



**MEMORANDUM**

**DATE:** June 19, 2009  
**TO:** Members of the Board's Regulation, Admissions & Discipline Oversight Committee  
**FROM:** Randall Difuntorum, Director, Professional Competence Programs  
**SUBJECT:** RAD Meeting on July 16, 2009 – Status of the Professional Competence Unit

=====

This memorandum provides an update on the activities of the Professional Competence Unit through May 2009. In addition to this memorandum, provided are the following: (1) Professional Competence Staff List, (2) Ethics Hotline Activity Statistics, (3) Volume of Ethics Hotline Calls by Paralegal, and (4) Professional Competence Budget Summary – Authorized vs. Actuals (through April only, latest data available). Board members with questions may contact me at (415) 538-2161 or Lauren McCurdy at (415) 538-2107.

**1. ETHICS HOTLINE**

- As of May 31, 2009, 6,850 member inquiries were received with a completion rate of 85%. This completion rate includes distribution of 242 copies of published ethics opinions and other written materials requested by inquirers and 3,054 referrals to information posted at the Bar's website. (Due to the availability of State Bar Formal Opinions at the Ethics Information area of the website, there is a decreasing need for distribution of this information by mail.) Of the total calls, 473 were courtesy follow-up calls to members who placed a call to the Hotline, received a call back from Hotline staff but were not available at that time to take the call from the Hotline staff person. These members received instructions on how to call-in and receive priority handling when they choose to return the Hotline's call at their convenience. However, when no return call is received, the Hotline initiates a courtesy follow-up call.
  
- For the period of April 1, 2009 through May 31, 2009, 5 voluntary satisfaction surveys were received from members who utilized the Ethics Hotline service. Each survey asks for a rating on several specified categories of service, including: satisfaction with the system for handling the calls; helpfulness of receptionist; helpfulness of paralegal; usefulness of materials sent; whether the inquirer would recommend the Hotline to others; and whether they received the assistance they needed. Nearly all of the surveys received gave the Hotline the highest possible marks in each survey category. (Copies of the surveys received are attached.)

## 2. COPRAC

- Since the last Professional Competence status report submitted for the Board Committee's May 14, 2009 meeting, COPRAC met on May 1<sup>st</sup> in San Diego and on June 5, 2009 in San Francisco. At the May meeting COPRAC completed its annual new member appointments process and COPRAC's nominees are anticipated to be considered by the Board Committee on Volunteer Involvement during the July Board meetings. At the June meeting COPRAC considered an article concerning fee agreement modifications.
- The following opinion passed the 30-day RAD approval period and was published at the Bar's website on May 20, 2009:

Formal Opinion No. 2009-176 (Formerly Interim Opn. No. 98-0001):

**ISSUE:** In a lawsuit prosecuted by Attorney A against Defendant, Client has a statutory right to seek an award of attorney's fees. Attorney B, Defendant's counsel, makes a settlement offer, conditioned on Client's waiver of his statutory right to attorney's fees, that is insufficient to compensate Attorney A for her fees. (1) May Attorney A bar the settlement notwithstanding Client's desire to accept it? (2) Does Attorney B violate any ethical obligation by recommending or conveying the fee-waiver settlement offer in this case? (3) Does Attorney B violate any ethical obligation by recommending or conveying fee-waiver settlement offers in cases generally?

**DIGEST:**

1. A lawyer must inform the client of a fee-waiver settlement offer and consummate the settlement in accordance with the client's wishes even if it reduces the likelihood of recovering some or all of his or her fees.
2. A lawyer does not violate any ethical obligation by recommending or conveying a fee-waiver settlement offer in a given case.
3. A lawyer does not violate any ethical obligation by recommending or conveying fee-waiver settlement offers in cases generally.

- The following opinions were tentatively approved by COPRAC for circulation to RAD prior to final publication.

Formal Opinion Interim No. 06-0001 (currently before RAD for approval with a response deadline of July 10, 2009):

**ISSUE:** In what manner may an attorney maintain her rights in a charging lien when her former client demands that the attorney endorse a settlement check jointly payable to the client and his current and former attorneys without violating the requirement of rule 4-100 of the California Rules of Professional Conduct that the attorney promptly pay or deliver funds to which the client is entitled?

**DIGEST:** When responding to a request to endorse a settlement check made jointly payable to a client and his or her current and former attorneys where the former attorney has asserted a valid lien on the settlement proceeds, the former attorney must take prompt steps to find a reasonable method or methods of delivering the undisputed portion

of the proceeds to which the client is entitled. The former attorney does not violate rule 4-100 by refusing to use a method that would extinguish the attorney's charging lien, but has a duty to consult governing legal authorities and make a reasonable determination of the amount to which he or she is entitled under the circumstances. If the client does not agree to proposed reasonable methods for delivering the undisputed portion or does not agree with the former attorney's determination of the amount of the proceeds that undisputedly belong to the client, the attorney must promptly seek resolution of the fee dispute through arbitration or judicial determination, as appropriate.

Formal Opinion Interim No. 06-0006 (to be submitted to RAD following disposition of Opn. No. 06-0001, above):

**ISSUES:** Is it ethically proper for an attorney who is settling a fee dispute with a client to include a general release and a Civil Code section 1542 waiver in the settlement agreement? Does the existence of a legal malpractice claim against the attorney alter the ethical propriety of including a general release and section 1542 waiver in the settlement agreement?

**DIGEST:** If an attorney contemplates entering into a settlement agreement with a current client that includes a general release of a legal malpractice claim or pursues a settlement agreement with a client, the terms of which are broad enough to release a legal malpractice claim, the attorney must promptly disclose to the client the facts giving rise to the legal malpractice claim. The attorney must consider whether it is necessary or appropriate to withdraw from the representation. If the attorney does not withdraw, the attorney must:

1. Comply with rule 3-400(B) by advising the client of the right to seek independent counsel and giving the client an opportunity to do so;
2. Advise the client that the lawyer is not representing or advising the client as to the settlement of the fee dispute or the legal malpractice claim; and
3. Fully disclose to the client the terms of the settlement agreement, in writing, including the possible effect of the general release and section 1542 waiver, unless the client is represented by independent counsel.

