

LSBA Rules of Professional Conduct Committee

Rule 8.4 Subcommittee Report

03/24/2017

This Subcommittee was formed and appointed following the 09/28/2016 meeting of the Rules of Professional Conduct Committee (“the Committee”). Subcommittee members: LSBA Past President Marta Ann Schnabel (Subcommittee Chair); Paul J. Hebert; LSBA Past President Wayne J. Lee (ex-Officio); LSBA Past President Leslie J. Schiff; and Lauren McHugh Rocha (ex-Officio/LASC Liaison).

For efficiency, the Subcommittee was then subdivided into two (2) “working groups”: “Working Group A,” (Hebert, Schiff and Eric Barefield) to identify and review reported matters of significance in other jurisdictions based on lawyer behavior that has not been identified as subject to discipline in Louisiana; and “Working Group B” (Lee, Rocha and Richard Lemmler), to look at language of rules in other states with a particular eye toward language that might be appropriate for Louisiana to adopt (and compare with language that is not desirable).

A) Findings and Recommendations of Working Group A:

The group obtained and reviewed a fifty-seven (57) page table of case summaries prepared and provided by the ABA Center for Professional Responsibility¹ in response to the group’s request for any information on disciplinary cases from around the U.S. involving harassment and/or discrimination—and involving some version of ABA Model Rule 8.4.

There are at least fourteen (14) cases included within the ABA summary that deal specifically with the application of that particular state’s Rule 8.4(g) or a version of similar content (e.g., New York). A few of those cases are specifically noted below simply to illustrate the need to deal with such outrageous activity. Many of the cases deal with sexual harassment or discrimination by an attorney. However, it appears that current Louisiana Rule 8.4 may not necessarily apply to several of the cases because it may not be viewed to cover an attorney’s actions that might occur outside of the attorney’s law practice or involving non- attorneys. The

¹ Attached as “Appendix A.”

Subcommittee found no Louisiana disciplinary cases that cited Rule 8.4 or any other disciplinary rule as a prohibition against sexual harassment or other forms of discriminatory conduct.

1. **In re Griffith** – Minnesota case – discipline of a teaching professor (lawyer) for actions involving sexual harassment of a student. Very obvious harassment; discipline imposed: 90-day suspension. The conduct did not occur as part of the lawyer’s representation of a client, so this is a case that imposed the rule regarding third-party activity.
2. **In Re Usher** – Indiana case – sexual harassment of a summer intern and the actions were outrageous. But the court did not impose any sanction, as the actions were not found to be a manifestation of gender bias under their rule.
3. **In re Moothart** – Iowa case – sexual harassment of five women, some potential clients – actions are outrageous – sanction imposed – suspension indefinitely, with no reinstatement for at least 30 months, plus health care counseling.
4. **In re Witherspoon** – New Jersey case – sexual harassment and discrimination – court sanction of 1 year because it found the actions were in jest.
5. **Matter of Kahn** – New York case – sexual misbehavior – attorney’s comments to female staff attorneys were totally inappropriate – sanction of 6 months suspension.
6. **In re Kratz** – Wisconsin case – sexual harassment – use of texting to send messages to client and non-client – attorney was also District Attorney. Sanction: four month suspension but lawyer also resigned from D.A.’s Office.

In analyzing the cases cited by the ABA, we were somewhat surprised to discover that most come from the Midwest. We are not sure that geography is pertinent, but to the extent that there is a view that this sort of rule/behavior derives from the East or West Coast, the facts do not bear that out. While some group members still believe that ABA Model Rule 8.4(g) is very liberal, even those members are in agreement that we cannot ignore that our profession should have some rule to sanction the type of egregious conduct by a lawyer that is exemplified in these cases. Clearly, every one of these cases reflects activity that this honored profession should not condone by being silent.

A. Minnesota had six (6) cases: Three (3) dealing with sexual harassment; and three (3) dealing with discriminatory and anti-Semitic comments.

B. Indiana had six (6) cases – Five (5) dealing with discriminatory comments about nationality and use of inappropriate identification of person(s); and one (1) case dealing with sexual harassment.

C. Wisconsin had three (3) cases: Two (2) dealing with sexual harassment; and one (1) with racial comments about community.

The other states included Washington, Iowa, New York, New Jersey and Colorado. No cases were found from southern states applying 8.4(g).

In summary, although the materials included an equal number of cases dealing with actions by an attorney wherein the court dealt with Rule 8.4, they were only in the context of Rule 8.4(d), i.e., engaging in conduct that is prejudicial to the administration of justice. The cases did not deal directly with Rule 8.4(g)—presumably, because that provision was not specifically (yet) included within their respective rules. The cases are all outrageous and confirm, in the opinion of the group, that the Committee needs to consider some type of provision in Louisiana that would make such conduct potentially subject to professional discipline. The fact that some of the persons impacted were not actually clients of the lawyer(s) does cause concern and that needs to be given some thought; but the conduct involved is appalling and clearly unprofessional.

B) Findings and Recommendations of Working Group B:

A thoughtful review of the rules of professional conduct for fifty (50) U.S. jurisdictions² reveals that, at present, twenty-one (21) of those jurisdictions³ currently have some version of a rule that attempts to address some or all of the issues that current ABA Model Rule 8.4(g) is intended to address, namely “...*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...*”

As a preliminary observation and recommendation, it should be noted that the Subcommittee is actually not suggesting an amendment of current Rule 8.4(g) but is, instead, suggesting that the Court consider adding a brand-new sub-part designated Rule 8.4(h). The Subcommittee believes that it may be easier/less confusing for lawyers (and Ethics Counsel, ODC, etc.) if the Court were simply to leave Rule 8.4(g) just as it is and just add another subsection [i.e., a new “(h)”] to the end of current Rule 8.4. It is believed that there is already a well-established, well-known body of case law dealing with current Louisiana Rule 8.4(g), so any alteration of that reference or the scope/language of the existing Rule 8.4(g) may serve merely to create needless

² See spreadsheet/chart, prepared by Richard Lemmler, attached as “Appendix B.”

³ California; Colorado; District of Columbia; Florida; Iowa; Indiana; Illinois; Massachusetts; Maryland; Minnesota; Missouri; Nebraska; New Jersey; New York; North Dakota; Ohio; Oregon; Rhode Island; Vermont; Washington; and Wisconsin.

misunderstanding and confusion. Given the wide variety of things that the other jurisdictions have already done with their own rules, the Subcommittee is not at all troubled by the fact that Louisiana would not be closely tracking/adhering to the established numbering scheme of the ABA Model Rules.

A) WHAT CONDUCT?

Some of those jurisdictions employ very brief but broad/non-specific language (e.g., “...engage in any other conduct that adversely reflects on his or her [the lawyer’s] fitness to practice law...”—Massachusetts), while a few others go into fairly extensive detail not only regarding the acts/conduct that might be considered professional misconduct but also the circumstances deemed necessary for determination of a violation of the Rule at issue (“...Whether a discriminatory act reflects adversely on a lawyer’s fitness as a lawyer shall determined after consideration of all the circumstances, including: the seriousness of the act; whether the lawyer knew that the act was prohibited by statute or ordinance; whether the act was part of a pattern of prohibited conduct; and whether the act was committed in connection with the lawyer’s professional activities...”—Illinois, Minnesota; “...Whether there is a tribunal with jurisdiction to hear a complaint, if timely brought, other than a Departmental Disciplinary Committee, a complaint based on unlawful discrimination shall be brought before such tribunal in the first instance. A certified copy of a determination by such a tribunal, which has become final and enforceable and as to which the right to judicial or appellate review has been exhausted, finding that the lawyer has engaged in an unlawful discriminatory practice shall constitute prima facie evidence of professional misconduct in a disciplinary proceeding...”—New York). The balance of the jurisdictions in question fall somewhere in between the two ends of this language spectrum.

The majority of the jurisdictions in question (17)—like the ABA in its Model Rule—attempt to limit the scope of their respective rule’s application to the lawyer’s conduct only when in connection with the practice of law. Some use the qualifying phrase “...in a professional capacity...” (Ohio; Maryland; Indiana; New Jersey and Nebraska), while others use similar but slightly different qualifiers: “...in representing a client...” (Missouri; Washington**) or “...in the representation of a client...” (Colorado) or “...in the course of representing a client...” (Oregon; North Dakota); “...in connection with the lawyer’s professional activities...” (Wisconsin; Illinois; Minnesota; and Washington**); “...in the practice of law...” (Iowa; New York) or “...in connection with the practice of law...” (Florida); and “...in the management or operation of a law practice...” (California – perhaps because they just have to be different...).

Notably, some of these jurisdictions—unlike the ABA—have apparently made a point of attempting to place such qualifying language near the beginning of the pertinent section of their respective rules, presumably in an effort to help clarify and openly disclaim that the rule is not intended to cover conduct of the lawyer that might occur outside of the scope of the professional activities of the lawyer, i.e., in the lawyer’s personal/private life. It appears that these jurisdictions have concluded that the qualifying language of current ABA Model Rule 8.4(g) may be less than clear, given that the phrase “...*in conduct related to the practice of law*...” is buried within the center of the eighty (80) words that comprise that section of the current ABA Model Rule.

RECOMMENDATION FOR LOUISIANA

If Louisiana chooses to adopt some version of a rule that reflects the concerns embodied within current ABA Model Rule 8.4(g), the Subcommittee believes that the Louisiana rule should: (1) contain language that clearly limits application of the rule to conduct of a lawyer “...*in connection with the practice of law*...”, as noted in the current ABA Model Rule and in the respective rules for the majority of the twenty-one (21) jurisdictions; and (2) be worded such that this limiting language (“...*in connection with the practice of law*..”) appears sooner, rather than later, within the rule so that lawyers are better guided and left with considerably less doubt as to the application and limits of the rule. For example, an amended Louisiana Rule 8.4 could begin: “...*It is professional misconduct for a lawyer to:...(h) engage in conduct **in connection with the practice of law** that...*”

B) CATEGORIES/BASES OF DISCRIMINATION

The current version of ABA Model Rule 8.4(g) lists eleven (11) categories or bases of prohibited harassment or discriminatory conduct: “...*on the basis of race, sex, religion, national origin, ethnicity, disability, age, sexual orientation, gender identity, marital status or socioeconomic status*...” Not surprisingly, of the twenty-one (21) U.S. jurisdictions that currently have some rule of professional conduct that touches on this issue, very few of them have adopted the exact same number of categories/bases of discrimination or the exact same language endorsed by the ABA in its model rule.

On the briefer side of the categories/bases spectrum, the rules for only two (2) jurisdictions—Missouri and North Dakota, respectively—limit the discriminatory conduct to only seven (7) categories/bases, namely, “...*race, sex, religion, national origin, disability, age or sexual orientation*...”, and, as a consequence, they leave out “*ethnicity*”, “*gender identity*”, “*marital status*” and “*socioeconomic status*”. Likewise, California (perhaps in a permanent quest always

trying to be different from everyone else...) also has its rule limit the discriminatory conduct to only seven (7) categories/bases—but oddly chooses to list them in a slightly different order than those listed by Missouri and North Dakota: “...*race, national origin, sex, sexual orientation, religion, age or disability...*” Apparently, these three (3) jurisdictions are not overly concerned about lawyers engaging in discriminatory conduct based specifically on “*ethnicity*”, “*gender identity*”, “*marital status*” or “*socioeconomic status*”, or, at least, may believe that these issues are already encompassed within the other categories/bases specifically listed.

Six (6) other jurisdictions (Rhode Island, Maryland, Indiana, Nebraska, Colorado and Illinois) limit the discriminatory conduct to eight (8) categories/bases, although they differ occasionally in their choices of exact categories/bases and/or the order in which the categories/bases are listed within their respective rules. Rhode Island and Nebraska each like “...*race, national origin, gender, religion, disability, age, sexual orientation or socioeconomic status...*”, while Maryland and Illinois both prefer “...*race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status...*” But Colorado prefers “...*race, gender, religion, national origin, disability, age, sexual orientation or socioeconomic status...*” Interestingly, Indiana also chooses to use still slightly different categories/bases in a still slightly different order but also adds a more expansive but fairly nebulous “twist” at the end of its listing: “...*race, gender, religion, national origin, disability, sexual orientation, age, socioeconomic status, or similar factors...*” [*emphasis added*].

Two (2) other jurisdictions (Ohio and New York) limit the discriminatory conduct to nine (9) categories/bases, although each jurisdiction’s listing is slightly different from the other: “...*race, color, religion, age, gender, sexual orientation, national origin, marital status or disability...*” [*emphasis added*]—Ohio; and “...*age, race, creed, color, national origin, sex, disability, marital status or sexual orientation...*” [*emphasis added*]—New York.

Four (4) other jurisdictions (District of Columbia, Vermont, Wisconsin and Washington) limit the discriminatory conduct to ten (10) categories/bases but, again, they differ slightly in the exact categories/bases listed and/or in the order of listing within their respective rules: “...*race, color, religion, national origin, sex, age, marital status, sexual orientation, family responsibility or physical handicap...*” [*emphasis added*]—District of Columbia; “...*race, color, religion, ancestry, national origin, sex, sexual orientation, place of birth, or age, or against a qualified handicapped individual...*” [*emphasis added*]—Vermont; “...*sex, race, age, creed, religion, color, national origin, disability, sexual preference or marital status...*” [*emphasis added*]—Wisconsin; “...*sex, race, age, creed, religion, color, national origin, disability, sexual orientation, or marital status...*” [*emphasis added*]—Washington.

Two (2) other jurisdictions (New Jersey and Oregon) limit the discriminatory conduct to eleven (11) categories/bases but, of course, they, too, differ in choice of wording and order of listing: “...*race, color, religion, age, sex, sexual orientation, national origin, language, marital status, socioeconomic status, or handicap...*” [*emphasis* added]—New Jersey; “...*race, color, national origin, religion, age, sex, gender identity, gender expression, sexual orientation, marital status, or disability...*” [*emphasis* added]—Oregon.

And, finally, the two (2) remaining jurisdictions (Florida and Minnesota) have surpassed even the ABA’s own list of categories/bases for discrimination, choosing instead at least twelve (12) different possibilities: “...*sex, race, age, creed, religion, color, national origin, disability, sexual orientation, status with regard to public assistance, ethnicity, or marital status...*” [*emphasis* added]—Minnesota; and, as the most expansive, broadest possible listing, “...*on any basis, including, but not limited to, on account of race, ethnicity, gender, religion, national origin, disability, marital status, sexual orientation, age, socioeconomic status, employment, or physical characteristic...*” [*emphasis* added]—Florida.

