

ATTACHMENT 6

Table Identifying References to Current
Rules of Professional Conduct throughout
the California Rules and California Codes

TABLE OF EXISTING REFERENCES TO THE RULES

(Draft rev. 7/6/10)

INTRODUCTION: This table identifies Code sections, Rules of Court and Rules of the State Bar that include a reference to a current Rule of Professional Conduct. The first column lists all of the Commission’s proposed new and amended rules. The second column identifies the provision(s) of law, if any, that currently cite to the rule. (Shaded rows identify rules that are not cited in existing law.) The third column offers a preliminary staff assessment regarding the anticipated State Bar consideration of conforming amendments. A designation of “Update Cite” indicates a preliminary assessment that the amendment required likely is a non-substantive conforming change in the law that only requires the updating of an existing reference to an appropriate new rule number. A designation of “Policy Coordination” indicates a preliminary assessment that coordination with the law maker that enacted or promulgated the existing law likely is needed to address potential substantive and policy issues.

Note that in some instances, there may be no explicit reference to a current Rule of Professional Conduct in an existing code section or rule but the Commission’s proposed rule nevertheless may raise a substantive issue warranting coordination with an appropriate law maker. Some of these items may be minor matters (see Rule 1.4 re client communication) but others may involve significant policy considerations (see Rules 1.6 and 1.14 re confidentiality).

PROPOSED NEW OR AMENDED RULE (The existing rule number is shown in brackets.)	Code Section, Rule of Court or Rules of the State Bar (RSB) w/c Includes a Reference to a Current Rule of Professional Conduct	Update Cite or Policy Coordination
1.0 Purpose and Scope of the Rules of Professional Conduct [1-100]		
1.0.1 Terminology [1-100(B)]		
1.1 Competence [3-110]	Cal. Rules of Court – Appx. C (re: Guidelines for Fam. Law Information Centers) Bus. & Prof. Code §6106.9 (re: sex with clients)	Policy Coordination Policy Coordination
1.2 Scope of Representation and Allocation of Authority Between Client and Lawyer [n/a]	Cal. Rules of Court – Appx. C (re: Guidelines for Fam. Law Information Centers)	Policy Coordination
1.4 Communication [3-500, 3-510]	(No RPC references but may be affected.) Bus. & Prof. Code §6068(m), §6103.5 (re: communication w/ clients)	Policy Coordination

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<p>1.4.1 Disclosure of Professional Liability Insurance [3-410]</p>		
<p>1.5 Fees for Legal Services [4-200]</p>	<p>Welf. & Inst. Code §15657.1 (re: atty's fees; factors)</p> <p>RSB – Title 5 – Rules of Procedure - Title IV. - Part B. – Rule 2.7 (re: offenses involving unconscionable fees)</p> <p>Cal. Rules of Court – Title 7 - Chapter 20 – Rule 7.955, Advisory Committee Comment. (re: fees for services to or person w/ disability)</p>	<p>UPDATE CITE</p> <p>Policy Coordination</p> <p>Update Cite</p>
<p>1.5.1 Financial Arrangements Among Lawyers [2-200(A)]</p>	<p>Insurance Code §750.5 (re: compensation for referral of insurance claims)</p>	<p>Policy Coordination</p>
<p>1.6 Confidential Information of a Client [3-100]</p>	<p>(No RPC reference but may be affected.) Bus. & Prof. Code §6068(e) (re: confidentiality)</p> <p>(No RPC 3-100 reference but may be affected.) Cal. Rules of Court - Title 5 - Div. 3 - Chpt. 11 - Rule 5.660¹ (re: advocates for juveniles)</p>	<p>Policy Coordination</p> <p>Policy Coordination</p>
<p>1.7 Conflict of Interests: Current Clients [3-310]</p>	<p>(RPC 3-320 reference) Cal. Rules of Court – Appx. C (re: Guidelines for Fam. Law Information Centers)</p> <p>(RPC 3-310(C) reference) Cal. Rules of Court - Title 5 - Div. 3 - Chpt. 11 - Rule 5.660² (re: advocates for juveniles)</p>	<p>Policy Coordination</p> <p>Policy Coordination</p>

¹ See also Rule 1.7 and 1.8.2.

