

ATTACHMENT 4

Proposed New Rule 1-650
Synopsis of Public Comments

(rev. 4/22/09)

(Total Comments = 23; Agree = 19; Disagree = 0; Agree w/ Modification = 4)

COMMENTATOR (Organization or Person)	DATE RECEIVED	POSITION (Agree, Disagree, or Agree Only If Modified)	SYNOPSIS	STAFF RESPONSE
David Ackerly	4/14/2009	Agree	The proposed rule will help expand access to justice. It would allow lawyers to meet or exceed the Board of Governor's target of at least 50 hours of annual pro bono service.	This comment concurs with the State Bar's proposal.
Bar Association of San Francisco	4/16/2009	Agree	<i>(NOTE: This commentator checked the box on the public comment form indicating agreement with the proposed rule but chose to provide no additional comments.)</i>	This comment concurs with the State Bar's proposal.
Bar Association of San Francisco, Barristers Club	4/16/2009	Agree	The proposed rule warrants support in order to increase access to pro bono legal services.	This comment concurs with the State Bar's proposal.
Bar Association of San Francisco, Volunteer Legal Services Program (Tiela Chalmers)	4/16/2009	Agree	One of the most challenging aspects of the economic downturn is the increase in the demand for legal services and conflicts of interests are an obstacle to volunteer participation, particularly for larger firms.	This comment concurs with the State Bar's proposal.
Bar Association of San Francisco, Volunteer Legal Services Program (Christopher F. Emley)	4/16/2009	Agree	The proposed rule would be extremely helpful in dispelling doubts about potential conflicts held by some potential volunteers.	This comment concurs with the State Bar's proposal.
Javier Bastidas	4/16/2009	Agree	<i>(NOTE: This commentator checked the box on the public comment form indicating agreement with the proposed rule but chose to provide no additional comments.)</i>	This comment concurs with the State Bar's proposal.

California Commission on Access to Justice	4/15/2009	Agree, Suggests Modifications	The proposed rule would implement a key recommendation of the Access Commission's 2007 <i>Action Plan for Justice</i> . The language in para. (A) referring to B&P §6213 should be deleted. Discussion para. [1] should be revised to clarify that a lawyer-client relationship is not established as a result of any and all legal services assistance.	Staff recommends implementation of the suggested modifications.
Committee on Professional Responsibility & Conduct (COPRAC)	4/17/2009	Agree, Suggests Modifications	Pro bono clients deserve advice that is competent and conflicts free. Discussion paragraph [4] should be revised to address screening by adding a new sentence at the end stating: "However, once the conflict is identified, the member should be screened from the member's firm's representation of a client with interests adverse to a client that the member previously represented under the program's auspices."	Staff recommends that the concept of the suggested modifications be referred to the Rules Revision Commission.
Kelly M. Dermody	4/16/2009	Agree	When the need for legal services is at an all-time high, it is critical for the profession to take steps to support pro bono efforts.	This comment concurs with the State Bar's proposal.
Pam Fulmer	4/16/2009	Agree	The proposed rule will result in a large number of lawyers being willing to take on more pro bono representations at clinics.	This comment concurs with the State Bar's proposal.
Jennifer Greengold	4/16/2009	Agree	The proposed rule would assuage the concerns of law firms that are otherwise reluctant to do pro bono work due to possible conflicts of interest.	This comment concurs with the State Bar's proposal.
Inner City Law Center	4/13/2009	Agree	Expeditious adoption is urged to create new opportunities for pro bono participation.	This comment concurs with the State Bar's proposal.
Teresa Johnson	4/16/2009	Agree	<i>(NOTE: This commentator checked the box on the public comment form indicating agreement with the proposed rule but chose to provide no additional comments.)</i>	This comment concurs with the State Bar's proposal.

