

Consideration of 2023 Ethics Symposium Topics

1. Recent Developments in Legal Ethics and Professional Conduct—What You Need to Know

This panel will discuss important developments in legal ethics, centering on recent and developing advisory ethics opinions prepared by COPRAC and other professional conduct developments. Topics will include civility and professionalism, the State Bar's consideration of a version of ABA Model Rule 8.3, commonly referred to as the "snitch" rule, conversion clauses in contingency fee contracts, client file release and retention duties, and illegal contract provisions.

2. **Cryptocurrency:** If the opinion is not out, we could discuss various issues implicated and opinions of other bars.

3. **Social media:** Complying with ethics rules re confidentiality (scope of duty), solicitation and advertising, and interpretation and practical application of those rules.

4. **Lessons from the Girardi-related matters**

5. **The Eastman case** would also be interesting, but may not be appropriate until resolved.

6. **Ethics Update**

Oath Update

Pro Bono advocacy/non-traditional options

Rules & Opinions we want to highlight for information, to encourage comment & as a Bar communication mechanism (eg: civility, succession planning, ethics of IHC, etc.)

Recent & emerging Ethics hot topics, Opinions, Rules

Rule 8.3 overview, direction, status, and implications

Discipline Updates

7. **Social Media - how far is too far** (eg: *advice, advertising, soliciting, branding, education, advocacy*): Explore boundaries using personal stories, current news stories, Rules/Opinions/Regulations. Share tips and watch-outs

8. **Expanding access through TeleLaw platforms-** (eg: *remote legal advice, apps, virtual, audio, text, AI, etc.*): Explore current TeleLaw opportunities & challenges. Set out ethical & professional considerations. Share specialties/platforms/services with a track record of success. Can TeleLaw platforms expand opportunities for attorneys/alternate providers to deliver pro bono services and expand access to the hard-to-reach/"excluded"

9. **Confidentiality meets Cybersecurity:** Risks, rewards & resources/products are shared through personal stories & experiences, and industry examples. Pertinent Cases, Rules & Opinions shared. Top 5 tips and things to avoid.

- 10. Careers in Tech Law:** It is an emerging field with a need for attorney/professional touchpoints across disciplines, practice areas, industries, regulatory bodies, etc. Panelists share their careers paths, backgrounds, insights, and advice

SYMPOSIUM TOPICS FOR CONSIDERATION

Past Topics Considered by the Committee but Not Selected

- Discipline and how to avoid it
- Recently Published Ethics Opinions and Upcoming Ethics Opinions
- Cryptocurrency
- In-house counsel issues
- Advertising and LRS
- Recent Developments – Ethics Update
- Rule 5.7 Law related services
- Post-Conviction Discovery (AB 1987)
https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB1987
 - Deep Dive into File Retention and Release
- California Advertising Rules 7.1-7.5
 - Include changes and restructuring of the ABA Model Rules on advertising
- In-House vs. Outside Counsel – communications between in-house GC and outside counsel, also when you have to disclose a mistake, set of obligations that arise
- Attorney competency (impairment, drug-alcohol issues)
- Government lawyer whistle blowing or termination like Sally Yates
- Screening – ethical walls, proposed rules
- CodeX Project (emphasis is on the research and development of computational law — the branch of legal informatics concerned with the automation and mechanization of legal analysis – legal document management, legal infrastructure, etc) or innovation of delivery of legal services
 - Fee-sharing issues for online rating and marketing services (4 ethics opinions from other states exist)
- Duties to Non-Clients (possibly talk about Proposed Rule 1.18)
- Cybersecurity (NY Times article)
- Stolen docs (toxic evidence)
- Executive Conflicts of Interest – Presidential Conflicts of Interest
- Cybercurrency
- Attorney in dual capacities – lawyers functioning in house in dual roles, whether privilege applies when not acting as an attorney
- When government comes knocking? Government coming after lawyers under Sanctions type theories, consumer protect agency
- Class Action Issues (settlement issues, conflicts, etc.)
- Some other technology-related topic
- Insurance Issues (necessity for Cumis counsel, conflicts, etc.)
- Complex Issues Relating to the Attorney-Client Privilege

TOPICS SUGGESTED BY ATTENDEES ON EVALUATION FORMS

2022

- Cryptocurrency as it applies to attorneys fees.
- New regulation mandates on competence in IT knowledge. This is particularly important for all of us older practitioners.

2021

- Duty of competency and technology
- Legal Ethics of representing people you find out things you hate about
- Ethical issues when a lawyer becomes disabled
- Given current events and public cries for the immediate disbarment of attorneys who have engaged in obvious misconduct, it would be helpful to have a symposium on the process of attorney discipline.
- For smaller firms and solos:
 1. How to handle / disengage from difficult clients?
 2. Better Billing Practices;
 3. How to promote business with technology / websites? What is important;
 4. Case Management Tools - Database, calendaring, case tracking, etc.;
 5. Attorney Liens on cases if client fires attorney mid-case.
- Technology and remote practice with more examples for smaller practices.