RECOMMENDATIONS FOR LOUISIANA

From a practical standpoint—particularly when it comes to enforcement of any ethics rule—discriminatory conduct will have to be proven by clear and convincing evidence, which is the standard of proof in Louisiana for lawyer disciplinary violations. The Subcommittee considered this standard in determining whether certain specific categories/bases of discriminatory conduct are likely to be successfully policed and/or prevented by the lawyer discipline system in Louisiana. As such, Louisiana may wish to consider balancing the need to discourage any and all forms of discrimination by lawyers in connection with the practice of law against the categories/bases of discrimination specifically chosen and vetted by the ABA in its current ABA Model Rule 8.4(g). Choosing additional or unusual categories/bases for discrimination may be too far afield and lead to interpretation and enforcement issues. The Subcommittee believes that those categories/bases of discrimination best suited to Louisiana are those that are already well-recognized and reasonably defined by substantive law, rather than those for which there may be little to no substantive case law currently in existence. For example, an amended Louisiana Rule 8.4 could read: “...*It is professional misconduct for a lawyer to:...(h) engage in conduct in connection with the practice of law that...involves discrimination prohibited by law because of race, color, religion, age, gender, sexual orientation, national origin, marital status, or disability ...*” [*emphasis* added].

C) KNOWLEDGE/INTENT

Current ABA Model Rule 8.4(g) includes a knowledge/intent component with regard to the discriminatory conduct prohibited: “...conduct **that the lawyer knows or reasonably should know is harassment or discrimination...**” [*emphasis added*]. It is not difficult to imagine some situations where a lawyer, in connection with the practice of law, might unknowingly and/or unintentionally engage in conduct that others would perceive as rising to the level of discrimination. While even conduct of that nature is something that should not be encouraged or condoned within our profession, the lawyer’s lack of knowledge and intent suggests that such conduct should not be deemed ethical misconduct worthy of professional discipline. In short, conduct which is unintentional may evidence a regrettable lack of professionalism, but likely would not rise to the level of sanctionable ethical misconduct.

Of the twenty-one (21) jurisdictions which have adopted some version of a rule that reflects the concerns embodied within the current version of ABA Model Rule 8.4(g), only eight (8) jurisdictions have actually included a knowledge/intent component to their respective rules: Maryland (“...**knowingly manifest by words or conduct** when acting in a professional capacity bias or prejudice based upon...”); Oregon (“...in the course of representing a client, **knowingly intimidate or harass** a person because of that person’s...”); North Dakota (“...engage in conduct that is prejudicial to the administration of justice, including to **knowingly manifest through words or conduct** in the course of representing a client, bias or prejudice based upon...”); California (“...In the management or operation of a law practice, a member shall not **unlawfully discriminate or knowingly permit unlawful discrimination** on the basis of...”); Colorado (“...engage in conduct, in the representation of a client, **that exhibits or is intended to appeal to or engender bias against a person** on account of that person’s...”); Illinois (“...Whether a discriminatory act reflects adversely on a lawyer’s fitness as a lawyer shall be determined after consideration of all the circumstances, including the seriousness of the act; **whether the lawyer knew that the act was prohibited by statute or ordinance; whether the act was part of a pattern of prohibited conduct; and whether the act was committed in connection with the lawyer’s professional activities...**”); Florida (“...engage in conduct in connection with the practice of law that is prejudicial to the administration of justice, **including to knowingly, or through callous indifference, disparage, humiliate, or discriminate against** litigants, jurors, witnesses, court personnel, or other lawyers on any basis, including but not limited to, on account of...”); and Minnesota (“...commit a discriminatory act prohibited by federal, state, or local statute or ordinance that reflects adversely on the lawyer’s fitness as a lawyer. Whether a discriminatory act reflects adversely on a lawyer’s fitness as a lawyer shall be determined after consideration of all the circumstances, including: (1) the seriousness of the act, (2) **whether the lawyer knew that the act was prohibited by statute or ordinance**, (3) whether the act was part of a pattern of prohibited conduct; and (4) whether the act was committed in connection with the lawyer’s professional activities...”).

RECOMMENDATIONS FOR LOUISIANA

If Louisiana chooses to adopt some version of a rule that reflects the concerns embodied within current ABA Model Rule 8.4(g), the Subcommittee recommends that the knowledge/intent component endorsed by the ABA in its current version of ABA Model Rule 8.4(g) should also be incorporated into the Louisiana rule. While only one third (1/3) of those jurisdictions that currently have some anti-discrimination rule have also chosen to include the ABA-endorsed knowledge/intent component, the Subcommittee believes that there are very practical concerns with regard to enforceability. In addition, any fears of extreme or exaggerated “political correctness” should be dampened if “knowledge/intent” is included as a necessary element of the Rule. For example, an amended Louisiana Rule 8.4 could read: “...*It is professional misconduct for a lawyer to:...(h) engage in conduct in connection with the practice of law **that the lawyer knows or reasonably should know involves discrimination prohibited by law because of race, color, religion, age, gender, sexual orientation, national origin, marital status, or disability...***” [*emphasis added*].

D) ABILITY TO ACCEPT, DECLINE OR WITHDRAW FROM REPRESENTATION

Current ABA Model Rule 8.4(g) also notes specifically that the Rule “...*does not limit the ability of the lawyer to accept, decline or withdraw from a representation in accordance with Rule 1.16...*” Curiously, only one (1) jurisdiction, Washington, currently includes similar language within its own rule. (“...*This Rule shall not limit the ability of a lawyer to accept, decline, or withdraw from the representation of a client in accordance with Rule 1.16...*”). The Subcommittee assumes that the other jurisdictions are comfortable with the ability of their lawyers (and disciplinary authorities) to understand that their versions of Rule 1.16 are not rendered ambiguous by the language and/or application of their respective anti-discrimination rules.

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There are no strong arguments against or in favor of including a reference to Rule 1.16 within a proposed amendment of Louisiana’s Rule 8.4 addressing anti-discrimination. For the most part, Louisiana has attempted, whenever practicable, to adhere to and adopt the language chosen by the ABA for its Model Rules. The Subcommittee believes the language of our Rules should also help guide and inform our lawyers regarding the meaning, intent and practical application of those Rules, especially given that our Rules—unlike the ABA Model Rules—are not promulgated with or accompanied by any formal comments.

For these reasons, including a specific cross-reference to Louisiana Rule 1.16 within an amended Louisiana Rule 8.4 would serve to avoid any confusion or misunderstanding as to the intended impact of an amended Rule 8.4 with regard to declining, withdrawing from or terminating a representation. For example, an amended Louisiana Rule 8.4 could read: “...*It is professional misconduct for a lawyer to: ...(h) engage in conduct in connection with the practice of law that the lawyer knows or reasonably should know involves discrimination prohibited by law because of race, color, religion, age, gender, sexual orientation, national origin, marital status, or disability. This Rule does not...limit the ability of a lawyer to accept, decline or withdraw from a representation in accordance with Rule 1.16...*” [*emphasis* added].

E) EXCEPTION FOR LEGITIMATE ADVOCACY

Current ABA Model Rule 8.4(g) also contains an exception to the misconduct proscribed therein: “...*This paragraph does not preclude legitimate advice or advocacy consistent with these Rules...*”, presumably recognizing that some matters handled by a lawyer in connection with the practice of law may unavoidably involve issues or representations associated with discrimination without implicating the conduct of the lawyer. Unfortunately, with the exception of a single sentence⁴ at the end of “Comment 5” of current ABA Model Rule 8.4(g), there are no other examples or explanations of what might constitute “*legitimate advice or advocacy*” that is not precluded by the anti-discrimination section of Rule 8.4.

There are only seven (7) jurisdictions that include some form of “legitimate advocacy” exception within their respective anti-discrimination rules: Missouri (“...*This Rule 4-8.4(g) does not preclude legitimate advocacy when race, sex, religion, national origin, disability, age, sexual orientation, or other similar factors, are issues...*”); Wisconsin (“...*Legitimate advocacy respecting the foregoing factors does not violate par. (i)...*”); Maryland (“...*provided, however, that legitimate advocacy is not a violation of this section...*”); Indiana (“...*Legitimate advocacy respecting the foregoing factors does not violate this subsection...*”); Oregon (“...*Notwithstanding paragraph (a)(7), a lawyer shall not be prohibited from engaging in legitimate advocacy with respect to the bases set forth herein...*”); Nebraska (“...*This subsection does not preclude legitimate advocacy when these factors are issues in a proceeding...*”); and Washington (“...*This Rule does not restrict a lawyer from representing a client by advancing material factual or legal issues or arguments...*”).

RECOMMENDATIONS FOR LOUISIANA

⁴ “...*A lawyer’s representation of a client does not constitute an endorsement by the lawyer of the client’s views or activities. See Rule 1.2(b)...*”

If Louisiana chooses to adopt some version of a rule that reflects the concerns embodied within current ABA Model Rule 8.4(g), the Subcommittee believes that some form of a “legitimate advocacy” exception should be incorporated. Lawyers may be called upon to represent clients with regard to views or activities involving the same issues/bases of discrimination otherwise proscribed by the Rule. The Subcommittee believes that such representation should be clearly permissible. Again, including this provision would alleviate concerns with regard to aggressive enforcement and/or exaggerated “political correctness”. It also preserves the long-standing professional tradition that all clients are worthy of representation within our system of justice. The inclusion of “legitimate advocacy” also allows for prosecutorial/disciplinary latitude and discretion depending on the context of the behavior or statement.

The Subcommittee would prefer that an amended Louisiana rule be clearer and less ambiguous in this regard than the language of the current ABA Model Rule. There seems to be concern about what is meant by “...*legitimate advocacy consistent with these Rules*...” Five (5) of the seven (7) jurisdictions that include a “legitimate advocacy” exception have also attempted to clarify that exception within the language of their respective rules.⁵ Since the Supreme Court of Louisiana does not publish official comments in connection with Louisiana’s Rules of Professional Conduct, the Subcommittee believes that more specific and descriptive language would assist Louisiana lawyers.

An amended Louisiana Rule 8.4 could read: “...*It is professional misconduct for a lawyer to: ...(h) engage in conduct in connection with the practice of law that the lawyer knows or reasonably should know involves discrimination prohibited by law because of race, color, religion, age, gender, sexual orientation, national origin, marital status, or disability. This Rule does not prohibit legitimate advocacy when race, color, religion, age, gender, sexual orientation, national origin, marital status, or disability are issues, nor does it limit the ability of a lawyer to accept, decline or withdraw from a representation in accordance with Rule 1.16...*” [*emphasis* added].

⁵ Missouri (“...*This Rule 4-8.4(g) does not preclude legitimate advocacy when race, sex, religion, national origin, disability, age, sexual orientation, or other similar factors, are issues...*”); Wisconsin (“...*Legitimate advocacy respecting the foregoing factors does not violate par. (i)...*”); Indiana (“...*Legitimate advocacy respecting the foregoing factors does not violate this subsection...*”); Oregon (“...*Notwithstanding paragraph (a)(7), a lawyer shall not be prohibited from engaging in legitimate advocacy with respect to the bases set forth herein...*”); Nebraska (“...*This subsection does not preclude legitimate advocacy when these factors are issues in a proceeding...*”).

APPENDIX A

Jurisdiction	Case name	Rule language	Bias/discrimination category	Summary	Other charges
Colorado	<p>People v. Sharpe, 781 P.2d 659 (Colo. 1989)</p> <p>Today, Colorado is a black letter state. This case was decided before black letter adopted</p>	<p>1989 Rule - DR 1-102(A)(6) conduct adversely reflecting on respondent's fitness to practice law</p>	<p>Discrimination based on race.</p>	<p>Asst. Prosecutor Sharpe said to defense counsel representing two Latinos charged with murder of an off-duty deputy sheriff, "I don't believe either one of those chili-eating bastards."</p> <p>Based on that remark, defense counsel moved to strike the death penalty and to disqualify Sharpe from further participation in the case. The trial court held a hearing and denied the motions.</p> <p>The court determined that public censure was appropriate under ABA Stand. Imposing Law. Sanctions 5.23 (1986) because the attorney's comments were made while serving as a public official and the comments cast doubt on the integrity of the legal process.</p>	<p>None</p>

Jurisdiction	Case name	Rule language	Bias/discrimination category	Summary	Other charges
				Sharpe publicly censured.	
Colorado	People of Colo. v. Gilbert, 2010 Colo. Discipl.	Rule 8.4(g): A lawyer shall not: (g)	Discrimination based on gender	During the course of negotiating a plea agreement, respondent told the prosecutors the judge	4.4(a); 3.5(d); 8.4(d) ¹

¹ In Gilbert, the panel found no violations of Rules 4.4, 3.5(d) or 8.4(d) (prejudicial to the administration of justice). For the 8.4(d) finding the panel relied on *In re Green*, 11 P.3d 1078 (Colo. 2000). *Green* involved disciplining a lawyer for criticizing a judge pursuant to then 8.4(d) (engaging in conduct prejudicial to the administration of justice), 8.4(g) (violating accepted standards of legal ethics), and 8.4(h) (engaging in any other conduct adversely reflecting on the lawyer’s fitness to practice law). Colorado Supreme Court found that disciplining a lawyer for criticizing a judge is similar to a public figure bringing a defamation suit. Court looks to *NYT v. Sullivan* to determine: “(1) whether the disciplinary authority has proven that the statement was a false statement of fact (or a statement of opinion that necessarily implies an undisclosed false assertion of fact); and (2) assuming the statement is false, whether the attorney uttered the statement with actual malice—that is, with knowledge that it was false or with reckless disregard as to its truth.” *Green* wrote letters to a trial judge hearing a fee petition calling the judge “racist” implying that the judge was not “free of all taint of bias and impartiality,” that past experiences “characterize you as a racist and bigot for racially stereotyping me as unable to be an attorney because I was black.” Court finds, “These statements are expressions of *Green*’s opinion. To the extent these statements imply factual assertions that might arguably support his opinions, *Green*’s letters and his affidavits attached to the motions to recuse disclose fully the facts upon which *Green* based his opinion: the judge’s labeling of his performance in the case as only “competent”; the account of their first meeting which *Green* interpreted as demonstrating that the judge assumed that *Green* was not a lawyer because of his race; and the way the judge treated *Green* during trial. Court concludes the First Amendment precludes professional discipline for an attorney’s criticism of a judge. Court also noted that these comments were made only in letters to the judge with copies to opposing counsel explaining that “First Amendment scrutiny requires closer attention to the somewhat reduced governmental interest at stake in this context than in the case of public comments to the press.”

