

SENATE RESOLUTION 32

By Kelsey

A RESOLUTION to express the opposition of the Senate to the Supreme Court's proposed amendment to Rule of Professional Conduct 8.4 relative to professional misconduct by attorneys.

WHEREAS, in an order filed February 13, 2013, the Tennessee Supreme Court proposed an amendment for public comment to Rule 8, Rules of Professional Conduct 8.4, of the Rules of the Tennessee Supreme Court adding a new subsection (h) making it professional misconduct for a lawyer to engage, in a professional capacity, in certain conduct; and

WHEREAS, the language of the proposed subsection (h) reads:

It is professional misconduct for a lawyer to:

(h) engage in conduct, in a professional capacity, manifesting bias or prejudice based on race, sex, religion, national origin, disability, age, sexual orientation, or socio-economic status. Legitimate advocacy respecting the foregoing factors does not violate this provision; and

WHEREAS, lawyers best advocate for clients when they do so free of any conscientious objections; and

WHEREAS, the lack of specificity in the proposed language may well have a chilling effect on the ability of an attorney to properly represent a client under certain circumstances; now, therefore,

BE IT RESOLVED BY THE SENATE OF THE ONE HUNDRED EIGHTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, that this body wishes to express to the Supreme Court its opposition to the proposed amendment to Rule 8, Rules of Professional Conduct 8.4, of the Rules of the Tennessee Supreme Court and to urge the Supreme Court to

reject the proposed amendment to Rule 8.4 of the Rules of Professional Conduct as being detrimental to lawyers, their clients, and the practice of law.

BE IT FURTHER RESOLVED, that an appropriate copy of this resolution be prepared for presentation to the Tennessee Supreme Court with this final clause omitted from such copy.