

TWENTIETH ANNUAL STATEWIDE ETHICS SYMPOSIUM

UNIVERSITY OF SAN FRANCISCO – DOWNTOWN SAN FRANCISCO

Moving Forward, Looking Back: The 20th Anniversary Ethics Symposium

Presented by

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

**Saturday, April 9, 2016
9:30 am to 4:15 pm**



**University of San Francisco
School of Law – Downtown Campus
101 Howard Street, Room 150
San Francisco, CA 94105**

*We gratefully acknowledge our co-sponsors,
the University of San Francisco School of Law's
Graduate Tax Program and the Center for Law and Ethics, for
their contribution of their facility and generous support for this event.*

REGISTER ONLINE
www.calbar.org/ethics-symposium

**5 Hours of MCLE Credit in Legal Ethics
Approved for Legal Malpractice Legal Specialization credit
by the State Bar of California**

Register by April 1st

TWENTIETH ANNUAL STATEWIDE ETHICS SYMPOSIUM

Moving Forward, Looking Back: The 20th Anniversary Ethics Symposium

8:30 – 9:30 am REGISTRATION

9:30 – 9:45 am

WELCOMING REMARKS

Merri A. Baldwin: Chair, Committee on Professional Responsibility and Conduct

9:45 – 11:00 am

1995 REDUX: WHO'S RUNNING THE PROFESSION? THE FUTURE OF RULES-MAKING AND THE DISCIPLINARY PROCESS

At the first Ethics Symposium in 1995, a distinguished panel addressed the question of "Who's Running the Profession? The Future of Rules-Making and the Disciplinary Process." Among other things, the 1995 panel considered problems attendant to the rule-making process; complications resulting from the Legislature's involvement in establishing ethical standards for the legal profession; and what form the regulation of the legal profession should and would take in the immediate future in the face of an effort to replace the integrated State Bar with a state regulatory agency and voluntary trade association. Two decades later, many of the same issues have re-emerged to confront the legal profession and change the practice of law. This panel will consider the old and new challenges facing the rule-making process and practice of law today, drawing appropriate comparisons to and lessons from the past.

Larry D. Doyle: Moderator, Member, Committee on Professional Responsibility and Conduct
Principal of Law Office of Larry Doyle, Legal and Legislative Advocacy, Sacramento

David C. Carr: Senior Counsel, Legal Ethics and Law Firm Practice Group of Klinedinst PC,
San Diego

Robert A. Hawley: Attorney-at-law, San Francisco

Mark L. Tuft: Partner, Cooper, White & Cooper LLP, San Francisco

11:00 – 11:15 am BREAK

11:15 am – 12:30 pm

STRENGTH IN NUMBERS

Lawyers representing plaintiffs in class actions and in mass tort actions face unique ethical issues at each stage of representation from contact with potential clients all the way through to settlement. This panel will examine these issues, most of which are not adequately addressed by the ethics rules, including conflicts of interest among class members or mass tort plaintiffs; settlement disclosures and the aggregate settlement rule; and ethical responsibilities to nonsettling plaintiffs or class members.

Merri A. Baldwin: Moderator, Chair, Committee on Professional Responsibility and Conduct;
Shareholder, Rogers Joseph O'Donnell, San Francisco

Mark A. Chavez: Founding Partner, Chavez & Gertler, Mill Valley

Joshua P. Davis: Associate Dean for Academic Affairs and Director for the Center for Law and Ethics, University of San Francisco School of Law, San Francisco

Richard A. Zitrin: Lecturer in Law, Hastings College of the Law, San Francisco

12:30 – 1:10 PM LUNCH

1:10 – 1:30 pm

PRESENTATION OF THE 2016 SONDHEIM PROFESSIONAL RESPONSIBILITY AWARD

presented by **David J. Pasternak: President, State Bar of California**

This award recognizes a member's outstanding long-term contribution to the advancement of attorney professional standards in California.

1:30 – 2:45 pm

DIMINISHED CAPACITY CLIENTS: ETHICAL ISSUES AND DILEMMAS

As our population ages and life expectancies increase, attorneys in all practice areas from civil litigation to tax planning are faced with issues more traditionally associated with trusts and estates practice: How to obtain consent or client instructions from clients with diminished or diminishing capacity? What, if anything, can a lawyer do if she suspects her client is the victim of elder abuse or requires protection because of capacity issues? How do diminishing capacity issues impact the lawyer's ability to be paid or enter into retainer agreements? This panel will discuss these and other ethical issues that arise when representing clients with diminished or diminishing capacity.