→ COPRAC's 13th Annual Statewide Ethics Symposium was held on May 2, 2009 at the University of San Diego School of Law. Of the panels presented, the trial publicity panel entitled "Beyond the Headlines – What Can You Ethically Say About Your Big Case?" received the highest marks from attendees on overall teaching effectiveness, teaching methods and significant current intellectual or practical content. This panel was presented by COPRAC member Wendy Mazzarella, Linda Deutsch, Mark Geragos and Prof. Laurie Levenson. In their opening remarks and keynote address, State Bar President Holly Fujie and Erwin Chemerinsky, Founding Dean, UC Irvine School of Law, presented a timely and relevant commentary on the legal profession that was well received. A copy of the activity evaluation form summarizing the attendees' rankings on various criteria is attached. Use of a new online program evaluation form was successful,

with a response rate of 42% of the paid attendees. In addition, suggestions for future Symposium topics were received through this survey.

- COPRAC's next meeting is scheduled for July 10, 2009 and will be held in Los Angeles.

### **3. RULES REVISION COMMISSION**

- Since the last Professional Competence status report submitted for the Board Committee's May 14, 2009 meeting, the Commission met on May 8 & 9, 2009. Among the visitors and liaisons present at the meeting were: Carole Buckner (COPRAC Liaison); Russell Weiner (Office of the Chief Counsel); and Meg Lodise (Trust and Estates Section Executive Committee). At this meeting, the Commission reviewed the public comments received on proposed new Rule 1-650 (Limited Legal Services Programs) and recommended Board adoption. The Commission was fortunate to have Governor Howard Miller participate in the Commission's discussion of the proposed rule. Among the other rules considered at the May meeting, the Commission tentatively approved Rule 1.12 (Former Judge, Arbitrator, Mediator, or other Third-Party Neutral) and Rule 1.8.13 (Imputation of Personal Conflicts). The Commission also continued its work on the general conflicts imputation rule, proposed Rule 1.10.
- The Commission presented an educational panel at the 13<sup>th</sup> Annual Statewide Ethics Symposium on May 2, 2009 at the University of San Diego School of Law. Among the topics covered by the Commission's panel were the Commission's proposed Rule 1.10 (Imputed Conflicts of Interests) and proposed Rule 1.6 (Confidentiality of Information). Attendees gave the Commission's panel high marks on the program evaluation forms.
- The Commission's next meeting is scheduled for July 24 & 25, 2009 and will be held at the San Francisco State Bar office.

### **4. COMPETENCE PUBLICATIONS**

- Handbook on Client Trust Accounting for CA Attorneys:  
Since the last status report, no additional copies of the 2006 handbook have been sold. The 2006 hard copy edition has been out-of-print since March 2009. The online version was downloaded 64,797 times. A revised 2009 online version of the handbook was posted at the Bar's website in June. This edition marks the conversion from the former WordPerfect document to the new Word document.
- California Compendium on Professional Responsibility:  
As of May, 2009, 340 copies of the Compendium updates were sold. The production of the 2009 Compendium update is in progress. The online version of the Compendium index was downloaded 39,914 times.
- CA Rules of Professional Conduct & State Bar (a.k.a Publication No. 250):  
As of May 31, 2009, 153 copies of the 2008 Publication 250 were sold and an online PDF version of the Rules of Professional Conduct posted at the Bar's website was downloaded 22,444 times. Sales of the 2009 Publication 250 are proceeding.

## 5. COMPETENCE RESOURCES AT CALBAR.CA.GOV

- The meeting materials for the Rules Revision Commission's May 8 & 9, 2009 meeting was posted at the Commission's Meeting Materials page of the website.
- Rules Revision Commission meeting action summaries through the March 27, 2009 meeting have been posted at the Bar's website.
- COPRAC's recent ethics alert entitled: "Legal Services to Distressed Homeowners and Foreclosure Consultants on Loan Modifications" posted at the Bar's website has been downloaded 56,457 times through May, 31, 2009, an increase of 19,403 downloads since the last status report.
- COPRAC's Formal Opinion 2009-176 (Offers of Settlement Conditioned on Client's Waiver of Statutory Right to Seek Attorney's Fees) was posted at the Ethics Opinion page of the website.
- Updated, 2009 electronic copy of the Handbook on Client Trust Accounting for California Attorneys posted at the Bar's website.
- Ethics Hotliner Newsletter Featured Articles pages revised to add proprietary Hotline newsletter graphics.

cc: Marie M. Moffat  
Robert A. Hawley  
Doug Hull

## Professional Competence Staff List

<b>Professional Competence Staff Positions as of May 31, 2009</b>	
Number of Positions Authorized	14.5
Number of Positions Filled	13.5

<b>Professional Competence Employees as of May 31, 2009</b>	
	<b>Grade &amp; Classification</b>
	56EA – Director
VACANT	17A – Sr. Attorney
	16A – Attorney
	40C – Sr. Administrative Specialist
	9 – Program/Court Systems Analyst (P/CSA)
	8 - Sr. Administrative Assistant
	8 – Paralegal
	8 – Paralegal
	8 – Paralegal
	8 – Paralegal
	8 – Paralegal
	8 – Paralegal
	8 – Paralegal
	6 – Administrative Secretary
	4 – Data Analyst II
<p>NOTES: The P/CSA is a shared position between the Office of General Counsel and the Office of Professional Competence. In addition, though not represented in the above chart, casual hourly law clerks are used from time to time.</p>	

## ETHICS HOTLINE ACTIVITY STATISTICS - 2009

Month	Work Days	Incoming Calls	Completed Calls	Left Messages	Percentage of Incoming Calls that are Completed Calls	Percentage of Incoming Calls that are Left Messages	Resources Mailed/Faxed	Internet Resource Referrals
January	20	1386	1155	231	83%	17%	53	588
February	18	1314	1134	180	86%	14%	51	578
March	21	1471	1247	224	85%	15%	45	647
April	22	1406	1175	231	84%	16%	54	661
May	20	1273	1085	188	85%	15%	39	580
<b>Cumulative Totals</b>	<b>101</b>	<b>6,850</b>	<b>5,796</b>	<b>1,054</b>	<b>85%</b>	<b>15%</b>	<b>242</b>	<b>3,054</b>

### EXPLANATIONS

**Incoming Calls:** Total member inquiries to the Hotline received during that month.

**Completed Calls:** Member inquiries received in that month which were handled and resolved by staff during that month.

**Left Messages:** Member inquiries received that month where staff left an initial message or courtesy follow-up message, but did not reach the member to resolve the inquiry.

