March 11, 2016

TO: ABA STANDING COMMITTEE ON ETHICS AND PROFESSIONAL RESPONSIBILITY’S WORKING DRAFT AMENDMENT TO ABA MODEL RULE OF PROFESSIONAL CONDUCT 8.4

RE: PROPOSED CHANGES TO )
ABA MODEL RULE OF )
PROFESSIONAL CONDUCT 8.4 )

Comment Regarding Proposed Changes To ABA Model Rule of Professional Conduct 8.4

Dear Committee Members:

Along with numerous other individuals, I strenuously object to the proposed amendment to Model Rule 8.4 and Comment [3] of the Model Rules of Professional Conduct. The proposed amendment contains several constitutional infirmities which are described in depth in the Comment submitted by “52 ABA Member Attorneys.”

The proposal would impose obligations upon attorneys that have nothing to do with the Model Rule’s legitimate purpose of prohibiting attorneys from engaging in conduct that either reflects adversely on the attorney’s fitness to practice law or prejudices the administration of justice. Rather, the proposed rule would adopt ill-defined and arbitrary nondiscrimination provisions (which unfortunately have gained favor within some segments of society) without regard to whether the proscribed conduct would in fact prejudice the administration of justice.

The proposal would no longer leave to attorneys their long-standing right to choose which clients and which cases they will accept, but instead imposes upon them the obligation to accept and represent clients regardless of their personal conscience. This would be an unprecedented infringement upon the personal autonomy that provides the foundation for a lawyer’s ability and desire to zealously advocate on behalf of those clients whose interests the lawyer has voluntarily chosen to represent.

In part, but certainly without limitation, it is likely (and I dare believe, inevitable) that the ABA’s Model Rule 8 and Model Comment 3 will eventually be used to keep (or try to keep) Bible-believing (and practicing) Christians out of the practice of law, by either forcing us to take
legal matters that we fundamentally disagree with on moral and philosophical grounds or to prosecute bar/ethics claims against those who believe and follow Jesus Christ and the Bible.

Therefore, I agree with the Joint Comment of the 52 ABA Member Attorneys and numerous other similar comments.

Thank you for your consideration of my opposition to the proposed amendment to Model Rule 8.4.

Sincerely,

/s/ John N. Billings
John N. Billings
Kentucky Bar Registration #88354