

EMAIL FROM Philip Schwartz – Update on Status of Statement of Opinion Practices

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Sent: Monday, January 15, 2018 11:09 AM

To: Robert Barron

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Subject: Statement on Opinion Practices - Current Version

Robert,

I wanted to give you an update on the status of the Statement of Opinion Practices (the “Statement”).

For background, and as I have previously reported upon at prior meetings of our Section’s legal opinion standards committee, what everyone thought was a final version of the Statement was approved in early April by the ABA BLS Legal Opinions Committee. However, following that meeting, a group of lawyers primarily associated with the TriBar Opinions Committee raised significant concerns about the Statement in the form approved. As result, the WGLO Board deferred action on the final Statement in early May while these concerns were considered. That process resulted in the dissemination in late July of a new draft of the Statement.

As I reported on at our committee meeting held in early September at the retreat, the draft Statement that was circulated in late July was considered by me and by others around the country (including several of the members of our committee who reviewed that draft and gave me comments) to be a significant step backwards in the effort to reach national consensus on the topics discussed in the Statement. Following receipt of the revised Statement, in early August, several members of the Joint Committee (including myself and a group of lawyers representing the real estate bar) commented extensively in writing about the revised Statement, raising significant substantive issues, and the Joint Committee has been meeting on almost a weekly basis since mid-August to comprehensively review the wording of the Statement in light of the concerns that we raised. We are now close to the end of that process, so I wanted to share with you at this time the current draft of the Statement (draft dated January 11, 2018). I am also providing a marked copy of the current version of the Statement against the version of the Statement approved last April by the ABA committee.

The Joint Committee will be meeting late next week to further discuss the Statement, and I expect that the Statement in the form attached is likely to be approved.

Feel free to share this e-mail and the attachments with the members of our committee to the extent you see fit. Also, I will be happy to report on the current status of the draft Statement at the upcoming meeting of our committee.

If you have any questions, please feel free to give me a call.

Phil

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