As a Christian and an attorney, I abhor any harassment and discrimination on any basis, including on the basis of sexual orientation. We, as a society and legal profession, are endeavoring to be more inclusive and respectful of the diverse tapestry of this nation. That is a good thing. But rare is the case in which the companion of inclusion is exclusion.

The proposed change to the Model Rule seems simple enough. Its consequences are much more obscure.

For instance, does this Model Rule, if adopted by state bars throughout the country, conscript judges (or others duly authorized by law) to officiate same-sex marriages even when doing so violates bonafide and sincerely held religious beliefs?

If the answer is yes and the intent of the Rule is to cause such a result, the rule makers should say so—plainly and in the proposed text or the proposed comment.

Do not let countless attorneys, whether Muslim, Jewish, or Christian, sit and ponder whether the ABA has now determined that they no longer have the right to choose to obey their God while also honoring the rules of their profession.

Sincerely,
Dwayne A. Robinson