

## SYMPOSIUM TOPICS FOR CONSIDERATION

G.2. Ethics Symposium  
01-12-24 Meeting  
Open Session

### Past Symposium Panels and Moderators

#### **2023**

1. Recent Developments in Legal Ethics and Professional Conduct—What You Need to Know (Leadership)
2. Implicit Bias Mitigation Tactics in the Business and Practice of Law (Starr)
3. Ethics Perspectives on the Girardi Affair (Mark)
4. Chatbots, Robots and AI, Oh My: Ethics and the Use of New Technologies in the Practice of Law (Bacon)

#### **2022**

1. Recent Developments in Legal Ethics and Professional Conduct—What You Need to Know (Leadership)
2. Entry Into the Practice of Law (Krueger)
3. Ethical Issues – Attorney Fees and Billing (Bacon)
4. Eliminating Bias in the Courtroom (Starr)

#### **2021**

1. Recent Developments in Legal Ethics—What You Need to Know (Leadership)
2. Lawyer Impairment: Risks & Responsibilities (Banola)
3. Failure to Launch: Ethical Issues at the Start of Representation (Carr)
4. Lawyering in the time of COVID: Legal Ethics in the Age of Remote Practice (Lee)

### 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](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

## SYMPOSIUM TOPICS FOR CONSIDERATION

- 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**

### **2023**

- Gender Bias and how to work with clients of different genders.
- AI for legal writing, and more on the ethical duties of attorneys when using new technologies in practice.
- How long are we required to keep client hard copy files or electronic files? Are attorneys required to keep audio voice mail messages/text messages from clients or 3rd parties on a case as part of the client file?
- If atty refers someone to real estate agent and the agent is hired, can the attorney accept a referral fee from agent?
- What are the ethical duties of attorneys when discussing high profile cases with the public.
- Client Trust Accounting
- When you do a "Special Appearance" and the attorney who sent you did not give you ALL the info. needed.
- Access to Justice
- Human Trafficking

### **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 (law practice management):
  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.

**28TH ANNUAL ETHICS SYMPOSIUM  
TENTATIVE SCHEDULE OF DEADLINES**  
(Friday, April 19, 2024 – via Zoom)

DATE	DEADLINE
Last week of January	Moderator conference call to explore scope of topics and identify potential speakers.
Feb 4 – March 4	Moderators contact potential speakers and confirm final speakers.
Week of February 19th	Staff sends out a Save the Date email blast and adds notice to Ethics Symposium webpage at State Bar's website.
Feb 26th (Mon.)	Panel moderators submit names of panelists (including title, affiliation, city), panel titles and panel descriptions for inclusion in registration brochure and written materials.
Feb 26th thru March 25th	Panel moderators meet with co-panelists by conference call to discuss panels and identify/produce written materials to be provided. Original content and outlines preferred. <i>Early identification of materials likely to require reprint permission is important.</i>
March 1st	COPRAC Meeting held via Zoom – Discuss status of Symposium
March 4th (Mon.)	Staff posts Symposium registration and brochures online and circulates e-blasts to interested persons.
April 10th (Wed.) FINAL DEADLINE	Panel moderators submit final written materials, and one-paragraph speaker biographical statements to staff. Submit one-paragraph speaker bios. earlier than 4/10 if possible.
April 12th (Fri.)	Pre-Registration Deadline & Last day to request refund for cancellation.
April 12th (Fri.)	Staff emails written materials to registrants and reminder Zoom link.
April 19st (Fri.)	Symposium held via Zoom

01/11/2024