



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: February 7, 2014

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

FROM: Randall Difuntorum, Director, Professional Competence Programs

SUBJECT: RAD Meeting on March 6, 2014 – Status of the Professional Competence Unit

This memorandum provides a 2013 year-end report on the activities of the Professional Competence Unit.¹ In addition to this memorandum, provided are the following: (Encl. 1) Ethics Hotline Activity Statistics; (Encl. 2) Ethics Hotline Satisfaction Survey Excerpts; (Encl. 3) Ethics Hotline CBJ Feature; (Encl. 4) Ethics Hotline Issues – Percentage of Calls by Month; (Encl. 5) COPRAC 2013 Accomplishments Report; and (Encl. 6) Professional Competence Budget Summary – Authorized vs. Actuals. Board members with questions may contact Randall Difuntorum at (415) 538-2161 or Lauren McCurdy at (415) 538-2107.

1. ETHICS HOTLINE

In 2013, 13,615 member inquiries were received with a completion rate of 90%. This completion rate includes distribution of 190 copies of published ethics opinions and other written materials requested by inquirers and 4,971 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 1,817 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. (See Enclosure 1: Ethics Hotline Activity Statistics.)

Five Ethics Hotline paralegals handled the majority of calls received. In 2013: (1) the monthly average number of total calls handled by one paralegal was 344; (2) the monthly average number of completed calls by one paralegal was 211; and (3) the monthly average number of left messages by one paralegal was 133. In 2013, 39 voluntary satisfaction surveys were received from members after using the Ethics Hotline service. Each survey asks for a rating on several specified categories of service, including: satisfaction with the system for handling the calls; helpfulness of receptionist; helpfulness of paralegal; usefulness of materials sent; whether the inquirer would recommend the Hotline to others; and whether they received the assistance they needed. Nearly all of the surveys received gave the Hotline top marks in most survey categories (Copies of 2013 surveys are available upon request). Of these 39 surveys, three were received from October through December and were not included in the last status report. Comments from members were provided on all three of these surveys, commending the staff for being thorough, knowledgeable, professional and courteous. (See Enclosure 2: Ethics Hotline Satisfaction Survey Excerpts.)

¹ There are 13.5 authorized positions in the Professional Competence Unit and one of the positions, a paralegal position, currently is vacant. This vacancy was posted on December 23, 2013. Initial interviews have begun.

Year-end data on the Ethics Hotline program was featured in the February 2014 issue of the California Bar Journal ("CBJ"). The frequency of the most common issues posed by Hotline callers was presented in an informative graphic. (See Enclosure 3: Ethics Hotline CBJ Feature.)

The table below presents the top issues presented by the Hotline callers in 2013 as compared to 2012 and 2011. The top issues raised in 2013 were: fees and costs (18%); communications (17%); and conflicts of interest (14%). Demographic data collected voluntarily from callers indicates that 56% of the Ethics Hotline users were first time callers and 44% were callers who had previously used the service. (See Enclosure 4: Ethics Hotline Issues – Percentage of Calls by Month for a detailed presentation of the percentage of primary issues by month for 2013.)

<i>Ethics Hotline: Primary Issues</i>	2013	2012	2011
<i>Fees and Costs for Legal Services</i>	18%	16%	18%
<i>Communications with Clients, Adverse Party and Others</i>	17%	17%	11%
<i>Conflicts of Interest</i>	14%	12%	13%
<i>Attorney Advertising and Solicitation</i>	12%	14%	10%
<i>Client Confidential Information</i>	10%	11%	8%
<i>Misconduct/Moral Turpitude/Trial Conduct</i>	10%	9%	10%

2. COPRAC

Since the last Professional Competence status report submitted for the Board Committee's November 14, 2013 meeting, COPRAC met on December 6, 2013 in Los Angeles, and January 24, 2014 in San Francisco.

A. Meetings

At the December 6th meeting, COPRAC continued the post-public comment work on Formal Opinion Interim No. 11-0003 (Dissolving Firm and Moving to New Firm) and 12-0001 (Disclosure of Confidences at Motion for Withdrawal). 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 Website); 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 (Publically Available Confidential Information). The Committee discussed the status of plans for the 2014 Annual Statewide Ethics Symposium scheduled to be held at the Golden Gate University School of Law on April 12, 2014. The Committee elected to continue to write the self-study CLE articles published each month in the California Bar eJournal for the 2014 calendar year.

The following opinion was tentatively approved by COPRAC for an additional 60-day public comment circulation at its December 6, 2013 meeting, with a public comment deadline of February 14, 2014. Post-public comment consideration of the opinion will occur at the Committee's February 28, 2014 meeting.

Formal Opinion Interim No. 11-0003:

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

may be required to take depend on the nature of the attorney's position with the firm?

DIGEST: Rule 3-700(A)(2) of the California Rules of Professional Conduct, 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(A)(2) apply when an attorney's withdrawal is prompted by the dissolution of the attorney's 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(A)(2) as to all clients of the firm, regardless of their connection to any specific client or the specific nature of their affiliation with the firm. What "reasonable steps" an attorney must take to protect a particular client's rights may vary considerably, however, depending on the circumstances, including the attorney's relationship to the client and its matter and the attorney's position within the firm.

At the January 24, 2014 meeting, COPRAC considered the public comments received on Formal Opinion Interim No. 12-0004 (In Rem Bankruptcy Conflicts). COPRAC continued the post-public comment work on Formal Opinion Interim No. 12-0001 (Disclosure of Confidences at Motion for Withdrawal). 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 Website); 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 (Publically Available Confidential Information). The Committee discussed the status of plans for the 2014 Annual Statewide Ethics Symposium scheduled to be held at the Golden Gate University School of Law on April 12, 2014. The Committee began considering topics for four 2014 Annual Meeting programs.

Committee leadership selected an Appointment Nominations Subcommittee to evaluate applicants for the 2014-2015 committee-year, conduct interviews and make appointment recommendations to the full committee. The Appointment Nominations Subcommittee will be meeting by conference call to rank and select applicants for interview sometime in May.

The following opinion was tentatively approved by COPRAC for an additional 60-day public comment circulation at its January 24, 2014 meeting, with a public comment deadline of April 18, 2014. Post-public comment consideration of the opinion will occur at the Committee's May 16, 2014 meeting.

