

STATE BAR OF CALIFORNIA
COMMISSION FOR THE REVISION OF THE RULES
OF PROFESSIONAL CONDUCT

OPEN SESSION AGENDA

Friday, October 28, 2005
(9:15 am - 5:00 pm)

Saturday, October 29, 2005
(9:00 am - 5:00 pm)

LOCATION FOR *FRIDAY*, OCTOBER 28, 2005:
SF–State Bar Office
180 Howard Street, 4th Floor
San Francisco, CA 94105

LOCATION FOR *SATURDAY*, OCTOBER 29, 2005:
Nossaman Guthner Knox et al
50 California Street, 34th Floor
San Francisco, CA 94111

[NOTE RE MEETING SITE: For members of the public, if you are interested in attending the open session portion of this meeting, you must contact Audrey Hollins at 415-538-2167.]

I. APPROVAL OF OPEN SESSION ACTION SUMMARY FROM THE SEPTEMBER 9, 2005, MEETING

(Draft action summary for the September 9, 2005 meeting enclosed.)
[pages 1 – 14]

II. REMARKS OF CHAIR

A. Chair's Report

(The Chair will provide an oral report on administrative, procedural, or other informational matters.)

B. Staff's Report

(Staff will report on the activities of COPRAC and the Board of Governors.)

1. Consideration of 2007 Workplan and 2005 Accomplishments

(Materials to be circulated prior to meeting.)

III. **MATTERS FOR ACTION** (Name with asterisk is lead drafter, underline indicates a newly added co-drafter.)

All

Members **A. Consideration of a Methodology for Seeking Official Public Comment**
[anticipated 1 hour discussion]
(Materials enclosed.) ***[pages 15 – 18]***

*Tuft

Lamport

Julien

Melchior

Ruvolo

B. Consideration of Rule 1-100. Rules of Professional Conduct, in General
[anticipated 1 hour discussion]
(Materials enclosed.) ***[pages 19 – 30]***

*Foy

Julien

Peck

C. Report on the Board Referral of Trust and Estates Section Legislative Proposal 2005-02 (re Impaired Clients) [ABA MR 1.14].
[anticipated 1 ½ hour discussion]
(Materials enclosed.) ***[pages 31 – 38]***

*Tuft

Martinez

Peck

D. Consideration of Rule 1-300 [ABA MR 5.5, MR 5.3] (Unauthorized Practice of Law; Multijurisdictional Practice of Law) (Including consideration of discussion section re “definition of the practice of law” in rule 5.5 and proposed rule 5.3.1 [1-311])
[anticipated 1 hour discussion]
(Matter carried over from June 10, 2005 meeting. Previously circulated materials enclosed.) ***[pages 39 – 108]***

*Lamport

Tuft

Voogd

E. Consideration of Rule 1.8.1 (Rule 3-300). Avoiding Interests Adverse to a Client
[anticipated 1 hour discussion]
(Materials to be distributed prior to meeting.)

*SeLegue
Kehr
Melchior

- F. Consideration of Rule 3-310 [ABA MR 1.7, 1.8, 1.9, 1.10, 1.11]
Avoiding the Representation of Adverse Interests**
[anticipated 1 ½ hour discussion]
(Materials enclosed.) **[pages 109 – 164]**

*Voogd
Tuft
Ruvolo

- G. Consideration of ABA MR 3.2. Expediting Litigation**
[anticipated ½ hour discussion]
(Materials to be distributed prior to meeting.)

*******2nd Day of Agenda Items*******

*Lamport
Foy
Melchior
Mohr
Voogd

- H. Consideration of Rule 3-600 [ABA MR 1.13] (Organization as Client)**
[anticipated 1 hour discussion]
(Matter carried over from June 10, 2005 meeting. Previously distributed materials enclosed.) **[pages 165 – 174]**

*Martinez
Sapiro
Voogd

- I. Consideration of Rule 2-100 [ABA MR 4.2] Communication With a Represented Party**
[anticipated 2 hour discussion]
(Materials enclosed.) **[pages 175 – 176]**

*Kehr
Sapiro
SeLegue

- J. Consideration of ABA MR 5.7. Responsibilities Regarding Law-Related Services (no California counterpart)**
[anticipated 1 hour discussion]
(Materials enclosed.) **[pages 177 – 190]**

- *Vapnek
Kehr
Martinez
- K. Consideration of Rule 3-400 [ABA MR 1.8(h) & MR 1.2(c)] Limiting Liability to Client**
[anticipated 1 hour discussion]
(Materials to be distributed prior to meeting.)
- *Peck
Martinez
- L. Consideration of Rule 2-400. Prohibited Discriminatory Conduct in a Law Practice**
[anticipated 1 hour discussion]
(Materials enclosed.) *[pages 191 – 200]*
- *Ruvolo
Julien
SeLegue
- M. Consideration of Rule 3-500 [ABA MR 1.4] Communication**
[anticipated ½ hour discussion]
(Materials enclosed.) *[pages 201 – 234]*
- *Ruvolo
Julien
SeLegue
- N. Consideration of Rule 3-510 [ABA MR 1.2(a)] Communication of Settlement Offer**
[anticipated ½ hour discussion]
(Materials enclosed.) *[pages 235 – 240]*
- *Peck
Kehr
Sapiro
- O. Consideration of Rule 4-100 [ABA MR 1.15)] Preserving Identity of Funds and Property of a Client**
[anticipated ½ hour discussion]
(Materials to be distributed prior to mailing.)

STATE BAR OF CALIFORNIA
COMMISSION FOR THE REVISION OF THE RULES
OF PROFESSIONAL CONDUCT

CLOSED SESSION AGENDA

Friday, October 28, 2005
(9:00 am - 9:15 am)

FRIDAY, OCTOBER 28, 2005
SF–State Bar Office
180 Howard Street, 4th Floor
San Francisco, CA 94105

- I. **APPROVAL OF THE CLOSED SESSION ACTION SUMMARY FROM THE JUNE 10, 2005 MEETING**
(Draft action summary for the September 9, 2005 meeting enclosed.)
[page 1]

- II. **ADVICE OF COUNSEL ON OPEN SESSION AGENDA ITEMS**

- III. **ACTION ITEMS.**
 - A. **Emergency action items, if any.**

* Closed pursuant to Article 3, Section 2, Subdivision (b), Rules Governing Open Meetings, Closed Sessions and Records of the Board of Governors.