The proposed changes to Rule 8.4 reveal an underlying political agenda. I am deeply opposed to the idea that an attorney could be required to provide representation to a person who holds political or personal views morally repugnant to his own or face possible discipline. It is a mainstream belief that marriage should be defined as a union between a man and a woman for life. Rules of professional conduct should not force a different set of beliefs on individual attorneys, nor should they enslave members of the profession in performing legal work they do not wish to perform or hold views they do not wish to hold. Lawyers should be permitted to hold a wide variety of beliefs surrounding the issue of sexual orientation and gender identity and they should be allowed and even encouraged to share these views. This rule attempts to silence those who disagree with the liberal views of the ABA.

I have for years (as have my colleagues) zealously represented individuals who hold personal and political views very different from my own. At times, I have even assisted these persons on a pro bono basis. I did not attempt to force my views on these individuals. Rather, I focused my representation on the facts of their case and provided advice or representation that was in their best interest. My practice did not differentiate on matters of sexual orientation or socioeconomic status. Similarly, the ABA should not force its political views on me or other members of the legal profession.

The proposed change to Rule 8.4 would further a form of discrimination inside the legal profession where attorneys are disciplined for their own personal or political views. There should be room for healthy disagreement and dialogue on these issues. It is far too delicate a topic to impose the viewpoints of the ABA on all attorneys. I oppose these changes.

Beyond the political overtones, the rule would simply be bad policy. Why should it be unacceptable for a firm to make internal hiring or promotion decisions based on the socioeconomic status of its members? This could be a perfectly legitimate reason to make a promotion or hire a new lawyer.

As an aside, I have reviewed the comment signed by 52 ABA member attorneys and I agree with its more thorough evaluation of the proposed changes.

Thank you for your consideration.

Daniel T. Beasley