



# THE STATE BAR OF CALIFORNIA

180 HOWARD STREET, SAN FRANCISCO, CA 94105-1639

OFFICE OF PROFESSIONAL COMPETENCE  
PLANNING, AND DEVELOPMENT

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## MEMORANDUM

**DATE:** October 25, 2013

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

**FROM:** Randall Difuntorum, Director, Professional Competence Programs

**SUBJECT:** RAD Meeting on November 14, 2013 – Status of the Professional Competence Unit

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This memorandum provides a report on the activities of the Professional Competence Unit through September 30, 2013.<sup>1</sup> In addition to this memorandum, provided are the following: Ethics Hotline Activity Statistics (Att. 1); Ethics Hotline Satisfaction Survey Excerpts (Att. 2); Professional Competence Budget Summary – Authorized vs. Actuals (Att. 3); and Professional Competence 2013 Annual Meeting Program Evaluations Summary (Att. 4). 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, 2013, 10,429 member inquiries were received with a completion rate of 90%. (See Attachment 1: Ethics Hotline Activity Statistics.) This completion rate includes distribution of 141 copies of published ethics opinions and other written materials requested by inquirers and 3,812 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 1,285 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.

As of September 30, 2013: (1) the monthly average number of total calls handled by one paralegal was 354; (2) the monthly average number of completed calls by one paralegal was 217; and (3) the monthly average number of left messages by one paralegal was 137.

Between June and September, 2013, 17 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 paralegal; usefulness of materials sent; whether the inquirer would recommend the Hotline to others; and whether they received the assistance they needed. All of the surveys received gave the Hotline top marks in nearly all of the survey categories. (Copies of the surveys are available upon request). In addition to the ratings, personal comments from members were provided on 11 of the 17 surveys. These personal comments commend the staff for being helpful, courteous, informative, knowledgeable, and professional. (See Attachment 2: Ethics Hotline Satisfaction Survey Excerpts.)

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<sup>1</sup> There are 13.5 authorized positions in the Professional Competence Unit. In the last report we noted a vacant paralegal position. The paralegal position was filled on July 8, 2013 and all Professional Competence positions are filled at this time.

## 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	June	July	Aug	Sept.	Total
<b>Advertising</b>	14%	12%	13%	11%	11%	11%	11%	12%	12%	12%
<b>Communications</b>	17%	19%	14%	15%	18%	18%	17%	22%	18%	17%
<b>Competence</b>	3%	3%	2%	3%	2%	2%	2%	2%	3%	3%
<b>Confidence and Secrets</b>	10%	13%	11%	12%	8%	8%	12%	9%	10%	10%
<b>Conflicts</b>	15%	14%	15%	15%	15%	15%	14%	13%	14%	14%
<b>Fees and Costs</b>	17%	16%	18%	15%	20%	20%	17%	17%	20%	18%
<b>Files</b>	5%	5%	7%	6%	5%	5%	7%	6%	5%	6%
<b>Forms of Practice</b>	1%	0%	1%	1%	1%	1%	0%	0%	1%	1%
<b>Misconduct/ Moral Turpitude</b>	10%	9%	9%	11%	10%	10%	10%	8%	9%	10%
<b>Unauthorized Practice of Law</b>	6%	4%	5%	7%	5%	5%	5%	6%	6%	5%
<b>Withdrawal from Employment/ Termination</b>	3%	4%	4%	4%	5%	5%	3%	4%	5%	4%

Through September, the category of “Fees and Costs” was the most frequently raised issue category by Hotline callers in 2013. 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 “Conflicts.” Historical data indicates that the “Fees and Costs” category often occupies a top position.

## 2. COPRAC

Since the last Professional Competence status report submitted for the Board Committee’s July 18, 2013 meeting, COPRAC met on June 28th in San Francisco, August 23rd in Los Angeles, and October 10th in San Jose.

