

Rule 1.0 [1-100] Purpose and Function of the Rules of Professional Conduct

(a) Purpose.

The following rules are intended to regulate professional conduct of lawyers through discipline. They have been adopted by the Board of Trustees of the State Bar of California and approved by the Supreme Court of California pursuant to Business and Professions Code §§ 6076 and 6077 to protect the public, the courts, and the legal profession; protect the integrity of the legal system; and promote the administration of justice and confidence in the legal profession. These Rules together with any standards adopted by the Board of Trustees pursuant to these Rules shall be binding upon all lawyers.

(b) Function.

- (1) A willful violation of any of these rules is a basis for discipline.
- (2) The prohibition of certain conduct in these rules is not exclusive. Lawyers are also bound by applicable law including the State Bar Act (Bus. & Prof. Code, § 6000 et seq.) and opinions of California courts.
- (3) A violation of a rule does not itself give rise to a cause of action for damages caused by failure to comply with the rule. Nothing in these Rules or the Comments to the Rules is intended to enlarge or to restrict the law regarding the liability of lawyers to others.

(c) Purpose of Comments.

The comments are not a basis for imposing discipline but are intended only to provide guidance for interpreting and practicing in compliance with the Rules.

(d) These Rules may be cited and referred to as the “California Rules of Professional Conduct.”

Comment

[1] The Rules of Professional Conduct are intended to establish the standards for lawyers for purposes of discipline. See *Ames v. State Bar* (1973) 8 Cal.3d 910, 917 [106 Cal.Rptr. 489]. Therefore, failure to comply with an obligation or prohibition imposed by a rule is a basis for invoking the disciplinary process. Because the Rules are not designed to be a basis for civil liability, a violation of a rule does not itself give rise to a cause of action for enforcement of a rule or for damages caused by failure to comply with the rule. *Stanley v. Richmond* (1995) 35 Cal.App.4th 1070, 1097 [41 Cal.Rptr.2d 768]. Nevertheless, a lawyer’s violation of a rule may be evidence of breach of a lawyer’s fiduciary or other substantive legal duty in a non-disciplinary context. *Id.*; *Mirabito v. Liccardo* (1992) 4 Cal.App.4th 41, 44 [5 Cal.Rptr.2d 571]. A violation of a rule may have other non-disciplinary consequences. See e.g., *Fletcher v. Davis* (2004) 33 Cal.4th 61, 71-72 [14 Cal.Rptr.3d 58] (enforcement of attorney’s lien); *Chambers v. Kay* (2002) 29 Cal.4th 142, 161 [126 Cal.Rptr.2d 536] (enforcement of fee sharing agreement).

[2] While the rules are intended to regulate professional conduct of lawyers, a violation of a rule can occur when a lawyer is not practicing law or acting in a professional capacity.

[3] A willful violation of a rule does not require that the lawyer intend to violate the rule. *Phillips v. State Bar* (1989) 49 Cal.3d 944, 952 [264 Cal.Rptr. 346]; and see Business and Professions Code § 6077.

[4] In addition to the authorities identified in paragraph (b)(2), opinions of ethics committees in California, although not binding, should be consulted for guidance on proper professional conduct. Ethics opinions and rules and standards promulgated by other jurisdictions and bar associations may also be considered.

[5] The disciplinary standards created by these Rules are not intended to address all aspects of a lawyer's professional obligations. A lawyer, as a member of the legal profession, is a representative and advisor of clients, an officer of the legal system and a public citizen having special responsibilities for the quality of justice. A lawyer should be aware of deficiencies in the administration of justice and of the fact that the poor, and sometimes persons* who are not poor, cannot afford adequate legal assistance. Therefore, all lawyers are encouraged to devote professional time and resources and use civic influence to ensure equal access to the system of justice for those who because of economic or social barriers cannot afford or secure adequate legal counsel. In meeting this responsibility, every lawyer should aspire to render at least fifty hours of pro bono publico legal services per year. In fulfilling this responsibility, the lawyer should provide a substantial* majority of such hours to indigent individuals or to nonprofit organizations with a primary purpose of providing services to the poor or on behalf of the poor or disadvantaged. Also, lawyers may fulfill this pro bono responsibility by providing financial support to organizations providing free legal services. See Business and Professions Code § 6073 (financial support for programs providing pro bono legal services).

