



The State Bar of California

A.5. Action Summary
01-11-19 Meeting
Open Session

Committee on Professional Responsibility and Conduct
Friday, December 7, 2018
10:00 am – 3:00 pm

State Bar Office – Los Angeles
845 S. Figueroa Street
Los Angeles, CA 90017

Phone: 1-855-520-7605
Pass Code: 253-541-0212#

Members Present: Ms. Bomse (Chair), Ms. Basner (by phone), Prof. Bundy, Mr. Carr, Mr. Deitz, Mr. Dilworth, Mr. Hodel, Ms. Inlender, Mr. Koss, Ms. Lee, Ms. Roche, Dr. Sparta, and Mr. Whitney.

Not Present: Mr. Fields, Ms. Schmid, and Mr. Solomon

Others Present: Ms. Lee, and Mr. Tuft (State Bar staff)

The order of business is approximate and subject to change.

Additional Location
700 Lincoln Village Circle, 2nd floor, Larkspur CA 94939

ACTION SUMMARY

A. Remarks From the Chair

1. Roll Call
2. Public Comment
3. Announcements
None.
4. Staff Report
Mr. Tuft reported that: (1) 14-0003 and 12-0005 returned from public comment on November 26; (2) 14-0004 is circulating for public comment with a deadline of February 27, 2019; (3) the Task Force on Access through Innovation of Legal Services met on Wednesday to study how technology and changes to the practice of law can be used to increase access to legal services; (4) the Ethics Symposium will be held in April in LA and the Committee should start to consider topics; and (5) COPRAC will hold a joint meeting with MFA later this afternoon.
5. Approval of Open Session Action Summary from the October 19, 2018 Meeting
The Action Summary was approved (9-0-2).

B. Discussion of Draft Opinions Previously Circulated for Public Comment

1. 12-0003 [re Attorney Directory and Rating Websites]
This matter was carried over.
2. 12-0005 [re Seeking Advice About Current Clients]
Ms. Bomse gave an oral report on the public comment that was received. Following discussion by the Committee, the Committee approved the opinion for publication as drafted pending Board approval. (12-0-0)
3. 14-0003 [re Settling Before Withdrawal]
Ms. Bomse gave an oral report on the public comment that was received. Following discussion by the Committee, the Committee approved the opinion for publication as revised pending Board approval. (12-0-0)

C. Discussion and Possible Approval for Public Comment of Draft Opinions Not Yet Released for Public Comment

1. 13-0002 [re Attorney with a Vulnerable Client]
This item was not discussed.
2. 13-0003 [re Ethical Obligations When Departing Firm]
Ms. Roche presented a revised opinion and gave an oral report. Following discussion by the Committee, the drafting team was asked to prepare a draft opinion in accordance with the Committee's discussion for the next meeting.
3. 13-0004 [re Collecting Unpaid Fees]
This matter was carried over.
4. 14-0001 [re Colleague Impairment]
This item was not discussed.
5. 14-0002 [re Alternative Litigation Funding]
Ms. Bomse presented a revised opinion and gave an oral report. Following discussion by the Committee, the drafting team was asked to prepare a draft opinion in accordance with the Committee's discussion for the next meeting.
6. 16-0002 [re Lost or Stolen Laptop or Briefcase]
This item was not discussed.
7. 16-0003 [re Ancillary Business]
Mr. Bundy presented a revised opinion and gave an oral report. Following discussion by the Committee, the drafting team was asked to prepare a draft opinion in accordance with the Committee's discussion for the next meeting.
8. 17-0001 [re Advising a Marijuana Business]
This item was not discussed. Ms. Basner added to drafting team.

9. 17-0003 [re Duty of Confidentiality to Prospective Client]
Mr. Whitney presented an opinion outline and gave an oral report. Following discussion by the Committee, the drafting team was asked to prepare a draft opinion in accordance with the Committee's discussion for the next meeting.

D. Oral Report on Opinions Currently Circulating for Public Comment

1. 14-0004 [re Witness Perjury]
This item was not discussed. Public comment deadline is February 27, 2019.

E. Special Projects

1. Outreach Working Group Report
This item was not discussed.
2. AB 1987 Working Group Report
This item was not discussed.

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The notice and agenda is available at: <http://board.calbar.ca.gov/Committees.aspx>.