### A. Meetings

At the June 28th meeting, COPRAC considered the public comments received on Formal Opinion Interim No. 11-0003 (Dissolving Firm and Moving to New Firm). COPRAC also continued pre-public comment work on the following draft opinions: 11-0004 (ESI and Discovery Requests); 12-0002 (Advanced Waivers); 12-0003 (Attorney Directory and Rating Websites); 12-0004 (In Rem Bankruptcy Conflicts); 12-0005 (Law Firm In-House Counsel); 12-0006 (Attorney Blogging) and 12-0007 (Puffing in Negotiations). The Committee began pre-public comment work on the following five new opinion topics: 13-0001 (Intentionally Conflicting Out Experts); 13-0002 (Attorney with Incapacitated Client); 13-0003 (Ethical Obligations When Departing Firm); 13-0004 (Collecting Unpaid Fees); and 13-0005 (Publicly Available Confidential Information). Finally, the Committee discussed the status of COPRAC’s five 2013 Annual Meeting panels.

At the August 23rd meeting, COPRAC continued post-public comment work on Formal Opinion Interim No. 11-0003 (Dissolving Firm and Moving to New Firm). COPRAC also continued pre-public comment work on the following draft opinions: 11-0004 (ESI and Discovery Requests); 12-0002 (Revocation of Waivers) (previous title: Advanced Waivers);

12-0003 (Attorney Directory and Rating Websites); 12-0004 (In Rem Bankruptcy Conflicts); 12-0005 (Law Firm In-House Counsel); 12-0006 (Attorney Blogging); 12-0007 (Puffing in Negotiations); 13-0001 (Intentionally Conflicting Out Experts); 13-0002 (Attorney with Incapacitated Client); 13-0003 (Ethical Obligations When Departing Firm); 13-0004 (Collecting Unpaid Fees); and 13-0005 (Publicly Available Confidential Information). The Committee discussed the status of COPRAC's five 2013 Annual Meeting panels. Finally, the Committee began planning for the 2014 Annual Ethics Symposium.

The following opinion was tentatively approved by COPRAC for a 90-day public comment period at its August 23rd meeting, with a public comment deadline of December 11, 2013. Post-public comment consideration of the opinion will occur at the Committee's January 24, 2014 meeting.

Formal Opinion Interim No. 12-0004:

**ISSUE:** In a limited and properly prescreened engagement, may an attorney represent an individual as a debtor in a no-asset Chapter 7 bankruptcy filing, while simultaneously representing one or more of the individual's creditors in unrelated matters, without violating his or her ethical obligations?

**DIGEST:** Representation of an individual in connection with a no-asset Chapter 7 bankruptcy filing while simultaneously representing one or more of the individual's creditors in unrelated matters does not create a conflict of interest, provided that the engagement is limited and certain intake procedures are employed to ensure that the Chapter 7 proceeding in which the attorney is involved is a simple in rem proceeding that focuses on the discharge of debts.

At the October 10th meeting, COPRAC considered the public comments received on Formal Opinion Interim No. 12-0001 (Disclosure of Confidences at Motion for Withdrawal). COPRAC continued post-public comment work on Formal Opinion Interim No. 11-0003 (Dissolving Firm and Moving to New Firm). COPRAC also continued pre-public comment work on the following draft opinions: 11-0004 (ESI and Discovery Requests); 12-0002 (Revocation of Waivers); 12-0003 (Attorney Directory and Rating Websites); 12-0005 (Law Firm In-House Counsel); 12-0006 (Attorney Blogging); 12-0007 (Puffing in Negotiations); 13-0001 (Intentionally Conflicting Out Experts); 13-0002 (Attorney with Incapacitated Client); 13-0003 (Ethical Obligations When Departing Firm); 13-0004 (Collecting Unpaid Fees); and 13-0005 (Publicly Available Confidential Information). The Committee discussed final preparations for COPRAC's five 2013 Annual Meeting panels. Finally, the Committee continued planning for the 2014 Annual Ethics Symposium.

