O'Donnell, Shanna RC ID # 2012-012 uu

From: Michael Agranoff <attymikea@agranofflaw.com>
Sent: Wednesday, November 25, 2020 9:33 AM
To: Rules Committee
Cc: CThomas@ghla.org; jennifer.Brown@quinnipiac.edu; eboni.nelson@uconn.edu; McDonald, Andrew
Subject: Opposition to Proposed Amendment to Rule 8.4 of the RPC

Follow Up Flag: Follow up
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To The Honorable Rules Committee of the Connecticut Superior Court:

I write in opposition to the proposed subject amendment. My reasons are that the proposed amendment is unnecessary, hypocritical, and will serve to provide an excuse to harass persons perceived to be non-politically correct.

Before clarifying my reasons, I must deal with the fact that the race card will almost certainly be played against me. Therefore, please let it be known:

1. I protested against Woolworth's segregated lunch counter policies long before it was fashionable to do so.

2. I have three black great grand-children.

3. As a DCF defense lawyer of nearly 30 years, I have helped numerous minorities to secure their rights. The Committee is invited to canvass Juvenile Court Judges before whom I have practiced to verify this assertion.

I believe that the proposed amendment is unnecessary, because the proposed proscribed conduct is already prohibited. Lawyers who engage in harassment or discrimination may be sanctioned under any of several already-existing rules, including but not limited to: Rules 3.4, 3.5, 4.1, 4.4, 7.3, 8.2, 8.3 and 8.4(4). While it is certainly arguable that these rules are "not enough", I see no evidence of any specific bad conduct by lawyers that could be curtailed only by adopting the proposed amendment. In order words, we do not need to say that "discrimination is bad" in order to be against it.

I believe that the proposed amendment is hypocritical, because while it refers to age discrimination, age discrimination is in fact already an established part of Connecticut law office practice. See my web site article: http://uconnlaw-age-discrimination.com. The law schools and the CBA have been aware of this practice for decades and have done nothing about it. They do nothing because they bend to the will of big law firms, and are under no public pressure to do anything. The cure for age discrimination in law firm hiring is stated in the article. It requires legislative action, and no proposed rule amendment will do anything to cure it. In other words, we do not need people who abet illegal age discrimination to lecture the rest of us on diversity, equity, and inclusion.

The referenced article does not include the current President of UConn and the current Dean of the UConn Law School. I have written to those persons several times, referencing the article, and have received no response.

I have also written to the new CBA President, again with no response.

It is clear to me that the Connecticut legal establishment will do nothing to combat illegal age discrimination in law firm hiring, regardless of what they may say to the contrary. If my article had referenced a more popular discrimination, the result would be quite predictable.

I believe that since the proposed amendment is unnecessary and hypocritical, its only practical use will be to harass persons who are perceived as not towing the party line; in other words, persons who are perceived as not being politically correct.

What if I say or write that quota systems are not necessary. Or that persons who destroy property in the name of diversity should be prosecuted. Or that statues of Columbus should not be torn down. Are those racist or harassing statements?

Yes, the Commentary speaks of First Amendment protection, but do I want to trust my future to a Reviewing Committee that may fall under political pressure, especially if the matter reaches the media?

In summary, the proposed amendment is a "feel-good" amendment that does nothing to end illegal age discrimination in law firm hiring, legitimizes the law schools and the CBA which have refused to do anything about such discrimination, and redundantly proscribes conduct that is already proscribed, thus providing nothing but a possible vehicle against political foes.

It is abundantly clear that while the United States has been a beacon of opportunity compared to the rest of the world, it has had its shortcomings. Those shortcomings are already being adequately addressed. We do not require self-serving statements in our Rules of Professional Conduct which are largely pushed by persons who have turned a blind eye to illegal age discrimination in law firm hiring.

Respectfully yours,

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