ABA Ethics Committee  
Center for Professional Responsibility  
American Bar Association  
17th Floor  
321 North Clark Street  
Chicago, Illinois 60654  
Attn: Dennis A. Rendleman, Ethics Counsel

Comments Re: Proposed Rule 8.4(g)

Dear Committee Members,

My name is Stephen Lyon, an attorney licensed to practice in CT and MA, and I am submitting the following comments in opposition to Proposed Rule 8.4(g):

1. I join in full concurrence with the Christian Legal Society Comment Letter Re: Proposed Rule 8.4(g) and Comment (3).
2. I join in full concurrence with the 53 ABA Member Attorneys’ Joint Comment Regarding Proposed Changes To ABA Model Rule of Professional Conduct 8.4
3. I share the concerns posed in the ABA Standing Committee on Professional Discipline Comments on Draft Proposal to Amend Rule 8.4 of the ABA Model Rules of Professional Conduct
4. The ABA should not pass Proposed Rule 8.4(g) for the reasons summarized as follows:
   a. As attorneys in the United States of America, we should respect the freedoms guaranteed by the Constitution – the primary legal document on which all other rest, and by which this profession is practiced - and therefore oppose restrictions which infringe on those freedoms. This proposed rule puts in jeopardy the rights of: free exercise of religion, freedom of speech, freedom of assembly, and freedom of conscience.
   b. One of the most hallowed rules and duties of an attorney is to zealously advocate for the client. In order for this commitment to be fulfilled, it is imperative that attorneys maintain the right to choose their clients. This rule puts in jeopardy both attorneys, by forcing them to act in a way which may violate this duty, as well as clients, who will suffer from less-than-ideal representation from an attorney too afraid to reject representation and suggest an alternative.
   c. The terminology of this rule is vague at best. The term “harass” has been found to be unduly vague when it comes to statute, and we should not hold ourselves to a lesser standard. Further, the lack of the term “knowingly” in front of the term “harass” makes it impossible for an attorney to protect themselves or be sure of how to follow the rules.
   d. This proposal expands the purposes of the rules further than they should. These rules are to provide for the administration of justice. This rule steps into an area of policy making that is beyond the purview of the Rules of Professional Conduct, and arguably makes the administration of justice less accessible, by forcing
attorneys to take clients that they do not believe they can adequately represent, therefore keeping those clients from receiving the justice that they deserve.

5. I share several of the concerns listed in Comments provided by the following individuals: Douglas Barth, Jeffrey Downing, William Estrada, Leah, Farish, Susan Fox, Anthony Gordon, Andrew Halaby, Josh Hetzler, Sharon Jannuzzi, April King, Jonathan Nelson, Robert Pautienus, Douglas Richmond, James Rigby, Theresa Sidebotham, Bartley Verner, and Eugene Volokh.

Thank you for your time and careful consideration regarding this important issue.

Sincerely,

Stephen M. Lyon, Esq.
Connecticut Bar, admitted 2014 – Juris #436510
Massachusetts Bar, admitted 2014 – Board of Bar Overseers #691402