COPRAC's next meeting is scheduled for December 6, 2013 in Los Angeles. At this meeting they anticipate continued post-public comment consideration of Formal Opinion Interim No. 12-0001 (Disclosure of Confidences at Motions for Withdrawal), and 11-0003 (Dissolving Firm and Moving to New Firm). COPRAC will continue pre-public comment work on the following opinions: 11-0004 (ESI and Discovery Requests); 12-0002 (Revocation of Waivers); 12-0003 (Attorney Directory and Rating Websites); 12-0005 (Law Firm In-House Counsel); 12-0006 (Attorney Blogging); 12-0007 (Puffing in Negotiations); 13-0001 (Intentionally Conflicting Out Experts); 13-0002 (Attorney with Incapacitated Client); 13-0003 (Ethical Obligations When Departing Firm); 13-0004 (Collecting Unpaid Fees); and 13-0005 (Publicly Available Confidential Information). The Committee will continue planning for the 2014 Annual Ethics Symposium.

**B. Education and Outreach Programs**

COPRAC members presented five ethics related CLE programs at the State Bar of California's Annual Meeting in San Jose on October 11th and 12th. The programs were entitled: (1) Ethics Update 2013: Significant Developments in the Law of Lawyering; (2) Managing Risks for Law Firms without an Ethics Partner; (3) Conflicts 201: Beyond the Basics; (4) Ethical Issues in Representing Start-Ups; and (5) Legal Advertising: Ethical

Implications for Lawyers in Cyberspace and Social Media. The foregoing programs were all selected by Annual Meeting staff for videotaping to be offered as online CLE following the Annual Meeting. The Office of Professional Competence also sponsored one additional program. This program was entitled “Surviving the State Bar and Angry Clients” and was moderated by former RAD co-chair Judy Gilbert, and presented by COPRAC’s incoming chair, Wendy Chang, along with a past COPRAC member, David Parker. The ratings and comments received on the attendee evaluation forms for these programs were favorable. (See Attachment 4: 2013 Annual Meeting Program Evaluations Summary.) In addition, COPRAC members presented ethics CLE programs on June 22nd at the California Solo & Small Firm Summit in Long Beach, and on September 16th for the Berkeley/Albany Bar Association.

### **3. PROPOSED NEW AND AMENDED RULES OF PROFESSIONAL CONDUCT**

The State Bar of California has filed 11 proposed Rules of Professional Conduct with the California Supreme Court to date. The following is a list of the proposed rules that have been filed. These submissions 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.

- Proposed Rule 1.0 (Purpose & Scope of the Rules) [date filed 8/9/2013]
- Proposed Rule 1.0.1 (Terminology) [date filed 8/19/2013]
- Proposed Rule 1.1 (Competence) [date filed 10/9/2012]
- Proposed Rule 1.4 (Communication) [date filed 8/26/2013]
- Proposed Rule 1.4.1 (Disclosure of Professional Liability Insurance) [date filed 9/3/2013]
- Proposed Rule 1.5.1 (Fee Divisions Among Lawyers) [date filed 10/18/2013]
- Proposed Rule 1.8.10 (Sexual Relations with Client) [date filed 10/9/2012]
- Proposed Rule 2.1 (Advisor) [date filed 9/10/2013]
- Proposed Rule 3.1 (Meritorious Claims & Contentions) [date filed 10/3/2013]
- Proposed Rule 6.1 (Voluntary Pro Bono Publico Service) [date filed 9/17/2013]
- Proposed Rule 8.1.1 (Compliance with Conditions of Discipline and Agreements in Lieu of Discipline) [tentative filing date of 10/25/2013]

Submissions to the California Supreme Court are anticipated to continue until all of the proposed rules are filed. A link to the complete text of all of the proposed rules adopted by the Board, and the rules and concepts considered but rejected, can be found at the Ethics Information page of the Bar’s website: [www.calbar.ca.gov/ethics](http://www.calbar.ca.gov/ethics) (in white box on lower right side of page). An online docket posting is available at the California Courts website: <http://www.courts.ca.gov/home.htm>.

