

ATTORNEY ETHICS ADVISORY COMMITTEE

August 27, 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. John Napper (Vice Chair)

Hon. Kim Ortiz

Michael Aaron

Sheena Singh Chiang

Maria Hubbard

Kimberly Demarchi

Regina Nassen

Jon Sands

Anne Schrock

Charles Thomson

Geoffrey Trachtenberg

Maret Vessella

Angela Woolridge

Staff

Michelle Martinez

Brianna Farmer

Christine Davis

Dominique Cidro

Ashleigh Hansen

Guests

Chris Hering

Johnny Sorenson

S. Howard

Matt Milea

Kurt Maans

R. Kelso

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

Hon. Paul McMurdie, Chair

No. 1 Review and Approve May 28, 2020 and June 18, 2020 Minutes

Motion: Approve May 28, 2020 and June 18, 2020 Minutes

Moved by: Jon Sands

Second: Maret Vessella

Motion Passed 14-0-0

No. 2 Discussion and possible action regarding public comments submitted for EO-20-0001

Charles Thomson presented.

Three public comments were submitted for the Committee to review and consider. The Subcommittee recommended the Committee accept the changes purposed in comment #1 with the exception of adding in “one complete” on page 10. Comments #2 and #3 are recommended to be rejected.

Committee requested the new draft be presented at the next scheduled meeting.

Motion: Accept subcommittee’s recommendations.

Moved by: Charles Thomson

Second: Hon. John Napper

Motion Passed 13-0-1

Note: Geoffrey Trachtenberg did not participate in this matter.

No. 3 Discussion and possible action regarding Ethics Opinion Request EO-20-0006

Hon. Paul McMurdie presented.

Committee believed this request is better suited for the State Bar Hotline.

Motion: Decline request and refer Requester to the State Bar Hotline.

Moved by: Anne Schrock

Second: Hon. John Napper

Motion Passed 13-0-1

Note: Geoffrey Trachtenberg did not participate in this matter.

No. 4 Subcommittee updates and possible action regarding:

- EO-20-0004 (AMMA)

Hon. Paul McMurdie presented Rule Petition draft.

Motion: Accept petition and file with the Supreme Court

Moved by: Regina Nassen

Second: Hon. John Napper

Motion Passed 13-0-1

Note: Geoffrey Trachtenberg did not participate in this matter.

- EO-19-0004/0005/0007 (ER 1.15(f))

Maria Hubbard presented.

Members of the public Chris Hering, Matt Milea, Johnny Sorenson, and Kurt Maans provided comment regarding draft.

Committee reviewed the dissent that was added to the draft. Committee member Michael Aaron requested his name be added to the dissent.

Motion: Approve draft with dissent and file with the Supreme Court.

Moved by: Geoffrey Trachtenberg

Second: Anne Schrock

Motion Passed 14-0-0

- EO-20-0007 (Candor and client perjury)

Anne Schrock presented.

Hon. Paul McMurdie volunteered to review and update the references.

Motion: Circulate for public comment once the references are updated.

Moved by: Charles Thomson

Second: Jon Sands

Motion Passed 13-0-1

Note: Geoffrey Trachtenberg did not participate in this matter.

- EO-19-0010 (Online Review)

Sheena Singh Chiang presented.

Charles Thomson advised the Committee he has a dissent drafted for the opinion. The Committee decided to table the matter to the next scheduled meeting.

No. 5 New Business

None.

No. 6 Call to Public

None.

Next Meeting: September 24, 2020