



# The State Bar of California

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A.4. May 10 Minutes  
06-21-24 Meeting  
Open Session

## Committee on Professional Responsibility and Conduct Teleconference

Open Session Minutes  
Friday, May 10, 2024  
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:** 12:49 p.m.

**Chair:** Brandon Krueger

**Committee Coordinator:** Erika Doherty

**Members Present:** Sarah Banola, Elizabeth Bradley, Raquel Brigham Brown, Cassidy Chivers, Mary Grace Guzman, Brandon Krueger, Joel Mark, Eleanor Mercado, William Munoz, Daniel O’Rielly, Vikita Poindexter, Deepika Ravi

**Members Absent:** William Munoz, 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: March 1, 2024

*Moved by Bradley, seconded by Mercado.*

*Ayes – (10) Brown, Bradley, Chivers, Guzman, Mark, Mercado, O’Rielly, Poindexter, Ravi, Krueger*  
*Noes – (0)*  
*Abstain – (0)*  
*Absent – (2) Munoz, Starr*

*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. Proposed Extension of Public Comment Period**

1. Discussion of Proposed Opinion 20-0003 [re Ethics of In-House Counsel], and Possible Extension of Public Comment Period

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

*Moved by Krueger, seconded by Bradley.*

*Ayes – (10) Brown, Bradley, Chivers, Guzman, Mark, Mercado, O’Rielly, Poindexter, Ravi, Krueger*  
*Noes – (0)*  
*Abstain – (0)*  
*Absent – (2) Munoz, Starr*

*Motion carries.*

**D. Update on Opinions Circulating for for Public Comment**

1. 20-0002 [re Succession Planning], 20-0003 [Flat Fees and Termination], 2021-203 [Colleague Impairment]

*No recommendation. Discussion only.*

**E. Draft Opinions Previously Circulated for Public Comment**

1. 19-0004 [re Client File Release and Retention Duties]

*A new working group including Krueger, Guzman, Poindexter, and Ravi was created.*

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

*No recommendation. Discussion only.*

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

*Ravi added to the working group. No Recommendation. Discussion only.*

#### **G. Draft Advisories not yet Circulated for Public Comment**

4. 2022-0XB (formerly 1998-03) [re Determination of a 'Reasonable' Fee]

**RESOLVED**, that the Committee on Professional Responsibility and Conduct approves the draft opinion for a 60-day public comment circulation.

*Moved by Krueger, seconded by Mark.*

*Ayes – (10) Brown, Bradley, Chivers, Guzman, Mark, Mercado, O’Rielly, Poindexter, Ravi Krueger*

*Noes – (0)*

*Abstain – (0)*

*Absent – (2) Munoz, Starr*

*Motion carries.*

#### **H. New Topics**

5. Request to Amend Rules of Professional Conduct, Rules 3.6 and 4.1

*Chivers and Poindexter added to the working group and will present their recommendation at the next meeting in accordance with the discussion at the May meeting.*

**ADJOURN**