

RRC2 – Rule 3-210 [1.2]
Post-Agenda E-mails, etc. – Revised (February 16, 2016)
Drafting Team: Langford (Lead), Clinch, Stout, Zipser

Table of Contents

February 12, 2016 OCTC Memo to RRC2:.....	1
February 14, 2016 Kehr Email to Drafting Team, cc Difuntorum, Mohr, McCurdy & Lee:	1
February 15, 2016 Langford Email to Kehr, cc Drafting Team, Difuntorum, Mohr, McCurdy & Lee:	1

RRC2 – Rule 3-210 [1.2]
Post-Agenda E-mails, etc. – Revised (February 16, 2016)
Drafting Team: Langford (Lead), Clinch, Stout, Zipser

February 12, 2016 OCTC Memo to RRC2:

* * *

C. Rule 3-210 [Advising the Violation of Law]

OCTC does not recommend any revisions to rule 3-210.

February 14, 2016 Kehr Email to Drafting Team, cc Difuntorum, Mohr, McCurdy & Lee:

Carol and all: Here are my thoughts on this draft ---

- 1) The first sentence of proposed paragraph (a) uses "communicate" rather than "consult", the latter being the word used in the last sentence of that paragraph, in the RRC-1 and MR versions of Rule 1.2, and in Rule 1.4(a)(2). The word "consult" is more indicative of the interactive process than is "communicate", and the change could cause confusion and mislead lawyers about what is expected of them.
- 2) Proposed paragraph (c) inserts "is not otherwise prohibited by law," a phrase not found in the RRC-1 or MR versions of this Rule. I was unable to locate any explanation in proposed Comments or elsewhere in the Report of what this limitation is intended to accomplish.
- 3) Proposed Comment [5] does not seem to do more than repeat the Rule, and the Comment could be eliminated.
- 4) In Comments [1] and [6], the word "section" is used instead of the symbol.

February 15, 2016 Langford Email to Kehr, cc Drafting Team, Difuntorum, Mohr, McCurdy & Lee:

Thank you Bob. I have to admit to not recalling why we put "otherwise prohibited by law" in paragraph C. You know how you start drafting, have a long discussion, and then forget the reasoning? Does anyone recall?