



November 6, 2020

Hon. Andrew J. McDonald, Chair
Rules Committee of the Superior Court
State of Connecticut
P.O. Box 150474
Hartford, CT 06115-0474

Sent via email at: RulesCommittee@jud.ct.gov

Re: Proposed Amended Rule 8.4(7) - Addressing Harassment and Discrimination by Lawyers

Dear Justice McDonald:

Previously, we, the Connecticut Hispanic Bar Association, had joined in a letter dated September 23, 2020 along with the Crawford Black Bar Association, the Connecticut Asian Pacific American Bar Association, the South Asian Bar Association of Connecticut, and Attorney General William Tong in support of the Proposed Amended Rule 8.4(7). While we maintain our position stated in that letter, we felt it imperative to draft separate correspondence emphasizing why this proposed rule should be adopted.

As stated in the previous letter, the ABA added Model Rule 8.4(g) in 2016 to cultivate a legal community free of harassment and discrimination. However, even prior to the addition of 8.4(g), more than 24 states had already adopted some form of anti-discrimination and anti-harassment provision within the black letter of their various versions of Rule 8.4. In this regard, the ABA's adoption of Model Rule 8.4(g) was taking the lead of other states. Conversely, the Rules of Professional Conduct have been in effect in Connecticut since 1986, but a similar rule has never been adopted in those 34 years.

The Connecticut Hispanic Bar Association feels that it is imperative that this rule be adopted to address harassment and discrimination by attorneys and hold members of our profession accountable for their conduct. We credit the drafters of the proposed rule for working to tailor the proposed rule to existing Connecticut law and the concerns raised by opponents of the rule. Specifically, the proposed rule protects against violations of free speech by expressly providing


November 6, 2020
Page 2 of 2

that conduct protected under the First Amendment of the Constitution of the United States or Article First, Section 4 of the Connecticut Constitution will not violate the rule.

We believe that the proposed rule, along with its commentary, uphold and further the appropriate standard of ethical conduct in the practice of law in our state. Although the overwhelming support for this rule stretches across our state's borders, we would be remiss if we did not individually take this opportunity to encourage the Rules Committee of the Superior Court to adopt proposed Amended Rule 8.4(7). The adoption of this rule serves to prevent against harassment and discriminatory conduct by attorneys directed not only at people of Latin descent, but against any individual on the basis of race, color, ancestry, sex, pregnancy, religion, national origin, ethnicity, disability, status as a veteran, age, sexual orientation, gender identity, gender expression or marital status in conduct related to the practice of law.

Again, we implore the Rules Committee to adopt this proposed rule 8.4(7) as a means to ensure and uphold the ever-evolving ethical standards of our profession. We encourage your Honor or any other member of the Rules Committee to reach out to the Connecticut Hispanic Bar Association to discuss this matter further should you wish to do so.

Regards,

DocuSigned by:

AA209C719E4D4B5...

Patricia Jimenez
President of the Connecticut Hispanic Bar Association,
on behalf of the Board of the Connecticut Hispanic Bar Association