

**SIXTEENTH ANNUAL STATEWIDE
ETHICS SYMPOSIUM**
UNIVERSITY OF CALIFORNIA – HASTINGS

Evolution of Ethics in an Electronic Age

Presented by

**The State Bar of California Committee on
Professional Responsibility and Conduct**

**Saturday, May 19, 2012
9:30 am to 5:15 pm**



**UC Hastings College of the Law
David Snodgrass Hall
Louis B. Mayer Lounge
198 McAllister
San Francisco, CA 94102**

We gratefully acknowledge the UC Hastings College of Law for the contribution of its facility and generous support for this event.

REGISTER ONLINE
www.calbar.org/ethics-symposium

6 Hours of MCLE Credit in Legal Ethics



SIXTEENTH ANNUAL STATEWIDE ETHICS SYMPOSIUM

Evolution of Ethics in an Electronic Age

8:30 – 9:30 am **REGISTRATION**

9:30 – 9:45 am

WELCOMING REMARKS

Wendy Patrick: Chair, Committee on Professional Responsibility and Conduct

Jon Streeter: President, State Bar of California

9:45 – 11:15 am

THE NO CONTACT RULE: UP CLOSE AND PERSONAL In light of the recent COPRAC opinion on Rule 2-100 of the California Rules of Professional Conduct, when might consent be implied under the No Contact Rule and under what circumstances? This panel will explore what types of communications are covered by the Rule (including communications through social media), when consent is required, and in what manner consent may be given. This panel will focus on a series of hypothetical examples, and audience members will have the opportunity to express their views as well.

Neil Wertlieb: Moderator; Vice Chair, Committee on Professional Responsibility and Conduct; Partner, Milbank, Tweed, Hadley & McCloy LLP, Los Angeles

Robert Kehr: Partner, Kehr, Schiff & Crane, LLP, Los Angeles

John Steele: Sole Practitioner, Palo Alto

Michael Tenenbaum: Principal, The Tenenbaum Law Firm, Santa Monica

11:15 – 11:30 am **BREAK**

11:30 am – 1:00 pm

MAINTAINING CONFIDENCES AND COMPETENCE IN AN ESI WORLD

A panel drawn from the Bench and Bar discusses emerging ethical perils of inadvertent disclosure and attorney competence in the new environment of paperless communication and electronic discovery. Topics on inadvertent disclosure will include attorney use of email, open WiFi, and other technology issues, and what can and should be done to protect client interests during that use. Inadvertent disclosure during discovery of Electronically Stored Information (ESI) will also be addressed. Finally, the panel will discuss whether eDiscovery rules in federal court and in California's recent Electronic Discovery Act add to a lawyer's ethical competency duties in litigation.

Jim Friedhofer: Moderator; Member, Committee on Professional Responsibility and Conduct; Sole Practitioner, Friedhofer PC, San Diego

Merri Baldwin: Member, Committee on Professional Responsibility and Conduct; Shareholder, Rogers, Joseph O'Donnell, San Francisco

Tanya Forsheit: Partner, Info Law Group LLP, Los Angeles

Hon. Barbara McAuliffe: Federal Magistrate Judge, U. S. District Court for the Eastern District of California, Fresno

LUNCH & KEYNOTE ADDRESS

Lunch 1:00 – 1:40 pm

Keynote Address 1:40 – 2:00 pm

Chancellor & Dean Frank H. Wu
UC Hastings College of the Law

2:00 – 3:30 pm

**WITH “FRIENDS” LIKE THESE / THE NEW “FACE” OF LEGAL PRACTICE
– ETHICAL IMPLICATIONS IN CYBERSPACE AND SOCIAL MEDIA**

In an age of electronic communication and social networking, lawyers must be aware of their ethical and professional responsibilities and how they apply within the increasingly public realm of modern electronic communication. This program will discuss the mechanics of popular social networking sites such as Facebook, Twitter, and LinkedIn, and how the use of such services both professionally and personally can raise issues relating to client confidentiality, the attorney-client privilege, contact with represented parties, ethical attorney advertising, and more!

