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Re: Comments on the Proposed Amendments to Rule 3:11 of the Rules of the Supreme Judicial Court

Dear Attorney Berenson,

On behalf of the Boston Bar Association (BBA), we thank you for the opportunity to comment on the proposed amendments to Rule 3:11 of the Rules of the Supreme Judicial Court (SJC) and recognize the efforts put forth in drafting this rule.

Last year, the BBA Council discussed and applauded the then proposed revisions to Rule 3:11 that included the ability for judges, lawyers, or groups of judges or lawyers to request Ethics Advisory Opinions from the SJC. The Council also requested some clarification on the issuance of Informal Opinions and encouraged the Rules Committee to consider expanding the ability of the Committee on Judicial Ethics (CJE) to issue Informal Opinions on hypothetical questions.

Therefore, we are particularly pleased to see the latest proposed amendments to SJC Rule 3:11, expanding the ability to request Informal CJE Opinions to organizations or associations of judges or lawyers and explicitly including "contemplated conduct" within the scope of Informal Opinions. We are confident that the proposed amended rule will encourage legal associations and organizations to seek guidance on ethical questions by giving them an additional less formal tool in addition to Ethics Advisory opinions. Furthermore, the amendment extends their ability to be involved in the ethics review process at both the CJE and SJC levels, allowing for greater opportunity for review of the decision at issue. This will in turn benefit the profession and practice of law in Massachusetts.

Very truly yours,



Carol Starkey
President