² See also Rule 1.6 and 1.8.2.

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	(No RPC reference but may be affected.) Family Code §8800 (re: conflicts standards governing lawyers in adoption matters)	Policy Coordination
1.8.1 Business Transactions with a Client and Acquiring Interests Adverse to the Client [3-300]	Family Code §2033 (re: family law atty's real property lien) RSB – Title 5 – Rules of Procedure - Title IV. – Part B. – Rule 2.8 (re: suspension or reproof as a result for offenses involving violation of Rule 3-300)	Update Cite Policy Coordination
1.8.2 Use of Current Client's Confidential Information [3-100, 3-310]	Cal. Rules of Court - Title 5 - Div. 3 - Chpt. 11 - Rule 5.660³ (re: advocates for juveniles)	Policy Coordination
1.8.3 Gifts from Client [4-400]	Cal. Rules of Court – Appx. C (re: Guidelines for Fam. Law Information Centers)	Policy Coordination
1.8.5 Payment of Personal or Business Expenses Incurred by or for a Client [4-210]		
1.8.6 Third Party Payments [3-310(F)]		
1.8.7 Aggregate Settlements [3-310(D)]		
1.8.8 Limiting Liability to Client [3-400]		
1.8.9 Purchasing Property at a Foreclosure Sale or a Sale Subject to Judicial Review [4-300]	Cal. Rules of Court – Appx. C (re: Guidelines for Fam. Law Information Centers)	Policy Coordination
1.8.10 Sexual Relations with Client [3-120]	Cal. Rules of Court – Appx. C (re: Guidelines for Fam. Law Information Centers)	Policy Coordination
	Bus. & Prof. Code §6106.9 (re: prohibited lawyer sexual relations with clients)	Policy Coordination

³ See also Rule 1.6 and 1.7.

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	<p>RSB – Title 5 – Rules of Procedure - Title II. – Div. IV. – Rule 180 (re: applicability of CCP §2017.220 to witness/ victims of member’s sexual misconduct)</p>	Update Cite
1.8.11 Imputation of Personal Conflicts (Rules 1.8.1 to 1.8.9) [n/a]		
1.9 Duties to Former Clients [3-310]		
1.10 Imputation of Conflicts of Interest: General Rule		
1.11 Special Conflicts of Interest for Former And Current Government Officers And Employees [3-310]	<p>Gov’t Code § 31000.6 (re: conflicts; employment of legal counsel to assist sheriff)</p>	Policy Coordination
1.12 Former Judge, Arbitrator, Mediator or Other Third-Party Neutral [n/a]		
1.13 Organization as Client [3-600]		
1.14 Client with Diminished Capacity [n/a]	<p>(No RPC reference but may be affected.) Bus. & Prof. Code §6068(e) (re: confidentiality)</p>	Policy Coordination
1.15 Handling Funds and Property of Clients and Other Persons [4-100]	<p>RSB – Title 2 – Div. 5 – Chpt. 1 - Rule 2.111 (re: funds not held in IOLTA)</p>	Update Cite
	<p>RSB – Title 2 – Div. 5 – Chpt. 2 - Rule 2.118 (re: duties and obligations of a member re: funds)</p>	Update Cite
	<p>RSB – Title 5 – Rules of Procedure - Title IV. - Part B. – Rule 2.2 (re: offenses involving entrusted funds or property)</p>	Policy Coordination
1.16 Declining Or Terminating Representation [3-700]	<p>Family Code §8800 (re: represent adopt & natural parents – conflict)</p>	Update Cite
1.17 Purchase and Sale of a Law Practice [2-300]		
1.18 Duties to Prospective Clients		
2.1 Advisor [n/a]		
2.3 Evaluation for Use by Third Persons		

