



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 23, 2015

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

FROM: Randall Difuntorum, Director, Professional Competence Programs

SUBJECT: RAD Meeting on March 12, 2015 – Status of the Professional Competence Unit

This memorandum provides a 2014 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) COPRAC 2014 Accomplishments Report; and (Encl. 4) 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 2014, 14,091 member inquiries were received with a completion rate of 90%. This completion rate includes distribution of 280 copies of published ethics opinions and other written materials requested by inquirers and 4,878 referrals to information posted at the Bar's website. In addition, the staff made 1,512 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 2014: (1) the monthly average number of total calls handled by a paralegal was 344; (2) the monthly average number of completed calls by a paralegal was 214; and (3) the monthly average number of left messages by a paralegal was 130. In 2014, 24 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 2014 surveys are available upon request). Of these, 3 surveys were received from September through December and were not included in the last status report. Comments from members were provided on all three of these surveys, one survey commending the paralegal for her exceptional effort, the second acknowledging the ethics hotline service as a client protection program and describing it as "hands down the best resource available to attorneys in California," and the final survey stating a desire for the Hotline to be open on weekends and for the option to submit questions by email. (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.

The table below presents the top issues posed by the Hotline callers in 2014 as compared to 2013 and 2012. For 2014, the top issue category was “Fees and Costs” which accounted for 19% of the total calls. This 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 were the categories of “Communications” (16%) and “Conflicts” (15%). Demographic data collected voluntarily from callers indicates that 53% of the Ethics Hotline users were first time callers and 47% were callers who had previously used the service.

<i>Ethics Hotline: Primary Issues</i>	2014	2013	2012
<i>Fees and Costs for Legal Services</i>	19%	18%	16%
<i>Communications with Clients, Adverse Party and Others</i>	16%	17%	17%
<i>Conflicts of Interest</i>	15%	14%	12%
<i>Attorney Advertising and Solicitation</i>	12%	12%	14%
<i>Client Confidential Information</i>	11%	10%	11%
<i>Misconduct/Moral Turpitude/Trial Conduct</i>	8%	10%	9%

2. COPRAC

Since the last Professional Competence status report submitted for the Board Committee’s November 6, 2014 meeting, COPRAC met on October 24, 2014 in San Francisco, December 5, 2014 in Irvine, and January 23, 2015 in San Francisco.

A. Meetings

At the October 24th meeting, COPRAC continued the post-public comment work on Formal Opinion Interim No. 11-0004 (ESI and Discovery Requests); 12-0001 (Disclosure of Confidences at Motions for Withdrawal); and 12-0007 (Puffing in Negotiations). COPRAC also continued pre-public comment work on the following draft opinions: 12-0002 (Revocation of Waivers); 12-0003 (Attorney Directory and Rating Websites); 12-0005 (Law Firm In-House Counsel); 12-0006 (Attorney Blogging); 13-0002 (Attorney with a Vulnerable Client); 13-0003 (Ethical Obligations When Departing Firm); 13-0004 (Collecting Unpaid Fees); 13-0005 (Publicly Available Confidential Information); 14-0001 (Colleague Impairment); 14-0002 (Alternative Litigation Funding); 14-0003 (Settling Before Withdrawal); and 14-0004 (Witness Perjury). The Committee discussed the status of plans for the 2015 Annual Statewide Ethics Symposium scheduled to be held at Thomas Jefferson School of Law in San Diego on April 25, 2015. The Committee elected to continue to write the self-study CLE articles published each month in the California Bar eJournal for the 2015 calendar year.

Post-public comment consideration of the following opinion occurred at the Committee’s October 24, 2014 meeting, and the Committee revised the opinion after consideration of public comments and approved the opinion for submission to the Board Committee on Regulation and Discipline Oversight (the Board Committee). The draft opinion was circulated before the Board Committee for a 30-day approval period with a deadline of February 6, 2015.

Formal Opinion Interim No. 12-0001:

ISSUE: 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. To the extent the court orders an attorney to disclose confidential information, the attorney faces a dilemma in that she may not be able to comply with both the duty to maintain client confidences and the duty to obey court orders. Once an attorney has exhausted reasonable avenues of appeal or other further review of such an order, the attorney must evaluate for herself the relevant legal authorities and the particular circumstances, including the potential prejudice to the client, and reach her own conclusion on how to proceed. Although this Committee cannot categorically opine on whether or not it is acceptable to disclose client confidences even when faced with an order compelling disclosure, this Committee does opine that, whatever choice the attorney makes, she must take reasonable steps to minimize the impact of that choice on the client.

At the December 5th meeting, COPRAC continued the post-public comment work on Formal Opinion Interim No. 11-0004 (ESI and Discovery Requests) and 12-0007 (Puffing in Negotiations). COPRAC also continued pre-public comment work on the following draft opinions: 12-0002 (Revocation of Waivers); 12-0003 (Attorney Directory and Rating Websites); 12-0005 (Law Firm In-House Counsel); 12-0006 (Attorney Blogging); 13-0002 (Attorney with a Vulnerable Client); 13-0003 (Ethical Obligations When Departing Firm); 13-0004 (Collecting Unpaid Fees); 13-0005 (Publically Available Confidential Information); 14-0001 (Colleague Impairment); 14-0002 (Alternative Litigation Funding); 14-0003 (Settling Before Withdrawal); and 14-0004 (Witness Perjury). The Committee discussed the status of plans for the 2015 Annual Statewide Ethics Symposium scheduled to be held at Thomas Jefferson School of Law in San Diego on April 25, 2015.

The following opinion was tentatively approved by COPRAC for an additional 90-day public comment circulation at its December 5, 2014 meeting, with a public comment deadline of April 9, 2015. Post-public comment consideration of the opinion will occur at the Committee's April 24, 2015 meeting.

