

**ASSESSMENT OF PERFORMANCE
OF THE STANDING COMMITTEE
ON PROFESSIONAL RESPONSIBILITY AND CONDUCT
OF THE STATE BAR OF CALIFORNIA**

2012 Year End

Chair: Neil Wertlieb

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Summary of Accomplishments

The Committee on Professional Responsibility and Conduct (“COPRAC” or “the Committee”) is assigned to develop advisory ethics opinions, to conduct educational programs, and to assist the Board of Trustees in matters pertaining to attorney professional responsibility. This report presents an assessment of the Committee’s 2012 activities and accomplishments.

1. Conducted 8 one-day meetings and 1 meeting via conference call.
2. Published 7 proposed opinions for public comment, three of which were an additional public comment circulation of a previously published opinion.
3. Published 4 formal opinions approved by the Board of Trustees for inclusion in the 2012 update to the *California Compendium on Professional Responsibility*, and posting online at the State Bar’s website.
4. Administered the 16th Annual Statewide Ethics Symposium at UC Hastings College of the Law.
5. Videotaped the 16th Annual Statewide Ethics Symposium panels and made them available at the Bar’s website for online participatory credit in legal ethics.
6. Presented 4 ethics programs at the State Bar Annual Meeting, one was selected for webcasting, and another was selected for videotaping for participatory CLE credit in legal ethics.
7. Participated in 32 CLE outreach programs including requests from local and specialty bar associations.

Performance Indicators and Actual Performance

1. **[Performance Indicator] Meetings - To carry out its charge, 9-10 day-long meetings will be held in FY 2013. Most of these meetings will be held in-person at the State Bar facilities in San Francisco or Los Angeles, or at an airport hotel location. Meetings scheduled later in the fiscal year will be planned as video-conference meetings. However, the Committee hopes to realize budget savings and use these savings to convert these video-conference meetings into in-person meetings. Given the nature of the Committee's work, in-person member participation is the most productive meeting format.**

[Actual Performance] In FY 2012, COPRAC met for a total of 9 meetings, 8 one-day meetings and 1 meeting conducted via conference call. The 2012 meeting schedule is attached. (Attachment A)

2. **[Performance Indicator] Ethics Opinions - COPRAC plans to issue 3 – 5 formal ethics opinions. The Committee shall assist members of the State Bar in their desire to appreciate and adhere to ethical and professional standards of conduct, which assistance shall include, but is not limited to:**

1. Issuing to members of the bar advisory opinions on the ethical propriety of hypothetical attorney conduct at the request of members of the State Bar or on its own initiative;
2. Responding to such inquiries from members of the bar; and
3. Publishing its opinions.

[Actual Performance] In FY 2012, the Committee issued 7 opinions for public comment distribution (Interim Op. Nos. 06-0004, 09-0001A, 09-0001B, 10-0001, 11-0001, 11-0002, and 11-0003). Four of the proposed opinions subsequently were submitted to RAD for final publication and were officially published as State Bar Formal Opinion Nos. 2012-183, 2012-184, 2012-185 and 2012-186. The new formal opinions were included in the 2012 update to the *California Compendium on Professional Responsibility* and posted online at the Ethics Opinions page of the Bar's website. One opinion (11-0002 re Deceitful Conduct) was issued for a second public comment period. This opinion has a public comment deadline of March 11, 2013 and the Committee will consider the public comments received at their April 19, 2013 meeting. The public comment circulations for two opinions (Interim Op. Nos. 06-0004 and 11-0003) were circulated late in 2012, with public comment deadlines falling in early 2013 (January 22, 2013 and February 19, 2013, respectively). The Committee will consider the public comment received on these opinions in early 2013. A summary of the published opinions and the opinions distributed for public comment is attached. (Attachment B)

A complete archive of the Committee's formal opinions published by the State Bar since its inception in 1965 is maintained at the Bar's website. In 2012, the Ethics Opinions homepage and its subpages were visited over 41,100 times.

3. **[Planned Activity] Legislation - As assigned by the Board, COPRAC will review and analyze bills that relate to attorney professional responsibility, serve as a technical resource to the State Bar's Office of Government Affairs. On an as needed basis, COPRAC may comment in its own name with a disclaimer indicating its comment does not reflect the view of the State Bar or the Board of Trustees.**

[Activity Report] There was no legislation referred to the Committee by the Board in FY 2012 or any legislation that COPRAC followed which resulted in any comments from the Committee.