**Percentage of Incoming Calls that are Completed Calls:** Proportion of Incoming Calls that were Completed Calls handled and resolved by the staff.

**Percentage of Incoming Calls that are Left Messages:** Proportion of Incoming Calls where staff left a message but the member did not return the call.

### Key Hotline Activity Averaged by Day and Month

(through May 31, 2009)

**Daily:** Incoming Calls: 68  
Completed Calls: 57

**Monthly:** Incoming Calls: 1,370  
Completed Calls: 1,159

### Aggregate Outgoing Calls

**Current Month:** 1,839

**Cumulative to Date:** 10,026

This figure accounts for all calls placed by staff, including: Completed Calls, Left Messages and courtesy follow-up messages. Due to "telephone tag" with members, staff may place multiple calls and leave multiple messages prior to completing a call.

**Ethics Hotline  
2009 Monthly and Cumulative  
Individual Paralegal Call Statistics**

JAN					
Paralegal	Total Calls	Left Msg.	Completed Calls	Return Calls	Call Backs
1	276	80	196	111	1
2	375	183	192	63	0
3	416	157	259	117	0
4	488	225	263	103	0
5	319	118	201	100	0
6	217	136	81	3	190
<b>JAN TOTALS</b>	<b>2,091</b>	<b>899</b>	<b>1,192</b>	<b>497</b>	<b>191</b>

FEB					
Paralegal	Total Calls	Left Msg.	Completed Calls	Return Calls	Call Backs
1	245	87	158	85	0
2	324	142	182	63	0
3	429	173	256	95	7
4	550	255	295	101	0
5	291	95	196	110	0
6	119	48	71	4	76
<b>FEB TOTALS</b>	<b>1,958</b>	<b>800</b>	<b>1,158</b>	<b>458</b>	<b>83</b>

MAR					
Paralegal	Total Calls	Left Msg.	Completed Calls	Return Calls	Call Backs
1	308	107	201	90	0
2	362	181	181	60	0
3	441	153	288	134	0
4	567	248	319	105	0
5	350	133	217	118	0
6	101	56	45	4	67
<b>MAR TOTALS</b>	<b>2,129</b>	<b>878</b>	<b>1,251</b>	<b>511</b>	<b>67</b>

APR					
Paralegal	Total Calls	Left Msg.	Completed Calls	Return Calls	Call Backs
1	316	114	202	96	5
2	407	192	215	63	5
3	196	75	121	65	5
4	570	233	337	117	5
5	318	113	205	128	0
6	202	95	107	14	35
<b>APR TOTALS</b>	<b>2,009</b>	<b>822</b>	<b>1,187</b>	<b>483</b>	<b>55</b>

MAY					
Paralegal	Total Calls	Left Msg.	Completed Calls	Return Calls	Call Backs
1	300	99	201	97	20
2	419	212	207	50	6
3	294	102	192	90	13
4	458	194	264	91	11
5	266	86	180	95	10
6	102	43	59	20	17
<b>MAY TOTALS</b>	<b>1,839</b>	<b>736</b>	<b>1,103</b>	<b>443</b>	<b>77</b>

Y-T-D					
Paralegal	Total Calls	Left Msg.	Completed Calls	Return Calls	Call Backs
1	1,445	487	958	479	26
2	1,887	910	977	299	11
3	1,776	660	1,116	501	25
4	2,633	1,155	1,478	517	16
5	1,544	545	999	551	10
6	741	378	363	45	385
<b>Y-T-D TOTALS</b>	<b>10,026</b>	<b>4,135</b>	<b>5,891</b>	<b>2,392</b>	<b>473</b>

**NOTE:** The entries for paralegal 6 reflect statistics for Ethics Hotline call work performed by paralegals in training.

## Professional Competence Budget Summary Authorized vs. Actual

Year-to-Date as of April 30, 2009	
<b>Budget (Actual)</b>	\$576,031
<b>Budget (Authorized)</b>	\$706,016
<b>Savings</b>	\$129,985

Monthly as of April 30, 2009						
	<u>January</u>	<u>February</u>	<u>March</u>	<u>April</u>	<u>May</u>	<u>June</u>
<b>Budget (Actual)</b>	\$136,879	\$129,283	\$156,573	\$153,296		
<b>Budget (Authorized)</b>	\$175,480	\$176,494	\$176,988	\$177,054		
<b>Savings</b>	\$38,601	\$47,211	\$20,415	\$23,758	\$0	\$0
	<u>July</u>	<u>August</u>	<u>September</u>	<u>October</u>	<u>November</u>	<u>December</u>
<b>Budget (Actual)</b>						
<b>Budget (Authorized)</b>						
<b>Savings</b>	\$0	\$0	\$0	\$0	\$0	\$0

**NOTE:** In part, year-to-date savings are attributed to salary savings from vacant budgeted positions that are not filled or have not been approved for filling by the Executive Director.



# Ethics Hotline Customer Satisfaction Survey

We thank you for calling the Ethics Hotline and welcome any comments or suggestions that you may have.  
Fax completed surveys to: (415) 538-2171.

Please choose the best answer for each question.

(1) (2) (3) (4) (5)

Rate overall satisfaction with the hotline experience  Very Dissatisfied  Dissatisfied  Neutral  Satisfied  Very Satisfied

How satisfied are you with the information our staff provided?  Very Dissatisfied  Dissatisfied  Neutral  Satisfied  Very Satisfied

How helpful was the ethics research paralegal?  Very Dissatisfied  Dissatisfied  Neutral  Satisfied  Very Satisfied

How helpful was the receptionist?  Very Dissatisfied  Dissatisfied  Neutral  Satisfied  Very Satisfied

How satisfied are you with our system for receiving calls?  Very Dissatisfied  Dissatisfied  Neutral  Satisfied  Very Satisfied

Rate your overall satisfaction with the State Bar website.  Very Dissatisfied  Dissatisfied  Neutral  Satisfied  Very Satisfied

I would recommend this service to others.  Strongly Disagree  Disagree  Neutral  Agree  Strongly Agree

### COMMENTS/SUGGESTIONS:

I spoke with Lynn Cobb. She was enormously helpful and great to talk with. I felt a great sense of relief after speaking with her. She pointed me to the authorities I needed to move forward with my issue. I will most definitely be using this hotline again - it is truly a great resource. Lynn Cobb is a huge asset to the State Bar Ethics Hotline.

