

Committee on Professional Ethics

Meeting Minutes

October 6, 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, Asel Neutze, Sara Ayoubi, Vince Lombardi, and Michele Carney. BOG Liaison Mary Rathbone was excused. 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 10:02 a.m.

Announcements/Updates

- The committee recognized new members and BOG liaison
- Staff updated members regarding reimbursement procedures located in the Volunteer Toolbox
- The Supreme Court declined to amend WA RPC 1.8 (e) regarding client financial assistance
- BOG meeting dates and deadlines are posted on WSBA.org
- Subcommittee membership and assignments were reviewed

The August 25, 2023 minutes were approved with an edit that the CPE chair will appoint another member to the AO re CPG Representation and RPC 1.7 subcommittee.

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

A final draft was sent for WSBA staff to review, and it is scheduled to be brought before the BOG in November.

RPC 1.6 Reporting Data and Client Privacy

The Chair appointed new subcommittee members.

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

The Chair appointed new subcommittee members.

Request for AO re CPG Representation and RPC 1.7 Implications

The Chair appointed new subcommittee members.

ABA Amendment to RPC 1.16 re Clarifying Ethical Obligations

The Chair appointed new members to the subcommittee.

Reproductive Health Care

A draft GR 9 is in review with bar staff for anticipated transmittal to the WSSC.

Responsibilities Regarding Client files

The committee reviewed a subcommittee draft which focuses on 1.16 and 1.6 issues. This AO will be an independent AO, not an amendment of AO 181. The subcommittee will meet again, and another revision will be prepared for the next meeting.

Court Rules and Procedures Committee Request for CPE Review

The subcommittee met, reviewed the proposal, and prepared a memo with recommendations. The overarching message is that no significant ethical issues were implicated. The committee accepted the recommendations. The subcommittee will finalize the memo and the Chair will convey the comments to the Rules committee.

RPC 1.4 and Language Access in the Client-Lawyer Relationship

A draft has been circulated to stakeholders and is on the agenda for the next court interpreters meeting.

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

The committee reviewed a revised draft and agreed on additional changes. The committee will review a final draft at the next meeting before it is circulated to stakeholders.

Fee Splitting with a Former Firm

The subcommittee had prepared a draft opinion, but after additional ongoing research, was reconsidering its preliminary conclusions. The subcommittee is analyzing to what extent an employment agreement should be enforceable against attorneys departing from a law firm, and at the December meeting will make further recommendations regarding a draft opinion. Mark Fucile recused himself from consideration of the opinion.

The meeting adjourned at 1:01 PM.