

TWELFTH ANNUAL STATEWIDE ETHICS SYMPOSIUM
NOTORIETY – When the Spotlight Is on Ethics

Saturday, May 3, 2008
9:30 am to 5:30 pm
(6 hours of MCLE credit in legal ethics offered)

University of San Francisco, School of Law
Center for Law and Ethics

We gratefully acknowledge the USF School of Law's Center for Law and Ethics for the contribution of its facility and generous support of this event.

NOTE: Registration information and procedures will be available soon.

8:30 – 9:30 am REGISTRATION

9:30 – 9:50 am

WELCOMING REMARKS

Dennis Peter Maio, Chair, and **Suzanne Mellard**, Vice Chair, Committee on Professional Responsibility and Conduct

Jeffrey Bleich: President, State Bar of California

9:50 – 11:00 am

Public Lawyers In The Political Maelstrom

Does the public attorney have an ethical obligation to the public, and if so, how does that obligation relate to the obligation to the elected governing body, to the individual employees of the public agency, and to the court? The panelists, elected City Attorneys, and appointed County Counsels, will discuss and explore the issues facing public lawyers in an increasingly complex political environment.

Ann Ravel: Moderator; Member, Committee on Professional Responsibility and Conduct; County Counsel of the County of Santa Clara

Michael Aguirre: City Attorney of the City of San Diego

Dennis Herrera: City Attorney of the City and County of San Francisco

Michael Murphy: County Counsel of the County of San Mateo

11:00 – 11:15 am BREAK

11:15 – 12:30 pm

ETHICAL ISSUES IN CLASS ACTIONS AND DERIVATIVE LITIGATION

From the cloakrooms of Congress, to the press rooms, to the courtrooms, to the screening rooms, class actions and the lawyers on both sides are in the public glare. This panel will deal with ethical quagmires faced by lawyers who prosecute and defend representative actions--both class actions and derivative actions--

given the paucity of express ethics rules in the class and derivative context, variable ethics rules across state lines, and criminalization of ethics standards, all in the context of the legislative hurdles created in the name of "tort reform", greater judicial scrutiny, cut throat competition among class counsel, and potential exposure to class malpractice claims. Whether the matter is just beginning and the search for class representatives is on, or it is coming to an end through negotiation and court approval of a settlement, ethical issues are lurking for the class and derivative action practitioner in California.

David Parker: Moderator; Member, Committee on Professional Responsibility and Conduct; Partner, Parker Mills LLP, Los Angeles

Shawn Harpen: Member, Committee on Professional Responsibility and Conduct; Partner, Jones Day, Securities and Shareholder Litigation & SEC Enforcement Practice Group, Irvine

Diane Karpman: Member's Consultant Group; American Law Institute's Principles of Aggregate Litigation; Karpman & Associates, Los Angeles

LUNCH AND KEYNOTE ADDRESS

12:30 – 1:10 pm

Lunch

1:10 – 1:30 pm

Keynote Address presented by
Professor Erwin Chemerinsky, Duke University and
Founding Dean, UC Irvine, Donald Bren School of Law

1:30 – 2:45 pm

PROSECUTORIAL MISCONDUCT: EPIDEMIC OR ABERRATION?

Recent headlines and pending cases have thrust prosecutorial misconduct into the spotlight. Media and disciplinary scrutiny of Mike Nifong's conduct have provoked debate in ethics circles and the criminal bar. Is Nifong's conduct an isolated aberration, or is prosecutorial misconduct more widespread? Two recent California cases, *Hollywood v. Superior Court* and *Haraguchi v. Superior Court*, address the propriety of prosecutors writing books and making movies based on their cases. This panel will provide contrasting perspectives on the prosecutor's ethical duties.

Carole Buckner: Moderator; Member, Committee on Professional Responsibility and Conduct; Special Assistant, United States Attorney's Office, United States Postal Service, Office of Inspector General

George Cardona: Chief Assistant, United States Attorney's Office, Central District of California, Los Angeles

Mark Garegos: Geragos & Geragos, P.C., Los Angeles

2:45 – 3:00 pm BREAK

3:00 – 4:15 pm

[IN]ADVERTENT DISCLOSURE: FOR WHOSE EYES ONLY?

This panel will explore the perilous temptations of exploring the adversary's inadvertent and advertent disclosures, the allures of metadata, and the metaphysics of the waiver of attorney-client privilege and work product. The panel will also review recent case law, ethics opinions, commentary, and legislative proposals germane to the topic.

Professor James Fischer: Moderator; Member, Committee on Professional Responsibility and Conduct; Southwestern Law School, Los Angeles

Professor Josh Davis: Director, Center for Law and Ethics, University of San Francisco School of Law

Ellen Peck: Member, State Bar Commission for the Revision of the Rules of Professional Conduct; Law Offices of Ellen R. Peck, Escondido

4:15 – 5:30 pm

RULES REVISION UPDATE

Join members of the Rules Revision Commission for a spirited discussion of some of the most controversial issues facing the Commission.

Suzanne Mellard: Moderator; Member Committee on Professional Responsibility and Conduct; Shareholder, Rogers Joseph O'Donnell, San Francisco

Mark Tuft: Co-Vice-Chair, State Bar's Commission for the Revision of the Rules of Professional Conduct; Partner, Cooper, White, Cooper, San Francisco

Paul Vapnek: Co-Vice-Chair, State Bar's Commission for the Revision of the Rules of Professional Conduct; Of Counsel, Townsend & Townsend & Crew, San Francisco

The basic registration fee is \$125 and includes 6 hours of MCLE credit in legal ethics, a course book, a continental breakfast and lunch.