### **4. IMPLEMENTATION OF SENATE BILL NO. 1186**

Enacted in September 2012, Senate Bill No. 1186 made significant changes to the law governing construction-related disability access claims. In accordance with Senate Bill No. 1186, Professional Competence staff receives and reviews copies of demand letters to screen for matters that may give rise to a disciplinary investigation. Any identified compliance issues are forwarded to the Office of Enforcement.

The table below shows the number of demand letters received and reviewed by the Office of Professional Competence, as well as the number of matters referred to Enforcement for possible violations of the statute. Collection of data began in January, 2013 and the information shown in the table is current through the month of September.

#### ADA Letters Received-Referred to Enforcement

Month	Letters Received	Letters Referred To Enforcement
Jan.	27	14
Feb.	12	3
Mar.	17	4
Apr.	19	2
May	25	7
June	14	3
July	14	4
Aug.	14	1
Sept.	9	4
TOTAL	156	45

The table below lists the possible compliance issues and shows the numbers of matters referred to Enforcement.

#### **Compliance Issues Referred to Enforcement\*** (1/1/13 through 9/30/13)

<b><u>Compliance Issue</u></b>	<b><u>No. of Issues</u></b>
Failure to Copy the State Bar within 5 Business Days	17
Failure to Include Mandatory Advisory	28
Failure to Copy the CCDA within 5 Business Days	25
Possible Prohibited Request/Demand for Money or Offer/Agreement to Accept Money	7
Possible Prohibited Statement of Recipient's Specific Monetary Liability	8

(\*Note: A single letter may have more than one compliance issue.)

## **5. COMPETENCE PUBLICATIONS**

Handbook on Client Trust Accounting for CA Attorneys: The online Trust Accounting Handbook html webpage, where the book is posted, was visited approximately 6,600 times between January – September, 2013.

California Compendium on Professional Responsibility: Sales of the 2012 Compendium update began in November 2012 and 365 orders for the 2012 update and past updates were received and processed through September 30, 2013. The 2013 Compendium update has been completed and is expected to be available for sale in November.

CA Rules of Professional Conduct & State Bar (a.k.a Publication No. 250): Sales of the 2013 Publication 250 began in early June 2013, and 906 orders have been received and processed through September 30, 2013.

An e-Reader version of the Bar's rule book<sup>2</sup> is available at the Amazon Kindle store. A total of 177 e-books have been purchased to date. One hundred thirty-three copies of the 2011 e-book have been purchased since posting in September 2011. Thirty-six copies of the 2012 e-book have been purchased since posting in June 2012. The 2013 e-Reader version of Pub. 250 was posted on June 12, 2013 and eight copies have been purchased since that time.

## 6. COMPETENCE RESOURCES AT CALBAR.CA.GOV

New Senior Lawyer Ethics Resources Page: This new page recognizes that many attorneys reach their senior years with questions about what to do if they faced health problems that might affect how long they can work. They may be thinking of closing their practice or how to handle their business if they suddenly become ill or pass away. The new Senior Lawyers Ethics Resources page is a collection of resources addressing attorney professional responsibility issues that arise in connection with retirement, disability, and death of attorneys. The resources include rules, advisory ethics opinions, articles, publications, and MCLE programs. Most of the links are to internal resources found on other State Bar pages. Others are external links to the ABA's website, or to local, or out-of-state bar associations. The Senior Lawyer web pages have been visited approximately 6,500 times since they became available in early May.

The State Bar tracks the web activity for all html website pages accessed.<sup>3</sup> The chart below lists selected web pages administered by Professional Competence and the 2013 activity in terms of visits.