Formal Opinion Interim No. 12-0004:

ISSUE: If an attorney represents 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, is the attorney required by rule 3-310(C)(3) to obtain the informed written consent from both parties?

DIGEST: Simultaneous representation of a debtor in a no-asset Chapter 7 bankruptcy filing and creditors in unrelated matters does not create adversity triggering the informed written consent requirement of rule 3-310(C)(3), 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 an *in rem* proceeding that focuses on the orderly distribution of the debtor's assets and the discharge of debts.

The following opinion was tentatively approved by COPRAC for a 90-day public comment period at its January 24, 2014 meeting, with a public comment deadline of May 19, 2014. Post-public comment consideration of the opinion will occur at the Committee's June 27, 2014 meeting.

Formal Opinion Interim No. 12-0007:

ISSUE: When an attorney is engaged in negotiations on behalf of a client, what conduct constitutes permissible "puffing" and what conduct constitutes improper false statements of material fact?

DIGEST: Statements made by counsel during the course of negotiations are, generally, subject to those rules prohibiting an attorney from engaging in deceit or collusion. (See Business and Professions Code sections 6068(d) and 6128(a).) Thus, it is improper for an attorney to make false statements of material fact during the course of a negotiation. However, statements about a party's negotiating goals or willingness to compromise may include allowable "puffery" provided those statements do not contain false statements of material fact.

COPRAC's next meeting is scheduled for February 28, 2014, and will be held in Los Angeles. At this meeting, COPRAC will consider the public comment received on Formal Opinion Interim No. 11-0003 (Dissolving Firm and Moving to New Firm), and continue post-public comment consideration of 12-0001 (Disclosure of Confidences at Motion for Withdrawal). 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); 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 also continue work on plans for the 2014 Annual Statewide Ethics Symposium scheduled to be held at the Golden Gate University School of Law on April 12, 2014, and the panels to be offered at the 2014 Solo Summit, and the 2014 Annual Meeting.

B. Education and Outreach Programs

COPRAC members presented ethics CLE programs on January 8th for the Warner Brothers Legal Department in Los Angeles, on January 22nd for the Southern California Chinese Lawyers Association in Los Angeles, on January 24th for both the San Mateo County Bar Association and the Santa Clara County Bar Association, and on January 28th for the Bar Association of San Francisco.

As a part of this Professional Competence year-end report, COPRAC has submitted its 2013 Annual Accomplishments Report. (See Enclosure 5: COPRAC 2013 Accomplishments Report.)

3. PROPOSED NEW AND AMENDED RULES OF PROFESSIONAL CONDUCT

The State Bar of California has filed 14 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.

Date Filed	Proposed Rule
10/9/2012	Rule 1.1 (Competence)
10/9/2012	Rule 1.8.10 (Sexual Relations with Client)
8/9/2013	Rule 1.0 (Purpose & Scope of the Rules)
8/19/2013	Rule 1.0.1 (Terminology)
8/26/2013	Rule 1.4 (Communication)
9/3/2013	Rule 1.4.1 (Disclosure of Professional Liability Insurance)
9/10/2013	Rule 2.1 (Advisor)
9/17/2013	Rule 6.1 (Voluntary Pro Bono Publico Service)
10/3/2013	Rule 3.1 (Meritorious Claims & Contentions)
10/18/2013	Rule 1.5.1 (Fee Divisions Among Lawyers)
10/30/2013	Rule 8.1.1 (Compliance with Conditions of Discipline and Agreements in Lieu of Discipline)
11/21/2013	Rule 6.2 (Accepting Appointments)
11/26/2013	Rule 1.17 (Purchase and Sale of a Law Practice)
12/27/2013	Rule 1.8.1 (Business Transactions with a Client and Acquiring Interests Adverse to the Client)

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 (in white box on lower right side of page). An online docket posting (case #S206125) is available at the California Courts website: <http://www.courts.ca.gov/home.htm>.

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. The nomination period for the 2013 recipient ended on August 31, 2012. A selection committee reviewed recommended award recipients and following consideration made a recommendation to the Board. The selection committee's recommendation was considered at the November 15-16 meetings of the Nominations and Appointments Committee (NAC) and the Board. The Board approved Paul W. Vapnek as the 2013 recipient of the award. The award was conferred to Mr. Vapnek by the State Bar President at the 2013 Annual Statewide Ethics Symposium on Saturday, April 20th at UCLA, and Mr. Vapnek also delivered the keynote address for the Symposium following receipt of the award.

5. 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.

In addition, Senate Bill No. 1186 requires the State Bar to submit an annual report to the legislature on July 31 of each year. The first report, entitled “2013 Report of the State Bar of California on Construction-Related Accessibility Demand Letters Received by the State Bar,” was submitted to the legislature on July 31, 2013, and is posted at the State Bar’s website: <http://www.calbar.ca.gov/AboutUs/Reports.aspx>.

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 in 2013.

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
Oct.	45	8
Nov.	7	2
Dec.	18	7
TOTAL	226	62

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

Compliance Issues Referred to Enforcement*
(1/1/13 through 12/31/13)

<u>Compliance Issue</u>	<u>No. of Issues</u>
Failure to Copy the State Bar within 5 Business Days	20
Failure to Include Mandatory Advisory	43
Failure to Copy the CCDA within 5 Business Days	29
Possible Prohibited Request/Demand for Money or Offer/Agreement to Accept Money	13
Possible Prohibited Statement of Recipient’s Specific Monetary Liability	15

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

6. COMPETENCE PUBLICATIONS

Handbook on Client Trust Accounting for California Attorneys:

The book was revised in 2013 to update an appendix that contains relevant statutory provisions. In addition, some non-substantive edits were made. The online Trust Accounting Handbook html webpage was visited 8,575 times in 2013.

California Compendium on Professional Responsibility: Sales of the 2013 Compendium update began in January 2014 and 216 orders of the 2013 and earlier updates have been processed to date. Production of the 2014 Compendium update has begun, with an anticipated release date in the third quarter of the year.

California Rules of Professional Conduct & State Bar (a.k.a Publication No. 250): Sales of the 2013 Publication 250 began in early June 2013, and 925 orders have been received and processed through December 31, 2013.

