

[date], 2016

Ms. Audrey Hollins
Office of Professional Competence, Planning and Development
State Bar of California
180 Howard Street
San Francisco, CA 94105-1639

Re: Proposed Rule of Professional Conduct 7.1 [1-400]
Communications Concerning a Lawyer's Services

Dear Ms. Hollins:

The Professional Responsibility and Ethics Committee of the Los Angeles County Bar Association ("PREC") appreciates the opportunity to comment on the draft rules of conduct (the "Proposed Rules") proposed by the State Bar's Commission for the Revision of the Rules of Professional Conduct (the "Rules Revision Commission"). Please see our letter dated [date], 2016, describing PREC and praising the efforts of the Rules Revision Commission.

Paragraph (a) of Proposed Rule 7.1 [Communications Concerning a Lawyer's Services (current Rule 1-400)], which defines a false or misleading communication, adds to the Model Rule "an untrue statement". The Model Rule references a "material misrepresentation" or an omission that renders a communication "materially misleading". The addition of "an untrue statement" should similarly be qualified by materiality, such that an untrue statement of an immaterial fact is not a violation of the Rule. A corresponding change should be made to the first sentence of Comment [3].

Thank you again for the opportunity to comment on the Proposed Rules.

Very Truly Yours,