Professional Competence Web Resources – Activity Detail January – September, 2013	
Webpage	Approx. Number of Visits
Rules of Professional Conduct html web pages	425,500
The State Bar Act html web pages	24,800
Ethics Opinions html web pages	32,100
Ethics Information html web pages	173,550
Ethics & Technology html web pages	14,400

Since the last Professional Competence status report submitted for the Board Committee's July 18, 2013 meeting, the following website updates have been made:

1. A new link was added to the Ethics Information page directing candidates for judicial office to a new judicial campaign ethics online educational program offered by the Administrative Office of the Courts, Center for Judicial Education and Research (CJER).
2. Senior Lawyer Ethics Resources web pages were updated with links to fifteen new articles, including articles published by the CBJ, the State Bar Trusts and Estates Section, the Solo and Small Firm Section, The New York Law Journal, The Texas Bar Journal, the Bench and Bar of Minnesota, the ABA Commission on Law and Aging, and The Canadian Lawyer Magazine.

<sup>2</sup> The e-Reader version of the rule book is compatible with the Kindle Reader App which is a free e-Reader application available for iPads, iPhones, Blackberry Phones, Android Phones, Macbooks, and PC laptops. The book also works on all versions of Amazon.com's own Kindle Reader device, including the Kindle Fire. The e-Reader version of the book can be purchased at Amazon.com and has several useful features including: a search function; bookmarking; highlighting and annotating. In addition, once downloaded to a tablet, smartphone or other compatible device, the book can be accessed at any time, even if there is no Internet or cellular data signal.

<sup>3</sup> Web download statistics are not available for web content posted as Adobe PDF documents.

3. Ethics & Technology web pages were updated with the following new resources: three online MCLE programs from the 2013 Solo Summit; one LACBA ethics opinion; two ABA ethics opinions; a Nevada State Bar ethics opinion; and, New York State Bar and New York City Bar ethics opinions.
4. Proposed New California Rules of Court, Rule 9.4, Oath Required on Admission to Practice Law was posted at the public comment page of the Bar's website with a public comment deadline of October 4, 2013.
5. Draft Formal Ethics Opinion Interim No. 12-0004 (In Rem Bankruptcy Conflicts) was posted at the public comment page of the Bar's website with a public comment deadline of December 11, 2013.

cc: Robert A. Hawley

## ATTACHMENT 1

### ETHICS HOTLINE ACTIVITY STATISTICS - 2013

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	21	1,244	1,071	173	86%	14%	8	453
February	19	1,186	1,019	167	86%	14%	15	405
March	21	1,103	983	120	89%	11%	27	435
April	21	1,148	1,064	84	93%	7%	24	397
May	22	1,166	1,089	77	93%	7%	11	452
June	20	1,099	1,031	68	94%	6%	10	419
July	22	1170	1082	88	92%	8%	12	451
August	22	1154	1032	122	89%	11%	21	395
September	20	1159	1004	155	87%	13%	13	405
Cumulative Totals	188	10,429	9,375	1,054	90%	10%	141	3,812

#### **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

<b>Daily:</b>	Incoming Calls:	55
	Completed Calls:	50
<b>Monthly:</b>	Incoming Calls:	1,159
	Completed Calls:	1,042

### Aggregate Outgoing Calls

<b>Current Month:</b>	1,726*
<b>Cumulative to Date:</b>	15,949*

\*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.

## ATTACHMENT 2

### Excerpt from Ethics Hotline Customer Satisfaction Surveys Additional Comments (Surveys Received for June – September 2013)

1. Received June 5, 2013

COMMENTS/SUGGESTIONS:

Ricardo, the paralegal, went above and beyond by providing extra information for my future reference, he was extremely helpful. In addition, David who was my intake receptionist was a delight. He was pleasant, helpful, as well as entertaining.

2. Received June 7, 2013

COMMENTS/SUGGESTIONS:

Lynn Cobb was very kind, patient, and helpful in addressing a legal ethics issue. I appreciate her efforts and help.