An e-Reader version of Publication 250² is available at the Amazon Kindle store. A total of 193 e-books have been purchased to date. One hundred thirty-four copies of the 2011 e-book have been purchased since posting in September 2011. Thirty-seven copies of the 2012 e-book have been purchased since posting in June 2012. The 2013 e-Reader version of Publication 250 was posted on June 12, 2013 and twenty-two copies have been purchased since that time. The 2014 e-Reader version of Publication 250 is nearing completion and is anticipated to be available in the second quarter of the year.

7. PROFESSIONAL COMPETENCE EDUCATIONAL PROGRAMS & OTHER OUTREACH ACTIVITIES

The director of the Office of Professional Competence conducted an in-house CLE program on January 23, 2013, attended by attorney and paralegal staff from the offices of General Counsel, State Bar Court, Chief Trial Counsel, and Professional Competence. The CLE program provided credits in both legal ethics and elimination of bias in the legal profession.

At the 2013 State Bar Annual Meeting, the Office of Professional Competence sponsored a program entitled “Surviving the State Bar and Angry Clients” that 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. This program was in addition to the five COPRAC ethics programs offered at the Annual Meeting described in COPRAC’s Annual Accomplishments Report (see Enclosure 5).

Professional Competence produces a brochure containing a summary of the ethics resources available to members, including the Ethics Hotline, ethics publications, online ethics resources, and COPRAC. In 2013 the brochure was a key outreach tool distributed at the following events: 2013 Solo Summit; 2013 Annual Meeting; two presentations attended by the State Bar’s Chief Executive Officer; and some of the outreach CLE programs conducted by COPRAC members.

In addition, Professional Competence produces a complimentary condensed version of the Publication 250 (“Mini Pub. 250”) that contains the current California Rules of Professional Conduct, and selected State Bar Act sections and other significant statutes. In 2013, the Mini Pub. 250 was distributed at the following events and programs: 2013 Solo Summit; 2013 Annual Meeting; Golden Gate University law school students enrolled in a Professional Responsibility course taught by COPRAC member Merri Baldwin; several law firm in-house CLE presentations; various COPRAC outreach programs; and, upon request, to some State Bar staff.

² The e-Reader version of Publication 250 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.

8. COMPETENCE RESOURCES AT CALBAR.CA.GOV

New in 2013 – 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 were launched in early May and have been visited approximately 9,150 times, through December 31, 2013.

Year-end Web Activity: The State Bar tracks the web activity for all html website pages accessed.³ 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 – December, 2013	
Webpage	Approx. Number of Visits
Rules of Professional Conduct html web pages	559,780
The State Bar Act html web pages	31,870
Ethics Opinions html web pages	42,800
Ethics Information html web pages	226,730
Ethics & Technology html web pages	20,090
Judicial Campaign Ethics html web page ⁴	370

Since the last Professional Competence status report submitted for the Board Committee's November 14, 2013 meeting, the following website updates have been made:

1. Updated PDFs for the California Rules of Professional Conduct, The State Bar Act, and Selected Statutes Regarding Discipline of Attorneys and Duties of Members of the State Bar reflecting the change from Board of Governors to Board of Trustees, and other legislative revisions, were posted at the Bar's Rules and Selected Legal Authority pages of the website.
2. Draft Formal Ethics Opinion Interim No. 12-0004 (In Rem Bankruptcy Conflicts) was posted at the public comment page of the Bar's website for additional public comment with a deadline of April 18, 2014; and, draft Formal Ethics Opinion Interim No. 12-0007 (Puffing in Negotiations) was posted for public comment with a deadline of May 19, 2014.
3. Ethics & Technology web pages were updated with the following new resources: links to eight 2013 State Bar Annual Meeting online MCLE programs; and, one ABA Journal article.
4. Senior Lawyer Ethics Resources web pages were updated with the following new resources: links to four State of California websites with resources for aging and elder abuse; and, links to two 2013 State Bar Annual Meeting online MCLE programs.

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

⁴ Lawyer candidates for judicial office are subject to Rule 1-700 of the Rules of Professional Conduct. In part, this rule provides that a lawyer who is a candidate for judicial office in California shall comply with Canon 5 of the Code of Judicial Ethics. An online educational course on Judicial Campaign Ethics by the Administrative Offices of the Courts, Center for Judicial Education and Research (CJER) is available and is a mandatory requirement for all candidates for judicial office.

5. A "Save the Date" letter announcing the April 12, 2014 Ethics Symposium to be held at Golden Gate University School of Law was posted at the COPRAC Education page of the Bar's website.

cc: Robert A. Hawley

Enclosure 1 - Ethics Hotline Activity Statistics

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
October	22	1266	1084	182	86%	14%	18	479
November	18	1045	910	135	87%	13%	23	356
December	19	875	821	54	94%	6%	8	324
Cumulative Totals	247	13,615	12,190	1,425	90%	10%	190	4,971

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.

Enclosure 1 - Ethics Hotline Activity Statistics

Key Hotline Activity Averaged by Day and Month

Daily:	Incoming Calls:	55
	Completed Calls:	49
Monthly:	Incoming Calls:	1,135
	Completed Calls:	1,016

Aggregate Outgoing Calls

Current Month:	1,532*
Cumulative to Date:	21,068*

*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.

Enclosure 2 - Ethics Hotline Satisfaction Survey Excerpts

Excerpt from Ethics Hotline Customer Satisfaction Surveys Additional Comments (Surveys Received for October – December 2013)

1. Received October 7, 2013

COMMENTS/SUGGESTIONS:

Keep up the good work-

2. Received November 6, 2013

COMMENTS/SUGGESTIONS:

I was assisted today by Elbert Lee. He was extremely courteous and very helpful. He cited me to the relevant RPCs and a Supreme Court case right on point. Put my mind at ease about my issue. This is a great service you provide to attorneys. Thank you.

