

[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 8.2 [1-700]
Judicial Officials

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 8.2 [Judicial Officials (current Rule 1-700)] precludes a lawyer from making a statement of fact the lawyer knows to be false or with reckless disregard as to its truth concerning the qualifications or integrity of a judge. This restriction (which is not contained in current Rule 1-700) is overbroad, too subjective, and raises serious First Amendment issues. In addition, the conduct proscribed here is already subject to B&P Code Section 6106, and therefore not necessary.

Also, the first sentence of Comment [1] is aspirational, unnecessary and should be deleted. Similarly, Comment [2] adds nothing and should be deleted.

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

Very Truly Yours,