

ATTORNEY ETHICS ADVISORY COMMITTEE

Thursday February 20, 2020

No. 1 Review and approve January 30, 2020 Minutes

A draft of the minutes for the meeting of January 30, 2020 , has been provided for the Committee's review and consideration.

DRAFT MINUTES

FOR THE

ATTORNEY ETHICS ADVISORY COMMITTEE

January 30, 2020

9:30 a.m.

State Courts Building, 1501 West Washington Street, Phoenix, Arizona
Conference Room 109

Present

Hon. Paul McMurdie (Chair)
Anne Schrock
Charles Thomson
Geoffrey Trachtenberg
Angela Woolridge

Telephonically Present

Michael Aaron
Kimberly Demarchi
Regina Nassen
Hon. Kim Ortiz
Maret Vessella

Absent

Hon. Joh Napper (Vice Chair)
Sheena Singh Chiang
Maria Hubbard
Jon Sands

Staff

Mark Wilson
Michelle Martinez
Brianna Farmer
Christine Davis
Ashley Mahoney
Ashleigh Hansen
Dominique Cidro

Guests

Chris Hering
Ann Ching
Nancy Greenlee
R. Siverts

No. 1 Review and Approve November 21, 2019 Minutes

Note: Consolidated vote with No.2

No. 2 Review and Approve December 19, 2019 Minutes

Motion: Approve November 21, 2019 and December 19, 2019 Minutes

Moved by: Geoffrey Trachtenberg

Second: Charles Tomson

Motion Passed: 10-0-4

No. 3 Former State Bar Ethics Opinions Assignments

- Op. 15-02

Discussion of Op. 15-02 tabled.

- Op. 90-13

Mark Wilson presented.

Op. 90-13 addresses the ethical duty of an attorney to report misconduct of an attorney to the State Bar. Op. 90-13 is interpreted by approaching three distinct fact patterns and is an interpretation of E.R 8.3. It was recommended the Committee to not adopt Op. 90-13.

The Committee moved to table Op. 90-13 until different fact patterns are presented from other opinions, the State Bar Ethics hotline or any patterns that a member may want to bring forth to further address.

No. 4 Discussion and possible action regarding Former State Bar Ethics Opinion

- Op. 10-02

Discussion of Op. 10-02 tabled.

No. 5 Update and possible action regarding Ethics Opinion draft

- EO-19-0009

Kim Demarchi presented the subcommittee's final draft.

Staff will make changes consistent with suggested edits and post draft for public comment.

Note: Agenda item taken out of order. Committee member Kim Demarchi left meeting after presentation.

- EO-19-0004/0005/0007

Geoffrey Trachtenberg presented on behalf of Maria Hubbard.

The Committee discussed including a dissent in the draft. The four dissenting committee members, Maret Vessella, Anne Schrock, Hon. Napper and Kimberly Demarchi will add a brief comment to the draft.

Staff will make changes consistent with suggested edits and post draft for public comment.

Public member, Chris Hering addressed the Committee.

- EO-19-0006

Discussion of EO-19-0006 tabled.

- Op. 09-02

Charles Thomson provided an update.

The draft is currently being circulated amongst the subcommittee with intention to provide a finalized draft at the scheduled next meeting.

- Op. 19-0010

Charles Thomson presented on behalf of Hon. John Napper

The subcommittee provided two drafts for the Committee to review. A majority favored draft two to avoid deviating from national standard.

No. 6 Discussion and possible action regarding topics to be addressed at future meetings

No new topics discussed.

No. 7 Call to Public

None.

Next Meeting: February 20, 2020

Adjourned: 10: 19 AM