4. **[Planned Activity] Judicial Council - As assigned by the Board, COPRAC will review and analyze Rules of Court and other proposals or studies that relate to attorney professional responsibility, including proposed ethical rules for judges and arbitrators. On an as needed basis, COPRAC may comment in its own name with a disclaimer indicating its comment does not reflect the view of the State Bar or the Board of Trustees.**

[*Activity Report*] There were no Judicial Counsel referrals from the Board in FY 2012 or any Judicial Council matters followed by COPRAC.

5. **[Planned Activity] Conference of Delegates of California Bar Associations - As assigned by the Board, the Committee will review and analyze Conference resolutions that relate to attorney professional responsibility.**

[*Activity Report*] There were no resolutions referred to the Committee for consideration during FY 2012.

6. **[Planned Activity] American Bar Association House of Delegates - As assigned by the Board, the Committee will review and analyze ABA studies and proposals that relate to attorney professional responsibility (e.g., the ABA's study and revision of the Model Rules of Professional Conduct and the ABA's Report on Multidisciplinary Practice).**

[*Activity Report*] COPRAC created an ABA Ethics 20/20 Commission Subcommittee to monitor proposals made by the ABA Ethics 20/20 Commission. The Subcommittee also reviewed action taken by the ABA's policy-making House of Delegates during the ABA's Annual Meeting held in August, 2012, with close consideration of the changes made to the ABA Model Rules.

At the State Bar Annual Meeting held in Monterey, CA in October, 2012, COPRAC conducted a CLE program entitled "ABA Ethics 20/20 Update."

The Subcommittee continues to monitor proposals made by the ABA Ethics 20/20 Commission and will be reviewing any action taken at the ABA 2013 Mid-Year Meeting held in February, 2013.

7. **[Planned Activity] Annual Statewide Ethics Symposium - The Committee will plan and present a day-long statewide educational program offering a high level interactive discussion of key professional responsibility issues.**

[*Activity Report*] COPRAC's 16th Annual Statewide Ethics Symposium was held on May 19, 2012 at the University of California, Hastings College of the Law. The theme of the Symposium was "*Evolution of Ethics in an Electronic Age*." The panels presented included the following: "The No Contact Rule: Up Close and Personal;" "Maintaining Confidences and Competence in an ESI World;" "With 'Friends' Like These – The New 'Face' of Legal Practice: Ethical Implications in Cyberspace and Social Media;" and "The Ethical and Practical Implications of Shared Client Representations." COPRAC Chair Wendy Patrick provided welcoming remarks. State Bar President Jon Streeter provided additional opening remarks. The keynote speaker was Frank H. Wu, Chancellor and Dean of the University of California, Hastings College of the Law. There were 107 attendees at the Symposium. The Symposium received high marks in all categories from the attendees. A copy of the Symposium Activity Evaluation Results is attached. (Attachment C)

The individual panels were recorded and offered as State Bar provided online CLE programs for participatory credit. The panel entitled "The No Contact Rule: Up Close and Personal" was viewed nearly 500 times in 2012.

8. **[Performance Indicator] State Bar Annual Meeting Programs - COPRAC plans to conduct 3 – 5 CLE programs in connection with the State Bar Annual Meeting (identification and preparation of program topics and materials begin in Spring 2012 for programs presented at the Annual Meeting in the Fall of 2012).**

[*Actual Performance*] COPRAC conducted 4 programs at the State Bar Annual Meeting held in Monterey, CA in October 2012. The programs were entitled "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." One program was selected for webcasting and another program was selected for videotaping to be made available as part of the State Bar's online CLE resources. Collectively, these programs had 467 attendees at the Annual Meeting. All of these programs

received high marks in all categories from the attendees. A copy of the Activity Evaluation Results is attached. (Attachment D)

9. **[Planned Activity] Local Bar Outreach Programs - As opportunities arise, the Committee will coordinate with local and specialty bar associations in developing professional responsibility CLE programs tailored to local/specialty interests.**

[Activity Report] During FY 2012, members of COPRAC represented the Committee as participants in 32 continuing legal education programs. Generally, at these programs the speaker's role as a member of COPRAC is to publicize the work of the Committee and to encourage members of the bar to submit opinion requests, to comment on proposed opinions and to apply to serve on the Committee. A table listing COPRAC member participation in outreach programs during FY 2012 is attached. (Attachment E)

10. **[Planned Activity from 2009 Workplan] Coordination with other State Bar Entities - On matters of mutual interest, COPRAC will coordinate with State Bar entities.**

[Activity Report] There were no matters requiring coordination with other State Bar entities during FY 2012.

