission developments.

C. MCLE Programs

On October 12th and 13th, COPRAC conducted four MCLE ethics presentations in Monterey during the State Bar Annual Meeting. The topics included: "The Briefcase Litigator in an Electronic World"; "Ethics Update 2012: Significant Developments in the Law of Lawyering"; "ABA Ethics 20/20 Update"; and "Conflicts 101: How to Identify and Deal With Them."

3. PROPOSED NEW AND AMENDED RULES OF PROFESSIONAL CONDUCT

On October 22, 2012, the State Bar submitted to the Supreme Court for approval proposed rule 1.1 (re competence) and proposed rule 1.8.10 (re sexual relations with clients), as adopted by the Board. This submission included a transmittal memorandum providing an overview of the State Bar's rule revision project. Proposed Rules of Professional Conduct do not become binding unless and until they are approved by the Supreme Court. This submission is a part of the State Bar's work with Supreme Court staff to facilitate the most effective way for the Supreme Court and its staff to penetrate the large amount of data presented by the State Bar's comprehensive proposed new and amended rules.

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, 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 for the 2013 recipient ended on August 31st. All submissions were reviewed by a selection committee and a recommendation for the 2013 recipient is on the Nominations and Appointments Committee's (NAC) and the Board's November 15-16, 2012 meeting agenda for final approval. The award will be announced following the Board action and a formal presentation will be made at the 2013 Annual Statewide Ethics Symposium.

5. IMPLEMENTATION OF SENATE BILL NO. 1186

Senate Bill No. 1186, authored by Senate President Pro Tem Darrell Steinberg (D-Sacramento) and Senator Bob Dutton (R-Rancho Cucamonga), made significant changes to the law, some of which impose State Bar disciplinary consequences for lawyer obligations. The bill contains an urgency clause, and was therefore effective immediately upon enactment on September 19, 2012, but some of its provisions are not effective until January 1, 2013. The bill includes the following provisions, all of which govern construction-related disability access claims: (1) a general prohibition against sending a demand letter that includes a request or demand for money or an offer or agreement to accept money, effective immediately; (2) a revision to the existing mandatory written advisory that must be provided with a demand letter or complaint, effective immediately; (3) a requirement that a lawyer send a copy of a demand letter to the State Bar and the California Commission on Disability Access, effective January 1, 2013; (4) a requirement that a demand letter sent by a lawyer include the lawyer's State Bar license number, effective January 1, 2013; (5) a requirement that a lawyer send a copy of a complaint to the California Commission on Disability Access, effective January 1, 2013; (6) a requirement that demand letters and complaints contain plain language sufficient for a recipient business or property owner to determine the basis of alleged violations, including: specific identification of each access barrier encountered; the date of the incident; and a description of how each barrier interfered with full and equal access, effective January 1, 2013; (7) a requirement that a complaint be verified by the plaintiff, effective January 1, 2013. A complaint filed without verification is subject to a motion to strike; (8) a reduction of statutory damages if specified conditions apply, effective immediately; and (9) the establishment of procedures for a mandatory evaluation conference, effective as to claims filed on or after January 1, 2013. Professional Competence staff is assigned to receive and review copies of demand letters as provided for in SB 1186. Professional Competence has taken steps to implement the new regulatory responsibilities concerning demand letters that are just one part of the Legislature's comprehensive reforms. Demand letters will be screened by Professional Competence and matters that may give rise to a disciplinary investigation will be forwarded to the Office of Enforcement.

6. 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 4,938 times between January – September, 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 and regularly updated. The *Compendium* html webpage with links to the various content has been visited 4,907 times between January – September, 2012. A hardcopy of the 2012 *Compendium* Update is available for sale to a regular subscriber base. The number of sales of this update will be reflected in the next report..

CA Rules of Professional Conduct & State Bar (a.k.a Publication No. 250): Sales of the 2012 Publication 250 books began in July and 803 copies have been sold through September, 2012. Since its debut at the 2011 State Bar Annual Meeting, 137 copies of the e-Reader version of the Publication 250 have been sold. In June, the 2012 edition was posted for sale at Amazon.com.