3. Received June 17, 2013

COMMENTS / SUGGESTIONS:

The receptionist, David, was very professional and helpful. He is very friendly as well.

4. Received July 10, 2013

COMMENTS / SUGGESTIONS:

The response was prompt, informative, courteous and friendly. This was the first time I had called the Ethics Hotline and I would not hesitate to use it again. Thank You.

5. Received July 30, 2013

COMMENTS/SUGGESTIONS:

I have used this service 3 or 4 times in my professional career of three decades. It is very helpful and your paralegals are excellent at pointing you to opinions and to review duties.

There is a glitch in your website, however, as it would not print opinions in the 1998 to 2008 range. I particularly wanted 2003-161. Could you email it to me?

Or I will check back in a day or two to determine if it is now accessible.

6. Received August 1, 2013

COMMENTS/SUGGESTIONS:

I spoke to Ricardo who was extremely helpful and informative. He gave me an enormous amount of helpful information in a very short time. I really appreciate this.

7. Received August 2, 2013

COMMENTS/SUGGESTIONS:

I really appreciate the fact Lynn went the extra mile to locate some additional, out of state, sources for my research.

## ATTACHMENT 2

8. Received August 28, 2013

COMMENTS/SUGGESTIONS:

I felt Lynn Cobb was very insightful in her analysis of the somewhat-less-than completely-clear CRPC section 4-210(A)(2), and wonderfully knowledgeable in the intricacies of figuring out what the rule actually means in practice. I think the bottom line is that the rule is ambiguous, and the case law doesn't directly address the ambiguity. However, in a truly yeoman-like effort, Lynn pieced together information from the P&A in support of adoption of the current CRPC, the language of the former rule (5-104), and the inference from the case law that lawyers who lent money to existing clients were prosecuted only for failure to comply with CRPC 3-300, and not CRPC 4-210, to get to the conclusion that: As long as CRPC 3-300 is complied with, CRPC 4-210 is not be violated by a loan of money to a current client.

What a jewel she is. Thank you for having her be there to help me.

9. Received August 30, 2013

COMMENTS / SUGGESTIONS:

This is a wonderful service, as ethical issues can be thorny. Knowing where to turn gives me great comfort. I have utilized this service three times. Thanks so much.

10. Received September 6, 2013

COMMENTS/SUGGESTIONS:

Ricardo did a really thorough job explaining and answering my questions. He is an asset to the Bar.

11. Received September 19, 2013

COMMENTS/SUGGESTIONS:

Thank you to Lyn Cobb. She provided me with very detailed information and several ideas to help address my issue.

## ATTACHMENT 3

### Professional Competence Budget Summary Authorized vs. Actual

Year-to-Date as of September 30, 2013

<b>Budget (Actual)</b>	\$1,126,964
<b>Budget (Authorized)</b>	\$1,318,569
<b>Variance</b>	\$191,605

Monthly (January thru September 30, 2013)

	<b>January</b>	<b>February</b>	<b>March</b>	<b>April</b>	<b>May</b>	<b>June</b>
<b>Budget (Actual)</b>	\$102,695	\$114,081	\$154,102	\$108,534	\$124,668	\$107,467
<b>Budget (Authorized)</b>	\$130,691	\$134,103	\$188,242	\$134,840	\$134,910	\$134,870
<b>Variance</b>	\$27,996	\$20,022	\$34,140	\$26,306	\$10,242	\$27,403

	<b>July</b>	<b>August</b>	<b>September</b>	<b>October</b>	<b>November</b>	<b>December</b>
<b>Budget (Actual)</b>	\$126,797	\$162,319	\$126,301			
<b>Budget (Authorized)</b>	\$135,239	\$189,493	\$136,181			
<b>Variance</b>	\$8,442	\$27,714	\$9,880			

