

**IN THE SUPREME COURT OF PENNSYLVANIA**

IN RE: : NO. 196  
: :  
AMENDMENT OF RULE 8.4 OF THE : DISCIPLINARY RULES  
PENNSYLVANIA RULES OF :  
PROFESSIONAL CONDUCT : DOCKET

**ORDER**

**PER CURIAM**

**AND NOW**, this 8<sup>th</sup> day of June, 2020, upon the recommendation of the Disciplinary Board of the Supreme Court of Pennsylvania; the proposal having been published for comment in the Pennsylvania Bulletin, 49 Pa.B. 4941 (August 31, 2019):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 8.4 of the Rules of Professional Conduct is amended in the attached form.

This Order shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective in six months.

Justice Mundy dissents.

Additions to the rules are in bold and are underlined.  
Deletions from the rules are shown in bold and brackets.

## PENNSYLVANIA RULES OF PROFESSIONAL CONDUCT

### Rule 8.4 Misconduct

It is professional misconduct for a lawyer to:

\* \* \*

(e) state or imply an ability to influence improperly a government agency or official or to achieve results by means that violate the Rules of Professional Conduct or other law; **[or]**

(f) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law~~[.]~~ ; **or**

**(g) in the practice of law, by words or conduct, knowingly manifest bias or prejudice, or engage in harassment or discrimination, as those terms are defined in applicable federal, state or local statutes or ordinances, including but not limited to bias, prejudice, harassment or discrimination based upon race, sex, gender identity or expression, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, or socioeconomic status. This paragraph does not limit the ability of a lawyer to accept, decline or withdraw from a representation in accordance with Rule 1.16. This paragraph does not preclude advice or advocacy consistent with these Rules.**

Comment:

\* \* \*

**[3] For the purposes of paragraph (g), conduct in the practice of law includes participation in activities that are required for a lawyer to practice law, including but not limited to continuing legal education seminars, bench bar conferences and bar association activities where legal education credits are offered.**

**[4] The substantive law of antidiscrimination and anti-harassment statutes and case law guide application of paragraph (g) and clarify the scope of the prohibited conduct.**

**[[3]] [5]** A lawyer may refuse to comply with an obligation imposed by law upon a good faith belief that no valid obligation exists. The provisions of Rule 1.2(d) concerning a good faith challenge to the validity, scope, meaning or application of the law apply to challenges of legal regulation of the practice of law.

**[[4]] [6]** Lawyers holding public office assume legal responsibilities going beyond those of other citizens. A lawyer's abuse of public office can suggest an inability to fulfill the professional role of lawyers. The same is true of abuse of positions of private trust such as trustee, executor, administrator, guardian, agent and officer, director or manager of a corporation or other organization.