I. Approval of Minutes: The members approved the minutes of the August 1, 2015 business meeting in Chicago.

II. Chair’s Report: Chair Howe welcomed the members of the Committee and reminded them of the Committee’s mission to serve as a network for the exchange of information.
about ongoing projects and programs related to ethics and professionalism. The CPR can assist the Sections/Divisions in ensuring that their resolutions comply with existing Association policies in the area of professional responsibility law. Finally, Chair Howe encouraged all Committee members to attend the 42nd National Conference on Professional Responsibility, 32nd National Forum on Client Protection, and the national Specialization Roundtable to be held June 1-3, 2016 at the Loews Hotel in Philadelphia.

III. Professional Responsibility Law Speakers Bureau: John Holtaway reported that the Professional Responsibility Law Speakers Bureau has assisted at least a dozen entities by suggesting legal ethics speakers to bar associations and other groups that are organizing conferences, workshops, continuing legal education, and similar programming. Counsel Holtaway encouraged all Committee members and liaisons to join the speaker’s bureau.

http://www.americanbar.org/groups/professional_responsibility/professionalresponsibilitylawspeakersbureau.html

IV. Resolutions and Reports to the House of Delegates – 2016 ABA Midyear Meeting

A. ABA Model Regulatory Objectives
   (Commission on the Future of Legal Services)
   http://www.americanbar.org/content/dam/aba/images/office_president/draft_regulatory_objectives_for_dissemination.pdf

Art Garwin reported that the Commission on the Future of Legal Services has circulated for comment a draft Resolution with Report that recommends the adoption of Model Regulatory Objectives. The Commission has asked for comments on the draft Resolution by October 30, 2015. The Commission plans to file the Resolution with Report for consideration at the 2016 Midyear Meeting in San Diego. The Resolution recommends that each state’s highest court, and those of each territory and tribe, use clearly identified regulatory objectives to help (1) assess the court’s existing regulatory framework and (2) identify and implement regulatory innovations related to legal services beyond the traditional regulation of the legal profession. The ABA Model Regulatory Objectives are intended to advance these important goals.

B. Client Trust Account Plans
   (Standing Committee on Client Protection)

Client Protection Counsel Selina Thomas stated the Client Protection Committee has circulated a draft Resolution with Report that recommends the amendment of the ABA Model Rules for Client Trust Accounts. The Committee requests comments by October 30, 2015 and plan to file the Resolution with Report for consideration at the 2016 Midyear Meeting in San Diego. The Resolution recommends that lawyers create and maintain written plans for all client trust accounts.

C. Rule 8.4: Model Rules of Professional Conduct
   (Standing Committee on Ethics and Professional Responsibility)
Associate Ethics Counsel Mary McDermott reported that the Ethics Committee has posted a July 2015 draft of a proposed amendment to Model Rule 8.4. The draft proposal essentially recommends that current Comment [3] be moved to the black letter of Model Rule 8.4. The Committee will be conducting a public hearing on the proposed amendment to Model Rule 8.4 on Sunday, February 7, 2016 from 3:00 – 5:00 P.M. during the 2016 ABA Midyear Meeting in San Diego. A notice with the location of the public hearing will be distributed prior to the Midyear Meeting.

V. Director’s Report - Center for Professional Responsibility (CPR): Angela Burke stated that nominations for the 2016 Michael Franck Professional Responsibility Award are now being accepted. More The 2016 recipient will be selected by the Center’s Coordinating Council at the 2016 ABA Midyear Meeting in San Diego. She further reported that the Center will be conducting its annual Fall Leadership Conference on October 23-24, 2015 in Chicago. The 42nd National Conference on Professional Responsibility will be conducted on June 1-3, 2016 in Philadelphia. If a Section/Division ethics/professional responsibility committee would like to conduct a business meeting during the Conference, please contact Angela Burke for assistance in arranging your meeting. (angela.burke@americanbar.org). Finally, she stated the Center’s Diversity Committee will be presenting a CLE webinar on discrimination on Monday, October 19, 2015.

VI. Reports from Section/ Professional Responsibility Committees and Liaisons:

A. Commission on Sexual Orientation and Gender Identity (SOGI): Kristen Galles reported that SOGI is working with the Standing Committee on Ethics and Professional Responsibility on the proposed amendment to Rule 8.4 of the ABA Model Rules of Professional Conduct.

