

Examples of Rule Language That May Be Applied to Sexual Harassment Cases

It is professional misconduct for a lawyer to:

“engage in sexual harassment or other unlawful discrimination **in the practice** of law or knowingly permit staff or agents subject to the lawyer's direction and control to do so” -- Iowa R. Prof. Cond. 32:8.4

“harass a person on the basis of sex...**in connection with a lawyer's professional activities**” – Minn. R. Prof. Cond. 8.4(g)

“commit a discriminatory act prohibited by state law on the basis of sex...where the act of discrimination is committed **in connection with the lawyer's professional activities**” – Wash. R. Prof. Cond. 8.4(g)

“engage in conduct **while acting as a lawyer in any context** that the lawyer knew or reasonably should have known is harassment or discrimination on the basis of ... sex... Statutory or regulatory exemptions, based on the number of personnel in a law firm, shall not relieve a lawyer of the requirement to comply with this Rule.” – *Proposed* N.H. R. Prof. Cond. 8.4(g)

“engage in conduct that the lawyer knows or reasonably should know is harassment or discrimination on the basis of ... sex ...**related to the practice of law**”

“[3] Discrimination and harassment by lawyers in violation of Paragraph G undermine confidence in the legal profession and the legal system. Such discrimination includes harmful verbal or physical conduct that manifests bias or prejudice towards others. Harassment includes sexual harassment and derogatory or demeaning verbal or physical conduct. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other unwelcome verbal or physical conduct of a sexual nature. The substantive law of antidiscrimination and anti-harassment statutes and case law may guide application of Paragraph G.”

“[4] Conduct **related to the practice of law** includes representing clients; interacting with witnesses, coworkers, court personnel, lawyers, and others

while engaged in the practice of law; operating or managing a law firm or law practice; and participating in bar association, business, or social activities in connection with the practice of law...”

– *Proposed* N.M.R.A., Rule 16-804

“(d) engage in conduct that is prejudicial to the administration of justice” or “(d) knowingly manifest by words or conduct **when acting in a professional capacity** bias or prejudice based upon ...sex... when such action is prejudicial to the administration of justice...”

“[3] Sexual misconduct or sexual harassment involving colleagues, clients, or co-workers may violate section (d) or (e) of this Rule. This could occur, for example, where coercion or undue influence is used to obtain sexual favor in exploitation of these relationships....”

- Md. R. Attorneys Rule 19-308.4