

ETHICS ADVISORY COMMITTEE

Meeting Agenda – July 8, 2026

Arizona Supreme Court -1501 West Washington Street
Phoenix, Arizona 85007 – 9:30 A.M. Zoom/Conference Room 109
General Inquiries Call: 602-452-3378 (Certification and Licensing Division Line)
Members of the public may attend the meeting in person or remotely.

For any item listed on the agenda, the Board may vote to go into Executive Session for advice of counsel (under ACJA Sec. 1-202(C)(5)(c)) or for discussion or consideration of records or matters made confidential or privileged by statute, court rule, or the Arizona Code of Judicial Administration (under ACJA Sec. 1-202(C)(5)(b)).

CALL TO ORDER.....*Ann Ching, Chair*

1) REVIEW AND APPROVAL OF MINUTES.....*Ann Ching, Chair*

1-A: Review, discussion, and possible action regarding adopting the regular session recording and written minutes of the meeting of May 13, 2026.

2) OPINIONS.....*Division Staff*

*2-A: Update or review, discussion, and possible action regarding **EO-24-0004**: Interviews in the post-indictment plea negotiation phase in regard to a criminal defendant.*

*2-B: Update or review, discussion, and possible action regarding **EO-24-0006**: Can a lawyer receive a referral fee from a non-lawyer financial planning firm that the lawyer does not have an ownership interest in? If not, why not? If the answer is no, can the lawyer receive a referral fee from a financial planning firm that he/she does have an ownership interest in? If the answer to (2) is yes, how much ownership is sufficient? Is 1% sufficient? Does it matter whether the lawyer receives a one-time referral fee, or a continuing referral fee such as a percentage of commissions.*

*2-C: Update or review, discussion and possible action regarding **EO-25-0002**: May an attorney who drafts a trust appoint himself or herself as trust protector? If so, can (potential) conflicts of interest be waived? If so, what steps must the attorney take to waive the potential conflicts?*

*2-D: Update or review, discussion, and possible action regarding status of **EO-25-0004**: May an attorney, after termination of representation, withhold false witness outlines prepared for a former client when the attorney reasonably believes the client intends to use them at an upcoming hearing to mislead or defraud the tribunal?*

*2-E: Update or review, discussion, and possible action regarding **EO-25-0006**: Do the Arizona Rules of Professional Conduct permit lawyers to offer subscription-based legal services, including whether fees must be tied to hours or may be flat, whether they may be paid in*

advance and treated as non-refundable, and whether the funds must be held in trust until earned?

2-F: Update or review, discussion, and possible action regarding EO-26-0001: Review of submitted facts, legal sub-questions to the overarching legal question with proposed analysis, and supporting authorities. The requester invites questions and clarification from the Committee.

2-G: Review, discussion, and possible action regarding EO-26-0002: In personal injury cases if the agreement is ever disputed or brought into litigation, and the attorney had to testify or defend, would the attorney have a conflict? Based on this concern, can the Ethics Advisory Committee draft an opinion clarifying Opinion 03-05 as to: 1) Whether an attorney can sign an agreement with the client as to form or as to form and content? 2) Whether an opposing attorney can ask another attorney to sign an agreement with the client?

3) ADMINISTRATIVE ITEMS.....Division Staff

3-A: Division updates.

4) RULE PETITIONS.....Division Staff

CALL TO THE PUBLIC.....Ann Ching, Chair

Individual members of the Committee may take one or more of the following actions: (a) respond to criticism made in Public Comment; (b) ask staff to review a matter raised in public comment; or (c) ask that a matter raised in public comment be put on a future agenda. **NOTE: Neither the Committee as a whole nor Staff are permitted to discuss a matter raised in public comment and the Committee is not permitted to vote on a matter raised during an open call to the public unless the matter was otherwise properly noticed on the meeting agenda for discussion and legal action.**

ADJOURN.....Ann Ching, Chair