

Cross-Reference Chart of the Current California Rules to the Proposed Rules
Sorted by the Current California Rules

Current Rules of Professional Conduct (Rule Number and Title)	Proposed Rules of Professional Conduct (Rule Number and Title)
1-100(A) [Rules of Professional Conduct, in General]	1.0 Purpose and Function of the Rules of Professional Conduct
1-100(B)	1.0.1 Terminology
1-100(D)	8.5 Disciplinary Authority; Choice of Law
1-110 Disciplinary Authority of the State Bar	8.1.1 Compliance with Conditions of Discipline and Agreements in Lieu of Discipline
1-120 Assisting, Soliciting, or Inducing Violations	8.4 Misconduct
1-200 False Statement Regarding Admission to the State Bar	8.1 False Statement Regarding Application for Admission to Practice Law
1-300 Unauthorized Practice of Law	5.5 Unauthorized Practice of Law; Multijurisdictional Practice of Law
1-310 Forming a Partnership With a Non-Lawyer	5.4 Financial and Similar Arrangements with Nonlawyers
1-311 Employment of Disbarred, Suspended, Resigned, or Involuntarily Inactive Members	5.3.1 Employment of Disbarred, Suspended, Resigned, or Involuntarily Inactive Lawyer
1-320(A)	5.4 Financial and Similar Arrangements with Nonlawyers
1-320(A)(4) & (B)-(C) [Financial Arrangements With Non-Lawyer]	7.2 Advertising
1-400 Advertising and Solicitation	7.1 Communications Concerning a Lawyer's Services 7.2 Advertising 7.3 Solicitation of Clients 7.4 Communication of Fields of Practice and Specialization 7.5 Firm Names and Trade Names
1-500 Agreements Restricting a Member's Practice	5.6 Restrictions on a Lawyer's Right to Practice
1-600 Legal Service Programs	5.4 Financial and Similar Arrangements with Nonlawyers
1-650 Limited Legal Service Programs	6.5 Limited Legal Services Programs
1-700 Member as Candidate for Judicial Office	8.2 Judicial Officials
1-710 Member as Temporary Judge, Referee, or Court-Appointed Arbitrator	2.4.1 Lawyer as Temporary Judge, Referee, or Court-Appointed Arbitrator
2-100 Communication With a Represented Party	4.2 Communication with a Represented Person
2-200(A) Financial Arrangements Among Lawyers	1.5.1 Fee Divisions Among Lawyers
2-200(B)	7.2(b) Advertising
2-300 Sale or Purchase of a Law Practice of a Member, Living or Deceased	1.17 Sale of a Law Practice

Current Rules of Professional Conduct (Rule Number and Title)	Proposed Rules of Professional Conduct (Rule Number and Title)
2-400 Prohibited Discriminatory Conduct in a Law Practice	8.4.1 Prohibited Discrimination, Harassment and Retaliation
3-100 Confidential Information of a Client	1.6 Confidential Information of a Client
3-110 Failing to Act Competently	1.1 Competence
3-110(B)	1.3 Diligence
3-110, Discussion ¶.1	Rule 5.1 Responsibilities of Managerial and Supervisory Lawyers Rule 5.2 Responsibilities of a Subordinate Lawyer Rule 5.3 Responsibilities Regarding Nonlawyer Assistants
3-120 Sexual Relations With Client	1.8.10 Sexual Relations with Current Client
3-200 Prohibited Objectives of Employment	3.1 Meritorious Claims and Contentions
3-210 Advising the Violation of Law	1.2.1 Advising or Assisting the Violation of Law
3-300 Avoiding Interests Adverse to a Client	1.8.1 Business Transactions with a Client and Pecuniary Interests Adverse to the Client
3-310(B), (C) Avoiding the Representation of Adverse Interests	1.7 Conflict of Interest: Current Clients
3-310(E)	1.9 Duties To Former Clients
3-310(D)	1.8.7 Aggregate Settlements
3-310(F)	1.8.6 Compensation from One Other Than Client
3-400 Limiting Liability to Client	1.8.8 Limiting Liability to Client
3-410 Disclosure of Professional Liability Insurance	1.4.2 Disclosure of Professional Liability Insurance
3-500 Communication	1.4 Communication with Clients
3-510 Communication of Settlement Offer	1.4.1 Communication of Settlement Offers
3-600 Organization as Client	1.13 Organization as Client
3-700 Termination of Employment	1.16 Declining or Terminating Representation
4-100 Preserving Identity of Funds and Property of a Client	1.15 Safekeeping Funds and Property of Clients and Other Persons
4-200 Fees for Legal Services	1.5 Fees for Legal Services
4-210 Payment of Personal or Business Expenses Incurred by or for a Client	1.8.5 Payment of Personal or Business Expenses Incurred by or for a Client
4-300 Purchasing Property at a Foreclosure or a Sale Subject to Judicial Review	1.8.9 Purchasing Property at a Foreclosure or a Sale Subject to Judicial Review
4-400 Gifts From Client	1.8.3 Gifts from Client
5-100 Threatening Criminal, Administrative, or Disciplinary Charges	3.10 Threatening Criminal, Administrative, or Disciplinary Charges
5-110 Performing the Duty of Member in Government Service	3.8 Special Responsibilities of a Prosecutor
5-120 Trial Publicity	3.6 Trial Publicity
5-200(A)-(D) Trial Conduct	3.3 Candor Toward the Tribunal

