



Carole J. Buckner, Partner and General Counsel

Practice Areas	Legal Ethics, Professional Responsibility and the Law of Lawyering Privacy and Cybersecurity Arbitration Mediation
Admissions	California
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Professional Summary

CAROLE J. BUCKNER is a Partner and General Counsel at Procopio. Her practice focuses on legal ethics, professional responsibility and the law of lawyering, including advising lawyers and law firms, and rendering expert opinions. She also serves as an expert consultant on issues involving legal ethics including legal fees, billing, fee arrangements, conflicts of interest, fee sharing, referral fees, unauthorized practice of law, withdrawal from representation, modification of fee arrangements, client trust accounting, and other issues. Prior to joining Procopio, Carole was a sole practitioner in the field of legal ethics, issues involving professional responsibility, and the law of lawyering. Carole also served as dean of St. Francis School of Law. Carole has previously worked in litigation, as in-house counsel, as a federal prosecutor, and she has taught and worked in administration at multiple law schools. Carole was a member of the California State Bar's Committee on Professionalism and Conduct (COPRAC) starting in 2005. She served as COPRAC chair in 2009-2010, and later as the Special Advisor to the Committee. Carole is a member and former Co-Chair of the Professionalism and Ethics Committee of the Orange County Bar Association. She is a member and former chair of the Los Angeles County Bar Association's Committee on Professional Responsibility and Ethics Committee (PREC). Carole is also a member of the San Diego County Bar Association's Legal Ethics Committee. Carole has also spoken and written extensively on a wide variety of ethics related topics. Through COPRAC, the LACBA, SDCBA, OCBA, PLI, CEB, and other organizations, Carole has spoken at the State Bar's Annual Ethics Symposiums, State Bar



Annual Meetings, bar association MCLE programs, and in other venues on a wide variety of ethics related topics including attorneys' fees, client trust accounting, conflicts of interest, confidentiality issues, screening, judicial recusal, lawyer advertising, collaborative law, prosecutorial misconduct, ethical issues arising from lawyer impairment, and many others. Carole has also participated as a panelist on the annual update on ethics-related cases. Also on behalf of COPRAC, Carole has closely monitored the work of the Commission on the Revision of the Rules of Professional Conduct, and has written and spoken on the new California Rules of Professional Conduct.



Representative Matters

LEGAL ETHICS

- Legal Ethics Advice
- Conflicts of Interest
- Confidentiality / Inadvertent Disclosure
- Outsourcing
- Ethics and Social Media
- Lawyer Advertising
- Referral Fees
- Fee Arrangements
- Fee Disputes
- Client Trust Accounting



- Unauthorized Practice of Law

EXPERT OPINION

- Unauthorized Practice of Law
- Conflicts of Interest
- Referral Fees
- Confidentiality
- Fee Arrangements
- Fee Disputes
- Client Trust Accounting
- Disqualification Motions
- State Bar Defense

Recognitions

- 2021 Woman Leader in the Law, *American Lawyer Magazine*
- 2019 West Coast Top Rated Lawyers, ALM
- AV Rated in Martindale-Hubbell
- *The Best Lawyers in America*® 2019-Present (Ethics and Professional Responsibility Law)
- Leaders in Law finalist, *San Diego Business Journal*, 2019, 2020.
- "Top Lawyers," *San Diego Magazine*, 2018-present

Community

- Mediator & Arbitrator for Orange County Bar Association Mandatory Fee Arbitration Program
- International Association of Privacy Professionals, Member



