

ETHICS ADVISORY COMMITTEE MEETING MINUTES

Date: May 13, 2026

Time: 9:30 A.M.

Location: Arizona State Courts Building
1501 West Washington Street Room 109/Zoom
Phoenix, Arizona 85007



Zoom Meeting Video Recording: [EAC MEETING 5/13/2026](#)

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)).

Member Attendance	In Person	Zoom	Absent
Ann Ching, Chair	X		
Garrett Griggs		X (Joined at 9:35 A.M.)	
James Cerasia	X		
James Rappaport		X	
Hon. Jason Easterday		X	
Hon. Jeffrey Sklar		X	
Lawrence Lazzara, Jr.		X	
Michelle Donavan		X	
Roberta Tepper	X		
Hon. Robert Trop		X	
Jennifer Rebholz	X		
Amy Rehm	X		
Hon. Daniel J. Kiley	X		

Staff

Abby Raddatz
Kristina Tuba
Victoria Rodriguez
Marina Hodzic

Guests

Meredith Vivona
Denise Quinterri
Reid Potter
Eastman Estate Planning

Vote Count Key: Yay - Nay – Abstain - Recused – Absent

Call To Order Ann Ching, Chair
Time: 9:33 A.M.

1) REVIEW AND APPROVAL OF MINUTES Ann Ching, Chair

1-A: *Review, discussion, and possible action regarding the regular session recording and written minutes of the meeting of March 26, 2026.*

Motion to approve March 26, 2026 minutes.

First: James Cerasia

Second: Lawrence Lazzara Jr.

Motion Passed: 10-0-1-0-1

Notes: Roberta Tepper abstained. Garrett Griggs joined the meeting at approximately 9:35 A.M. and did not participate in the vote.

2) OPINIONS..... Division Staff

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

Deferred.

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 (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.*

Additional updates were made to the rough draft of this opinion, which will be ready for review at the next meeting.

Deferred.

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?*

Motion to post EO-25-0002 for public comment for 90 days.

First: Hon. Daniel J. Kiley

Second: Roberta Tepper

Motion Passed: 13-0-0-0-0

2-D: *Update or review, discussion, and possible action regarding **E0-25-0003:** Applications of ER 4.2(b). Is it unethical for a lawyer representing a private client to cc or bcc government client representatives on communications to the government lawyer representing them when the communications concern a matter in litigation and the private lawyer knows the government is represented in the matter?*

Motion to decline E0-25-0003 and disband the sub-committee.

First: Ann Ching

Second: James Cerasia

Motion Passed: 13-0-0-0-0

2-E: *Update or review, discussion, and possible action regarding status of **E0-25-0004:** May an attorney, after termination of representation, withhold false witness outlines prepared for a former client when the attorney reasonable believes the client intends to use them at an upcoming hearing to mislead or defraud the tribunal?*

Deferred.

2-F: *Update or review, discussion, and possible action regarding **E0-25-0006:** 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?*

Deferred.

2-G: *Update or review, discussion, and possible action regarding **E0-26-0001:** 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.*

Deferred.

2-H: *Review, discussion, and possible action regarding **E0-26-0002:** 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?*

Motion to accept and review E0-26-0002.

First: Ann Ching

Second: James Cerasia

Motion Passed: 13-0-0-0-0

Notes: Lawrence Lazzara Jr. was appointed as subcommittee chair, joined by Michelle Donovan, Jennifer Rebholz, and James Cerasia as members.

3) ADMINISTRATIVE ITEMS.....Division Staff

3-A: *Division updates.*

Informational update.

4) RULE PETITIONS.....Division Staff

None.

CALL TO THE PUBLICAnn Ching, Chair

No comments were made.

ADJOURNAnn Ching, Chair

Time: 10:12 A.M.

Motion to adjourn.

First: Ann Ching

Second: Hon. Daniel J. Kiley

Motion Passed: 13-0-0-0-0

Upcoming Ethics Advisory Committee Meeting: July 8, 2026 at 9:30 A.M.