

Committee on Professional Ethics

Meeting Minutes

June 9, 2023

The meeting was held in person and via video conference.

Members present were Pam Anderson, (Chair), Lucinda Fernald, Asel Neutze, Michele Carney, Hugh Spitzer, Janice Wang, and Monte Jewell. Vince Lombardi and Brooks Holland were excused. BOG Liaisons Kevin Fay and Nam Nguyen were absent. Also present were Jeanne Marie Clavere (staff liaison), Sandra Schilling, Professional Responsibility Counsel (PRC), and Doug Ende, Chief Disciplinary Counsel.

The chair called the meeting to order at 10:03 a.m.

Announcements/Updates

- Staff reminded members that detailed receipts are required for expense reimbursement and pointed out that the expense reimbursement form, page 2, has an affidavit option if receipts are not available. Expense reports should be sent to Sandra Schilling.
- Members discussed MCLE proposed amendments and the Chair will convey informal feedback to WSBA.
- The CPE recognized Doug Ende for his 25th anniversary at WSBA.
- Two new members have been invited to join the CPE next term.
- The Supreme Court published for comment suggested amendments to several rules.
- Members were reminded that the next meeting will be virtual on August 25, and they are encouraged to inform staff if they will be unavailable.
- Members are encouraged to apply for the Chair position by June 30th.

The April 7, 2023, minutes were approved.

RPC 1.6 Reporting Data and Client Privacy

The subcommittee sent out a draft to stakeholders for comment and received requests for extensions for the time to comment. The committee granted the subcommittee motion to defer action as a committee, and indicated the subcommittee did not need to recirculate the proposed draft to include revisions per one comment already received.

Revisions to Advisory Opinion 181

The committee reviewed a draft, and discussed possibilities of the final format, including renumbering and division into several opinions.

Staff will also check into the capability of hyperlinking in the AO database.

RPC 1.4 and Language Access in the Client-Lawyer Relationship

No update.

Reproductive Health Care

This issue is on the BOG June 2023 agenda. The committee received feedback from WSBA finance, legal and equity sections. The committee voted to authorize the subcommittee to address the equity issues and approve a final CPE Memo for the BOG June meeting. The FINAL Memo to the BOG will include the WSBA Risk Analysis, the WSBA Fiscal Analysis, and the WSBA Equity Analysis.

Vacating Convictions in the Absence of an Established Attorney-Client Relationship

The subcommittee will circle back to the requestors and ask if they still would like an opinion.

Clarifying RPC 1.7(a)(3) and Government Law Offices Representing Separate Agencies

The subcommittee sent the draft to stakeholders, and continued revisions to the draft. The committee reviewed the draft, and the subcommittee will prepare a final draft for the next meeting.

Fee Splitting with a Former Firm

Subcommittee is investigating the issue and gathering research regarding RPCs 1.5 and 5.6. The subcommittee will continue drafting.

Request for Advisory Opinion re Updating AO 1900 re Contingency Fee Agreements in Committed Intimate Relationships

A subcommittee to investigate the request will be formed at the August meeting.

Future hot topics

The Committee discussed possible future topics such as ChatGPT – Open AI

The meeting adjourned at 2:45.