

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

AGENDA

OPEN SESSION

Friday, July 28, 2006
(9:15 am - 5:00 pm)

SF–State Bar Office
180 Howard Street, Room 8-B
San Francisco, CA 94105

[NOTE RE MEETING SITE: For members of the public, the open session of this meeting also can be accessed by video-conference from the State Bar Office in Los Angeles, 1149 So. Hill St., Rm. 723. Members of the public who wish to attend this meeting are asked to call Audrey Hollins at 415-538-2167.]

*[Chair's note re discussion of action items: For carry-over **items III.A.** and **III.B.**, only issues: (1) previously raised in preparation for the June meeting; or (2) in new supplemental materials that might be submitted by the codrafters; or (3) in an e-mail message sent out no later than **Monday, July 17, 2006**, will be considered. For **all other agenda items**, only issues posed in the agenda materials or in an email message sent out no later than **Monday, July 24, 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.]*

I. APPROVAL OF OPEN SESSION ACTION SUMMARY FROM THE FEBRUARY 3, 2006 and APRIL 7 & 8, 2006 MEETINGS

(Draft action summary for the April 7 & 8, 2006 and June 9 & 10, 2006 meetings to be circulated prior to the July 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
Julien
Ruvolo

- A. **Consideration of Rules 1-320(B) and 2-200(B) re Compensation/Rewards for Recommendations Resulting in Employment**
[anticipated ½ hour discussion]
(Matter carried over. Previously circulated materials and e-mail comments of Sean SeLegue enclosed.) **[pages 1 – 10]**

*Peck
Kehr
Sapiro

- B. **Consideration of Rule 4-100 [ABA MR 1.15] Preserving Identity of Funds and Property of a Client**
[anticipated 1 hour discussion]
(Matter carried over. Revised materials enclosed.) **[pages 11 – 54]**

*Sapiro
Melchior
Martinez

- C. **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]
(Matter carried over. Revised materials enclosed.) **[pages 55 – 108]**

*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 109 – 142]**

*Voogd,
Julien,
Kehr

- E. **Consideration of Rule 4-210 [ABA MR 1.8(e)] Payment of Personal or Business Expenses Incurred by or for a Client**
[anticipated 1 hour discussion]
(Materials enclosed.) **[pages 143 – 152]**

*Melchior,
Foy,
Lamport **F. Consideration of Rule 4-300 [no corresponding ABA Model Rule]
Purchasing Property at a Foreclosure or a Sale Subject of
Judicial Review**
[anticipated 1 hour discussion]
(Materials enclosed.) **[pages 153 – 158]**

*Lamport
Tuft
Voogd **G. Consideration of Rule 1.8.1 (Rule 3-300). Avoiding Interests
Adverse to a Client**
[anticipated 1 hour discussion]
(Materials enclosed.) **[pages 159 – 184]**

*SeLegue
Kehr
Melchior **H. 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 185 – 234]**

*Martinez/Tuft
Sapiro
Voogd **I. Consideration of Rule 2-100 [ABA MR 4.2] Communication With
a Represented Party**
[anticipated 1 hour discussion]
(Materials enclosed.) **[pages 235 – 244]**

Tuft
Martinez
Peck **J. Proposed Rule 5.4 [Rule 1-310X]. Professional Independence of
a Lawyer**
(Materials enclosed. This matter to be considered only if the
proposed rule fails to be approved through the pending 10-day mail
ballot procedure.) **[pages 245 – 258]**

*Ruvolo,
Julien,
Vapnek, **K. Consideration of Rule 4-400 [ABA MR 1.8(c)] Gifts from Clients**
(Materials enclosed. This matter to be considered only if the
proposed rule fails to be approved through the pending 10-day mail
ballot procedure.) **[pages 259 – 270]**