

As an award-winning civil rights attorney and invited speaker at the ABA's prestigious AJEI Summit in 2012, I must object to the vague and overreaching proposed changes to Model Rule 8.4 and Model Comment 3. Even much criminal behavior by lawyers is not so harshly treated as under these provisions.

Conduct such as is imagined under the proposed changes has not been a noticeable problem among practitioners, and I can only conclude the changes are not responsive to a problem but are rather part of some agenda far outside the scope of the ABA to promote.

Attorneys have a material self-interest in not discriminating against clients and potential clients. On the other hand, if they do choose not to take a case or to handle it differently than the client might wish, there are already mechanisms to deal with those disputes at the granular level. In increasing numbers, well-funded and visible legal and political advocacy groups exist to ensure that, for example, gay and transgendered people receive all sorts of legal services that they neither had nor needed a decade ago.

Furthermore, religious freedom is jeopardized by some parts of these measures in an unprecedented way. This big change will confirm in the minds of many in the legal community that the ABA does not reflect or protect the good of the profession as a whole, but only one segment of it that wants to take a punitive stance against colleagues for the sake of some cultural or sexual trend.

These changes interfere with a lawyer's prized freedom of conscience and professional judgement. They also make the professional vulnerable to countless attacks for real or imagined slights or differences of opinion, thus putting the attorney and client at odds with each other in new and ugly ways.

Regards, Leah Farish, BA Duke, MA Vanderbilt, JD Baylor