Formal Opinion Interim No. 11-0004:

ISSUE: What are an attorney's ethical duties in the handling of discovery of electronically stored information?

DIGEST: An attorney's obligations under the ethical duty of competence evolve as new technologies develop and become integrated with the practice of law. Attorney competence related to litigation generally requires, among other things, and at minimum, a basic understanding of, and facility with, issues relating to e-discovery, including the discovery of electronically stored information ("ESI"). On a case-by-case basis, the duty of competence may require a higher level of technical knowledge and ability, depending on the e-discovery issues involved in a matter, and the nature of the ESI. Competency may require even a highly experienced attorney to seek assistance in some litigation matters involving ESI. An attorney lacking the required competence for e-discovery issues has three options: (1) acquire sufficient learning and skill before performance is required; (2) associate with or consult technical consultants or competent counsel; or (3) decline the client representation. Lack of competence in e-discovery issues also may lead to an ethical violation of an attorney's duty of confidentiality.

The following opinion was tentatively approved by COPRAC for a 90-day public comment period at its December 5, 2014 meeting, with a public comment deadline of March 23, 2015. Post-public comment consideration of the opinion will occur at the Committee's April 24, 2015 meeting.

Formal Opinion Interim No. 12-0006:

ISSUE: Under what circumstances is "blogging" by an attorney subject to the requirements and restrictions of the Rules of Professional Conduct and related provisions of the State Bar Act regulating attorney advertising?

- DIGEST:**
1. Blogging by an attorney is subject to the requirements and restrictions of the Rules of Professional Conduct and the State Bar Act relating to lawyer advertising if the blog expresses the attorney's availability for professional employment directly through words of invitation or offer to provide legal services, or implicitly through its description of the type and character of legal services offered by the attorney, detailed descriptions of case results, or both.
 2. A blog that is a part of an attorney's or law firm's professional website will be subject to the rules regulating attorney advertising to the same extent as the website of which it is a part.
 3. A stand-alone blog by an attorney that does not relate to the practice of law or otherwise express the attorney's availability for professional employment will not become subject to the rules regulating attorney advertising simply because the blog contains a link to the attorney or law firm's professional website.

At the January 23, 2015 meeting, COPRAC continued the post-public comment work on Formal Opinion Interim No. 12-0007 (Puffing in Negotiations). COPRAC also continued pre-public comment work on the following draft opinions: 12-0002 (Revocation of Waivers); 12-0003 (Attorney Directory and Rating Websites); 12-0005 (Law Firm In-House Counsel); 13-0002 (Attorney with a Vulnerable Client); 13-0003 (Ethical Obligations When Departing Firm); 13-0004 (Collecting Unpaid Fees); 13-0005 (Publically Available Confidential Information); 14-0001 (Colleague Impairment); 14-0002 (Alternative Litigation Funding); 14-0003 (Settling Before Withdrawal); and 14-0004 (Witness Perjury). The Committee discussed the status of plans for the 2015 Annual Statewide Ethics Symposium scheduled to be held at Thomas Jefferson School of Law in San Diego on April 25, 2015. In addition, the Committee selected four panel topics to present at the 2015 Annual Meeting being held in Anaheim in October. The Committee also selected two panel topics to present at the Solo & Small Firm Summit being held in Newport Beach in June.

COPRAC's next meeting is scheduled for March 6, 2015, and will be held in Los Angeles. At this meeting, COPRAC will consider the public comment received on Formal Opinion Interim No. 11-0004 (ESI and Discovery Requests) and 12-0006 (Attorney Blogging), and continue post-public comment consideration of 12-0007 (Puffing in Negotiations). COPRAC will continue pre-public comment work on the following opinions: 12-0002 (Revocation of Waivers); 12-0003 (Attorney Directory and Rating Websites); 12-0005 (Law Firm In-House Counsel); 13-0002 (Attorney with a Vulnerable Client); 13-0003 (Ethical Obligations When Departing Firm); 13-0004 (Collecting Unpaid Fees); 13-0005 (Publically Available Confidential Information); 14-0001 (Colleague Impairment); 14-0002 (Alternative Litigation Funding); 14-0003 (Settling Before Withdrawal); and 14-0004 (Witness Perjury). The Committee will also continue work on plans for the 2015 Annual Statewide Ethics Symposium scheduled to be held at Thomas Jefferson School of

Law on April 25, 2015, and the panels to be offered at the 2014 Solo & Small Firm Summit, and the 2015 Annual Meeting.

B. Education and Outreach Programs

COPRAC members presented ethics CLE programs on January 13th for the American Law Institute as part of a webinar, on January 15th for the Orange County Bar Association in Tustin, on January 23rd for the Santa Clara County Bar Association in San Jose, and on January 29th for the San Francisco Bar Association in San Francisco.

As a part of this Professional Competence year-end report, COPRAC has submitted its 2014 Annual Accomplishments Report. (See Enclosure 3: COPRAC 2014 Accomplishments Report.)

3. PROPOSED NEW AND AMENDED RULES OF PROFESSIONAL CONDUCT

In accordance with the authority delegated by the Board, the State Bar President appointed a new Rules Revision Commission. Presiding Justice Lee Edmon of the 2nd District Court of Appeal has been appointed to serve as the Chair of the Commission. In leading the Commission, Justice Edmon will be assisted by two co-vice-chairmen: Jeffrey L. Bleich, a former bar president who recently served as ambassador to Australia; and Dean J. Zipser, an Orange County litigator. In addition to the these officers, sixteen members were appointed, including a non-lawyer public member. The Office of Professional Competence will provide primary staff support to the Commission. In addition, staff liaisons have been assigned from the Office of the Chief Trial Counsel and the State Bar Court. The Supreme Court also has designated a non-voting participant for the new Commission. The first meeting of the Commission will be held on March 27, 2015 at the State Bar office in San Francisco.

