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(In memoriam)
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VIA EMAIL

July 29, 2016

Mr. Myles V. Lynk, Chair
Standing Committee on Ethics & Professional Responsibility
c/o Dennis Rendleman
American Bar Association
312 N. Clark Street
17th Floor
Chicago, IL 60654

Re: Support of Resolution 109 to Amend Model Rule of Professional Conduct 8.4 to Prohibit Discrimination or Harassment in Conduct Related to the Practice of Law

Dear Mr. Lynk,

I write on behalf of the many women who founded and support the Center for Women in Law (CWIL) at The University of Texas School of Law (Texas Law) to express our support for Resolution 109 to amend Model Rule of Professional Conduct 8.4. By prohibiting discrimination or harassment in conduct related to the practice of law, the proposed revision forwards the ABA's mission to serve all of its members equally and to promote the full and equal participation in the profession by all persons.

The proposed revision similarly supports CWIL's fundamental goal – the advancement of women in the legal profession. CWIL is the premier educational institution devoted to the success of the entire spectrum of women in law, from first-year law students to the most experienced and accomplished lawyers. Since 2009, CWIL's has worked to identify and address the persistent issues facing individual women in the legal profession and the profession as a whole, and now serves as a national resource to convene leaders, generate ideas, and lead change.

The proposed revision to Rule 8.4 provides a mechanism for removing barriers to advancement for women and minorities in a profession that is charged with providing justice for all. The amended Rule is necessary because explicit and implicit discrimination is still pervasive in our institutions as well as across counsel tables.

Women lawyers experience unequal pay for equal work, misogynistic comments and actions by opposing counsel, limited access to decision-makers, sexual harassment and objectification, inequitable reviews that lead to inequitable compensation, diminishing comments and behavior in meetings, and mistaken assumptions that undermine earned progression in the profession. Many of those who have experienced these instances of discrimination and harassment have had their careers derailed, stalled or halted while the perpetrators continue to climb the ladder of success unimpeded in what is essentially an endorsement of their behavior.



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We know that discrimination exists in these contexts because it has been documented in deposition and trial transcripts. The perpetrators of discrimination in these circumstances know that their behavior is being documented and are still not deterred. The proposed revision to Rule 8.4 would offer a mechanism to deter countless instances of discrimination that take place both on and off the record.

The latest statistics on women and minorities in law firms show that the percentage of women equity partners has all but stagnated despite the efforts of many over the last two decades. Women now make up roughly 17% of equity partners, and only 5.6% are racial or ethnic minorities. Women of color constitute less than 3% of total law firm partners, and nearly 50% of law firm offices have no partners who are women of color. The ABA Commission on Women's study on women of color in law firms reported that once hired, 49% of women of color experienced demeaning comments or harassment.

As lawyers who have taken the oath to uphold the Constitution of the United States and act as officers of the court, we are held to higher ethical and moral standards. We must consider our actions at all times, and any consequences that stem from those actions. By including this prohibition of discrimination and harassment in the moral code of the legal profession, the ABA is taking a concrete step to insure that women and minorities will be fully accepted as colleagues, partners, bosses, and opposing counsel.

For all of the above reasons, CWIL supports passage of Resolution 109 and the adoption of amended Model Rule 8.4(g). We thank the Standing Committee on Ethics and Professional Responsibility and the cosponsoring Goal III entities for their efforts.

Very truly yours,

A handwritten signature in cursive script that reads "Linda Bray Chanow".

Linda Bray Chanow
Executive Director