

AGENDA ITEM

April 24, 2015

DATE: April 7, 2015

TO: Members, Regulation and Discipline Committee

FROM: Randall Difuntorum, Director, Professional Competence
Justice Lee Edmon, Chair, Commission for the Revision of the
Rules of Professional Conduct

SUBJECT: Commission for the Revision of the Rules of Professional Conduct –
Request for Public Comment Authorization

EXECUTIVE SUMMARY

This item requests the Board Committee's authorization for the Rules Revision Commission to conduct a 45-day public comment process to seek general public input on possible amendments to the Rules of Professional Conduct that ought to be considered by the Commission as it begins its work.

BACKGROUND

The Commission for the Revision of the Rules of Professional Conduct has been appointed to conduct a thorough study of the current California Rules of Professional Conduct and develop comprehensive proposed amendments. The Commission is assigned to complete this project by March 31, 2017.

As part of standard procedures for developing rule amendments, public comment is sought on the rules that are proposed. In the case of the Commission, this is anticipated to occur in 2016 when the Commission has considered all of the current rules and has prepared comprehensive amendments. However, given the breadth of this project and the timeline for completion, it would be helpful for the Commission to receive general public input on possible amendments to the rules that ought to be considered by the Commission as it begins its work. This agenda item requests Board Committee authorization to conduct this public comment process.

DISCUSSION

A primary purpose of the requested public comment process is to give all interested persons an early opportunity to be heard in this important project. If this request is approved, the Commission Chair would submit a piece for the May Cal Bar Journal explaining and amplifying the request for comment. In particular, the Chair's piece

would encourage input from the general public, consumers of legal services, lawyers, the judiciary and any other interested person or group, including local and specialty bar associations, legal services organizations, and State Bar sections. The piece would indicate that the focus of the Commission's work is on the current rules and that general comments on possible rule revisions are requested, including proposed new rules, rule deletions, and comments identifying and discussing existing rules, if any, that should not be altered by the Commission. Receiving this input will give the Commission members a helpful head-start in considering rule amendments that are responsive to actual asserted issues and concerns. Also, this request for initial public comment would be in addition to the public comment opportunity that will be made available once the Commission has drafted a comprehensive proposal for rule amendments.

FISCAL / PERSONNEL IMPACT

There is no unbudgeted fiscal or personnel impact.

RULE AMENDMENTS

None.

BOARD BOOK IMPACT

None.

BOARD COMMITTEE RECOMMENDATION

Should the Regulation and Discipline Committee agree with the above recommendation, the following resolution would be appropriate:

RESOLVED, that the Regulation and Discipline Committee authorizes a 45-day public comment process to seek general public input on possible amendments to the Rules of Professional Conduct that ought to be considered by the Commission for the Revision of the Rules of Professional Conduct, and it is

FURTHER RESOLVED, that this authorization for public comment is not, and shall not be construed as, a statement or recommendation of approval of any proposal under consideration by the Commission for the Revision of the Rules of Professional Conduct.

ATTACHMENT(S) LIST

None.