



**MEMORANDUM**

**DATE:** July 9, 2010  
**TO:** Members of the Board's Regulation & Admissions Oversight Committee  
**FROM:** Randall Difuntorum, Director, Professional Competence Programs  
**SUBJECT:** RAC Meeting on July 23, 2010 – Status of the Professional Competence Unit

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This memorandum provides an update on the activities of the Professional Competence Unit through May 31, 2010. 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. 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, 2010, 6,565 member inquiries were received with a completion rate of 89%. This completion rate includes distribution of 250 copies of published ethics opinions and other written materials requested by inquirers and 2,854 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, 898 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.
  
- Between March 31 and May 31, 2010, 7 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 and included very complimentary remarks. In addition, an e-mail was received expressing concerns about the level of customer service, in particular, the discourteous demeanor of the Hotline staff person. (Copies of the surveys and the e-mail complaint are attached.)

## 2. COPRAC

- Since the last Professional Competence status report submitted for the Board Committee's May 13, 2010 meeting, COPRAC met on June 11th in Los Angeles. At the June meeting, COPRAC continued post-public comment consideration of Formal Opinion Number 08-0002 (Confidentiality and Technology). The Committee began initial consideration of issuing an Ethics Alert on the subject of Internet scams that specifically target attorneys. The Committee also considered the 69 Proposed New and Amended Rules of Professional Conduct as well as the report of COPRAC's RRC Subcommittee and approved 50 comment letters to the RRC on 50 rules.
- The following opinions are currently circulating for a 90-day public comment period:

### Formal Opinion Interim No. 06-0004 (comment deadline: July 16, 2010)

**ISSUE:** If an attorney receives from a non-party a confidential communication between opposing counsel and opposing counsel's client, what should the attorney do if the attorney reasonably believes that the communication may not be privileged because of the crime-fraud exception to the attorney-client privilege?

**DIGEST:** If an attorney receives a confidential written communication between opposing counsel and opposing counsel's client under circumstances reasonably suggesting that the crime-fraud exception precludes application of the attorney-client privilege, the attorney may ethically read the communication. If the document may be privileged but for the crime-fraud exception, the attorney must notify opposing counsel as soon as possible that the attorney has possession of the communication. The two attorneys should try to resolve the privilege issue or, if that fails, obtain the assistance of a court. Until the issue is resolved, the attorney may not disseminate or otherwise use the communication or its contents.

### Formal Opinion Interim No. 08-0001 (comment deadline: July 16, 2010)

**ISSUE:** When does an attorney violate rule 4-400 of the California Rules of Professional Conduct by accepting a gift from a client?

**DIGEST:** An attorney who demonstrates by words or conduct an intent to cause a client to give the attorney a substantial gift violates rule 4-400. Whether a gift is substantial must be determined by examining the value of the gift from the perspective of both the client and the attorney. If the gift is substantial from either perspective, and the attorney said or did something with the intent to cause the gift to be given, the attorney violates rule 4-400.

- COPRAC's next meeting is scheduled for August 6 & 7, 2010 and will be held in San Francisco. They will continue work on the following matters: post public comment consideration of Formal Opinion Interim No. 08-0002 (confidentiality and technology); pre-public comment consideration of Formal Opinion Interim Number 08-0003 (serving subpoenas on existing clients of a law firm), Formal Opinion Interim Number 09-0001 (attorney suing former firm for retaliatory discharge), Formal Opinion Number 10-0001 (social networking), Formal Opinion Number 10-0002 (communications with client's implied consent), and Formal Opinion Number 10-0003 (virtual law practice); an Ethics Alert Article concerning Internet scams targeting lawyers; the 2009/2010 annual appointment process; and, planning for the 2010 Annual Meeting CLE programs.

- COPRAC's 14th Annual Statewide Ethics Symposium was held on May 1, 2010 at the Practising Law Institute in San Francisco. The theme of the Symposium was "A New Decade – A New Set of Ethical Challenges" The panels presented included the following: "Reeling from the Recession: Keeping Faith with Ethics of the Professional During Turbulent Times;" "Social Networking and Professional Responsibility: Can They Co-Exist?;" "Screening in California: The Evolving Debate;" and "Rules Revision Commission: New Rules for a New Decade?" This Symposium was dedicated in the memory of the late Jeffrey Tidus, former Board Member and COPRAC member. The keynote speaker was Michael Traynor, President Emeritus, American Law Institute and Co-Chair of the ABA Commission on Ethics 20/20. Attendees submitted evaluation surveys and State Bar staff created several charts summarizing the results of the surveys. A sample of these charts is attached.

