

McCurdy, Lauren

RE: Rule 1.5.1
6/25&26/10 Commission Meeting
Open Session Agenda Item III.H.

From: Lamport, Stanley W. [SLamport@coxcastle.com]
Sent: Thursday, June 17, 2010 12:16 PM
To: Difuntorum, Randall
Cc: CommissionerJ2@gmail.com; hbsondheim@verizon.net; ignazio.ruvolo@jud.ca.gov; jsapiro@sapirolaw.com; kemohr@charter.net; kevin_e_mohr@csi.com; kevinm@wsulaw.edu; kmelchior@nossaman.com; linda.foy@jud.ca.gov; martinez@lbbslaw.com; mtuft@cwclaw.com; pecklaw@prodigy.net; pwwapnek@townsend.com; rlkehr@kscllp.com; snyderlaw@charter.net; Lee, Mimi; McCurdy, Lauren
Subject: RRC: Rule 1.5.1 - June 25-26, 2010 Agenda

Sorry for being late on this, but it could not be helped.

I am recommending two changes to this Rule.

First, Toby Rothschild commented that the definition of a division of a fee in Comment [1] refers to a fee paid by a client. He noted that a division could involve a fee paid by a third party. He suggests that the Comment be revised to state that it applies to fees paid "by or on behalf of a client." I agree. Accordingly, the revised Comment would state: [1] A division of a fee under paragraph (a) occurs when a lawyer pays to a lawyer who is not in the same law firm a portion of specific fees paid by or on behalf of a client. For a discussion of criteria for determining whether a division of a fee under paragraph (a) has occurred, see *Chambers v. Kay* (2002) 29 Cal.4th 142 [126 Cal.Rptr.2d 536]."

Second, in response to a comment from OCTC, I recommend that we modify Comment [6] to state that a lawyer may have a duty to inform a client of the existence of an agreement to divide a fee under Rule 1.4. The revised Comment would state: "[6] This Rule does not subject a lawyer to discipline unless a lawyer actually pays the divided fee to a lawyer who is not in the same law firm without having complied with the requirements in paragraph (a). However, a lawyer may be required to inform a client of the existence of an agreement to divide a fee under Rule 1.4 even if the divided fee is not paid."

The OCTC comment expressed strong disagreement with Comment [6]. OCTC continues to maintain that discipline should occur if the lawyers enter into an agreement to divide a fee without informing the client, even if the divided fee is not paid. OCTC took this position in its prior comment on the Rule. The Commission unanimously rejected the OCTC contention. Comment [6] was added specifically in response to the OCTC position. The Commission's explanation for the Comment addresses the OCTC position in detail. I reconsidered the Commission's position in light of OCTC's most recent comment. However, I believe the Commission's position is still correct for the reasons stated previously.

OCTC also objects to Comment [5], which allows division of fees pursuant to court order. OCTC notes that in other illegal fee cases, the fact that the court ordered the fee paid did not obviate the violation. OCTC notes that the issue with respect to 2-200 is in front of the Supreme Court in *In the Matter of Phillip Kay*. OCTC thinks the Comment should be

stricken unless the Supreme Court agrees with the Commission's position in that pending matter. The Commission added the Comment because we felt the courts were in a position to protect the client's interests in ordering the division. OCTC does not address the underlying policy for the Comment. The matter pending before the Supreme Court concerns the current rule, which is changing. I think courts should have the flexibility to allow divisions and should not be limited by the Rule in exercising that flexibility. I would not change the Comment.

OCTC also had concerns with Comment [4], which it states appears more limited than the purposes stated in *Chambers* and thus could be confusing and misleading. The purpose of the Comment is to provide the rationale for obtaining client consent at the time of the agreement rather than at the time of the division. It is not a general statement of purpose. The factors in the Comment come from *Chambers*. I reread the Comment with OCTC's comment in mind to see if there was something about the wording that would create the confusion OCTC suggests. I think the Comment is clear. I don't think OCTC's concern is warranted. I would not change the Comment.

