

**NINTH ANNUAL STATEWIDE ETHICS SYMPOSIUM**  
**Expanding Ethical Responsibilities: Duties to Clients,  
Former Clients and Non-Clients**

**8:30 – 9:30 am REGISTRATION**

**9:30 – 9:50 am**

**WELCOMING REMARKS**

**Dominique Snyder:** Chair, Committee on Professional Responsibility and Conduct

**Steven A. Lewis:** Vice-Chair, Committee on Professional Responsibility and Conduct

**John K. Van de Kamp:** President, State Bar Board of Governors

**David W. Burcham:** Dean, Loyola University Law School

**9:50 – 10:50 am**

**ATTORNEY-CLIENT FEE AGREEMENTS AND CONFLICTS OF INTEREST**

When attorneys and clients negotiate their financial relationship, their interests are not aligned. Yet, conflict of interest rules generally have not applied to the negotiation of fee agreements. Have the decisions of the California Supreme Court in *Fletcher v. Davis* and the United States Supreme Court in *Commissioner of Internal Revenue v. Banks* changed the landscape? The panel will lead a discussion regarding the import of these decisions, and will specifically address (1) whether every contingency fee contract creates an adverse interest requiring compliance with Rule 3-300, (2) the scope of an attorney's duty to inform and advise existing clients regarding changes in the law that affect the parties' financial arrangements and expectations, and (3) whether any modification of the parties' financial arrangement constitutes a business transaction subject to Rule 3-300.

**Steven A. Lewis:** Moderator; Vice-Chair, Committee on Professional Responsibility and Conduct; Principal, Lewis & Bacon, Sacramento

**Geoffrey C. Hazard, Jr.:** Distinguished Professor of Law, University of California, Hastings College of the Law, San Francisco

**Lise A. Pearlman:** Member, Committee on Professional Responsibility and Conduct; Attorney at Law, Oakland

**Arnold I. Siegel:** Professor of Law, Coordinator of Ethical Lawyering, Loyola University Law School, Los Angeles

**10:50 – 11:05 am BREAK**

**11:05 – 12:35 pm**

**LAWYER MOBILITY AND CONFLICTS OF INTEREST**

The panel will focus on current issues that arise when lawyers switch law firms or move between the public and private sectors, including when conflicts occur, the duties that are violated, whether a different standard should apply to public sector lawyers, disqualification and exposure to malpractice, the California Supreme Court's failure to authorize screening, and other protective measures.

**John W. Amberg:** Moderator; Member, Committee on Professional Responsibility and Conduct; Partner, Bryan Cave LLP, Santa Monica

**David M. Jargiello:** Member, Committee on Professional Responsibility and Conduct; Associate General Counsel and Shareholder, Heller Ehrman White & McAuliffe LLP, Menlo Park

**Ronald E. Mallen:** Partner, Hinshaw & Culbertson LLP, San Francisco; Member and Past Chair, ABA Standing Committee on Lawyer's Professional Responsibility

**Ann M. Ravel:** County Counsel, Santa Clara County, San Jose; President, County Counsels' Association of California

**Geoffrey L. Thomas:** Partner and General Counsel, Paul Hastings Janofsky & Walker, LLP, Los Angeles

**12:35 – 1:35 pm LUNCH (Included)**

**1:35 – 2:00 pm**

**KEYNOTE ADDRESS**

**Honorable Ignazio J. Ruvolo:** Court of Appeal, First District, Division Two; Member, Commission for the Revision of the Rules of Professional Conduct, San Francisco

**2:00 – 3:15 pm**

**CONFLICTS AND DUTIES TO NON-CLIENTS**

The panel will explore the recent decisions affecting an attorney's duties to third persons – an area of hidden risk and increasing liability. The topics will include (1) liability to adverse parties in transactional matters v. litigation matters, (2) *Zamos v. Stroud* and the conflicts between the duty to withdraw and the inclination of courts to move cases to trial, and (3) liability to intended beneficiaries.

**Dominique Snyder:** Moderator; Chair, Committee on Professional Responsibility and Conduct; Attorney at Law, Los Angeles

**Merri A. Baldwin:** Shareholder, Rogers Joseph O'Donnell & Phillips, San Francisco

**Edith R. Matthai:** Partner, Robie & Matthai, Los Angeles

**Kevin E. Mohr:** Professor of Law, Western State University College of Law; Consultant, Commission for the Revision of the Rules of Professional Conduct, Costa Mesa

**3:15 – 3:30 pm BREAK**

**3:30 – 4:45 pm**

**RULES REVISION COMMISSION – A DIALOGUE ABOUT CURRENT ISSUES**

Join three members of the Rules Revision Commission for a lively discussion of current issues the Commission is considering. The panel will cover three current topics, one of which will be selected by the audience at the beginning of the program. Audience participation is encouraged and attendees will be invited to submit their views on the topics discussed on a short form to be provided at the site.

**Sean M. SeLegue:** Moderator; Special Advisor, Committee on Professional Responsibility and Conduct; Shareholder, Rogers Joseph O'Donnell & Phillips, San Francisco

**Harry B. Sondheim:** Chair, Commission for the Revision of the Rules of Professional Conduct, Los Angeles

**Stanley W. Lampport:** Member, Commission for the Revision of the Rules of Professional Conduct; Partner, Cox Castle & Nicholson LLP, Los Angeles

**Ellen R. Peck:** Member, Commission for the Revision of the Rules of Professional Conduct; Attorney at Law, Escondido

## REGISTRATION AND TRAVEL INFORMATION

### MCLE CREDIT

This program offers up to 5 hours of MCLE credit in legal ethics. The State Bar of California and the Committee on Professional Responsibility and Conduct are approved State Bar of California MCLE providers.