Wendy Patrick: Moderator, Chair, Committee on Professional Responsibility and Conduct; Deputy District Attorney, San Diego

Hon. Mitchell Dembin: Federal Magistrate Judge, U.S. District Court for the Southern District of California, San Diego

Antone Johnson: Principal, Bottom Line Law Group, San Francisco

Browning Marean: Sr. Counsel, DLA Piper US LLP, San Diego

3:30 – 3:45 pm BREAK

3:45 – 5:15 pm

ETHICAL AND PRACTICAL IMPLICATIONS OF SHARED CLIENT REPRESENTATIONS

In modern legal practice, we are seeing an increasing trend towards downsourcing and disaggregation, which can result in multiple independent lawyers or firms representing the same client in a single legal matter. In these situations, complex issues can arise that include but are not limited to conflicts of interest, scope of representation issues, fee sharing issues, the duty of competence, the duty to communicate, the duty of confidentiality and the duty to coordinate and avoid duplication of effort and overbilling. This panel will examine trends, best practices and problems from both ethical and hands-on practical perspectives.

Wendy Chang: Moderator; Member, Committee on Professional Responsibility and Conduct; Partner, Hinshaw & Culbertson, LLP, Los Angeles

Joan D'Ambrosio: Partner, Clyde & Co US LLP, San Francisco

David Parker: Partner, Parker Shumaker Mills LLP, Los Angeles

Eliza Rodrigues: Special Ethics & Conflicts Counsel, Sedgwick LLP, San Francisco

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**UC Hastings School of the Law
198 McAllister, San Francisco, CA 94102**

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

State Bar Number _____

Name _____

Firm _____

Address _____

City, State _____ Zip Code _____

Phone _____ Fax _____

Email _____

Required for email confirmation

Your name and address may be disclosed.

Check here if you do not want your information released.

REGISTRATION FEES (In-Person Attendance) (Check the appropriate box)

\$135 Program Package includes: 6 hours of MCLE credit, resource materials and lunch

Student Fee: \$50 Program Package includes: resource materials and lunch

Free of charge: admission to program only. No MCLE credit, resource materials or lunch (registration for free attendance is offered on a space available basis) MAIL OR FAX FORM ONLY.

CREDIT CARD INFORMATION

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 _____

VISA or MasterCard Only

Cardholder's Name _____

Cardholder's Signature _____

PRE-REGISTRATION 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 **May 11, 2012**. Please register early as space is limited.

REGISTER ONLINE at www.calbar.org/ethics-symposium.

MAIL TO Program Registration, The State Bar of California, 180 Howard Street, San Francisco, CA 94105.

FAX TO Program Registration at 415.538.2368. In order to fax your registration credit card information is MANDATORY. (Photocopies of checks will not be accepted).

CANCELLATION/REFUND POLICY All requests for refunds must be received in writing no later than May 11. Refunds will not be made for requests received after April 2nd. However, with advance notice, your registration can be transferred to another person.

REGISTRATION AND TRAVEL INFORMATION

MCLE CREDIT

This program offers 6 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.

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

QUESTIONS

For registration questions, please call 415.538.2508. For program content, please call 415.538.2167.

SPECIAL ASSISTANCE

Please call 415.538.2167.

HOTEL INFORMATION

Although no special block of rooms has been arranged for this one-day event, the following two lodging options are located near the UC Hastings campus. As such, you are encouraged to make your reservations early. Sheraton Palace Hotel – 415.512.1111; Marriott Downtown – 415.896.1600.

AIRPORT: The UC Hastings campus is located approximately 14 miles, or 30 minutes from the San Francisco Airport (SFO).

DRIVING DIRECTIONS

East Bay

From the Bay Bridge, exit right at Civic Center (after you pass the 5th Street exit). Stay in one of the two right lanes. Merge onto Harrison and make a right turn onto 9th Street. Cross Market on 9th Street in one of the right hand lanes, marked "Larkin Street," which will intersect both McAllister Street and Golden Gate Avenue. There is parking in the Hastings Parking Garage on the corner of Larkin and Golden Gate.

North Bay

From the Golden Gate Bridge take Lombard Street to Van Ness Avenue. Turn right onto Van Ness and continue to McAllister Street. Turn left onto McAllister, go two blocks, turn left onto Larkin to access the Hastings Parking Garage at the corner of Larkin and Golden Gate.

South Bay

Take 101 North, stay in second lane from your left, and follow signs to Bay Bridge. Exit 9th Street/Civic Center. Cross Market on 9th Street in one of the right hand lanes marked "Larkin Street" which will intersect both McAllister Street and Golden Gate Avenue. There is parking in the Hastings Parking Garage at the corner of Larkin and Golden Gate.

VISITOR PARKING

The UC Hastings Parking Garage is located at 376 Larkin Street at the corner of Larkin and Golden Gate and parking for this event is available at a discounted rate of \$8.00.