



The State Bar of California

A.5. Action Summary
04-11-19 Meeting
Open Session

Committee on Professional Responsibility and Conduct
Friday, February 22, 2019
10:00 am – 4:30 pm

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

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

Not Present: Mr. Whitney.

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

The order of business is approximate and subject to change.

ACTION SUMMARY

A. Remarks From the Chair

1. Roll Call
2. Public Comment
None.
3. Announcements
None.
4. Staff Report
Mr. Tuft reported that: (1) the Task Force on Access through Innovation of Legal Services will meet on February 28 in Los Angeles; (2) the deadline for applications to COPRAC is March 15, please encourage people with fee arbitration background to apply; (3) Board meets on March 14-15, the Committee has been asked to make a recommendation regarding the Committee size; (4) 12-0005 will be submitted to the Board for approval at their March 14, 2019 meeting, a Board member raised a question regarding 14-0003 so that opinion will be placed back on the COPRAC agenda for the next meeting; (5) COPRAC assigned to study AB 1987 regarding retention of closed criminal files; and (6) 14-0004 is circulating for public comment with a deadline of February 27, 2019.
5. Approval of Open Session Action Summary from the January 11, 2018 Meeting
The Action Summary was approved unanimously (14-0-0).

B. Discussion of Draft Opinions Previously Circulated for Public Comment

1. 12-0003 [re Attorney Directory and Rating Websites]
Ms. Bomse presented a revised opinion and gave an oral report. Following discussion by the Committee, the Committee voted to approve the opinion for an additional 60-day public comment circulation (13-0-0).

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 Committee voted to approve the opinion for a 90-day public comment circulation (13-0-0).
3. 13-0004 [re Collecting Unpaid Fees]
This item was not discussed.
4. 14-0001 [re Colleague Impairment]
Mr. Deitz presented a revised opinion and gave an oral report. Following discussion by the Committee, the drafting team was asked to prepare a revised opinion in accordance with the Committee's discussion.
5. 14-0002 [re Alternative Litigation Funding]
This item was carried over. This item will be discussed at the next meeting.
6. 16-0002 [re Lost or Stolen Laptop or Briefcase]
This item was not discussed. This item will be discussed at the next meeting.
7. 16-0003 [re Ancillary Business]
This item was carried over. This item will be discussed at the next meeting.
8. 17-0001 [re Advising a Marijuana Business]
Mr. Bundy presented a draft opinion and gave an oral report. Following discussion by the Committee, the drafting team was asked to prepare a revised opinion in accordance with the Committee's discussion. This item will be discussed at the next meeting.
9. 17-0003 [re Duty of Confidentiality to Prospective Client]
This item was not discussed. This item will be discussed at 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. 2019 Ethics Symposium Working Group Report
Committee selected 4 topics for the 2019 Ethics Symposium: (1) Ethics Update 2019; (2) Advising Clients When State and Federal Law Conflicts (marijuana, immigration, sanctuary cities); (3) UPL / MJP / MDP/ Alternative Business Structures; and (4) Fee Agreements / Alternative Fee Structures
3. AB 1987 Working Group Report
This item was not discussed.

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