

# WASHINGTON STATE BAR ASSOCIATION

## Committee on Professional Ethics

### Draft 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, Hugh Spitzer, Tommy Tobin, and Michele Carney. BOG Liaison Mary Rathbone was absent. Also present were Jeanne Marie Clavere (staff liaison), Sandra Schilling, Professional Responsibility Counsel, Doug Ende, Chief Disciplinary Counsel, and Kevin Plachy, Advancement Department Director.

The chair called the meeting to order at 10:00 a.m.

#### Announcements/Updates

- The draft CPE Style Manual is posted in this meeting's materials folder. Members are encouraged to review it for suggestions and comments to be considered at the April meeting.
- The Supreme Court has published proposed amendments to RPC 1.7(c) for comment. The comment period will be open until April 30, 2025.

**The December 13, 2024, Minutes were approved.**

#### Integration of RPC, LLLTRPC and LPORPC

Renata Garcia, Chief Regulatory Counsel, Bobby Henry, RSD Associate Director, and Cathy Biestek, RSD Managing Regulatory Counsel, joined the meeting to discuss CPE ROP and integration of RPC, LLLTRPC and LPORPC. A motion was granted to form a subcommittee to consider their proposals.

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

The committee reviewed and discussed the draft opinion. The subcommittee will continue work and bring back the revised draft at the next meeting to seek discussion draft approval and circulation to stakeholders.

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

The committee reviewed and discussed the draft opinion. A motion was passed to approve circulation of the updated draft to stakeholders.

#### Reporting Data and Client Privacy RPC 1.6

Staff reported that the AO has been posted on the WSBA platform and a blog regarding the new AO has been published.

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

Members reported that the BOG voted unanimously to send the package to the Supreme Court. Staff have prepared the GR 9 materials and will send them on for further WSBA review.

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

The subcommittee has posted a draft opinion which the committee will review at the next meeting.

#### **Lawyers Employing Licensed Mandatory Reporters, RPC 1.6 and 5.3**

The subcommittee considered the matter, and the committee passed a motion to decline issuing an opinion. The Chair will communicate with the requestor.

#### **CPG Representation and RPC 1.7 Implications**

A motion was passed to allow the subcommittee to finalize the draft opinion. The subcommittee will provide staff with a draft memo to the BOG. Staff will prepare materials for presentation to the BOG.

#### **Refund of Disputed Advance Fee Deposit, RPC 1.15A**

The committee reviewed and gave suggestions to a draft opinion. The subcommittee will continue work on the draft for anticipated presentation of a final version at the next meeting.

#### **RPC 1.4 Language Access in the Client-Lawyer Relationship**

The subcommittee presented a revised draft. A motion was approved for the subcommittee to incorporate additional suggestions and send out the discussion draft to stakeholders.

#### **Fee Splitting with a Former Firm RPC 5.6**

The subcommittee will continue work on the draft opinion.

#### **RPC 5.5 and "Assisting" UPL**

The subcommittee will continue work on a draft opinion.

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

The subcommittee is identifying pertinent issues to be explored in a draft opinion.

#### **Ethics Opinion Amendments By Request**

A subcommittee was formed to review certain existing ethics opinions which may need amendment.

The meeting adjourned at 1:26 PM.