ATTACHMENT A

COMMITTEE ON PROFESSIONAL RESPONSIBILITY AND CONDUCT

2012 SCHEDULE OF MEETINGS

January 6, 2012

San Francisco State Bar Office

February 9, 2012

Los Angeles State Bar Office

March 23, 2012

Los Angeles State Bar Office

May 18, 2012 (Meeting)

May 19, 2012 (Symposium)

San Francisco State Bar Office/UC Hastings College of the Law

June 6, 2012

Conference Call Meeting

June 29, 2012

San Francisco State Bar Office

August 10, 2012

Los Angeles State Bar Office

October 11, 2012

Monterey – State Bar Annual Meeting

December 7, 2012

Los Angeles State Bar Office

ATTACHMENT B

SUMMARY OF PUBLISHED OPINIONS (2012)

Officially Published Opinions

FORMAL OPINION NO. 2012-183

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

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.

FORMAL OPINION NO. 2012-185

ISSUES: In settling a dispute with a former client, may an attorney seek: (1) the former client's written representation 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.

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FORMAL OPINION NO. 2012-186

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.

Opinions Published for Public Comment

FORMAL OPINION INTERIM NO. 06-0004 (additional 90-day public comment period)

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.

FORMAL OPINION INTERIM NO. 09-0001A

(Published as 2012-185. See issues and digest above.)

FORMAL OPINION INTERIM NO. 09-0001B

(Published as 2012-183. See issue and digest above.)

FORMAL OPINION INTERIM NO. 10-0001

(Published as 2012-186. See issue and digest above.)

FORMAL OPINION INTERIM NO. 11-0001

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

DIGEST: Where a third-party pays the attorney's 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 agreements with the client and the payor specify otherwise.

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FORMAL OPINION INTERIM NO. 11-0002 (additional 60-day public comment period)

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 material 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.

FORMAL OPINION INTERIM NO. 11-0003

ISSUES: Upon the dissolution of a law firm, what duties does an attorney formally 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 these 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.

ATTACHMENT C

ETHICS SYMPOSIUM 2012 EVALUATIONS (107 Attendees)

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.

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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. Great 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 didn't 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 although 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 extremely successful in outlining potential complications.

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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!

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- 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.

ATTACHMENT D

#46 THE BRIEFCASE LITIGATOR (59 Attendees)

To what extent were your personal objectives satisfied?

- Yes, excellent discussion, excellent panel
- All good
- All 4 were excellent!
- **Average Rating on a Scale of 1-5: 4.6**

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

- Good enough chairs and water provided. Good media set up; projection screen large enough
- Tiny writing at many times on slides, not readable.
- **Average Rating on a Scale of 1-5: 4.5**

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

- All very knowledgeable, diverse application of subject to various areas of law
- Don't use gray slides with red or black text. Hard to read when it's a whole paragraph
- Only 35 minutes for CA law = inadequate, nor are slide materials included online pdf info.
- **Average Rating on a Scale of 1-5: 4.6**

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

- **Average Rating on a Scale of 1-5: 4.7**

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

- Current case law discussion good
 - On top of ESI
 - Well thought out, good panel chemistry. Good dialogue.
 - **Average Rating on a Scale of 1-5: 4.7**
-

Instructor: Wendy Patrick

- No table name tags, so can't know who's who for this evaluation.
- Spoke a little fast but very clearly.
- Excellent panel presentation.
- Liked from criminal law perspective.
- Please write out or spell case names, references, etc.
- **Average Rating on a Scale of 1-5: 5**

Instructor: Jim Friedhofer

- Great speaker!
- Informative, was excellent
- **Average Rating on a Scale of 1-5: 4.9**

Instructor: Scott Garner

- Great coverage.
- **Average Rating on a Scale of 1-5: 4.8**

Instructor: Browning Marean

- Very very good.
- **Average Rating on a Scale of 1-5: 4.7**

ATTACHMENT D

#60 ETHICS UPDATE 2012 (251 Attendees)

To what extent were your personal objectives satisfied?

