

[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 Rules of Professional Conduct 4.2 [2-100]
Communication with a Represented Person

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 (b) of Proposed Rule 4.2 [Communication with a Represented Person (current Rule 2-100)] states that any communication with a represented person not prohibited by this rule must comply with Rule 4.3. However, Proposed Rule 4.3 [Communicating with Unrepresented Person] by its own terms is inapplicable to a represented person. As a result, the following clarifying language should be added to the end of paragraph (d) of Proposed Rule 4.2: “as if the person were not represented”.

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

Very Truly Yours,