



The State Bar of California

A.5. Action Summary
06-07-19 Meeting
Open Session

Committee on Professional Responsibility and Conduct
Thursday, April 11, 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), Prof. Bundy, Mr. Carr, Mr. Deitz, Mr. Dilworth, Mr. Fields, Mr. Hodel, Ms. Inlender, Mr. Koss, Ms. Roche, Ms. Schmid, and Mr. Whitney.

Not Present: Ms. Basner, Ms. Lee, Mr. Solomon, and Dr. Sparta.

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
Ms. Bomse reported that the Symposium will be held tomorrow, April 12, 2019 in Los Angeles.
4. Staff Report
Mr. Tuft reported that: (1) thanked the members for their hard work in preparing for the Symposium; (2) 12-0005 was formally published as 2019-197, 12-0003 is circulating for public comment with a deadline of May 14, and 13-0003 is circulating for public comment with a deadline of June 17; (3) the Board of Trustees took action to amend COPRAC's size to 12 persons; (4) the Task Force on Access Through Innovation in Legal Services next meets on May 13 in Los Angeles; and (5) COPRAC has been assigned by RAD study the issue of close-client file release and retention by defense attorneys and prosecutors in criminal cases as stated in Section 3 of AB 1987.
5. Approval of Open Session Action Summary from the February 22, 2019 Meeting as amended
The Action Summary was approved unanimously (12-0-0).

B. Discussion of Draft Opinions Previously Circulated for Public Comment

1. 14-0004 [re Witness Perjury]
Mr. Hodel presented a revised opinion and gave an oral report on the public comments received. 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.
2. 14-0003 [re Settling Before Withdrawal]
Ms. Bomse gave an oral report on Trustee SeLegue's comments regarding this opinion and presented a revised opinion. Following discussion by the Committee, the Committee approved the opinion for publication or additional 45-day public comment circulation.

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. 13-0004 [re Collecting Unpaid Fees]
This item was not discussed.
3. 14-0001 [re Colleague Impairment]
This item was not discussed. This item will be discussed at the next meeting.
4. 14-0002 [re Alternative Litigation Funding]
Ms. Bomse 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.
5. 16-0002 [re Lost or Stolen Laptop or Briefcase]
This item was carried over. This item will be discussed at the next meeting.
6. 16-0003 [re Ancillary Business]
Mr. Bundy 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 (10-0-0).
7. 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.
8. 17-0003 [re Duty of Confidentiality to Prospective Client]
Mr. Whitney presented a draft opinion and gave an oral report. Following discussion by the Committee, the subcommittee was asked to send comments to the drafting

team so that they can prepare a draft opinion for the next meeting. Staff to remind Committee to send comments to Staff. This item will be discussed at the next meeting.

D. Oral Report on Opinions Currently Circulating for Public Comment

1. 12-0003 [re Attorney Directory and Rating Websites]
This item is circulating for public comment with a deadline of May 14, 2019.
2. 13-0003 [re Ethical Obligations When Departing Firm]
This item is circulating for public comment with a deadline of June 17, 2019.

E. Special Projects

1. Outreach Working Group Report
This item was not discussed.
2. 2019 Ethics Symposium Working Group Report
This item was covered in the Staff Report.
3. AB 1987 Working Group Report
Mr. Bundy gave an oral report on AB 1987. Following discussion by the Committee, Mr. Bundy and Mr. Hodel volunteered to conduct the research on this topic.

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

