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December 27, 2017

VIA HAND DELIVERY

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

RE: Comments to Proposed Amendment to Rule 8.4 of the Maine Rules of Professional Conduct

Dear Mr. Pollack:

On behalf of Preti Flaherty, please find enclosed our firm's comments to the proposed amendment to Rule 8.4 of the Maine Rules of Professional Conduct.

Thank you for your attention to this matter.

Sincerely,



Elizabeth A. Olivier
General Counsel

EAO/nc

Enclosure

cc: John M. Sullivan, Esq., Managing Partner

RECD ME SUPREME JUD CT
DEC 27 '17 PM3:32

**Preti Flaherty Comments on Proposed Amendment to Rule 8.4 of the
Maine Rules of Professional Conduct**

Preti Flaherty is taking this opportunity to comment on the proposed amendment to Rule 8.4 of the Maine Rules of Professional Conduct. We agree with the intent of the proposed rule change to make clear that harassment and discrimination by attorneys are not tolerated and can subject an attorney to discipline. However, we are concerned that because proposed Rule 8.4(g) addresses only “unlawful” harassment and discrimination, it will not capture all instances of discriminatory or harassing misconduct that reflect adversely on an attorney’s fitness to practice law.

ABA Model Rule 8.4(g) makes it professional misconduct for a lawyer to engage in conduct related to the practice of law that the lawyer knows or should know is harassing or discriminatory, without requiring a finding that such harassment or discrimination is “unlawful” under other legal standards. We believe that this Rule may better address legitimate concerns about discriminatory and harassing conduct in the legal profession, and urge the Court to consider its adoption.

Thank you for your attention to this important issue.

RECD ME SUPREME JUD CT
DEC 27 '17 PM 3:32