



**THE STATE BAR
OF CALIFORNIA**

OFFICE OF PROFESSIONAL COMPETENCE
PLANNING, AND DEVELOPMENT

180 HOWARD STREET, SAN FRANCISCO, CA 94105-1639

TELEPHONE: (415) 538-2167

DATE: August 27, 2010
TO: Members of the Commission for the Revision of the Rules of Professional Conduct
FROM: Lauren McCurdy
SUBJECT: Agenda Materials for Your Meeting on Friday and Saturday, August 27 & 28, 2010

Enclosed, please find the agenda materials for your August 27th & 28th meeting. **This is an in-person meeting in San Francisco**, scheduled as follows:

Friday, August 27, 2010
Saturday, August 28, 2010
State Bar Offices – San Francisco
180 Howard Street
San Francisco, CA 94105
(9:00 am - 5:00 pm)

ATTENDANCE AND ON-TIME ARRIVAL: To ensure a quorum, if you are unable to attend in-person or if you are running late, please contact staff to report your status and to facilitate potential arrangements to participate by telephone. If you cannot attend the entire meeting and want to attend by telephone you must contact the chair and explain the nature of your situation.

REMINDERS FROM THE CHAIR

1. The lead drafter is responsible for getting the assignment to staff in time for the agenda distribution. If that person cannot timely complete the assignment, he or she must get a substitute who will complete the assignment on time and advise staff and the chair of this substitution.
2. If a person has not sent comments on an agenda item by e-mail prior to the meeting, he or she may, at the Chair's discretion, only get one opportunity to comment on that agenda item. Anyone sending e-mail comments on an agenda item should send copies to all Commission members, staff and our consultant. Please note: all e-mails exchanged will be made part of the open session agenda materials; and, members who send e-mails will not be bound by the positions taken therein as the deliberative process at the meeting will not be constrained or prejudiced by the exchange of e-mails.
3. In order to ensure that there is a quorum and adequate participation, if you are unable to attend in-person, please contact staff to make arrangements to attend by video-conference from the alternate Bar site, or by telephone. As always, notify staff if you are unable to attend a meeting under any circumstances.

/lmm
Enclosures

c: Robert Hawley

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

OPEN SESSION AGENDA

Friday, August 27, 2010 -- 9:15 am -- 5:00 pm
Saturday, August 28, 2010 – 9:00 am – 5:00 pm

SF-State Bar Office
180 Howard Street
San Francisco, CA 94105

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

NEXT DELIVERABLE DUE TO THE BOARD:

→ At its meetings on September 23, 2010, the Board's RAC Committee and the full Board will consider the Commission's recommendation to adopt the seven proposed rules issued for a further 30-day public comment period ending on August 23, 2010.

I. APPROVAL OF OPEN SESSION ACTION SUMMARY FROM THE PRECEDING MEETING (TBA)

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 – CONSIDERATION OF PROPOSED RULES DISTRIBUTED FOR PUBLIC COMMENT (BATCH Y) (Name with asterisk indicates the lead drafter. New drafters are underlined. Discussion of the rules in this section of the agenda will be limited to issues raised by the public comments received.)

*KEHR
Sapiro
Julien

**A. Proposed Rule 1.0.1 Terminology (Including definition of "Law Firm")
[RPC 1-100(B)]
(Materials enclosed.) [pages 1 – 40]**

*LAMP
Vapnek

- B. Proposed Rule 2.1 Advisor**
(Materials enclosed.) **[pages 41 – 58]**

*SAPIRO
Peck
Ruvolo
Tuft

- C. Proposed Rule 3.3 [5-200] Candor Toward the Tribunal**
(Materials enclosed.) **[pages 59 – 126]**

*FOY
Peck
Tuft

- D. Proposed Rule 3.8 [Rule 5-110]. Responsibilities of a Prosecutor**
[Note: At the direction of the Board of Governors, public comment is being solicited only as to paragraph (d) of Rule 3.8.]
(Materials enclosed.) **[pages 127 – 236]**

*MARTINEZ
TUFT

- E. Proposed Rule 4.2 [Rule 2-100]. Communication with a Represented Person**
(Materials enclosed.) **[pages 237 – 352]**

*MOHR
Tuft
Martinez
Peck

- F. Proposed Rule 5.4 [Rule 1-320, 1-600, 1-310]. Duty to Avoid Interference with a Lawyer's Professional Independence**
(Materials enclosed.) **[pages 353 – 394]**

*VAPNEK
PECK
Tuft

- G. Proposed Rule 8.4 [1-120]. Misconduct**
(Materials enclosed.) **[pages 395 – 428]**