



The State Bar of California

A.3. 01-13-23 Minutes
03-03-23 Meeting
Open Session

Committee on Professional Responsibility and Conduct Teleconference

Open Session Minutes
Friday, January 13, 2023
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: Sarah Banola

Committee Coordinator: Erika Doherty

Members Present: Sarah Banola, Cassidy Chivers, Justin Fields, Brandon Krueger, Joel Mark, Eleanor Mercado, William Munoz, Dan O’Rielly, Vikita Poindexter, Hunter Starr

Members Absent: Ken Bacon, Elizabeth Bradley, Raquel Brigham Brown

OPEN SESSION

A. Remarks From the Chair

1. Call to Order
The Committee on Professional Responsibility and Conduct was called to order by Chair Banola.
2. Roll Call
Roll call was taken and a quorum was established.
3. Call for Public Comment
Chair Banola called for public comment, inquiring as to whether there were person(s) who wished to comment on any agenda item.
 - a. Deborah Wolf
 - Ms. Wolf asked if there were any revisions to 20-0005.
4. Approval of Open Session Minutes: December 2, 2022

Moved by Munoz, seconded by Mercado.

Ayes – (4)

Noes – (0)

Abstain – (3)

Absent – (3) Bacon, Bradley, Brown

Motion carries.

5. Report of the Chair
Chair Banola 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This item was withdrawn.

2. 19-0004 [re Client File Release and Retention Duties]

This item was withdrawn.

3. 20-0005 [re Conversion Clauses in Contingency Fee Agreements]

This item was withdrawn.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This item was withdrawn.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This item was withdrawn.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This item was withdrawn.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 recommendation. Discussion only.

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

This item was withdrawn.

7. 21-0007 [re Cryptocurrency]

This item was withdrawn.

D. Discussion and Possible Approval of Draft Advisories Not Yet Circulated for Public Comment

1. 2022-0XA (formerly 1993-02) [re Standard of Review in Fee Disputes Where There Is a Written Fee Agreement]

This item was withdrawn.

2. 2022-0XB (formerly 1998-03) [re Determination of a 'Reasonable' Fee]

This item was withdrawn.

E. Special Projects

1. Consideration of Proposed New Rule of Professional Conduct 8.3 (Munoz, Mark, Krueger, Chivers, Starr)

RESOLVED, that the Committee on Professional Responsibility and Conduct approves the opinion for a 30-day public comment circulation.

Moved by Krueger, seconded by Chivers.

Ayes – (7) Names of committee members

Noes – (0)

Abstain – (0)

Absent – (3) Bacon, Bradley, Brown

Motion carries.

2. Consideration of ABA Formal Opinion 503

This item was withdrawn.

3. Consideration of New Opinion and Arbitration Advisory Topics (Mimi to circulate the 9-26-22 letter and NC Carlson email on 7.2 along with last arbitration advisory)

No recommendation. Discussion only.

ADJOURN