Jurisdiction	Case name	Rule language	Bias/discrimination category	Summary	Other charges
	LEXIS 79 (Colo. Jan. 14, 2010)	<p>engage in conduct, in the representation of a client, that exhibits or is intended to appeal to or engender bias against a person on account of that person's race, gender, religion, national origin, disability, age, sexual orientation, or socioeconomic status, whether that conduct is directed to other counsel, court personnel, witnesses, parties, judges, judicial officers, or any persons involved in the legal process;</p> <p>Comment 3 to Colo. RPC 8.4 explains that "[a] lawyer who, in the course of representing a client, knowingly manifests by word or conduct, bias or prejudice based upon .</p>		<p>(female) had appeared before him as a district attorney when he sat as a magistrate, referring to her as an "idiot," and he recalled attending en banc meetings of the judiciary with the judge during which she asked "stupid questions." Respondent went on to challenge the judge's legal acumen, challenge her intelligence, and derisively refer to her as a "c**t."</p> <p>This was a matter of first impression as Colo. RPC 8.4(g) has not yet been interpreted by any Colorado tribunal, nor has its predecessor, Colo. RPC 1.2(f).</p> <p>Respondent found to have exhibited gender bias.</p> <p>Publicly censuring Respondent, underscores "for both the public and fellow members of the bar</p>	

Jurisdiction	Case name	Rule language	Bias/discrimination category	Summary	Other charges
		. . gender . . . violates paragraph (g)."		that our profession cannot tolerate, in the performance of an attorney's duties, expressions of bias or prejudice directed at participants in the legal process." Discipline = public censure	
DC	In re Cohen 222-98 2002	Rule 9.1 A lawyer shall not discriminate against any individual in conditions of employment because of the individual's race, color, religion, national origin, sex, age, marital status, sexual orientation, family responsibility, or physical handicap.	Disability	Minnesota lawyer terminated employee based solely on employee's HIV status. Employee won civil suit. Employee filed complaints in both Minnesota ² and DC. Respondent stipulates that his conduct violated Minnesota Rule 8.4(g) and Rule 9.1 of DC. Discipline = informal admonition. In civil suit, court found respondent's conduct was "borne in ignorance and not malice."	

² Have not been able to access the Minnesota on-line data for two days.

Jurisdiction	Case name	Rule language	Bias/discrimination category	Summary	Other charges
Florida	In re Norkin (II) 2015 WL 5853915 (Oct. 2015)	<p>Rule 8.4(d)</p> <p>A lawyer shall not: (d) engage in conduct in connection with the practice of law that is prejudicial to the administration of justice, including to knowingly, or through callous indifference, disparage, humiliate, or discriminate against litigants, jurors, witnesses, court personnel, or other lawyers on any basis, including, but not limited to, on account of race, ethnicity, gender, religion, national origin, disability, marital status, sexual orientation, age, socioeconomic status,</p>	Disparage and humiliate	<p>Norkin writes to disciplinary counsel calling them evil and despicable and that their actions against him are the most unjust act in judicial history.</p> <p>During the public reprimand for similar past conduct in which lawyer found to have violated Rule 8.4(d) for yelling insults at opposing counsel in courthouse hallway and making threatening and disparaging comments to judges, Norkin stared down and smirked at the supreme court justices.</p>	Failure to notify others of license suspension; practicing law while suspended

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		employment, or physical characteristic;			
Florida	In re Norkin (I) 132 So.3d 77 (2013)	A lawyer shall not: (d) engage in conduct in connection with the practice of law that is prejudicial to the administration of justice, including to knowingly, or through callous indifference, disparage, humiliate, or discriminate against litigants, jurors, witnesses, court personnel, or other lawyers on any basis, including, but not limited to, on account of race, ethnicity, gender, religion, national origin, disability, marital status, sexual orientation, age, socioeconomic status, employment, or physical characteristic;	Disparage and humiliate	<p>Norkin’s communications with opposing counsel included:</p> <p>“You will join the many attorneys who have done so and lived to regret their incompetent, unethical and improper litigation practices.”</p> <p>“You must really lie a lot to even think I would. Liars, in general, not you necessarily, are so suspicious of others lying.”</p> <p>By the way, I found your recent letters to the judge to be improper and your motions to be laughable and scurrilous. I look forward to litigating the issues you highlight and recovering the fees I bill my client from you PERSONALLY. I think I have never litigated with an</p>	3.5(c) (conduct intended to disrupt tribunal); 8.2(a) (statements know to be false); 8.4(a) (violation of rules);

Jurisdiction	Case name	Rule language	Bias/discrimination category	Summary	Other charges
				<p>attorney who is as disingenuous as you. This really is fun, and so from that standpoint, I thank you.... Let me know if you'll chat with me on the phone. I so want to.</p> <p>“When is your unprofessional, ludicrous, downright unintelligent conduct going to stop? Before or after you are directed to pay my bills?”</p> <p>“If I’m going to criticize your professionalism and honesty, I prefer to do it in writing [e-mails] anyway. I don’t want my words considered kind out of context. I don’t say many kind words to those I consider dishonest such as yourself.”</p> <p>This is to formally notify you that a motion for sanctions against you personally and your firm will be filed in three</p>	

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				<p>weeks. I believe that you committed malpractice by allowing your client to file this lawsuit and judging by your client's nature, I have no doubt he will be suing you in the near future ... you have committed malpractice.... Show the evidence or you are about to have a very massive problem.</p> <p>I also believe that you should be very worried about this situation. By deceiving the Court so many times and prolonging the matter, which has been formally declared an abuse of process, your client might have a suit against you, for your poor advice and other misconduct ... I would respectfully suggest you put your carrier on notice.</p> <p>During the litigation, "What more do we have to do, your honor, to show you this is the</p>	

Jurisdiction	Case name	Rule language	Bias/discrimination category	Summary	Other charges
				<p>honest man and this is a dishonest man?" When Respondent made this accusation during the court hearing, he pointed at Brooks while saying "this is a dishonest man."</p> <p>In Judge's chambers while trying to set a hearing, Respondent shouted "at the top of his lungs" in the presence of several lawyers and an assistant, "[Brooks] is a liar. He's lying."</p> <p>Approached opposing counsel in the hallway of the county courthouse and, in the presence of "at least four to six [other] attorneys," said very loudly that he had spoken to other attorneys and confirmed that Brooks was "underhanded and a scumbag."</p>	

Jurisdiction	Case name	Rule language	Bias/discrimination category	Summary	Other charges
Florida	Fla. Bar v. Martocci, 791 So. 2d 1074 (Fla. 2001)	Rule 8.4(d)	Gender, race, ethnicity designed to belittle and humilate	<p>While representing dad in divorce, Martocci called mom a nut case and crazy. He made demeaning facial gestures and stuck out his tongue at mom and her lawyer.</p> <p>Called opposing counsel a stupid idiot and that she should “go back to Puerto Rico.”</p> <p>Told opposing counsel she did not know the law or the rules of procedure, called her a bush leaguer, advised her that depositions are not done according to “girl rules”, and told her that she needed to go back to school.</p> <p>Threatened to beat up mom’s father.</p> <p>Court rejected Martocci’s argument that this behavior, while unprofessional, does not clearly prejudice the</p>	None

Jurisdiction	Case name	Rule language	Bias/discrimination category	Summary	Other charges
				<p>administration of justice and is not unethical.</p> <p>Court holds that the conduct exacerbates the poor relationship “between respondent, opposing counsel, and the various judges involved in the already difficult underlying” case and crosses over the line of zealous advocacy.</p> <p>Discipline – public reprimand, two year probation, anger management evaluation.</p>	
Florida	Fla. Bar v. Buckle, 771 So. 2d 1131 (Fla. 2000)	lawyer shall not engage in conduct prejudicial to administration of justice, including disparaging, humiliating, or discriminating against litigants, jurors, witnesses, and others on any basis	threatening, disparaging, and humiliating	<p>Buckle represented a criminal defendant in a matter. Buckle called the victim, and after she said she did not want to communicate with her, Buckle mailed her a letter.</p> <p>Court explained that the letter “essentially threatens to take [the victim] away from her job and her children</p>	<p>4.4 - using means with no substantial purpose other than to embarrass, delay or burden</p> <p>8.4(a) – violate rules of professional conduct</p>

Jurisdiction	Case name	Rule language	Bias/discrimination category	Summary	Other charges
				<p>and to expose her to ridicule, contempt, and hatred. He also threatens to expose and delve into the circumstances surrounding the murder of one of her family members. “. . . the obvious intent of these threats, comments, and inquiries was to intimidate [victim] into abandoning her criminal complaint . . . “</p> <p>Buckle also sent religious materials with the letter. The court noted, “We find no violation with regard to the religious materials in and of themselves; however, we agree with the referee that an attorney should carefully exercise his or her professional judgment and discretion with regard to the dissemination of religious materials enclosed with legal correspondence.”</p> <p>“Zealous advocacy cannot be</p>	

Jurisdiction	Case name	Rule language	Bias/discrimination category	Summary	Other charges
				<p>translated to mean win at all costs, and although the line may be difficult to establish, standards of good taste and professionalism must be maintained while we support and defend the role of counsel in proper advocacy. In corresponding with persons involved in legal proceedings, lawyers must be vigilant not to abuse the privilege afforded them as officers of the court. A lawyer's obligation of zealous representation should not and cannot be transformed into a vehicle intent upon harassment and intimidation."</p> <p>" . . . Buckle was certainly entitled and obligated to raise issues regarding [victim's] credibility and to attempt to discover the facts and circumstances surrounding the alleged crime; however, he was not</p>	

Jurisdiction	Case name	Rule language	Bias/discrimination category	Summary	Other charges
				<p>entitled to use such inquiries as a ruse for threatening, disparaging, and humiliating [victim] into abandoning her complaint. Intimidating her for no other reason than to influence her to abandon the criminal charges and with no reasonable expectation of gaining any pertinent information is patently unfair and is clearly prejudicial to the administration of justice. Buckle's threats involving her employment, invasion of medical privacy, family, and security are simply beyond the bounds of proper advocacy."</p> <p>The referee found that respondent had violated Fla. R. Prof. Conduct 4-4.4, 4-8.4(a), 4-8.4(d); that the purpose of the letter was to embarrass, intimidate or burden the victim; and that the inclusion of religious materials in the letter was to</p>	

Jurisdiction	Case name	Rule language	Bias/discrimination category	Summary	Other charges
				<p>fulfill his convictions as a religious person. The referee recommended 30 days' suspension followed by 2 years' probation.</p> <p>Discipline = public reprimand</p>	
Florida	The Florida Bar v. Sayler, 721 So. 2d 1152 (Fla. 1998)	Rule 8.4(d) engaging in conduct prejudicial to the administration of justice		<p>Opposing counsel complained Sayler was stalking her.</p> <p>Sayler then sends letter to opposing counsel containing news article about murdered lawyer.</p> <p>Court notes "lawyers are required to refrain from knowingly disparaging or humiliating other lawyers" and upholds finding that there was no connection between issue in news article and case in which both lawyers are involved.</p> <p>Court explains " . . . conduct was not protected by the</p>	<p>4.3 – The commission by a lawyer of any act that is un-lawful or contrary to honesty and justice, whether the act is committed in the course of the attorney's relations as an attorney or otherwise, ... whether or not the act is a felony or misdemeanor, may constitute a cause for discipline.</p> <p>4.4 – using means with no substantial</p>

Jurisdiction	Case name	Rule language	Bias/discrimination category	Summary	Other charges
				<p>First Amendment to the United States Constitution. The First Amendment does not protect those who make harassing or threatening remarks about the judiciary or opposing counsel.”</p> <p>Discipline = public reprimand</p>	<p>purpose other than to embarrass, delay or burden</p>
<p>Florida</p>	<p>Fla. Bar v. Wasserman, 675 So. 2d 103 (Fla. 1996)</p>			<p>While on the phone with a judge’s assistant, Wasserman said, ““You little motherf-----; you and that judge, that motherf----- son of a b----.”</p> <p>Wasserman held in indirect criminal contempt for the outburst.</p> <p>Court rejects “Wasserman's contention that his statements to the judicial assistant are protected by the First Amendment to the United States Constitution and article I, section 4 of the Florida Constitution. It is clear that the right to free speech under the federal and</p>	<p>4.3 - The commission by a lawyer of any act that is un-lawful or contrary to honesty and justice, whether the act is committed in the course of the attorney's relations as an attorney or otherwise, ... whether or not the act is a felony or misdemeanor, may constitute a cause for discipline.</p>

Jurisdiction	Case name	Rule language	Bias/discrimination category	Summary	Other charges
				<p>Florida Constitutions does not preclude the disciplining of a lawyer for speech directed at the judiciary.”</p> <p>Fla. Bar Rule 3-5.1(b)(1)(C) provided that in the absence of unusual circumstances, misconduct was not to be regarded as minor if respondent had been disciplined within the last five years. Because respondent was disciplined four prior times, and his conduct was egregious, six-month suspensions were appropriate for each of the breaches of ethical conduct.</p> <p>Discipline = six month suspension</p>	
Florida	Fla. Bar v. Uhrig, 666 So. 2d 887 (Fla. 1996)	Rule 8.4(d)		<p>Uhrig wrote insulting and highly unprofessional letter concerning child support to client's former husband.</p> <p>Respondent acknowledged that his letter caused the ex-</p>	None

Jurisdiction	Case name	Rule language	Bias/discrimination category	Summary	Other charges
				<p>husband to feel disparaged, humiliated, offended, disappointed, and angry.</p> <p>Discipline = public reprimand</p>	
Indiana	In re Barker, 993 N.E.2d 1138 (Ind. 2013)	<p>Rule 8.4. Misconduct</p> <p>It is professional misconduct for a lawyer to:</p> <p>(g) engage in conduct, in a professional capacity, manifesting, by words or conduct, bias or prejudice based upon race, gender, religion, national origin, disability, sexual orientation, age, socioeconomic status, or similar factors. Legitimate advocacy respecting the foregoing factors does not violate this subsection. A trial judge's finding that preemptory challenges were exercised on a</p>	Immigration status	<p>While representing father in custody case, Barker wrote opposing counsel: “[Father] told me this week that he has only seen his baby ... one day all year. Your client doesn’t understand what laws and court orders mean I guess. Probably because she's an illegal alien to begin with. I want you to repeat to her in whatever language she understands that we'll be demanding she be put in JAIL for contempt of court. I'm filing a copy of this letter with the Court to document the seriousness of this problem.”</p> <p>Court rejected legitimate advocacy defense, which Barker claimed was used to connect Mother's alleged violation of immigration laws</p>	4.4(a) Using means in representing a client that have no substantial purpose other than to embarrass, delay, or burden a third person.

