



CALIFORNIA MINORITY COUNSEL PROGRAM

2026 MCLE MARATHON (VIRTUAL)

FEBRUARY 6, 2026 | 9:00 AM - 1:00PM | Zoom

3 Sessions = 3.5 Hours MCLE Credits

www.cmcp.org

9:00 AM - 10:00 AM

**GENERATIVE AI IN CLIENT SERVICE:
PROMISE, PITFALLS, AND PRACTICE.**

MICHAEL A. LAVINE, JONES DAY
(MODERATOR)

Amir Amiri, Gen Digital

Shaunuk Turaga, Docsum

Ming Zhu, Google

0.5 HR (Legal Ethic)

0.5 HR (Technology)

10:15 AM - 11:15 AM

**FROM BIAS TO LIABILITY: ADDRESSING
UNCONSCIOUS BIAS AND EMPLOYMENT
DISCRIMINATION**

VIDA THOMAS

OPPENHEIMER INVESTIGATIONS GROUP,
LLP

1.0 HR (Implicit Bias)

11:30 AM - 1:00 PM

**ETHICAL EXIT STRATEGIES: KNOWING
WHEN TO WITHDRAW, SPEAK UP, OR
WALK AWAY**

JEAN CHA, CHA LAW ETHICS (MODERATOR)

Lois Durrant, Sheppard Mullin

Marie Ann Lavanier, Solar Turbines

Ryan Little, Little Law

1.5 HRS (Legal Ethics)

HOUSE RULES

While waiting for others to come in, here are some rules and reminders to keep in mind.



01.

Invited to turn ON video (optional) and asked to MUTE audio (required.)

02.

Rename yourself to show first name, last name and law firm/company/agency.



DISCLAIMER

ALL OPINIONS EXPRESSED BY PARTICIPANTS ARE SOLELY THEIR CURRENT OPINIONS AND DO NOT REFLECT THE OPINIONS OF CMCP, THEIR RESPECTIVE EMPLOYER, PARENT COMPANIES, LAW FIRMS, OR AFFILIATES.

IN THE INTEREST OF PROVIDING A SPACE FOR ROBUST CANDID CONVERSATION AND DISSENTING VIEWS ON SENSITIVE TOPICS, WE RESPECTFULLY ASK ATTENDEES TO EXERCISE RESPECT FOR OTHERS AND TO MAINTAIN CONFIDENTIALITY DURING AND AFTER THIS SESSION.

11:30 AM – 1:00 PM

Ethical Exit Strategies: Knowing When to Withdraw, Speak Up, or Walk Away

Jean Cha

Sole Practitioner & Founder,
Cha Law Ethics (Moderator)

Lois Durant

Chief Inclusion & Development Officer, Sheppard Mullin

Marie LaVanier

Assistant General Counsel, Solar Turbines Incorporated

Ryan Little

Founder, Little Legal

1.5 HRS (Legal Ethics)



MEET THE PANEL



Jean Cha



Lois Durant



Marie LaVanier



Ryan Little

MCLE DISCLAIMER



- Educational purposes only
- Not Legal advice
- Ethics: outcomes depend on facts + jurisdiction



WHAT WE WILL COVER

For many lawyers — especially attorneys of color and women in corporate or large-firm settings — ethical dilemmas often emerge as subtle pressure: 'Can we keep this off the record?' or 'Let's not raise that with the board yet.' This session explores how to maintain professional integrity and comply with California Rules of Professional Conduct when organizational or client pressures challenge a lawyer's ethical obligations. Participants will learn how to identify red flags, document ethical concerns, report up appropriately, and, when necessary, withdraw from a matter or transition out of a position ethically and strategically. The program also discusses modern career pathways and opportunities for lawyers who choose to make values-driven career changes.

Key Topics

- Recognizing subtle pressure that tests ethical judgment.
- Rule 1.13 and the duty to report up within an organization.
- Rule 1.16 and the process for ethically withdrawing from representation.
- How to document and communicate ethical concerns diplomatically.
- Balancing loyalty to the client with duties to the organization and profession.
- Career planning after ethical conflict: identifying healthy exits and new opportunities.