- Association of Workplace Investigators, Member
- Hastings College of the Law, Board of Trustees, Member
- Southern California Mediation Association, Member
- [California Lawyers Association Ethics Committee](#), Member
- [American Bar Association Standing Committee on Professional Regulation](#), Member
- [Orange County Bar Association](#), [Professionalism & Ethics Committee](#), Member & Co-Chair
- "Ethically Speaking Column" in [OC Lawyer Magazine](#), Contributing Editor
- [Los Angeles County Bar Association](#), [Professional Responsibility & Ethics Committee](#), Member and Secretary
- [Association of Professional Responsibility Lawyers \(APRL\)](#), Member, Committee on the Future of Lawyering
- California State Bar, Committee on Mandatory Fee Arbitration, Member
- San Diego County Bar Association, [Legal Ethics Committee](#), Member
- California State Bar, Committee on Professional Responsibility and Conduct (COPRAC), Former and Past Chair
- St. Francis School of Law, Former Dean
- Concord Law School of Kaplan University, Former Associate Dean
- Abraham Lincoln University, School of Law, teaching Contemporary Ethical Issues, Evidence, Contracts, UCC, Remedies, Real Property, and Employment Law, Former Dean
- California State Bar, Committee on Professional Responsibility & Conduct (COPRAC), Former Special Advisor and Chair
- Special Assistant United States Attorney, USPS-OIG, Former Federal Criminal Prosecutor
- Western State University College of Law, Former Adjunct Professor and Visiting Professor

Education

- Pepperdine University, Caruso School of Law, Straus Institute for Dispute Resolution, *Mediating the Litigated Case*, October 2020



- JD, University of California, Hastings College of Law, 1984
- BA, University of California, Berkeley w/Honors, 1980

News Coverage

- "2020 Leaders in Law Finalists," San Diego Business Journal, November 9, 2020.
- Knautt, Kamila. "California Lawyers Association names Carole J. Buckner to the legal ethics committee," *L.A. Daily Journal*, November 2, 2020.
- "Procopio Elevates Partners," *San Diego Daily Transcript*, January 16, 2018.
- Sarah de Crescenzo. "Procopio Ushers in Leadership Changes in New Year," *San Diego Business Journal*, January 3, 2018.
- "On the Move," *Los Angeles Daily Journal*, June 5, 2017.

Seminars

- Presenter. "Legal and Ethical Concerns for Marketing a Law Firm," *Western San Bernardino County Bar Association*, January 26, 2021.
- Presenter. "Ethical Considerations for Remote Work and Virtual Law Practice," *Beverly Hills Bar Association and California Lawyers Association*, January 25, 2021.
- Co-Presenter. "[The Ethics of Federal Law Practice, Remote Lawyering, and a Technology-Driven Vision of the Future of Law](#)," December 16, 2020. Please note: (1) The presentation shown during this webinar has been updated. To view the current PowerPoint, please [click here](#). (2) Post-webinar, the ABA issued ABA Formal Op. No. 495 addressing Lawyers Working Remotely available [here](#).
- Co-Presenter. "[Part 2: What The Future Holds With The Passage of CCPA](#)," August 18, 2020.
- Presenter. "[Legal Ethics and Cyber Security 2020](#)," Celesq AttorneysEd Center, January 10, 2020.
- Presenter. "2019 Institute on Entertainment Law and Business," hosted by the USC Gould School of Law and the Beverly Hills Bar Association at the USC University Park campus in Los Angeles, California, October 26, 2019.
- Presenter. "[Ethical Obligations in Data Security: Significant Compliance Practices](#)," webinar, The Knowledge Group, July 30, 2019.