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2.4 Lawyer as Third-Party Neutral [n/a]		
2.4.1 Lawyer as Temporary Judge [1-710]		
3.1 Meritorious Claims [3-200]	<p>Cal. Rules of Court – Appx. C (re: Guidelines for Fam. Law Information Centers)</p>	Policy Coordination
3.3 Candor Toward the Tribunal [5-200]		
3.4 Fairness to Opposing Party and Counsel [5-200, 5-220, 5-310]	<p>Cal. Rules of Court – Appx. C (re: Guidelines for Fam. Law Information Centers)</p>	Policy Coordination
3.5 Impartiality and Decorum of the Tribunal [5-300, 5-320]	<p>Cal. Rules of Court – Appx. C (re: Guidelines for Fam. Law Information Centers)</p>	Policy Coordination
3.6 Trial Publicity [5-120]	<p>Cal. Rules of Court – Appx. C (re: Guidelines for Fam. Law Information Centers)</p>	Policy Coordination
	<p>Civil Code § 47 (re: privileged publication or broadcast)</p>	Update Cite
3.7 Lawyer As A Witness [5-210]		
3.8 Special Responsibilities of a Prosecutor [5-110]		
3.9 Advocate In Non-adjudicative Proceedings [n/a]		
3.10 Threatening Criminal, Administrative, or Disciplinary Charges [5-100]		
4.2 Communication with a Represented Person [2-100]	<p>Cal. Rules of Court – Appx. C (re: Guidelines for Fam. Law Information Centers)</p>	Policy Coordination
4.3 Dealing with Unrepresented Person [n/a]		
4.4 Duties Concerning Inadvertently Transmitted Writings [n/a]		
5.1 Responsibilities of Partners, Managers, and Supervisory Lawyers [3-110]		
5.2 Responsibilities of a Subordinate Lawyer [n/a]		
5.3 Responsibilities Regarding Nonlawyer Assistants [3-110]		

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5.3.1 Employment of Disbarred, Suspended, Resigned, or Involuntarily Inactive Member [1-311]		
5.4 Financial and Other Similar Arrangements with Nonlawyers [1-320, 1-600, 1-310]	<p>Prob. Code §9762, see Law Revision Comments for reference to RPC 1-320 (re: partner; participation of personal representative; estate of decedents)</p>	Update Cite
5.5 Unauthorized Practice of Law; Multijurisdictional Practice [1-300, 1-600]		
5.6 Restrictions on Right to Practice [1-500]		
6.1 Voluntary Pro Bono Publico Service		
6.2 Accepting Appointments [n/a]		
6.3 Legal Services Organizations [n/a]		
6.4 Law Reform Activities [n/a]		
6.5 Limited Legal Services Programs [n/a]		
7.1 Communications Concerning the Availability of Legal Services [1-400]	<p>(No RPC reference but may be affected.) Bus. & Prof. Code §6159.1 (re: retention of advertisements)</p>	Policy Coordination
7.2 Advertising [1-400]	<p>Insurance Code §750.5 (re: compensation for referral of insurance claims)⁴</p>	Policy Coordination
7.3 Direct Contact with Prospective Clients [1-400]		
7.4 Communication of Fields of Practice and Specialization [1-400]	<p>RSB – Title 3 – Div. 5 – Chpt. 3 – Rules of Spec. Cert. Prgms – Gen'l Notes (re: Rules of Cert. Prgms.)</p>	Update Cite
7.5 Firm Names and Letterheads [1-400]		
8.1 False Statement Regarding Application for Admission to Practice [1-200]		

⁴ See also Rule 1.5.1.

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<p>8.1.1 Compliance with Conditions of Discipline and Agreements in Lieu of Discipline [1-110]</p>	<p>RSB – Title 5 – Rules of Procedure - Title IV. - Part B. – Rule 2.9 (re: offenses involving willful violation of Rule 1-110)</p>	<p>Policy Coordination</p>
<p>8.2 Judicial and Legal Officials; Lawyer as Candidate or Applicant for Judicial Office [1-700]</p>		
<p>8.3 Reporting Professional Misconduct [1-120, 1-500(B)]</p>		
<p>8.4 Misconduct [1-120]</p>		
<p>8.4.1 Prohibited Discrimination in Law Practice Management and Operation [2-400]</p>	<p>Cal. Rules of Court – Appx. C (re: Guidelines for Fam. Law Information Centers)</p>	<p>Policy Coordination</p>
<p>8.5 Disciplinary Authority; Choice of Law [1-100(D)]</p>		