



# The State Bar of California

A.5. Action Summary  
12-06-19 Meeting  
Open Session

**Committee on Professional Responsibility and Conduct**  
**Friday, October 25, 2019**  
**10:00 am – 4:30 pm**

**State Bar Office – Los Angeles**  
**845 S. Figueroa Street, Room 2CDE**  
**Los Angeles, CA 90017**

**Members Present:** Mr. Bacon, Ms. Banola, Ms. Basner, Prof. Bundy, Mr. Carr, Mr. Fields, Ms. Inlender, Mr. Koss, Mr. Krueger, Ms. Lee, and Ms. Roche.

**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  
*Prof. Bundy welcomed the Committee and asked Committee members to introduce themselves to the new members.*
4. Staff Report  
*Mr. Tuft reported that: (1) the Task Force on Access Through Innovation of Legal Services will meet on November 6 in San Francisco; (2) the Annual Ethics Symposium will be held on April 17, 2020 in San Francisco and the Harry B. Sondheim Professional Responsibility Award will be awarded to Richard Zitrin; (2) 14-0002 is currently circulating for public comment with a public comment deadline of January 14, 2020; and (3) the AB 1987 memo and recommendations was presented to the Board of Trustees at their meeting on Sept. 19, 2019 and proposed rule revisions are currently circulating for public comment with a December 2, 2019 deadline.*
5. Approval of Open Session Action Summary from the September 6, 2019 Meeting  
*The Action Summary was approved (7-0-3).*

**B. Discussion of Draft Opinions Previously Circulated for Public Comment**

1. 13-0003 [re Ethical Obligations When Departing Firm]  
*Ms. Roche gave an oral report on the public comment received. Following discussion by the Committee, the Committee approved the opinion for publication (11-0-0).*
2. 17-0001 [re Advising a Cannabis Business]  
*Prof. Bundy gave an oral report on the public comment received and presented a revised opinion. Following discussion by the Committee, the drafting team was asked to prepare a revised opinion in accordance with the Committee's discussion.*

**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 carried over.*
2. 13-0004 [re Collecting Unpaid Fees]  
*This item was carried over.*
3. 14-0001 [re Colleague Impairment]  
*This item was carried over.*
4. 16-0002 [re Cyber Risks]  
*Ms. Roche 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. 17-0003 [re Duty of Confidentiality to Prospective Client]  
*This item was not discussed.*
6. 19-0001 [re Trust Accounts and Use of Credit Cards]  
*Mr. Koss presented a revised issue outline and gave an oral report. Following discussion by the Committee, the Committee decided to convert this opinion into an MCLE article.*
7. 19-0002 [re Indemnity/Hold Harmless Settlement Agreements]  
*Mr. Fields presented a revised issue outline and gave an oral report. Following discussion by the Committee, the Committee decided to put the opinion on hold indefinitely.*
8. 19-0003 [re Improper Contract Provisions]  
*Mr. Carr presented a revised issue outline and gave an oral report. Following discussion by the Committee, the drafting team was asked to prepare a revised issue outline in accordance with the Committee's discussion.*
9. 19-0004 [re Client File Release and Retention Duties]  
*Ms. Lee presented a revised issue outline and gave an oral report. Following discussion by the Committee, the drafting team was asked to prepare a revised issue outline in accordance with the Committee's discussion. Mr. Bacon and Mr. Bundy was added to the drafting team.*

**D. Discussion and Possible Approval of Arbitration Advisories Not Yet Release for Public Comment**

1. 2019-0XA [re Arbitration Advisory on Awards of Interest by Arbitrator]  
*Mr. Bacon gave an oral report on the Arbitration Advisory development process, and past Fee Arbitration Committee function .*
2. 2019-0XB [re Arbitration Advisory on Costs  
*Mr. Bacon gave an oral report on the Arbitration Advisory development process, and past Fee Arbitration Committee function.*

**E. Oral Report on Opinions Currently Circulating for Public Comment**

1. 14-0002 [re Alternative Litigation Funding]  
*This item is circulating for public comment with a deadline of January 14, 2020.*

**F. 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  
*This item was not discussed.*

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