

COMMITTEE ON PROFESSIONAL ETHICS

MEETING MINUTES

June 27, 2025

The meeting was held via video conference.

Members present were Monte Jewell (Chair), Zachary Dillon, Sara Ayoubi, Mark Fucile, Hugh Spitzer, Tommy Tobin, and Michele Carney. Members Peter Jarvis and Amber Lynott and BOG Liaison Mary Rathbone were absent. Also present were Jeanne Marie Clavere (staff liaison), Doug Ende, Chief Disciplinary Counsel, Director, OCD Law Student Intern Joshua Goodwin and OCD Law Student Intern Jessica Mellen.

The chair called the meeting to order at 10:05 a.m.

Announcements/Updates

- The CPE Style Manual is posted in Box. Members are encouraged to use it as a resource.
- The Supreme Court has published proposed amendments to RPC 1.16 for comment. The comment period will be open until April 30, 2025.
- There are possible amendments to ABA Model Rule 1.14 which will likely go to the ABA House of Delegates in February or August 2026.

The April 4, 2025, Minutes were approved.

1. Ethics Opinion Amendments by Request:

The subcommittee chair reported that work will continue on these amendments by request and provide a report at the August meeting.

2. New Ethics Opinion Inquiries:

- Confidentiality Issues When Crossing International Borders with Electronic Devices: After discussion the CPE decided to table this request.
- Adding RPC Provision For Mandatory Reporting of Court Sanctions: After discussion the CPE voted decline this inquiry. The chair will communicate this decision to the inquirer.
- Public Defender Caseloads: Per a request from the WSBA Executive Director and after discussion, the CPE voted to create a subcommittee and go forward with this matter.
- Immigration Court Appearances when Possible ICE Detention: After discussion the CPE decided to table this request.

3. CPE ROP and Integration of Lawyer RPC, LLLTRPC and LPORPC

The subcommittee met with a group of internal and external stakeholders, and everyone came to the agreement to provide notice to the other boards of suggested changes to RPCs and also relevant draft advisory opinions. The subcommittee will look to integrate this goal specifically into the CPE ROP. The CPE also agreed and voted approval for the subcommittee to review the ROP in their entirety to suggest edits, clarifications and efficiencies.

4. Ethics Issues and the Use of Large Language Models AO:

The subcommittee received few comments from stakeholders on the draft AO. The subcommittee will circle back to the WSBA Legal Technology Task Force to ensure that all feedback has been received from the group. The goal is to finalize the draft for CPE review at the August CPE meeting.

5. AO re CPG representation and RPC 1.7 implications:

Staff reported that this AO has now been added to the AO database. Staff is working on a blog and FAQs for the WSBA website.

6. AO on the refund of advance fees in IOLTA paid by 3rd party :

The final draft was reviewed and unanimously approved by the CPE. The chair of the subcommittee will provide staff with a draft memo to the BOG and confirm the final version of the AO.

7. Advisory Opinion Re RPC 1.4 and Language Access:

Additional comments and feedback were given to the subcommittee on the draft opinion. After discussion with the CPE the subcommittee will do further edits and additionally invite the LLLT and LPO Boards to comment. The goal is to finalize the draft for CPE review at the August CPE meeting.

8. Request for advisory opinion re defense counsel obtaining order for vacating convictions in the absence of an established attorney-client relationship:

After discussion the final draft was reviewed and unanimously approved by the CPE. The chair of the subcommittee will provide staff with a draft memo to the BOG and confirm the final version of the AO.

9. AO Request re Rule 5.6 and fee splitting with a former firm:

Suggestions were made to modify the tone of the AO. Substantively, the CPE approves the draft. The goal is to make style modifications and to finalize the draft for CPE review at the August CPE meeting.

10. RPC 7.1 and 1.17 and Retention of Personal Name in Firm Name:

The final draft was reviewed and unanimously approved by the CPE. The chair of the subcommittee will provide a draft memo to the BOG and confirm the final version of the AO.

11. RPC 5.5 and “Assisting” UPL:

Additional comments and feedback were given to the subcommittee on the draft opinion. After discussion with the CPE the subcommittee will do further edits. The goal is to finalize the draft for CPE review at the August CPE meeting.

12. RPC 1.5; 1.15A; and 1.16 and Subscription Fee Models:

Additional comments and feedback were given to the subcommittee on the draft opinion. After discussion with the CPE the subcommittee will do further edits. The goal is to finalize the draft for CPE review at the August CPE meeting.

The meeting adjourned at 1:35 PM