Thank you.

Paralegal you spoke with (optional)

Lynn Cobb

Call Date

04/15/2009

Your Name

Street Address

E-mail Address

City

State

California

Zip Code

We regard feedback as the key to understanding the needs and expectations of our customers. To ensure excellent service and customer satisfaction, feedback received will be reviewed by management and maintained as public record. Surveys may be submitted anonymously.

Fax completed surveys to: (415) 538-2171.

# Ethics Hotline Customer Satisfaction Survey



We thank you for calling the Ethics Hotline and welcome any comments or suggestions that you may have.  
Fax completed surveys to: **(415) 538-2171**.

Please choose the best answer for each question.

(1) (2) (3) (4) (5)

Rate overall satisfaction with the hotline experience  Very Dissatisfied  Dissatisfied  Neutral  Satisfied  Very Satisfied

How satisfied are you with the information our staff provided?  Very Dissatisfied  Dissatisfied  Neutral  Satisfied  Very Satisfied

How helpful was the ethics research paralegal?  Very Dissatisfied  Dissatisfied  Neutral  Satisfied  Very Satisfied

How helpful was the receptionist?  Very Dissatisfied  Dissatisfied  Neutral  Satisfied  Very Satisfied

How satisfied are you with our system for receiving calls?  Very Dissatisfied  Dissatisfied  Neutral  Satisfied  Very Satisfied

Rate your overall satisfaction with the State Bar website.  Very Dissatisfied  Dissatisfied  Neutral  Satisfied  Very Satisfied

I would recommend this service to others.  Strongly Disagree  Disagree  Neutral  Agree  Strongly Agree

### COMMENTS/SUGGESTIONS:

The initial call taker, David was very helpful and arranged for immediate assistance on a volatile issue. His demeanor was pleasant and I frankly needed a nice conversation at that point. Susan, the paralegal called me back very quickly, directed me to some very relevant sources of information and made sure that all my questions were asked. I can say that this part of the State Bar has always exceeded my expectations.

Paralegal you spoke with (optional)

Susan Der

Call Date

04/16/2009

Your Name

Street Address

E-mail Address

City

State

California

Zip Code

We regard feedback as the key to understanding the needs and expectations of our customers. To ensure excellent service and customer satisfaction, feedback received will be reviewed by management and maintained as public record. Surveys may be submitted anonymously.

Fax completed surveys to: **(415) 538-2171**.

**RECEIVED**

By leem at 5:02 pm, May 05, 2009



# Ethics Hotline Customer Satisfaction Survey

We thank you for calling the Ethics Hotline and welcome any comments or suggestions that you may have. Submit completed surveys by clicking **SUBMIT** at the end of the form.

Please choose the best answer for each question.

(1) (2) (3) (4) (5)

Rate overall satisfaction with the hotline experience  Very Dissatisfied  Dissatisfied  Neutral  Satisfied  Very Satisfied

How satisfied are you with the information our staff provided?  Very Dissatisfied  Dissatisfied  Neutral  Satisfied  Very Satisfied

How helpful was the ethics research paralegal?  Very Dissatisfied  Dissatisfied  Neutral  Satisfied  Very Satisfied

How helpful was the receptionist?  Very Dissatisfied  Dissatisfied  Neutral  Satisfied  Very Satisfied

How satisfied are you with our system for receiving calls?  Very Dissatisfied  Dissatisfied  Neutral  Satisfied  Very Satisfied

Rate your overall satisfaction with the State Bar website.  Very Dissatisfied  Dissatisfied  Neutral  Satisfied  Very Satisfied

I would recommend this service to others.  Strongly Disagree  Disagree  Neutral  Agree  Strongly Agree

## COMMENTS/SUGGESTIONS:

I was assisted by "Susan" (I did not get her last name, but I assume that it was Der as I only see one Susan on your drop down list). I have just finished reviewing the case law, Ethics Opinions and Rules which she referenced and they were all relevant to my inquiry. She was very professional, very pleasant and very knowledgeable.

Paralegal you spoke with (optional)

Susan Der

Call Date

05/05/2009

Your Name

Street Address

E-mail Address

State

California

Zip Code

We regard feedback as the key to understanding the needs and expectations of our customers. To ensure excellent service and customer satisfaction, feedback received will be reviewed by management and maintained as public record. Surveys may be submitted anonymously.

Fax completed surveys to: (415) 538-2171.

**RECEIVED**

By leem at 10:23 am, May 07, 2009



# Ethics Hotline Customer Satisfaction Survey

We thank you for calling the Ethics Hotline and welcome any comments or suggestions that you may have. Submit completed surveys by clicking **SUBMIT** at the end of the form.

Please choose the best answer for each question.

(1) (2) (3) (4) (5)

Rate overall satisfaction with the hotline experience  Very Dissatisfied  Dissatisfied  Neutral  Satisfied  Very Satisfied

How satisfied are you with the information our staff provided?  Very Dissatisfied  Dissatisfied  Neutral  Satisfied  Very Satisfied

How helpful was the ethics research paralegal?  Very Dissatisfied  Dissatisfied  Neutral  Satisfied  Very Satisfied

How helpful was the receptionist?  Very Dissatisfied  Dissatisfied  Neutral  Satisfied  Very Satisfied

How satisfied are you with our system for receiving calls?  Very Dissatisfied  Dissatisfied  Neutral  Satisfied  Very Satisfied

Rate your overall satisfaction with the State Bar website.  Very Dissatisfied  Dissatisfied  Neutral  Satisfied  Very Satisfied

I would recommend this service to others.  Strongly Disagree  Disagree  Neutral  Agree  Strongly Agree

## COMMENTS/SUGGESTIONS:

I had an emergency call, which the receptionist was very helpful about. My only problem was that the receptionist took down my number incorrectly. The office did attempt to call me at the incorrect number, and it was only until I called following up on the status of a return call that the error was noted. Procedurally, I'd recommend the receptionist repeating the number back to the caller before hanging up. Other than that, this was very helpful, and I'm very glad we have this service available to us.

