



The State Bar of California

A.4. Meeting Minutes
10-14-22 Meeting
Open Session

Committee on Professional Responsibility and Conduct Teleconference

Open Session Minutes
Friday, September 9, 2022
10:00 a.m.–4:30 p.m.

Time Meeting Commenced: The Committee on Professional Responsibility and Conduct meeting commenced in open session at 10:03 a.m.

Time Meeting Adjourned: 4:30 p.m.

Chair: Justin Fields

Committee Coordinator: Erika Doherty

Members Present: Ken Bacon, Sarah Banola, Elizabeth Bradley, Cassidy Chivers, Justin Fields, Tobi Inlender, Brandon Krueger, Joel Mark, Elanor Mercado, Dena Roche, Kyla Rowe, Hunter Starr¹

Members Absent: William Munoz

OPEN SESSION

A. Remarks From the Chair

1. Call to Order
The Committee on Professional Responsibility and Conduct was called to order by Chair Fields.
2. Roll Call
Roll call was taken and a quorum was established.
3. Call for Public Comment
Chair Fields called for public comment, inquiring as to whether there were persons who wished to comment on any agenda item. There were no members of the public who wished to speak on any agenda item.
4. Approval of Open Session Minutes: July 29, 2022

Moved by Inlender, seconded by Rowe.

¹ Bradley, Roche and Starr joined the meeting late.

Ayes – (7) Bacon, Chivers, Fields, Inlender, Krueger, Mark, Rowe
Noes – (0)
Abstain – (1) Banola
Absent – (4) Bradley, Mercardo, Munoz, Starr

Motion carries.

5. Report of the Chair
Chair Fields provided an oral report.
6. Report of the Committee Coordinator
Ms. Doherty provided an oral report.

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

1. 19-0003 [re Illegal Contract Provisions]

This item was withdrawn.

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

1. 20-0001 [re Lawyer as Expert Witness]

No recommendation. Discussion only.

2. 20-0002 [re Succession Planning]

This item was withdrawn.

3. 20-0003 [re Flat Fees and Termination]

This item was withdrawn.

4. 21-0002 [re Attorney as Advocate]

This item was withdrawn.

5. 21-0003 [re Ethics of In-House Counsel]

No motion. Discussion only.

6. 21-0004 [re Ethical Obligation of a Deportation Attorney]

This item was withdrawn.

7. 21-0007 [re Cryptocurrency]

No motion. Discussion only.

D. Oral Report on Opinions Currently Circulating for Public Comment

1. 19-0004 [re Client File Release and Retention Duties]

Opinion is circulating for a 60-day public comment period. Public comment deadline: October 11, 2022.

2. 20-0005 [re Conversion Clauses in Contingency Fee Agreements]

Opinion is circulating for a 90-day public comment period. Public comment deadline: November 17, 2022.

E. Discussion of New Opinion and Arbitration Advisory Topics

1. Consideration of New Opinion and Arbitration Advisory Topics

The committee considered potential opinion topics. Following discussion, the committee selected the following topics for further consideration: (1) update to Arbitration Advisory 1993-02; (2) update to Arbitration Advisory 1998-03; and (3) depositing expert witness retainers and advance fees.

F. Special Projects

1. Discussion on Proposed Amendments to the Rules of Professional Conduct by the Civility Task Force

No motion. Discussion only.

ADJOURN