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December 21, 2017

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

Re: Comments on Proposed Amendment to the Maine Rules of Professional Conduct Regarding Harassment and Discrimination

Dear Matt:

The following are the Comments of Maine Equal Justice Partners in the proposed amendment to the Maine Rules of Professional Conduct regarding harassment and discrimination. Maine Equal Justice is a nonprofit legal aid provider, whose mission is to find solutions to poverty and improve the lives of people with low income in Maine. We work towards that end through legal representation in the state and federal courts and through other forms of advocacy. We appreciate the opportunity to comment on the proposed amendment.

The proposed amendment making “unlawful harassment or unlawful discrimination” a violation of the Maine Rules of Professional conduct is a positive step. However, it does not go far enough and is largely redundant of existing provisions in the current rule, such as subsection (b).

Having witnessed 40 years of change in the Maine bar, importantly its increasing diversification, especially in terms of the number of female attorneys, there is, nevertheless, the need to be clear about exactly what sort of conduct will not be tolerated.

The standards set out in Rule 2.3 of the Maine Code of Judicial Conduct and the American Bar Association’s Model Rule 8.4(g) are clearer statements of the type of conduct that is not and should not be tolerated. We urge the Court to incorporate those standards into the Maine Rules of Professional Conduct.

Respectfully Submitted,

/s/ Jack Comart

Jack Comart
Attorney at Law