- Disappointed in amount of material covered. Very little. Too few cases, moves too slow.
- **Average Rating on a Scale of 1-5: 4.4**

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

- Should have been broken into several sessions
- Desks for note taking
- Good lap tables; good lighting
- I like the Monterey location!
- Best seating and comfortable setting
- We need names of speakers on tables
- **Average Rating on a Scale of 1-5: 4.4**

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

- Good PowerPoint
- Great hypos and tie ins with cases.
- Should have provided material; none there.
- Well done
- Panel did not provide materials, made presentation hard to follow.
- Did not have them.
- They just read from the slides. Zzzzzzzz.
- **Average Rating on a Scale of 1-5: 4.3**

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

- limited scope
- Somewhat
- **Average Rating on a Scale of 1-5: 4.4**

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

- Completely without analytical perspective and no understanding of difference between hypos and cases.
- I liked the hypotheticals – Good teaching method.
- Always a good class.
- It just was not stimulating at all.
- **Average Rating on a Scale of 1-5: 4.6**

Instructor: Shawn Harpen

- Way too slow - Not engaging. Not enough material.
- Outstanding panel
- Not loud enough; good credentials; a bit scattered
- If possible, jazz it up - This topic is not interesting so requires speakers who can hold interest. Wendy met this well - others, not.
- Too slow/hesitant and too many details
- All were good and knowledgeable
- Well done!

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- All 4 very good
- Wonderful, superb.
- **Average Rating on a Scale of 1-5: 4.5**

Instructor: Wendy Patrick

- The best of the four
- Both Wendy and Bill were particularly engaging
- Best speaker thus far for conference - by far
- Effective speaker, but pretty narrow
- Outstanding, exciting.
- **Average Rating on a Scale of 1-5: 4.6**

Instructor: Neil Wertlieb

- Good voice; good delivery; well organized; clear.
- Very narrow and fact unspecific examples
- Very knowledgeable
- **Average Rating on a Scale of 1-5: 4.6**

Instructor: William Woods

- badly constructed hypos.
- Fabulous, great analysis.
- **Average Rating on a Scale of 1-5: 4.6**

ATTACHMENT D

#82 ABA ETHICS 20/20 UPDATE (81 Attendees)

To what extent were your personal objectives satisfied?

- **Average Rating on a Scale of 1-5: 4.4**

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

- Freezing in this room. So uncomfortable!
- The room was too cold.
- **Average Rating on a Scale of 1-5: 4.0**

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

- Couldn't bring laptop to conference. Brought smartphone, so I couldn't view materials. Could materials be part of State Bar Annual Meeting App?
- **Average Rating on a Scale of 1-5: 4.4**

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

- **Average Rating on a Scale of 1-5: 4.4**

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

- **Average Rating on a Scale of 1-5: 4.6**
-

Instructor: Shawn Harpen

- Excellent. Clear and substantive presentation.
- **Average Rating on a Scale of 1-5: 4.6**

Instructor: Merri Baldwin

- Excellent speaker
- Excellent. Straight forward manner, did not waste time
- **Average Rating on a Scale of 1-5: 4.7**

Instructor: Larry Doyle

- Excellent, though he could use some tips on the engaging manner of the other 3 speakers.
- **Average Rating on a Scale of 1-5: 4.5**

Instructor: Wendy Patrick

- Very lively and interesting, funny and engaging.
- Talks extremely fast/does not acknowledge questions.
- Excellent. Her depth of knowledge combined with her vibrant manner made the session great.
- **Average Rating on a Scale of 1-5: 4.7**

ATTACHMENT D

#96 CONFLICTS 101 (76 Attendees)

To what extent were your personal objectives satisfied?

- Not the level of quality one would expect in a State Bar Annual Meeting program
- Great panel! Put together a group with a wealth of knowledge
- Panel was very well prepared. Very practicable advice. All members of this panel rate the above "5" consideration.
- Lot of information - well presented
- Great speakers and great presentation! Very informative and overall very practical!
- **Average Rating on a Scale of 1-5: 4.5**

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

- A big problem – no tables.
- Tables would be very helpful
- Prefer desk chairs or tables
- No tables for taking notes
- Too cold!
- Need tables.
- **Average Rating on a Scale of 1-5: 4.0**

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

- Very helpful
- Hypos too long and complex for presentation
- Good use of hypos to explain confusing rules
- Hypos were too long and only summarized by panelists
- Good deck – paper outline easier to follow
- **Average Rating on a Scale of 1-5: 4.2**

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

- Power Point provided was best thing of any class. Need written materials.
- Please put Power Point on USB in the future.
- **Average Rating on a Scale of 1-5: 4.5**

