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**Committee on Professional Ethics**

Meeting Minutes

October 25, 2024

The meeting was held in person and via video conference.

Members present were Monte Jewell (Chair), Zach Dillon, Asel Neutze, Sara Ayoubi, Amber Lynott, Peter Jarvis, Hugh Spitzer, and Mark Fucile. Michele Carney was excused. BOG Liaison Mary Rathbone was absent. Also present were Jeanne Marie Clavere (staff liaison), Sandra Schilling, Professional Responsibility Counsel (PRC), Doug Ende, Chief Disciplinary Counsel, and Kevin Plachy, Advancement Department Director. Margaret Chon, a member of the WSBA Legal Technology Task Force was also present.

The chair called the meeting to order at 10:00 a.m.

The committee welcomed new members and thanked Asel Neutze for her service.

**Announcements/Updates**

* Proposed amendments regarding RPC 1.2 and 8.4 will be adopted regarding safe harbor for advising clients on issues criminalized in other states.
* Staff reviewed expense reports and AO style preferences, including having a short title of 3 to 6 words, and the importance of disclaimers in draft opinions circulated to stakeholders. Members were encouraged to review the information in Box.
* The committee reviewed subcommittee assignments, and the Chair will appoint new subcommittee chairs and members.

**The August 23, 2024, minutes were approved.**

**ABA Amendment to RPC 1.16 re Clarifying Ethical Obligations and Conducting Reasonable Inquiry**

The committee moved to recommend adoption of the ABA amendment, acknowledging that the ABA conducted extensive review and outreach during its resolution process. The subcommittee chair will prepare the draft BOG memo with the suggested rule changes using legislative markup with clean and markup versions. Staff will review and prepare for the BOG meeting materials.

**CPG Representation and RPC 1.7 Implications**

The committee reviewed the history of the draft opinion. Two new members were appointed to the subcommittee to continue work on the draft.

**Ethics Issues and the Use of Large Language Model AI/ChatGPT**

The committee reviewed the history of the draft opinion. Margaret Chon reported that the Task Force anticipates reviewing results of a survey at its November meeting, and recommended a dual track approach, with the CPE actively continuing its work on an opinion. The committee inquired whether the Task Force could provide hypotheticals to the CPE.

**RPC 1.15A Refund of Disputed Advance Fee Deposit**

The committee reviewed and gave suggestions to a draft opinion. The subcommittee will continue work on a draft.

**RPC 1.6 Reporting Data and Client Privacy**

The proposed opinion and memo are awaiting BOG review.

**RPC 1.4 Language Access in the Client-Lawyer Relationship**

This was tabled due to absence of subcommittee members.

**Vacating Convictions in the Absence of an Established Attorney-Client Relationship**

The committee reviewed the draft opinion. The subcommittee will continue work on the draft opinion.

**Fee Splitting with a Former Firm**

The committee reviewed the history of the draft opinion and reviewed the draft opinion. The subcommittee will continue work on the draft opinion.

**Suggested Comment Change re Contingency Fee Agreements in Committed Intimate Relationships**

All materials are ready for BOG review at its next meeting.

**Lawyers Employing Licensed Mandatory Reporters, RPC 1.6 and 5.3**

The committee discussed the issue and its conundrum, and possible alternatives to issuing an opinion. The subcommittee will continue work on the draft.

**Future Hot Topics and Projects**

A subcommittee was formed regarding RPC 7.1 and 1.17, Retention of Personal Name in Firm Name.

The possibility of a subcommittee regarding RPC 5.5 and “Assisting” Regarding UPL was deferred.

The Practice of Law Board proposals regarding entity regulation were discussed.

The meeting adjourned at 2:11 PM.