Jurisdiction	Case name	Rule language	Bias/discrimination category	Summary	Other charges
		discriminatory basis does not alone establish a violation of this Rule.		<p>with her violation of Father's court-ordered visitation rights.</p> <p>Barker suspended for 30 days and ordered to pay costs.</p> <p>Court noted respondent has "no insight into his misconduct."</p>	
Indiana	In re Dempsey, 986 N.E.2d 816 (Ind. 2013)	See above	Religion	<p>In litigation over Dempsey's land contract with another and his personal bankruptcy, Dempsey handed out flyers entitled "Stop the Plunder in Bankruptcy Court" in downtown Indianapolis.</p> <p>The flyer, which was based upon Dempsey's Chapter 13 bankruptcy case, called Sellers (without naming them) "slumlords," called their attorneys (naming the firm) "bloodsucking shylocks" who were part of a "heavily Jewish (sic) ... reorganization cartel," and made free-</p>	<p>3.1: Asserting a position for which there is no non-frivolous basis in law or fact</p> <p>4.4: Using means that have no substantial purpose other than to embarrass, delay, or burden a third person.</p>

Jurisdiction	Case name	Rule language	Bias/discrimination category	Summary	Other charges
				<p>ranging disparaging remarks about Jews generally, from the fall of Jericho, through 1925 Berlin, to their alleged involvement in the 9/11 attacks.</p> <p>In disciplinary proceeding, Dempsey sought discovery to establish that Sellers were mentally impaired, served interrogatories upon the Commission seeking confirmation of anti-Semitic statements, attempted to use discovery to ask for the names of Commission members and others with Jewish affiliations, and attacking the merits of rulings in the bankruptcy and foreclosure proceedings that were long ago final.</p> <p>Lawyer suspended for three years, no automatic reinstatement.</p>	
Indiana	In re Usher	See above	Gender	After summer intern rebuffed	3.3(a)(1)(knowingly

Jurisdiction	Case name	Rule language	Bias/discrimination category	Summary	Other charges
				<p>Respondent’s attempt at a romantic relationship, Respondent sent email with movie clip in which intern was an actress. Her body double appears topless in the clip. The clip was sent to the woman’s employer (as the intern had graduated and become an associate at the Respondent’s former firm) and approximately 50 other lawyers.</p> <p>Court holds no manifestation of bias or prejudice based on gender. Respondent was “motivated by personal anger” at intern/lawyer rather than bias or prejudice against women generally.</p>	<p>making a false statement of fact to a tribunal; 8.1(a)(knowingly making a false statement of material fact to the Disciplinary Commission in connection with a disciplinary matter; 8.1(b)(failure to disclose a fact necessary to correct a misapprehension known by the person to have arisen in a disciplinary matter; 8.4(a)(knowingly assisting another to violate the Rules of Professional Conduct, or violating the rules through the acts of another; 8.4(b)(committing</p>

Jurisdiction	Case name	Rule language	Bias/discrimination category	Summary	Other charges
					a criminal act (identity deception) that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer(not proven); 8.4(c)(engaging in conduct involving dishonesty, fraud, deceit or misrepresentation; 8.4(d)(engaging in conduct prejudicial to the administration of justice)
Indiana	In re Kelley, 925 N.E.2d 1279 (Ind. 2010)	See above	Sexual orientation	Kelley "began receiving on her unlisted phone number persistent pre-recorded messages from a company seeking a person by the name of [her] husband. Respondent and her husband agreed that Respondent would call the company at	None.

Jurisdiction	Case name	Rule language	Bias/discrimination category	Summary	Other charges
				<p>the toll-free number given in the messages. Accordingly, Respondent called the number and spoke to a male representative of the company, identifying her husband as her client.”</p> <p>Kelley “gratuitously asked the company's representative if he was ‘gay’ or ‘sweet.’ ”</p> <p>“After the company representative commented on the unprofessional nature of this inquiry, the phone conversation ended abruptly.”</p> <p>The court noted the following: (1) Respondent has no disciplinary history; (2) Respondent fully cooperated with the Commission; (3) Respondent has a history of providing service to the legal profession; (4) Respondent's comments were made after enduring harassing phone</p>	

Jurisdiction	Case name	Rule language	Bias/discrimination category	Summary	Other charges
				<p>calls to her home; and (5) Respondent demonstrated her remorse by apologizing to the company representative</p> <p>Kelley publicly reprimanded.</p>	
Indiana	In re McCarthy, 938 N.E.2d 698 (Ind. 2010)	See above.	Race	<p>In representing a client in a dispute over land title, McCarthy replied to an email written by the assistant of the title agent saying:</p> <p>“I know you must do your bosses [sic] bidding at his direction, but I am here to tell you that I am neither you [sic] or his n*&&^%. You do not tell me what to do. You ask. If you ever act like that again, it will be the last time I give any thought to your existence and your boss will have to talk to me. Do we understand each other?”</p> <p>The hearing officer found that the word is a derogatory racist insult, that Dempsey’s</p>	None.

Jurisdiction	Case name	Rule language	Bias/discrimination category	Summary	Other charges
				<p>use of the term was not simply a historical reference to slavery but rather manifested racial bias, that he was acting as an attorney when he sent the email, and that his use of the term was not connected to legitimate advocacy. Respondent had received a prior 30-day suspension with automatic reinstatement for unrelated misconduct.</p> <p>Discipline = 30-day suspension, no automatic reinstatement.</p>	
Indiana	In re Campiti, 937 N.E.2d 340 (Ind. 2009)	See above.	National Origin	<p>While representing a father at a child support modification hearing, Campiti made repeated disparaging references to the facts that the mother was not a U.S. citizen and was receiving legal services at no charge.</p> <p>These facts were irrelevant to the issues being considered</p>	4.4 Using means that have no substantial purpose other than to embarrass, delay, or burden a third person.

Jurisdiction	Case name	Rule language	Bias/discrimination category	Summary	Other charges
				<p>at the hearing.</p> <p>Discipline = public reprimand</p>	
Indiana	In re Thomsen, 837 N.E.2d 1011 (Ind. 2005)	See above.	Race	<p>The attorney represented a husband in an action for dissolution of marriage.</p> <p>Throughout the custody proceedings the attorney referred to the wife being around town in the presence of a "black male" and that such association was placing the children in harm's way.</p> <p>During a hearing, the attorney referred to the African-American man as "the black guy" and "the black man."</p> <p>The court found that, since the attorney neither made nor substantiated any argument to the trial court that the man's race was relevant to the dissolution, her comments were</p>	None.

Jurisdiction	Case name	Rule language	Bias/discrimination category	Summary	Other charges
				<p>unnecessary and inappropriate. The attorney's misconduct was a significant violation and only served to encourage future intolerance.</p> <p>Punishment = public reprimand</p>	
Iowa	In re Moothart 860 N.W.2d 598 (Iowa 2015)	It is professional misconduct for a lawyer to: (g) engage in sexual harassment or other unlawful discrimination in the practice of law or knowingly permit staff or agents subject to the lawyer's direction and control to do so.	Sexual harassment	<p>Respondent's conduct included harassing five women between 2006 and 2011.</p> <p>Court notes "that the rule utilizes the comparatively broad phrase 'in the practice of law.' We have noted that this language is 'quite broad.'" Victim need not be a client.</p> <p>Sexual harassment includes: sexual advances, requests for sexual favors, and other verbal [or] physical conduct of a sexual nature. We have not required that the harassment be ongoing or</p>	1.8(j) sex with clients; 1.7(a)(2) (conflict of interest)

Jurisdiction	Case name	Rule language	Bias/discrimination category	Summary	Other charges
				<p>pervasive as has been required in some employment contexts.</p> <p>Jane Doe #1 – At Lawyer’s office, Lawyer served client alcohol, made explicit and crude sexual comments about client’s body; asked to see her breasts; sat in dark room on couch; made sexual suggestions. Court finds that Lawyer. does not escape culpability under our reading of sexual harassment under rule 32:8.4(g) simply because (he claims) Jane Doe # 1 was intoxicated and did not expressly object to the activities or the sexual nature of their conversation.</p> <p>Jane Doe #2 was a complaining witness in a DV case in which Lawyer represented defendant. Lawyer tells Jane Doe #2 he can represent her in a</p>	

Jurisdiction	Case name	Rule language	Bias/discrimination category	Summary	Other charges
				<p>driver’s license matter. In courthouse conference room, Lawyer kisses Jane Doe #2, later on two occasions; they have sex in a hotel room.</p> <p>Jane Doe #3 was a court-appointed client in three misdemeanor actions and two child-in-need of assistance. Lawyer comments on client’s appearance, asked her to flash him, and paid her for oral sex.</p> <p>Jane Doe #4 was a client in a driving was intoxicated matter. In two different meetings, Lawyer made comments about her cleavage and asked her to pull her shirt down. When Jane Doe # 4 asked how much Lawyer would charge for his legal services, his response was “it depends on how much cleavage you show me.”</p>	

Jurisdiction	Case name	Rule language	Bias/discrimination category	Summary	Other charges
				<p>Jane Doe #5 was Lawyer’s employee. Lawyer commented about her weight, how her body looked in different outfits, about her breasts, asked her to perform lap dances and taped a \$20 bill to the back of a cabinet door and said she was free to take it if she danced naked on the conference room table.</p> <p>Lawyer suspended for an indefinite period of time with no possibility of reinstatement for thirty months; must provide evaluation by a licensed health care professional, including proof of participation in a counseling program specific to sexual harassment, verifying his fitness to practice law.</p>	
Iowa	In re Steffes	DR 1-102(A)(7)	Sexual harassment	Steffes, client’s court-	DR 1-102(A)(5)

Jurisdiction	Case name	Rule language	Bias/discrimination category	Summary	Other charges
	588 N.W. 2d 121	prohibiting sexual harassment or other unlawful discrimination		<p>appointed lawyer in a criminal case took naked photographs of client under the pretext of documenting her back injury.</p> <p>Client experienced mental health issues in the past, had filed for bankruptcy, and was now facing criminal charges.</p> <p>Court holds respondent violated 1-102(A)(7) which is not limited to employment.</p> <p>Looking to Black’s Law Dictionary for a definition of sexual harassment, court holds sexual harassment includes “sexual advances, requests for sexual favors, and other verbal and physical conduct of a sexual nature.” Respondent’s photographing client “under the pretext that the photographs would document her back injury and/or favorably impress male jurors in her criminal</p>	<p>(engaging in conduct that is prejudicial to the administration of justice; DR 1-102(A)(6)</p> <p>(engaging in any other conduct that adversely reflects on the fitness to practice law</p>

Jurisdiction	Case name	Rule language	Bias/discrimination category	Summary	Other charges
				<p>trial constitutes physical conduct of a sexual nature. We can conceive of no relationship between the frontal photograph showing his client’s exposed breasts and pubic area, and a purported documentation of her back injury. Nor do we understand how any competent attorney could conclude that his client’s ‘nice body’ would be admissible evidence in her trial on drug charges.”</p> <p>Discipline = suspended indefinitely; no possibility for reinstatement for two years</p>	
Minnesota	In re Igbunugo, 863 N.W.2d 751 (Minn. 2015)	It is professional misconduct for a lawyer to: (g) harass a person on the basis of sex, race, age, creed, religion, color, national origin, disability, sexual orientation, status with regard to	No analysis provided.	<p>In a fee dispute, lawyer sends letters to clients writing:</p> <p>You are merely trying to escape your financial obligation to me. And unless you and your wife never again maintain any type of business or personal account</p>	1.5(a) (charging of unreasonable fees); 3.1 (assertion of frivolous claims); 3.4(c) (knowingly disobeying the rules of a tribunal); 4.4(a) (use of

Jurisdiction	Case name	Rule language	Bias/discrimination category	Summary	Other charges
		<p>public assistance, ethnicity, or marital status in connection with a lawyer’s professional activities;</p> <p>(h) commit a discriminatory act prohibited by federal, state, or local statute or ordinance that reflects adversely on the lawyer’s fitness as a lawyer. Whether a discriminatory act reflects adversely on a lawyer’s fitness as a lawyer shall be determined after consideration of all the circumstances, including:</p> <p>(1) the seriousness of the act,</p> <p>(2) whether the lawyer knew that the act was prohibited by statute</p>		<p>in this country, I will get my money from you. You have mistaken my kindness for weakness. I did not get to where I am today allowing people, like you, to “punk me.” Perhaps you need to be taught a lesson in life.... So unless you want me to own all of your future earnings in your shipping business, or at least most of it, you will start by telephoning my brother and telling him that you were wrong about me “messing you up,” and I am demanding this of you.</p> <p>And if I as much as hear from any other source that you have said any negative thing about me, my firm and your very difficult case, I will come after you with “hell and brimstone.” But please do not forget that after you answer to me, you will also answer to God, the Father, who sees all the evil that men</p>	<p>means that have no substantial purpose other than to embarrass, delay, or burden); 8.4(d) (prohibiting conduct prejudicial to the administration of justice)</p>

Jurisdiction	Case name	Rule language	Bias/discrimination category	Summary	Other charges
		<p>or ordinance,</p> <p>(3) whether the act was part of a pattern of prohibited conduct, and</p> <p>(4) whether the act was committed in connection with the lawyer’s professional activities.</p>		<p>do. What I am saying to you is you will additionally suffer divine justice because this is sheer evil and wickedness.</p> <p>I do know that you present yourself to [your pastor] as a Christian and God-fearing man and discussed this matter extensively with him. So you will ultimately answer to God for your theft of my legal services. Likewise, you must also answer to God for your false report with evil intent to the Minnesota Lawyers Professional Responsibility Board.</p> <p>Also lawyer tried to collect more than court ordered client to pay.</p>	
Minnesota	In re Griffith 838 N.W.2d 792 (Minn. 2013)	(g) harass a person on the basis of sex, race, age, creed, religion, color, national origin, disability, sexual orientation, status with regard to	Sexual harassment	While acting as an adjunct professor and supervising law student in clinic, lawyer made unwelcome comments about the student’s appearance; (2) engaged in unwelcome physical contact	8.4(b) (commit a criminal act); 8.4(d) (conduct prejudicial to the administration of justice)

Jurisdiction	Case name	Rule language	Bias/discrimination category	Summary	Other charges
		<p>public assistance, ethnicity, or marital status in connection with a lawyer’s professional activities</p>		<p>of a sexual nature with the student; and (3) attempted to convince the student to recant complaints she had made to authorities about him.</p> <p>Griffith “engaged in verbal and physical conduct and communications of a sexual nature that were not welcomed by M.D. and heightened her feelings of discomfort with” Griffith.</p> <p>While standing near student’s parked car, Griffith “unzipped his pants, exposed his penis . . . and then took student’s hand and forced her to touch his penis.</p> <p>Student complained to school. School promptly directed Griffith not to have contact with student.</p> <p>Griffith repeatedly emailed student writing, “Please</p>	

Jurisdiction	Case name	Rule language	Bias/discrimination category	Summary	Other charges
				<p>rescind the complaint and I promise to be gentleman in all ways as well as doing what I can to help you.” In a communication the same day, he told her, “for both our sakes we must rescind the complaint.”</p> <p>Student reported Griffith’s contact to school. School repeated its admonition.</p> <p>Griffith contacted student again writing “I was serious about a job because I think you are a smart and decent person.”</p> <p>After learning that M.D. had complained to law enforcement, Griffith contacted M.D. again, asking why she wanted to “destroy” him. M.D. told him to stop contacting her, stating unequivocally: “Stop trying to contact me in any way. I don’t want to talk to you.”</p>	

Jurisdiction	Case name	Rule language	Bias/discrimination category	Summary	Other charges
				<p>Griffith persisted: “I am trying to figure out why you are trying to kill me as the charge will kill me. It won’t do you any good either.” (Emphasis added.)</p> <p>WMCL terminated its relationship with Griffith. According to Griffith’s attorney, the Ramsey County Attorney’s Office declined to prosecute for criminal sexual conduct. The Saint Paul City Attorney’s Office charged Griffith with indecent exposure in violation of Minn.Stat. § 617.23, subd. 1(1) (2012), a misdemeanor. Griffith entered an Alford plea and was adjudicated guilty. The State agreed to vacate the plea and dismiss the case if Griffith complied with the conditions of a 1–year supervised probation. The public record shows that the case has been dismissed.</p>	