Legal Aid Association of California	4/17/2009	Agree, Suggests Modifications	The proposed rule will provide the assurance that law firms and lawyers need to fully participate in programs which provide limited legal assistance to people in need. The language in para. (A) referring to B&P §6213 should be deleted. Discussion para. [1] should be revised to clarify that a lawyer-client relationship is not established as a result of any and all legal services assistance.	Staff recommends implementation of the concept of the suggested modifications.
Los Angeles County Bar Access to Justice Committee	4/16/2009	Agree	The ability of volunteers to participate in clinics is particularly important to lawyers who are unable to take on extended representations. The proposed rule achieves the proper balance between client protection and meeting the needs of disadvantaged clients.	This comment concurs with the State Bar's proposal.
Los Angeles County Bar Professional Responsibility and Ethics Committee	4/16/2009	Agree	The proposed rule is not inconsistent with the objective of Rule 3-310 because pro bono advice and counsel is limited in both scope and time. The proposed rule only abrogates conflicts of interest that are unknown to a lawyer at the time of their limited pro bono service so there is unlikely to be any actual impact on the duty of loyalty owed by the lawyer.	This comment concurs with the State Bar's proposal.
James Mink	4/16/2009	Agree	<i>(NOTE: This commentator checked the box on the public comment form indicating agreement with the proposed rule but chose to provide no additional comments.)</i>	This comment concurs with the State Bar's proposal.

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<p>Multiple Law Firms (O'Melveny & Myers LLP; Bingham McCutchen LLP; Sheppard Mullin Richter & Hampton LLP; Wilson Sonsini Goodrich & Rosati PC; Morrison & Foerster LLP; McDermott Will & Emery LLP; Proskauer Rose LLP; Pillsbury Winthrop Shaw Pittman LLP; Nixon Peabody LLP; K&L Gates LLP; Dewey LeBoeuf LLP; Gibson Dunn & Crutcher LLP; Paul Hastings Janofsky & Walker LLP; Dechert LLP; Baker Botts LLP; DLA Piper US LLP; Baker McKenzie Int'l; Duane Morris LLP; Cooley Godward Kronish LLP; Dykema; Hunton & Williams; Manatt, Phelps & Phillips LLP; and Bryan Cave LLP)</p>	<p>4/16/2009</p>	<p>Agree, Suggests Modifications</p>	<p>Despite the significant commitment made by many law firms, the demand for pro bono legal services continues to outstrip conventional resources. Clinics and similar programs are an indispensable means of making immediate basic counsel available to a large number of clients whose needs can be met on an expedited basis. From the standpoint of drafting simplicity and logic, the language in para. (A) referring to B&P §6213 should be deleted. It is not necessary and may cause confusion.</p>	<p>Staff recommends implementation of the suggested modification.</p>
<p>Jenie Oh</p>	<p>4/16/2009</p>	<p>Agree</p>	<p><i>(NOTE: This commentator checked the box on the public comment form indicating agreement with the proposed rule but chose to provide no additional comments.)</i></p>	<p>This comment concurs with the State Bar's proposal.</p>
<p>Public Counsel</p>	<p>4/16/2009</p>	<p>Agree</p>	<p>The limited loosening of the conflicts rules by the proposed new rule would facilitate lawyers participating in clinics without fear of creating unwanted conflicts for the firm.</p>	<p>This comment concurs with the State Bar's proposal.</p>
<p>Jeffrey Ross</p>	<p>4/16/2009</p>	<p>Agree</p>	<p>The proposed rule is an important tool for providing services to the poor and unrepresented.</p>	<p>This comment concurs with the State Bar's proposal.</p>

Tracey Salisbury	4/17/2009	Agree	<i>(NOTE: This commentator checked the box on the public comment form indicating agreement with the proposed rule but chose to provide no additional comments.)</i>	This comment concurs with the State Bar's proposal.
Mary S. Twomey	4/16/2009	Agree	As a social worker involved in family law and landlord tenant cases, anything that can help increase pro bono involvement for low income clients is appreciated.	This comment concurs with the State Bar's proposal.