TODAY'S ROADMAP



Step 1: Spot red flags early



Step 2: Document and report up



Step 3: Protect privilege and boundaries



Step 4: Withdraw ethically



Step 5: Exit and land well

WHAT YOU'LL LEARN

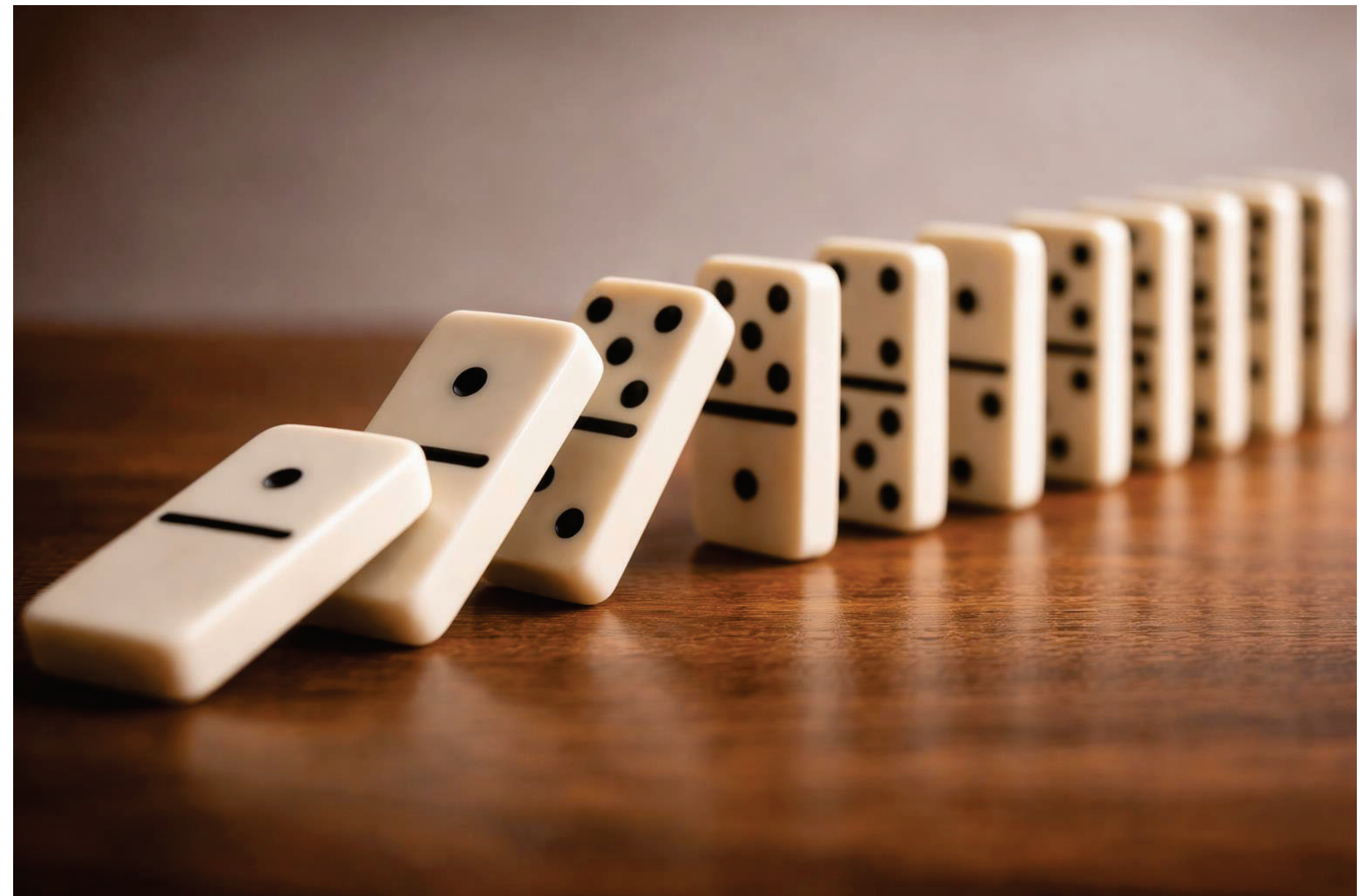


- ✓ Identify ethical red flags
- ✓ Apply Rules 1.1, 1.13, 1.16, 5.1, 5.2 & 5.3
- ✓ Communicate under pressure
- ✓ Protect your client and yourself
- ✓ Make value-driven decisions
- ✓ Know when to exit

THE PRESSURE SPECTRUM

Small compromises →
Big consequences

Ambiguity → Pressure →
Normalization → Exposure



RULE 1.1 COMPETENCE

Client-Lawyer Relationship

A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.



