

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

Your form and check, payable to The State Bar of California, or credit card information must be received by April 28, 2006. **Please register early because space is limited.**

NEW – REGISTER ONLINE

Online registration can be accessed at www.calbar.org/ethicssymposium. Deadline for registration is five (5) working days before the program - April 28, 2006.

MAIL TO

Program Registrations, State Bar of California, 180 Howard St., San Francisco, CA 94105. Make checks payable to The State Bar of California.

FAX TO

Program Registrations at 415.538.2368. Credit card information is MANDATORY.

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.scu.edu/map; click on hotels near SCU

GROUND TRANSPORTATION

Go to www.scu.edu/map

DIRECTIONS TO CAMPUS

U.S. Highway 101: Take the De La Cruz Boulevard/Santa Clara exit; Follow De La Cruz Boulevard towards El Camino Real (stay in the right lane); When De La Cruz Boulevard splits, follow the right split over the overpass; Turn right on Lafayette Street staying in the right turn lane; Turn right at El Camino Real; The main entrance to Santa Clara University will be on the right-hand side of the road.

Interstate 880: Take The Alameda exit; Travel north on The Alameda; The Alameda will become El Camino Real; The main entrance to Santa Clara University will be on the left-hand side of the road.

Interstate 280: Take Interstate 880 north toward Oakland; Exit at The Alameda; Turn left on The Alameda; The Alameda will become El Camino Real; The main entrance to Santa Clara University will be on the left-hand side of the road.

STATE BAR OF CALIFORNIA
OFFICE OF PROFESSIONAL COMPETENCE,
PLANNING & DEVELOPMENT
180 HOWARD STREET
SAN FRANCISCO, CA 94105-1639

TENTH ANNUAL STATEWIDE ETHICS SYMPOSIUM

SANTA CLARA UNIVERSITY – SANTA CLARA

Protecting and Using Confidential Information

Presented by

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

**Saturday, May 6, 2006
9:30 am to 5:00 pm**

**Santa Clara University, School of Law
500 El Camino Real
Santa Clara, CA**



*We gratefully acknowledge the Santa Clara University,
School of Law for the contribution of their facility for this
event and their generous support.*

NEW – REGISTER ONLINE

www.calbar.org/ethicssymposium

5 Hours of MCLE Credit in Legal Ethics

TENTH ANNUAL STATEWIDE ETHICS SYMPOSIUM
Protecting and Using Confidential Information

8:30 – 9:30 am REGISTRATION

9:30 – 9:50 am

WELCOMING REMARKS

Steven A. Lewis, Chair, and **John W. Amberg**, Vice Chair, Committee on Professional Responsibility and Conduct

James O. Heiting: President, State Bar of California

Donald J. Polden: Dean and Professor of Law, Santa Clara University, School of Law

9:50 – 11:00 am

PRESERVING CONFIDENTIALITY IN A TECHNOLOGICAL AGE

This panel will explore the brave new world of confidentiality, including discussions about metadata and embedded data, and will explore how new technologies and services (such as virtual deal rooms) pose new threats to client confidences.

John J. Steele: Moderator; Member, Committee on Professional Responsibility and Conduct; Special Counsel, Fish & Richardson P.C., Redwood City

Nellis L. Freeman: Information Services Manager, Orrick Herrington and Sutcliffe LLP; Adjunct Faculty, University of San Francisco, and College of Notre Dame

James E. Towery: Shareholder, Hoge Fenton Jose & Appel, San Jose

Roberta S. Hayashi: Partner, Berliner Cohen, San Jose

11:00 – 11:15 am BREAK

11:15 – 12:30 pm

INADVERTENT DISCLOSURE: THE LINKING OF ETHICS AND EVIDENCE?