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. Senate Bill No. 1186 also requires the State Bar to submit an annual report to the legislature on July 31 of each year. The 2013/2014 report was filed with the legislature on July 31, 2014 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 2014.

ADA Letters Received-Referred to Enforcement in 2014

Month	Letters Received	Letters Referred To Enforcement
Jan.	34	3
Feb.	29	5
Mar.	9	1
Apr.	6	1
May	12	0
June	13	1
July	33	1
Aug.	13	2
Sept.	50	2
Oct.	24	5
Nov.	6	0
Dec.	11	3
TOTAL	240	24

The table below lists the potential compliance issues identified by Professional Competence staff and shows the numbers of compliance issues referred to Enforcement staff.

2014 Compliance Issues Referred to Enforcement*
(Compared to 2013)

Compliance Issue	No. of Issues in 2014	No. of Issues in 2013	Total
Failure to Copy the CCDA within 5 Business Days	14	29	43
Failure to Copy the State Bar within 5 Business Days	12	20	32
Failure to Include Mandatory Advisory	10	43	53
Possible Prohibited Statement of Recipient's Specific Monetary Liability	7	15	22
Possible Prohibited Request/Demand for Money or Offer/Agreement to Accept Money	6	13	19

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

5. COMPETENCE PUBLICATIONS

Handbook on Client Trust Accounting for California Attorneys:

The online Trust Accounting Handbook html webpage was visited 9,540 times in 2014.

California Compendium on Professional Responsibility: Sales of the 2014 Compendium update began in November 2014 and 469 orders of the 2014 and earlier updates have been processed to date. Production of the 2015 Compendium update has begun, with an anticipated release date in the second quarter of the year.

California Rules of Professional Conduct & State Bar (a.k.a Publication No. 250): Sales of the 2014 Publication 250 began in June 2014, and 1,047 orders have been received and processed through December 31, 2014.

An e-Reader version of Publication 250² is available at the Amazon Kindle store. A total of 225 e-books have been purchased to date. One hundred thirty-five copies of the 2011 e-book have been purchased since posting in September 2011. Thirty-eight copies of the 2012 e-book have been purchased since posting in June 2012. Twenty-nine copies of the 2013 e-book have been purchased since posting in June 2013. The 2014 e-book was posted in June 2014 and twenty-three copies have been purchased to date. The 2015 e-book is nearing completion and is anticipated to be available in the second quarter of the year.

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.

6. PROFESSIONAL COMPETENCE EDUCATIONAL PROGRAMS & OTHER OUTREACH ACTIVITIES

Client Trust Accounting Survey: In follow-up to the discussion at the Board's January planning meeting, Professional Competence has assumed a lead role in coordinating State Bar staff's development of a member survey on client trust accounting. On February 10, 2015, Competence staff met with Executives who attended the Board's planning meeting. On February 17, Competence staff met Member Services and General Counsel staff to prepare revised draft survey questions. As presently drafted, the survey is captioned as a voluntary, anonymous survey that will be used for informational purposes rather than discipline. The survey includes questions for lawyers who do not personally handle trust funds and those who do. The bulk of the questions pertain to the latter group. In addition to demographic information, among the topics presently addressed in the survey are the following:

- Establishment of IOLTA Accounts and Non-IOLTA Accounts
- Reconciliation
- Providing an Accounting to a Client
- Maintenance of Written Ledgers and Journals
- Use of: Computerized Accounting Applications; Handwritten Records; Bookkeepers; or Accountants
- Awareness of State Bar Resources on Client Trust Accounting
- Best Practices Concerning: Signatories; Overdraft Protection; Dispute Resolution; Timeliness of Recordkeeping; and Disbursement of Funds Belonging to the Lawyer

The survey also provides an open field for entering up to 200 characters of text to describe significant challenges in the handling of client trust funds. Completing the open field is not required. Once survey questions have been tentatively completed, options for the deployment of the survey will be assessed. Ultimately, it is expected that the survey results will be studied by a working group comprised of staff from various Bar offices with the goal of taking steps to implement education and other activities aimed at preventing trust account violations.

Client Trust Accounting Resources and Education: In part, as a complement to the anticipated client trust accounting survey, several general enhancements to trust accounting education and resources are being considered. These enhancements include: (1) consolidating trust accounting ethics resources at the ethics information area of the State Bar website, similar to the existing resource areas dedicated for Senior Lawyer Resources and Ethics & Technology Resources; (2) creating an online trust accounting self-assessment test designed to alert lawyers to potential compliance issues and lead them to relevant rules, standards, case law and ethics opinions; (3) implementing ongoing monitoring of trust accounting MCLE programs directly offered by various State Bar providers (COPRAC, Sections, State Bar staff) to assure that certain core topics are covered in every program and that the State Bar's online MCLE store always includes at least one client trust accounting program from such providers; and (4) reviewing the presentation and content of the current Handbook on Client Trust Accounting for California Attorneys to develop new streamlined resources that are more accessible and user-friendly to young lawyers accustomed to online information.

Event Outreach: 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 2014 the brochure was a key outreach tool distributed at the following events: 2014 Solo Summit; 2014 Annual Meeting; and some of the outreach CLE programs conducted by COPRAC members. In addition, approximately 8,000 copies of this brochure were included in mailings sent out to the 2014 new admittees.

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 2014, the Mini Pub. 250 was distributed at the following events and programs: 2014 Solo Summit; 2014 Annual Meeting; several in-house CLE presentations by COPRAC members to their law firms; and various COPRAC Bar Association outreach programs.