STAN

Rule 1.5.1: Financial Arrangements Among Lawyers
(Commission's Proposed Rule – Clean Version)

- (a) Lawyers who are not in the same law firm shall not divide a fee for legal services unless:
- (1) The lawyers enter into a written agreement to divide the fee;
 - (2) The client has consented in writing, either at the time the lawyers enter into the agreement to divide the fee or as soon thereafter as reasonably practicable, after a full written disclosure to the client that a division of fees will be made, the identity of the lawyers who are parties to the division, and the terms of the division; and
 - (3) The total fee charged by all lawyers is not increased solely by reason of the agreement to divide fees.
- [3] Paragraph (a) requires both the lawyer dividing the fee and the lawyer receiving the division to comply with the requirements of the Rule.
- [4] Paragraph (a)(2) requires lawyers to make full disclosure to the client and to obtain the client's written consent when the lawyers enter into the agreement to divide the fee in order to address matters that may be of concern to the client and that may not be addressed adequately later in the engagement. These concerns may include 1) whether the client is actually retaining a lawyer appropriate for the client's matter or whether the lawyer's involvement is based on the lawyer's agreement to divide the fee; 2) whether the lawyer dividing the fee will devote sufficient time to the matter in light of the fact that the lawyer will be receiving a reduced fee; and 3) whether the client may prefer to negotiate a more favorable arrangement directly with the lawyer dividing the fee.

COMMENT

- [1] A division of a fee under paragraph (a) occurs when a lawyer pays to a lawyer who is not in the same law firm a portion of specific fees paid by a client. For a discussion of criteria for determining whether a division of a fee under paragraph (a) has occurred, see *Chambers v. Kay* (2002) 29 Cal.4th 142 [126 Cal.Rptr.2 536].
- [2] Paragraph (a) applies to referral fees in which a lawyer, who does not work on the client's matter, receives a portion of any fee paid to another lawyer who is not in the same law firm. Paragraph (a) is also intended to apply to a division of a fee between lawyers who are not in the same law firm but who are working jointly for a client.
- [5] This Rule does not apply to a division of fees pursuant to court order.
- [6] This Rule does not subject a lawyer to discipline unless the lawyer actually pays the divided fee to a lawyer who is not in the same law firm without having complied with the requirements in paragraph (a).
- [7] Under Rule 1.5, a lawyer cannot enter into an agreement for, charge, or collect an illegal or unconscionable fee. Under Rule 1.5 a lawyer cannot divide or enter into an agreement to divide an illegal or unconscionable fee.

June 9, 2010 McCurdy E-mail to Lamport, cc Chair, Vice-Chairs & Staff:

Stan,

Attached is a comprehensive assignment table that lists all of the rules for which you are the lead drafter, along with the names of your codrafters. This message addresses your assignments for the June 25 & 26, 2010 meeting. To minimize email traffic and potential confusion, this message will be copied to your codrafters only after all of the lead drafter assignment messages have been sent.

ASSIGNMENT SUBMISSION DEADLINE: The assignment submission deadline for all assignments is **5:00 pm on Wednesday, June, 16, 2010.**

As mentioned at the June 4 meeting, the agenda for the Commission's June 25 & 26 meeting will involve final action on all of the rules recommended for adoption as well as those not recommended for adoption. This means that there are 85 items that require action. To alleviate some of the burden on Commission members, rules that either receive no comments at all or only comments in support will be prepared by staff and will be acted upon en masse by the Commission through the use of a consent agenda. At present, there are about 45 items that fall into this category.

This message provides the assignment background materials for the assignments listed below for which you are the lead drafter, and which are not being handled by staff as anticipated consent agenda items. The materials attached to this message are a staff prepared draft Public Commenter Chart synopsisizing all comments/testimony received to date & the current clean draft of a rule as posted for public comment. Consistent with the consent agenda plan, we are only providing assignment materials for those rules that have received a comment in opposition, or a comment stating an "Agree if Modified" position. Your assignment is to review these comments and to prepare a Public Commenter Chart with recommended Commission responses. If the drafters conclude that any revisions to a rule are warranted based on comments received, then a revised draft rule should be prepared. (Note: Where a drafting team decides not to recommend any revisions to a rule, that drafting team recommendation will be included in a second category of consent agenda items for action at the June 25 & 26 meeting.)

If revisions to a rule are recommended, then an updated Dashboard, Introduction, and Model Rule comparison chart also should be prepared to complete the rule package for Board submission. As soon as you or your drafting team determines that it will be recommending revisions to an assigned rule, please promptly inform staff and provide us with your revised Rule. We will create a new Model Rule redline version and middle column of the comparison chart, and provide you with the Word version of that document and any other necessary documents (Dashboard, etc . . .). Please contact us for this assistance once you or your team has determined that a revised rule will be recommended.

