



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: March 18, 2010
TO: Members of the Commission for the Revision of the Rules of Professional Conduct
FROM: Lauren McCurdy
SUBJECT: Agenda Materials for Your Two-Day Meeting on Friday & Saturday, March 26 & 27, 2010

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

Friday, March 26, 2010
Saturday, March 27, 2010
(9:00 am - 5:00 pm)

State Bar Offices – San Francisco
180 Howard Street
San Francisco, CA 94105

E-MAIL DEADLINE: After the agenda materials are sent by staff, the recommendations of the drafting team set forth in an agenda item may be deemed approved, subject to the important note from the Chair set forth below which, among other things, sets a deadline of **12 noon on Wednesday, March 24, 2010** for the submission of issues by the members of the Commission.

IMPORTANT NOTE FROM THE CHAIR: In an effort to not waste time on issues which are of concern to only a few members of the Commission (often only one or two), each drafting team is requested to **MAKE RECOMMENDATIONS**, if at all possible, as to any issues relating to the rule assigned to the team. This will avoid simply saying that the Commission must decide an issue spotted by the drafting team. In addition, in the case of a carried over matter, the drafting team is requested to **MAKE RECOMMENDATIONS** as to any issue raised by a member prior to the meeting at which the matter was carried over. Recommendations as to non-consent items may be deemed approved unless: (a) at least 3 members indicate on or before **Wednesday, March 24, 2010** that they wish to discuss an issue and the reasons therefore; (b) the drafting team is unable to arrive at a consensus as to the issue; or (c) the Chair, in light of the objections to the recommendation, considers it appropriate to have a discussion even though 3 members have not requested a discussion.

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.

/Imm
enclosures
c: Robert Hawley

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

OPEN SESSION AGENDA

Friday, March 26, 2010
(9:15 am - 5:00 pm)

Saturday, March 27, 2010
(9:00 am - 5:00 pm)

**SF–State Bar Office
180 Howard Street
San Francisco, CA 90105**

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

DEADLINE:

March E-mail Comments = Wednesday, 3/24/10

DELIVERABLES DUE TO THE BOARD FOLLOWING THE MARCH AND APRIL MEETINGS:

→ At its meetings on May 13-15, 2010, the Board's RAC Committee will consider the Commission's recommendation to adopt the Batch 6 rules.

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 6)

(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 or non-substantive clean-up revisions. Please note: After submission of the assignments, the Chair may designate certain items "Consent Items." Following distribution of the agenda materials, a rule designated as a Consent Item will be deemed approved for recommended adoption by the Board and not called for discussion, unless four Commission members object with a written statement of the asserted concerns and proposed edits to address those concerns.)

***KEHR**
Sapiro
Julien

- A. **Rule 1.0.1 Terminology (Including definition of "Law Firm) [RPC 1-100(B)]**
(Materials enclosed.) **[pages 1 – 56]**

***TUFT**
Julien
Kehr
Martinez
Foy

- B. **Rule 1.4.1 Disclosure of Professional Liability Insurance [3-410]**
(Materials enclosed.) **[pages 57 – 84]**

***SAPIRO**
Kehr
Melchior
Mohr

- C. **Consideration of Rule 1.11 Special Conflicts of Interest for Former and Current Officers and Government Employees [Rule 3-310]**
(Materials enclosed.) **[pages 85 – 162]**

***SAPIRO/KEHR**
Melchior
Martinez

- D. **Rule 1.17 Purchase & Sale of a Geographic Area or Substantive Field of a Law Practice [2-300]**
(Materials enclosed.) **[pages 163 – 238]**

***MOHR
Julien
Kehr
Tuft**

- E. Rule 1.18 Duties to Prospective Clients [N/A]**
(Materials enclosed.) **[pages 239 – 306]**

***RUVOLO
Foy
Lampont**

- F. Rule 3.9 Non-adjudicative Proceedings [N/A]**
(Materials enclosed.) **[pages 307 – 356]**

***MARTINEZ/TUFT**

- G. Rule 4.1 Truthfulness in Statements to Others**
(Materials enclosed.) **[pages 357 – 412]**

***MARTINEZ/TUFT**

- H. Rule 4.4 Respect for Rights of Third Persons**
(Materials enclosed.) **[pages 413 – 448]**

***SNYDER
Foy
Julien
Ruvolo**

- I. Rule 6.1 Voluntary Pro Bono Publico Service**
(Materials enclosed.) **[pages 449 – 498]**

***SNYDER
Foy
Ruvolo**

- J. Rule 6.2 Accepting Appointments**
(Materials enclosed.) **[pages 499 – 534]**

***VAPNEK
Sapiro
Ruvolo
Martinez**

- K. Rule 6.5 Limited Legal Services**
(Materials enclosed.) **[pages 535 – 568]**

***RUVOLO
Sapiro
Vapnek**

- L. Rule 8.2(a) Judicial and Legal Officials**
(Materials enclosed.) **[pages 569 – 600]**

ABA MODEL RULES CONSIDERED BUT NOT RECOMMENDED FOR ADOPTION:

***MOHR
Martinez
Sapiro**

- M. Rule 7.6 Contributions to Obtain Government Service**
(Materials enclosed.) *[pages 601 – 614]*

***LAMP
Tuft
Melchior**

- N. Rule 1.8(d) Conflicts of Interests – Specific Rules: Literary or Media Rights [N/A]**
(Materials enclosed.) *[pages 615 – 632]*

***LAMP
Tuft
Melchior**

- O. Rule 1.8(i) Conflicts of Interests – Specific Rules: Proprietary Interest in the Subject Matter of Representation [N/A]**
(Materials enclosed.) *[pages 633 –650]*