Paralegal you spoke with (optional)

Call Date

Your Name

Street Address

Zip Code

California

We regard feedback as the key to understanding the needs and expectations of our customers. To ensure excellent service and customer satisfaction, feedback received will be reviewed by management and maintained as public record. Surveys may be submitted anonymously.

Fax completed surveys to: (415) 538-2171.

**RECEIVED**

By leem at 10:44 am, May 21, 2009

# Ethics Hotline Customer Satisfaction Survey



We thank you for calling the Ethics Hotline and welcome any comments or suggestions that you may have. Submit completed surveys by clicking **SUBMIT** at the end of the form.

Please choose the best answer for each question.

(1) (2) (3) (4) (5)

Rate overall satisfaction with the hotline experience  Very Dissatisfied  Dissatisfied  Neutral  Satisfied  Very Satisfied

How satisfied are you with the information our staff provided?  Very Dissatisfied  Dissatisfied  Neutral  Satisfied  Very Satisfied

How helpful was the ethics research paralegal?  Very Dissatisfied  Dissatisfied  Neutral  Satisfied  Very Satisfied

How helpful was the receptionist?  Very Dissatisfied  Dissatisfied  Neutral  Satisfied  Very Satisfied

How satisfied are you with our system for receiving calls?  Very Dissatisfied  Dissatisfied  Neutral  Satisfied  Very Satisfied

Rate your overall satisfaction with the State Bar website.  Very Dissatisfied  Dissatisfied  Neutral  Satisfied  Very Satisfied

I would recommend this service to others.  Strongly Disagree  Disagree  Neutral  Agree  Strongly Agree

## COMMENTS/SUGGESTIONS:

This service is invaluable. I am filling out a customer form for the first time; I had no idea the form was available. It's a terrific system. I just wish there was more funding so that calls could be answered the same day.

Paralegal you spoke with (optional)

Call Date

Your Name

Street Address

E-mail Address

City

State

California

Zip Code

We regard feedback as the key to understanding the needs and expectations of our customers. To ensure excellent service and customer satisfaction, feedback received will be reviewed by management and maintained as public record. Surveys may be submitted anonymously.

Fax completed surveys to: (415) 538-2171.

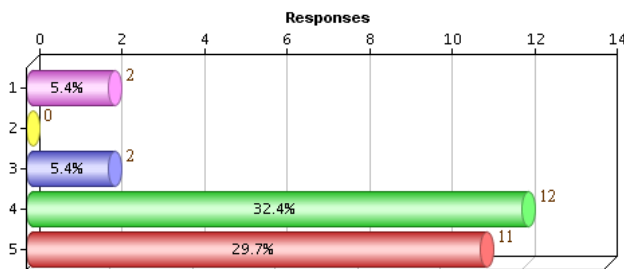
## GENERAL SYMPOSIUM EVALUATIONS

We are committed to presenting topics of interest that will be valued by our audience. Please provide your suggestions for future symposium topics below.

- Elder law and ethics - Elder abuse and the attorney's duty to protect the elderly
- I would like an in-depth panel on screening
- A lecture on the ethical rules of lawyers advertising on the internet or utilizing a web-based internet address would be very interesting and helpful.
- Topics: 401k/ 403b plans. Arbitration--- Needs complete revision of current oppressive mandatory signing agreement practice. Slight inroads to consumer right of legal access, by recent case.
- 401 k /403b plans; another item = Arbitration---needs complete visibility of current circumvention of legal protection. small inroads have recently occurred for permitting single person recourse to over sided arbitrator's allegiance
- Insurance issues; identifying the client issues; complex conflicts questions. Multijurisdictional practice issues.
- Panel Segment on voir dire strategies impacted by ethics and codified boundaries. One panelist with jury selection consulting expertise, a prosecuting DA or DDA, and a judge.
- B&P 6068(a) and conduct warranting discipline that does not constitute moral turpitude.

### To what extent were your personal objectives satisfied?

### Comments

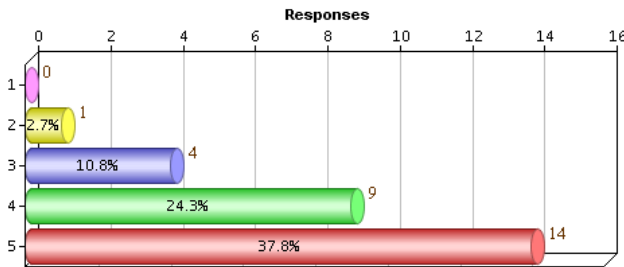


- No hard copies of hypothetical chart. Too hard to understand text, so fast. Dennis Maio was very well understood for matters about appellate writing to be precise in meaning of words used
- Very helpful.
- The reformulation of rules was a little esoteric and left me more confused than when the day started.
- Appreciate opportunity to acquire MCLE at reasonable price in enjoyable company and classy location [USD hilltop campus] . Alerted me to professional matters that I had not recognized.

Total Number of Responses for this Item: 27

### To what extent did the environment contribute to the learning experience?

### Comments

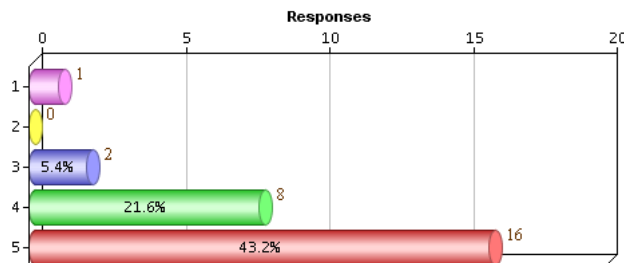


- Needed better signs to direct us to parking and the hall
- Lovely
- Beautiful campus but difficult to find location and would have preferred a lecture hall with desk space.
- Very comfortable lecture hall.
- The environment was great. Well lit and seats were comfortable.
- Much easy access and close safe parking. Food and lobby snack service was clean and plentiful. Luncheon excellent snack. But Luncheon speaker theme that Cal Bar should increase dues to compensate down-sized lawyers did not receive my concurrence. World economically has own recourse, as was in Aerospace Industry earlier downsize. and re-formed. Same outcome may occur with non-productive or misfocused lawyers.
- USD was an outstanding venue.
- Room got stuffy in the afternoon.
- Great venue; should do more programs there

Total Number of Responses for this Item: 28

### To what extent were the objectives stated in the promotional literature or those stated at the beginning of the activity satisfied?

