

# 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

9:36 a.m. Call to Order, Welcome and Introductions

*Hon. Paul McMurdie, Chair*

**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**