Current Rules of Professional Conduct (Rule Number and Title)	Proposed Rules of Professional Conduct (Rule Number and Title)
5-200(E) Trial Conduct	3.4 Fairness to Opposing Party and Counsel
5-210 Member as Witness	3.7 Lawyer as Witness
5-220 Suppression of Evidence	3.8(d) [Special Responsibilities of a Prosecutor]
5-220 Suppression of Evidence	3.4 Fairness to Opposing Party and Counsel
5-300 Contact With Officials	3.5 Contact with Judges, Officials, Employees, and Jurors
5-310 Prohibited Contact With Witnesses	3.4 Fairness to Opposing Party and Counsel
5-320 Contact With Jurors	3.5 Contact with Judges, Officials, Employees, and Jurors

Proposed Rules With No California Counterpart

Rule 1.2 Scope of Representation and Allocation of Authority

Rule 1.8.2 Use of Current Client's Information¹

Rule 1.8.11 Imputation of Prohibitions Under Rules 1.8.1 to 1.8.9

Rule 1.10 Imputation of Conflicts of Interest: General Rule

Rule 1.11 Special Conflicts of Interest for Former and Current Government Officials and Employees

Rule 1.12 Former Judge, Arbitrator, Mediator or Other Third-Party Neutral

Rule 1.14 Client with Diminished Capacity

Rule 1.18 Duties To Prospective Client

Rule 2.1 Advisor

Rule 2.4 Lawyer as Third-Party Neutral

Rule 3.2 Delay of Litigation

Rule 3.9 Advocate in Non-adjudicative Proceedings

Rule 4.1 Truthfulness in Statements to Others

Rule 4.3 Communicating with an Unrepresented Person

Rule 4.4 Duties Concerning Inadvertently Transmitted Writings

Rule 6.3 Membership in Legal Services Organizations

¹ But see Bus. & Prof. Code § 6068(e).