Jurisdiction	Case name	Rule language	Bias/discrimination category	Summary	Other charges
				90-day suspension with petition for reinstatement	
Minnesota	In re Nett 839 N.W.2d 716 (Minn. 2013)	See above		11 filings in which Nett accused lawyers, trustees, and judges of conspiracy, part of a secret racist society, that judges were bias based on race and religion, and courts do not follow the law. Nett did not challenge referee's findings that she violated rules that were charged.	3.1; 4.4(a); 8.2(a); 8.4(d) (conduct prejudicial to the administration of justice)
Minnesota	In re Woroby, 779 N.W.2d 825 (Minn. 2010)	Rule 8.4. It is professional misconduct for a lawyer to: (g) harass a person on the basis of sex, race, age, creed, religion, color, national origin, disability, sexual orientation, or marital status in connection with a lawyer's professional activities		Woroby called client who owed her money 12 times in 60 minutes and harassed the client on the basis of religion and/or national origin. Disciplinary counsel and respondent agreed to transfer to disability inactive status; complaint stayed.	None

Jurisdiction	Case name	Rule language	Bias/discrimination category	Summary	Other charges
Minnesota	In re Ward 726 N.W.2d 497 (Minn. 2007)	See above	Unwanted physical conduct of sexual nature with job applicant.	Opinion and stipulation do not provide facts. Cannot access petition.	1.8(a); 8.4(c) for improper business transaction with client
Minnesota	In re Charges of Unprofessional Conduct Contained in Panel Case No. 15976, 653 N.W.2d 452 (Minn. 2002)	Rule 8.4 It is professional misconduct for a lawyer to: (d) engage in conduct that is prejudicial to the administration of justice	Disability	Respondent admonished for moving for a mistrial on first day of trial and motion for new trial at conclusion of trial arguing that the presence of the court’s severely disabled law clerk diminished his disabled client’s ability to receive a fair trial. Judge filed a disciplinary complaint. Discipline = admonishment	3.1
Minnesota	In re Charges of Unprofessional Conduct Contained in Panel File 98- 26, 597 N.W.2d 563 (Minn. 1999)	Rule 8.4 It is professional misconduct for a lawyer to * * * (d) engage in conduct that is prejudicial to the administration of justice.	Race	Respondent prosecutor filed motion in limine asking court to preclude public defender from adding co-counsel who was a person of color. A disciplinary panel found respondent violated Minn. R. Prof. Conduct 8.4(d), but her conduct was non-serious in nature.	3.1 4.4 Using means that have no substantial purpose other than to embarrass, delay, or burden a third person.

Jurisdiction	Case name	Rule language	Bias/discrimination category	Summary	Other charges
				<p>Disciplinary panel issued private admonishment.</p> <p>Appeal filed re: discipline. Court holds action was serious; therefore panel cannot issue private admonishment.</p> <p>Court disciplines with private admonishment.</p>	
Minnesota	In re Petition for Disciplinary Action against Williams, 414 N.W.2d 394 (Minn. 1987)	DR7-106(C)(5) and (6) of the Code		<p>In dispute with counsel for opposing party over whether a witness could review a pleading while being asked a question, respondent said “Don't use your little sheeny Hebrew tricks on me, Rosen,” to opposing counsel.</p> <p>Discipline = public reprimand and six-month suspension</p> <p>Appeal filed re: public reprimand. Court holds the attorney's conduct during the pretrial deposition merited a public reprimand and that</p>	<p>3.5(h) A lawyer shall not engage in conduct intended to disrupt a tribunal.</p> <p>4.4 In representing a client, a lawyer shall not use means that have no substantial purpose other than to embarrass, delay, or burden a third person, * * *.</p>

Jurisdiction	Case name	Rule language	Bias/discrimination category	Summary	Other charges
				the other misconduct warranted six months' suspension.	
New Jersey	In re Witherspoon 203 A.3d 496 (NJ 2010)	(g) engage, in a professional capacity, in conduct involving discrimination (except employment discrimination unless resulting in a final agency or judicial determination) because of race, color, religion, age, sex, sexual orientation, national origin, language, marital status, socioeconomic status, or handicap where the conduct is intended or likely to cause harm.	Sexual harassment Sexual discrimination	Respondent offered discounted legal fees to three clients and a family member of another client in exchange for sexual favors. #1. Respondent asked client “about her personal life, ask[ed] if she would go out with him and made inappropriate sexual advances to[ward her].” Client sought other counsel. #2 Respondent told woman whose father was Respondent’s client that father did not have the sum of \$300 that he then owed for respondent’s services. Respondent offered to forgive that part of the debt if he could meet woman in a hotel room for three hours. Several months later, in	Rule 1.7(a)(2); Rule 4.4, Rule 8.4(d) (prejudicial to the administration of justice); ³ Rule 5.5(a)(1); Rule 1.15(d).

³ Dismissed by review board as not proven by clear and convincing evidence. Supreme Court accepts this finding.

Jurisdiction	Case name	Rule language	Bias/discrimination category	Summary	Other charges
				<p>father was again behind in his payments, at which point he owed \$200. Respondent told woman that she could “take care of the \$200” if she would “come to his office in a bathing suit and dance for him.”</p> <p>#3. During one of client’s visits to law office, when she was accompanied by a female friend, respondent commented that “many gay women ‘come on’ to” him. He then said that “he would like to see client and her friend ‘make out’ ... [and that if they did so] he would file the bankruptcy free of charge.” Some time later, when client arrived to make a payment toward the agreed-upon fee and told him that there was another creditor to be added to the petition, respondent “stated that he would only add the creditor to client’s bankruptcy if she</p>	

Jurisdiction	Case name	Rule language	Bias/discrimination category	Summary	Other charges
				<p>lifted her skirt.” In yet another incident thereafter, when client arrived to pay a balance due for legal services, respondent told her that she “could satisfy her outstanding legal fees by either allowing him to watch her with her female friend or by allowing him to join in.” Client eventually retained alternate counsel to complete her bankruptcy matter.</p> <p>#4 When client arrived for one of her appointments, respondent made several remarks about her sexual orientation. He said, “Oh, so you’re the gay girl,” and “suggest[ed] that A.C.’s lesbianism was caused by a bad experience with the male sex organ.” Thereafter, following an appearance with client in bankruptcy court, respondent told her that “he was a ‘breast man,’ that she</p>	

Jurisdiction	Case name	Rule language	Bias/discrimination category	Summary	Other charges
				<p>was looking good that day and that if she came back to his office and joined him on his 'office couch,' he would return to her \$660 of the legal fees she [had] paid.”</p> <p>Respondent’s defense included that all statements were made in jest and that he never intended to insult anyone.</p> <p>Discipline = one year suspension.</p>	
New Jersey	In re Gallo 835 A.2d 682 (N.J. 2003)	Rule 8.4(b) (commit a criminal act that reflects adversely on the lawyer’s honesty, trustworthiness or fitness as a lawyer in other respects)	Sexual harassment	<p>Respondent plead guilty to four counts of criminal sexual conduct. Victims were respondent’s divorce clients and the pro se litigants seeking a restraining order against one of respondent’s clients.</p> <p>Respondent admitted that he placed his hands on the breasts of two of his clients without their consent; that he placed the hand of</p>	

Jurisdiction	Case name	Rule language	Bias/discrimination category	Summary	Other charges
				<p>another client on his groin without her consent; and that he placed the hand of the pro se litigant on his groin without her consent.</p> <p>Court remanded the matter for a full investigation of respondent's behavior. Disciplinary counsel limited their review to respondent's statements at the plea hearing.</p>	
New York	Matter of Kahn, 16 A.D.3d 7 (App. Div. 2005)	<p>DR 1-102 (a) (7) (22 NYCRR 1200.3 [engaging in conduct that adversely reflects on the respondent's fitness as a lawyer])</p> <p>DR 7-106 (c) (6) (22 NYCRR 1200.37 [engaging in undignified or discourteous conduct that is degrading to a tribunal]).</p>	Sexual misbehavior	<p>“Respondent stipulated that he frequently consumed peppermint-ball candies in the courthouse and, when offering candies to adversarial female staff attorneys, consistently made sexually offensive comments, such as, ‘Do you want to suck one of my balls?’ When told by female attorneys that they were offended by his remarks, respondent replied, ‘If you're so damned refined then why do you</p>	

Jurisdiction	Case name	Rule language	Bias/discrimination category	Summary	Other charges
				<p>understand?’ Respondent conceded that he never made similar comments to men or to Family Court judges.”</p> <p>“Kahn referred to a female Assistant Corporation Counsel as ‘pig vomit on my shoes.’ On another occasion, as the same attorney, who is overweight, was about to enter the courtroom, respondent yelled, ‘Here is the elephant, she’s coming in. Who wants tickets? Come see the show. ‘ ”</p> <p>Kahn made improper remarks about a 13-year-old client arrested for prostitution and to having invited a female adversary to guess the bra size of a 14-year-old client.</p> <p>The attorney urged that he should be publicly censured based upon mitigating</p>	

Jurisdiction	Case name	Rule language	Bias/discrimination category	Summary	Other charges
				<p>circumstances, particularly, that he had acknowledged his misconduct, fully cooperated with the committee, and had begun psychotherapy to address the problem.</p> <p>The court found that his feelings of remorse did little to improve the harm inflicted by his abusive, vulgar, and demeaning comments, directed at female adversaries and young clients.</p> <p>Discipline = suspended for six months.</p>	
New York	In re Monaghan, 295 A.D.2d 38 (App. Div. 2002)	<p>DR 1-102(a)(5) (engaging in conduct prejudicial to the administration of justice)</p> <p>1-102(a)(6) (22 NYCRR 1200.3[a][5], [a][6] (unlawfully</p>	Race	During deposition, lawyer “engaged in a continuing harangue of (U.S. Dept. of Labor lawyer) Ms. Perry for her alleged mispronunciation of the words “establish” and “especially.” Perry is African American.	

Jurisdiction	Case name	Rule language	Bias/discrimination category	Summary	Other charges
		discriminating in the practice of law on the basis of age, race, creed, color, national origin, sex, disability, marital status, or sexual orientation)		Discipline = censured.	
Washington	In re Disciplinary Proceeding Against Jones, 2013 Wash. LEXIS 932 (Wash. Nov. 13, 2013)	(g) commit a discriminatory act prohibited by state law on the basis of sex, race, age, creed, religion, color, national origin, disability, sexual orientation, or marital status, where the act of discrimination is committed in connection with the lawyer's professional activities. In addition, it is professional misconduct to commit a discriminatory act on the basis of sexual orientation if such an act would violate this rule when committed	Sexual Harassment	<p>Jones sexually harassed women working in his law firm.</p> <p>Stipulates to violations of (g), (i), and (b)</p> <p>Convicted of assault with sexual motivation.</p> <p>Jones stipulated to disbarment.</p>	<p>8.4 (b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects;</p> <p>(i) commit any act involving moral turpitude, or corruption, or any unjustified act of assault or other act which reflects disregard for the rule of law, whether the same be committed in the course of his</p>

Jurisdiction	Case name	Rule language	Bias/discrimination category	Summary	Other charges
		on the basis of sex, race, age, creed, religion, color, national origin, disability, or marital status. This Rule shall not limit the ability of a lawyer to accept, decline, or withdraw from the representation of a client in accordance with Rule 1.16;			or her conduct as a lawyer, or otherwise, and whether the same constitutes a felony or misdemeanor or not; and if the act constitutes a felony or misdemeanor, conviction thereof in a criminal proceeding shall not be a condition precedent to disciplinary action, nor shall acquittal or dismissal thereof preclude the commencement of a disciplinary proceeding;
Washington	In re Disciplinary Proceeding Against McGrath, 174	Rule 8.4(h) (h) in representing a client, engage in conduct that is	National origin	McGrath represented wife and her business in dispute with employee who was Canadian.	3.5 (impartiality and decorum of tribunal)

Jurisdiction	Case name	Rule language	Bias/discrimination category	Summary	Other charges
	Wn.2d 813, 280 P.3d 1091 (2012)	prejudicial to the administration of justice toward judges, other parties and/or their counsel, witnesses and/or their counsel, jurors, or court personnel or officers, that a reasonable person would interpret as manifesting prejudice or bias on the basis of sex, race, age, creed, religion, color, national origin, disability, sexual orientation, or marital status. This Rule does not restrict a lawyer from representing a client by advancing material factual or legal issues or arguments.		<p>McGrath sent two ex parte communications to the trial judge asking questions like: are you going to believe an alien or a U.S. citizen? And telling the judge that the Canadian needed to return to Canada.</p> <p>Multiple discovery violations also at issue.</p> <p>Discipline = 18 month suspension.</p> <p>Respondent was subsequently disbarred following an unrelated series of violations.</p>	
Wisconsin	In re Isaacson 860 N.W.2d 490 (Wisc. 2015)	It is professional misconduct to: harass a person on the basis of sex, race, age, creed, religion, color,	Harass based on race, creed, religion	Discipline for actions as an officer of a corporation or managing member of the corporate entity.	Wisconsin rules 8.2(a)(statement known to be false); 8.4(g) (violate the attorney's oath).

