



# The State Bar of California

---

A.4. 12-1-23 Meeting Mins  
01-12-24 Meeting  
Open Session

## Committee on Professional Responsibility and Conduct Teleconference

Open Session Minutes  
Friday, December 1, 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:** Brandon Krueger

**Committee Coordinator:** Erika Doherty

**Members Present:** Cassidy Chivers, Brandon Krueger, Joel Mark, Eleanor Mercado, William Munoz, Dan O’Rielly, Vikita Poindexter, Deepika Ravi

**Members Absent:** Elizabeth Bradley, Raquel Brigham Brown, Mary Grace Guzman, Hunter Starr

## OPEN SESSION

### A. Remarks From the Chair

1. Call to Order  
The Committee on Professional Responsibility and Conduct was called to order by Chair Krueger.
2. Roll Call  
Roll call was taken and a quorum was established.
3. Call for Public Comment  
Chair Krueger called for public comment, inquiring as to whether there were person(s) who wished to comment on any agenda item.

*There were no public comments.*

4. Approval of Open Session Minutes: October 20, 2023

*Moved by Chivers, seconded by O’Rielly.*

Ayes – (5)  
Noes – (0)  
Abstain – (2)  
Absent – (4)

*Motion carries.*

5. Report of the Chair  
Chair Krueger 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. 20-0002 [Succession Planning]

**RESOLVED**, that the Committee on Professional Responsibility and Conduct approves that staff, in consultation with the working group, to complete and finalize the draft opinion for a 90-day public comment circulation.

- *Moved by O’Rielly, seconded by Munoz.*

Ayes – (8) Chivers, Mark, Mercado, Munoz, O’Rielly, Poindexter, Ravi, Krueger  
Noes – (0)  
Abstain – (0)  
Absent – (4) Brown, Bradley, Guzman, Starr

*Motion carries.*

2. 19-0003 [Illegal Contract Provisions]

**RESOLVED**, that the Committee on Professional Responsibility and Conduct declines to move forward with a draft opinion on illegal contract provisions. The Committee requests that staff prepare an outline for consideration on unenforceable contract provisions that create a chilling effect.

- *Moved by Krueger, seconded by Poindexter.*

Ayes – (0)  
Noes – (8) Chivers, Mark, Mercado, Munoz, O’Rielly, Poindexter, Ravi, Krueger  
Abstain – (0)  
Absent – (4) Brown, Bradley, Guzman, Starr

*Motion fails.*

**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.*

**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.*

**E. Planning and Discussion of New Opinion and Arbitration Advisory Topics**

2. Consideration, and Possible Approval, of New Opinion and Advisory Topics

*No recommendation. Discussion only.* A drafting team of the Committee on Professional Responsibility and Conduct will consider amendments to California Rule of Professional Conduct 1.16 based on recent amendments to ABA Model Rule 1.16. A drafting team of the Committee will draft an opinion outline for Opinion Request 2 (lawyer aid to out-of-state pregnant individuals seeking abortion-related case). At the direction of the Committee, State Bar staff will draft updates to Formal Opinion 2021-206 for consideration at the next meeting.

**ADJOURN**