B. Senior Lawyers Division: Al Harvey stated that the Senior Lawyers Division does not have any proposed resolutions with reports at this time. He did report that the Division has received numerous e-mail messages regarding the Model Regulatory Objectives (See IVA above). Members of the Senior Lawyers Division have expressed concerns that the American Bar Association might be endorsing non-lawyer practice of law.

C. Young Lawyers Division: Kara Johnson reported that the Division will be conducting its Fall Conference on October 15-17, 2016 in Little Rock.

D. Judicial Division: Justice Elizabeth Lang-Miers reported that the Division does not have any proposed resolutions with reports at this time. The Division presented judicial ethics programming at the 2015 ABA Annual Meeting in Chicago. Justice Lang-Miers reported that the Judicial Division is producing “Ted Talks” (technology, entertainment, and design) style videos, produced by members of the ABA Judicial Division Ethics and Professionalism Committee, that offer short (6-13 minute long) segments of information on various ethics issues faced by members of the judiciary. The first four programs have been posted on the Judicial Division’s webpage:
E. Solo, Small Firm, and General Practice Division: John Ratnaswamy had no report at his time.

F. Section of Tort Trial and Insurance Practice: Perrin Rynders reported that the Section is conducting its Fall Leadership Conference starting October 16, 2015.

G. Section of Litigation: Thomas Wilkinson reported that the Section does not have any proposed resolutions with reports at this time. He stated that he plans to solicit comments from Section members on the proposed Model Regulatory Objectives and the amendments to the Model Rules on Client Trust Accounts. (See IV. above).

H. CPR Policy Implementation Committee: John Gleason reported that he is the new Chair of the Committee, having succeeded Justice Dan Crothers, and that the Committee will be conducting a business meeting on Saturday, October 24, 2015 in conjunction with the Center’s 2015 Fall Leadership Conference.

I. ABA Governmental Affairs Office (GAO): Larson Frisby reported that the GAO, on behalf of the ABA and in conjunction with 30 state and local bars, is supporting the traditional cash method of accounting utilized by most law firms and opposing draft legislation that would substantially limit the continued use of cash accounting. If enacted, the legislation could cause severe financial hardship to many law firms by requiring them to pay tax on income that has not been received and may never be received. Larson reported that the legislation is not being actively pursued in Congress but it also has not been disposed. Finally, Larson reported that the GAO is working with the Standing Committee on Lawyer Referral and Information Service to revise its resolution with report that was withdrawn at the 2015 ABA Annual Meeting in Chicago. The resolution recommended the adoption of rules to establish a privilege for ensuring that a client consulting a lawyer referral service for the purpose of retaining a lawyer or obtaining legal advice from a lawyer may refuse to disclose, or prevent the lawyer referral service from disclosing, those confidential communications.

J. Standing Committee on Specialization: Specialization Counsel Martin Whittaker reported that the Committee will present a resolution with report at the 2016 ABA Midyear Meeting that recommends the re-accreditation of a lawyer specialty certification for civil pre-trial practice.

K. Association of Professional Responsibility Lawyers (APRL): Donald Campbell stated that APRL will conduct its Midyear Meeting in San Diego in conjunction with the 2016 ABA Midyear Meeting. He reported that APRL is working with the Conference of Chief Justices and the National Organization of Bar Counsel to propose changes to the advertising rules contained within the ABA Model Rules for Professional Conduct.

L. ABA Board of Governors: Jerry Parnell had no report at this time but he looks forward to working as the Committee’s “pipeline” to the ABA Board of Governors
VII. Future Meetings:

A. **2016 ABA Midyear Meeting**
   Saturday, February 6, 2016
   12:00 P.M. - 2:00 P.M.
   Hotel TBD
   San Diego, CA

B. **Teleconference**
   April 2016
   Date/Time (TBD)

C. **2016 ABA Annual Meeting**
   Saturday, August 6, 2016
   12:00 P.M. - 2:00 P.M.
   Hotel TBD
   San Francisco, CA

Respectfully submitted,

John A. Holtaway
Lead Senior Counsel
Client Protection and Policy Implementation