

From: Bowler, Michael
Sent: Thursday, October 17, 2019 2:47 PM
To: Del Ciampo, Joseph
Subject: Proposed Amendment to Rule 8.3 of the Rules of Professional Conduct

Item 06-03h
(021020)

Dear Attorney Del Ciampo:

At its October 17, 2019 meeting, the Statewide Grievance Committee reviewed your September 23, 2019 email and the March 20, 2019 proposal offered by the State Victim Advocate to amend Rule 3.8 of the Rules of Professional Conduct as follows:

Rule 3.8 Special Responsibilities of a Prosecutor

The prosecutor in a criminal case shall . . .

(3) Make reasonable efforts to assure that the victim, the parent or guardian of such victim, or such victim's counsel has been advised of their rights, the procedures for exercising such rights, and are given reasonable opportunity to exercise such rights.

The Statewide Grievance Committee unanimously voted to take no position on the proposal. The Committee did make two observations:

1. Proposed new subsection (3) contains a possible object/verb discrepancy with the words "has" and "their."
2. Rule 3.8 currently contains 6 subsections. On its face, the State Victim Advocate's proposal would replace the current subsection (3), which provides that a prosecutor shall not to seek the waiver of certain pretrial rights from unrepresented defendants. The Committee noted that all of the existing subsections to Rule 3.8 should be preserved in the final version of the rule.

Please let me know if you have any questions.

Michael P. Bowler

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