## ATTACHMENT 4

### **2013 ANNUAL MEETING PROGRAMS EVALUATIONS SUMMARY**

#### **Program 52: Ethics Update 2013:**

##### **Significant Developments in the Law of Lawyering (COPRAC)**

*Speakers: Wendy Chang, Wendy Patrick, Neil Wertlieb, William Woods*

Attendance: 155

#### **Program Evaluation (Rate on a Scale of 1 to 5 with 1 Lowest and 5 the Highest)**

- |  |      |
|--|------|
| 1. Average speakers ratings across all speaker evaluation categories                             | 4.83 |
| 2. The program met my educational objectives.  | 4.71 |
| 3. The program contained significant current professional content.                               | 4.86 |
| 4. The instructional materials were beneficial in learning the topic.                            | 4.69 |
| 5. The promotional materials accurately described the program.                                   | 4.77 |
| 6. Additional comments regarding this program:   |      |
| • Best session so far.   |      |
| • This was a great program but would not wait for questions until end and too disruptive.        |      |
| • Very good.   |      |
| • Each of the 4 speakers was excellent. They worked well as a group and made the discussion fun. |      |
| • All 4 speakers were well prepared and articulate - excellent program.                          |      |
| • Too much emphasis on hypos.  |      |
| • Good but really boring.  |      |
| • All speakers were well prepared and interesting.   |      |

#### **Program 64: Managing Risks for Law Firms without an Ethics Partner (COPRAC)**

*Speakers: Richard Egger, William Mills, Suzanne Spencer*

Attendance: 49

#### **Program Evaluation (Rate on a Scale of 1 to 5 with 1 Lowest and 5 the Highest)**

- |   |      |
|---|------|
| 1. Average speakers ratings across all speaker evaluation categories                      | 4.80 |
| 2. The program met my educational objectives.   | 4.62 |
| 3. The program contained significant current professional content.                        | 4.62 |
| 4. The instructional materials were beneficial in learning the topic.                     | 4.46 |
| 5. The promotional materials accurately described the program.                            | 4.92 |
| 6. Additional comments regarding this program:  |      |
| • Put questions off to end or last  |      |
| • Don't take questions during the one hour class - wait until after presentation is over. |      |
| • Very good!  |      |
| • Great presentation! Best presentation of the conference!                                |      |
| • All speakers excellent!   |      |
| • Very informative and practical.   |      |

## ATTACHMENT 4

### **2013 ANNUAL MEETING PROGRAMS EVALUATIONS SUMMARY**

#### **Program 78: Conflicts 201: Beyond the Basics (COPRAC)**

*Speakers: Jennifer Becker, Alison Buchanan, Scott Garner, Toby Rothschild*

Attendance: 36

#### **Program Evaluation (Rate on a Scale of 1 to 5 with 1 Lowest and 5 the Highest)**

- |  |      |
|--|------|
| 1. Average speakers ratings across all speaker evaluation categories         | 4.64 |
| 2. The program met my educational objectives.                                | 4.70 |
| 3. The program contained significant current professional content.           | 4.70 |
| 4. The instructional materials were beneficial in learning the topic.        | 4.50 |
| 5. The promotional materials accurately described the program.               | 4.60 |
| 6. Additional comments regarding this program:                               |      |
| • In depth discussion very well presented.                                   |      |
| • Good presentation for such an early hour.                                  |      |
| • A large percentage of class are sole practitioners. Don't forget about us. |      |
| • Probably should be a required class.                                       |      |