Cross-Reference Chart of the Proposed Rules to the Current California Rules

Sorted by the Proposed Rule

Proposed Rules of Professional Conduct (Rule Number and Title)	Current Rules of Professional Conduct (Rule Number and Title)
1.0 Purpose and Function of the Rules of Professional Conduct	1-100 Rules of Professional Conduct, in General
1.0.1 Terminology	1-100(B)
1.1 Competence	3-110 Failing to Act Competently
1.2 Scope of Representation and Allocation of Authority	No California Rule Counterpart
1.2.1 Advising or Assisting the Violation of Law	3-210 Advising the Violation of Law
1.3 Diligence	3-110(B)²
1.4 Communication with Clients	3-500 Communication
1.4.1 Communication of Settlement Offers	3-510 Communication of Settlement Offer
1.4.2 Disclosure of Professional Liability Insurance	3-410 Disclosure of Professional Liability Insurance
1.5 Fees for Legal Services	4-200 Fees for Legal Services
1.5.1 Fee Divisions Among Lawyers	2-200 Financial Arrangements Among Lawyers
1.6 Confidential Information of a Client	3-100 Confidential Information of a Client
1.7 Conflict of Interest: Current Clients	3-310(B),(C) [Avoiding the Representation of Adverse Interests]
1.8.1 Business Transactions with a Client and Pecuniary Interests Adverse to the Client	3-300 Avoiding Interests Adverse to a Client
1.8.2 Use of Current Client's Information	No California Rule Counterpart³
1.8.3 Gifts from Client	4-400 Gifts From Client
1.8.5 Payment of Personal or Business Expenses Incurred by or for a Client	4-210 Payment of Personal or Business Expenses Incurred by or for a Client
1.8.6 Compensation from One Other Than Client	3-310(F)
1.8.7 Aggregate Settlements	3-310(D)
1.8.8 Limiting Liability to Client	3-400 Limiting Liability to Client
1.8.9 Purchasing Property at a Foreclosure or a Sale Subject to Judicial Review	4-300 Purchasing Property at a Foreclosure or a Sale Subject to Judicial Review
1.8.10 Sexual Relations with Current Client	3-120 Sexual Relations With Client
1.8.11 Imputation of Prohibitions Under Rules 1.8.1 to 1.8.9	No California Rule Counterpart
1.9 Duties To Former Clients	3-310(E)
1.10 Imputation of Conflicts of Interest: General Rule	No California Rule Counterpart

² Rule 3-110(B) provides:

(B) For purposes of this rule, "competence" in any legal service shall mean to apply the 1) *diligence*, 2) learning and skill, and 3) mental, emotional, and physical ability reasonably necessary for the performance of such service. (Emphasis added.)

³ But see Cal. Bus. & Prof. Code § 6068(e).

Proposed Rules of Professional Conduct (Rule Number and Title)	Current Rules of Professional Conduct (Rule Number and Title)
1.11 Special Conflicts of Interest for Former and Current Government Officials and Employees	No California Rule Counterpart
1.12 Former Judge, Arbitrator, Mediator or Other Third-Party Neutral	No California Rule Counterpart
1.13 Organization as Client	3-600 Organization as Client
1.14 Client with Diminished Capacity	No California Rule Counterpart
1.15 Safekeeping Funds and Property of Clients and Other Persons	4-100 Preserving Identity of Funds and Property of a Client
1.16 Declining or Terminating Representation	3-700 Termination of Employment
1.17 Sale of a Law Practice	2-300 Sale or Purchase of a Law Practice of a Member, Living or Deceased
1.18 Duties To Prospective Client	No California Rule Counterpart
2.1 Advisor	No California Rule Counterpart
2.4 Lawyer as Third-Party Neutral	No California Rule Counterpart
2.4.1 Lawyer as Temporary Judge, Referee, or Court-Appointed Arbitrator	1-710 Member as Temporary Judge, Referee, or Court-Appointed Arbitrator
3.1 Meritorious Claims and Contentions	3-200 Prohibited Objectives of Employment
3.2 Delay of Litigation	No California Rule Counterpart
3.3 Candor Toward the Tribunal	5-200(A)-(D) Trial Conduct
3.4 Fairness to Opposing Party and Counsel	5-200(E) [Trial Conduct] 5-220 Suppression of Evidence 5-310 Prohibited Contact With Witnesses
3.5 Contact with Judges, Officials, Employees, and Jurors	5-300 Contact With Officials 5-320 Contact With Jurors
3.6 Trial Publicity	5-120 Trial Publicity
3.7 Lawyer as Witness	5-210 Member as Witness
3.8 Special Responsibilities of a Prosecutor	5-110 Performing the Duty of Member in Government Service 5-220 Suppression of Evidence
3.9 Advocate in Non-adjudicative Proceedings	No California Rule Counterpart
3.10 Threatening Criminal, Administrative, or Disciplinary Charges	5-100 Threatening Criminal, Administrative, or Disciplinary Charges
4.1 Truthfulness in Statements to Others	No California Rule Counterpart
4.2 Communication with a Represented Person	2-100 Communication With a Represented Party
4.3 Communicating with an Unrepresented Person	No California Rule Counterpart
4.4 Duties Concerning Inadvertently Transmitted Writings	No California Rule Counterpart
5.1 Responsibilities of Managerial and Supervisory Lawyers	No California Rule Counterpart⁴

