

**TWELFTH ANNUAL STATEWIDE
ETHICS SYMPOSIUM**
UNIVERSITY OF SAN FRANCISCO SCHOOL OF LAW

NOTORIETY – When the Spotlight Is on Ethics

Presented by

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

**Saturday, May 3, 2008
9:30 am to 5:30 pm**



Center for Law and Ethics

Fromm Hall
(at Golden Gate Ave and Parker Ave)
2130 Fulton Street
San Francisco, CA 94117

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

REGISTER ONLINE
www.calbar.org/ethics-symposium

6.25 Hours of MCLE Credit in Legal Ethics

TWELFTH ANNUAL STATEWIDE ETHICS SYMPOSIUM

NOTORIETY – When the Spotlight Is on Ethics

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 & KEYNOTE ADDRESS

12:30 – 1:10 pm

Lunch

1:10 – 1:30 pm

Keynote Address presented by

Professor Geoffrey Hazard

Thomas E. Miller Distinguished Professor of Law

Hastings College of the 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

REGISTRATION FORM

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The State Bar of California Committee on
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Saturday, May 3, 2008

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

State Bar Number _____
Name _____
Firm _____
Address _____
City, State _____ Zip Code _____
Phone _____
Fax _____
E-Mail _____
Required for email confirmation

Your Name and Address may be disclosed.
 Check here if you do not want your information released.

REGISTRATION FEES (Check the appropriate box)

- \$125 Program Package includes: 6.25 hours of MCLE credit, resource book, and lunch
- Student Fee: \$50 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) MAIL OR FAX FORM ONLY.

CREDIT CARD INFORMATION

I/We authorize the State Bar of California to charge my program registration to my/our 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 **April 25, 2008**. Please register early as space is limited.

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

MAIL TO Program Registrations, 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 25th. Refunds will not be made for requests received after April 25, 2008.

REGISTRATION AND TRAVEL INFORMATION

MCLE CREDIT

This program offers up to 6.25 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.

SPECIAL ASSISTANCE

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



SHUTTLE SERVICE A complimentary shuttle will be provided from downtown San Francisco – at the Embarcadero BART Station (Market and Drumm Street/Hyatt Regency exit) – to USF on May 3rd. Please call Audrey Hollins at 415-538-2167 or Lauren McCurdy at 415-538-2107 for more details.

HOTEL INFORMATION

No special block of rooms have been arranged for this one-day event. For hotel accommodations consider contacting the Hyatt Regency San Francisco as a competitive rate of \$175 may be obtained, subject to availability. Availability of this rate is not guaranteed. You are encouraged to make your reservations early. Call 1-800-233-1234 and mention that you are attending the State Bar Ethics Symposium. In addition, arrangements for a complimentary shuttle from this location to USF have been made (see above).

DIRECTIONS TO CAMPUS

Traveling South From the Golden Gate Bridge/North Bay

After crossing the Golden Gate Bridge, stay in the right lane and take the 19th Avenue exit. Turn right on Cabrillo Street and then left onto 14th Avenue. Proceed to Fulton Street and turn left. At the top of the hill, turn left onto Parker Avenue and then right onto Golden Gate Avenue. Proceed to the visitor's entrance on Golden Gate between Kittredge Terrace and Roselyn Terrace.

Traveling West From the Bay Bridge/East Bay

After crossing the Bay Bridge, take the "101 North, Golden Gate Bridge" exit to the Fell/Octavia Streets exit (434B). Proceed straight 5 signals and turn left onto Fell Street. Travel approximately 1 mile to Masonic Av. Turn right on Masonic and travel 3 blocks. Turn left onto Fulton and continue 4 blocks to Parker Avenue (St. Ignatius Church will be on your right.) Turn right onto Parker, go one block to Golden Gate Avenue. Turn right onto Golden Gate and proceed to the visitor's entrance (located to your right between Kittredge Terrace and Roselyn Terrace.)

Traveling North on 280 from the Peninsula/South Bay

Take Highway 280 Northbound. Take the 19th Avenue exit and stay in the left lanes. Stay on 19th Avenue for approximately three miles. Turn right onto Fulton Street. At the top of the hill, turn left onto Parker Avenue and then right onto Golden Gate Avenue. Proceed to the visitor's entrance on Golden Gate between Kittredge Terrace and Roselyn Terrace.

Traveling North on 101 From the Peninsula/San Jose/South Bay

Take Highway 101 Northbound. Once in San Francisco, stay in the left lane and follow "101 North, Golden Gate Bridge" then take the Fell/Octavia Streets exit (434B). Proceed straight 5 signals and turn left onto Fell Street. Travel approximately 1 mile to Masonic Av. Turn right on Masonic and travel 3 blocks. Turn left onto Fulton and continue 4 blocks to Parker Avenue (St. Ignatius Church will be on your right.) Turn right onto Parker, go one block to Golden Gate Avenue. Turn right onto Golden Gate and proceed to the visitor's entrance (located to your right between Kittredge Terrace and Roselyn Terrace.)

VISITOR PARKING

Parking is available on the USF campus and is complimentary for this event. The Koret Parking Facility is located at the corner of Turk and Parker Streets