Suzanne Burke Spencer: Moderator, Vice-Chair, Committee on Professional Responsibility and Conduct; Managing Shareholder, Sall Spencer Callas & Krueger, Laguna Beach

Bette B. Epstein: Mediator / Discovery Referee, ADR Services, San Francisco

Jerome Fishkin: Partner, Fishkin & Slatter LLP, Walnut Creek

Scott B. Garner: Advisor, Committee on Professional Responsibility and Conduct; Partner, Umberg Zipser, Irvine

2:45 – 3:00 pm BREAK

3:00 – 4:15 pm

THE TRAIN KEEPS A-ROLLIN: AN UPDATE ON THE SECOND RULES REVISION COMMISSION'S PROPOSED AMENDMENTS TO CALIFORNIA'S RULES OF PROFESSIONAL CONDUCT

California's Rules Revision Commission is now eleven months into its tenure. That period has already seen expedited consideration of certain proposed amendments to the rules, tentative approval by the Commission of amendments to approximately twenty-three existing rules and proposed adoption of eight new rules. The process so far has involved significant debate and revealed a diversity of perspectives regarding the future course of California's rules of professional conduct. This panel will provide an update on the status of the Commission's work. It will consider some of the significant developments and rules that have already been addressed by the Commission, as well as some of the more controversial proposals that have been made. And it will look forward to important rules to be considered in the near future that are certain to elicit a variety of viewpoints and significant debate.

Andrew I. Dilworth: Moderator; Member, Committee on Professional Responsibility and Conduct; Partner, Cooper, White & Cooper LLP, San Francisco

Stanley W. Lampert: Partner, Cox Castle Nicholson, Los Angeles

Kevin E. Mohr: Professor, Western State College of Law, Fullerton

John J. Steele: Attorney-at-Law, Palo Alto

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. This program has been approved for Legal Malpractice Legal Specialization credit by the State Bar of California.

ONLINE REGISTRATION is available by visiting www.calbar.org/ethics-symposium.

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 questions, please call 415.538.2167.

SPECIAL ASSISTANCE Please call 415.538.2167.

HOTEL INFORMATION

No special block of rooms has been arranged for this one-day event. The following are hotels within walking distance: Harbor Court Hotel (415) 882-1300, Hotel Griffon (415) 495-2100, Hyatt Regency Embarcadero (415) 788-1234, Hotel Vitale (415) 278-3700.

AIRPORT

The University of San Francisco School of Law Downtown Campus is located approximately 14 miles, or 20-30 minutes, from San Francisco International Airport (SFO) and 19 miles, or 30-40 minutes, from Oakland International Airport (OAK).

DRIVING DIRECTIONS

From the North Bay:

After crossing the Golden Gate Bridge, make a slight left onto Lombard Street. Turn right onto Gough Street. Turn left onto Broadway. Turn right onto The Embarcadero. Turn right onto Howard.

From the South Bay:

Take Highway 101 Northbound. Take the 1A exit and merge onto 7th Street. Turn right onto Folsom Street. Turn left onto Main Street. Make the first right onto Howard.

Take Highway 280 Northbound and take the last exit King Street. Continue onto Embarcadero. Turn left onto Howard.

From the East Bay:

Take the Bay Bridge West to San Francisco. Take the Fremont Street exit (2C) and merge onto Fremont Street. Turn right onto Howard.

Get additional driving directions from [Google Maps](https://www.google.com/maps).

PUBLIC TRANSIT

The University of San Francisco Downtown Campus is on Howard Street between Spear and Main Streets, one block from the Transbay Terminal at First and Mission Streets.

BART: Take any San Francisco bound train and exit at the Embarcadero station Spear Street stairs. Walk two blocks South on Spear to Howard.

MUNI: Take any of the Muni rail lines (F, J, K, L, M, N or KT) and exit at Embarcadero station. Walk one block North on Market Street, make a right onto Main Street and make a left onto Howard.

CalTrain: Take Caltrain to San Francisco Station. Walk to 4th and King Streets. Take the KT Ingleside/Third Muni Rail towards Balboa Park Station. Get off at Embarcadero and Folsom Street. Walk one block to Howard Street from The Embarcadero.

VISITOR PARKING

The University of San Francisco Downtown Campus does not have a dedicated parking lot for visitors. The closest parking lot is Place 2 Park (281 Main Street, San Francisco, CA 94105 – between Folsom & Howard Street). Typically, Saturday parking is \$10 all day, however during special events the price may be higher. You may also view parking availability in the downtown area at this website: <http://sanfrancisco.bestparking.com/>.

TWENTIETH ANNUAL STATEWIDE ETHICS SYMPOSIUM

Presented by

The State Bar of California Committee on
Professional Responsibility and Conduct

Saturday, April 9, 2016

**University of San Francisco
School of Law – Downtown Campus
101 Howard Street, Room 150
San Francisco, CA 94105**

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)

- Registration: \$180 Program Package includes: 5 hours of MCLE credit in legal ethics, resource materials and lunch
- University of San Francisco School of Law Alumni Fee: \$130 Program Package includes: 5 hours of MCLE credit in legal ethics, 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.

REGISTRATION DEADLINE In order to register, your form and check, payable to The State Bar of California, or credit card information, must be received by **April 1, 2016**. 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 April 1st, by fax to: 415.538.2368. Refunds will not be made for requests received after April 1st. However, with advance notice, your registration can be transferred to another person.

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 _____