



The State Bar of California

A.5. Action Summary
05-13-22 Meeting
Open Session

Committee on Professional Responsibility and Conduct Friday, February 18, 2022 10:00 am – 4:30 pm

TELECONFERENCE

Questions regarding any agenda item should be directed to the Committee Coordinator, Mimi Lee at 415-538-2162, 180 Howard Street, San Francisco, CA 94105, or Chair, Justin Fields at 415-538-2162. Committee members are requested to notify the Committee Coordinator as early as possible in advance of the meeting if they wish to remove any item/s from the consent agenda.

Committee Members Present: Mr. Fields (Chair), Mr. Bacon, Ms. Banola, Ms. Bradley, Ms. Chivers, Ms. Inlender, Mr. Krueger, Mr. Mark, Ms. Mercado, Mr. Munoz, Ms. Roche (Advisor), and Ms. Rowe.

Committee Members Not Present: Mr. Starr.

Others Present: Raquel Brown, Adrian Carpenter, GK Client, Cristine, Randall Difuntorum, Terri Gernstein, Bridget Gramme, Katayoon Hemati, Kamila Knaudt, Jennifera Lee, Mimi Lee, Gregory Priamos, Prosecutors Alliance, Joanna Storey, Thairie Ritchie, and Natasha Viteri.

The order of business is approximate and subject to change.

Members of the public may access this meeting as follows:

Toll-Free Dial-In Number: 1-669-900-9128

Meeting ID: 936 825 82622

Zoom: <https://calbar.zoom.us/j/93682582622>

AGENDA

A. Remarks From the Chair

1. Roll Call
2. Public Comment
Adrian Carpenter of the Prosecutors Alliance gave public comment.
3. Announcements
4. Staff Report
Mr. Difuntorum reported that: there have been no changes to the Bagley-Keene requirements and therefore we will be resuming normal open meeting requirements after March 3, 2022.

5. Approval of Open Session Action Summary from the January 7, 2022 Meeting
The open session action summary from the January 7, 2022 meeting was approved unanimously (10-0-0).

B. Discussion and Possible Approval of Draft Opinions Previously Circulated for Public Comment

1. **19-0004 [re Client File Release and Retention Duties]**
This item was not discussed.
2. **20-0004 [re Ethical Obligations when Working Remotely]**
Ms. Banola presented the revised opinion and gave an oral report. Following discussion, the committee voted to approve the opinion for a 60-day public comment circulation (11-0-0).
3. **19-0003 [re Illegal Contract Provisions]**
This item was carried over.

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

1. **20-0001 [re Lawyer as Expert Witness]**
This item was not discussed.
2. **20-0002 [re Succession Planning]**
This item was not discussed.
3. **20-0003 [re Flat Fees and Termination]**
This item was carried over.
4. **20-0005 [re Contingency Fee Agreements and Earning an Hourly Rate When Terminated]**
Mr. Krueger presented a revised opinion and gave an oral report. Following discussion, the drafting team was assigned to prepare a revised opinion in accordance with the committee's discussion.
5. **21-0002 [re Attorney as Advocate]**
This item was not discussed.
6. **21-0003 [re Ethics of In-House Counsel]**
This item was carried over.
7. **21-0004 [re Ethical Obligation of a Deportation Attorney]**
This item was not discussed.
8. **21-0007 [re Cryptocurrency]**
This item was not discussed.

D. **Special Projects**

1. **Discussion and Possible Action Regarding Potential Conflicts of Interest Arising From Campaign Contributions to Elected Prosecutorial Office**

This item was not discussed.

2. **Proposed Amendments to Rules 1.4 and 1.15**

Ms. Banola presented the subcommittee issue outline and proposed rule drafts and gave an oral report. Following discussion, the committee voted to approve rule for submission with a memo accompanying the proposed rules with alternative language and/or concepts to be considered (7-0-1).

3. **2022 Ethics Symposium Planning**

Panel moderators gave an oral status report.

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>.