STEPPING BACK

“[Lawyers tend to] prioritize success and accomplishment over things like balance, personal well-being, health, etc. . . . [Attorneys go through training] where they are taught to work harder, play harder, and assume the role of a tough, capable and aggressive professional without personal weaknesses or deficiencies . . . Heavy drinking, lack of balance and poor self-care are entirely normalized. That’s the behavior that young lawyers see being modeled all around them, and throughout the profession.”

- Patrick R. Krill, author of Hazelden-ABA study

THE PRESSURE ISN'T ALWAYS OBVIOUS

Ethical dilemmas rarely show up as:

“Do something unethical.”

They show up as:

“Keep this off the record.”

“Let’s not raise it yet.”

“Don’t put that in writing.”

“We’ve always done it this way.”



RED FLAG CHECKLIST



- “Don’t document this.”
- “Don’t loop anyone in.”
- Weak facts or shaky support
- Strategically delaying disclosure
- Legal advice spread too broadly

IN HOUSE HYPO



The CEO is fired by the board.

CEO says: “You’re my lawyer. Help me fight this.”

Who is your client?

A) CEO B) Board C) Company D) Depends

IN-HOUSE REALITY: WHO IS THE CLIENT?

Your client is the organization.

Not:

CEO

Board Member

Executive team

Your work friend

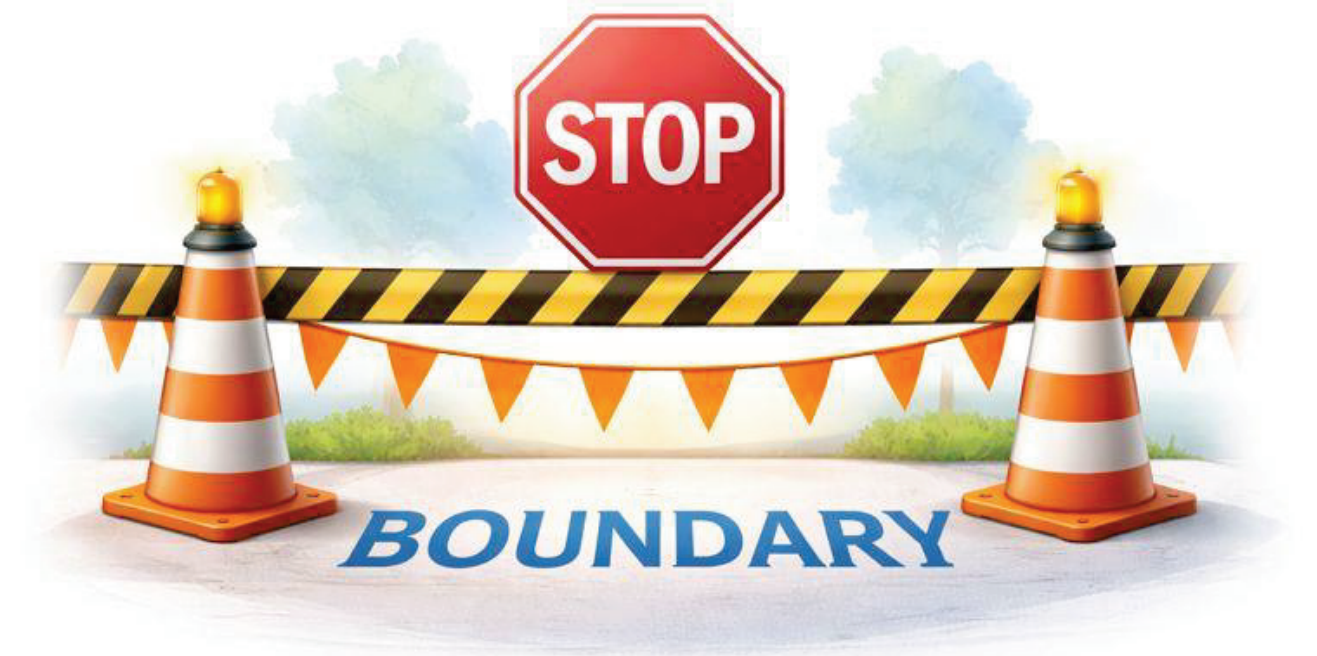
Anchor Rule: Rule 1.13



“I’M NOT YOUR LAWYER”

When someone asks for personal legal advice:

- “I represent the company.”
- “I can’t advise you personally.”
- “Go to HR, your supervisor, or your personal attorney.”



I'M STILL NOT YOUR LAWYER BUT ...

Upjohn Warning

- Witness interviews
- Subpoena directed at individual (vs PMK)

Notice of Potential Conflict

- Labor Code 2802 and individual defendants (e.g., sex harassment, retaliation)

Joint Defense Agreement

- Not a tell-all



RULE 1.13: REPORTING UP

When conduct may harm the Organization:

- ✓ Act in the best lawful interest of the entity
- ✓ Report up appropriately

Practical ladder

Supervisor → GC → CEO → Board





“REPORT UP” LANGUAGE THAT WORKS

Diplomatic Scripts:

- “This creates significant risk.”
- “We need a written basis for this.”
- “We should elevate this to GC or board review.”

If those don't work:

- “I will elevate...”

CONFIDENTIALITY + DISCLOSURE

Confidentiality is the default.