Rule 1.0 [1-100] Purpose and Function of the Rules of Professional Conduct

(a) Purpose.

The following rules are intended to regulate professional conduct of lawyers through discipline. They have been adopted by the Board of Trustees of the State Bar of California and approved by the Supreme Court of California pursuant to Business and Professions Code §§ 6076 and 6077 to protect the public, the courts, and the legal profession; protect the integrity of the legal system; and promote the administration of justice and confidence in the legal profession. These Rules together with any standards adopted by the Board of Trustees pursuant to these Rules shall be binding upon all lawyers.

(b) Function.

- (1) A willful violation of any of these rules is a basis for discipline.
- (2) The prohibition of certain conduct in these rules is not exclusive. Lawyers are also bound by applicable law including the State Bar Act (Bus. & Prof. Code, § 6000 et seq.) and opinions of California courts.
- (3) A violation of a rule does not itself give rise to a cause of action for damages caused by failure to comply with the rule. Nothing in these Rules or the Comments to the Rules is intended to enlarge or to restrict the law regarding the liability of lawyers to others.

(c) Purpose of Comments.

The comments are not a basis for imposing discipline but are intended only to provide guidance for interpreting and practicing in compliance with the Rules.

(d) These Rules may be cited and referred to as the “California Rules of Professional Conduct.”

Comment

[1] The Rules of Professional Conduct are intended to establish the standards for lawyers for purposes of discipline. See *Ames v. State Bar* (1973) 8 Cal.3d 910, 917 [106 Cal.Rptr. 489]. Therefore, failure to comply with an obligation or prohibition imposed by a rule is a basis for invoking the disciplinary process. Because the Rules are not designed to be a basis for civil liability, a violation of a rule does not itself give rise to a cause of action for enforcement of a rule or for damages caused by failure to comply with the rule. *Stanley v. Richmond* (1995) 35 Cal.App.4th 1070, 1097 [41 Cal.Rptr.2d 768]. Nevertheless, a lawyer’s violation of a rule may be evidence of breach of a lawyer’s fiduciary or other substantive legal duty in a non-disciplinary context. *Id.*; *Mirabito v. Liccardo* (1992) 4 Cal.App.4th 41, 44 [5 Cal.Rptr.2d 571]. A violation of a rule may have other non-disciplinary consequences. See e.g., *Fletcher v. Davis* (2004) 33 Cal.4th 61, 71-72 [14 Cal.Rptr.3d 58] (enforcement of attorney’s lien); *Chambers v. Kay* (2002) 29 Cal.4th 142, 161 [126 Cal.Rptr.2d 536] (enforcement of fee sharing agreement).

[2] While the rules are intended to regulate professional conduct of lawyers, a violation of a rule can occur when a lawyer is not practicing law or acting in a professional capacity.

[3] A willful violation of a rule does not require that the lawyer intend to violate the rule. *Phillips v. State Bar* (1989) 49 Cal.3d 944, 952 [264 Cal.Rptr. 346]; and see Business and Professions Code § 6077.

[4] In addition to the ~~sources of guidance~~[authorities](#)¹ identified in paragraph (b)(2), opinions of ethics committees in California, although not binding, should be consulted for guidance on proper professional conduct. Ethics opinions and rules and standards promulgated by other jurisdictions and bar associations may also be considered.

[5] The disciplinary standards created by these Rules are not intended to address all aspects of a lawyer's professional obligations. A lawyer, as a member of the legal profession, is a representative and advisor of clients, an officer of the legal system and a public citizen having special responsibilities for the quality of justice. A lawyer should be aware of deficiencies in the administration of justice and of the fact that the poor, and sometimes persons* who are not poor, cannot afford adequate legal assistance. Therefore, all lawyers are encouraged to devote professional time and resources and use civic influence to ensure equal access to the system of justice for those who because of economic or social barriers cannot afford or secure adequate legal counsel. In meeting this responsibility, every lawyer should aspire to render at least fifty hours of pro bono publico legal services per year. In fulfilling this responsibility, the lawyer should provide a substantial* majority of such hours to indigent individuals or to nonprofit organizations with a primary purpose of providing services to the poor or on behalf of the poor or disadvantaged. [Also, lawyers may fulfill this pro bono responsibility by providing financial support to organizations providing free legal services.](#)² See Business and Professions Code § 6073 (financial support for programs providing pro bono legal services).