### Comments



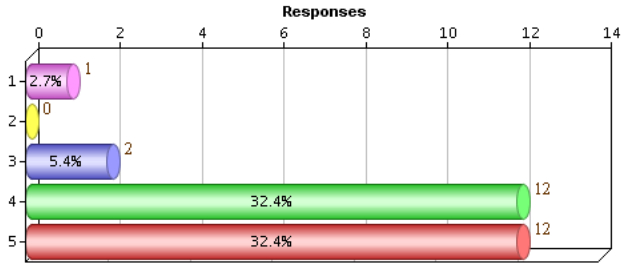
- The information and ideas became a 3-dimensional reward from my attendance and paying attention, thereat.

Total Number of Responses for this Item: 27

## GENERAL SYMPOSIUM EVALUATIONS

**To what extent did the activity contain significant current intellectual or practical content?**

### **Comments**



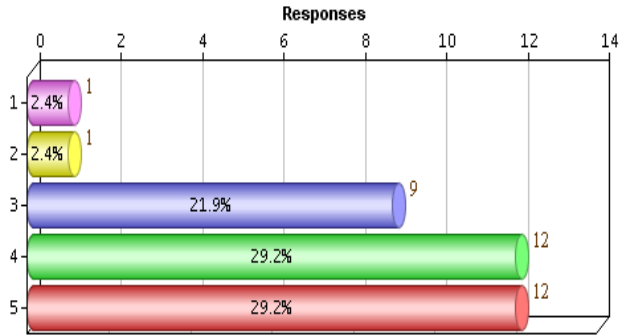
**Total Number of Responses for this Item: 27**

- Much practical content and much "food for thought"
- The discussions on publicity strayed into areas that involved more personality of speakers than general applicability. Re-formulation of rules became very technical, but in a manner that left more questions because the topics were not ready for meaningful public discussions.
- Please send me info on more of these events. Thanks
- i was given a wealth of subjects that I had not recognized from earlier days of attending Law school. The interest and participation by attendees also alerted me to excellence within the ranks of lawyers, today.

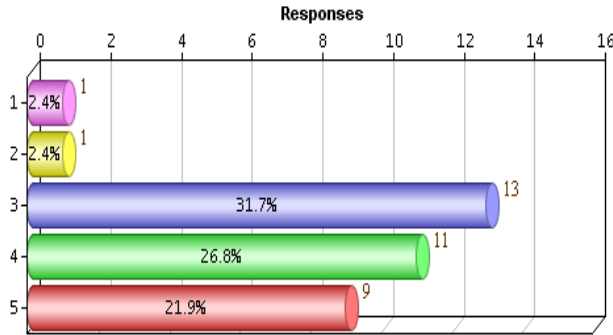
## PANEL 1 EVALUATIONS

### Panel One: Drawing the Line -- Where Does Zealous Representation End and Unethical Conduct Begin? (S. Harpen, S. Drexel, Honorable K. Enright, D. Maio)

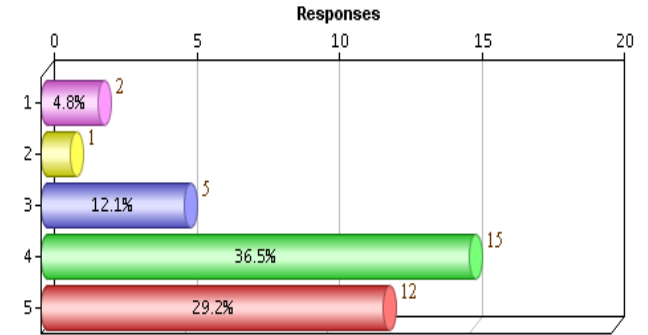
#### Overall Teaching Effectiveness



#### Effectiveness of Teaching Methods



#### Significant Current Intellectual or Practical Content



Total Number of Responses: 35

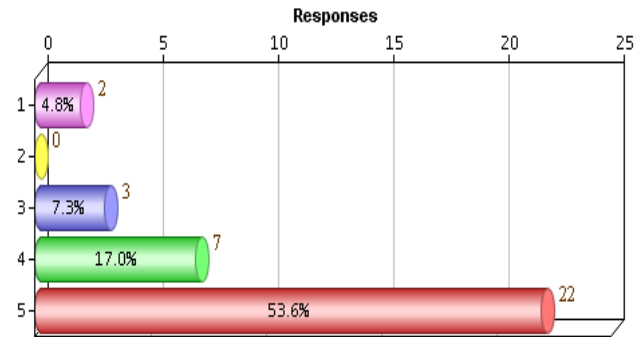
#### Comments regarding particular speakers or the panel as a whole are welcome here:

