



The State Bar of California

Committee on Professional Responsibility and Conduct Teleconference

Open Session Minutes
Friday, May 12, 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: Ken Bacon, Sarah Banola, Elizabeth Bradley, Raquel Brigham Brown, Cassidy Chivers, Justin Fields, Brandon Krueger, Joel Mark, William Munoz, Dan O’Rielly, Vikita Poindexter, Hunter Starr

Members Absent: Eleanor Mercado

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. There were no members of the public who wished to speak on any agenda item.
4. Approval of Open Session Minutes: March 3, 2023

Moved by Munoz, seconded by Krueger.

Ayes – (9) Bacon, Brown, Chivers, Krueger, Mark, Munoz, O’Reilly, Poindexter, Banola
Noes – (0)

Abstain – (1) Bradley
Absent – (1) Mercado

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 Recommendation of amendments to COPRAC rules

1. COPRAC Rules Section 6 Responding to Opinion Requests

Banola and Brown to work with staff on drafting an action plan for the June 23rd meeting.

2. Expedited Opinions or Advice for Urgent Issues

Banola and Brown to work with staff on drafting an action plan for the June 23rd meeting.

C. Discussion of New Opinion and Arbitration Advisory Topics

1. Artificial Intelligence

No recommendation. Discussion only.

2. Consideration of other New Opinion and Arbitration Advisory Topics

No recommendation. Discussion only.

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

1. 20-0005 [re Conversion Clauses in Contingency Fee Agreements]

No recommendation. Discussion only.
Poindexter to join drafting team and work on resource list for the June meeting

2. 19-0003 [re Illegal Contract Provisions]

No recommendation. Discussion only.

Poindexter to join drafting team.

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

1. 21-0007 [re Cryptocurrency]

No recommendation. Discussion only.

2. 20-0001 [re Lawyer as Expert Witness]

Choose an item.

RESOLVED, that the Committee on Professional Responsibility and Conduct approves the opinion for a 90-day public comment circulation.

Moved by Krueger, seconded by Munoz.

Ayes – (11) Bacon, Brown, Bradley, Chivers, Krueger, Mark, Munoz, O’Reilly, Poindexter, Starr, Banola

Noes – (0)

Abstain – (0)

Absent – (1) Mercado

Motion carries.

3. 21-0003 [re Ethics of In House Counsel]

No recommendation. Discussion only.

O’Reilly assigned to review draft

4. 20-0002 [re Succession Planning]

Choose an item.

RESOLVED, that the Committee on Professional Responsibility and Conduct approves the opinion for a 90-day public comment circulation.

Moved by Starr, seconded by Munoz.

Ayes – (10) Bacon, Brown, Bradley, Chivers, Krueger, Mark, Munoz, O’Reilly, Poindexter, Starr, Banola

Noes – (0)

Abstain – (0)

Absent – (1) Mercaado

Motion carries.

ADJOURN