

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

OPEN SESSION ACTION SUMMARY

**Tuesday, January 23, 2018
(2:00 pm – 5:00 pm)**

State Bar of California Video-Conference Meeting

State Bar of California
845 So. Figueroa Street, 5th Floor, Room 549
Los Angeles, CA 90017

and

State Bar of California
180 Howard Street, Room 4A-C
San Francisco, CA 94105

Alternate Locations

402 W. Broadway, Ste. 2400, San Diego, CA 92101
750 B Street, Suite 2100, San Diego, CA 92101
280 Valley View Road, Waterbury Center, VT 05667

Members Present: Lee Edmon (Chair), Danny Chou, Daniel Eaton (by teleconference), Tobi Inlender (Public Member), Toby Rothschild, and Mark Tuft (by teleconference).

State Bar Staff Present: Allen Blumenthal (Office of Chief Trial Counsel), Randall Difuntorum (Office of Professional Competence), Gordon Grenier (State Bar Court), Andrew Tuft (Office of Professional Competence), Mimi Lee (Office of Professional Competence), and Lauren McCurdy (Office of Professional Competence, by teleconference).

Others Present: Greg Fortescue (Supreme Court staff) (by teleconference), Kevin Mohr (by teleconference), and Heather Rosing (Advisor) (by teleconference).

Members Not Present: George Cardona

I. CHAIR'S REMARKS

A. Oral Report

The Chair reported that the Commission's term will officially end on March 9, 2018. The term of the Commission may be extended but will be determined by the Board of Trustees. Any Commission member that would not be available to serve, if the Commission's term is extended, should contact staff.

Regarding Agenda Item III.A, Mr. Difuntorum explained that the observations and points raised by the Commission will be summarized in an oral report to the Board of Trustees at their meeting on Saturday, January 27, 2018. Mr. Difuntorum also noted that the Board of Trustees has received a report from COPRAC.

II. CONSENT AGENDA

A. Regular Meeting on October 24, 2017 (Open Session)

The consent agenda was presented to the Commission and upon motion made, seconded and adopted, it was

RESOLVED, that the Commission approves the action summary of the Commission's October 24, 2017 meeting.

All members present voted yes.

III. ACTION

A. Consideration of Proposed Rule on Disclosure of Immigration Status in Open Court in Response to SFDA Request

The Chair led a discussion of the request for a new Rule of Professional Conduct submitted by the San Francisco District Attorney in an August 17, 2017 letter to the chair of COPRAC. The Commission discussed the importance of the public protection concerns raised by the San Francisco District Attorney and various responsive options including: reconsideration of a proposed counterpart to ABA Model Rule 4.4(a); addition of new comments to the proposed rules already adopted by the Board, such as a new comment to proposed rule 8.4(d); consideration of a new Rule of Court; and development of a formal ethics opinion on a relevant hypothetical scenario. No action was taken.

B. Reconsideration of Additional Proposed Rules, if any

No other proposed rules were considered.

CLOSED SESSION

*None**

*Closed under Bus. & Prof. Code § 6026.5(a) to consult with counsel concerning pending or prospective litigation.

*Closed under Bus. & Prof. Code Sec. 6026.5(d) to consider a personnel matter.