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

- Since the last Professional Competence status report submitted for the Board Committee's May 14, 2010 meeting, the Commission met twice: on June 4, 2010 in San Francisco; and on June 25 & 26, 2010 in Los Angeles. At these meetings, the Commission considered the public comments received on the final comprehensive public comment circulation that ended on June 15, 2010. The Commission completed review of the public comments received and the Commission's report will be considered at the Board's July meeting. Of note, the Commission received over 40 public comment letters (and also public hearing testimony) regarding Model Rule 6.1 (voluntary pro bono). The overwhelming majority of these comments urged that the Commission request Board reconsideration of the decision not to adopt the rule. The Commission's next meeting is tentatively scheduled for August 27 & 28 in San Francisco.
- In connection with the comprehensive public comment circulation, two public hearings were conducted, one on May 21, 2010 in San Francisco (4 speakers) and the second on June 10, 2010 in Los Angeles (10 speakers).
- The Commission presented a panel at the 14th Annual Statewide Ethics Symposium on May 1, 2010 in San Francisco. The panel examined key issues in the proposed new and amended rules, including: confidentiality; fees; conflicts of interest; and law firm associations. The Commission panelists will be: Harry Sondheim (Commission Chair); Mark Tuft (Commission Co-Vice Chair); Paul Vapnek (Commission Co-Vice Chair); and Linda Foy (Commission Member). Also participating on the panel are Professor Kevin Mohr (Commission Consultant) and Shawn Harpen (COPRAC Vice Chair) as panel moderator. The evaluations received indicated that the panel was generally well received.

### **4. COMPETENCE PUBLICATIONS**

- Handbook on Client Trust Accounting for CA Attorneys:  
A revised 2010 online version of the handbook is anticipated in the coming months.
- California Compendium on Professional Responsibility:  
As of May 31, 2010, 98 copies of the 2009 Compendium updates were sold. The 2010 update to the Compendium, including index entries for all of the 2009 ethics cases, is anticipated to be available in August.
- CA Rules of Professional Conduct & State Bar (a.k.a Publication No. 250):  
As of May 31, 2010, 827 copies of the 2010 Publication 250 have been sold.

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

- The meeting materials for the Rules Revision Commission's June 4 and June 25 & 26 meetings were posted at the Commission's Meeting Materials page of the website.
- Updates to the include the Batch 6 rules approved by the Board Committee at its May meeting were made to the new webpage developed to present the resource documents for the Rules Revision Commission's comprehensive public comment circulation of the entire set of rules ([www.calbar.org/proposedrules](http://www.calbar.org/proposedrules)) and the official public comment posting.
- The majority of the Ethics Information web pages were successfully transitioned to the Bar's new website, and work is being carried out to complete the transition of the remaining content.

cc: Robert A. Hawley

## Professional Competence Staff List

<b>Professional Competence Staff Positions as of May 31, 2010</b>	
Number of Positions Authorized	14.5
Number of Positions Filled	13.5

<b>Professional Competence Employees as of May 31, 2010</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 - 2010

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	19	1317	1107	210	84%	16%	46	504
February	19	1310	1230	80	94%	6%	49	594
March	22	1438	1301	137	90%	10%	53	649
April	22	1316	1186	130	90%	10%	62	585
May	20	1184	1078	106	91%	9%	40	522
<b>Cumulative Totals</b>	<b>102</b>	<b>6,565</b>	<b>3,638</b>	<b>663</b>	<b>55%</b>	<b>10%</b>	<b>250</b>	<b>2,854</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, 2010)

**Daily:** Incoming Calls: 64  
Completed Calls: 36

**Monthly:** Incoming Calls: 1,313  
Completed Calls: 728

### Aggregate Outgoing Calls

**Current Month:** 1,936

**Cumulative to Date:** 10,265

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  
2010 Monthly and Cumulative  
Individual Paralegal Call Statistics**

JAN					
Paralegal	Total Calls	Left Msg.	Completed Calls	Return Calls	Call Backs
1	270	101	169	90	3
2	290	136	154	40	18
3	277	91	186	101	5
4	410	172	238	101	0
5	519	215	304	119	0
6	120	63	57	1	95
<b>JAN TOTALS</b>	<b>1,886</b>	<b>778</b>	<b>1,108</b>	<b>452</b>	<b>121</b>

