Myles V. Lynk, Chair  
ABA Standing Committee on Ethics and Professional Responsibility

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,

We write on behalf of Ms. JD, a nonprofit organization dedicated to promoting women pre-law students, law students and early career attorneys. We write to express our full support for Resolution 109 to amend Model Rule of Professional Conduct 8.4 to expressly prohibit discrimination or harassment on the part of a lawyer in conduct related to the practice of law. As an organization focused largely on millennial women, we support actions and initiatives that provide tools to eradicate sexual harassment.

Millennial lawyers (men and women) do not expect sexual harassment to be a part of the status quo, or for such harassment to be tolerated or ignored. Ms. JD is evidence of millennial lawyers’ dedication to removing obstacles facing diverse millennial lawyers. Ten years ago, a small group of law students from law schools across the country came together to address a problem: women being treated unequally in their law school classrooms. To raise awareness, they formed a blog called Ms. JD. Within the last ten years, this blog has grown to live events, an annual conference, webcasts and seven ongoing programs, including a fellowship for women law students in partnership with the ABA Commission on Women; a National Women Law Students’ Organization that connects women’s law associations nationally; and a Global Education Fund that directly funds full tuition and housing for women Ugandan law students.

In order to fill a pipeline of diverse women lawyers, women lawyers must feel that their issues are heard and acted upon. The most basic of these requirements is that sexual harassment will not be tolerated and there will be explicit remedies for addressing any such conduct. We believe that if this resolution passes, and passes without a "knowing" requirement, it will send a strong and important signal to pre-law students, law students and attorneys that the ABA will not tolerate sexual harassment in the legal profession. Conversely, failing to pass Resolution 109, as is, will send the wrong signal to millennial women lawyers, whose membership and engagement in the ABA is critical to the organization’s future success and influence.

Ms. JD’s recent survey of millennial lawyers shows that they already feel (i) distrustful, (ii) unprepared for law practice and (iii) unable to figure out how to advance their careers. Moreover, for women of color attorneys, the ABA Commission on Women has found that women of color attorneys report higher levels of isolation and 49% of them have experienced demeaning comments or harassment. Given the plethora of issues identified above that negatively impact the advancement of millennial women attorneys, Resolution 109 will remove one of the barriers by providing lawyers with a clear mechanism for addressing sexual harassment and acknowledge that sexual harassment remains a real issue that is taken seriously by the ABA and the legal profession in general.
For all of the above reasons, Ms. JD strongly supports passage of Resolution 109 and the adoption of amended Model Rule 8.4(g). Ms. JD is proud of the efforts of the Standing Committee on Ethics and Professional Responsibility, and the cosponsoring Goal III entities, for their inclusive and collaborative work.

Sincerely,

[Signature]

Raychelle A. Tasher, President, Ms. JD

Ms. JD is a nonprofit, nonpartisan organization dedicated to the success of aspiring and early career women lawyers. Ms. JD is governed by a volunteer Board of Directors comprised of law students and legal professionals. Founded at Stanford Law School in 2006 by a group of female law students from Boalt Hall (UC Berkeley), Cornell, Georgetown, Harvard, NYU, Stanford, UCLA, UT Austin, the University of Chicago, the University of Michigan, the University of Virginia, and Yale, Ms. JD is a 501(c)(3) incorporated in California. Serving as a unique nexus between the profession and the pipeline of diverse attorneys, Ms. JD’s online community provides a forum for dialogue and networking among women lawyers and law students. Ms. JD’s programs provide law student fellowships, public interest scholarship and international scholarships for foreign women law students. With campus chapters throughout the nation, Ms. JD is also home to the National Women Law Students’ Organization.