- Presenter. "[Planning an Effective Response to a Cyber Incident](#)," webinar, CELESQ AttorneysEd Center, June 25, 2019.
- Presenter. "What Keeps a General Counsel Up at Night (March 6, 2019) and "Stump the General Counsel (March 7, 2019), 18th Annual Legal Management and Risk Conference, Chicago, Illinois.
- Presenter. "[Attorney Client Privilege for In-House Counsel](#)," webinar, CELESQ AttorneysEd Center, February 12, 2019.
- "Presenter. "Fifth Annual Ethics, Competence, and Elimination of Bias All-Day MCLE Event," Federal Bar Association, San Diego chapter, January 28, 2019.
- Presenter. "Key Updates to Start the Year Right," UC Hastings College of the Law MCLE event, San Diego, California, January 26, 2019.
- Presenter. "Complying with the New Trust Accounting Rules," webinar for Continuing Education of the Bar for California, January 9, 2019.
- Speaker. "Ethics Update 2018," Orange County Bar Association, Orange County, California, December 29, 2018.
- Speaker, "Social Media and Marketing Ethics for Attorneys," Riverside County Bar Association, December 29, 2018.
- Speaker. "OCBA Ethics Update 2018," Orange County Bar Association, Orange County, California, November 29, 2018.
- Speaker. "Social Media and Marketing Ethics for Attorneys," Solo & Small Firm Section, Riverside County Bar Association, November 15, 2018.
- Speaker. "Ethical Roadmap for Data Breach or Cyberattack," San Diego County Bar Association, San Diego, California, November 5, 2018.
- Presenter. "The New Rules of Professional Conduct: What You Don't Know Can Hurt You," San Diego Defense Lawyers, San Diego, Ca., October 23, 2018.
- "[Nuts & Bolts: Ending a Client Relationship - Duties in Connection with the Termination of Representation](#)," Panelist, San Diego County Bar Association, San Diego, CA, August 17, 2018.
- "[San Diego County Bar Association Summer Series on Navigating the Changes to the Rules of Professional Responsibility, Program 1: Attorney Client Relationship](#)," San Diego, CA, June 8, 2018.

- “Legal Ethics for Immigration Lawyers,” San Diego Chapter of the American Immigration Lawyers Association, San Diego, CA, March 21, 2018.
- "Ethics Update 2017," Orange County Bar Association, September 2017.
- "California State Bar Arbitrator Training – Committee on Mandatory Fee Arbitration," Long Beach Bar Association, June 2017 (Long Beach) & October 2017 (Los Angeles).
- “Ethical Considerations of Representing Entities and their Members and Officers in Real Estate Transactions,” Los Angeles County Bar Association, May 2017.
- “Attorneys’ Fees and Ethics: It Pays to be Reasonable,” National Association of Legal Fee Analysis, Webinar, April 27, 2017.
- “Ethical Issues Arising Out of Representation of Title Insurers and Insureds,” Los Angeles County Bar Association, March 21, 2017.
- “You Can’t Go Wrong – Ethics + Competence + Elimination of Bias,” Los Angeles County Bar Association, February 25, 2017.
- “Recent Decisions and Guidance on Billing Legal Fees,” Orange County Paralegal Association, Irvine, CA, February 23, 2017.
- “The Ethical Use of Expert Witnesses,” Los Angeles County Bar Association, January 14, 2017.
- “Ethics and Competence for Immigration Attorneys,” Orange County Bar Association Immigration Law Section Meeting, January 13, 2017.
- "Getting Paid: The Relationship Between Your Billings and Fee Agreements," California State Bar Solo and Small Firm Summit, Newport Beach, CA, December 2016.
- “Ethics Update 2016,” Orange County Bar Association, Newport Beach, CA, December 3, 2016.
- “Legal Ethics, Social Media and Jury Trials,” Long Beach Bar Association, October 10, 2016.
- “Protecting and Collecting Legal Fees, An Attorney’s Guide to Fee Arbitration, Collecting Fees and Ethical Issues,” State Bar of California Annual Meeting, San Diego, CA, October 1, 2016.
- “Client Trust Accounting Demystified,” CEB Webinar, August 17, 2016.
- "Attorneys Fees & Ethics: It Pays to be Reasonable," Webinar, National Association of Legal Fees Analysis, July 2016.
- "Professional Responsibility and Legal Ethics for Immigration Attorneys," Orange County Bar

Association, Newport Beach, CA, January 2016.