Disclosure is limited.



Protect client confidences while refusing unethical conduct.

PRIVILEGE: HOW IT ACTUALLY GETS LOST

Does a privilege exist?

- Are you being asked for legal – or business – advice? Or both?
- Is Legal included for advice or as a shield?

Privilege is eroded when:

- Advice is forwarded to others without a need-to-know
- Meetings include too many people
- The “reply all” trap

PRIVILEGE TRAPS IN MEETINGS





RULE 5.1, 5.2 & 5.3

Responsibilities of Managers and Supervisors:

Responsibilities of Subordinate Lawyers:

Responsibilities regarding Nonlawyers:

SUBSTANCE ABUSE IN THE LEGAL INDUSTRY

Work-induced stress-related substance abuse remains a prevalent issue in the legal profession

According to a recent study by the ABA Commission on Lawyer Assistance Programs and the Hazelden Betty Ford Foundation, almost 21% of lawyers and other legal professionals were identified as problem drinkers

When asked more detailed questions, this percentage increased to over 36%, indicating that more than a third of attorneys are dealing with alcohol abuse

Respondents 30 years of age or younger were more likely to have a higher score than their older peers

Almost half of the attorneys in the study indicated that their drinking problems started within 15 years in the industry, including their time in law school

RECOGNIZING IMPAIRMENT: SUBSTANCE ABUSE

Common Signs:

- **Physical:** Bloodshot eyes or dilated pupils; tremors or unsteady hands; frequent hangovers or withdrawal symptoms; slurred speech or impaired coordination
- **Work Performance:** Missed deadlines and absenteeism; declining quality of work; lack of responsiveness or erratic behavior
- **Behavioral & Emotional:** Mood swings or irritability, secrecy & avoidance; declining professionalism; denial & rationalization; drinking at work functions excessively; using substances to cope smell of alcohol or unusual breath fresheners

Strategies for Maintaining Competence:

- Stress management and healthy coping mechanisms
- Awareness and self-monitoring
- Early identification of signs dependence and addiction and intervention
- **Seek resources and support**

SHAREHOLDERS IN CONFLICT

*When shareholders fight....
Everyone wants “their lawyer”.*

You represent the entity.