⁴ But see rule 3-110, Discussion ¶. 1.

Proposed Rules of Professional Conduct (Rule Number and Title)	Current Rules of Professional Conduct (Rule Number and Title)
5.2 Responsibilities of a Subordinate Lawyer	No California Rule Counterpart
5.3 Responsibilities Regarding Nonlawyer Assistants	No California Rule Counterpart⁵
5.3.1 Employment of Disbarred, Suspended, Resigned, or Involuntarily Inactive Lawyer	1-311 Employment of Disbarred, Suspended, Resigned, or Involuntarily Inactive Members
5.4 Financial and Similar Arrangements with Nonlawyers	1-310 Forming a Partnership With a Non-Lawyer 1-320 Financial Arrangements With Non-Lawyer 1-600 Legal Service Programs
5.5 Unauthorized Practice of Law; Multijurisdictional Practice of Law	1-300 Unauthorized Practice of Law
5.6 Restrictions on a Lawyer's Right to Practice	1-500 Agreements Restricting a Member's Practice
6.3 Membership in Legal Services Organizations	No California Rule Counterpart
6.5 Limited Legal Services Programs	1-650 Limited Legal Service Programs
7.1 Communications Concerning a Lawyer's Services	1-400 Advertising and Solicitation
7.2 Advertising	1-320(B)-(C) & (A)(4) [Financial Arrangements With Non-Lawyer] 1-400 Advertising and Solicitation 2-200 Financial Arrangements Among Lawyers
7.3 Solicitation of Clients	1-400 Advertising and Solicitation
7.4 Communication of Fields of Practice and Specialization	1-400 Advertising and Solicitation
7.5 Firm Names and Trade Names	1-400 Advertising and Solicitation
8.1 False Statement Regarding Application for Admission to Practice Law	1-200 False Statement Regarding Admission to the State Bar
8.1.1 Compliance with Conditions of Discipline and Agreements in Lieu of Discipline	1-110 Disciplinary Authority of the State Bar
8.2 Judicial Officials	1-700 Member as Candidate for Judicial Office
8.4 Misconduct	1-120 Assisting, Soliciting, or Inducing Violations
8.4.1 Prohibited Discrimination, Harassment and Retaliation	2-400 Prohibited Discriminatory Conduct in a Law Practice
8.5 Disciplinary Authority; Choice of Law	1-100(D) Rules of Professional Conduct, in General

⁵ But see rule 3-110, Discussion ¶. 1.

Cross-Reference Chart of the Proposed Rules to the Current ABA Model Rules
Sorted by the Proposed Rule