- "Recent Developments in California Legal Ethics," On Demand/Webinar for CEB, December 2015.
- "Legal Ethics Update for Immigration Lawyers," American Immigration Lawyers' Association, Los Angeles, CA, November 2015.
- "Attorneys Fees & Ethics: It Pays to be Reasonable," Webinar, National Association of Legal Fees Analysis, September 2015.
- "Recent Updates in Ethics 2015," Orange County Paralegal Association, Irvine, CA, July 2015.
- "Deja Vu All Over Again: Brainstorming the New California Rules Project," California State Bar Annual Ethics Symposium, San Diego, CA, April 2015.
- "Practical Ethics for California Paralegals," Irvine, CA, February 2015.
- "Ethics Update 2014," Orange County Bar Association, December 2014.
- "Building and Expanding a Twenty-First Century Law Practice: Technology, the Cloud and Ethics," Paso Robles, CA, October 2014.
- "Legal Ethics & Technology: Recent Developments," AOPL, Coeur D'Alene, ID, September 2014.
- "Recent Developments in California Legal Ethics," Continuing Education of the Bar (CEB), July 2014.
- "Ethics Update 2013: Recent Developments in Legal Ethics, Legal Malpractice and Risk Management," Orange County Bar Association, Newport Beach, CA, December 2013.
- "Ethics Update 2013: Recent Developments and Proposed New Rules," CEB (Continuing Education of the Bar), Los Angeles and Costa Mesa, CA, January 2013.
- "Establishing and Properly Administering the Client Trust Account, On Demand CLE for CEB (Continuing Education of the Bar), 2012.
- "Navigating Common Ethical Dilemmas, Los Angeles Paralegal Association & Abraham Lincoln University School of Law, Los Angeles, CA, May 2012.
- "Ethics Update 2012: Recent Developments and Proposed New Rules from the California Rules Revision Commission," CEB (Continuing Education of the Bar). Irvine, CA, January 20, 2012 and Los Angeles, CA, January 27, 2012.
- "Alumni Ethics Update & Ethics, Social Networking & Technology," Los Angeles, CA, November

2011.

- "Screening and Ethical Issues in Social Networking," Moderator, Santa Barbara, CA, October 2011.
- "Ethical Issues in Social Networking & Technology," Los Angeles Paralegal Association, Los Angeles, CA, September 2011.
- "Ethics Update 2011," State Bar Annual Meeting, Long Beach CA, September 2011.
- "Ethics, Innocence, and Prosecutorial Misconduct," UCI School of Law, State Bar Annual Ethics Symposium, Irvine, CA, April, 2011.
- "Judicial Independence: Corporate Expenditures and State Judicial Elections," University of San Francisco Law Review Symposium, San Francisco, CA, February 2011.
- "Ethics Issues for Corporate Counsel," Orange County Bar Association, Corporate Counsel Section, November 2010.
- "Reforming California's Treatment of Prisoners, Criminal Sentencing and Ethics: Have We Gone Too Far? What Does the Future Hold?" Western State University Law Review Association Symposium, Fullerton, CA, October 2010.
- "Annual Ethics Update," Panelist, California State Bar Annual Meeting, San Diego, CA, September, 2009.
- "Ethical Issues Arising During Depositions," Panelist, PLI, San Francisco, CA, June 2009.
- "Re-Forming the Rules of Professional Conduct, Moderator, California State Bar Annual Ethics Symposium, San Diego, CA, April 2009.
- "Keeping Trust Accounts in Order & Responding to Fee Disputes," Presentation to Orange County Chapter Association of Legal Administrators, Costa Mesa, CA, January 2009.
- "Recent Developments in Legal Ethics," Panelist, California State Bar Annual Meeting, Monterey, CA, September 2008.
- "Prosecutorial Misconduct: Aberration or Epidemic," Panelist and Moderator, State Bar of California, Annual Ethics Symposium, San Francisco, CA, May 2008.
- "Orange County Bar Association Last Dash – Preventing Substance Abuse," Costa Mesa, CA, January 2008.
- "Orange County Bar Association Specialty Night – Ethical Strategies for Dealing with the Impaired Lawyer," Panelist, Costa Mesa, CA, December 2007.