Jurisdiction	Case name	Rule language	Bias/discrimination category	Summary	Other charges
		<p>national origin, disability, sexual preference or marital status in connection with the lawyer's professional activities. Legitimate advocacy respecting the foregoing factors does not violate par. (i).</p>		<p>In sworn statements, lawyer called city a “Neo–Nazi territory where it is believed people of other races and religions have no right to life,” and referred to the “underlying White Supremacist feelings and beliefs and Jim Crow mentality held by many persons in” city, She declared that the “[d]efendant’s experience of ‘justice’ in Shawano is comparable to the ‘justice’ Jews experienced under Hitler’s regime.”</p> <p>In a bankruptcy document, lawyer wrote “[the Shawano Mayor] is involved in sending her cultic missionaries to other lands to destroy the family values, heritages, and cultures that have preserved peoples of other civilizations for thousands of years” and declared that the mayor “is a member of the most dangerous, dirtiest, and</p>	<p>Minnesota rules 3.1; (basis in law or fact); 4.4(a) (no reason other than harassment) 8.2(a); (statement known to be false) 8.4(d)(prejudicial to the administration of justice); and 8.4(g)(harass on basis of . . .)</p>

Jurisdiction	Case name	Rule language	Bias/discrimination category	Summary	Other charges
				<p>deadliest death cult in human history and is a descendent of Martin Luther and Hitler who started and propagated the Lutheran cult.” Attorney Isaacson also referred to the bankruptcy trustee as “a visceral racist,” an “ignoramus,” and “a member of this most dangerous, dirtiest, and deadliest death cult in human history as well.”</p> <p>Isaacson made reference to trustees, variously, as a “dirty Catholic inquisitor,” a “Jesuitess,” and a “priest’s boy,” and referred to various judges as a “black-robed bigot,” a “Jesuit judge,” and a “Catholic Knight Witch Hunter.” She stated that court systems, “particularly the Bankruptcy Court in Minnesota, are composed of a bunch of ignoramus, bigoted Catholic beasts that carry the sword of the</p>	

Jurisdiction	Case name	Rule language	Bias/discrimination category	Summary	Other charges
				<p>church.”</p> <p>Suspended for one year.</p>	
Wisconsin	In re Disciplinary Proceedings against Kratz, 851 N.W.2d 219 (Wisc. 2014)	Rule 8.4 It is professional misconduct for a lawyer to: (i) harass a person on the basis of sex, race, age, creed, religion, color, national origin, disability, sexual preference or marital status in connection with the lawyer's professional activities. Legitimate advocacy respecting the foregoing factors does not violate par. (i).	Sexual harassment	<p>Respondent, while district attorney, texted victim of domestic abuse writing that he wished the victim was not a client because she was “a cool person to know.”</p> <p>On one day, Respondent sent 19 text messages asking whether the victim was the “kind of girl who likes secret contact with an older married elected DA . . . the riskier the better.”</p> <p>One day later sent victim 8 text messages telling the victim that she was pretty and beautiful and that he had a \$350,000 home.</p> <p>Victim reported she felt that if she did not respond, the respondent would not</p>	Rule 1.7 conflict of interest Rule 8.4(g) lawyer oath

Jurisdiction	Case name	Rule language	Bias/discrimination category	Summary	Other charges
				<p>prosecute the domestic violence complaint.</p> <p>Victim reported the respondent to the local police.</p> <p>In a second matter, respondent told a nervous social worker who was a witness in a proceeding not to worry about that he would not “cum in your mouth.” He also told the same social worker that he was looking forward to a Las Vegas trip where big boobed women serve drinks.</p> <p>In a third matter, respondent told a different social worker that the court reporter had big beautiful breasts.</p> <p>Respondent resigned from office.</p> <p>Discipline imposed: four month suspension and costs.</p>	

Jurisdiction	Case name	Rule language	Bias/discrimination category	Summary	Other charges
Wisconsin	In re Dudley, 2013-OLR-5 (Jan. 31, 2013)	Rule 8.4 It is professional misconduct for a lawyer to: (i) harass a person on the basis of sex, race, age, creed, religion, color, national origin, disability, sexual preference or marital status in connection with the lawyer's professional activities. Legitimate advocacy respecting the foregoing factors does not violate par. (i).	Sexual harassment	Respondent public defender representing woman in termination of parental rights case begins texting client inviting sexual contact. Offers to take care of her lovely body, rub her feet, offers to be client's servant and little man. Discipline imposed: public reprimand	Rule 1.7(a) Rule 1.16 Rule 8.4(f) (violate a supreme court decision) Rule 8.4(g) (violate the lawyer oath)
9 th Cir.	U.S. v. Wunsch (1995) <i>United States v. Wunsch</i> , 84 F.3d 1110 (9th Cir. 1996)	Local Rule 2.5.2 "Other Standards. No attorney shall engage in any conduct which degrades or impugns the integrity of the Court or in any manner interferes with the administration of		Asst. U.S. Attorney Elana Artson brought successful motion to DQ defense counsel Swan based on conflict. Later Swan wrote Artson MALE LAWYERS PLAY BY THE RULES, DISCOVER TRUTH	

Jurisdiction	Case name	Rule language	Bias/discrimination category	Summary	Other charges
		<p>justice therein.”</p> <p>California ; section 6068(f) of California's Business and Professions Code It is the duty of an attorney ... [t]o abstain from all offensive personality[.]”</p>		<p>AND RESTORE ORDER. FEMALE LAWYERS ARE OUTSIDE THE LAW, CLOUD TRUTH AND DESTROY ORDER.</p> <p>Swan sanctioned in lower court. He appeals the sanction and wins a rehearing.</p> <p>The Ninth Circuit holds no violation of 2.5.2 because the integrity of the court is not questioned and letter was “a single incident involving an isolated expression of a privately communicated bias with no facts that would show how that communication adversely affected the administration of justice, either in this or in any other case.”</p> <p>The court reversed the district court's judgment imposing sanctions against appellant under rules 2.5.1</p>	

Jurisdiction	Case name	Rule language	Bias/discrimination category	Summary	Other charges
				<p>and 2.5.2, holding that appellant did not impugn the integrity of the court, as the letter did not refer to any court or judge, and his criticism was directed at the prosecutor, not the court. Moreover, the court held that appellant's conduct did not interfere with the administration of justice because there was no showing that appellant's letter adversely affected the administration of justice within the meaning of rule 2.5.2.</p> <p>Ninth Circuit holds California provision void for vagueness.</p>	

APPENDIX B

(As of 01-23-2017)

Jurisdictions With Some Version of a Rule Addressing Issues Covered in Current ABA Model Rule 8.4(g)

1	CA	Y	Rule 2-40	<p>(A) For purposes of this rule:</p> <p>(1) "law practice" includes sole practices, law partnerships, law corporations, corporate and governmental legal departments, and other entities which employ members to practice law;</p> <p>(2) "knowingly permit" means a failure to advocate corrective action where the member knows of a discriminatory policy or practice which results in the unlawful discrimination prohibited in paragraph (B); and</p> <p>(3) "unlawfully" and "unlawful" shall be determined by reference to applicable state or federal statutes or decisions making unlawful discrimination in employment and in offering goods and services to the public.</p> <p>(B) In the management or operation of a law practice, a member shall not unlawfully discriminate or knowingly permit unlawful discrimination on the basis of racial national origin, sex, sexual orientation, religion, age or disability in:</p> <p>(1) hiring, promoting, discharging, or otherwise determining the conditions of employment of any person; or</p> <p>(2) accepting or terminating representation of any client.</p> <p>(C) No disciplinary investigation or proceeding may be initiated by the State Bar against a member under this rule unless and until a tribunal of competent jurisdiction, other than a disciplinary tribunal, shall have first adjudicated a complaint of alleged discrimination and found that unlawful conduct occurred. Upon such adjudication, the tribunal finding or verdict shall then be admissible evidence of the occurrence or non-occurrence of the alleged discrimination in any disciplinary proceeding initiated under this rule. In order for discipline to be imposed under this rule, however, the finding of unlawfulness must be upheld and if after appeal, the time for filing an appeal must have expired, or the appeal must have been dismissed.</p>
2	CO	Y		<p>It is professional misconduct for a lawyer to:</p> <p>(a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;</p> <p>(b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects;</p> <p>(c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation;</p> <p>(d) engage in conduct that is prejudicial to the administration of justice;</p> <p>(e) state or imply an ability to influence improperly a government agency or official or to achieve results by means that violate the Rules of Professional Conduct or other law;</p> <p>(f) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law;</p> <p>(g) engage in conduct, in the representation of a client, that exhibits or is intended to appeal to or engender bias against a person on account of that person's race, gender, religion, national origin, disability, age, sexual orientation, or socioeconomic status, whether that conduct is directed to other counsel, court personnel, witnesses, parties, judges, judicial officers, or any persons involved in the legal process; or</p> <p>(h) engage in any conduct that directly, intentionally, and wrongfully harms others and that adversely reflects on a lawyer's fitness to practice law.</p>

3	DC	Y		<p>It is professional misconduct for a lawyer to:</p> <ul style="list-style-type: none"> (a) Violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another; (b) Commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects; (c) Engage in conduct involving dishonesty, fraud, deceit, or misrepresentation; (d) Engage in conduct that seriously interferes with the administration of justice; (e) State or imply an ability to influence improperly a government agency or official; (f) Knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law; or (g) Seek or threaten to seek criminal charges or disciplinary charges solely to obtain an advantage in a civil matter.
	DC	Y	Rule 9.1	<p>A lawyer shall not discriminate against any individual in conditions of employment because of the individual's race, color, religion, national origin, sex, age, marital status, sexual orientation, family responsibility, or physical handicap.</p>

4	FL	Y	<p>A lawyer shall not:</p> <p>(a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;</p> <p>(b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects;</p> <p>(c) engage in conduct involving dishonesty, fraud, deceit, or misrepresentation, except that it shall not be professional misconduct for a lawyer for a criminal law enforcement agency or regulatory agency to advise others about or to supervise another in an undercover investigation, unless prohibited by law or rule, and it shall not be professional misconduct for a lawyer employed in a capacity other than as a lawyer by a criminal law enforcement agency or regulatory agency to participate in an undercover investigation, unless prohibited by law or rule;</p> <p>(d) engage in conduct in connection with the practice of law that is prejudicial to the administration of justice, including to knowingly, or through callous indifference, disparage, humiliate, or discriminate against litigants, jurors, witnesses, court personnel, or other lawyers on any basis, including, but not limited to, on account of race, ethnicity, gender, religion, national origin, disability, marital status, sexual orientation, age, socioeconomic status, employment, or physical characteristic;</p> <p>(e) state or imply an ability to influence improperly a government agency or official or to achieve results by means that violate the Rules of Professional Conduct or other law;</p> <p>(f) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law;</p> <p>(g) fail to respond, in writing, to any official inquiry by bar counsel or a disciplinary agency, as defined elsewhere in these rules, when bar counsel or the agency is conducting an investigation into the lawyer's conduct. A written response shall be made:</p> <ol style="list-style-type: none"> (1) within 15 days of the date of the initial written investigative inquiry by bar counsel, grievance committee, or board of governors; (2) within 10 days of the date of any follow-up written investigative inquiries by bar counsel, grievance committee, or board of governors; (3) within the time stated in any subpoena issued under these Rules Regulating The Florida Bar (without additional time allowed for mailing); (4) as provided in the Florida Rules of Civil Procedure or order of the referee in matters assigned to a referee; and (5) as provided in the Florida Rules of Appellate Procedure or order of the Supreme Court of Florida for matters pending action by that court. <p>Except as stated otherwise herein or in the applicable rules, all times for response shall be calculated as provided elsewhere in these Rules Regulating The Florida Bar and may be extended or shortened by bar counsel or the disciplinary agency making the official inquiry upon good cause shown. Failure to respond to an official inquiry with no good cause shown may be a matter of contempt and processed in accordance with rule 3-7.11(f) of these Rules Regulating The Florida Bar.</p> <p>(h) willfully refuse, as determined by a court of competent jurisdiction, to timely pay a child support obligation; or</p> <p>(i) engage in sexual conduct with a client or a representative of a client that exploits or adversely affects the interests of the client or the lawyer-client relationship.</p>
	FL	Y	<p>If the sexual conduct commenced after the lawyer-client relationship was formed it shall be presumed that the sexual conduct exploits or adversely affects the interests of the client or the lawyer-client relationship. A lawyer may rebut this presumption by proving by a preponderance of the evidence that the sexual conduct did not exploit or adversely affect the interests of the client or the lawyer-client relationship.</p> <p>The prohibition and presumption stated in this rule do not apply to a lawyer in the same firm as another lawyer representing the client if the lawyer involved in the sexual conduct does not personally provide legal services to the client and is screened from access to the file concerning the legal representation.</p>

5	IA	Y	<p>It is professional misconduct for a lawyer to:</p> <p>(a) violate or attempt to violate the Iowa Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;</p> <p>(b) commit a criminal act that reflects adversely on the lawyer’s honesty, trustworthiness, or fitness as a lawyer in other respects;</p> <p>(c) engage in conduct involving dishonesty, fraud, deceit, or misrepresentation;</p> <p>(d) engage in conduct that is prejudicial to the administration of justice;</p> <p>(e) state or imply an ability to influence improperly a government agency or official or to achieve results by means that violate the Iowa Rules of Professional Conduct or other law;</p> <p>(f) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law; or</p> <p>(g) engage in sexual harassment or other unlawful discrimination in the practice of law or knowingly permit staff or agents subject to the lawyer’s direction and control to do so.</p>
6	IN	Y	<p>It is professional misconduct for a lawyer to:</p> <p>(a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;</p> <p>(b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects;</p> <p>(c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation;</p> <p>(d) engage in conduct that is prejudicial to the administration of justice;</p> <p>(e) state or imply an ability to influence improperly a government agency or official or to achieve results by means that violate the Rules of Professional Conduct other law;</p> <p>(f) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law; or</p> <p>(g) engage in conduct, in a professional capacity, manifesting, by words or conduct, bias or prejudice based upon race, gender, religion, national origin, disability sexual orientation, age, socioeconomic status, or similar factors. Legitimate advocacy respecting the foregoing factors does not violate this subsection. A trial judge's finding that preemptory challenges were exercised on a discriminatory basis does not alone establish a violation of this Rule.</p>
7	MA	Y	<p>It is professional misconduct for a lawyer to:</p> <p>(a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;</p> <p>(b) commit a criminal act that reflects adversely on the lawyer’s honesty, trustworthiness or fitness as a lawyer in other respects;</p> <p>(c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation;</p> <p>(d) engage in conduct that is prejudicial to the administration of justice;</p> <p>(e) state or imply an ability (1) to influence improperly a government agency or official or (2) to achieve results by means that violate the Rules of Professional Conduct or other law;</p> <p>(f) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law;</p> <p>(g) fail without good cause to cooperate with the Bar Counsel or the Board of Bar Overseers as provided in S.J.C. Rule 4:01, § 3 ; or</p> <p>(h) engage in any other conduct that adversely reflects on his or her fitness to practice law.</p>

8	MD	Y	<p>It is professional misconduct for an attorney to:</p> <p>(a) violate or attempt to violate the Maryland Attorneys' Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;</p> <p>(b) commit a criminal act that reflects adversely on the attorney's honesty, trustworthiness or fitness as an attorney in other respects;</p> <p>(c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation;</p> <p>(d) engage in conduct that is prejudicial to the administration of justice;</p> <p>(e) knowingly manifest by words or conduct when acting in a professional capacity bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status when such action is prejudicial to the administration of justice, provided, however, that legitimate advocacy is not a violation of this section;</p> <p>(f) state or imply an ability to influence improperly a government agency or official or to achieve results by means that violate the Maryland Attorneys' Rules of Professional Conduct or other law; or</p> <p>(g) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law.</p>
9	MN	Y	<p>It is professional misconduct for a lawyer to:</p> <p>(a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;</p> <p>(b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects;</p> <p>(c) engage in conduct involving dishonesty, fraud, deceit, or misrepresentation;</p> <p>(d) engage in conduct that is prejudicial to the administration of justice;</p> <p>(e) state or imply an ability to influence improperly a government agency or official or to achieve results by means that violate the Rules of Professional Conduct other law;</p> <p>(f) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law;</p> <p>(g) harass a person on the basis of sex, race, age, creed, religion, color, national origin, disability, sexual orientation, status with regard to public assistance, ethnicity, or marital status in connection with a lawyer's professional activities;</p> <p>(h) commit a discriminatory act prohibited by federal, state, or local statute or ordinance that reflects adversely on the lawyer's fitness as a lawyer. Whether a discriminatory act reflects adversely on a lawyer's fitness as a lawyer shall be determined after consideration of all the circumstances, including:</p> <ol style="list-style-type: none"> (1) the seriousness of the act, (2) whether the lawyer knew that the act was prohibited by statute or ordinance, (3) whether the act was part of a pattern of prohibited conduct, and (4) whether the act was committed in connection with the lawyer's professional activities; or <p>(i) refuse to honor a final and binding fee arbitration award after agreeing to arbitrate a fee dispute.</p>