3. Received November 20, 2013

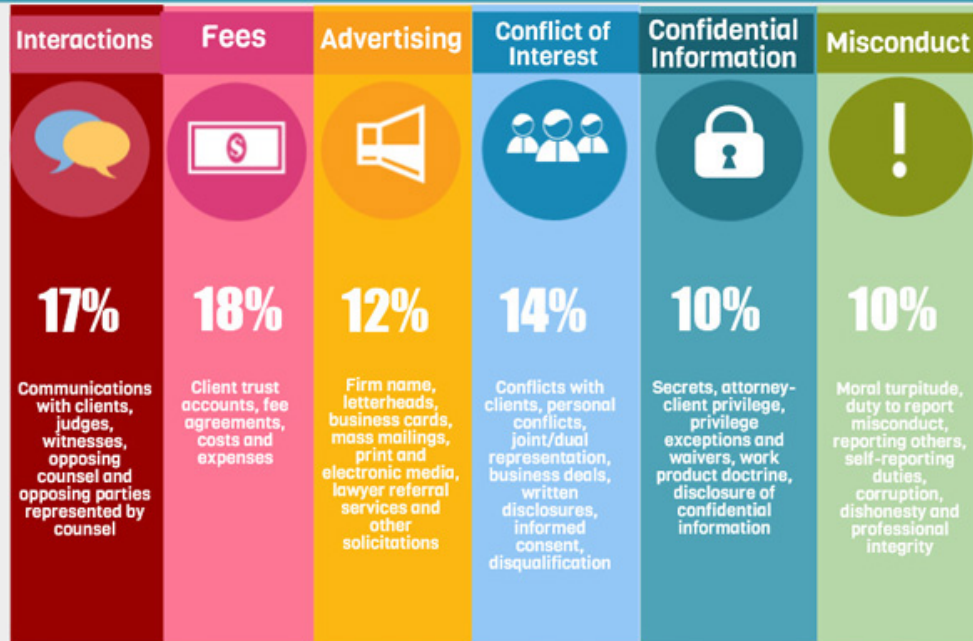
COMMENTS / SUGGESTIONS:

Ms. Pamela Hill was amazing. Really top notch. I called and talked to her on November 5 and 6, 2013: the only reason that I am responding only now is due to workload. She was unbelievable. Terrific service. If you have any questions or if I can provide any additional information, do not hesitate to call on me.

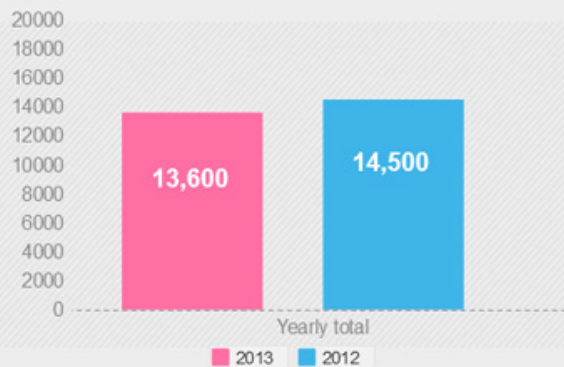
A Question of Ethics

CALLS TO STATE BAR ETHICS HOTLINE

In 2013, the State Bar of California Ethics Hotline received 13,600 calls. What kind of legal ethics research assistance did callers request from the hotline? Here's a breakdown.



Ethics Hotline: Number of Calls



Source: Office of Professional Competence, State Bar of California

Contact the Ethics Hotline at:
800-238-4427 (toll free in California)
415-538-2150 (outside California)

Enclosure 4 - Ethics Hotline Issues - Percentages of Calls by Month

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	Oct	Nov	Dec	Avg. % for 2013
Advertising	14%	12%	13%	11%	11%	11%	11%	12%	12%	11%	15%	11%	12%
Communications	17%	19%	14%	15%	18%	18%	17%	22%	16%	18%	16%	16%	17%
Competence	3%	3%	2%	3%	2%	2%	2%	2%	3%	3%	3%	3%	3%
Confidence and Secrets	10%	13%	11%	12%	8%	8%	12%	9%	10%	10%	10%	10%	10%
Conflicts	15%	14%	15%	15%	15%	15%	14%	13%	14%	12%	13%	15%	14%
Fees and Costs	17%	16%	18%	15%	20%	20%	17%	17%	20%	19%	20%	19%	18%
Files	5%	5%	7%	6%	5%	5%	7%	6%	5%	5%	6%	5%	6%
Forms of Practice	1%	0%	1%	1%	1%	1%	0%	0%	1%	1%	1%	1%	1%
Misconduct/ Moral Turpitude	10%	9%	9%	11%	10%	10%	10%	8%	9%	10%	8%	10%	10%
Unauthorized Practice of Law	6%	4%	5%	7%	5%	5%	5%	6%	6%	6%	6%	6%	6%
Withdrawal from Employment/ Termination	3%	4%	4%	4%	5%	5%	3%	4%	5%	5%	4%	4%	4%

In 2013, the category of “Fees and Costs” (18%) was the most frequently raised issue category by Hotline callers, closely followed by the categories of “Communications” (17%) and “Conflicts” (14%). 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). The “Communications” category encompasses questions concerning: the duty to keep a client informed of significant developments; prohibited communications with a party represented by counsel; and ex parte communications with judges, judicial officers, jurors, and witnesses. The “Conflicts” category encompasses questions concerning: concurrent conflicts; former client conflicts; personal conflicts; joint/dual representation; business transactions with a client; written disclosures/informed written consent/waivers; and disqualification. Historical data indicates that these categories often occupy the top three positions each year.

Enclosure 5 - COPRAC 2013 Accomplishments Report

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

2013 Year End

Chair: Wendy Wen Yun Chung
Staff Contact: Andrew Tuft (415-538-2172)

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 2013 activities and accomplishments.

1. Conducted 8 one-day meetings.
2. Published 3 proposed opinions for public comment, one of which was an additional public comment circulation of a previously circulated opinion.
3. Published 3 formal opinions approved by the Board of Trustees for inclusion in the 2013 update to the *California Compendium on Professional Responsibility*, and posting online at the State Bar's website.
4. Administered the 17th Annual Statewide Ethics Symposium at the UCLA School of Law.
5. Presented 5 ethics programs at the State Bar Annual Meeting, four of which were selected for videotaping for participatory online CLE credit in legal ethics.
6. Participated in 35 CLE outreach programs including requests from local and specialty bar associations.
7. Published 11 California Bar Journal MCLE self-study articles on various ethics topics.
8. Presented an ethics program at the California Solo and Small Firm Summit.

Enclosure 5 - COPRAC 2013 Accomplishments Report

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. Given the nature of the Committee's work, in-person member participation is the most productive meeting format.

