

**Committee on Professional Ethics**

Meeting Minutes

December 8, 2023

The meeting was held via video conference.

Members present were Monte Jewell, (Chair), Pam Anderson, Mark Fucile, Hugh Spitzer, Janice Wang, Asel Neutze, Sara Ayoubi, and Michele Carney. Vince Lombardi was excused, and BOG Liaison Mary Rathbone was absent. Also present were Jeanne Marie Clavere (staff liaison), Sandra Schilling, Professional Responsibility Counsel (PRC), Doug Ende, Chief Disciplinary Counsel, Kevin Plachy, Advancement Department Director, and Terra Nevitt, Executive Director.

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

**Announcements/Updates**

- WSBA ED Terra Nevitt reported on the WSSC letter regarding RPC 1.8 proposed amendments; the CPE will move this topic for further discussion to the February 23, 2024, meeting.
- The Chair reviewed Box protocols for uploading meeting materials.
- The Chair gave updates regarding GR 9 and suggested changes to RPC 1.2
- The Chair informed the committee of a request to compete a survey by the ATJ Board Lived Experience Workgroup

**The October 6, 2023, minutes were approved with suggested amendments regarding the fee splitting subcommittee.**

**RPC 1.6 Reporting Data and Client Privacy**

The subcommittee has received and reviewed substantial feedback from stakeholders regarding the draft opinion. It agreed to circulate a revised draft again to stakeholders with direction that comments be received by February 1, and that the committee will be taking final action at its February 23<sup>rd</sup> meeting.

**Responsibilities Regarding Client Files**

The committee reviewed a subcommittee draft. The subcommittee will meet again, and another revision will be prepared for the next meeting.

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

The committee reviewed a revised draft and agreed to circulate the draft to stakeholders for comment.

### **Advisory Opinion re Updating AO 1900 re Contingency Fee Agreements in Committed Intimate Relationships**

The committee agreed to withdraw AO 1900, and subsequently draft a replacement opinion.

### **WSBA AI Task Force**

The committee was informed of a pending WSBA Board of Governors task force to study AI's impact on the legal profession and encouraged to recommend potential members. Members were asked to submit their names if interested, to the chair on or before the February CPE meeting.

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

The committee was updated that the BOG approved the recommendation, and a GR 9 draft is being prepared for transmittal to the WSSC.

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

A draft has been circulated to stakeholders and comments received. The subcommittee will prepare a new draft for the next meeting.

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

The committee discussed case law and other states' ethics opinions. The subcommittee will continue to work on a draft opinion.

### **Request for AO re CPG Representation and RPC 1.7 Implications**

The subcommittee has completed a first round of research and will continue outreach and work towards a draft opinion.

### **ABA Amendment to RPC 1.16 re Clarifying Ethical Obligations**

A report is anticipated at the next meeting in February.

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

Staff presented an update on AI issues in the legal profession. The committee formed a subcommittee to investigate the ethics issues and a possible advisory opinion.

The meeting adjourned at 1:02 PM.