- "Liability for Failure to Adequately Train," Los Angeles, CA, June 2007.
- "Ethics at the Edges of Family Law," Panelist, California State Bar Annual Ethics Symposium, May 2007.
- "Orange County Bar Association Specialty Night – Ethical Issues in Dealing with the Impaired Lawyer," Panelist, Costa Mesa, CA, December 2006.
- "Orange County Bar Association MFA Luncheon Speaker – Ethics Update," Panelist, Costa Mesa, CA, September 2006.
- "Recent Developments in Legal Ethics," Panelist, California State Bar Annual Meeting, Monterey, CA, August 2006.
- "The Ethical Perils of Setting, Billing and Collecting Your Fees," Panelist, California State Bar Annual Meeting, August 2006.

Publications

Carole's publications in the fields of legal ethics, professional responsibility, and the law of lawyering include the following articles. She also blogs at [Procopio's Buckner Law blog](#). Please [contact Carole](#) for updated information, as the law does change constantly.

- "[Responding to a Data Breach? Preserve Your Privilege and Work Product](#)," March 2, 2021.
- "[Legal Ethics, Litigation, and the Pandemic](#)," L.A. County Bar Association, February 2021.
- "[Spotlight On Ethics: Rules of Remote Work](#)," California Lawyers Association, February 2021.
- "[Absent Contrary Agreement, Statutory Fees Belong to the Lawyer](#)," San Diego County Bar Association, October 7, 2020.
- "[The Ethical Implications of Moonlighting](#)," San Diego County Bar Association, September 15, 2020.
- "[Unauthorized Practice of Law Before the USPTO Results in Suspension](#)," February 28, 2020.
- "[Fee Sharing and Insurance Disclosure](#)," San Diego County Bar Association, January 23, 2020.
- "[Roundtable: Learning to be a Lawyer](#)," San Diego Lawyer Magazine, January/February 2020.
- "[Proposed California Consumer Privacy Act Regulations Address Notice Requirements](#)," October 24, 2019

- "[Settlement Demands, Extortion and the Litigation Privilege](#)," San Diego County Bar Association, July 29, 2019.
- "[Protecting Privilege in a Cyber Breach Incident Response](#)," San Diego Lawyer Magazine, June 10, 2019.
- "[Beware of Ethical Perils in Representation of a 50/50 Partnership](#)," Los Angeles County Bar Association, June 2019.
- "[Developing an Incident Response Plan for a Cyber Attack](#)," April 17, 2019.
- "[Implied Consent to Current Client Conflicts](#)," March 2019.
- "[Ethical Roadmap for Data Breach or Cyberattack](#)," San Diego County Bar Association, November 26, 2018.
- "[Ethics and Best Practices in Real Estate Transactions and Litigation](#)," September 4, 2018.
- "[Ethical Obligations of Lawyers — Live Webcast 8/28/18](#)," August 21, 2018.
- "[Ethically Withdrawing from Representation](#)," San Diego County Bar Association, August 9, 2018.
- "[New Ethics Rules Address Law Firm Managers and Supervisors](#)," Los Angeles County Bar Association, August 2018.
- "[The Exercise of Judicial Discretion in Disqualification](#)," *Orange County Lawyer Magazine*, April 2018.
- "[Excessive Deposition Delays Without Sufficient Justification Leads to Terminating Sanctions](#)," San Diego County Bar Association, *Ethics in Brief*, December 2017.
- "[Who Holds the Work Product Privilege?](#)" *ABTL Report San Diego*, Fall 2017.
- "[The Disappearing Attorney-Client Privilege](#)," *Orange County Lawyer Magazine*, April 2017.
- Co-author. "[Ethical Billing Practices Avoid Problems Collecting Fees](#)," *California Bar Journal*, December 2016.
- "Ethical Billing of Attorneys Fees," Los Angeles County Bar Association, *Update*, July 2016.
- "Forfeiture of Fees Due to Conflict of Interest," *Orange County Lawyer Magazine*, April 2016.
- "[Avoiding the Unauthorized Practice of Law](#)," Los Angeles County Bar Association, *Update*, August 2015.