[Actual Performance] In FY 2013, COPRAC met for a total of 8 one-day meetings. The 2013 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 2013, the Committee issued 3 opinions for public comment distribution (Interim Op. Nos. 11-0003, 12-0001, and 12-0004). Interim Opinion No. 11-0003 (re Dissolving Firm and Moving to New Firm) was issued for a second public comment period late in 2013, with a public comment deadline of February 14, 2014. This Committee will consider the public comments received on this opinion at its February 28, 2014 meeting. Interim Opinion No. 12-0001 (re Disclosure of Confidences at Motion for Withdrawal) is currently being modified following its initial publication for public comment. Finally, Interim Opinion No. 12-0004 (re In Rem Bankruptcy Conflicts) was modified and approved for a second public comment distribution at the January 24, 2014 meeting. The public comment deadline for this opinion is April 2, 2014 and the Committee will consider the comments received on this opinion at its April 11, 2014 meeting.

Three proposed opinions were submitted to RAD in 2013 for final publication and were officially published as State Bar Formal Opinion Nos. 2013-187, 2013-188, and 2013-189. These three opinions were issued for public comment in late 2012 and finalized for publication in early 2013. The new formal opinions were included in the 2013 update to the *California Compendium on Professional Responsibility* and posted online at the Ethics Opinions page of the Bar's website. 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 2013, the Ethics Opinions homepage and its subpages were visited over 42,800 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 views of the State Bar or the Board of Trustees.

[Activity Report] There was no legislation referred to the Committee by the Board in FY 2013 or any legislation that COPRAC followed which resulted in any comments from the Committee.

Enclosure 5 - COPRAC 2013 Accomplishments Report

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 2013 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 2013.

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] In 2012, COPRAC created an ABA Ethics 20/20 Commission Subcommittee to monitor proposals made by the ABA Ethics 20/20 Commission. The subcommittee reviewed action taken by the ABA's policy-making House of Delegates during the ABA's Mid-Year Meeting held in February, 2013.

The ABA Ethics 20/20 Commission concluded its work in February 2013. As a result, COPRAC has dissolved their ABA 20/20 Ethics Commission Subcommittee.

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 17th Annual Statewide Ethics Symposium was held on April 20, 2013 at the University of California Los Angeles, School of Law. The theme of the Symposium was "Ethics 2013: Doing Good, Being Bad, Going Public, Being Sad." The panels presented included the following: Ethical Issues In Pro Bono Representations; Civility and the Ethical Bounds of Aggressive Lawyering; Confidentiality and Trial Publicity; and Lawyer Mobility and Law Firm Breakups. COPRAC Chair Neil Wertlieb provided welcoming remarks. Rachel Moran, Dean of the UCLA School of Law, provided additional opening remarks. State Bar President Patrick Kelly attended and presented the 2013 Harry B. Sondheim California Professional Responsibility Award to Paul W. Vapnek. Mr. Vapnek also delivered the Symposium's keynote address. There were 100 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)

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 5 programs at the State Bar Annual Meeting held in San Jose in October 2013. The programs were entitled "Ethics Update 2013: Significant Developments in the Law of Lawyering;" "Managing Risks for Law Firms without an Ethics Partner;" "Conflicts 201: Beyond the Basics;" "Ethical Issues in Representing Start-Ups;" and "Legal Advertising: Ethical Implications for Lawyers in Cyberspace and Social Media." Four programs were selected for videotaping and are available as part of the State Bar's online CLE resources. Collectively, these programs had 410 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)

Enclosure 5 - COPRAC 2013 Accomplishments Report

- 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 2013, members of COPRAC represented the Committee as participants in 35 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 2013 is attached. (Attachment E)

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

[Activity Report] The California Bar Journal editorial staff solicited COPRAC's assistance in regularly contributing ethics MCLE self-study articles. As part of a cooperative effort, in FY 2013 committee members wrote 11 MCLE self-study articles for the California Bar Journal on the following ethics topics: application of work product doctrine and the attorney-client privilege; ethical considerations of the tripartite relationship; ethically resolving fee disputes; communication with a represented party; ethical rules relating to the sale of a law practice; attorney lien provisions; joint representation issues; social media endorsements; anti-bias procedures in jury selection; ethical risks and obligations in representing start-ups; and, issues concerning the mediation privilege.

In addition, COPRAC was invited to submit a proposal for a program to be offered at the 2013 California Solo and Small Firm Summit. Following acceptance of COPRAC's proposal, COPRAC members presented a CLE program entitled "Ethical Implications for Lawyers in Cyberspace & Social Media."

ATTACHMENT A

COMMITTEE ON PROFESSIONAL RESPONSIBILITY AND CONDUCT

2013 SCHEDULE OF MEETINGS

February 1, 2013

San Francisco State Bar Office

March 1, 2013

San Francisco State Bar Office

April 19, 2013 (Meeting)

April 20, 2013 (Symposium)

Los Angeles State Bar Office/UCLA School of Law

May 31, 2013

Los Angeles State Bar Office

June 28, 2013

San Francisco State Bar Office

August 23, 2013

Los Angeles State Bar Office

October 10, 2013

San Jose – State Bar Annual Meeting

December 6, 2013

Los Angeles State Bar Office

ATTACHMENT B

SUMMARY OF PUBLISHED OPINIONS (2013)

Officially Published Opinions

FORMAL OPINION NO. 2013-187

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.

FORMAL OPINION NO. 2013-188

ISSUE: If an attorney receives from a non-party a confidential written 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 NO. 2013-189

ISSUES: 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.

ATTACHMENT B

Opinions Published for Public Comment

FORMAL OPINION INTERIM NO. 11-0003

ISSUES: Upon the dissolution of a law firm, what duties does an attorney affiliated with the firm owe to a client on whose behalf he or she provided legal services if the attorney no longer will be representing the client following the dissolution? How does the fulfillment of those duties differ if the attorney had no connection with or knowledge of the client prior to dissolution of the firm? Do the steps an attorney may be required to take depend on the nature of the attorney's position with the firm?

DIGEST: Rule 3-700(A)(2) of the California Rules of Professional Conduct, 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(A)(2) apply when an attorney's withdrawal is prompted by the dissolution of the attorney's 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(A)(2) as to all clients of the firm, regardless of their connection to any specific client or the specific nature of their affiliation with the firm. What "reasonable steps" an attorney must take to protect a particular client's rights may vary considerably, however, depending on the circumstances, including the attorney's relationship to the client and its matter and the attorney's position within the firm.