Proposed Rules of Professional Conduct (Rule Number and Title)	Current ABA Model Rules (Rule Number and Title)
1.0 Purpose and Function of the Rules of Professional Conduct	Preamble and Scope
1.0.1 Terminology	1.0 Terminology
1.1 Competence	1.1 Competence
1.2 Scope of Representation and Allocation of Authority	1.2(a)-(c) Scope of Representation and Allocation of Authority Between Client and Lawyer
1.2.1 Advising or Assisting the Violation of Law	1.2(d)
1.3 Diligence	1.3 Diligence
1.4 Communication with Clients	1.4 Communications
1.4.1 Communication of Settlement Offers	No ABA Model Rule Counterpart⁶
1.4.2 Disclosure of Professional Liability Insurance	No ABA Model Rule Counterpart⁷
1.5 Fees for Legal Services	1.5 Fees
1.5.1 Fee Divisions Among Lawyers	1.5(e)
1.6 Confidential Information of a Client	1.6 Confidentiality of Information
1.7 Conflict of Interest: Current Clients	1.7 Conflict of Interest: Current Clients
	1.8 Conflict of Interest: Current Clients: Specific Rules ⁸
1.8.1 Business Transactions with a Client and Pecuniary Interests Adverse to the Client	1.8(a)
1.8.2 Use of Current Client's Information	1.8(b)
1.8.3 Gifts from Client	1.8(c)
No Proposed Rule Counterpart	1.8(d) [Acquisition of client's literary or media rights]
1.8.5 Payment of Personal or Business Expenses Incurred by or for a Client	1.8(e)
1.8.6 Compensation from One Other Than Client	1.8(f)
1.8.7 Aggregate Settlements	1.8(g)
1.8.8 Limiting Liability to Client	1.8(h)
No Proposed Rule Counterpart	1.8(i)

⁶ But see Model Rule 1.4, Cmt. [2].

⁷ Although there is no counterpart to proposed rule 1.4.2 in the ABA Model Rules of Professional Conduct, there is an ABA Model Court Rule on Insurance Disclosure. See http://www.americanbar.org/content/dam/aba/migrated/cpr/clientpro/Model_Rule_InsuranceDisclosure.authcheckdam.pdf [Last accessed 3/15/17].

⁸ Model Rule 1.8 is a collection of 11 rules that regulate specific conflicts involving current clients. Each rule is assigned a separate paragraph letter but is untitled.

Proposed Rules of Professional Conduct (Rule Number and Title)	Current ABA Model Rules (Rule Number and Title)
1.8.9 Purchasing Property at a Foreclosure or a Sale Subject to Judicial Review ⁹	No ABA Model Rule Counterpart
1.8.10 Sexual Relations with Current Client	1.8(j)
1.8.11 Imputation of Prohibitions Under Rules 1.8.1 to 1.8.9	1.8(k)
1.9 Duties to Former Clients	1.9 Duties to Former Clients
1.10 Imputation of Conflicts of Interest: General Rule	1.10 Imputation of Conflicts of Interest: General Rule
1.11 Special Conflicts of Interest for Former and Current Government Officials and Employees	1.11 Special Conflicts of Interest for Former and Current Government Officers and Employees
1.12 Former Judge, Arbitrator, Mediator or Other Third-Party Neutral	1.12 Former Judge, Arbitrator, Mediator or Other Third-Party Neutral
1.13 Organization as Client	1.13 Organization as Client
1.14 Client with Diminished Capacity	1.14 Client with Diminished Capacity
1.15 Safekeeping Funds and Property of Clients and Other Persons	1.15 Safekeeping Property
1.16 Declining or Terminating Representation	1.16 Declining or Terminating Representation
1.17 Sale of a Law Practice	1.17 Sale of Law Practice
1.18 Duties to Prospective Client	1.18 Duties to Prospective Client
2.1 Advisor	2.1 Advisor
No Proposed Rule Counterpart	2.3 Evaluation for Use by Third Persons
2.4 Lawyer as Third-Party Neutral	2.4 Lawyer Serving as Third-Party Neutral
2.4.1 Lawyer as Temporary Judge, Referee, or Court-Appointed Arbitrator	No ABA Model Rule Counterpart
3.1 Meritorious Claims and Contentions	3.1 Meritorious Claims and Contentions
3.2 Delay of Litigation	3.2 Expediting Litigation
3.3 Candor Toward the Tribunal	3.3 Candor toward the Tribunal
3.4 Fairness to Opposing Party and Counsel	3.4 Fairness to Opposing Party and Counsel
3.5 Contact with Judges, Officials, Employees, and Jurors	3.5 Impartiality and Decorum of the Tribunal
3.6 Trial Publicity	3.6 Trial Publicity
3.7 Lawyer as Witness	3.7 Lawyer as Witness
3.8 Special Responsibilities of a Prosecutor	3.8 Special Responsibilities of a Prosecutor
3.9 Advocate in Non-adjudicative Proceedings	3.9 Advocate in Nonadjudicative Proceedings