FEB					
Paralegal	Total Calls	Left Msg.	Completed Calls	Return Calls	Call Backs
1	344	128	216	113	21
2	375	178	197	51	21
3	324	108	216	117	6
4	420	168	252	107	9
5	490	208	282	110	10
6	11	5	6	0	0
7	7	3	4	1	0
<b>FEB TOTALS</b>	<b>1,971</b>	<b>798</b>	<b>1,173</b>	<b>499</b>	<b>67</b>

MAR					
Paralegal	Total Calls	Left Msg.	Completed Calls	Return Calls	Call Backs
1	334	124	210	128	12
2	347	175	172	53	90
3	371	133	238	150	0
4	567	241	326	128	1
5	566	230	336	115	0
6	128	55	73	7	120
<b>MAR TOTALS</b>	<b>2,313</b>	<b>958</b>	<b>1,355</b>	<b>581</b>	<b>223</b>

APR					
Paralegal	Total Calls	Left Msg.	Completed Calls	Return Calls	Call Backs
1	313	124	189	97	24
2	275	150	125	31	45
3	305	84	221	133	19
4	443	185	258	91	13
5	525	219	306	124	6
6	298	113	185	39	136
<b>APR TOTALS</b>	<b>2,159</b>	<b>875</b>	<b>1,284</b>	<b>515</b>	<b>243</b>

MAY					
Paralegal	Total Calls	Left Msg.	Completed Calls	Return Calls	Call Backs
1	229	82	147	73	7
2	310	145	165	46	27
3	245	76	169	97	0
4	456	181	275	87	1
5	319	111	208	80	0
6	377	149	228	45	209
<b>MAY TOTALS</b>	<b>1,936</b>	<b>744</b>	<b>1,192</b>	<b>428</b>	<b>244</b>

Y-T-D					
Paralegal	Total Calls	Left Msg.	Completed Calls	Return Calls	Call Backs
1	1,490	559	931	501	67
2	1,597	784	813	221	201
3	1,522	492	1,030	598	30
4	2,296	947	1,349	514	24
5	2,419	983	1,436	548	16
6	934	385	549	92	560
7	7	3	4	1	0
<b>Y-T-D TOTALS</b>	<b>10,265</b>	<b>4,153</b>	<b>6,112</b>	<b>2,475</b>	<b>898</b>

**NOTE:** The entries for paralegal 7 reflect statistics for Ethics Hotline call work performed by paralegals in training.

## Professional Competence Budget Summary Authorized vs. Actual

Year-to-Date as of May 31, 2010	
<b>Budget (Actual)</b>	\$928,626
<b>Budget (Authorized)</b>	\$991,113
<b>Savings</b>	\$62,487

Monthly as of May 31, 2010						
	<u>January</u>	<u>February</u>	<u>March</u>	<u>April</u>	<u>May</u>	<u>June</u>
<b>Budget (Actual)</b>	\$155,433	\$182,603	\$210,592	\$264,943	\$115,055	
<b>Budget (Authorized)</b>	\$184,616	\$184,616	\$184,616	\$252,649	\$184,616	
<b>Savings</b>	\$29,183	\$2,013	-\$25,976	-\$12,294	\$69,561	\$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

# Ethics Hotline Customer Satisfaction Survey

**RECEIVED**

By leem at 11:49 am, Apr 15, 2010



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:

Paralegal you spoke with (optional)

Call Date

04/15/2010

Your Name

Street Address

E-mail Address

City

San Francisco

State

California

Zip Code

94102

# Ethics Hotline Customer Satisfaction Survey

**RECEIVED**

By leem at 11:51 am, Apr 16, 2010



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:

Ricardo was very helpful, informative and completely understood the situation almost immediately despite my ramblings! He guided me with helpful, practical advice. Very reassuring and he understood the practicalities of the situation. Really, I was amazed that he could hone in to the issues at hand and help out in such a short period of time. Thanks for being there!