FORMAL OPINION INTERIM NO. 12-0001

ISSUES: What information may an attorney ethically disclose to the court to explain her need to withdraw from a representation – particularly in the face of an order to submit to the court, *in camera* or otherwise, the substance of the attorney-client communications leading to the need to withdraw?

DIGEST: An attorney may disclose to the court only as much as is reasonably necessary to demonstrate her need to withdraw, and ordinarily it will be sufficient to say only words to the effect that ethical considerations require withdrawal or that there has been an irreconcilable breakdown in the attorney-client relationship. In attempting to demonstrate to the court her need to withdraw, an attorney may not disclose confidential communications with the client, either in open court or *in camera*, absent an express court order compelling such disclosure. In the face of such a court order, however, and only after exhausting other options, an attorney may disclose confidential communications rather than disobey the court order, but should take reasonable steps to minimize prejudice to the client.

FORMAL OPINION INTERIM NO. 12-0004

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

GENERAL EVALUATIONS REGARDING THE SYMPOSIUM OVERALL

To what extent were your personal objectives satisfied? 4.5

- To learn "ethics" category MCLE credit and at location that is close to LA - Orange County.
- The entire seminar was beyond my expectations. I felt it was better than last year's at Hastings.
- I learned a lot (mostly later lectures).
- Excellent way to earn the required ethics MCLE credits.
- Great Job
- I was hoping for a more detailed focus on ethical issues that practitioners face-it had little "meat" for a practicing lawyer.
- As a paralegal, I was mainly here for the credit, but I ended up learning quite a bit that applied to me and enjoyed doing so.
- It might have been better if some of the panels allowed time for questions.
- No written materials re substance of subjects where there were materials in the past

To what extent did the environment contribute to the learning experience? 4.63

- Lunch and outdoor patio chairs/tables was great bonus.
- Law school accommodations were great.
- Very nice venue.
- Good location and facility except for the dead squirrel on the lawn.
- Quiet in audience. I wish chairs were padded. Coffee was thick, gross, and tasted bad. The rest of the food of Snapple drink was excellent! Thanks!
- Room was a bit cold otherwise the room was a non-issue. Parking should have been incurred in the registration or disclosed in advance. Carpooling might have been an option.
- Excellent location
- Loved the UCLA law school setting!
- No bottled water!
- Campus was lovely, room was adequate, but it was freezing.
- Seats are hard, but lunch was nice.
- Very comfortable surroundings

To what extent did the materials contribute to the learning experience? 4.03

- It is important great that rules of professional conduct were included at back of handout, but is difficult that State Bar did not give copies of charts - told to use home computer.
- Appreciated the advance 200pp + PDF the handout @ the program.
- Good written material and powerpoint presentations.
- I suggest the handout include the program outlines. Not everyone can bring a laptop. Don't need all 350 pages, but outlines.
- Excellent material to allow attention to panel.
- Hundreds of pages in pdf is too much to sort through to bring with us to location. Print shorter version or send shorter version ex. 40 pages maximum, 8 pages minimum.
- Excellent material sent via email.

ATTACHMENT C

- Good
- Very good Powerpoints - simple and creative.
- A mess-had to find anything, hard to follow along.
- It would have been better if the outlines used on the screen by panels had been provided ahead of time.
- Have not looked at them yet.
- See comments above - need more written materials

To what extent were the objectives stated in the promotional literature or those stated at the beginning of the activity satisfied? 4.53

- Gave me much insight to complexity of being a lawyer.
- One constructive comment: End sessions on time/start next one on time - Since there is only a short break in between. Also speakers should use microphones closer to them - Professor Laurie Levenson used microphone the best.
- For the most part, yes objective met. Earlier lectures a bit harder to understand.
- Worth the drive.
- Excellent
- Better than expected!

To what extent did the activity contain significant current intellectual or practical content? 4.59

- Taught me of Giant Risk to-do Pro Bono.
- Very current materials.
- Very good topics on all.
- This was the best symposium yet.
- Very informative beneficial.
- The seminars/symposium was largely a waste of time. Very abstract in its orientation the panels concept did not translate into a stimulating forum. Would not attend again or recommend it to other State Bar members. Some of the panelist had great credentials and some were dynamic, but overall it was a poor seminar.
- The panel on law firm break-ups was great.
- Very current and practical.

Please provide your suggestions for future symposium panel topics below.

- Drafting waivers of conflict interest. Best practices for avoiding conflicts and checking conflicts even if you do not have expensive technology. Drafting engagement agreements.
- Don't have it start too early! Make basic outlines (better than provided at location) with space between, so we can take additional notes.
- Something international.
- Ethics international practice, ethic in negotiation/arbitration in business transactions ethics in plea bargaining.
- Ethical issues in working with paralegals and other non-lawyers educating them re confidentiality, UPL, etc.

ATTACHMENT C

PANEL ONE: DOING GOOD MADE EASY (OR AT LEAST EASIER): ETHICAL ISSUES ARISING IN PRO BONO REPRESENTATIONS

Overall Teaching Effectiveness: 4.05

Effectiveness of Teaching Methods: 4.05

Significant Current Intellectual or Practical Content: 4.26

Comments Regarding Particular Speakers or the Panel as a Whole are Welcome Here:

- Good balance of reference to materials and impromptu comments.
- Very good basic material in this narrow field-presentation was well done, understandable, and the right amount of material.
- Important topic. Could use more emphasis on how to get firms more involved in pro bono. Pretty mundane to go through the ethics rules to this audience.
- Hartston and Rothschild/Wertlieb = good conversational tone. Cummings = too many rapid-fire facts and figures, needs to provide digestible bites of relevant info. other contribution?
- Both Hartston and Rothschild made this discussion flow.
- Maybe I was still waking up, but I found it confusing and not enough background to what they discussed.
- Very informed panel.
- Scott Cummings would have been more effective if he did not just read the material continuously looking down and mumble.
- Very good overall. Liked the empirical analysis by Professor Cummings. The discussion of competency became a bit repetitive and more time for audience discussion would have been positive.
- Nice array of panelists.
- Discussion of Statistics on Pro Bono at large firms was boring and irrelevant--So What? Didn't inspire me! Rothschild and Mr. Hartston gave practical advice - Good!
- Professor Cummings comments were very dry-not engaging. The entire topic was just too theoretical and idealized-not relevant to those people struggling with heavy caseloads and billable hours. For a busy attorney this topic was torture. Would not want to hear this panel/topic again.
- Weak on content/substance. Not much new or useful.
- Interesting subject matter, just wish it was more interactive amongst the panelist, and amongst the participants. Speakers could be livelier.
- Focus on downside is necessary but greater focus down on how to manage/boost pro bono participation would be appreciated.
- This session was a little dry.
- Scott Cummings provided "limited scope representation" on the panel.
- N/A
- Very good.