⁹ Although proposed rule 1.8.9 is not a direct counterpart to Model Rule 1.8(i), it has been assigned the number 1.8.9. Model Rule 1.8(i) provides:

(i) A lawyer shall not acquire a proprietary interest in the cause of action or subject matter of litigation the lawyer is conducting for a client, except that the lawyer may:

- (1) acquire a lien authorized by law to secure the lawyer's fee or expenses; and
- (2) contract with a client for a reasonable contingent fee in a civil case.

Proposed Rules of Professional Conduct (Rule Number and Title)	Current ABA Model Rules (Rule Number and Title)
3.10 Threatening Criminal, Administrative, or Disciplinary Charges	No ABA Model Rule Counterpart
4.1 Truthfulness in Statements to Others	4.1 Truthfulness in Statements to Others
4.2 Communication with a Represented Person	4.2 Communication with Person Represented by Counsel
4.3 Communicating with an Unrepresented Person	4.3 Dealing with Unrepresented Person
4.4 Duties Concerning Inadvertently Transmitted Writings	4.4(b) Respect for Rights of Third Persons
5.1 Responsibilities of Managerial and Supervisory Lawyers	5.1 Responsibilities of a Partner or Supervisory Lawyer
5.2 Responsibilities of a Subordinate Lawyer	5.2 Responsibilities of a Subordinate Lawyer
5.3 Responsibilities Regarding Nonlawyer Assistants	5.3 Responsibilities Regarding Nonlawyer Assistance
5.3.1 Employment of Disbarred, Suspended, Resigned, or Involuntarily Inactive Lawyer	No ABA Model Rule Counterpart
5.4 Financial and Similar Arrangements with Nonlawyers	5.4 Professional Independence of a Lawyer
5.5 Unauthorized Practice of Law; Multijurisdictional Practice of Law	5.5 Unauthorized Practice of Law; Multijurisdictional Practice of Law
5.6 Restrictions on a Lawyer's Right to Practice	5.6 Restrictions on Rights to Practice
No Proposed Rule Counterpart	5.7 Responsibilities Regarding Law-related Services
No Proposed Rule Counterpart ¹⁰	6.1 Voluntary Pro Bono Publico Service
No Proposed Rule Counterpart	6.2 Accepting Appointments
6.3 Membership in Legal Services Organizations	6.3 Membership in Legal Services Organizations
No Proposed Rule Counterpart	6.4 Law Reform Activities Affecting Client Interests
6.5 Limited Legal Services Programs	6.5 Nonprofit and Court Annexed Limited Legal Services Programs
7.1 Communications Concerning a Lawyer's Services	7.1 Communications Concerning a Lawyer's Services
7.2 Advertising	7.2 Advertising
7.3 Solicitation of Clients	7.3 Solicitation of Clients
7.4 Communication of Fields of Practice and Specialization	7.4 Communication of Fields of Practice and Specialization
7.5 Firm Names and Trade Names	7.5 Firm Names and Letterhead
No Proposed Rule Counterpart	7.6 Political Contributions to Obtain Legal Engagements or Appointments by Judges
8.1 False Statement Regarding Application for Admission to Practice Law	8.1 Bar Admission and Disciplinary Matters

¹⁰ But see Rule 1.0, Cmt. [5].

Proposed Rules of Professional Conduct (Rule Number and Title)	Current ABA Model Rules (Rule Number and Title)
8.1.1 Compliance with Conditions of Discipline and Agreements in Lieu of Discipline	No ABA Model Rule Counterpart
8.2 Judicial Officials	8.2 Judicial and Legal Officials
No Proposed Rule Counterpart	8.3 Reporting Professional Misconduct
8.4 Misconduct	8.4 Misconduct
8.4.1 Prohibited Discrimination, Harassment and Retaliation	8.4(g)
8.5 Disciplinary Authority; Choice of Law	8.5 Disciplinary Authority; Choice of Law