

Committee on Professional Ethics

Meeting Minutes

August 25, 2023

The meeting was held in person and via video conference.

Members present were Monte Jewell, (Chair), Pam Anderson, Mark Fucile, Hugh Spitzer, Janice Wang, Monte Jewel, Vince Lombardi, and Brooks Holland. Michele Carney was excused. Asel Neutze, and BOG Liaisons Sara Rathbone. 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 10:05 a.m.

Announcements/Updates

- Monte Jewel was recognized as incoming Chair beginning 2024.
- The meeting schedule and format for 2024 were discussed. The committee decided to meet virtually, with an in person meeting once a year at the beginning of the term. The first meeting of FY 24 will be Friday, October 6th and it will be a hybrid meeting.
- Updates were given on MCLE Board suggested rule amendments which the committee had reviewed previously.
- Formatting of BOG submission materials was discussed. Staff have uploaded sample style resources in Box folders.
- The committee was reminded that internal formatting for advisory opinions cannot include hyperlinks, underlines, or similar style formatting.

The June 9, 2023 minutes were approved.

The July 26, 2023 minutes were approved with correction to include Lucinda Fernald and Brooks Holland as members in attendance.

Court Rules and Procedures Committee Request for CPE Review

A subcommittee was formed to review and provide draft comments for review at the October meeting.

RPC 1.6 Reporting Data and Client Privacy

The subcommittee sent out a draft to 25 stakeholders for comment and received significant feedback. The subcommittee will continue to reach out to the stakeholders who have not yet responded. The committee considered three possible draft opinion approaches. The subcommittee will present a new

draft incorporating the preferred approach for the next meeting. Some subcommittee members will be completing their CPE term. The committee will appoint new subcommittee members at the next meeting.

RPC 1.4 and Language Access in the Client-Lawyer Relationship

The committee reviewed a draft and approved its format for circulation to stakeholders.

Reproductive Health Care

The committee had revised its proposal at a special meeting in July. The BOG approved the proposal, and the subcommittee is working on minor edits for the September BOG meeting Consent Calendar. Thereafter the subcommittee will draft the GR 9 and include a request for expedited review.

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

The committee reviewed a draft opinion. The subcommittee will continue work on the draft for the next meeting.

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

The committee reviewed a final draft and approved it for submission for the BOG November agenda. The subcommittee will finalize the Memo to the BOG and send it to staff.

Updates to Advisory Opinion 181

The committee reviewed an updated draft, including ODC suggestions. The subcommittee will continue drafting. The committee will appoint additional members at the next meeting as some subcommittee members are cycling off the CPE.

Fee Splitting with a Former Firm

The subcommittee is researching the issue and gathering advisory opinion information from other states. The subcommittee will continue drafting.

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

A subcommittee was formed, and the Chair will reach out to a new member to supplement the subcommittee.

Request for AO re CPG Representation and RPC 1.7 Implications

A subcommittee was formed to draft an opinion. The Chair will appoint another member to the committee at the next meeting.

The meeting adjourned at 2:03 PM.