### DEADLINE

In order to pre-register, your form and check, payable to the State Bar of California, or credit card information MUST BE RECEIVED BY APRIL 6, 2005. Space is limited, register early.

### MAIL TO

Program Registrations, State Bar of California, 180 Howard St., San Francisco, CA 94105

### Or FAX TO

Program Registrations at 415.538.2368. In order to fax your registration, credit card information is MANDATORY.

### CANCELLATIONS/REFUNDS

Cancellations and requests for refunds must be received in writing by April 6, 2005. Following that date, your registration is transferable to another individual with notice to the registration department prior to the date of the program.

**ON-SITE REGISTRATION** is limited and subject to availability. Please register in advance.

### SPECIAL ASSISTANCE

Please call 415.538.2167 or TDD for speech and hearing impaired 415.538.2231. Do not fax request.

**HOTEL INFORMATION** go to [www.lls.edu/about/directions](http://www.lls.edu/about/directions) scroll down for information on accommodation.

### TRANSPORTATION

Loyola Law School is about 17 miles from LAX Airport and Burbank Airport. Travel time is about 30-45 minutes; Taxis to downtown LA cost \$30-\$35 (plus a \$2.50 airport taxi surcharge). Supershuttle and other van services will cost about \$15.00 per person.

### DIRECTIONS TO CAMPUS

**FROM THE NORTH:** Take the Golden State Freeway (5) or the Hollywood Freeway (101) South to the Harbor Freeway (110) South into downtown Los Angeles. Take the 8th Street exit from the Harbor Freeway. Follow 8th Street past one traffic light to Witmer Street. Turn left onto Witmer Street and proceed one block. Turn right onto James M. Wood Boulevard, followed by an immediate left turn onto Albany Street. The entrance to the Law School parking facility is on the right hand side of the street.

**FROM THE SOUTH:** Take the Harbor Freeway (110) North toward downtown Los Angeles. Take the 9th Street exit from the Harbor Freeway. Turn left immediately at the bottom of the exit ramp onto Francisco Street. Proceed to the first traffic light and turn left onto 8th Street. Follow 8th Street past two traffic lights to Witmer Street. Turn left onto Witmer Street and proceed one block. Turn right onto James M. Wood Boulevard, followed by an immediate left turn onto Albany Street. The entrance to the Law School parking facility is on the right hand side of the street.

**FROM THE WEST:** Take the Santa Monica Freeway (10) East toward downtown Los Angeles. Take the Harbor Freeway (110) North. Take the 9th Street exit from the Harbor Freeway. Turn left immediately at the bottom of the exit ramp onto Francisco Street. Proceed to the first traffic light and turn left onto 8th Street. Follow 8th Street past two traffic lights to Witmer Street. Turn left onto Witmer Street and proceed one block. Turn right onto James M. Wood Boulevard, followed by an immediate left turn onto Albany Street. The entrance to the Law School parking facility is on the right hand side of the street.

**FROM THE EAST:** Take the San Bernardino Freeway (10) West to the Santa Monica Freeway (10) West. Take the Harbor Freeway (110) North. Take the 9th Street exit from the Harbor Freeway. Turn left immediately at the bottom of the exit ramp onto Francisco Street. Proceed to the first traffic light and turn left onto 8th Street. Follow 8th Street past two traffic lights to Witmer Street. Turn left onto Witmer Street and proceed one block. Turn right onto James M. Wood Boulevard, followed by an immediate left turn onto Albany Street. The entrance to the Law School parking facility is on the right hand side of the street.

**ONSITE PARKING** available at a nominal charge.

*We gratefully acknowledge Loyola University Law School for the contribution of their facility for this event.*

## REGISTRATION FORM

The State Bar of California Committee on  
Professional Responsibility and Conduct

### NINTH ANNUAL STATEWIDE ETHICS SYMPOSIUM

Loyola Law School  
Loyola Marymount University  
919 Albany Street  
Los Angeles, CA 90015  
(213) 736-1000

**Saturday, April 16, 2005**

Note: One registrant per form. Photocopies may be used.

Bar #: \_\_\_\_\_

Name: \_\_\_\_\_

Firm: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-Mail: \_\_\_\_\_

Registration is required for all attendees.

***Registration fees must be received by April 6, 2005.***

\$85 Program Package includes: 5 hours of MCLE credit, resource book, and lunch

Student Fee: \$40 Program Package includes: resource book and lunch

Free of charge: No MCLE credit, resource book or lunch (registration for free attendance is offered on a space available basis)

**Amount Enclosed/To Be Charged**

\$ \_\_\_\_\_

Credit Card Information (VISA/MASTERCARD ONLY)

*I authorize the State Bar of California to charge my program registration to my Visa/MasterCard account. (No other credit card will be accepted.)*

Account Number \_\_\_\_\_ Exp Date \_\_\_\_\_

Cardholder's Name \_\_\_\_\_

Cardholder's Signature \_\_\_\_\_