Paralegal you spoke with (optional)

Ricardo Patino

Call Date

04/16/2010



Your Name

Street Address

E-mail Address

City

State

California



Zip Code

# Ethics Hotline Customer Satisfaction Survey

**RECEIVED**  
By leem at 2:13 pm, May 14, 2010



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:

sdfsdfxcv

Paralegal you spoke with (optional)

Call Date

05/19/2010



Your Name

Street Address

E-mail Address

City

State

California

Zip Code

**RECEIVED**

By leem at 2:16 pm, May 20, 2010

# 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 completed a call with an ethics hotline representative around 12:30pm today. At the start of the conversation I was given less than a minute to begin to describe the scenario which led me to request additional information. I did not get the person's name but it was a male. If I had gotten it, I would share it freely so that some corrective action could be taken regarding his poor performance. Rather than hearing me out or asking questions on information that remained unclear to him in a calm manner, the representative cut me off, spoke in a raised and hurried voice and provided an inapplicable diagnosis of my situation and case law in an extremely chastising manner. When I interjected to further explain that he had not understood the situation clearly, and that there were additional facts to be considered, he spoke in a yet louder volume and accused me of providing him with different information that "confused him". He again rattled off case law and citations from the Professional Vode. All the while chastising my behavior rather than simply hearing me out and directing me to citations which could provide me with legal guidance. I fully understand that the Ethics hotline does not give out advice and was therefore shocked to receive what amounted to a scolding for my response to what I viewed as an ethical dilemma.

Paralegal you spoke with (optional)

Call Date

05/20/2010

Your Name

Street Address

E-mail Address

City

State

Zip Code

California

## **COMMENTS / SUGGESTIONS:**

I completed a call with an ethics hotline representative around 12:30pm today. At the start of the conversation I was given less than a minute to begin to describe the scenario which led me to request additional information. I did not get the person's name but it was a male. If I had gotten it, I would share it freely so that some corrective action could be taken regarding his poor performance. Rather than hearing me out or asking questions on information that remained unclear to him in a calm manner, the representative cut me off, spoke in a raised and hurried voice and provided an inapplicable diagnosis of my situation and case law in an extremely chastising manner. When I interjected to further explain that he had not understood the situation clearly, and that there were additional facts to be considered, he spoke in a yet louder volume and accused me of providing him with different information that "confused him". He again rattled off case law and citations from the Professional Code. All the while chastising my behavior rather than simply hearing me out and directing me to citations which could provide me with legal guidance. I fully understand that the Ethics hotline does not give out advice and was therefore shocked to receive what amounted to a scolding for my response to what I viewed as an ethical dilemma.

I feel that I was harassed for seeking an opinion from experts on how to deal with this ethical issue now and in future situations. This interaction was incredibly discouraging, as I now believe that in an attempt to be a more ethical lawyer in the future I run the risk of being offended and yelled at in a judgmental manner by the State Bar. In sum, I do not even believe that I was given the opportunity to fully explain the factual basis of my question.

I am a young female lawyer, and perhaps this led the representative to believe that he could speak down to me as if I had no familiarity with the Professional Code of Ethics. I wish to express my extreme dissatisfaction with the service I received today.

**RECEIVED**

By leem at 2:20 pm, May 21, 2010

# 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:

Paralegal you spoke with (optional)

Lynn Cobb

Call Date

05/21/2010

Your Name

Street Address

E-mail Address

City

State

California

Zip Code

# Ethics Hotline Customer Satisfaction Survey

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We thank you for calling the Ethics Hotline and welcome any comments and 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 information provided was mildly helpful

Personnel you spoke with (optional)  
[ ]

Call Date  
4/6/10

Your Name  
[ ]

Street Address  
[ ]

E-mail Address  
[ ]

City  
[ ]

State  
CA

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

**Thank you** for taking the Customer Satisfaction Survey. Fax completed survey to (415) 538-2171 or click the "Submit by Email" button

Please rate your satisfaction level with each of the following statements.

- 1 = very dissatisfied
- 2 = somewhat dissatisfied
- 3 = neutral
- 4 = somewhat satisfied
- 5 = very satisfied

	1	2	3	4	5
1. Rate your overall satisfaction with the hotline experience.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
2. How satisfied are you with the information our staff provided?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
3. How helpful was the paralegal?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
4. How helpful was the receptionist?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
5. How satisfied are you with our system for receiving calls?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
6. Rate your overall satisfaction with the Calbar ethics website.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
	strongly disagree			strongly agree	
7. I would recommend the Ethics Hotline to others.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

8. Comments / Suggestions:

*Opinions (1) very limited but maybe there are not any others?*

Name of the paralegal you spoke with (optional)

Lynn

Your Name \_\_\_\_\_

Telephone \_\_\_\_\_

Address \_\_\_\_\_

Email \_\_\_\_\_

**THANK YOU!**

Fax completed survey to (415) 538-2171 or click the "Submit by Email" button

## Difuntorum, Randall

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**From:** Adetunji Olude [aolude@heraca.org]  
**Sent:** Thursday, May 20, 2010 1:52 PM  
**To:** Difuntorum, Randall  
**Subject:** Complaint re Ethics Hotline Representative

Hello Randy,

Rodney Low referred me to you regarding a call with an ethics hotline representative I completed today around 12:30pm. The interaction was so disappointing that I have filled out a complaint and also wish to bring the incident to your attention.