Because the comment period deadline of June 15th has not arrived, we may be updating your assignments. For example, a rule that presently has received no comments might receive an opposition comment prior to the June 15th comment deadline and, in that case, we would alert you with an email and provide you with the relevant background materials.

LIST OF ASSIGNED RULES (As explained above, these are rules that presently have received a comment in opposition or a comment stating an "Agree if Modified" position):

1.5.1 (Agenda Item III.H)

1.8.1 (Agenda Item III.K)

Please note: The clean Word version of each rule is imbedded in the attached “Clean Version” PDF for each rule. You will see it and be able to open it when you open and view the PDF file.

Use the following link to the Proposed Rules page to find a copy of the Discussion Draft materials for all of the proposed rules as circulating for public comment:

www.calbar.org/proposedrules

Use the following link to review the full text of public comment letters or transcripts of the public hearings:

<http://sites.google.com/site/commentsrrc/>

Please don't hesitate to contact us with any questions you have.

Attached:

RRC - PubCom - 06-25 & 06-26-10 Meeting Assignments - LAMPORT - DFT1 (06-09-10).pdf

RRC - 2-200 [1-5-1] - Public Comment Chart - By Commenter - XDFT1 (04-22-10).doc

RRC - 3-300 [1-8-1] - Public Comment Chart - By Commenter - XDFT1 (04-22-10).doc

RRC - 2-200 [1-5-1] - Rule - PCD [9.1] (10-13-09) - CLEAN-LAND.pdf

RRC - 2-200 [1-5-1] - Rule - PCD [9.1] (10-13-09) - CLEAN-LAND.doc

RRC - 3-300 [1-8-1] - Rule - PCD [15] (12-15-09) - CLEAN-LAND.pdf

RRC - 3-300 [1-8-1] - Rule - PCD [15] (12-15-09) - CLEAN-LAND.doc

June 15, 2010 McCurdy E-mail to Lamport, cc Chair, Vice-Chairs & Staff:

Stan,

Additional comments in opposition or recommending modifications have been received for the following rules previously assigned and updated commenter tables are attached. The comment compilations for these rules are attached, and have also been uploaded to the Google site (<http://sites.google.com/site/commentsrrc/byrule>). Please review the assignment instructions described in my earlier message below.

1.5.1 (Agenda Item III.H)

1.8.1 (Agenda Item III.K)

If the drafters prepared and shared with staff an updated public commenter chart with proposed RRC responses, we have tried to use that version for this updated assignment.

Please note that the assignment deadline for these rules remains the same as previously stated -- **5:00 pm on Wednesday, June, 16, 2010.**

Attached:

RRC - 2-200 [1-5-1] - Public Comment Chart - By Commenter - XDFT2 (06-15-10).doc

RRC - 2-200 [1-5-1] - Public Comment Compete - REV (06-15-10)2.pdf

RRC - 3-300 [1-8-1] - Public Comment Chart - By Commenter - XDFT2 (06-15-10).doc

RRC – 3-300 [1-8-1] - Public Comment Compete - REV (06-15-10)2.pdf

June 16, 2010 McCurdy E-mail to Lamport, cc Chair, Vice-Chairs & Staff:

Additional comments in opposition or recommending modifications have been received for the following rules, and those **comments not previously sent to you** are attached here for your review. The Google site should be up-to-date shortly (<http://sites.google.com/site/commentsrrc/byrule>).

1.5.1 (Agenda Item III.H) - OCTC (sent with Randy's 6/15/10 e-mail)

1.8.1 (Agenda Item III.K) - 3 Comments: **Balin/Dilworth (attached)**; OCTC; and, Zitrin/Law Professors (sent with Randy's 6/15/10 e-mail)

2.1 (Agenda Item III.GG) - 2 Comments: OCTC; and, Zitrin/Law Professors (sent with Randy's 6/15/10 e-mail)

3.6 (Agenda Item III.PP) – 2 Comments: **LA Public Defender-Michael Judge (attached)**; and, OCTC (sent with Randy's 6/15/10 e-mail)

5.3.1 (Agenda Item III.CCC) – 1 Comment: OCTC (sent with Randy's 6/15/10 e-mail)

NOTE: As previously mentioned, the most important information needed for the assignment deadline and for preparing the agenda is the codrafters' decision as to whether revisions to a rule are being recommended. We need to know this in order to determine which rules will be consent items and which rules will not be consent items.

