

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

OPEN SESSION

Friday, October 6, 2006
(9:15 am - 5:00 pm)

State Bar Annual Meeting
Portola Plaza Hotel, Redwood Room
2 Portola Plaza, Monterey, CA 93940
(831) 649-4511

[NOTE RE MEETING SITE: Members of the public who wish to attend this meeting are asked to call Audrey Hollins at 415-538-2167.]

*[Chair's note re **E-Mail Deadlines** and discussion of action items: For items **III.A and III.B** (carry-over items) and items **III.C, III.E, and III.I** (items where the discussion simply is continuing from the last meeting), only issues: (1) previously raised in preparation for the September meeting; or (2) in new supplemental materials that might be submitted by the codrafters will be considered. For **all other agenda items**, only issues posed in the agenda materials or in an e-mail message sent out no later than **Friday, September 29, 2006**, will be considered at the meeting and, absent a language issue raised by the drafting team or in a timely email message, the language recommended by the drafting team may be deemed approved. Please note that e-mail comments on agenda items must be submitted **one week** before the meeting date to be considered. It is important that the drafters submit their materials on or before **12:00 noon on Thursday, September 21, 2006**, to assure that members of the committee have at least one weekend to review the materials and prepare any comments.*

I. APPROVAL OF OPEN SESSION ACTION SUMMARIES FROM THE JULY 28, 2006 AND SEPTEMBER 1, 2006 MEETINGS

(Draft action summaries for the July 28, 2006 and September 1, 2006 meetings to be circulated prior to the October meeting.)

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.)

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

*Vapnek,
Ruvolo,
Voogd,

- A. **Consideration of Rule 4-200 [ABA MR 1.5] Fees for Legal Services**
[anticipated 1 hour discussion]
(Previously circulated materials enclosed.) **[pages 1 – 38]**

*Kehr
SeLegue
Foy
Melchior

- B. **Consideration of Rule 3-700 [ABA MR 1.16] Termination of Employment**
[anticipated ½ hour discussion]
(Previously circulated materials enclosed.) **[pages 39 – 50]**

*Lamport
Tuft
Voogd

- C. **Consideration of Rule 1.8.1 [Rule 3-300]. Avoiding Interests Adverse to a Client**
[anticipated ½ hour discussion]
(Materials enclosed.) **[pages 51 – 58]**

*Lamport
Foy
Melchior
Mohr
Voogd

- D. **Consideration of Rule 3-600 [ABA MR 1.13] (Organization as Client)**
[anticipated 1 hour discussion]
(Materials enclosed.) **[pages 59 – 74]**

*Kehr
Julien
Voogd

- E. **Consideration of Rule 4-210 [ABA MR 1.8(e)] Payment of Personal or Business Expenses Incurred by or for a Client**
[anticipated ½ hour discussion]
(Materials enclosed.) **[pages 75 – 78]**

*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 hour discussion]
(Materials enclosed.) **[pages 79 – 128]**

*Sapiro
Melchior
Martinez

- G. Consideration of Rule 2-300 [ABA MR 1.17] Sale or Purchase of a Law Practice of a Member, Living or Deceased**
[anticipated 1 hour discussion]
(Materials enclosed.) **[pages 129 – 152]**

*Foy
Julien
Peck

- H. Report on the Board Referral of Trust and Estates Section Legislative Proposal 2005-02 (re Impaired Clients) [ABA MR 1.14].**
[anticipated 1 hour discussion]
(Materials to be circulated prior to meeting.)

*Mohr,
Julien
Peck,
Selegue,
Tuft

- I. Consideration of Rule 3-100 [ABA MR 1.6 & 1.8(b)] Confidential Information of a Client**
[anticipated ½ hour discussion]
(Materials enclosed: issues outline previously distributed by e-mail for the June meeting, and new legislative proposal not previously distributed.) **[pages 153 – 174]**

*Martinez/Tuft
Sapiro
Voogd

- J. Consideration of Rule 2-100 [ABA MR 4.2] Communication With a Represented Party**
[anticipated 1 hour discussion]
(Materials enclosed.) **[pages 175 – 200]**