

MINUTES

FOR THE

ATTORNEY ETHICS ADVISORY COMMITTEE

Thursday April 25

9:30 a.m.

State Courts Building, 1501 West Washington Street, Phoenix, Arizona
Conference Room 329/330

Present

Hon. Paul McMurdie (Chair)
Sheena Singh Chiang
Michael Aaron
Daniel Mazza
Jon Sands
Charles Thomson
Geoffrey Trachtenberg
Angela Woolridge
Maret Vessella

Telephonically Present

Hon. Kim Ortiz
Maria Hubbard
Regina Nassen
Anne Schrock

Absent

Hon. John Napper (Vice Chair)
Kimberly Demarchi

Staff

Ann Ching
Ashley Mahoney
Brianna Farmer
Michelle Martinez
Ashleigh Hansen

Guests

Nancy Greenlee

No. 1 Review and Approve March 28, 2019 Minutes

Motion: Approve March 28, 2019 minutes with typographical error corrected

Moved by: Geoffrey Trachtenberg

Second: Daniel Mazza

Motion Passed: 13-0-2

No. 2 Discussion and possible action regarding Ethics Opinion request

- o EO-19-0007

Geoffrey Trachtenberg disclosed the requestors are his colleagues.

The request questions whether an attorney who has not received a third-party recovery in connection with a client matter has any ethical obligation to provide "status" or otherwise communicate with a third-party (or their lawyer) who claim to have an interest in a possible future recovery.

Geoffrey Trachtenberg proposed the Committee consolidate EO-19-0007 with EO-19-0004 and EO-19-0005.

Hon. Paul McMurdie raised a concern about the work load the subcommittee may face. The subcommittee assured there would be no issue.

Motion: Consolidate EO-19-0007, EO-19-0004 and EO-19-0005 into one opinion.

First: Charles Thompson

Second: Geoffrey Trachtenberg

Passed: 13-0-2

No. 3 Update and possible action regarding Ethics Opinion draft

- o EO-19-0003

Angela Woolridge presented the subcommittee's draft opinion.

Ann Ching suggested the subcommittee revise their opinion to indicate the Committee is not making any legal conclusion of obligations for non-lawyers.

The subcommittee agreed to revise their opinion and present at the next scheduled meeting.

The Committee raised concerns regarding the appropriate way to communicate between members and how to handle public comments if sent to the members directly.

Hon. Paul McMurdie requested Mark Wilson to discuss Open Meeting Law at the next scheduled meeting.

No. 4 Discussion and possible action regarding Ethics Opinions issued by the former State Bar

Hon. Paul McMurdie requested Ann Ching to prepare and distribute a list of past opinions for the Committee review.

Ann Ching informed the Committee she will no longer be the Ethics Council for the State Bar and a replacement has not yet been determined. She suggested it may be beneficial for the Committee to work with the State Bar Ethics Advisory Group.

No. 5 Topics to be addressed at future meetings

Hon. Paul McMurdie notified the Committee ER-19-0008 will be placed on the May meeting's agenda.

Jon Sands informed the Committee he will be absent for the May and June meeting. He also expressed interest in being a part of the ER-19-0008 subcommittee, if formed.

No. 6 Call to Public

Nancy Greenlee, Chair of the State Bar Ethics Advisory Group, addressed the Committee. She questioned whether the Committee has determined if they will include ethics rules that are being re-interpreted or a synopsis of the rule to acknowledge potential and current changes within an Opinion.

Hon. Paul McMurdie stated the Committee has not come to any conclusion regarding including the specific rules being altered but does acknowledge that it could be beneficial.

Jon Sands suggested an appendix or reference list be utilized to refer to rule changes within the Ethics opinions.

Adjourned: 10:32 AM

Next Meeting:

Thursday, May 30, 2019

9:30 am

Conference Room 109