In reviewing public comments, although drafting RRC responses are important and need to be completed prior to the meeting, the primary information that must be submitted for the agenda are any and all proposed language changes to the rules. Please keep this mind when reviewing the public comments and when preparing your assignment submissions.

This message may include assignments for rules for which staff has not yet provided a draft commenter chart. We hope to provide any such charts as soon as possible, by a separate message.

Please note that the assignment deadline for these rules remains the same as previously stated -- **5:00 pm on Wednesday, June, 16, 2010.**

Attached:

RRC - 5-120 [3-6] - 06-14-10 LAPD (Judge) Comment.pdf

RRC - 3-300 [1-8-1] - Balin-Dillworth Comment.pdf

June 17, 2010 Lamport E-mail to Difuntorum, cc RRC:

Sorry for being late on this, but it could not be helped.

1. I am recommending two changes to this Rule.
2. **First**, Toby Rothschild commented that the definition of a division of a fee in Comment [1] refers to a fee paid by a client. He noted that a division could involve a fee paid by a third party. He suggests that the Comment be revised to state that it applies to fees paid "by or on behalf of a client." I agree. Accordingly, the revised Comment would state: "[1] A

division of a fee under paragraph (a) occurs when a lawyer pays to a lawyer who is not in the same law firm a portion of specific fees paid by or on behalf of a client. For a discussion of criteria for determining whether a division of a fee under paragraph (a) has occurred, see *Chambers v. Kay* (2002) 29 Cal.4th 142 [126 Cal.Rptr.2d 536]."

3. **Second**, in response to a comment from OCTC, I recommend that we modify Comment [6] to state that a lawyer may have a duty to inform a client of the existence of an agreement to divide a fee under Rule 1.4. The revised Comment would state: "[6] This Rule does not subject a lawyer to discipline unless a lawyer actually pays the divided fee to a lawyer who is not in the same law firm without having complied with the requirements in paragraph (a). However, a lawyer may be required to inform a client of the existence of an agreement to divide a fee under Rule 1.4 even if the divided fee is not paid."
4. The OCTC comment expressed strong disagreement with Comment [6]. OCTC continues to maintain that discipline should occur if the lawyers enter into an agreement to divide a fee without informing the client, even if the divided fee is not paid. OCTC took this position in its prior comment on the Rule. The Commission unanimously rejected the OCTC contention. Comment [6] was added specifically in response to the OCTC position. The Commission's explanation for the Comment addresses the OCTC position in detail. I reconsidered the Commission's position in light of OCTC's most recent comment. However, I believe the Commission's position is still correct for the reasons stated previously.
5. OCTC also objects to Comment [5], which allows division of fees pursuant to court order. OCTC notes that in other illegal fee cases, the fact that the court ordered the fee paid did not obviate the violation. OCTC notes that the issue with respect to 2-200 is in front of the Supreme Court in *In the Matter of Philip Kay*. OCTC thinks the Comment should be stricken unless the Supreme Court agrees with the Commission's position in that pending matter. The Commission added the Comment because we felt the courts were in a position to protect the client's interests in ordering the division. OCTC does not address the underlying policy for the Comment. The matter pending before the Supreme Court concerns the current rule, which is changing. I think courts should have the flexibility to allow divisions and should not be limited by the Rule in exercising that flexibility. I would not change the Comment.
6. OCTC also had concerns with Comment [4], which it states appears more limited than the purposes stated in *Chambers* and thus could be confusing and misleading. The purpose of the Comment is to provide the rationale for obtaining client consent at the time of the agreement rather than at the time of the division. It is not a general statement of purpose. The factors in the Comment come from *Chambers*. I reread the Comment with OCTC's comment in mind to see if there was something about the wording that would create the confusion OCTC suggests. I think the Comment is clear. I don't think OCTC's concern is warranted. I would not change the Comment.

June 19, 2010 Melchior E-mail to Lamport & Difuntorum, cc RRC:

You know: there is so much to read that it could be treated as a full time job, which I am not in a position to do. Nor is the work enticing since we are on such a wrong track.

But leaving all that aside, and on pain of compounding my complicity in this work product (I am writing a dissent from the overall project), the references to who pays, Comment 1, are just inadequate.

