Committee on Professional Ethics

Meeting Minutes

January 23, 2020 Special Meeting

The committee met telephonically.

Members present were Don Curran (Chair), Pam Anderson, Lucinda Fernald, Brooks Holland, Jeffrey Kestle, Vince Lombardi, and Asel Neutze. Excused were Hugh Spitzer and Monte Jewell. Kyle Sciuchetti (BOG Liaison) was absent.

Also present were Jeanne Marie Clavere (staff liaison), Doug Ende, Office of Disciplinary Counsel, and Darlene Neumann, paralegal.

The Chair called the meeting to order at 11:32 a.m.

RPC 4.4, Comment 4

The members reviewed and discussed the proponents’ edit to Exhibit B, RPC 4.4, Comment 4 following the January 17, 2020 Board of Governors meeting. The edit defined a list of personal information about a person that absent a court order would constitute a report if shared with federal immigration authorities.

Following discussion on the usefulness of the additional language, the proponents’ concerns, and suggested edits to the language, the committee voted 7-0 against adopting the proposed edit as written. The committee voted 6-1 to adopt a modification to strike the words, “but not limited to” in the proponents’ suggested edit. The committee also directed the Chair to communicate to the President that the BOG should ask the Court to grant a reasonable extension of time for other stakeholders likely to be impacted by the changes to comment on the proposed expedited rule.

The meeting adjourned at 12:15 p.m.