

WASHINGTON STATE BAR ASSOCIATION

Committee on Professional Ethics

Meeting Minutes

April 4, 2025

The meeting was held via video conference.

Members present were Monte Jewell (Chair), Zachary Dillon, Sara Ayoubi, Mark Fucile, Amber Lynott, Peter Jarvis, and Hugh Spitzer. Michele Carney and Tommy Tobin were excused. BOG Liaison Mary Rathbone was absent. Also present were Jeanne Marie Clavere (staff liaison), Sandra Schilling, Professional Responsibility Counsel, Doug Ende, Chief Disciplinary Counsel, Renata Garcia, Chief Regulatory Counsel, and Kevin Plachy, Advancement Department Director.

The chair called the meeting to order at 10:01 a.m.

Announcements/Updates

- The draft CPE Style Manual was approved and will be posted in CPE Box folder. The CPE anticipates that additional questions of style will likely arise and may now be resolved and iteratively recorded in the CPE Style Manual.
- Staff confirmed that 3 CPE member terms are ending and 1 of those members is eligible to reapply. Members are urged to recruit new applicants to the CPE to fill the two and possibly three vacancies for the next fiscal year.
- On April 2, 2025, the Supreme Court adopted the proposed changes to Comment [6] to RPC 1.5 (Order No. 25700-A-1625) and RPCs 1.5, 5.4, and 7.3 (Order No. 25700-A-1628).

The February 14, 2024, Minutes were approved.

Integration of RPC, LLLTRPC and LPORPC

The subcommittee reported confusion regarding its initial charge but determined it would be beneficial to communicate to the LLLT and LPO boards when the CPE is considering rule changes. Renata Garcia, Chief Regulatory Counsel, joined the meeting to discuss objectives and communication between the different boards. A group meeting will be scheduled with representatives from all three entities and WSBA staff to work out a prospective process.

RPC 1.4 Language Access in the Client-Lawyer Relationship

The subcommittee reported that a discussion draft was sent out to stakeholders, and stakeholders are requesting more time. The subcommittee will report again at the next meeting.

Subscription Fee Models and RPC 1.5, 1.15A and 1.16.

The subcommittee is working on a draft opinion.

Ethics Issues and the Use of Large Language Model AI/ChatGPT

The committee approved a discussion draft for circulation to stakeholders. A list of equity stakeholders was prepared and received by the subcommittee. CPE members were given 7 additional business days to propose additional stakeholders prior to circulation of the discussion draft for stakeholder review and comment.

ABA Amendment to RPC 1.16 re Clarifying Ethical Obligations and Conducting Reasonable Inquiry

Staff reported that the GR9 materials have been completed and sent to the Supreme Court by the WSBA Executive Director.

Retention of Personal Name in Firm Name, RPC 7.1 and 1.17

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

Lawyers Employing Licensed Mandatory Reporters, RPC 1.6 and 5.3

The Chair reported that he communicated with the requestor that the CPE would not be issuing an opinion, and the matter is considered closed.

CPG Representation and RPC 1.7 Implications

Staff reported that materials have been prepared for the next BOG meeting and the opinion should be available for publication thereafter.

Refund of Disputed Advance Fee Deposit, RPC 1.15A

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

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

The subcommittee received responses from stakeholders after circulating the updated discussion draft. Some stakeholders have requested more time. One member of the subcommittee disclosed a professional interest in the subject matter of the subcommittee's work, and the CPE chair determined that the professional interest did not rise to the level of a conflict of interest that would require recusal. The subcommittee will consider further outreach to stakeholders and will provide a status report at the next meeting.

Fee Splitting with a Former Firm RPC 5.6

The committee reviewed the draft opinion and approved circulating a discussion draft to stakeholders.

RPC 5.5 and "Assisting" UPL

The committee reviewed a draft opinion, and the subcommittee will work on a revised draft.

Ethics Opinion Amendments By Request

This was continued to the next meeting.

The meeting adjourned at 12:35 PM.