The Comment says that a fee division occurs "when a lawyer pays (etc.)". That assumes that one of the several lawyers will get the total fee, or the settlement check in his trust account, etc., and he then pays some of the fee over

It doesn't necessarily work that way. For instance, one or both lawyers can assert a lien or a purported lien or right to the third party payor, and without objection the payor pays accordingly. Or the client pays both lawyers separately, and so on

Don't forget that we see only the cases that went off the rails; but the prohibition is generic.

I think this Comment must be rewritten.

June 21, 2010 McCurdy E-mail to Lamport, cc Chair, Vice-Chairs & Staff:

Stan,

This message provides a public commenter chart for every rule you are assigned as a lead or co-lead drafter. We have reconciled all of the comments received against each commenter chart and there should now be a synopsis for every comment received. However, there are a number of comments for which an RRC Response is needed. Please take a look at each table and fill in any missing RRC Responses.

Our goal is to send out a supplemental mailing providing a copy of all of the final or near-final commenter charts on Tuesday or Wednesday, for receipt prior to the meeting this week.

If possible, please provide us with any revised charts no later than 5:00 pm, Tuesday, June 22nd.

Attached:

RRC - 1-311 [5-3-1] - Public Comment Chart - By Commenter - XDFT2 (06-21-10)ML.doc
RRC - 5-120 [3-6] - Public Comment Chart - By Commenter - XDFT2 (06-21-10).doc
RRC - 1-110 [8-1-1] - Public Comment Chart - By Commenter - XDFT2 (06-21-10)ML.doc
RRC - 3-300 [1-8-1] - Public Comment Chart - By Commenter - XDFT2 (06-21-10)-LC.doc
RRC - 2-200 [1-5-1] - Public Comment Chart - By Commenter - XDFT2 (06-21-10)ML.doc

June 21, 2010 Sapiro E-mail to RRC List:

1. I agree with Kurt. I, too, think that Comment [1] should be rewritten. However, because of client matters I do not have time to suggest appropriate rewording.

2. Although I agree with the substance of all of Stan's recommendations, I suggest his rewording of Comment [6] be changed. I think that the phrase "under Rule 1.4" is in the wrong place. A fee is not divided under Rule 1.4. That phrase should be in the first line of Stan's rewrite at page 21 of the agenda materials, to follow the word "required" and to precede the

phrase “to inform.” I would change it to read “. . . may be required by Rule 1.4 to inform a client”

3. I still think that Kevin’s suggestion about changing the title of Rule 1.5.1 is correct. The rule does not deal with any subject other than fee divisions among lawyers. The title should match the content.

June 22, 2010 Lamport E-mail to RRC List:

With respect to Jerry's comments:

1. I don't think Comment [1] needs to be rewritten. The Rule says lawyers who are not in the same firm shall not divide a fee. If I understand Kurt's concern, he is saying that a client can pay a fee to two lawyers or that a third party can pay a fee to two lawyers, as opposed to the lawyer who received the fee paying it to another lawyer. I suppose it is possible that a division could occur where a lawyer who is entitled to a fee directs that a portion of that fee be paid to another lawyer. I don't think that the Comment excludes that possibility. I do not paying a read the Comment as narrowly as Kurt suggests. A lawyer is still paying a divided a fee if the lawyer directs someone to pay a portion of a fee from a client to another lawyer. It is the lawyer who is directing payment either by consent or by not objecting. I don't think it is necessary to pick up every permutation of the means of payment in the Comment.

2. I am fine with Jerry's rewording of my suggested change to Comment [6]. It might be better to say, "However, under Rule 1.4 a lawyer may be required to inform a client of the existence of an agreement to divide a fee even if the divided fee is not paid."

3. I am fine with retitling the Rule if it provides greater clarity.

June 22, 2010 Melchior E-mail to RRC List:

I'm not going to spend time on this, but I think Stan assumes how the fee will be collected and distributed.