Since the early 1990's, the question of an attorney's ethical obligation on receipt of inadvertently disclosed material has been addressed on several occasions. The answer usually turns on whether the ethical obligation is, or should be, linked to the law of evidence. At one end of the spectrum, ethics and evidence are closely linked, with the attorney's ethical obligation based on the status of the inadvertently disclosed material as subject to the attorney-client privilege or the attorney work-product doctrine. At the other end, ethics and evidence are not linked at all, with the attorney's ethical obligation based on the mere fact that the material was disclosed inadvertently. A close linking of ethics and evidence entails a complex assessment by both the attorney and any tribunal that might subsequently pass on whether the attorney's assessment was sound. While the absence of any linking of ethics and evidence makes the assessment much easier, it also undermines the normative foundation of the ethical obligation. The issue, currently under consideration by the California Supreme Court, will soon be decided.

Dennis Peter Maio: Moderator; Member, Committee on Professional Responsibility and Conduct; Counsel, Reed Smith LLP, San Francisco

Dominique Snyder: Special Advisor, Committee on Professional Responsibility and Conduct; Attorney at Law, Los Angeles

Alan W. Schefflin: Professor of Law, Santa Clara University, School of Law

Regina A. Petty: Wilson Petty Kosmo & Turner LLP, San Diego

12:30 – 1:30 pm LUNCH (Included)

1:30 – 2:00 pm

KEYNOTE ADDRESS

*The State Bar is honored to have the **Honorable Jeremy D. Fogel**, U.S. District Court, N.D. California, present the keynote address.*

2:00 – 3:15 pm

USING CLIENT SECRETS - RECONCILING THE DUTY OF CONFIDENTIALITY WITH A LAWYER'S RIGHT TO DEFEND HIMSELF OR OTHERS

This panel will examine the limits of the duty of confidentiality vis-a-vis an attorney's right to defend against claims by clients or others. Panelists will discuss the existence and scope of the self-defense exception for privileged communications, client confidences and client secrets, including its limits before a claim against the lawyer is made, during the pendency of such a claim and after such a claim is resolved or settled. The panel will also consider the ethical risks of consulting with in-house general counsel about handling a problem with a client while still representing the client and the perils of internal communications at law firms.

David M. Jargiello: Moderator; Member, Committee on Professional Responsibility and Conduct; General Counsel and Shareholder, Heller Ehrman LLP, Menlo Park

Robert K. Sall: Member, Committee on Professional Responsibility and Conduct; Shareholder, The Sall Law Firm, Laguna Beach

Donald E. Bradley: General Counsel, Wilson Sonsini Goodrich & Rosati, Palo Alto

Frances M. O'Meara: Partner, Hinshaw & Culberton LLP, Los Angeles

David B. Parker: Partner, Parker Mills & Patel LLP, Los Angeles

3:15 – 3:30 pm BREAK

3:30 – 3:50 pm

ABA PRESIDENTIAL TASK FORCE ON ATTORNEY-CLIENT PRIVILEGE

In 2004, the ABA created a special task force to help federal regulators and policymakers gain a clear understanding of the public policy underpinnings of the attorney-client privilege, and to assure that regulatory initiatives impacting the privilege strike the right public protection balance. An update on the important work of this task force will be presented.

Steven K. Hazen: Member, Advisory Committee, ABA Presidential Task Force on the Attorney-Client Privilege; Davis Wright Tremaine LLP, Los Angeles

3:50 – 5:00 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.

Sean M. SeLegue: Moderator; Member, State Bar's Commission for the Revision of the Rules of Professional Conduct; Shareholder, Rogers Joseph O'Donnell & Phillips, San Francisco

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

Robert L. Kehr: Member, State Bar's Commission for the Revision of the Rules of Professional Conduct; Partner, Kehr Schiff & Crane LLP, Los Angeles

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

REGISTRATION FORM

TENTH ANNUAL STATEWIDE ETHICS SYMPOSIUM

presented by
The State Bar of California Committee on Professional Responsibility and Conduct

Saturday, May 6, 2006

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: 5 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 _____

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CANCELLATION/REFUND POLICY All requests for refunds must be received in writing no later than April 28th. Refunds will not be made for requests received after April 28th.