

DRAFT MINUTES

FOR THE

ATTORNEY ETHICS ADVISORY COMMITTEE

June 18, 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.

Telephonically Present

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

Absent

Sheena Singh Chiang
Geoffrey Trachtenberg

Staff

Mark Wilson
Christine Davis
Ashleigh Hansen
Dominique Cidro

Guests

Chris Hering

9:30 a.m. Call to Order, Welcome and Introductions

Hon. Paul McMurdie, Chair

No. 1 Review and Approve May 28, 2020 Minutes

Note: Draft minutes deferred to next meeting.

No. 2 Update regarding EO-19-0003 submission to Supreme Court

On May 27, 2020, EO 19-0003 will have been filed with the supreme court for 90-day review.

No. 3 Discussion and possible action on proposed Opinions:

- EO-19-0004/0005/0007 (ER 1.3(f))

Maria Hubbard presented.

Committee discussed that four members voted that the draft opinion needed a further dissent in order to give full information to the Court.

Chris Hering. A member of the public provided comment.

Motion: Reconsideration of opinion towards dissent

Moved by: Anne Schrock

Second: Jon Sands

Motion Passed 10-2-2

Subcommittee of Kim Demarchi and Geoffrey Trachtenberg

- EO-19-0006

Hon. Judge Napper presented.

No comments provided.

Motion: File with the o Supreme Court

Moved by: Hon. John Napper

Second: Hon. Kim Ortiz

Motion Passed 12-0-2

- EO-19-0009 (Retaining client files)

Kim Demarchi presented.

Committee discussed no changes to draft or comment.

Motion: File with the Supreme Court

Moved by: Hon. Kim Ortiz

Second: Jon Sands

Motion Passed 12-0-2

No. 4 Discussion and possible action on State Bar Ethics Advisory Group's Ethics Opinion

- 91-18 (Confidentiality and disabled clients)

Note: Item removed from agenda per Staff.

- 05-05 (Candor and client perjury)

Mark Wilson presented.

Committee discussed whether opinion should be formalized. A subcommittee will be formed in order check and update citations.

- 00-02 (Candor and criminal rep/pleas)

Mark Wilson presented.

Committee discussed the ethic opinion being fact-intensive.

Motion: Committee will take no further action

Moved by: Jon Sands

Second: Charles Thomson

Motion Passed 12-0-2

No. 5 Subcommittee updates and possible action regarding:

- EO-20-0003 (Bankruptcy financing)

Hon. Paul McMurdie (Chair) presented.

Motion: Circulate for Public comment

Moved by: Hon. John Napper

Second: Angela Woolridge

Motion Passed 12-0-2

- EO-20-0004 (AMMA)

Hon. Paul McMurdie (Chair) presented. Tabled for one month.

- EO-20-0002 (Tape Recording)

Anne Schrock presented.

No substantive changes made to draft.

Motion: Circulate for public comment

Moved by: Hon. Paul McMurdie

Second: Hon. John Napper

Motion Passed 12-0-2

Next Meeting: July 23, 2020

Adjourned: 10:21 a.m.