



Maine Rules of Professional Conduct and the Maine Bar Rules to Prohibit, and Require Continuing Education on, Harassment and Discrimination

1 message

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Maine Rules of Professional Conduct

1. Proposed Rule 8.4 (g) should read "...knows or reasonably should know..."
2. I agree with the revision up to "or gender identity." Without getting into the social and political reasons this subject is just now being pushed, despite affecting about less than 1% of the population (Flores, A.R., Herman, J.L., Gates, G.J., & Brown, T.N.T. (2016). **How Many Adults Identify as Transgender in the United States?** Los Angeles, CA: The Williams Institute.), adding gender identity may result in conflicting harassment claims. As an obvious example, if there are men's and women's bathrooms, and someone whose sex is male but identifies as female has to be allowed to use the women's bathroom under this new Rule, there could arguably be harassment or hostile work environment claims from women.

Maine Bar Rules

1. I disagree with adding gender identity under proposed Rule 5 (a) (1) (B) for the reason stated above.
2. I disagree with adding an additional CLE credit hour to deal with harassment or discriminatory conduct. First, there is a lot of repetition in the current hour dealing with professionalism. After a few years, many of the same subjects are discussed, which is why the Board of Overseers of the Bar is continuously trying to present the same material in different ways. Second, based on having to go through annual discrimination training every year at my current employer, the employees begin to tune out the presentations after a couple of years after hearing the same material.
3. I also disagree with the credit hours having to be "live". An attorney in Presque Isle should be able to view a synchronous or asynchronous presentation, without having to go to Augusta or another location to obtain CLE credit.
4. Therefore, I would suggest that the CLE requirement remain at 11 credit hours and that Rule 5 (a) (1) be revised to read "At least one credit hour shall be primarily concerned with professionalism, including harassment and discriminatory conduct..." Harassment and discrimination training would be more effective if it was one of the rotating subjects that the Board of Overseers covers, perhaps every 3 years or so. Harassment and discriminatory conduct should not include gender identity.

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Comments submitted individually, and not behalf of any organization