#### **Program 92: Ethical Issues in Representing Start-Ups (COPRAC)**

*Speakers: Donald Bradley, Merri Baldwin, David Jargiello, William Mills*

Attendance: 61

#### **Program Evaluation (Rate on a Scale of 1 to 5 with 1 Lowest and 5 the Highest)**

- |  |      |
|--|------|
| 1. Average speakers ratings across all speaker evaluation categories                       | 4.64 |
| 2. The program met my educational objectives.  | 4.68 |
| 3. The program contained significant current professional content.                         | 4.89 |
| 4. The instructional materials were beneficial in learning the topic.                      | 4.53 |
| 5. The promotional materials accurately described the program.                             | 4.76 |
| 6. Additional comments regarding this program:   |      |
| • Excellent!   |      |
| • Excellent! Practical! Smart speakers! Great mix of speakers.                             |      |
| • Would have like more info from perspective of in-house counsel.                          |      |
| • Very timely and useful for this startup practitioners.                                   |      |
| • Thank you for hypo based programming. Very knowledgeable panel.                          |      |
| • Very interesting, engaging. I got a lot out of this panel discussion. Thank you so much. |      |
| • A nice discussion of relevant ethical issues.  |      |
| • Very interesting.  |      |
| • Repeating things for video was a huge waste of presentation time.                        |      |
| • Good time management and team/panel diversity.   |      |

## ATTACHMENT 4

### **2013 ANNUAL MEETING PROGRAMS EVALUATIONS SUMMARY**

#### **Program 103: Legal Advertising: Ethical Implications for Lawyers in Cyberspace and Social Media (COPRAC)**

*Speakers: Wendy Patrick, William Woods, Larry Doyle*

Attendance: 118

#### **Program Evaluation (Rate on a Scale of 1 to 5 with 1 Lowest and 5 the Highest)**

- |  |      |
|--|------|
| 1. Average speakers ratings across all speaker evaluation categories   | 4.66 |
| 2. The program met my educational objectives.  | 4.31 |
| 3. The program contained significant current professional content.   | 4.62 |
| 4. The instructional materials were beneficial in learning the topic.  | 4.48 |
| 5. The promotional materials accurately described the program.   | 4.45 |
| 6. Additional comments regarding this program:   |      |
| <ul style="list-style-type: none"><li>• Good speakers.</li><li>• In this day and age should be at least 2 hour class.</li><li>• Great current issues.</li><li>• Great information (law &amp; practice)</li><li>• Excellent panel and content.</li><li>• Excellent - snappy - organized - crisp - thorough - well done all!!</li><li>• Not enough examples. Presenters don't advertise - should use presenters who advertise. Presenters don't know much about Yelp - their reviews are filtered not accurate.</li><li>• Great to have ethics committee members give the ethics seminars. I appreciate that everyone in attendance may not know participants should know what Facebook and Twitter are! My social media pages, but in a Calbar ethics course. (?)</li><li>• Would be more helpful if lawyers who advertise were speaking and more diversity in the speakers. 1 DA is enough for one panel that applies to all subject areas.</li><li>• Good dynamics with group. Managed time well, enjoyable, respectful with some very basic questions.</li><li>• Why are the COPRAC officers DA's who don't ever have to worry about advertising? And people who don't use such things should be discouraged from attending such presentations.</li><li>• Thank you!</li></ul> |      |

## ATTACHMENT 4

### **2013 ANNUAL MEETING PROGRAMS EVALUATIONS SUMMARY**

#### **Program 34: Surviving the State Bar and Angry Clients (OPC)**

*Speakers: Wendy Chang, Judith Gilbert, David Parker*

Attendance: 39

#### **Program Evaluation (Rate on a Scale of 1 to 5 with 1 Lowest and 5 the Highest)**

- |   |      |
|---|------|
| 1. Average speakers ratings across all speaker evaluation categories                          | 4.48 |
| 2. The program met my educational objectives.   | 3.50 |
| 3. The program contained significant current professional content.                            | 3.80 |
| 4. The instructional materials were beneficial in learning the topic.                         | 3.50 |
| 5. The promotional materials accurately described the program.                                | 3.88 |
| 6. Additional comments regarding this program:  |      |
| • All 3 speakers were good. Thanks.   |      |
| • Boring.   |      |
| • There was not sufficient issues discussing "Angry Client" --> Discussed ethics re conflicts |      |