

[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 8.4 [1-120]  
Misconduct

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.

PREC believes that subparts (b) and (c) of Proposed Rule 8.4 [Misconduct (current Rule 1-120)] are superfluous, as such conduct already constitutes a violation of the State Bar Act and therefore is already a disciplinable offense. Furthermore, the language of subpart (a), which provides that it is professional misconduct for a lawyer to violate the Rules of Professional Conduct or the State Bar Act, is superfluous, and serves no purpose other than to lead to the filing of unnecessary or duplicative charges that could result in increased monetary sanctions under Business and Professions Code section 6086.13. PREC also finds the language of subpart (d), which refers to “conduct that is prejudicial to the administration of justice” to be vague and could lead to unintended discipline. For example, such language could be applied to discipline an attorney who is disqualified in a case as a result of an act or omission which the court found was prejudicial to the administration of justice solely in that particular case.

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

Very Truly Yours,