¹ [Drafting team consensus per 9/21/16 correspondence to recommend substitution of "authorities" for "sources of guidance" because paragraph \(b\)\(2\) does not reference sources of guidance" but rather binding "applicable law." This point was also raised by Mr. Tuft during the Commission's 8/26/2016 meeting.](#)

² [Sentence added at the suggestion of the State Bar's Standing Committee on the Delivery of Legal Services \(SCDLS\), X-2016-127.](#)

Proposed Rule 1.0 [1-100] Purpose and Function of the Rules of Professional Conduct
Synopsis of Public Comments

TOTAL = 10 **A = 2**
 D = 2
 M = 5
 NI = 1

No.	Commenter/Signatory	Comment on Behalf of Group?	A/D/M/NI ¹	Rule Section or Cmt.	Comment	RRC Response
X-2016-1	Barnes, Scott (06-30-16)	No	D		The Bar has failed the people of California by making rules and not having the integrity to enforce them. Making rules with no accountability or enforcement is worthless...	Enforcement practices and policies are beyond the scope of the Commission's project to revise the rules. It should be noted, however, that pursuant to its Charter, the Commission is proposing new and amended rules that continue the function of the rules as disciplinary standards. The Commission has further made a deliberate effort to address ambiguities in rule language and to reconcile rules with developments in professional responsibility that have occurred since the rules were last revised. The Commission believes this approach will contribute to the effective enforcement of the rules by the State Bar.
X-2016-43b	Committee on Professional Responsibility and Conduct (COPRAC) (Baldwin) (09-08-16)	Y	M	Comment	COPRAC opposes moving the reference to ethics opinions from the main body of the rule to a comment. This provision has been part of the main body of Rule 1-100 for over 25 years. Including reference to ethics opinions in the main body of the rule informs lawyers that they have an obligation to understand their ethical duties and not merely	The Commission disagrees. Ethics opinions are advisory only. There is no duty to consult bar association ethics opinions. Moreover, the language used in current rule 1-100 is "should," which is not mandatory but aspirational. To include reference to bar association ethics opinions in the rule text is inconsistent

¹ A = AGREE with proposed Rule D = DISAGREE with proposed Rule M = AGREE ONLY IF MODIFIED NI = NOT INDICATED

**Proposed Rule 1.0 [1-100] Purpose and Function of the Rules of Professional Conduct
Synopsis of Public Comments**

TOTAL = 10 **A = 2**
D = 2
M = 5
NI = 1

No.	Commenter/Signatory	Comment on Behalf of Group?	A/D/M/NI ¹	Rule Section or Cmt.	Comment	RRC Response
					avoid violating the narrow letter of the rule. We believe removal from the main body of the rule sends a signal to lawyers that ethics opinions are less important under the new rules.	with the Commission's Charter.
X-2016-46	Johnson, Maxine (08-16-16)	No	M		I have a lawyer as a neighbor and he and his wife have gone throughout the neighborhood suing other neighbors. A lawyer should never have the ability to sue on behalf of a person he or she is either married to or having sex with prior to the lawsuit and benefitting from using the spouse or girlfriends name.	The conduct described in the comment pertains to proposed Rule3.1, which prohibits a lawyer from "bring[ing] or continu[ing] an action, conduct[ing] a defense, assert[ing] a position in litigation, or tak[ing] an appeal, without probable cause and for the purpose of harassing or maliciously injuring any person."
X-2016-37	Wade, Margena (08-10-16)	No	A		No lawyer should have sexual relations or a personal relationship with a client, unless that relationship is well established before or well after the case. Otherwise, there is too much gray area to allow this.	The substance of the comment pertains to proposed Rule 1.8.10. Please refer to the public commenter table for Rule 1.8.10 for the RRC response.
X-2016-67a	Orange County Bar Association (OCBA) (Friedland) (09-16-16)	Yes	D	1.0 Comment [5]	Although the Orange County Bar Association (OCBA) applauds the aspirational goal of having lawyers provide service to the public, including in the form of pro bono legal work for indigent clients, we do not believe that this aspirational goal belongs in the Rules of Professional Conduct,	The Commission believes that the comment is an important reminder of a lawyer's professional responsibilities as an officer of the legal system. The comment is intended to encourage lawyers to provide voluntary pro bono services to help address the recognized