- All were very experienced and informative. No hard copy of charts. Very important to prepare being disbarred. Specialty analyst was Dennis Maio - about written records. D. Maio - ex professor was informative and participated in later session. S. Harpen knows subject well and clarified for us.
- No hard copies of hypothetical chart. Too hard to understand text, so fast. Dennis Maio was very well understood for matters about appellate writing to be precise in meaning of words used.
- Excellent speakers - knowledgeable, enthusiastic, and thoughtful.
- Comment at end -re sharp practices - well taken, in that the hypos were the obvious extreme cases, rather than the scorched earth/overzealous issues that arise day to day D. Maio's reference to Bok's book was valuable.
- This is a topic that I, and many fellow lawyers, when the other side goes beyond reasonable representation is being a "sharp" lawyer.
- The program was entitled such that the discussion should have focused on where zealous advocacy becomes unethical- i.e. - where is the dividing line? Instead of picking close hypotheticals, i.e., when do "sharp practices" become unethical, the panel's examples were the most egregious examples. It still is not clear where the dividing line is, nor did we even discuss the line in particular situations. Method of presentation: Need more interaction rather than solo presentations Individual speakers: Harpen - n/a (moderator; really moderate, lead) Drexel - 3 Maio - 4 Enright - 5
- great panel
- Excellent lecture.
- I thought it was very good. Not a lawyer yet, but I am a certified legal nurse consultant. As an observer, I was very impressed. I left my company cards on one of the tables, I hope that it was ok for me to do that. Amy Lyle, RN,CLNC
- S. Harpen did excellent job as moderator to bring session back into accomplish objectives. On negative side; there were no hand-outs [pre-printed]. The speaker [J. Enright?] went too fast to let copy and pay attention at same time. All speakers were well qualified, but especially Dennis Maio because wrtitten appeals stand as written words. He gave insight to written appeal practices, maybe ghost writing hired authors. He was great, giving quote from early day professional boxer, Joe Louis; Sheep can run, but they can't hide. and acknowledged his teaching of Greek and Latin.
- There were no hand-out {pre-printed} duplicates of the projected screen text. The speaker went too fast to copy and read. All speakers were well qualified, but especially Prof. Dennis Maio gave insightful knowledge of the written appeal process. He was great. Quoted from "Joe Louis", early day professional boxer.
- All the speakers were fine. Shawn Harpen and Dennis Maio were particularly good.
- The program was far too elementary. It was more like a basic MCLE than a meeting of those with serious involvement with professional responsibility law. It was a waste of time for an experienced practitioner or teacher.
- Panelists should have gone beyond the rules and statutes to address the harder questions as matters of ethics, not just discipline.
- Speakers were knowledgeable but there could've been more interaction among the speakers.

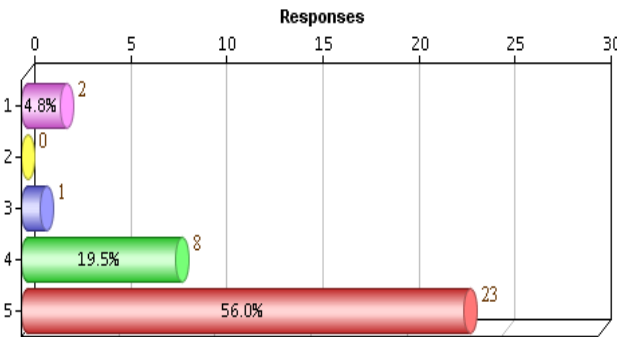
## PANEL 2 EVALUATIONS

### Panel Two: Trial Publicity -- Beyond the Headlines -- What Can You Ethically Say About Your Big Case?(W. Mazzarella, L. Deutsch, M. Geragos, L. Levenson)

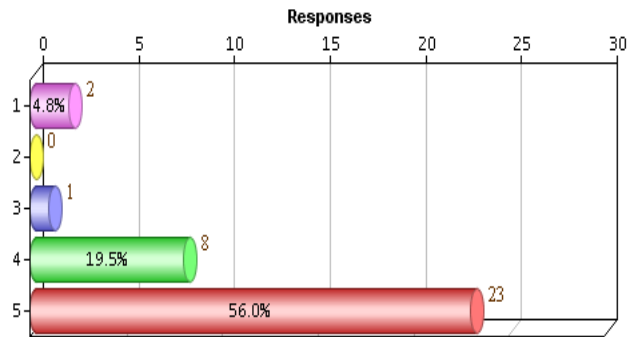
#### Overall Teaching Effectiveness



#### Effectiveness of Teaching Methods



#### Significant Current Intellectual or Practical Content



Total Number of Responses: 34

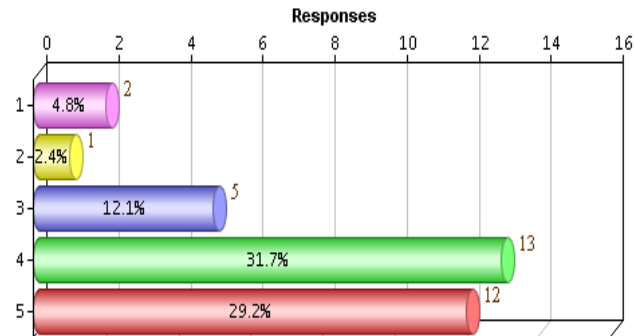
#### Comments regarding particular speakers or the panel as a whole are welcome here:

- Again, a difficult subject. Publicity -- GREAT PARTICIPANTS!!!!
- Also very good - less useful (we think) for those of us in civil (as opposed to criminal) doing
- Very good topic.
- Dealing with "high profile cases" is not really a large part of our practice, therefore it was not real helpful Method of presentation: good exchanges, interruptions, etc. Speakers: All - 5 including moderator
- entertaining - maybe a bit one sided
- I thought the use of video clips were a very effective teaching tool.
- Ms. Mazzarella was active, alert coordinator. Her selection of world-known persons for panel was super benefit of attendance today. Mark Geragos ---showed Marcia Clark as young lady. Linda Deutsch --represented responsible news media. and had first hand experience with Charles Manson (1960's case when some of us lived in Bev Hills/UCLA neighborhood and V. Bugliosi books have been written, also about O.J. Simpson (Recent aggression awakens 1990's trial. L. Levenson , from Loyola LS current, is much consulted in today legal matters.
- Ms. Mazzarella was active , alert coordinator. Her selection of world-known persons was super benefit of attendance today. Mark Geragos--showed Marcia Clark as young lady. Linda Deutch--represented responsible news media and had first hand affiliation way back to Charles Manson case--and like me: sympathized with young girls that Charles Manson brain washed to commit murder. Was personal to me, growing up in 60's and living then in UCLA/Bev hills area. Laurie Levensen is also current day excellent news legal source choice. Ms Mazzarella capabilities go way above current San Diego D.A. job position. Was glad to meet her, having read her recent Cal. Bar Journal MCLE articles.
- The panel as a whole was great. Wendy Mazzarella was terrific. Mark Geragos was great too.
- The most interesting session and the most dynamic panel!
- Excellent, entertaining, and informative. Should have been last program, to induce more people to stay throughout the day.
- Speakers were interesting but there could've been more substantive legal ethics discussion.

