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PERSPECTIVE

## LA County bar's new ethics leader has ambitious agenda

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The new chair of the Los Angeles County Bar Association's Professional Responsibility and Ethics Committee has an ambitious agenda to help thousands of lawyers better serve their clients and stay out of trouble with the State Bar.

Kirsten Hicks Spira, a partner at Jenner & Block, will become chair of the committee on July 1. Spira focuses her practice on malpractice issues, which is one reason she wanted to become chair.

"I see a lot of traps for the unwary and I see a lot of misinformation," Spira said. "I am a certified malpractice specialist, so it was an easy fit for me to become involved in an ethics committee. It's really interesting work and I really believe it gives back to the legal community."

The committee's primary function is to interpret how the professional rules of ethics work in real world situations. The committee publishes opinions on LACBA's website to help lawyers navigate different scenarios they might encounter in their practice.

The committee has plans to issue guidance on lawyers' use of social media and on conflicts arising from lawyers frequently changing firms.

During the pandemic, lawyers have dealt with ethical questions about working from home or out of state. At the beginning of stay-at-home orders, lawyers had to answer whether they could competently fulfill their duties to clients while stuck at home. Spira said she believes many lawyers have now mastered working from home, but working from another state presents other problems.

A lawyer with a California license might not be able to practice from Colorado, even if that lawyer is only serving California clients. Spira said the committee intends to tackle the question.

"What we are empowered to do is come up with factual situations to explain to lawyers under the present set of rules what they can and can't do in specific situations, and how to navigate those situations," Spira said.

LACBA claims more than 16,000 members. In Los Angeles, there are approximately 56,000 active lawyers, many of whom look to LACBA for advice. Spira said that the 39-member committee takes that responsibility seriously.

"There's a tremendous workload," Spira said. "And people have strong opinions, and when we



Courtesy of Jenner & Block

Kirsten Hicks Spira

show up at the committee, it can be very daunting. People are very comfortable, and they should be, in giving their opinions."

Some opinions never see the light of day if the committee cannot reach an agreement. But Spira said that can be a good thing.

"If we can't be confident that we're getting it right, we shouldn't be issuing an opinion," Spira said.

One contentious issue the committee must tackle is the possible introduction of paraprofessionals in California.

Last year, the State Bar began to explore the idea of allowing paraprofessionals to practice in a limited capacity. Paraprofessionals would work as an alternative to lawyers to perform simple tasks in a few areas, most notably family, housing and consumer debt. The bar's working group has also recommended that paraprofessionals be able to represent clients in certain court matters.

The paraprofessional program working group will submit its final report and recommendations by Sept. 30.

Supporters say paraprofessionals would provide legal services to people who cannot afford a lawyer but do not qualify for financial assistance. Opponents say the initiative risks undermining the legal profession by allowing those in need of competent lawyers to receive subpar legal help.

The committee's task will be to look at how the recommendations from the bar working group will impact ethical requirements that lawyers are already obligated to follow.

"We've got a whole book of requirements for lawyers as to what lawyers need to do in those situations," Spira said. "What are we going to put on the licensure procedure for these paraprofessionals? And I don't know, because I haven't seen the report yet. But those are the types of things that I think will be hotly debated." ■

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