

**From:** Thomas Hartch <thartch@wbamct.com>  
**Sent:** Monday, November 9, 2020 9:33 AM  
**To:** Rules Committee  
**Subject:** Connecticut Proposed Rule 8.4(7)

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Rules Committee:

In the 50+ years that I have been a CBA member, this is the first time I have contacted your committee regarding a proposed rule. I oppose adoption of proposed rule 8.4(7) because it violates the First Amendment.

The CBA commentary talks of harassment as including "demeaning verbal...conduct" and "unwelcome verbal...conduct". This amounts to a speech code for lawyers. In *NIFLA v. Becerra*, 138 S. CT. 2361(2018), the United States Supreme Court ruled that state restrictions on "professional speech" are presumptively unconstitutional and subject to strict examination because they are content-based restrictions on speech.

Based on the foregoing, I respectfully request that the committee reject proposed rule 8.4(7).

Tom Hartch