



The State Bar of California

A.4. 6/23/23 Minutes
07-28-23 Meeting
Open Session

Committee on Professional Responsibility and Conduct Teleconference

Open Session Minutes
Friday, June 23, 2023
10:00 a.m.–11:39 a.m.

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

Time Meeting Adjourned: 11:39 a.m.

Chair: Sarah Banola

Committee Coordinator: Erika Doherty

Members Present: Ken Bacon, Sarah Banola, Elizabeth Bradley, Cassidy Chivers, Justin Fields, Brandon Krueger, Joel Mark, Eleanor Mercado, William Munoz, Dan O’Rielly, Vikita Poindexter, Raquel Brigham Brown; Hunter Starr

Members Absent:

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: May 12, 2023

Moved by Krueger, seconded by Munoz.

Ayes – (9)

Noes – (0)

Abstain – (1)

Absent – (0)

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 [Illegal Contract Provisions]

No recommendation. Discussion only.

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

This item was withdrawn.

3. 20-0005 [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This item was withdrawn.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. 20-0003 [re Flat Fees and Termination]

This item was withdrawn.

2. 21-0003 [re Ethics of In-House Counsel]

No recommendation. Discussion only.

3. 21-0007 [re Cryptocurrency]

This item was withdrawn.

4. 22-0001 [re Attorney as Expert Witness and Handling of Retainers and Fees]

This item was withdrawn.

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

1. 2022-OXA (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This item was withdrawn.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This item was withdrawn.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. Discussion and Possible Recommendation of Amendments to COPRAC Rules and Working Groups

1. COPRAC Rules

This item was withdrawn.

2. Expedited Opinions or Advice for Urgent Issues

This item was withdrawn.

F. Special Projects

1. Discussion on Board's Request to Explore Use and Regulation of Artificial Intelligence

No recommendation. Discussion only.

G. Discussion of New Opinion and Arbitration Advisories

1. Consideration of other New Opinion and Advisory Topics

This item was withdrawn.

ADJOURN

DELETE THIS SECTION BEFORE POSTING. STAFF USE ONLY.

If no action taken, use this language: No recommendation. Discussion only.

If agenda materials submitted but not discussed: This item was carried over.

If no agenda materials submitted: This item was withdrawn.

If there are public commenters:

- a. Commenter name, Position, if any, Organization
 - Brief summary of the comments, 1-3 sentences.

If action is taken:

1. 21-0007 [re Cryptocurrency]

RESOLVED, that the Committee on Professional Responsibility and Conduct approves the resolution as posted on the agenda.

Moved by Choose name, seconded by Choose name.

Ayes – (8) Names of committee members

Noes – (0)

Abstain – (0)

Absent – (2) Names of committee members

Motion Choose an item.