



The State Bar of California

A.5. Action Summary
10-25-19 Meeting
Open Session

Committee on Professional Responsibility and Conduct
Friday, September 6, 2019
10:00 am – 4:30 pm

State Bar Office – San Francisco
180 Howard Street, Room 4D-E
San Francisco, CA 94105

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

Not Present: Mr. Carr, Mr. Whitney

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

The order of business is approximate and subject to change.

Additional Location

2321 Century Hill, Los Angeles, California 90061

To Join by Conference Call

Toll-Free Dial-In Number: 1-855-520-7605

Conference Code: 800-238-4427#

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) 13-0003 is currently circulating for public comment with a deadline of October 17, 2019; (2) 17-0001 is currently circulating for public comment with a public comment deadline of October 18, 2019; (3) the AB 1987 memo and recommendations will be going to the Board of Trustees at their meeting on Sept. 19, 2019; (4) the Task Force on Access Through Innovation of Legal Services has 16 policy options out for public comment with a deadline of Sept. 23, 2019; and (5) he thanked all the Committee members for all their hard work over the past year and also expressed appreciation for those members whose terms are expiring. Additionally, BASF and the Alameda County Bar Association will be co-hosting a town hall to

discuss the ATILS proposals on Sept. 9 at 5:30 p.m. at the State Bar building in San Francisco.

5. Approval of Open Session Action Summary from the June 7, 2019 Meeting
The Action Summary was approved unanimously (8-0-1).
6. Approval of Open Session Action Summary from the July 26, 2019 Meeting
The Action Summary was approved unanimously (7-0-4).

B. Discussion of Draft Opinions Previously Circulated for Public Comment

1. 12-0003 [re Attorney Directory and Rating Websites]
Mr. Dilworth gave an oral report and presented a revised opinion. Following discussion by the Committee, the Committee approved the opinion for publication.
2. 14-0004 [re Witness Perjury]
Mr. Hodel gave an oral report and presented a revised opinion. Following discussion by the Committee, the Committee approved the opinion for publication.
3. 16-0003 [re Ancillary Business]
Mr. Bundy gave an oral report on the public comments received. Following discussion by the Committee, the Committee determined to hold the opinion in abeyance.

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 carried over.
3. 14-0001 [re Colleague Impairment]
This item was not discussed.
4. 14-0002 [re Alternative Litigation Funding]
Ms. Bomse presented a revised opinion and gave an oral report. Following discussion by the Committee, the Committee approved the opinion for a 90-day public comment period.
5. 16-0002 [re Lost or Stolen Laptop or Briefcase]
This item was carried over.
6. 17-0003 [re Duty of Confidentiality to Prospective Client]
This item was not discussed.
7. 19-0001 [re Trust Accounts and Use of Credit Cards]
This item was carried over.
8. 19-0002 [re Indemnity/Hold Harmless Settlement Agreements]
This item was carried over.

9. 19-0003 [re Improper Contract Provisions]
This item was not discussed.
10. 19-0004 [re Client File Release and Retention Duties]
This item was carried over.

D. Oral Report on Opinions Currently Circulating for Public Comment

1. 13-0003 [re Ethical Obligations When Departing Firm]
This item is circulating for public comment with a deadline of October 17, 2019.
2. 17-0001 [re Advising a Marijuana Business]
This item is circulating for public comment with a deadline of October 18, 2019.

E. Special Projects

1. Outreach Working Group Report
This item was not discussed.
2. AB 1987 Working Group Report
This item was addressed in the Staff Report.
3. ATILS Working Group Report
Mr. Bundy gave an oral report. Following discussion by the Committee, the Committee voted to authorize Mr. Bundy and Ms. Roche to submit a public comment on behalf of COPRAC in accordance with their discussion.

In compliance with the Americans with Disabilities Act, those requiring accommodations at this meeting should notify Lauren McCurdy at (415) 538-2107. Please provide notification at least 72 hours prior to the meeting to allow sufficient time to make arrangements for accommodations at this meeting.

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