



DRAFT COPRAC WORK SCHEDULE

State Bar 2022-2027 Strategic Plan:

Goal 3: Protect the Public by Regulating the Legal Profession

Promote the ethical and competent practice of law and prevent misconduct by providing education, resources, and support for the legal profession.

Committee Purpose: The Committee on Professional Responsibility and Conduct (COPRAC) includes 12 members and a nonvoting advisor appointed by the Board of Trustees (Board). The charge of COPRAC is to address matters involving professional ethics to facilitate compliance by licensees with their ethical duties. The committee also addresses certain matters concerning mandatory fee arbitration under Article 13 of the State Bar Act. (Bus. & Prof Code, §§ 6200 - 6206.)

The committee's work includes:

- Drafting advisory opinions on issues of professional ethics based on questions submitted to the committee or developed by the committee on its own initiative;
- Drafting fee arbitration advisories providing guidance to fee arbitrators administering attorney-client fee disputes; conducting studies;
- Providing advice to the Board on matters concerning professional responsibility;
- Studying and recommending changes to the Rules of Professional Conduct;
- Sponsoring educational and outreach programs, including an annual ethics symposium; and
- Addressing emerging ethics issues through opinions, articles, and other guidance.
- The committee does not advise on questions of law.

Workplan Purpose: In furtherance of COPRAC's purpose, this workplan sets milestones and intermediary deadlines to ensure efficient and effective functioning of the committee and to increase the production of ethical guidance for lawyers concerning their ethical obligations.

Workplan Goals:

1. Annually:
 - Establish Committee Roles and Responsibilities:
 - Seek volunteers for specific, recurring tasks

- Consider drafting teams for Emerging Issues (Ethics Alerts, MCLE Self-Study Articles) and Education/Outreach (including Ethics Symposium)
 - Define Priorities and Topics: Set annual goals for publication of formal opinions, Ethics Alerts, and Self-Study Articles.
 - 2 Formal Opinions
 - Quarterly Ethics Alerts
 - 3-5 Self-Study Articles
2. Quarterly:
- Identify key priority areas and topics for the committee's opinions, articles, and other guidance and determine preferred format for topic.

OPINION DRAFTING

THIS IS THE COMMITTEE'S PRIMARY MISSION AS DEFINED BY BOARD OF TRUSTEES. OPINIONS SHOULD BE RESERVED FOR SIGNIFICANT TOPICS THAT ARE UNLIKELY TO EVOLVE IN 5 OR MORE YEARS, TOPICS OF GENERAL APPLICABILITY, TOPICS REQUIRING SIGNIFICANT ANALYSIS.

The process: recommended timeline approximately 1 year

- (1) Review Proposed Topic and Staff Recommendation – Purpose is to determine whether the committee desires to take up the proposed topic as a formal opinion, address in another format, or decline to opine. Topics will be considered on a quarterly basis unless there is a need for more immediate consideration.
- (2) Issue Outline (at next meeting following initial assignment) – Purpose is to determine whether the committee should consider preparing a formal opinion (if not, "decline to opine"), and to determine what facts and issues to consider. Staff, in collaboration with the drafting team, will prepare an issue outline. The issue outline is submitted for inclusion on the next meeting agenda for discussion and consideration of other committee members' comments at meeting.
- (3) Opinion Outline – Purpose is to allow the committee to decide if the opinion is going in the right direction before the full opinion is drafted. Staff, in collaboration with and input from the drafting team, will prepare an opinion outline. The opinion outline is submitted for inclusion on the next meeting agenda for discussion and consideration of other committee members' comments at next meeting.
- (4) Initial Draft of Opinion – Staff and the drafting team will determine who will lead drafting of the opinion. The opinion will be shared with the full committee for advanced input,

provided to staff by email, and discussed at the meeting. Substantive revisions will be incorporated into the revised draft opinion for the next meeting.

- (5) Revised Draft Opinion – Staff and the drafting team will incorporate committee revisions from prior meeting and any other drafting team revisions. The opinion will be shared with the full committee for advanced input, provided to staff by email, and discussed at the meeting. The committee should seek to issue the revised draft opinion for an initial public comment period.
- (6) Summary of Public Comment and Drafting Team Response/ Proposed Revised Opinion – Staff will compile and summarize, if necessary, the public comments and provide such comments to the drafting team. Staff and the drafting team will meet and work on the opinion to incorporate public comment revisions and committee input. The full committee will receive a public comment summary/response and the revised opinion at the meeting immediately after the end of the public comment period. If there are substantive revisions, the committee will vote to recirculate the opinion for a second public comment, typically 30 days. The State Bar Office of General Counsel assists in considering whether further public comment is warranted.
- (7) Summary of Public Comment and Drafting Team Response/ Proposed Revised Opinion – Staff will compile and summarize, if necessary, the public comments and provide such comments to the drafting team. Staff and the drafting team will meet and work on the opinion to incorporate public comment revisions and committee input. The second public comment summary/ response and the revised opinion should be provided to the full committee at the meeting immediately after the end of the public comment period. If there are substantive revisions, the opinion is recirculated for third public comment. The State Bar Office of General Counsel assists in considering whether further public comment is warranted.
- (8) Posting on a Board Committee Agenda. Formal publication requires Board of Trustees Committee approval. Staff will coordinate the approval process, including preparing the request for adoption memo, once COPRAC has approved an opinion for publication.

Example Opinion Timeline (2024 – 2025 meeting calendar):

October 2024	December 2024	January 2025	March 2025	May 2025
Topic Considered	Issue Outline Considered	Opinion Outline Considered	Draft Opinion Considered	Revised Draft Opinion Considered/Issued for 90-day public comment

June 2025	August 2025	September 2025	October 2025	December 2025
Out for Public Comment	Out for Public Comment	Revised Opinion Considered / Issued for Second Public Comment	Out for Public Comment	Revised Opinion Considered for COPRAC approval

ETHICS ALERT AND MCLE SELF-STUDY ARTICLES

FOR TOPICAL ADVICE THAT IS SUBJECT TO REVISION, IMPACT A SUBSET OF ATTORNEYS, OR ADDRESS URGENT CONCERNS

The process: recommended timeline 3 months

- (1) Review Proposed Topic and Staff Recommendation – Purpose is to determine whether the committee wishes to take up the proposed topic as an advisory opinion or article. Will be considered on a quarterly basis unless there is a need for more immediate consideration.
- (2) Initial Draft of Article – Submit; consider members' comments at meeting.
- (3) Revised Article Published – Incorporate committee revisions from prior meeting and other drafting team revisions.

NEXT STEPS:

- Conduct a thorough analysis of the pending opinions and approved topics to determine their status, relevance, and significance to the profession and to allow for committee prioritization.