7. 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 – September, 2012	
Webpage	Approx. Number of Visits
Trust Accounting Handbook html webpage	4,938
Rules of Professional Conduct html webpages	396,265
The State Bar Act html webpages	28,144
Ethics Opinions html webpages	31,990
Ethics Information html webpages	183,128

The new Ethics and Technology webpage and its subpages have been accessed approximately 14,200 times in 2012 and 21,700 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.

NOTE: The information reported below was provided in the last Professional Competence report. Due to a transition to a new online CLE platform updated information is not yet available.

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

Since the last Professional Competence status report submitted for the Board Committee's July 19, 2012 meeting, the following website updates have been made:

1. Newly approved Formal Opinion Nos. 2012-183 (Duty of Confidentiality & Seeking Legal Advice) and 2012-184 (Virtual Law Offices) were posted at the Opinions page of the Bar's website.

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

2. The following draft opinions were posted at the Public Comment page of the Bar's website: a 90-day public comment circulation for 11-0001 (Third Party Payors); and an additional 90-day public comment circulation for 06-0004 (Confidential Information and Unsolicited E-Mail Correspondence).
3. The State Bar Act/Business and Professions Code sections and Civil Code sections in the PDF of the Selected Statutes were recently updated and posted at the Bar's website. These updates pertain to the urgency legislation concerning ADA demand letters (SB 1186) approved by the Governor in September.
4. The two new ethics opinions on the topic of ethics and technology were added to the Ethics and Technology webpage.

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
June	21	1,272	1,046	226	82%	18%	23	457
July	21	1,222	1,044	178	85%	15%	6	435
August	23	1,362	1,204	158	88%	12%	11	534
September	19	1,117	1,026	91	92%	8%	17	482
Cumulative Totals	190	11,444	9,971	1,473	87%	13%	240	4,616

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:	60
	Completed Calls:	52
Monthly:	Incoming Calls:	1,272
	Completed Calls:	1,108

Aggregate Outgoing Calls

Current Month:	1,934*
Cumulative to Date:	17,922*

*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 September 2012

Budget (Actual)	\$1,141,408
Budget (Authorized)	\$1,318,422
Variance	\$137,966

Monthly (January-May)

	January	February	March	April	May	June
Budget (Actual)	\$145,141	\$80,120	\$154,649	\$97,654	\$110,337	\$121,394
Budget (Authorized)	\$131,450	\$135,113	\$189,078	\$135,113	\$135,113	\$135,113
Variance	-\$13,691	\$54,993	\$34,429	\$37,459	\$24,776	\$13,719

Monthly (July-December)

	July	August	September	October	November	December
Budget (Actual)	\$146,721	\$164,529	\$120,863			
Budget (Authorized)	\$134,581	\$188,280	\$134,581			
Variance	-\$12,140	\$23,751	\$13,718			

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

1. Received June 15, 2012

COMMENTS / SUGGESTIONS:

As far as I'm concerned, the Hotline is the BEST FEATURE OF ALL THE STATE BAR OFFERS!!! These ladies and gentlemen make my Bar fees worth every dime!

As for the initial contact with the service..... you could not have found ANYONE better for that job than David. No matter how many calls he may be fielding, I feel like my call is the most important to him.

Today, Elbert Lee was my knight in shining armor. I don't know how he can keep so much specific information in his head! I AM A FAN!!!!

GIVE THESE PEOPLE A RAISE!!!!!! Thank you, thank you, thank you, thank you...(you get the drift!) THANK YOU!

2. Received June 18, 2012

COMMENTS/SUGGESTIONS:

Thank you. The staff directed me to the exact provisions I needed. An invaluable service!

3. Received June 20, 2012

COMMENTS / SUGGESTIONS:

I think the receptionist was very good and friendly, and fast.

The research stated by paralegal was on point and he did give the info quickly. He also pointed out the features on the site on opinions which I had seen but the case he told me about I had not read, so that was a big plus.

