

From: Trudeau, Emily <Emily.Trudeau@ct.gov>
Sent: Wednesday, October 7, 2020 11:39 AM
To: Rules Committee
Subject: Proposed Comment to Proposed Rule 8-4(7)

Dear Judges of the Rules Committee,

I write in regards to Proposed Rule 8.4(7), which was unanimously approved by the Standing Committee on Professional Ethics, of which I am a member. Unfortunately, this thought did not immediately occur to me as we were discussing the proposed rule as we were focused on the likely (and sadly) more common issues of racial discrimination and sexual harassment which this proposed rule will hopefully prevent. I overlooked the provision on discrimination based on veteran status. As an honorably discharged veteran of Operation Iraqi freedom, helping protect veterans is extremely important to me.

In theory this rule as written could prevent a private attorney from offering a veteran's discount, as that would be giving preferential treatment based on veteran status. Additionally, it is ambiguous as to whether discrimination based on "veteran status" would include beneficial treatment based on one's status as an honorably discharged veteran vs. status as an other than honorably or punitively discharged veteran. Many legal employers, for example all state attorney positions including prosecutors and public defenders, provide a veteran's preference in hiring for honorably discharged veterans, a category that includes medical discharges. A requirement to give the same preference to individuals removed from service due to misconduct as those discharged honorably could result in an employer electing to remove the preference all together.

To shore up these issues and ensure that the rule is limited to its intended purpose and not expanded in a way that harms veterans, I propose an additional comment to this rule that simply reads:

"Nothing in this rule shall be interpreted to prevent an attorney or other legal professional from providing aid, assistance, or preferential treatment to an honorably discharged veteran."

Thank you for giving this matter your consideration.

Very Respectfully,

Emily D. Trudeau