7. COMPETENCE RESOURCES AT CALBAR.CA.GOV

Senior Lawyer Ethics Resources Page: This 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 visited approximately 19,750 times in 2014.

Judicial Campaign Ethics Page: 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. The Judicial Campaign Ethics web page was launched in October 2013 and has been visited approximately 1,530 times, through December 31, 2014. A new section was added to this web page entitled "Gifts to Judges," with a link to new California Judicial Ethics Opinion No. 2014-005 concerning restrictions on gifts to judges. In addition, links to other related resources were added to this section.

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 2014 activity in terms of visits.

Professional Competence Web Resources – Activity Detail January – December, 2014	
Webpage	Approx. Number of Visits
Rules of Professional Conduct html web pages	573,230
The State Bar Act html web pages	29,710
Ethics Opinions html web pages	42,170
Ethics Information html web pages	207,810
Ethics & Technology html web pages	20,190
Judicial Campaign Ethics html web page	1,160

Since the last Professional Competence status report submitted for the Board Committee's November 6, 2014 meeting, the following website updates have been made:

1. Formal Ethics Opinion Nos. 2014-191 (In Rem Bankruptcy Proceedings) and 2015-192 (Disclosure of Confidences at Motions for Withdrawal) were posted at the Opinions page of the Bar's website (December 17, 2014 and February 10, 2015, respectively).
2. Draft Formal Ethics Opinion Interim No. 12-0006 (Attorney Blogging) was posted at the public comment page of the Bar's website with a public comment deadline of March 23, 2015; and, draft Formal Ethics Opinion Interim No. 11-0004 (ESI and Discovery Requests) was posted for an additional public comment with a deadline of April 9, 2015.
3. Ethics & Technology web pages were updated to add links to the following new resources: twelve articles (published in California Bar Journal, Recorder, ABA

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

Journal, and Virginia Lawyers Weekly); and, 3 ethics opinions (one published by the Virginia State Bar, and two published by the New York City Bar).

4. The Attorney Civility and Professionalism web pages were updated to add links to the following new resources: "Guidelines on Civility and Professionalism Adopted by Bar Associations and Court"; civility guidelines adopted by 10 county bar associations; civility guidelines adopted by 3 California US District Courts; and the guidelines adopted by ABOTA, and the San Diego Association of Business Trial Lawyers.
5. The Judicial Ethics web pages were updated to add a new "Gifts to Judges" section with links to related resources.
6. Web page for the new Commission for the Revision of the Rules of Professional Conduct was created with a link to the roster of the recently appointed Commission.
7. A "Save the Date" letter announcing the April 25, 2015 Ethics Symposium to be held at Thomas Jefferson School of Law in San Diego was posted at the COPRAC Education page of the Bar's website. The full program and registration information was posted in late February, with an early bird registration deadline of March 31, 2015.

cc: Robert A. Hawley

ETHICS HOTLINE ACTIVITY STATISTICS - 2014

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	1293	1108	185	86%	14%	21	424
February	19	1163	1037	126	89%	11%	36	382
March	20	1221	1141	80	93%	7%	17	452
April	22	1245	1110	135	89%	11%	24	412
May	21	1170	1055	115	90%	10%	20	458
June	21	1140	1056	84	93%	7%	16	404
July	22	1238	1146	92	93%	7%	17	410
August	21	1182	1056	126	89%	11%	25	443
September	21	1269	1150	119	91%	9%	25	433
October	22	1243	1070	173	86%	14%	28	443
November	17	895	805	90	90%	10%	23	306
December	20	1032	914	118	89%	11%	28	311
Cumulative Totals	247	14,091	12,648	1,443	90%	10%	280	4,878

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

2014 Key Hotline Activity Averaged by Day and Month

Daily:	Incoming Calls:	57
	Completed Calls:	51
Monthly:	Incoming Calls:	1,174
	Completed Calls:	1,054

2014 Aggregate Outgoing Calls

Outgoing Calls:	21,359*
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*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.

Excerpt from Ethics Hotline Customer Satisfaction Surveys
Additional Comments
(Surveys Received for September – December 2014)

1. Received October 20, 2014

COMMENTS/SUGGESTIONS:

Spoke with Pamela Hill. Pamela went out of her way to try and answer my question.

2. Received November 3, 2014

COMMENTS/SUGGESTIONS:

The California Bar ethics hotline is hands down the best resource available to attorneys in California. This resource helps ease attorney's minds in complicated situations and goes a long way toward protecting clients' rights. I spoke with Elbert about two recent issues and he had suggestions and ethics opinions at his fingertips to help me. Thank you very much! More funding for this program would be fantastic and more California attorneys should use this program to keep California attorneys' reputations intact. Thanks again.

3. Received December 6, 2014

COMMENTS / SUGGESTIONS:

Main complaint is that I can't ask a question by email. At least I can't find a place to do that. Second complaint is that you are not open on the weekend. Ethics issues come up all the time, not just on weekdays.

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

2014 Year End

Chair: Scott Garner

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 2014 activities and accomplishments.

1. Conducted 9 one-day meetings.
2. Published 5 proposed opinions for public comment.
3. Published 2 formal opinions approved by the Board of Trustees for inclusion in the 2014 update to the *California Compendium on Professional Responsibility*, and posting online at the State Bar's website.
4. Administered the 18th Annual Statewide Ethics Symposium at Golden Gate University School of Law.
5. Presented 4 ethics programs at the State Bar Annual Meeting, all four programs were selected for videotaping for participatory online CLE credit in legal ethics.
6. Participated in 26 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 2 ethics programs at the California Solo and Small Firm Summit.