4. Received June 25, 2012

COMMENTS/SUGGESTIONS:

The receptionist, David, was very helpful, one of the best over the last 45 years I have been using this service.

5. Received June 22, 2012

COMMENTS/SUGGESTIONS:

Both David, the receptionist, and the paralegal were very helpful.

6. Received June 27, 2012

COMMENTS/SUGGESTIONS:

Had Lynn Cobb as our paralegal. Very helpful, very knowledgeable and very courteous.

7. Received July 6, 2012

COMMENTS/SUGGESTIONS:

The woman who initially answered the phone was very helpful, and spent quite a bit of time with me trying to figure out to whom to direct my call. I was trying to find out what committee or committees would look at specific legal issues related to the Judicial Council Forms. She contacted someone behind the scene, and referred my call to a specific person. That person's voice mail kicked in so I left a message. Then that person must have received my call and forwarded it to Mr. Tuft. Mr. Tuft then spent quite a bit of time with me as I discussed what I was trying to do, which was to alert the appropriate committee(s) to a potential problem with a Judicial Council Form. He listened very attentively and not only understood what I was trying to do, but came up with a lot of good thoughts and even the citation to two cases that had involved a similar issue. (I was amazed at this, and have been reading the cases he told me about.) I was very pleased with the service I got, and with how polite Mr. Tuft was, who kept apologizing for not helping me more when he was helping me far, far more than I'd expected. Looking back on my experience, I also want to note again what a good listener he was; I used to teach school and listening carefully is a skill I once taught. Most people do not engage in active listening; Mr. Tuft did. It makes him very effective in his job.

8. Received July 27, 2012

COMMENTS/SUGGESTIONS:

I'm sure you receive plenty of complaints disguised as "how you can improve your service" but I would like to comment on what a positive experience I had a few days ago calling the Ethics Hotline. For the first time in over 10 years of practicing law, I had an ethical issue that came to a head suddenly and when I indicated I had an urgent need to speak with someone about it, David the receptionist immediately put me in touch with Paralegal Pam Hill who alleviated my immediate concerns with a quick review of the pertinent Rules of Professional Responsibility and giving me some case law for reference. She also had Staff Attorney Andrew Tuft follow up in the morning with me and he called first thing! I had another very productive conversation with him and ultimately my concerns with confronting a possible professional rule violation were completely alleviated. They were all knowledgeable, professional and above all incredibly helpful. I was extremely impressed and though I hope it is at least another 10 years before I run into similar ethical issue in my practice, it's great to know that they are all a mere phone call away! Thank you all very much!

9. Received July 31, 2012

COMMENTS/SUGGESTIONS:

David, the receptionist recognized the immediacy of my client and my needs, and assisted me in getting quick assistance from the Ethics Hotline.

I received a prompt and helpful call from the paralegal. She was very knowledgeable.

10. Received August 2, 2012

COMMENTS/SUGGESTIONS:

I've been practicing for over 30 years. This is the most helpful service I have ever gotten from the State Bar, and I've only used this ethics hotline twice. Each of the two times I used the ethics hotline, the staff answered my questions as thoroughly as possible, and gave me references I wouldn't have found without hours or days of research, and maybe not at all. The first time I called, they did extra research because the issues I raised were important and troublesome, and their help changed the course of a case that otherwise might have gone awry. I wish I could remember their names so that I could thank them. The second time (which was today), Mr. Elbert Lee gave me the information that I needed to right some wrongs that otherwise might have remained hidden. I cannot thank you folks enough. Your friendliness, anxiousness to help, and your evident thorough knowledge of the subject matter together constitute an outstanding island of integrity in a frequently dysfunctional legal system.

11. Received August 6, 2012

COMMENTS/SUGGESTIONS:

David is great and Elbert is fabulous.

12. Received August 7, 2012

COMMENTS/SUGGESTIONS:

I spoke with a very kind gentleman over one month ago and his information has proven invaluable. I do not recall the exact date but when I saw this option I wanted to make sure I provided my input as it is better to be gracious than grumpy.