10	MO	Y	<p>It is professional misconduct for a lawyer to:</p> <p>(a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;</p> <p>(b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects;</p> <p>(c) engage in conduct involving dishonesty, fraud, deceit, or misrepresentation. It shall not be professional misconduct for a lawyer for a criminal law enforcement agency, regulatory agency, or state attorney general to advise others about or to supervise another in an undercover investigation if the entity is authorized by law to conduct undercover investigations, and it shall not be professional misconduct for a lawyer employed in a capacity other than as a lawyer by a criminal law enforcement agency, regulatory agency, or state attorney general to participate in an undercover investigation, if the entity is authorized by law to conduct undercover investigations;</p> <p>(d) engage in conduct that is prejudicial to the administration of justice;</p> <p>(e) state or imply an ability to influence improperly a government agency or official or to achieve results by means that violate the Rules of Professional Conduct or other law;</p> <p>(f) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law; or</p> <p>(g) manifest by words or conduct, in representing a client, bias or prejudice based upon race, sex, religion, national origin, disability, age, or sexual orientation. This Rule 4-8.4(g) does not preclude legitimate advocacy when race, sex, religion, national origin, disability, age, sexual orientation, or other similar factors, are issue</p>
11	ND	Y	<p>It is professional misconduct for a lawyer to:</p> <p>(a) violate or attempt to violate these Rules, knowingly assist or induce another to do so, or do so through the acts of another;</p> <p>(b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects;</p> <p>(c) engage in conduct involving dishonesty, fraud, deceit, or misrepresentation that reflects adversely on the lawyer's fitness as a lawyer;</p> <p>(d) knowingly assist a judge or judicial officer in conduct that is a violation of applicable canons of judicial conduct or other law;</p> <p>(e) state or imply an ability to influence improperly a government agency or official or to achieve results by means that violate these Rules or other law;</p> <p>(f) engage in conduct that is prejudicial to the administration of justice, including to knowingly manifest through words or conduct in the course of representing a client, bias or prejudice based upon race, sex, religion, national origin, disability, age, or sexual orientation, against parties, witnesses, counsel, or others, except when those words or conduct are legitimate advocacy because race, sex, religion, national origin, disability, age, or sexual orientation is an issue in the proceeding;</p> <p>or</p> <p>(g) engage in other conduct that is enumerated in the North Dakota Century Code as a basis for revocation or suspension of a lawyer's certificate of admission.</p>

12	NE	Y	<p>It is professional misconduct for a lawyer to:</p> <p>(a) violate or attempt to violate the Rules of Professional Conduct knowingly assist or induce another to do so or do so through the acts of another;</p> <p>(b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects;</p> <p>(c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation;</p> <p>(d) engage in conduct that is prejudicial to the administration of justice. Once a lawyer is employed in a professional capacity, the lawyer shall not, in the course such employment, engage in adverse discriminatory treatment of litigants, witnesses, lawyers, judges, judicial officers or court personnel on the basis of the person's race, national origin, gender, religion, disability, age, sexual orientation or socio-economic status. This subsection does not preclude legitimate advocac when these factors are issues in a proceeding.</p> <p>(e) state or imply an ability to influence improperly a government agency or official or to achieve results by means that violate the Rules of Professional Conduct other law;</p> <p>(f) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law or</p> <p>(g) willfully refuse, as determined by a court of competent jurisdiction, to timely pay a support order, as such order is defined by Nebraska law.</p>
13	NJ	Y	<p>It is professional misconduct for a lawyer to:</p> <p>(a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;</p> <p>(b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects;</p> <p>(c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation;</p> <p>(d) engage in conduct that is prejudicial to the administration of justice;</p> <p>(e) state or imply an ability to influence improperly a government agency or official or to achieve results by means that violate the Rules of Professional Conduct other law;</p> <p>(f) knowingly assist a judge or judicial officer in conduct that is a violation of the Code of Judicial Conduct or other law;</p> <p>(g) engage, in a professional capacity, in conduct involving discrimination (except employment discrimination unless resulting in a final agency or judicial determination) because of race, color, religion, age, sex, sexual orientation, national origin, language, marital status, socioeconomic status, or handicap where the conduct is intended or likely to cause harm.</p>

14	NY	Y	<p>A lawyer or law firm shall not:</p> <p>(a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;</p> <p>(b) engage in illegal conduct that adversely reflects on the lawyer’s honesty, trustworthiness or fitness as a lawyer;</p> <p>(c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation;</p> <p>(d) engage in conduct that is prejudicial to the administration of justice;</p> <p>(e) state or imply an ability:</p> <p>(1) to influence improperly or upon irrelevant grounds any tribunal, legislative body or public official; or</p> <p>(2) to achieve results using means that violate these Rules or other law;</p> <p>(f) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law;</p> <p>(g) unlawfully discriminate in the practice of law, including in hiring, promoting or otherwise determining conditions of employment on the basis of age, race, creed, color, national origin, sex, disability, marital status or sexual orientation. Where there is a tribunal with jurisdiction to hear a complaint, if timely brought, other than a Departmental Disciplinary Committee, a complaint based on unlawful discrimination shall be brought before such tribunal in the first instance. A certified copy of a determination by such a tribunal, which has become final and enforceable and as to which the right to judicial or appellate review has been exhausted, finding that the lawyer has engaged in an unlawful discriminatory practice shall constitute prima facie evidence of professional misconduct in a disciplinary proceeding; or</p> <p>(h) engage in any other conduct that adversely reflects on the lawyer’s fitness as a lawyer.</p>
15	OH	Y	<p>It is professional misconduct for a lawyer to do any of the following:</p> <p>(a) violate or attempt to violate the Ohio Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;</p> <p>(b) commit an illegal act that reflects adversely on the lawyer’s honesty or trustworthiness;</p> <p>(c) engage in conduct involving dishonesty, fraud, deceit, or misrepresentation;</p> <p>(d) engage in conduct that is prejudicial to the administration of justice;</p> <p>(e) state or imply an ability to influence improperly a government agency or official or to achieve results by means that violate the Ohio Rules of Professional Conduct or other law;</p> <p>(f) knowingly assist a judge or judicial officer in conduct that is a violation of the Ohio Rules of Professional Conduct, the applicable rules of judicial conduct, or other law;</p> <p>(g) engage, in a professional capacity, in conduct involving discrimination prohibited by law because of race, color, religion, age, gender, sexual orientation, national origin, marital status, or disability;</p> <p>(h) engage in any other conduct that adversely reflects on the lawyer’s fitness to practice law.</p>

16	OR	Y	<p>(a) It is professional misconduct for a lawyer to:</p> <p>(1) violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;</p> <p>(2) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects;</p> <p>(3) engage in conduct involving dishonesty, fraud, deceit or misrepresentation that reflects adversely on the lawyer's fitness to practice law;</p> <p>(4) engage in conduct that is prejudicial to the administration of justice; or</p> <p>(5) state or imply an ability to influence improperly a government agency or official or to achieve results by means that violate these Rules or other law, or</p> <p>(6) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law.</p> <p>(7) in the course of representing a client, knowingly intimidate or harass a person because of that person's race, color, national origin, religion, age, sex, gender identity, gender expression, sexual orientation, marital status, or disability.</p> <p>(b) Notwithstanding paragraphs (a)(1), (3) and (4) and Rule 3.3(a)(1), it shall not be professional misconduct for a lawyer to advise clients or others about or to supervise lawful covert activity in the investigation of violations of civil or criminal law or constitutional rights, provided the lawyer's conduct is otherwise in compliance with these Rules of Professional Conduct.</p> <p>"Covert activity," as used in this rule, means an effort to obtain information on unlawful activity through the use of misrepresentations or other subterfuge.</p> <p>"Covert activity" may be commenced by a lawyer or involve a lawyer as an advisor or supervisor only when the lawyer in good faith believes there is a reasonable possibility that unlawful activity has taken place, is taking place or will take place in the foreseeable future.</p> <p>(c) Notwithstanding paragraph (a)(7), a lawyer shall not be prohibited from engaging in legitimate advocacy with respect to the bases set forth therein.</p>
17	RI	Y	<p>It is professional misconduct for a lawyer to:</p> <p>(a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;</p> <p>(b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects;</p> <p>(c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation;</p> <p>(d) engage in conduct that is prejudicial to the administration of justice, including but not limited to, harmful or discriminatory treatment of litigants, jurors, witnesses, lawyers, and others based on race, national origin, gender, religion, disability, age, sexual orientation or socioeconomic status;</p> <p>(e) state or imply an ability to influence improperly a government agency or official or to achieve results by means that violate the Rules of Professional Conduct or other law; or</p> <p>(f) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law.</p>

18	VT	Y	<p>It is professional misconduct for a lawyer to:</p> <p>(a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;</p> <p>(b) engage in a "serious crime," defined as illegal conduct involving any felony or involving any lesser crime a necessary element of which involves interference with the administration of justice, false swearing, intentional misrepresentation, fraud, deceit, bribery, extortion, misappropriation, theft, or an attempt or a conspiracy or solicitation of another to commit a "serious crime";</p> <p>(c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation;</p> <p>(d) engage in conduct that is prejudicial to the administration of justice;</p> <p>(e) state or imply an ability to influence improperly a government agency or official or to achieve results by means that violate the Rules of Professional Conduct or other law;</p> <p>(f) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law; or</p> <p>(g) discriminate against any individual because of his or her race, color, religion, ancestry, national origin, sex, sexual orientation, place of birth or age, or against a qualified handicapped individual, in hiring, promoting or otherwise determining the conditions of employment of that individual.</p>
19	WA	Y	<p>It is professional misconduct for a lawyer to:</p> <p>(a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;</p> <p>(b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects;</p> <p>(c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation;</p> <p>(d) engage in conduct that is prejudicial to the administration of justice;</p> <p>(e) state or imply an ability to influence improperly a government agency or official or to achieve results by means that violate the Rules of Professional Conduct or other law;</p> <p>(f) knowingly</p> <p>(1) assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law, or</p> <p>(2) assist or induce an LLLT in conduct that is a violation of the applicable rules of professional conduct or other law;</p> <p>(g) commit a discriminatory act prohibited by state law on the basis of sex, race, age, creed, religion, color, national origin, disability, sexual orientation, or marital status, where the act of discrimination is committed in connection with the lawyer's professional activities. In addition, it is professional misconduct to commit a discriminatory act on the basis of sexual orientation if such an act would violate this Rule when committed on the basis of sex, race, age, creed, religion, color, national origin, disability, or marital status. This Rule shall not limit the ability of a lawyer to accept, decline, or withdraw from the representation of a client in accordance with Rule 1.16;</p> <p>(h) in representing a client, engage in conduct that is prejudicial to the administration of justice toward judges, lawyers, or LLLTs, other parties, witnesses, jurors, court personnel or officers, that a reasonable person would interpret as manifesting prejudice or bias on the basis of sex, race, age, creed, religion, color, national origin, disability, sexual orientation, or marital status. This Rule does not restrict a lawyer from representing a client by advancing material factual or legal issues or arguments.</p>

	WA	Y	<p>(i) commit any act involving moral turpitude, or corruption, or any unjustified act of assault or other act which reflects disregard for the rule of law, whether the same be committed in the course of his or her conduct as a lawyer, or otherwise, and whether the same constitutes a felony or misdemeanor or not; and if the same constitutes a felony or misdemeanor, conviction thereof in a criminal proceeding shall not be a condition precedent to disciplinary action, nor shall acquittal or dismissal thereof preclude the commencement of a disciplinary proceeding;</p> <p>(j) willfully disobey or violate a court order directing him or her to do or cease doing an act which he or she ought in good faith to do or forbear;</p> <p>(k) violate his or her oath as an attorney;</p> <p>(l) violate a duty or sanction imposed by or under the Rules for Enforcement of Lawyer Conduct in connection with a disciplinary matter; including, but not limited to, the duties catalogued at ELC 1.5;</p> <p>(m) violate the Code of Judicial Conduct; or</p> <p>(n) engage in conduct demonstrating unfitness to practice law.</p>
20	WI	Y	<p>It is professional misconduct for a lawyer to:</p> <p>(a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;</p> <p>(b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects;</p> <p>(c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation;</p> <p>(d) state or imply an ability to influence improperly a government agency or official or to achieve results by means that violate the Rules of Professional Conduct or other law;</p> <p>(e) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law; or</p> <p>(f) violate a statute, supreme court rule, supreme court order or supreme court decision regulating the conduct of lawyers;</p> <p>(g) violate the attorney's oath;</p> <p>(h) fail to cooperate in the investigation of a grievance filed with the office of lawyer regulation as required by SCR 21.15(4), SCR 22.001(9)(b), SCR 22.03(2), SCR 22.03(6), or SCR 22.04(1); or</p> <p>(i) harass a person on the basis of sex, race, age, creed, religion, color, national origin, disability, sexual preference or marital status in connection with the lawyer's professional activities. Legitimate advocacy respecting the foregoing factors does not violate par. (i).</p>
Jurisdictions That Do Not Currently Have Rules Addressing Issues Covered in Current ABA Model Rule 8.4(g)			

1	AK		<p>It is professional misconduct for a lawyer to:</p> <p>(a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;</p> <p>(b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects;</p> <p>(c) engage in conduct involving dishonesty, fraud,deceit, or misrepresentation;</p> <p>(d) state or imply an ability either to influence a government agency or official or to achieve results by means that violate the Rules of Professional Conduct or other law; or</p> <p>(e) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law.</p>
1	AL		<p>It is professional misconduct for a lawyer to:</p> <p>(a) Violate or attempt to violate the Rules of Professional Conduct, knowinglyassist or induce another to do so, or do so through the acts of another;</p> <p>(b) Commit a criminal act that reflects adversely on the lawyer's honesty,trustworthiness or fitness as a lawyer in other respects;</p> <p>(c) Engage in conduct involving dishonesty, fraud, deceit or misrepresentation;</p> <p>(d) Engage in conduct that is prejudicial to the administration of justice;</p> <p>(e) State or imply an ability to influence improperly a government agency or official;</p> <p>(f) Knowingly assist a judge or judicial officer in conduct that is a violation of applicable Canons of Judicial Ethics or other law; or</p> <p>(g) Engage in any other conduct that adversely reflects on his fitness to practice law.</p>
2	AR		<p>It is professional misconduct for a lawyer to:</p> <p>(a) violate or attempt to violate the rules of professional conduct, knowingly assist or induce another to do so, or do so through the acts of another;</p> <p>(b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects;</p> <p>(c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation;</p> <p>(d) engage in conduct that is prejudicial to the administration of justice;</p> <p>(e) state or imply an ability to influence improperly a government agency or official; or to achieve results by means that violate the Rules of Professional Conduc or other law; or</p> <p>(f) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law.</p>

3	AZ		<p>It is professional misconduct for a lawyer to:</p> <ul style="list-style-type: none"> (a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another; (b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects; (c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation; (d) engage in conduct that is prejudicial to the administration of justice; (e) state or imply an ability to influence improperly a government agency or official or to achieve results by means that violate the Rules of Professional Conduct or other law; or (f) knowingly assist a judge or judicial officer in conduct that is a violation of applicable Code of Judicial Conduct or other law. (g) file a notice of change of judge under Rule 10.2, Arizona Rules of Criminal Procedure, for an improper purpose, such as obtaining a trial delay or other circumstances enumerated in Rule 10.2(b).
4	CT		<p>It is professional misconduct for a lawyer to:</p> <ul style="list-style-type: none"> (1) Violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another; (2) Commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects; (3) Engage in conduct involving dishonesty, fraud, deceit or misrepresentation; (4) Engage in conduct that is prejudicial to the administration of justice; (5) State or imply an ability to influence improperly a government agency or official or to achieve results by means that violate the Rules of Professional Conduct or other law; or (6) Knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law.
5	DE		<p>It is professional misconduct for a lawyer to:</p> <ul style="list-style-type: none"> (a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so or do so through the acts of another; (b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects; (c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation; (d) engage in conduct that is prejudicial to the administration of justice; (e) state or imply an ability to influence improperly a government agency or official or to achieve results by means that violate the Rules of Professional Conduct or other law; or (f) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law.