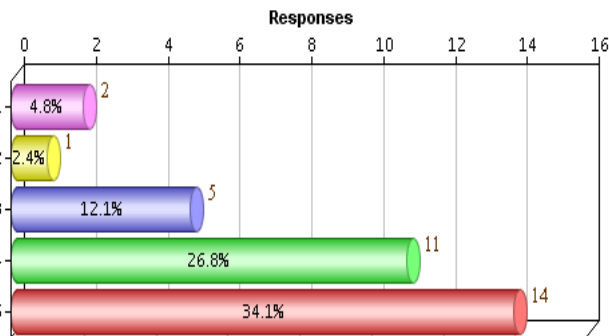
## PANEL 3 EVALUATIONS

Panel Three: Advance Absolution -- 10 Deadly Sins in Attorney-Client Engagement Agreements and How to Avoid Them(D. Parker, D. Carr, D. Carroll, H. Rosing)

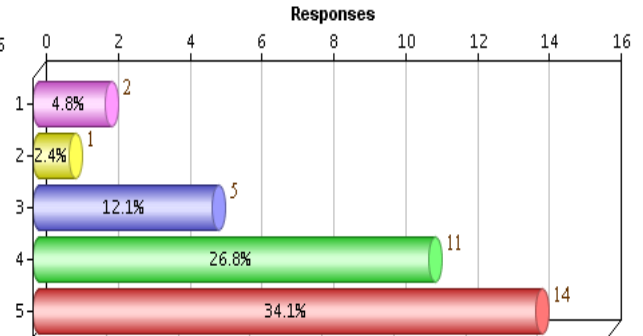
### Overall Teaching Effectiveness



### Effectiveness of Teaching Methods



### Significant Current Intellectual or Practical Content



Total Number of Responses for this Item: 33

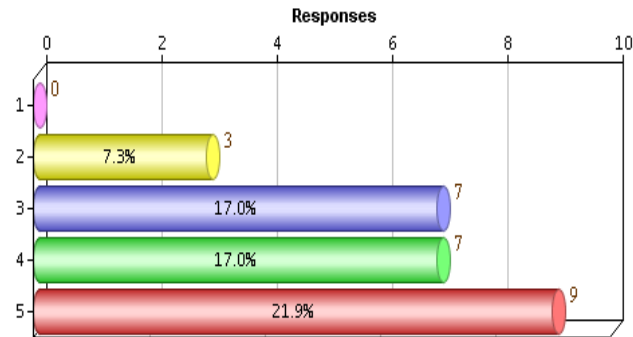
### Comments regarding particular speakers or the panel as a whole are welcome here:

- I appreciated being given the "charts = view photos" to follow them in detail.
- Mr. Parker should not have allowed audience questions until the end -- the dummies in the audience ruined the flow and timing.
- Well-organized, well run, good materials. Each panelist had something valuable to say, was brief and pithy, and clear. Parker particularly good as moderator, but ALL did well.
- There needs to be a better CEB Fee manual because those of that have a lot of small clients will never do anything but draft fee agreements.
- Interesting that the presentation seemed to be more geared to practitioners than ethics experts/practitioners Materials: really excellent and thorough Method of presentation: somewhat dry All speakers: 5 Moderator: 5
- extremely practical - great materials
- I was on the panel and do not feel I should grade myself or co-panelists.
- It was a very well-organized and thought-out presentation.
- Great insight to drafting and selecting client agreement. Is complicated, but must be done. I wish I had course in law school. Can say much for all subjects presented here at symposium
- Great insight to drafting and preparing client agreements. Is complicated but must be done.
- Good balance of practical and substantive information.

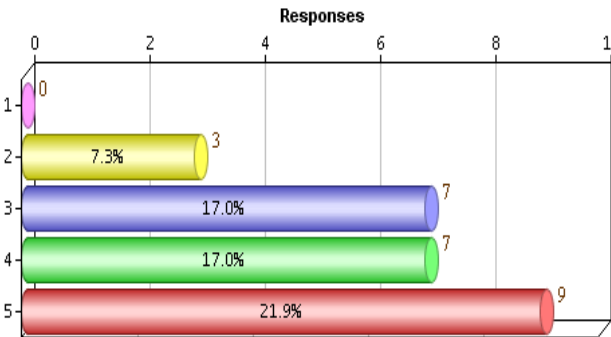
## PANEL 4 EVALUATIONS

Panel Four: Re-Forming the California Rules of Professional Conduct(C. Buckner, R. Kehr, J. Sapiro, H. Sondheim)

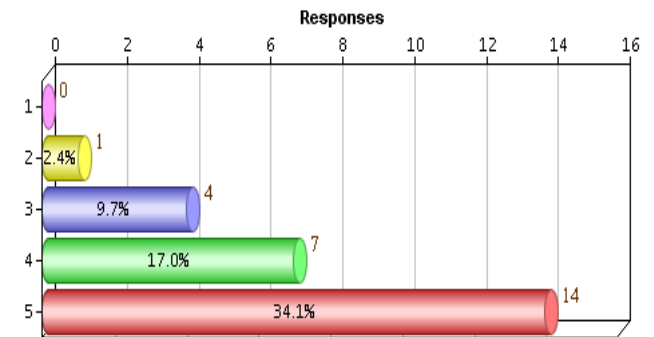
### Overall Teaching Effectiveness



### Effectiveness of Teaching Methods



### Significant Current Intellectual or Practical Content



Total Number of Responses for this Item: 26

### Comments regarding particular speakers or the panel as a whole are welcome here:

- Too difficult to follow the text of Rules being reviewed.
- Too much internecine dispute, but not a bad discussion in all. Worth staying around for.
- Good topic. Lacks hypotheticals. This is what we are going to have to deal with. This topic needs more public seminars.
- Need more time for discussion; the problem comes from the desire to report what has been decided versus what the rules should be. In the future, I suggest the panel from the Commission take 1-2 issues, disseminate materials beforehand, and simply discuss the pluses and negatives of certain points covered by the proposed rules.
- I had to leave early and did not observe this panel.
- Good lecture.
- Felt honored to be observer and to have comment opportunity in this topic. Observed the difficult associated with just text wording, as "unconscionably" vs "unreasonable" Implications of selected words are future, profound.
- Very insightful to hear from "older/experienced" committee participants and to observe the difficult precision of wording for COPRAC Calif rules vs ABA rules. These words have profound effect and are being thoughtfully weighed: ex. "Unconscionable" vs "unreasonable"
- Won't comment because I was on that panel
- The speakers were knowledgeable and there was good audience interaction but there were too many topics handled in short amount of time.