**Rule 1.5.1 Financial Arrangements Among Lawyers.
[Sorted by Commenter]**

TOTAL = 3 Agree = 1
Disagree = 1
Modify = 1
NI =

No.	Commentator	Position ¹	Comment on Behalf of Group?	Rule Paragraph	Comment	RRC Response
2	Toby Rothschild	A	No	Comment [1]	Comment [1] seems to limit the restriction on fee divisions to fees "paid by a client." Does this mean that a fee paid by a third party on behalf of a client (such as a family member or an insurer) can be divided without regard to consent or written agreement? The comment should probably say "by or on behalf of a client."	
3	Office of Chief Trial Counsel	D	Yes	Comment [4] Comment [5]	<p>Many of the Comments to this rule are more appropriate for treatises, law reviews, or ethics. OCTC is concerned that Comment [4] appears more limited than the purposes stated in <i>Chambers v. Kay</i> p. 156-157 and, thus, could be confusing and misleading. If the purposes of the rule are to be stated, all the purposes should be stated.</p> <p>OCTC disagrees with Comment [5]. There is nothing in the rule which would void or limit the rule regarding fee sharing by a court's approving a fee, which is what Comment [5] seems to be saying, although it provides no authority for this proposition. (OCTC believes this Comment is not in the Model Rules.) In <i>In the Matter of Harney</i>, the attorney argued that he could not be disciplined for his illegal fee because a court had approved his fee. The Review Department rejected this claim. Likewise, an attorney is currently arguing to the Supreme Court that the State Bar Court</p>	

**Rule 1.5.1 Financial Arrangements Among Lawyers.
[Sorted by Commenter]**

TOTAL = 3 Agree = 1
Disagree = 1
Modify = 1
NI =

No.	Commentator	Position ¹	Comment on Behalf of Group?	Rule Paragraph	Comment	RRC Response
				Comment [6]	<p>erred in finding he violated Rule 2-200 because they are court awarded fees. (<i>In the Matter of Phillip Kay</i>, 01-O-1930, Supreme Court Case No. S180405.) Unless and until the Supreme Court agrees with this argument, the Comment should be stricken.</p> <p>OCTC strongly disagrees with Comment [6]. Comment [6]'s statement that the rule does not subject a lawyer to discipline unless the lawyer actually pays the divided fee is inconsistent with subparagraph (a)(2) of the rule, which states that attorneys must obtain the client's consent "at the time the lawyers enter into the agreement to divide the fee or as soon thereafter as reasonably practicable." While there are civil cases that have held that Current Rule 2-200 does not apply until the actual division of fees, those cases addressed the civil enforceability of fee agreements between lawyers, not attorney discipline. Comment [6] would permit attorneys to violate the rule with no consequences.</p> <p>Further, Comment [6] would be overbroad, confusing, and misleading, implying that there can be no disciplinary consequences for a failure to advise the clients of the agreement between the lawyers and obtaining the client's informed written consent to the fee sharing at</p>	

**Rule 1.5.1 Financial Arrangements Among Lawyers.
[Sorted by Commenter]**

TOTAL = 3 Agree = 1
Disagree = 1
Modify = 1
NI =

No.	Commentator	Position ¹	Comment on Behalf of Group?	Rule Paragraph	Comment	RRC Response
					<p>the time the lawyers enter into the agreement to divide fees if the fees are not actually paid. However, the State Bar Court has found attorneys culpable of soliciting, assisting, or inducing a violation of Current Rule 1-120 and violating the duty to keep clients informed of significant developments under Current Rule 3-500 and B&P Code section 6068(m) when attorneys enter into an agreement to share fees without advising clients of the agreement and obtaining the client's informed written consent, even when the fees were not ultimately shared. (See e.g. <i>In the Matter of David D. Mangar</i>, Case No. 06-O-10183, Supreme Court Case No. S180863; <i>In the Matter of Philip E. Kay</i>, Case No. 01-O-1930, Supreme Court Case No. S180405. The Supreme Court approved the haring department's findings and ordered the disbarment of Mr. Mangar.)</p> <p>At the very least, the Comment should advise that attorneys may be disciplined for (1) failing to advise the client of the agreement at the time of the agreement, in violation of their duty to advise the client of significant developments under B&P Code 6068(m) and Rule 1.4 (Current Rule 3-500) (see <i>Chambers v. Kay</i>); and (2) assisting in, soliciting, and/or inducing a violation of the Rules of</p>	

**Rule 1.5.1 Financial Arrangements Among Lawyers.
[Sorted by Commenter]**

TOTAL = 3 Agree = 1
Disagree = 1
Modify = 1
NI =

No.	Commentator	Position ¹	Comment on Behalf of Group?	Rule Paragraph	Comment	RRC Response
					Professional Conduct or the State Bar Act in violation of Proposed Rule 8.4(a) (Current Rule 1-120).	