

Matthew Pollack, Executive Clerk  
Maine Supreme Judicial Court  
205 Newbury Street, Room 139  
Portland, Maine 04112-0368

December 28, 2017

Re: Comment on proposed amendments to Maine Rules of Professional Conduct 8.4(g)

The law firm of Murray Plumb & Murray supports the proposed amendment to the Maine Rules of Professional Conduct adding Rule 8.4(g) to state specifically that unlawful harassment or unlawful discrimination constitutes professional misconduct.

Although we support this amendment, we do not believe the proposed language goes far enough. As lawyers, we must hold ourselves to the highest standards of professional conduct. This means more than simply obeying the law -- it means refraining from conduct we know, or should know, is morally reprehensible. The proposed rule is a start, but we urge the Court to adopt the same language currently stated in Model Rule 8.4(g), which states that it is professional misconduct to “(g) engage in conduct that the lawyer knows or reasonably should know is harassment or discrimination on the basis of race, sex, religion, national origin, ethnicity, disability, age, sexual orientation, gender identity, marital status or socioeconomic status in conduct related to the practice of law. This paragraph does not limit the ability of a lawyer to accept, decline or withdraw from a representation in accordance with Rule 1.16. This paragraph does not preclude legitimate advice or advocacy consistent with these Rules.”

Submitted on behalf of Murray Plumb & Murray:

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