ATTACHMENT C

PANEL TWO: BREAKING UP IS HARD TO DO: ETHICAL ISSUES ARISING IN LAW FIRM DISSOLUTIONS AND PARTNER WITHDRAWALS

Overall Teaching Effectiveness: 4.54

Effectiveness of Teaching Methods: 4.54

Significant Current Intellectual or Practical Content: 4.71

Comments Regarding Particular Speakers or the Panel as a Whole are Welcome Here:

- Strong panel overall.
- Very narrow topic, but brilliantly presented, particularly by Pamela Phillips.
- Very good- very interesting.
- Very good topic, but a very one sided panel-almost biased in presentation. Where is the view from a Trustee's perspective?
- Good examples and participation. The panelist complimented one another nicely and made good connection to practical matters.
- Baldwin and Garner detailed the issues to provide understanding of topic.
- Go slower, explain relevant cases better. Again, maybe still tired or not as familiar with the issue, but at times, I had difficulty following along.
- Excellent panel and discussion.
- Very substantive and moved briskly.
- Good content. Good pace.
- Ms. Phillips did an excellent job of explaining a very complicated issue to one who had never heard of such a puzzle - Ms. Baldwin did well, too. Mr. Heyn appeared somewhat paternalistic.
- Slightly less dry than the 1st panel-but not a good session.
- Very interesting subject matter, effectively presented.
- Finally, the emergency speaker (Heyn) spoke upon the issue of disclosure re: departing lawyer. Phillips was great!
- Excellent panel: great hypotheticals and discussion.
- My firms went through dissolution twice in the past two years - very relevant information.
- Excellent. Merri Baldwin is a fine moderator. Keep on screen citations that note takers want to record.
- Pam Phillip - very thorough Matthew Heyn - thoughtful Garner - good
- Very interesting, but the panel seemed to lack balance. Where was the panelist, who supports the creditors' position?

ATTACHMENT C

PANEL THREE: STICKS AND STONES MAY BREAK YOUR BONES, BUT YOUR OWN WORDS (AND CONDUCT) MIGHT REALLY HURT YOU

Overall Teaching Effectiveness: 4.58

Effectiveness of Teaching Methods: 4.52

Significant Current Intellectual or Practical Content: 4.55

Comments Regarding Particular Speakers or the Panel as a Whole are Welcome Here:

- Good format. Very anecdotal. Appreciated the judicial input and some thoughts on State Bar procedure.
- Excellent and relevant to all attorneys. The panel was wonderfully diverse and each had a very different viewpoint. Valuable information.
- This program was of limited value. The cases were all over the place and there was little guidance. The materials are just a printout of the history of the civility rules, but not practical analysis of them.
- Became a little tedious when getting into the stories that were not directly related to the topic. Ms. Buchanan was very spirited.
- All of the panel members provided excellent discussion on zealous attorney representation of clients. Warning specific keep records of attorney actions for contempt.
- I loved this one the most! Love the speakers! Such personalities! Very nice and professional too! I so enjoyed the stories they told and examples they gave! Please have them come back again! I learned a lot about what conduct is acceptable vs. what's not.
- The comments from the Honorable L. Cho and Honorable H. Fujie were particularly helpful. The personal experiences from the bench were very insightful.
- Excellent Panel Discussion. Definitely worth repeating.
- Experience and Applications, examples and practicality of panel was excellent and interesting - good job.
- Could have been more substantive; nice interchange among panelists; somewhat superficial.
- Everyone was wonderful - Judge Fujie was particular entertaining.
- Very interesting topic-poor moderator and one panelist, Alison Buchanan, were poor presenters-not practicing long enough to have any credibility or anything to contribute. Other panelist were excellent.
- The comments from judges was useful; content was not great.
- Good issue; this is one program that should be seen by every lawyer, and judge. Real life examples worked for this program.
- Another excellent panel with good discussion on civility in practice and in court.
- Great panelist! Good variety of backgrounds. Well put together presentation!
- When seeking termination of employment, some members of panel did not appear to give enough credence to the fact that you shall not disclose, even in camera, that which the client has told you in confidence (e.g. do not agree to any continuance or keep running up the bill for the other side).
- Too many war stories. Too few substantive issues. Topic not so well chosen.

ATTACHMENT C

PANEL FOUR: LOOSE LIPS SINK SHIPS: MEDIA CONFIDENTIALITY AND TRIAL PUBLICITY

Overall Teaching Effectiveness: 4.48

Effectiveness of Teaching Methods: 4.43

Significant Current Intellectual or Practical Content: 4.32

Comments Regarding Particular Speakers or the Panel as a Whole are Welcome Here:

- Very interesting. Star studded. Less practical. Probably a second choice for the last panel last 15 minutes was valuable, in particular dynamic speakers.
- Fabulous! High quality presenters. A privilege to hear from them. Laurie Levenson is brilliant and an incredible speaker - on point and no wasted words - ever!
- Good panel! Great interaction.
- This panel was the best! Excellent interaction between panelist. Mark Geragos is tremendously entertaining!
- Realistic discussion of publicity with great movement and integration by moderator (W. Patrick).
- I'd like if they used more powerpoint slides, especially citing relevant ethic codes. I liked this a lot too. I learned a lot too. I learned a lot; they gave lots of real life examples, easy to understand. Great personalities. Please also invite these speaker back again.
- All three panelist were outstanding and very engaging.
- Fabulous 6 instead of 5 was written.
- Interesting discussion. Not worth staying to 5PM on a Saturday and 405 FWY Traffic.
- Great Discussion.
- Entertaining. Good "star" appeal. Good panel for the end of the day. It would be great if Mark did not interrupt judge so much.
- OK
- OMG - A panel with energy! A great presentation. This was worth waiting for.
- Great panel, good conduct.
- Tremendous energy. Great closing act, very witty, and entertaining.
- Very interesting as well as educational, with good war stories.
- Interesting topic, but not entirely applicable.
- Another round of war stories, but L. Levenson did provide some organized thoughts.
- All fantastic. Very interesting, good presentation by all three panelist including Wendy Patrick also.
- Very engaging.
- Geragos kept interrupting - very rude and very opinionated!
- Excellent seminar - all panels and written materials.

