

STATE BAR OF CALIFORNIA
CALIFORNIA RULES OF PROFESSIONAL CONDUCT

NOTICE OF PUBLIC HEARING

Saturday, October 7, 2006
State Bar Annual Meeting
Hyatt Regency Monterey
Windjammer II Conference Room
10:00 am – 2:00 pm

The State Bar of California's Commission for the Revision of the Rules of Professional Conduct will hold a public hearing to receive testimony on twenty-seven (27) proposed new or amended Rules of Professional Conduct of the State Bar of California ("California Rules") currently circulating for a public comment period ending on October 16, 2006. The California Rules are rules approved by the Supreme Court, the violation of which will subject an attorney to discipline (see Bus. & Prof. Code, § 6076, § 6077). The Commission has been assigned to evaluate the existing California Rules, in light of developments in the attorney professional responsibility field since the last comprehensive revision of the rules occurred in 1989.

The hearing, one of several planned over the course of this multi-year rule revision project, will be held during the State Bar's Annual Meeting at the Hyatt Regency Hotel - Windjammer II Conference Room in Monterey on Saturday, October 7th, from 10:00 am - 2:00 pm. Please complete and submit the attached registration form if you wish to testify. Speakers are encouraged to submit written comments in advance of the hearing, and no later than the hearing date. The time to testify may be limited based on the number of requests received. All efforts will be made to accommodate all requests to testify. Please be prepared to take questions from representatives of the Commission. Please note that the hearing will run until all speakers have had an opportunity to speak, or until 2:00 pm, whichever occurs first. Generally the order of speakers will be based upon the order in which registrations are received.

Those who intend to testify and/or present written materials should contact: Audrey Hollins, (415) 538-2167, 180 Howard Street, San Francisco, CA 94105, audrey.hollins@calbar.ca.gov, no later than Friday, September 29, 2006. A copy of the Discussion Draft providing the rule proposals is available from the State Bar's website at www.calbar.ca.gov (from the Public Comment link).

Comments on following 27 rules or issues related to these rules are the focus of this first hearing. Rule amendment issues not raised by the 27 identified rules will be the subject of future hearings.

- Rule 1.0 Purpose and Scope of the Rules of Professional Conduct [1-100]
- Rule 1.0.1 Definition of the term "Law Firm" as used in the rules [1-100(B)(1)]
- Rule 1.1 Competence [3-110]
- Rule 1.2.1 Counseling or Assisting the Violation of Law [3-210]
- Rule 1.4 Communication [3-500, 3-510]
- Rule 1.5.1 Financial Arrangements Among Lawyers [2-200]
- Rule 1.8.8 Limiting Liability to Client [3-400]
- Rule 1.8.10 Sexual Relations With Client [3-120]
- Rule 2.4 Lawyer as Third-Party Neutral
- Rule 2.4.1 Lawyer as Temporary Judge, Referee, or Court-Appointed Arbitrator [1-710]
- Rule 2.4.2 Lawyer as Candidate for Judicial Office [1-700]
- Rule 3.1 Meritorious Claims and Contentions [3-200]
- Rule 5.1 Responsibilities of Partners, Managers, and Supervisory Lawyers
- Rule 5.2 Responsibilities of a Subordinate Lawyer
- Rule 5.3 Responsibilities Regarding Nonlawyer Assistants
- Rule 5.3.1 Employment of Disbarred, Suspended, Resigned, or Involuntarily Inactive Member [1-311]
- Rule 5.5 Unauthorized Practice of Law; Multi-jurisdictional Practice of Law [1-300]
- Rule 5.6 Restrictions on a Lawyer's Right to Practice [1-500]
- Rule 7.1 Communications Concerning the Availability of Legal Services [1-400]
- Rule 7.2 Advertising [1-400]
- Rule 7.3 Direct Contact with Prospective Clients [1-400]
- Rule 7.4 Communication of Fields of Practice and Specialization [1-400]
- Rule 7.5 Firm Names and Letterheads [1-400]
- Rule 8.1 False Statement Regarding Application for Admission to Practice [1-200]
- Rule 8.1.1 Compliance with Conditions of Discipline and Agreements in Lieu of Discipline [1-110]
- Rule 8.3 Reporting Professional Misconduct [1-500(B)]
- Rule 8.4 Misconduct [1-120]

Proposals for Global Changes:

- 1) Adoption of the ABA Model Rules rule numbering system (including the ABA Model Rules chapters but excluding a "Preamble and Scope" section);
- 2) Adoption of the ABA Model Rules format, structure and style; and
- 3) In general, using the term "lawyer" rather than "member" with the understanding that a precise definition of these respective terms is pending Commission consideration.

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Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ FAX: _____

E-mail: _____

Speaking on behalf of: _____
(if applicable) Organization/Firm

Topic or topics you intend to discuss: _____

Written comment attached. Written comment to be submitted at hearing.

The deadline for advance hearing registration is Friday, Sept. 29, 2006 at 5:00 pm.

Please send this form to:

Audrey Hollins
Professional Competence
State Bar of California
180 Howard Street
San Francisco, CA 94105
415-538-2167
FAX: 415-538-2171
audrey.hollins@calbar.ca.gov

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