- "[Protecting Judicial Impartiality](#)," *Orange County Lawyer Magazine*, April 2015.
- "[Legal Ethics & Cloud Computing](#)," Los Angeles County Bar Association, *Update*, December 2014.
- "Legal Ethics and Online Lawyer Referral Services," Los Angeles County Bar Association, *Update*, December 2013.
- "[Legal Ethics, Social Media, and the Jury](#)," *Orange County Lawyer Magazine*, November 2013.
- "[Co-Counsel Conflicts of Interest](#)," *Orange County Lawyer Magazine*, April 2013.
- "[Witness Interviews and Work Product](#)," *Orange County Lawyer Magazine*, October 2012.
- "Ethical Implications of Ghostwriting," Los Angeles County Bar Association, *Update*, September 2012.
- "Ethical Constraints on Subpoenaing Clients," Los Angeles County Bar Association, *Update*, March 2012.
- "[Duty of Loyalty Trumps First Amendment Rights](#)," *Orange County Lawyer Magazine*, July 2011.
- "[The ABCs of IOLTA Client Trust Accounts](#)," *American Bar Association GP Solo Magazine*, July / August 2011.
- "Ethical Informal Discovery of Social Media," Los Angeles County Bar Association Update, May 2011.
- "Ethics, Innocence, and Prosecutorial Misconduct," UCI School of Law, State Bar Annual Ethics Symposium, Irvine, CA Law Review Symposium, April 2011.
- "[Ethics Update 2010](#)," Significant Developments in the Law of Lawyering, California State Bar Annual Meeting, 2010.
- "Ethical Paradigms for 2010," California State Bar Annual Meeting, September 2010.
- "[Modification of Lawyer-Client Fee Agreements](#)," *Orange County Lawyer Magazine*, May 2010.
- "[Finance and Friendship: Judicial Bias May Violate Due Process](#)," *Orange County Lawyer Magazine*, April 2010.
- "[High Courts Address Attorney Client Privilege](#)," *Orange County Lawyer Magazine*, February 2010.
- "Ethical Issues Arising During Depositions," Chapter in PLI Course Materials on Taking and Defending Depositions, PLI, San Francisco, California, June 2009.

- "Ethics Opinions Provide Guidance in Resolving Attorneys Fees Issues," *Orange County Lawyer Magazine*, February 2009.
- "Addressing the Intricacies of Future Conflict Waivers," *Orange County Lawyer Magazine*, November 2008.
- Co-author. "Is Screening on the Horizon in California?" *Orange County Lawyer Magazine*, August 2008.
- "Malpractice Insurance Disclosure Lurches Toward Approval," *Orange County Lawyer Magazine*, April 2008.
- Co-Author. "Point/Counterpoint: Sex with Clients: Permission or Prohibition?" *Orange County Lawyer Magazine*, February 2008.
- "Ethical Considerations in Collaborative Family Law," *Orange County Lawyer Magazine*, November 2007.
- "Truth in Lawyer Advertising: Are Super Lawyers the Best Lawyers?" *Orange County Lawyer Magazine*, April 2007.
- "Corporate Transactional Lawyers as 'Gatekeepers,'" *Orange County Lawyer Magazine*, March 2007.
- "Ethical Issues Arising From Lawyer Impairment," *Orange County Lawyer Magazine*, January 2007.
- "Avoiding Common Client Complaints: A Dialog with the OCBA Client Relations Committee," *Orange County Lawyer Magazine*, December 2006.
- Co-author. "The Self-Defense Exception to the Ethical Duty of Confidentiality," *Orange County Lawyer Magazine*, 2006.
- "The Ethics of Temporary Lawyering," *Orange County Lawyer Magazine*, 2006.