

**Committee on Professional Ethics**

Meeting Minutes

December 13, 2024

The meeting was held via video conference.

Members present were Monte Jewell (Chair), Zachary Dillon, Sara Ayoubi, Amber Lynott, Peter Jarvis, Hugh Spitzer, Tommy Tobin, and Michele Carney. 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.

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

**Announcements/Updates**

- The chair and staff reviewed the updated Style Sheet. Further refinements are expected.

**The October 25, 2024, minutes were approved.**

**Reporting Data and Client Privacy RPC 1.6**

The new opinion is live on the WSBA platform. Staff is working on a blog and will contact Mark Fucile regarding the possibility of an article.

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

This is on the BOG agenda for the next meeting.

**Retention of Personal Name in Firm Name, RPC 7.1 and 1.17**

The subcommittee reviewed the rules applicable in the issue and suggested an opinion be drafted.

**Fee Splitting with a Former Firm RPC 1.5**

The subcommittee will continue to review the draft opinion and consider how to deal with existing court authority.

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

The committee discussed the issue, and possible alternatives to issuing an opinion. The subcommittee will consider the discussion and give a recommendation at the next meeting.

### **CPG Representation and RPC 1.7 Implications**

The subcommittee reported on the draft opinion and will continue work on the draft.

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

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

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

The committee reviewed the draft and provided feedback. The subcommittee will continue work on the draft, as well as soliciting feedback from stakeholders.

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

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

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

The Chair reported on the presentation before the BOG, and BOG approval of the comment change. Staff is working with other WSBA staff on the GR 9 submission to the Supreme Court.

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

The committee voted to continue work on the draft opinion that was previously on hold. The subcommittee hopes to incorporate hypotheticals in the opinion.

### **Future Hot Topics and Projects**

The committee formed a subcommittee regarding RPC 5.5 and Assisting UPL.

The committee formed a subcommittee regarding Subscription Fee Models and RPC 1.5, 1.15A and 1.16.

The Practice of Law Board proposals regarding entity regulation were discussed but no action taken. Staff will continue to monitor the proposals.

The meeting adjourned at 1:47 PM.