

## **PROPOSED CHARTER FOR THE EXTENDED SECOND COMMISSION**

Following the State Bar's anticipated submission of a request that the Supreme Court of California approve comprehensive amendments to the Rules of Professional Conduct of the State Bar of California, the Commission is charged with reviewing any substantive questions, or requests for further action, thereafter received from the Court concerning the proposed rules and providing recommendations for a State Bar response. If the response involves drafting rule revisions, the Commission should be guided by following the principles:

1. The Commission's revisions should respond to the questions or issues posed by the referral from the Supreme Court.
2. The Commission's revisions should promote confidence in the legal profession and the administration of justice, and ensure adequate protection to the public.
3. The Commission should consider the historical purpose of the Rules of Professional Conduct in California, and ensure that the proposed rules set forth a clear and enforceable articulation of disciplinary standards, as opposed to purely aspirational objectives.
4. The Commission's revisions should eliminate or minimize, when and if appropriate, unnecessary differences between California's rules and the rules used by a preponderance of the states (in some cases in reliance on the American Bar Association's Model Rules) in order to help promote a national standard with respect to professional responsibility issues whenever possible.
5. The Commission's revisions should facilitate compliance with and enforcement of the Rules by eliminating ambiguities and uncertainties.
6. Substantive information about the conduct governed by the rule should be included in the rule itself. Official commentary to the proposed rules should not conflict with the language of the rules, and should be used sparingly to elucidate, and not to expand upon, the rules themselves.

Proposed amendments developed by the Commission should be accompanied by a report setting forth the Commission's rationale for retaining or changing any rule and related commentary language.

The terms of the officers, members and advisors appointed to the Commission shall end on March 9, 2018 or when terminated by the Board, whichever is earliest.