Performance Indicators and Actual Performance

1. **[Performance Indicator] Meetings – To carry out its charge, 9-10 day-long meetings will be held in FY 2014. Most of these meetings will be held in-person at the State Bar facilities in San Francisco or Los Angeles. Given the nature of the Committee's work, in-person member participation is the most productive meeting format.**

[Actual Performance] In FY 2014, COPRAC met for a total of 9 one-day meetings. The 2014 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 2014, the Committee issued 5 opinions for public comment distribution (Interim Opinion Nos. 11-0004, 12-0001, 12-0004, 12-0006 and 12-0007). Two proposed opinions were submitted to the Board Committee on Regulation and Discipline Oversight for final publication in 2014. One of these proposed opinions (Interim Opinion No. 11-0003) was issued for public comment late in 2013 and finalized for publication in early 2014 as State Bar Formal Opinion No. 2014-190. The other opinion (Interim Opinion No. 12-0004) was officially published as State Bar Formal Opinion No. 2014-191. The new formal opinions were included in the 2014 update to the *California Compendium on Professional Responsibility* and posted online at the Ethics Opinions page of the State Bar's website.

Interim Opinion No. 11-0004 (re ESI and Discovery Requests) was issued for a second public comment distribution in late 2014 and has a public comment deadline of April 9, 2015. The Committee will consider the public comments received on this opinion at its April 24, 2015 meeting. Similarly, Interim Opinion No. 12-0006 (re Attorney Blogging) was approved for a public comment distribution in late 2014. This opinion has a public comment deadline of March 23, 2015 and the Committee will consider the public comments received at its April 24, 2015 meeting. Interim Opinion No. 12-0007 (re Puffing in Negotiations) is currently being modified following its initial publication for public comment. Finally, Interim Opinion No. 12-0001 (re Disclosure of Confidences at Motion for Withdrawal) was issued for a second public comment distribution in 2014 and was formally published in early 2015. 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 2014, the Ethics Opinions homepage and its subpages were visited over 42,170 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 2014.

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 2014.

5. **[Planned Activity] Conference 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 2014.

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] There were no referrals to the Committee by the Board in FY 2014.

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 18th Annual Statewide Ethics Symposium was held on April 12, 2014 at the Golden Gate University School of Law in San Francisco. The theme of the Symposium was "Ethics 2014: Keeping Pace in a Constantly Changing Legal Environment." The panels presented included the following: Defending a Charles Ponzi or Bernie Madoff; Complex Conflicts Issues Deciphered; Trial Ethics: Don't Risk Your Soul to Win a Point; and "Disruptive" Ethics? Innovative Models of Providing Legal Services. COPRAC Chair Wendy Wen Yun Chang provided welcoming remarks. Rachel Van Cleave, Dean of the Golden Gate University School of Law, provided additional opening remarks. State Bar President Luis Rodriguez attended and also provided welcoming remarks. James J. Brosnahan delivered the Symposium's keynote address, which he titled "Utopian Legal Ethics in 2020." There were 103 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 2014 for programs presented at the Annual Meeting in the Fall of 2014).**

[Actual Performance] COPRAC conducted 4 programs at the State Bar Annual Meeting held in San Diego in September 2014. The programs were entitled "Ethics Update 2014: Significant Developments in the Law of Lawyering;" "Starting Off on the Right Foot: Addressing Ethics Issues at the Outset;" "The Ethics of Getting Your Legal Fees Paid;" and "Blogging, Tweeting and The New Frontier of Attorney Advertising: How to Stay Within the Ethical Bounds." All four programs were selected for videotaping and are available as part of the State Bar's online CLE resources. Collectively, these programs had 524 attendees at the Annual Meeting. All of these programs received high marks in all categories from the attendees. A copy of the Activity Evaluation Results is attached. (Attachment D)

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

[Activity Report] During FY 2014, members of COPRAC represented the Committee as participants in 26 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 2014 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 2014 committee members wrote 11 MCLE self-study articles for the California Bar Journal on the following ethics topics: issues concerning the mediation privilege; who is entitled to fee-based sanctions award – lawyer or client; ethical duties to third parties; the ethical dilemma of the lying client; ethical issues associated with trials; ethical issues associated with the formation of a closely held corporation; accurately classifying a retainer fee; complying with an attorney's MCLE obligations; ethics of attorney blogging; ethical considerations of responding to online reviews; and, complying with California's mandatory fee arbitration act.

In addition, COPRAC was invited to submit a proposal for a program to be offered at the 2014 California Solo and Small Firm Summit. Following acceptance of COPRAC's proposal, COPRAC members presented two CLE programs entitled "Complex Issues with the Attorney-Client Privilege;" and "Dealing with Difficult Client While Maintaining Your Professional Responsibility."

ATTACHMENT A

2014 SCHEDULE OF MEETINGS

COMMITTEE ON PROFESSIONAL RESPONSIBILITY AND CONDUCT

January 24, 2014

San Francisco State Bar Office

February 28, 2014

Los Angeles State Bar Office

April 11, 2014 (Meeting)

April 12, 2014 (Symposium)

San Francisco State Bar Office/Golden Gate University School of Law

May 16, 2014

Los Angeles State Bar Office

June 27, 2014

San Francisco State Bar Office

August 1, 2014

Los Angeles State Bar Office

September 11, 2014

San Diego – State Bar Annual Meeting

October 24, 2014

San Francisco State Bar Office

December 5, 2014

Los Angeles State Bar Office

ATTACHMENT B

SUMMARY OF PUBLISHED OPINIONS (2014)

Officially Published Opinions

FORMAL OPINION NO. 2014-190 (Formerly 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 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 NO. 2014-191 (Formerly Interim No. 12-0004)

ISSUE: If an attorney represents an individual as a debtor in a simple, 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 informed written consent from both parties?