Proposed Rule 1.0 [1-100] Purpose and Function of the Rules of Professional Conduct
Synopsis of Public Comments

TOTAL = 10 **A = 2**
 D = 2
 M = 5
 NI = 1

No.	Commenter/Signatory	Comment on Behalf of Group?	A/D/M/NI ¹	Rule Section or Cmt.	Comment	RRC Response
					which are disciplinary rules. Indeed, we find it to be contradictory to tell lawyers they must follow the Rules under threat of discipline, but then carve out certain rules as being only aspirational and, thus presumably voluntary. In addition, we suggest that any specific reference to pro bono legal services should recognize that circumstances may vary widely between lawyers including new lawyers faced with a large amount of debt. To the extent that the Commission wants to include some aspirational aspect to Comment [5], the OCBA suggest that Comment [5] end after the phrase "for those who because of economic or social barriers cannot afford or secure adequate legal counsel."	problem of access to justice in California, but at the same time clarify that the comment is not a disciplinary standard. Given those parameters, the Commission believes that a comment in proposed Rule 1.0, which is the closest provision in the proposed Rules to the ABA Model Rules' Preamble, is appropriate.
X-2016-76a	Los Angeles County Bar Association (LACBA) - Professional Responsibility and Ethics Committee of the Los Angeles County Bar Association (PREC) (Schmid) (09-24-16)	Yes	M	Comment [2] and [5]	1. PREC believes that the language of Comment [2] of Proposed Rule 1.0 which states, in pertinent part, that "a violation of a rule can occur when a lawyer is not practicing law or acting in a professional capacity" is overly broad and does not apply to all the rules. For example, Proposed Rules 7.1 [Communications Concerning A Lawyer's Services], 7.2 [Advertising] and 7.3 [Solicitation of Clients] may apply	1. The Commission disagrees that the cited language is overly broad. The sentence does <u>not</u> state "a violation of <u>any</u> rule can occur even when a lawyer is not practicing law or acting in a professional capacity." It states "a violation of <u>a</u> rule may occur even when a lawyer is not practicing law or acting in a professional capacity." That means that a rule, not every rule, may be

**Proposed Rule 1.0 [1-100] Purpose and Function of the Rules of Professional Conduct
Synopsis of Public Comments**

TOTAL = 10 **A = 2**
D = 2
M = 5
NI = 1

No.	Commenter/Signatory	Comment on Behalf of Group?	A/D/M/NI ¹	Rule Section or Cmt.	Comment	RRC Response
				Comment [5]	<p>to services provided by lawyers outside of the practice of law. As a result, PREC recommends that the quoted language be revised to read “a violation of <i>some</i> rules <i>may</i> occur even when a lawyer is not practicing law or acting in a professional capacity.”</p> <p>2. In addition, we note that at the Rules Revision Commission’s January 22, 2016 meeting, the Commission determined that a proposed California version of ABA Model Rule 6.1 [Voluntary Pro Bono Publico Service] should not be adopted, and instead encouraged the drafting committee for that rule to (among other things) consider adding a new comment to Proposed Rule 1.0 emphasizing the importance of voluntary pro bono service. We understand that, in response, the drafting committee proposed the following new Comment [5]. While PREC continues to support the goals and aspirations encompassed in Model Rule 6.1, PREC believes that the above Comment [5] to Proposed Rule 1.0 clearly articulates the obligations of each lawyer to be aware of the needs for pro bono legal services and encourages members of the bar to devote at</p>	<p>violated in a non-lawyer capacity.</p> <p>2. The Commission believes that the comment is an important reminder of a lawyer’s professional responsibilities as an officer of the legal system. The comment is intended to encourage lawyers to provide voluntary pro bono services to help address the recognized problem of access to justice in California, but at the same time clarify that the comment is not a disciplinary standard. Given those parameters, the Commission believes that a comment in proposed Rule 1.0, which is the closest provision in the proposed Rules to the ABA Model Rules’ Preamble, is appropriate.</p>