First Move: Conflict evaluation



MENTAL HEALTH & BURNOUT IN THE LEGAL INDUSTRY

Burnout is pervasive and persistent

- Attorneys report feeling burned out 48% of the time.
- Higher rate among women at 53% v. men at 41%

Common mental health impacts show up as sleep disruption and anxiety

- In a 2024 study, lawyers reported disrupted sleep (56%), anxiety (55%), depression (14%)
- ~25% of women ~17% of men were considering leaving the profession due to mental health/burnout/stress

Lawyers are among the top ten professions for highest suicide rate

- As of 2024, 16.74% of lawyers reported knowing a colleague who committed suicide in the past two years
- 15.73% admitted to contemplating suicide during their legal careers

Workplace climate correlate with wellbeing risk—and may affect women and lawyers of color at higher rates

- Illinois Supreme Court Commission on Professionalism study found 24% of surveyed lawyers reported workplace bullying, disproportionately affecting women (38%), Black lawyers (35%), and Hispanic lawyers (34%)

RECOGNIZING IMPAIRMENT: MENTAL HEALTH & BURNOUT

Common signs:

- **Emotional & Behavioral:** Increased irritability mood swings; withdrawal from colleagues and clients, detachment; persistent anxiety or depression; loss of motivation and passion; emotional exhaustion
- **Physical and Cognitive:** Chronic fatigue or insomnia; frequent headaches or other physical ailments; memory issues or difficulty concentrating
- **Performance:** Missed deadlines and reduced productivity; increased errors in work, difficulty managing workload

Strategies for Maintaining Competence:

- Identify early warning signs of mental health issues and take action
- Build healthy social and professional networks
- Manage workloads and stress levels
- Mindfulness and stress reduction exercises
- **Seek mental health resources and support**