DIGEST: Simultaneous representation of a debtor in a simple, no-asset Chapter 7 bankruptcy filing and that debtor's 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.

ATTACHMENT B

SUMMARY OF PUBLISHED OPINIONS (2014)

Opinions Published for Public Comment

FORMAL OPINION INTERIM NO. 11-0004

ISSUES: What are an attorney's ethical duties in the handling of discovery of electronically stored information?

DIGEST: An attorney's obligations under the ethical duty of competence evolve as new technologies develop and become integrated with the practice of law. Attorney competence related to litigation generally requires, among other things, and at a minimum, a basic understanding of, and facility with, issues relating to e-discovery, including the discovery of electronically stored information ("ESI"). On a case-by-case basis, the duty of competence may require a higher level of technical knowledge and ability, depending on the e-discovery issues involved in a matter, and the nature of the ESI. Competency may require even a highly experienced attorney to seek assistance in some litigation matters involving ESI. An attorney lacking the required competence for e-discovery issues has three options: (1) acquire sufficient learning and skill before performance is required; (2) associate with or consult technical consultants or competent counsel; or (3) decline the client representation. Lack of competence in e-discovery issues also may lead to an ethical violation of an attorney's duty of confidentiality.

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. To the extent the court orders an attorney to disclose confidential information, the attorney faces a dilemma in that she may not be able to comply with both the duty to maintain client confidences and the duty to obey court orders. Once an attorney has exhausted reasonable avenues of appeal or other further review of such an order, the attorney must evaluate for herself the relevant legal authorities and the particular circumstances, including the potential prejudice to the client, and reach her own conclusion on how to proceed. Although this Committee cannot categorically opine on whether or not it is acceptable to disclose client confidences even when faced with an order compelling disclosure, this Committee does opine that, whatever choice the attorney makes, she must take reasonable steps to minimize the impact of that choice on the client.

FORMAL OPINION INTERIM NO. 12-0006

ISSUES: Under what circumstances is "blogging" by an attorney subject to the requirements and restrictions of the Rules of Professional Conduct and related provisions of the State Bar Act regulating attorney advertising?

DIGEST: 1. Blogging by an attorney is subject to the requirements and restrictions of the Rules of Professional Conduct and the State Bar Act relating to lawyer advertising if the blog expresses the attorney's availability for professional employment directly through words of invitation or offer to provide legal services, or implicitly through its description of the type

ATTACHMENT B

SUMMARY OF PUBLISHED OPINIONS (2014)

and character of legal services offered by the attorney, detailed descriptions of case results, or both.

2. A blog that is part of an attorney's or law firm's professional website will be subject to the rules regulating attorney advertising to the same extent as the website of which it is apart.
3. A stand-alone blog by an attorney that does not relate to the practice of law or otherwise express the attorney's availability for professional employment will not become subject to the rules regulating attorney advertising simply because the blog contains a link to the attorney or law firm's professional website.

FORMAL OPINION INTERIM NO. 12-0007

ISSUES: 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 section 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.

ATTACHMENT C

2014 ANNUAL ETHICS SYMPOSIUM EVALUATIONS SUMMARY

GENERAL EVALUATIONS REGARDING THE SYMPOSIUM OVERALL

(Rated on a scale of 1 to 5 with 1 as the lowest and 5 as the highest)

To what extent were your personal objectives satisfied? 4.22

- Yes they were
- I was hoping for a program that was not so specialized. This program is geared to attorneys with fairly advanced and specialized knowledge in the area of legal ethics. So personally, I did not benefit as much as I had hoped.
- I am excluding panels - see separate comments - because the balance of the symposium was excellent - suggestions: have panels allow more time for audience engagement; there's a lot of sophisticated knowledge.
- Excellent panels with fantastic discussions on theoretical/practical implications of ethics.

To what extent did the environment contribute to the learning experience? 4.42

- Yes especially the part concerning practices of attorney conduct during adversarial proceedings.
- Thanks for the materials, wi-fi, powerpoint, audio/video
- Comfortable chairs, good lighting, plenty of room. No complaints.
- Fine venue; comfortable.
- Plenty of space. Great to have it held in a modernized classroom.
- The audio system only works if the speakers talk directly into the mics; unfortunately that did not always happen; maybe lapel mics would work better. Room was too cold; understand that ventilation is important, but so is temperature.
- Excellent location and excellent room (audience close to speakers, creating a good atmosphere and making it easier to see & hear.)
- Golden Gate's facility was excellent. The Civic Center Bart Station might be closer if Hastings' facility was used as next year's venue.

To what extent did the materials contribute to the learning experience? 3.73

- Very much.
- Could not download the materials!
- Insufficient time to read in advance of this symposium.
- Not always clearly related to panel subjects. Printing the outlines would be more helpful than printing the panelists' biographies.
- Power Point slides, when used in a panel, were helpful. Pamphlet given at start of day not too useful, so not sure why money was spent on printing it.
- Superb. On-line delivery let me mark up my copy on my iPad using a notes app without killing a forest of trees.

To what extent were the objectives stated in the promotional literature or those stated at the beginning of the activity satisfied? 4.27

- I was immensely satisfied.
- Met all expectations
- I thought the second program was weak. It was not organized or focused.