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

- **Average Rating on a Scale of 1-5: 4.5**
-

Instructor: Wendy Chang

- created/urged use of outline
- Not professional to make comments or gestures/laugh when other panelists are speaking.
- Changes slides too fast
- try to make hypos more succinct for easier reading, or summarize clearly.
- **Average Rating on a Scale of 1-5: 4.4**

Instructor: Alison Buchanan

- Good pointers
- **Average Rating on a Scale of 1-5: 4.4**

ATTACHMENT D

Instructor: Bill Mills

- Rambles a lot
- **Average Rating on a Scale of 1-5: 4.5**

Instructor: Toby Rothschild

- **Average Rating on a Scale of 1-5: 4.4**

ATTACHMENT E

2012 COPRAC Member Outreach Programs

	Date	Name	Host or Provider	Location
1.	01-12-2012	Neil Wertlieb	Milbank, Tweed, Hadley & McCloy LLP	Los Angeles, CA
2.	01-18-2012	Wendy L. Patrick	Korean Bar Association and Pan Asian Lawyers of San Diego	San Diego, CA
3.	01-19-2012	Shawn Harpen	Jones Day	Irvine, CA
4.	01-20-2012	Neil Wertlieb	Milbank, Tweed, Hadley & McCloy LLP	Los Angeles, CA
5.	01-24-2012	Wendy L. Patrick	University of Southern California Gould School of Law Tax Institute	Los Angeles, CA
6.	01-31-2012	Wendy L. Patrick	California Western School of Law	San Diego, CA
7.	02-03-2012	Wendy L. Patrick	Association of Professional Responsibility Lawyers	New Orleans, LA
8.	02-16-2012	Wendy L. Patrick	Stanford Law School	Palo Alto, CA
9.	02-21-2012	Wendy L. Patrick	University of San Diego	San Diego, CA
10.	02-22-2012	Neil Wertlieb	Milbank, Tweed, Hadley & McCloy LLP	Los Angeles, CA
11.	03-01-2012	Shawn Harpen	Legal Malpractice and Risk Management Conference	Chicago, IL
12.	03-06-2012	Wendy L. Patrick	San Diego County Bar Association	San Diego, CA
13.	03-13-2012	Wendy Chang & Scott Garner	Disability Rights of California	Los Angeles, CA
14.	03-15-2012	Shawn Harpen	Orange County Bar Association	Newport Beach, CA
15.	04-27-2012	Wendy L. Patrick	Las Vegas Public Defenders Office	Las Vegas, NV
16.	04-28-2012	Wendy L. Patrick	Las Vegas Public Defenders Office	Las Vegas, NV
17.	05-22-2012	Neil Wertlieb	Milbank, Tweed, Hadley & McCloy LLP	Irvine, CA
18.	06-15-2012	Neil Wertlieb	Milbank, Tweed, Hadley & McCloy LLP	Los Angeles, CA
19.	06-20-2012	Wendy L. Patrick	Appellate Defenders, Inc.	San Diego, CA
20.	06-26-2012	Wendy L. Patrick	Alliance Defense Fund Legal Academy	Naples, FL
21.	07-22-2012	Wendy L. Patrick	American Trucking Association	San Francisco, CA
22.	08-16-2012	Neil Wertlieb	Milbank, Tweed, Hadley & McCloy LLP	Los Angeles, CA
23.	10-18-2012	Wendy L. Patrick	Christian Legal Society	Colorado Springs, CO
24.	10-19-2012	Wendy L. Patrick	Christian Legal Society	Colorado Springs, CO
25.	11-08-2012	Wendy L. Patrick	The San Diego ESI Forum	San Diego, CA
26.	11-15-2012	Neil Wertlieb	Milbank, Tweed, Hadley & McCloy LLP	New York, NY

ATTACHMENT E

27.	11-16-2012	Larry Doyle	Legal Services of Northern California	Sacramento, CA
28.	11-27-2012	Wendy Chang	Hinshaw & Culbertson LLP	Los Angeles, CA
29.	12-03-2012	Neil Wertlieb	Milbank, Tweed, Hadley & McCloy LLP	New York, NY
30.	12-11-2012	Wendy L. Patrick	California District Attorneys Association	Newport Beach, CA
31.	12-14-2012	Wendy L. Patrick	California Western School of Law and Thomas Jefferson School of Law Young Lawyers	San Diego, CA
32.	12-19-2012	Wendy L. Patrick	San Diego Office of County Counsel	San Diego, CA