13. Received August 9, 2012

COMMENTS/SUGGESTIONS:

David rocks; Richard Patino great; thx much!!

14. Received August 10, 2012

COMMENTS/SUGGESTIONS:

The receptionist David has the type of personality that makes difficult situations easier to bear. He was helpful, friendly and makes the State Bar seem more humane. Ricardo was a very informative paralegal who seemed to have a real grasp of the codes and provided clear explanations. Thank you for such excellent service.

15. Received August 14, 2012

COMMENTS/SUGGESTIONS:

You rock dudes!

16. Received August 24, 2012

COMMENTS/SUGGESTIONS:

Pamela Hill and Lynn Cobb have been extremely helpful. They are both polite, professional and knowledgeable. They are most definitely an asset to the organization.

17. Received August 29, 2012

COMMENTS/SUGGESTIONS:

David the receptionist was great. Elbert was very helpful and informative.

18. Received August 30, 2012

COMMENTS/SUGGESTIONS:

David the receptionist was very helpful and nice, and Pamela the paralegal was extremely patient, knowledgeable and insightful.

I've used this service on many occasions, and each time I was extremely pleased with the experience. Today was no exception. In my opinion this is by far the most useful service the bar association provides.

19. Received September 7, 2012

COMMENTS/SUGGESTIONS:

I have come to rely on the hotline, calling 2 or 3 times per year. You're in my cell phone!

20. Received September 11, 2012

COMMENTS/SUGGESTIONS:

THIS SURVEY REPLY IS TO REPLACE THE REPLY THAT I PREVIOUSLY FAXED, ON WHICH I FILLED THE BUBBLES BACKWARDS, INDICATING A NEGATIVE RESPONSE RATHER THAN A SUPERIOR POSITIVE RESPONSE.

AS INDICATED IN MY COMMENTS, I HAVE USED THE HOTLINE ABOUT 1 TO 3 TIMES A YEAR FOR THE PAST 20 YEARS, ALWAYS WITH COMPLETE SATISFACTION.

ON 9/5/12, MS. COBB'S HANDLING OF MY CALL WAS EXCEPTIONALLY GOOD AND HELPFUL. SHE GAVE ME SEVERAL REFERENCES, WHICH I DID READ AFTER OUR CALL, AND SHE PROMISED TO PRINT AND MAIL ME ONE OPINION THAT WAS NOT AVAILABLE ON THE WEB SITE. THAT ONE TURNED OUT TO BE THE ONE THAT WAS MOST ON POINT, ANSWERING ANY RESIDUAL QUESTIONS I HAD ENTERTAINED. FURTHER, SHE REFERRED ME TO AN ARTICLE THAT ADDRESSED THE PHILOSOPHICAL & NON-LEGAL ISSUES REGARDING MY FEE DISPUTE QUESTION - WHICH WAS ALSO QUITE HELPFUL TO ME.

I AM MOST PLEASED WITH THE SERVICE AND ANTICIPATE THAT I WILL CONTINUE TO RELY ON THE HOTLINE!

21. Received September 12, 2012

COMMENTS/SUGGESTIONS:

I called the Ethics Hotline today. David, the receptionist, was very helpful in arranging a callback the same day. Lynn Cobb, the research paralegal -- who has been extremely helpful with my questions on several occasions in the past -- was her usual highly competent self. Overall, an excellent experience. Thanks!

22. Received September 14, 2012

COMMENTS/SUGGESTIONS:

Your Receptionist David - He is a Keeper! So helpful!!! Quick, to the point. A really positive PR person for the Bar! Paralegal - Susan!! So helpful!!! Thank you all!

23. Received September 24, 2012

COMMENTS/SUGGESTIONS:

Pamela Hill and Lynn Cobb have been extremely helpful. They are both polite, professional and knowledgeable. They are most definitely an asset to the organization.

24. Received September 25, 2012

COMMENTS/SUGGESTIONS:

Thank you so much ethics team