ATTACHMENT C

2014 ANNUAL ETHICS SYMPOSIUM EVALUATIONS SUMMARY

To what extent did the activity contain significant current intellectual or practical content? 4.38

- It is very innovative as to new services being looked at and what is now provided, but regulation of rules do not cover this as much as it should.
- Very interesting although most of these do not apply to my practice.
- Again, excluding panels.
- Audience had great questions, and, for the most part, moderators successfully navigated intellectual tangents.
- Always a pleasure. See you next year.
- See comment for next year's symposium re narrowing the gap between ethics theory and in-the-trenches practice. Jim Brosnahan, Allen Ruby, Wendy Chang and John Steele identified the problem. I want to hear more about how they would solve it.

Please provide your suggestions for future symposium panel topics below.

- The best intake process for clients.
- Very good speakers. Very interested in 4th panel discussion on effect of technology & business innovation in ethics rules & practice of law. Very interested in Trail Ethics Panel with years of experience provided by speakers.
- Intersection of duty to client and duty to larger community - we do what we do only because that community has given us a license to do it. What do we owe that community.
- Negotiation ethics. Informal discovery (Surreptitious discovery & investigations) Professional responsibility issues in transactional practice.
- Environmental/land use/toxic torts
- I greatly appreciated the sparkle that ethics specialists in the audience gave to this year's symposium. Adding a mic or two so everyone can hear audience comments and questions would be good. Although not all members can be Ethics Specialists, the gap between theory and practice (identified by Brosnahan and Ruby) needs to be narrowed for our profession. Next year's program should emphasize ways to do so

Describe how we can improve the Symposium, in order to increase attendance from attorneys who practice or have an interest in legal ethics as well as attorneys looking to fulfil their ethics CLE requirements at a relatively low cost.

- To give the symposium max reach, send special invitations to sitting trial court judges, local Bar Assn presidents, and Bar Assn committee chairs and board members. Ethics in our profession begins with a professional attitude that our bench and colleagues enforce by example and personal contact.
- Bringing trend-setters to the audience will extend program content to professionals who would not otherwise attend.
- Perhaps shorten the program (a lot of people had left by the end) or hold it on a weekday.

ATTACHMENT C

2014 ANNUAL ETHICS SYMPOSIUM EVALUATIONS SUMMARY

GENERAL EVALUATIONS REGARDING THE INDIVIDUAL SYMPOSIUM PANELS

(Rated on a scale of 1 to 5 with 1 as the lowest and 5 as the highest)

PANEL ONE: DEFENDING A CHARLES PONZI OR BERNIE MADOFF

Overall Teaching Effectiveness: 4.19
Effectiveness of Teaching Methods: 4.19
Significant Current Intellectual or Practical Content: 4.22

PANEL TWO: COMPLEX CONFLICTS ISSUES DECIPHERED

Overall Teaching Effectiveness: 3.81
Effectiveness of Teaching Methods: 3.69
Significant Current Intellectual or Practical Content: 4.19

PANEL THREE: TRIAL ETHICS: DON'T RISK YOUR SOUL TO WIN A POINT

Overall Teaching Effectiveness: 4.43
Effectiveness of Teaching Methods: 4.50
Significant Current Intellectual or Practical Content: 4.46

PANEL FOUR: "DISRUPTIVE" ETHICS? INNOVATIVE MODELS OF PROVIDING LEGAL SERVICES

Overall Teaching Effectiveness: 4.13
Effectiveness of Teaching Methods: 4.13
Significant Current Intellectual or Practical Content: 4.45

ATTACHMENT D

2014 ANNUAL MEETING PROGRAM EVALUATIONS SUMMARY

PROGRAM # 34 EVALUATIONS

Starting Off on the Right Foot: Addressing Ethics Issues at the Outset

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

- | | |
|---|------|
| 1. The program met my educational objectives. | 4.80 |
| 2. The program contained significant current professional content. | 4.77 |
| 3. The instructional materials were beneficial in learning the topic. | 4.58 |
| 4. The promotional materials accurately described the program. | 4.73 |
| 5. Additional comments regarding this program: | |
- Real informative
 - No handouts.
 - Great chart!
 - I am a retired Public Defender contemplating private practice. I give this program an overall 5.
 - Extremely helpful.
 - Provide downloadable materials, as opposed to flash drive.
 - Very good speakers
 - Send all speakers to Toastmasters.
 - Very well put together - flowed very smoothly and gave good practical advice.
 - Rather than focusing on lawyers limiting their liability, the course should have focused on how ethics practice benefits the clients.
 - Too much obvious/common sense information. Not enough added value/information.
 - Please face forward while speaking. Easier to hear.
 - Title should be: "Starting, Continuing & Ending Client Representation" Good solid ethics program.
 - A "Q & A" session would be good for this subject.
 - All 3 good.
 - Very good topic. Very smooth transitions between speakers - one of the better programs I attended - they were clearly knowledgeable and prepared.
 - Very well done. Thank you.
 - All good & good acoustics.
 - Resources were very helpful
 - Good, repetition is helpful. Good Power Point
 - Fresh info, but specific examples would be more helpful (esp. to newer attys.)
 - I appreciated the overheads. The three speakers worked well together during the presentation. I did not have time to print out the handouts. Have you thought about charging for printed handouts? I bet people would be willing to pay.