At the start of the conversation I was given less than a minute to describe the scenario which led me to request ethical counsel. I did not get the person's name but it was a male. Rather than hearing me out or asking questions on information that remained unclear to him in a calm manner, the representative cut me off, spoke in a raised and hurried voice and provided an inapplicable diagnosis of my situation and case law in an extremely chastising manner. When I interjected to further explain that he had not understood the situation clearly, and that there were additional facts to be considered, he spoke in a yet louder volume and accused me of providing him with different information that "confused him". He again rattled off case law and citations from the Professional Code. All the while chastising my behavior rather than simply hearing me out and directing me to citations which could provide legal guidance. I fully understand that the Ethics hotline does not give out advice and was therefore shocked to receive what amounted to a scolding for my response to what I viewed as an ethical dilemma.

I feel that I was harassed for seeking an opinion from experts on how to deal with this ethical issue now and in future situations. This interaction was incredibly discouraging. It seems that in an attempt to be a more ethical lawyer I was instead offended and yelled at in a judgmental manner by a representative of the State Bar. I do not even believe that I was given the opportunity to fully explain the factual basis of my question. I am a young female lawyer, and perhaps this led the representative to believe that he could speak down to me as if I had no familiarity with the Professional Code of Ethics. I wish to express my extreme dissatisfaction with the service I received today and hope that you can take some action so that this does not happen to future callers.

Feel free to contact me if additional information is needed. Thank you for your attention to this matter,

### **Adetunji Olude**

Staff Attorney / Equal Justice Works Fellow

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**Please provide your suggestions for future symposium topics below.**

- Client waiver of protections afforded by the Rules (e.g., (1) May a client waive the protection of Rule 1-400 and authorized any and all future direct solicitations for legal services?; (2) May a client waive the right to give consent to fee splits under Rule 2-200?; (3) May a client waive the protection afforded under Rule 3-700 for due notice of a lawyer's permissive withdrawal?)

**Are the topic(s) you suggested above for:**

Ethics Specialists	0	0.0%	
Lawyers, in General	0	0.0%	
Both	4	26.6%	■

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

1 = 0	0.0%	
2 = 0	0.0%	
3 = 2	7.1%	■
4 = 6	21.4%	■
5 = 16	57.1%	■

**Comments:**

- Past years' presentations were more substantive and less self-indulgent.
- Well-organized, good speakers
- Last panel disappointing; see comments
- Well organized, good speakers
- Assuming that majority of attorneys needing to spend a Saturday in ethics CLE are small firms/solo, would have liked more attorneys from this kind of practice rather than big firms/multinational client practices.

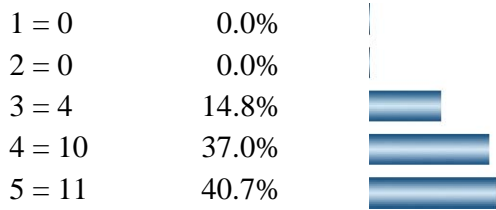
**To what extent did the environment contribute to the learning experience?**

1 = 0	0.0%	
2 = 0	0.0%	
3 = 4	14.2%	■
4 = 9	32.1%	■
5 = 11	39.2%	■

**Comments:**

- Environment was fine
- For those of us sitting at the side of the room, it is harder to be focused when all you can see is the powerpoint screen and not the speakers.
- A pleasant place to learn--lunches fine rest of facility good
- Attractive and well-maintained--but pillars substantially interfered with view of podium and speakers
- PLI is okay, not great location. The big posts interfere with visibility. A law school is a better location

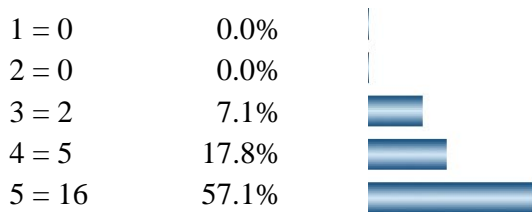
**To what extent did the materials contribute to the learning experience?**



**Comments:**

- Materials were OK.
  - Helpful.
  - Materials are very good
- 

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



**Comments:**

- Did not read promotional literature.
  - Yes - well represented.
- 

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



**Comments:**

- Yes - it did.
-