I recently learned of the proposed changes to Model Rule 8.4 and have had a very limited amount of time to develop a response. With that, please accept this brief opposition to the proposed changes.

I believe that the proposed changes are untimely, over-reaching, impact First Amendment rights and could actually create prejudices where they do not currently exist. The proposed categories are ones that have been hotly litigated on both sides and I can only assume are still at the center of much litigation. The law is simply not settled (especially if we are looking at the nuances) as to what some of the new categories mean. The Supreme Court may have decided a few cases that have categorically changed how we look at certain terms and law, but the end result and ultimate reach of those major decisions has not trickled down through our justice and legal systems. It is critical that both sides’ positions be heard and the proposed changes could impact whether or not any attorney would want to represent any side.

Thank you for considering the significant impact of these changes and understanding that we, as a bar, are charged with zealously representing clients, their ideas, passions, faiths, etc. With the law still being unsettled in the categories listed, significant injustice could occur if the Model rule is changed.

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