Dear ABA:

I am an ABA member, and write with concerns about the proposed changes to Model Rule 8.4.

My concern is not that I won't be allowed to discriminate against a client, because I do nothing to discriminate against clients. If I have a moral, ethical, or philosophical disagreement with a client, I do not take her case.

My concern is essentially that the proposal will allow clients to discriminate against me. There are types of representation that I would never want to undertake, and I'm wondering whether the new proposal will undermine my current professional right to avoid such an undertaking. I do not want to have to decide between my First Amendment rights and my right to practice law, and so it is my hope that the ABA will make it very clear in the model rules that Attorneys will never be required to do such a thing.

If such accommodations are not included in any new rules, then the ABA should also consider amending the preamble and scope of the Model Rules to remove all references to zealous representation: it would no longer be possible to zealously represent all of our clients.

Truly,

Aaron Mullen