**Proposed Rule 1.0 [1-100] Purpose and Function of the Rules of Professional Conduct
Synopsis of Public Comments**

TOTAL = 10 **A = 2**
D = 2
M = 5
NI = 1

No.	Commenter/Signatory	Comment on Behalf of Group?	A/D/M/NI ¹	Rule Section or Cmt.	Comment	RRC Response
					least 50 hours to pro bono legal services. For that reason, PREC strongly supports the adoption of Comment [5].	
X-2016-78	Legal Aid Association of California (LAAC) (Kline) (09-26-16)	Yes	M	Comment [5]	<p>1. The State Bar's rules and regulations should include a formal statement that underscores this professional duty is essential if the State Bar is to effectively activate its membership to perform pro bono service. However, we believe that relying upon a <i>comment</i> to a Rule of Professional Conduct in order to achieve this higher level of pro bono activation, in this case the proposed Comment [5] to proposed Rule 1.0 is not enough to show the importance of this ethical obligation. <i>Relegating what we believe is a major ethical duty to a comment of a rule undermines the State Bar's goal of elevating the Bar membership's awareness and commitment to fulfilling its pro bono responsibility.</i></p> <p>LAAC urges this body to adopt ABA model rule 6.1 as a separate rule in California's rules of professional conduct, rather than referring to the professional responsibility in a comment. Nearly every state in the nation has adopted a similar rule, and this would bring California in line</p>	<p>1. The Commission understands the concerns expressed by the commenter but continues to believe that a recommendation to adopt a rule patterned on ABA Model Rule 6.1 would be in direct conflict with its Charter principle to draft only mandatory rules that provide minimal disciplinary standards.</p> <p>The Commission believes that the inclusion of Comment [5] in proposed Rule 1.0, which sets forth the purpose and function of the Rules as a whole, will provide similar encouragement to lawyers to engage in the provision of pro bono legal services.</p>

**Proposed Rule 1.0 [1-100] Purpose and Function of the Rules of Professional Conduct
Synopsis of Public Comments**

TOTAL = 10 **A = 2**
D = 2
M = 5
NI = 1

No.	Commenter/Signatory	Comment on Behalf of Group?	A/D/M/NI ¹	Rule Section or Cmt.	Comment	RRC Response
					<p>with other jurisdictions. California law and the State Bar already both recognize the professional responsibility of voluntary pro bono legal services. We understand that there may be a concern that the rules of professional conduct include only “mandatory” rules for enforcement purposes, rather than aspirational rules. To the extent this is a concern, it can be easily addressed by making clear that the responsibility set forth in the rule is not enforceable through disciplinary process.</p> <p>2. If the State Bar would like to limit the rules to only enforceable rules, we would support the State Bar passing a mandatory pro bono reporting rule, similar to rules adopted in many other states, recently by New York. We understand that best practices in other states include:</p> <ol style="list-style-type: none"> 1. Requiring all active members (as opposed to a subset of the bar’s active membership) to report their pro bono activity; 2. Ensuring there is no public disclosure of individuals’ pro bono activity or contributions; 3. Ensuring the state bar only develops anonymous, aggregated data pertaining to 	<p>2. The Commission has discussed the concept of mandatory reporting. However, it does not believe that recommending such a rule would be appropriate at this time. The Commission believes that further study of such a system is necessary, including the experiences of other jurisdictions that have taken such an approach. The Commission also notes that in most jurisdictions, the provision is in Rules of Court or State Bar rules, not in the Rules of Professional Conduct. Further, a mandatory reporting requirement is beyond the</p>

**Proposed Rule 1.0 [1-100] Purpose and Function of the Rules of Professional Conduct
Synopsis of Public Comments**

TOTAL = 10 **A = 2**
D = 2
M = 5
NI = 1

No.	Commenter/Signatory	Comment on Behalf of Group?	A/D/M/NI ¹	Rule Section or Cmt.	Comment	RRC Response
					<p>members' pro bono activity and contributions;</p> <p>4. Ensuring the state bar receives information pertaining to whether or not an individual member complied with the required pro bono reporting so that it can determine whether or not to impose consequences upon the individual for any failure to report;</p> <p>5. Ensuring that aggregate anonymous data received by the state bar is made public and categorized by area of law, state bar district or county, practice setting, and other metrics in order to allow for ongoing assessment of needs, resources, and effectiveness;</p> <p>6. Ensuring the required reporting periods are aligned with existing MCLE reporting or state bar dues cycles. Required pro bono reporting can be the catalyst for systemic change in California's justice system. It would bring to the forefront each lawyer's ethical duty to provide pro bono to the indigent, converting pro bono service from an aspirational directive to a professional responsibility of the utmost importance.</p>	<p>scope of the Commission's charge because it raises financing, budgetary, administrative and implementation considerations similar to CLE, that the Commission is not in a position to evaluate. However, the Commission will include in the Report on the proposed Rules this possibility when it is submitted to the Supreme Court.</p>
X-2016-104a	Office of Chief Trial Counsel (OCTC)(Dresser) (09-27-16)	Yes	A		<p>1. OCTC supports this rule.</p> <p>2. OCTC supports Comments 2,</p>	<p>1. No response required.</p> <p>2. No response required.</p>