6	GA		<p>a. It shall be a violation of the Georgia Rules of Professional Conduct for a lawyer to:</p> <ol style="list-style-type: none"> 1. violate or knowingly attempt to violate the Georgia Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another; 2. be convicted of a felony; 3. be convicted of a misdemeanor involving moral turpitude where the underlying conduct relates to the lawyer's fitness to practice law; 4. engage in professional conduct involving dishonesty, fraud, deceit or misrepresentation; 5. fail to pay any final judgment or rule absolute rendered against such lawyer for money collected by him or her as a lawyer within ten days after the time appointed in the order or judgment; 6. i. state an ability to influence improperly a government agency or official by means that violate the Georgia Rules of Professional Conduct or other law; ii. state an ability to achieve results by means that violate the Georgia Rules of Professional Conduct or other law; iii. achieve results by means that violate the Georgia Rules of Professional Conduct or other law; 7. knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law; or 8. commit a criminal act that relates to the lawyer's fitness to practice law or reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer, where the lawyer has admitted in judicio, the commission of such act. <p>b. 1. For purposes of this Rule, conviction shall include any of the following accepted by a court, whether or not a sentence has been imposed:</p> <ol style="list-style-type: none"> i. a guilty plea; ii. a plea of nolo contendere; iii. a verdict of guilty; or iv. a verdict of guilty but mentally ill. <p>2. The record of a conviction or disposition in any jurisdiction based upon a guilty plea, a plea of nolo contendere, a verdict of guilty or a verdict of guilty but mentally ill, or upon the imposition of first offender probation shall be conclusive evidence of such conviction or disposition and shall be admissible in proceedings under these disciplinary rules.</p> <p>c. This Rule shall not be construed to cause any infringement of the existing inherent right of Georgia Superior Courts to suspend and disbar lawyers from practice based upon a conviction of a crime as specified in paragraphs (a) (1), (a) (2) and (a) (3) above.</p> <p>d. Rule 8.4 (a) (1) does not apply to any of the Georgia Rules of Professional Conduct for which there is no disciplinary penalty.</p> <p>The maximum penalty for a violation of Rule 8.4 (a) (1) is the maximum penalty for the specific Rule violated. The maximum penalty for a violation of Rule 8.4 (a) (2) through (c) is disbarment.</p>
7	HI		<p>It is professional misconduct for a lawyer to:</p> <ol style="list-style-type: none"> (a) attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another; (b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects; (c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation; (d) Reserved; (e) state or imply an ability to influence improperly a government agency or official; or (f) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law; or (g) fail to cooperate during the course of an ethics investigation or disciplinary proceeding.

8	ID			<p>It is professional misconduct for a lawyer to:</p> <ul style="list-style-type: none"> (a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another; (b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects; (c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation; (d) engage in conduct that is prejudicial to the administration of justice; (e) state or imply an ability to influence improperly a government agency or official or to achieve results by means that violate the Rules of Professional Conduct other law; or (f) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law.
9	IL			
10	KS			<p>It is professional misconduct for a lawyer to:</p> <ul style="list-style-type: none"> (a) Violate or attempt to violate the rules of professional conduct, knowingly assist or induce another to do so, or do so through the acts of another; (b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects; (c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation; (d) engage in conduct that is prejudicial to the administration of justice; (e) state or imply an ability to influence improperly a government agency or official; (f) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law; or (g) engage in any other conduct that adversely reflects on the lawyer's fitness to practice law.
11	KY			<p>It is professional misconduct for a lawyer to:</p> <ul style="list-style-type: none"> (a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another; (b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects; (c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation; (d) state or imply an ability to influence improperly a government agency or official or to achieve results by means that violate the Rules of Professional Conduct other law; or (e) knowingly assist a judge or judicial officer in conduct that is a violation of applicable Rules of Judicial Conduct or other law.

12	LA		<p>It is professional misconduct for a lawyer to:</p> <ul style="list-style-type: none"> (a) Violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another; (b) Commit a criminal act especially one that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects; (c) Engage in conduct involving dishonesty, fraud, deceit or misrepresentation; (d) Engage in conduct that is prejudicial to the administration of justice; (e) State or imply an ability to influence improperly a judge, judicial officer, governmental agency or official or to achieve results by means that violate the Rules Professional Conduct or other law; (f) Knowingly assist a judge or judicial officer in conduct that is a violation of applicable Rules of Judicial Conduct or other law; or (g) Threaten to present criminal or disciplinary charges solely to obtain an advantage in a civil matter.
13	ME		<p>It is professional misconduct for a lawyer to:</p> <ul style="list-style-type: none"> (a) violate or attempt to violate any provision of either the Maine Rules of Professional Conduct or the Maine Bar Rules, or knowingly assist or induce another to do so, or do so through the acts of another; (b) commit a criminal or unlawful act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects; (c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation; (d) engage in conduct that is prejudicial to the administration of justice; (e) state or imply an ability to influence improperly a government agency or official or to achieve results by means that violate the Maine Rules of Professional Conduct, the Maine Bar Rules or law; or (f) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or law.
14	MI		<p>It is professional misconduct for a lawyer to:</p> <ul style="list-style-type: none"> (a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another; (b) engage in conduct involving dishonesty, fraud, deceit, misrepresentation, or violation of the criminal law, where such conduct reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer; (c) engage in conduct that is prejudicial to the administration of justice; (d) state or imply an ability to influence improperly a government agency or official; or (e) knowingly assist a judge or judicial officer in conduct that is a violation of the Code of Judicial Conduct or other law.
15	MS		<p>It is professional misconduct for a lawyer to:</p> <ul style="list-style-type: none"> (a) violate or attempt to violate the rules of professional conduct, knowingly assist or induce another to do so, or do so through the acts of another; (b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects; (c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation; (d) engage in conduct that is prejudicial to the administration of justice; (e) state or imply an ability to influence improperly a government agency or official or to achieve results by means that violate the Rules of Professional Conduct other law; or (f) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law.

16	MT		<p>It is professional misconduct for a lawyer to:</p> <ul style="list-style-type: none"> (a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another; (b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects; (c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation; (d) engage in conduct that is prejudicial to the administration of justice; (e) state or imply an ability to influence improperly a government agency or official or to achieve results by means that violate the Rules of Professional Conduct other law; or (f) knowingly assist a judge or judicial officer in conduct that is a violation of applicable code of judicial conduct or other law.
17	NC		<p>It is professional misconduct for a lawyer to:</p> <ul style="list-style-type: none"> (a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another; (b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects; (c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation; (d) engage in conduct that is prejudicial to the administration of justice; (e) state or imply an ability to influence improperly a government agency or official; (f) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law; or (g) intentionally prejudice or damage his or her client during the course of the professional relationship, except as may be required by Rule 3.3.
18	NH		<p>It is professional misconduct for a lawyer to:</p> <ul style="list-style-type: none"> (a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another; (b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects; (c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation; (d) state or imply an ability to influence improperly a government agency or official; (e) state or imply an ability to achieve results by means that violate the Rules of Professional Conduct or other law; or (f) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law.
19	NM		<p>It is professional misconduct for a lawyer to:</p> <ul style="list-style-type: none"> A. violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so or do so through the acts of another; B. commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects; C. engage in conduct involving dishonesty, fraud, deceit or misrepresentation; D. engage in conduct that is prejudicial to the administration of justice; E. state or imply an ability to influence improperly a government agency or official or to achieve results by means that violate the Rules of Professional Conduct other law; or F. knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law.

20	NV			<p>It is professional misconduct for a lawyer to:</p> <ul style="list-style-type: none"> (a) Violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another; (b) Commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects; (c) Engage in conduct involving dishonesty, fraud, deceit or misrepresentation; (d) Engage in conduct that is prejudicial to the administration of justice; (e) State or imply an ability to influence improperly a government agency or official or to achieve results by means that violate the Rules of Professional Conduct other law; or (f) Knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law.
21	OK			<p>It is professional misconduct for a lawyer to:</p> <ul style="list-style-type: none"> (a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another; (b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects; (c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation; (d) engage in conduct that is prejudicial to the administration of justice; (e) state or imply an ability to influence improperly a government agency or official or to achieve results by means that violate the Rules of Professional Conduct other law; or (f) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law.
22	PA			<p>It is professional misconduct for a lawyer to:</p> <ul style="list-style-type: none"> (a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another; (b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects; (c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation; (d) engage in conduct that is prejudicial to the administration of justice; (e) state or imply an ability to influence improperly a government agency or official or to achieve results by means that violate the Rules of Professional Conduct other law; or (f) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law.
23	SC			<p>It is professional misconduct for a lawyer to:</p> <ul style="list-style-type: none"> (a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another; (b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects; (c) commit a criminal act involving moral turpitude; (d) engage in conduct involving dishonesty, fraud, deceit or misrepresentation; (e) engage in conduct that is prejudicial to the administration of justice; (f) state or imply an ability to influence improperly a government agency or official or to achieve results by means that violate the Rules of Professional Conduct other law; or (g) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law.

24	SD		<p>It is professional misconduct for a lawyer to:</p> <ul style="list-style-type: none"> (a) violate or attempt to violate the rules of professional conduct, knowingly assist or induce another to do so, or do so through the acts of another; (b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects; (c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation; (d) engage in conduct that is prejudicial to the administration of justice; (e) state or imply an ability to influence improperly a government agency or official or to achieve results by means that violate the Rules of Professional Conduct or other law; or (f) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law.
25	TN		<p>It is professional misconduct for a lawyer to:</p> <ul style="list-style-type: none"> (a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another; (b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects; (c) engage in conduct involving dishonesty, fraud, deceit, or misrepresentation; (d) engage in conduct that is prejudicial to the administration of justice; (e) state or imply an ability to influence a tribunal or a governmental agency or official on grounds unrelated to the merits of, or the procedures governing, the matter under consideration; (f) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law; or (g) knowingly fail to comply with a final court order entered in a proceeding in which the lawyer is a party, unless the lawyer is unable to comply with the order and is seeking in good faith to determine the validity, scope, meaning, or application of the law upon which the order is based.

26	TX		<p>(a) A lawyer shall not:</p> <p>(1) violate these rules, knowingly assist or induce another to do so, or do so through the acts of another, whether or not such violation occurred in the course of client-lawyer relationship;</p> <p>(2) commit a serious crime or commit any other criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects;</p> <p>(3) engage in conduct involving dishonesty, fraud, deceit or misrepresentation;</p> <p>(4) engage in conduct constituting obstruction of justice;</p> <p>(5) state or imply an ability to influence improperly a government agency or official;</p> <p>(6) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law;</p> <p>(7) violate any disciplinary or disability order or judgment;</p> <p>(8) fail to timely furnish to the Chief Disciplinary Counsel's office or a district grievance committee a response or other information as required by the Texas Rule of Disciplinary Procedure, unless he or she in good faith timely asserts a privilege or other legal ground for failure to do so;</p> <p>(9) engage in conduct that constitutes barratry as defined by the law of this state;</p> <p>(10) fail to comply with section 13.01 of the Texas Rules of Disciplinary Procedure relating to notification of an attorney's cessation of practice;</p> <p>(11) engage in the practice of law when the lawyer is on inactive status or when the lawyer's right to practice has been suspended or terminated, including but not limited to situations where a lawyer's right to practice has been administratively suspended for failure to timely pay required fees or assessments or for failure to comply with Article XII of the State Bar Rules relating to Mandatory Continuing Legal Education; or</p> <p>(12) violate any other laws of this state relating to the professional conduct of lawyers and to the practice of law.</p> <p>(b) As used in subsection (a)(2) of this Rule, serious crime means barratry; any felony involving moral turpitude; any misdemeanor involving theft, embezzlement or fraudulent or reckless misappropriation of money or other property; or any attempt, conspiracy, or solicitation of another to commit any of the foregoing crimes.</p>
27	USVI		
28	UT		<p>It is professional misconduct for a lawyer to:</p> <p>(a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;</p> <p>(b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects;</p> <p>(c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation;</p> <p>(d) engage in conduct that is prejudicial to the administration of justice;</p> <p>(e) state or imply an ability to influence improperly a government agency or official or to achieve results by means that violate the Rules of Professional Conduct or other law; or</p> <p>(f) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law.</p>

29	VA		<p>It is professional misconduct for a lawyer to:</p> <p>(a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;</p> <p>(b) commit a criminal or deliberately wrongful act that reflects adversely on the lawyer's honesty, trustworthiness or fitness to practice law;</p> <p>(c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation which reflects adversely on the lawyer's fitness to practice law;</p> <p>(d) state or imply an ability to influence improperly or upon irrelevant grounds any tribunal, legislative body, or public official; or</p> <p>(e) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law.</p>
30	WV		<p>It is professional misconduct for a lawyer to:</p> <p>(a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;</p> <p>(b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects;</p> <p>(c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation;</p> <p>(d) engage in conduct that is prejudicial to the administration of justice;</p> <p>(e) state or imply an ability to influence improperly a government agency or official or to achieve results by means that violate the Rules of Professional Conduct other law; or</p> <p>(f) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law.</p>
31	WY		<p>It is professional misconduct for a lawyer to:</p> <p>(a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;</p> <p>(b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects;</p> <p>(c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation;</p> <p>(d) engage in conduct that is prejudicial to the administration of justice;</p> <p>(e) state or imply an ability to influence improperly a government agency or official or to achieve results by means that violate the Rules of Professional Conduct other law;</p> <p>(f) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law; or</p> <p>(g) knowingly employ or continue to employ or contract with any person in the practice of law who has been disbarred or is under suspension from the practice law by any jurisdiction, or is incapacitated status or on disability inactive status by any jurisdiction. The prohibition of this rule extends to the employment of or contracting for the services of such disbarred or suspended person in any position or capacity (including but not limited to as an employee, independent contractor, paralegal, secretary, investigator or consultant) which is directly or indirectly related to the practice of law as defined by Rule 7(b), Rules Governing t Wyoming State Bar and the Authorized Practice of Law, whether or not compensation is paid.</p>
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