ATTACHMENT D

2014 ANNUAL MEETING PROGRAM EVALUATIONS SUMMARY

PROGRAM # 47 EVALUATIONS

Ethics Update 2014: Significant Developments in the Law of Lawyering

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

- | | |
|--|------|
| 1. The program met my educational objectives. | 4.79 |
| 2. The program contained significant current professional content. | 4.85 |
| 3. The instructional materials were beneficial in learning the topic. | 4.60 |
| 4. The promotional materials accurately described the program. | 4.81 |
| 5. Additional comments regarding this program: | |
| • Very appreciative for the work of the panel. | |
| • Went too fast to keep up with my notes. | |
| • Hype method not really best approach to these discussions. | |
| • All speakers were 4s. | |
| • Good information - slides moved too quickly. All speakers very good. | |
| • Ethics is hard and these guys did a great job. | |

ATTACHMENT D

2014 ANNUAL MEETING PROGRAM EVALUATIONS SUMMARY

PROGRAM # 60 EVALUATIONS
The Ethics of Getting Your Legal Fees Paid

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

- | | |
|--|------|
| 1. The program met my educational objectives. | 4.25 |
| 2. The program contained significant current professional content. | 4.42 |
| 3. The instructional materials were beneficial in learning the topic. | 4.27 |
| 4. The promotional materials accurately described the program. | 4.32 |
| 5. Additional comments regarding this program: | |
| • I left at 3:00 pm - Presentation was boring and drawn out on topic presented. | |
| • Good. Informative. Should reserve questions for after presentation. Not allow questions during. | |
| • Should not accept questions until end of program. Much time was spent (not well spent) answering questions. | |
| • Interesting; well presented. | |
| • Great class! | |
| • Very poor panel. Can't agree about whether insurance defense attorney must have retainer w/client. On other issues the 3 panel members couldn't agree or advice. | |
| • Poor time management. Slides were not clear about how items relate. | |
| • All speakers very good- | |
| • Beyond elementary; positively rudimentary. Reading CRPC Rules is not education. In a word, boring. did not manage the know-it-all audience members who must show how knowledgeable they are under the guise of a question. | |
| • Do not take questions during panel discussions. Leave Q&A to the end. | |
| • Thank you! | |

ATTACHMENT D

2014 ANNUAL MEETING PROGRAM EVALUATIONS SUMMARY

PROGRAM # 70 EVALUATIONS

**Blogging, Tweeting and the New Frontier of Attorney Advertising:
How to Stay Within the Ethical Bounds**

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

- | | |
|---|------|
| 1. The program met my educational objectives. | 4.61 |
| 2. The program contained significant current professional content. | 4.61 |
| 3. The instructional materials were beneficial in learning the topic. | 4.39 |
| 4. The promotional materials accurately described the program. | 4.22 |
| 5. Additional comments regarding this program: | |
| • Excellent presentation. | |
| • Great 10 point summary- | |
| • Indirectly highlights California's unique focus on attorney discipline and regulation and uniquely ineffective/absent pursuit of the ubiquitous unauthorized practice of law. | |
| • No handouts. | |
| • This program was actually better than I had expected. The slides were better than the materials. | |
| • Good practical program - best one I attended today. Slides were good. | |
| • Good panel - helpful - | |

Enclosure 3 - COPRAC 2014 Accomplishments Report

ATTACHMENT E

2014 COPRAC Member Outreach Programs

	Date	Name	Host or Provider	Location
1.	01-18-2014	Suzanne Spencer	Orange County Bar Association	Newport Beach, CA
2.	01-24-2014	Alison Buchanan	Santa Clara County Bar Association	San Jose, CA
3.	01-24-2014	Alison Buchanan	San Mateo County Bar Association	Redwood City, CA
4.	01-28-2014	Alison Buchanan	Bar Association of San Francisco	San Francisco, CA
5.	01-29-2014	William Mills	Bowen Tax Law Group	Los Angeles, CA
6.	02-01-2014	William Mills	Fiore Racobs Powers	Irvine, CA
7.	02-07-2014	Suzanne Spencer, Wendy Chang & William Mills	Neighborhood Legal Services of Los Angeles County	Los Angeles, CA
8.	02-18-2014	Larry Doyle	Sacramento County Bar Association	Sacramento, CA
9.	02-20-2014	Suzanne Spencer & William Mills	Los Angeles Law and Justice Center	Los Angeles, CA
10.	03-25-2014	William Mills	Sklar Kirsh LLP	Los Angeles, CA
11.	04-04-2014	Alison Buchanan	American Law Institute	San Francisco, CA
12.	04-15-2014	Alison Buchanan	Contra Costa County Bar Association	Walnut Creek, CA
13.	04-15-2014	Larry Doyle	Napa County Bar Association	Napa, CA
14.	04-24-2014	Alison Buchanan	Santa Clara County Legal Professionals Association	San Jose, CA
15.	05-20-2014	William Mills	Los Angeles Corporate Roundtable	Los Angeles, CA
16.	05-22-2014	Alison Buchanan	Sonoma County Women in Law	Santa Rosa, CA
17.	06-01-2014	Kearse McGill	California Workers' Compensation Defense Attorneys' Association	Las Vegas, NV
18.	07-18-2014	William Mills	Wolf Rifkin	Los Angeles, CA
19.	07-31-2014	Alison Buchanan	West Valley Bar Association	Los Gatos, CA
20.	08-13-2014	Suzanne Spencer, David Majchrzak & William Mills	Equal Employment Opportunity Commission	Newport, CA
21.	09-16-2014	Kearse McGill	Bay Area Traffic Defenders' Association	Oakland, CA
22.	10-23-2014	Larry Doyle	National Association of State Bar Tax Sections	San Francisco, CA
23.	11-06-2014	David Majchrzak	County Counsels' Association of California	San Diego, CA
24.	11-08-2014	Kearse McGill	State Bar of California Workers' Compensation Section	San Diego, CA
25.	11-14-2014	Scott Garner & Wendy Chang	Litigation Section of the Santa Barbara County Bar Association	Santa Barbara, CA
26.	11-21-2014	Drew Dilworth	Contra Costa Bar Association	Walnut Creek, CA

Professional Competence Budget Summary

Authorized vs. Actual

2014 Year End Audit

Actual Expenditures	\$2,210,186
Authorized Budget	\$2,460,550
Savings	\$250,364