**Proposed Rule 1.0 [1-100] Purpose and Function of the Rules of Professional Conduct
Synopsis of Public Comments**

TOTAL = 10 **A = 2**
D = 2
M = 5
NI = 1

No.	Commenter/Signatory	Comment on Behalf of Group?	A/D/M/NI ¹	Rule Section or Cmt.	Comment	RRC Response
					<p>3, and 4.</p> <p>3. Comment 1 is duplicative of subsections (a) and (b) and, thus, unnecessary and inconsistent with the Supreme Court's directive that Comments should be used sparingly and only to elucidate and not to expand upon the rules themselves.</p> <p>4. Comment 5 is aspirational only, encouraging attorneys to do pro bono activities. The Comment, therefore, is contrary to the Supreme Court's directive that the Commission should avoid incorporating purely aspiration or ethical considerations that are present in the Model Rules and Comments.</p>	<p>3. The Commission disagrees with the commenter's assessment. It believes that Comment [1] provides guidance on how the rule is applied by clarifying that although the rules are disciplinary in nature, they can be evidence of the standard of conduct in a civil action, and providing leading authority on that concept.</p> <p>4. Please see response 2 to LACBA, X-2016-76a, above.</p>
X-2016-102	Bar Association of San Francisco (BASF) Justice & Diversity Center (JDC) (Jackson) (09-27-16)	Yes	NI		[We] urge the Commission... to include Model Rule 6.1 in its proposed amendments.... If the State Bar and Supreme Court adopts Rule 6.1, it has the potential to exponentially increase pro bono services in California. It will empower legal services organizations, such as the JDC, in their efforts to recruit, train, and support pro bono	Please see response 1 to Legal Aid Association of California, X-2016-78, above.

**Proposed Rule 1.0 [1-100] Purpose and Function of the Rules of Professional Conduct
Synopsis of Public Comments**

TOTAL = 10 **A = 2**
D = 2
M = 5
NI = 1

No.	Commenter/Signatory	Comment on Behalf of Group?	A/D/M/NI ¹	Rule Section or Cmt.	Comment	RRC Response
					attorneys to represent our State's most vulnerable.	
X-2016-127	State Bar of California Standing Committee on the Delivery of Legal Services (SCDLS) (Wong) (09-27-16)	Yes	M		<p>1. SCDLS commends the Commission for continuing to define pro bono service as an integral part of each lawyer's professional responsibilities. SCDLS similarly agrees that the inclusion of a formal statement in the State Bar's rules and regulations that underscores this professional duty is essential if the State Bar is to effectively activate its membership to perform pro bono service. However, SCDLS submits that relying upon a comment to a Rule of Professional Conduct in order to achieve this higher level of pro bono activation, in this case the proposed Comment [5], may not be the most effective way to acknowledge this critical professional obligation. SCDLS advises that relegating this responsibility to a comment beneath a Rule risks characterizing pro bono as an afterthought amongst many others rather than a central component of each lawyer's ethical obligation.</p> <p>2. Accordingly, and in the event that Comment [5] is adopted,</p>	<p>1. Please see response 1 to Legal Aid Association of California, X-2016-78, above.</p> <p>2. The Commission agrees with some of the suggested</p>

**Proposed Rule 1.0 [1-100] Purpose and Function of the Rules of Professional Conduct
Synopsis of Public Comments**

TOTAL = 10 **A = 2**
D = 2
M = 5
NI = 1

No.	Commenter/Signatory	Comment on Behalf of Group?	A/D/M/NI ¹	Rule Section or Cmt.	Comment	RRC Response
					SCDLS has dedicated its time and expertise to clarifying the language of the proposed Comment by recommending amendments that strengthen its wording without altering its substance. These recommended amendments are set forth in the attached enclosure.	changes and has implemented them in a revised draft of Comment [5].