

To: Del Ciampo, Joseph
Subject: RE: Letter to Justice McDonald from Deans in support of proposed rule 8.4(7)

From: Brown, Jennifer Dean <Jennifer.Brown@quinnipiac.edu>
Sent: Thursday, November 5, 2020 3:01 PM
To: Del Ciampo, Joseph <Joseph.DelCiampo@jud.ct.gov>
Cc: McDonald, Andrew <Andrew.McDonald@connapp.jud.ct.gov>; Gerken, Heather K. <heather.k.gerken@yale.edu>; Nelson, Eboni <eboni.nelson@uconn.edu>; Sudha Setty <sudha.setty@law.wne.edu>; Cecil Thomas <CThomas@ghla.org>
Subject: Letter to Justice McDonald from Deans in support of proposed rule 8.4(7)

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Dear Mr. DelCiampo,
I join my fellow deans at Western New England, UConn, and Yale law schools in respectfully submitting the attached letter to Justice McDonald in support of proposed rule 8.4(7).
We hope that he and the Superior Court Rules Committee will give careful consideration to this proposal and approve the new rule.
With very kind regards,

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Wear a Face Covering Please (<https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html>)
Practice Social Distancing (<https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/social-distancing.html>)
Wash your hands (<https://www.cdc.gov/handwashing/when-how-handwashing.html>)

Let's all work together to promote health and safety!



Sent Via Email (Joseph.DelCiampo@jud.ct.gov)

November 6, 2020

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

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

Dear Justice McDonald,

We, the deans of Western New England and the three Connecticut law schools – Quinnipiac, UConn, and Yale – write to urge the adoption of Proposed Rule 8.4(7).

We have reviewed the letter and related materials from the CBA sent to your committee in support of the rule change, and agree with the fundamental point that drives this proposal: “The inclusion of a prohibition on discrimination, harassment and sexual harassment, within our Rules of Professional Conduct and not solely in the commentary, is long overdue.”

We wish to offer just a few more points from our perspective as leaders of schools preparing future generations of lawyers.

This rule change is not radical. Connecticut is currently in the minority of states by leaving these matters unaddressed in rules of professional conduct. By adopting this rule change, Connecticut would not be on the vanguard, but would rather be joining more than half of the states that make discrimination and harassment subject to discipline along with civil penalties. Every state in New England already has taken this important step.

Connecticut’s proposed rule protects against harassment and discrimination without improperly restricting free speech or zealous advocacy. The ABA drafted Model Rule 8.4 to mitigate concerns that the proposed amendment would chill free expression and legal advocacy. The proposed rule in Connecticut goes beyond the Model Rule to address any such concerns. The official commentary makes explicit that the proposed rule does not reach constitutionally protected speech.

The judicial branch and the bar in Connecticut have been working together for quite some time on issues of inclusion and access, and we are proud of these efforts. While judges, lawyers, and legal educators continue, together, to pursue a variety of strategies aimed at securing inclusion and equal justice, this rule change can be one option in our toolbox. In our view, at this critical point in our nation’s history, Connecticut should not sit on the sidelines, but should instead take this bold action to give the values of equality and inclusion some teeth. As the rule change more explicitly protects people who are members of groups that have historically been subjected to harassment and discrimination 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, it sends a message that *all* are welcome and legitimate members of our profession. Thus it guides participants in the legal system with specificity and makes clear where we stand. Every day, we work to assure our students from underrepresented groups of their legitimacy and value in our profession; the backing of this rule change would give our words and actions even greater power.

We respectfully urge the committee to approve this rule change, and we are grateful for the work you do to preserve and improve the legal profession in Connecticut.

Sincerely,

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cc: Cecil J. Thomas