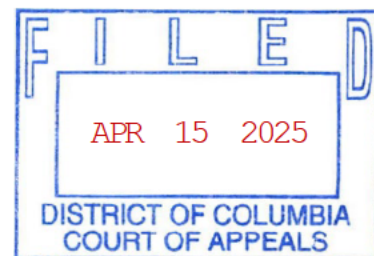


**District of Columbia
Court of Appeals**



M286-24

BEFORE: Blackburne-Rigsby, Chief Judge, and Beckwith, Easterly, McLeese, Deahl, Howard, and Shanker, Associate Judges.

NOTICE
(FILED – April 15, 2025)

In November 2024, the Court sent out for public comment a proposal from the D.C. Bar to add new Rule 8.4(h) to the D.C. Rules of Professional Conduct, which would make it impermissible for a lawyer to engage in conduct with respect to the practice of law that the lawyer knows or reasonably should know is harassment or discrimination.

The court received numerous comments reflecting a wide range of views. Commenters supporting the proposed amendment argued among other things that (1) harassment and discrimination remain serious problems in the legal profession; (2) the current Rules of Professional Conduct do not specifically address those problems, which at present can only be addressed under a general provision prohibiting conduct that “seriously interferes with administration of justice,” D.C. R. Prof. Conduct 8.4(d); and (3) it is particularly important that the practice of law be free from discrimination and harassment. Commenters opposing the proposed amendment argued among other things that (1) most jurisdictions have declined to adopt such a rule; (2) the proposed rule is vague and unduly broad and will chill protected speech; and (3) harassment and discrimination that seriously interfere with the administration of justice are already prohibited by D.C. R. Prof. Conduct 8.4(d).

The court does not doubt that impermissible harassment and discrimination remain significant problems in the legal profession. Although there presumably would be general agreement that certain kinds of conduct constitute impermissible harassment and discrimination, the overall scope of those concepts is quite uncertain. The court is concerned about the implications of introducing such uncertainty into the Rules of Professional Conduct. On balance, the court has determined not to take any action.

PER CURIAM