ATTACHMENT D

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 D

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-Up (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 D

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">• Good speakers.• In this day and age should be at least 2 hour class.• Great current issues.• Great information (law & practice)• Excellent panel and content.• Excellent - snappy - organized - crisp - thorough - well done all!!• 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.• 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. (?)• 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.• Good dynamics with group. Managed time well, enjoyable, respectful with some very basic questions.• 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.• Thank you! | |

ATTACHMENT E

2013 COPRAC Member Outreach Programs

	Date	Name	Host or Provider	Location
1.	01-24-2013	Wendy L. Patrick	San Diego County Bar Association	San Diego, CA
2.	01-25-2013	Alison Buchanan	Santa Clara County Bar Association	San Jose, CA
3.	01-26-2013	Alison Buchanan	Bay Area Asian Pacific-Islander American Law Students Association	Stanford, CA
4.	02-15-2013	Wendy L. Patrick	ABA Gaming Conference	Las Vegas, NV
5.	02-21-2013	Wendy L. Patrick	San Diego County Court Attorneys	San Diego, CA
6.	03-12-2013	Wendy L. Patrick	San Diego County Bar Association	San Diego, CA
7.	03-14-2013	Alison Buchanan & Jennifer Becker	Bar Association of San Francisco	San Francisco, CA
8.	03-28-2013	Wendy L. Patrick	San Diego Lawyers Chapter of the Federalist Society	San Diego, CA
9.	04-11-2013	Larry Doyle	Nevada County Bar Association	Nevada City, CA
10.	04-18-2013	Alison Buchanan	Santa Clara County Legal Professionals	San Jose, CA
11.	05-15-2013	Alison Buchanan	Santa Clara County Bar Association	San Jose, CA
12.	05-22-2013	Wendy L. Patrick	LegalTech West Coast 2013	Los Angeles, CA
13.	05-23-2013	Alison Buchanan & Jennifer Becker	Sonoma County Women in Law	Santa Rosa, CA
14.	06-22-2013	Wendy L. Patrick	California State Bar Solo and Small Firm Summit	Long Beach, CA
15.	06-26-2013	Wendy L. Patrick	Thomas Jefferson School of Law	San Diego, CA
16.	07-08-2013	Wendy L. Patrick	Alliance Defending Freedom Legal Academy	Laguna Niguel, CA
17.	07-14-2013	Wendy L. Patrick	ATA Litigation Center's Forum for Motor Carrier General Counsel	Coeur d'Alene, ID
18.	07-18-2013	Wendy L. Patrick	Foothills Bar Association of San Diego County	San Diego, CA
19.	08-01-2013	Wendy L. Patrick	UC Hastings College of the Law	San Francisco, CA
20.	09-16-2013	Alison Buchanan & Jennifer Becker	The Berkeley Albany Bar Association	Berkeley, CA
21.	10-10-2013	Wendy L. Patrick	State Bar of California	San Jose, CA
22.	10-10-2013	Wendy Chang	State Bar of California	San Jose, CA
23.	10-11-2013	Wendy L. Patrick	State Bar of California	San Jose, CA
24.	10-19-2013	Wendy L. Patrick	Christian Legal Society National Conference (Attorney-Client Privilege)	Clearwater Beach, FL
25.	10-19-2013	Wendy L. Patrick	Christian Legal Society National Conference (Recent Developments)	Clearwater Beach, FL

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	Date	Name	Host or Provider	Location
26.	10-23-2013	Wendy Change	LA Law Library	Los Angeles, CA
27.	10-24-2013	Wendy L. Patrick	Orange County Trial Lawyers Association	Tustin, CA
28.	10-28-2013	Wendy L. Patrick	ACC Annual Meeting	Los Angeles, CA
29.	11-07-2013	Alison Buchanan & Jennifer Becker	State Bar of California's Annual Taxation Conference	San Jose, CA
30.	11-08-2013	Wendy L. Patrick	2013 Gaming Law Conference	Las Vegas, NV
31.	11-14-2013	Larry Doyle	County Counsels Association of California Health and Welfare and Taxation Conference	Sacramento, CA
32.	12-02-2013	Wendy Chang	McKenna Long & Aldridge	Los Angeles, CA
33.	12-07-2013	Merri Baldwin	Bar Association of San Francisco	San Francisco, CA
34.	12-10-2013	Alison Buchanan	Santa Clara County Bar Association	San Jose, CA
35.	12-12-2013	Alison Buchanan & Wendy Chang	American Law Institute	San Jose & Los Angeles, CA (via telephone)

ENCLOSURE 6 – Professional Competence Budget Summary

Professional Competence Budget Summary

Authorized vs. Actual

Year-to-Date as of December 31, 2013

Budget (Actual)	\$1,727,551
Budget (Authorized)	\$1,567,609
Variance	(\$159,942)

Monthly (January thru December 31, 2013)

	January	February	March	April	May	June
Budget (Actual)	\$102,695	\$114,081	\$154,102	\$108,534	\$124,668	\$107,467
Budget (Authorized)	\$130,691	\$134,103	\$188,242	\$134,870	\$134,870	\$134,870
Variance	\$27,996	\$20,022	\$34,140	\$26,336	\$10,202	\$27,403

	July	August	September	October	November	December
Budget (Actual)	\$126,797	\$162,319	\$126,301	\$135,107	\$119,128	\$157,029
Budget (Authorized)	\$135,239	\$189,493	\$135,640	\$136,334	\$136,334	\$136,865
Variance	\$8,442	\$27,174	\$9,339	\$1,227	\$17,206	-\$20,164