RULE 1.16: WITHDRAWAL



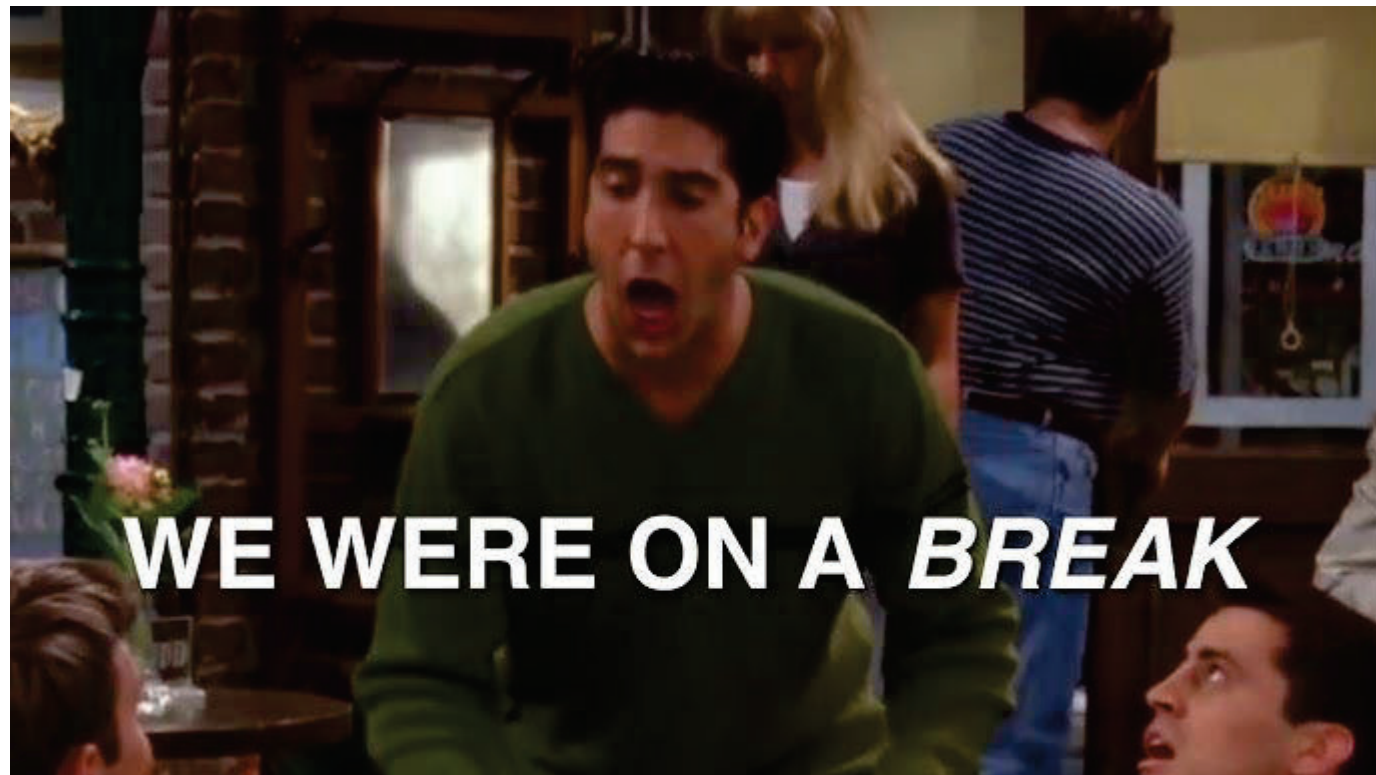
Mandatory vs. Permissive Withdrawal

ABA OPINIONS RE: WITHDRAWAL

ABA Formal Op. 519: Disclosure of Information in a Motion to Withdraw from a Representation

ABA Formal Op. 520: Duty to communicate/cooperate after withdrawal and termination of the representation

WHEN IN-HOUSE AND OUTSIDE COUNSEL BREAK UP



In-House Counsel may need to "fire" Outside Counsel when:

- OC is not adhering to (ethical) instructions
- OC is not properly staffing / billing
- OC is veering from the best interests of the client

Considerations:

- Timing
- Costs to onboard new counsel
- Confirm with GC

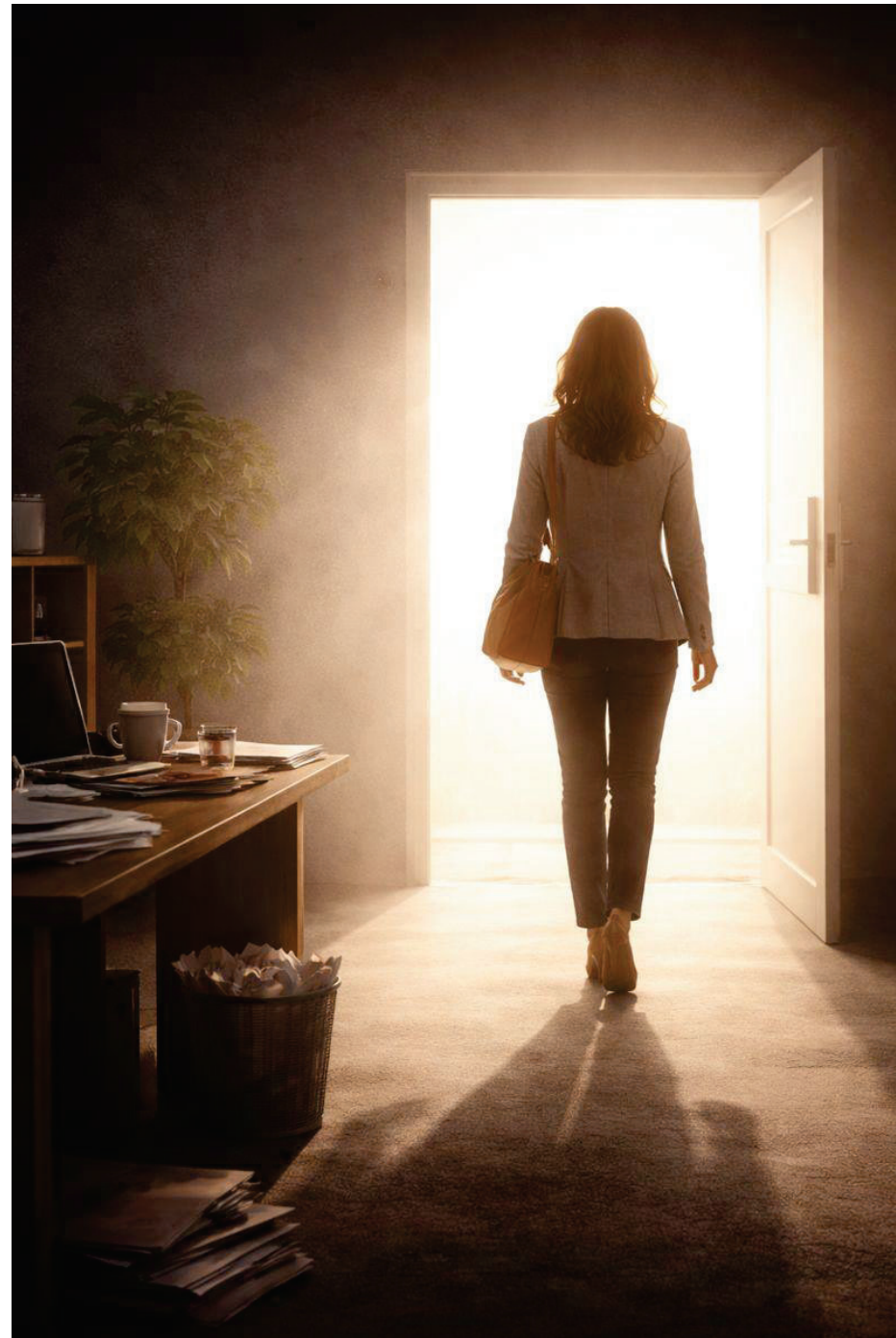
AVOID FORESEEABLE PREJUDICE

Withdrawal must protect the client:

- Reasonable notice
- Time to retrain new counsel
- Return papers/property
- Refund unearned fees
- Motions/continuances if needed



EXIT STRATEGY ≠ DISLOYALTY



Martyr mindset: “I have to stay no matter what.”
Healthy mindset: “I can leave ethically.”

Your values + wellness matter.

SUPPORT RESOURCES FOR LAWYERS

- **ABA Commission on Lawyer Assistance Programs (CoLAP)** — National hub supporting Lawyer Assistance Programs (LAPs) and promoting lawyer well-being; good starting point if you're unsure where to go.
- **Directory of Lawyer Assistance Programs (by state/jurisdiction)** — ABA's directory to find the **confidential LAP** in each jurisdiction (many offer counseling referrals, peer support, and SUD resources for lawyers, judges, and law students).
- **Institute for Well-Being in Law (IWIL)** — Curated legal-industry well-being resources and practical guides used by firms, departments, courts, bars, and individuals.
- **The Lawyers Depression Project (LDP)** — Free, confidential peer support community for lawyers, judges, and law students (not state-specific).
- **Mindfulness in Law Society (MILS)** — Mindfulness and contemplative-practice programming tailored to the legal profession (e.g., virtual sits, chapters, education).
- **DRI for Life** — Lawyer wellness/work-life resources and programming through the DRI foundation (useful especially for those connected to the defense bar community).



CALIFORNIA MINORITY
COUNSEL PROGRAM

LEAVE WELL, LAND WELL

3-Step Framework:

- 1. Spot it early*
- 2. Report up and document*
- 3. Exit ethically*





CALIFORNIA MINORITY
COUNSEL PROGRAM

Q & A



SECURE YOUR MCLE CREDIT

MCLE and Written Materials



9/13/2024
10:00 am - 11:30 am

Men of Color Forum: On the Clock versus Off the Clock

0.75 Hour CA MCLE Credit
0.75 hr Wellness Competence

- Record & Certificate of Attendance
- MCLE Activity Evaluation Form



9/13/2024
10:00 am - 11:30 am

Women of Color Forum: Navigating Work, Leadership, and Equity

1.0 Hour CA MCLE Credit
1.0 hr Recognition and Elimination of Bias

- Record & Certificate of Attendance
- MCLE Activity Evaluation Form
- Written Materials: [2024 ABC Women of Color Forum Written Materials](#)



Women of CMCP Summit

April 21, 2026

Golden Gate Club at The Presidio - San Francisco



Men of CMCP Summit

April 22, 2026

Golden Gate Club at The Presidio - San Francisco

2026



SUMMITS & CONFERENCE

www.cmcp.org/events



Annual Business Conference

September 24-25, 2026

UCLA Luskin Conference Center -
Los Angeles



**THANK
YOU!**

If you have questions,
send a message to
events@cmcp.org.