

RRC2 – Rule 3-200 [3.1]
Post-Agenda E-mails, etc. – Revised (January 19, 2016)
Drafting Team: Martinez (Lead), Kornberg, Harris

Table of Contents

January 12, 2016 McCurdy Email to Commission, Advisors, Liaisons & Staff:	1
January 12, 2016 OCTC Memo to RRC2:	1
January 16, 2016 Kehr Email to Drafting Team, cc Difuntorum, Mohr, McCurdy & Lee:	1

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January 12, 2016 McCurdy Email to Commission, Advisors, Liaisons & Staff:

The Office of Chief Trial Counsel's comments on the rules under consideration at the January meeting are attached. Please review them in preparation for the discussion at the January meeting.

Attached:

RRC2 - [1-100(B)][1-120][1-400][2-300][2-400][3-120][3-200][1.14] - 01-12-16 OCTC Memo to RRC2.docx

RRC2 - [1-100(B)][1-120][1-400][2-300][2-400][3-120][3-200][1.14] - 01-12-16 OCTC Memo to RRC2.pdf

January 12, 2016 OCTC Memo to RRC2:

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G. Rule 3-200: Prohibited Objectives of Employment

OCTC does not recommend any revisions to rule 3-200.

January 16, 2016 Kehr Email to Drafting Team, cc Difuntorum, Mohr, McCurdy & Lee:

A few thoughts ---

- 1) The proposed Rule omits the underlined language found in the Model Rule, and I wonder whether this creates a substantive difference between the two: "... the defendant in a criminal proceeding, or the respondent in a proceeding that could result in incarceration,"
- 2) The first Commission referred to writ proceedings in a Comment while this proposal has no reference. Doesn't that create an unintended gap in this Rule?
- 3) Also, doesn't "take an appeal" apply the Rule only to appellant's counsel?