

DRAFT MINUTES

FOR THE

ATTORNEY ETHICS ADVISORY COMMITTEE

May 28, 2020

9:30 a.m.

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

NOTE: Meeting of the Attorney Ethics Advisory Committee was conducted virtually. Members of the Committee and Staff attended virtually.

Present

Hon. Paul McMurdie (Chair)
Hon. Kim Ortiz
Michael Aaron
Kimberly Demarchi
Regina Nassen
Jon Sands
Anne Schrock
Charles Thomson
Maret Vessella
Angela Woolridge

Absent

Hon. John Napper (Vice Chair)
Sheena Singh Chiang
Maria Hubbard
Geoffrey Trachtenberg

Staff

Mark Wilson
Michelle Martinez
Brianna Farmer
Christine Davis
Ashleigh Hansen
Lorena Landeros

9:44 a.m. Call to Order, Welcome and Introductions

Hon. Paul McMurdie, Chair

No. 1 Review and Approve April 30, 2020 Minutes

Motion: Approve April 30, 2020 Minutes.
Moved by: Charles Thompson
Second: Anne Schrock
Motion Passed 9-0-5

No. 2 Discussion and possible action regarding Ethics Opinion request EO-20-0005

Hon. Paul McMurdie presented.

EO-20-0005 addresses whether there is a waiver of attorney-client privilege that is date specific.

The Committee felt this was not an opinion for the Committee should consider.

Motion: Decline Ethics Opinion Request EO-20-0005.
Moved by: Charles Thomson
Second: Anne Schrock
Motion Passed 9-0-5

Note: Kim Demarchi joined meeting after vote.

No. 3 Update and possible action regarding

- EO-19-0010 (Online Reviews)

Charles Thomson presented on behalf of Sheena Singha Chiang.

The draft was circulated for Committee comments. The consensus was lawyers cannot reveal confidential information when responding to an online comment. The draft includes verbiage for attorneys to consider in addressing online comments.

The Committee agreed to develop a footnote to further address an appropriate, but not prescriptive response in responding to an online comment. The edits discussed will be addressed by the Subcommittee and presented at the next meeting.

- EO-20-0002 (Tape Recording)

Anne Schrock presented.

EO-20-0002 provides a history and analysis of how the State Bar's opinion on tape recording was originally developed. It was reiterated that attorneys must be vigilant to avoid being deceptive in matters where recording is present and was deemed that it is unethical for an attorney to record if reasons for doing so are unethical.

Motion: Edit draft for public comment
Moved by: Regina Nassen
Second: Charles Thomson
Motion Passed 10-0-4

No. 4 Discussion and possible action regarding the State Bar Ethics Advisory Group's list of Ethics Opinions

Brianna Farmer presented.

The State Bar's Ethics Advisory Group's list of Ethics Opinions was provided by Ms. Nancy Greenlee. Opinions 90-13, 01-04 and 93-02 have already been addressed by Committee.

Mark Wilson will go review the list and delegate opinions for Committee to address.

No. 5 Discussion and possible action regarding topics to be addressed at future meetings

The Committee discussed rescheduling the next meeting from June 19, 2020 to June 18, 2020.

No. 6 Call to Public

None.

Next Meeting: June 18, 2020

Adjourned: 10:13 a.m.

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