



FIRST AMENDMENT LAWYERS ASSOCIATION

THE FIRST AMENDMENT LAWYERS ASSOCIATION (FALA) HAS RELEASED THE FOLLOWING STATEMENT UPON ITS NATIONAL SECRETARY'S VICTORY IN GREENBERG V. HAGGERTY

The First Amendment Lawyers Association applauds the successful First Amendment challenge by our National Secretary, Zachary Greenberg, and the Hamilton Lincoln Law Institution (www.hlli.org) to Rule 8.4(g) of the Pennsylvania Rules of Professional Conduct, resulting in a preliminary injunction issued on December 8, 2020, in *Greenberg v. Haggerty*, USDC, EDPa, Case No. 20-3822. The decision can be accessed at https://hlli.org/wp-content/uploads/2020/12/Greenberg.29.Opinion.pdf?fbclid=IwAR1TEByScpxLXZVDbthP6BLqd0NKO_baPxVT0CvIcx-r-2_hv602N5CPhU.

Pennsylvania Rule 8.4(g), which is based on a recently-promulgated ABA Model Rule, seeks to regulate the speech of lawyers by defining professional misconduct to include “words or conduct” by attorneys in any context that “knowingly manifest[s] bias or prejudice,” and prohibits “engag[ing] 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.” FALA has opposed the adoption of versions of the Model Rule in a number of States based primarily on its overbreadth and chilling effect. District Judge Kenney’s opinion, enjoining enforcement of the Rule in Pennsylvania on Federal constitutional grounds, is believed to be the first in the nation addressing the First Amendment issues raised by Rule 8.4(g) and will not only protect Pennsylvania practitioners, but all attorneys throughout the United States from unconstitutional infringement of their right of Free Speech.

Attorneys requesting assistance in opposing the adoption of Rule 8.4(g) in their States, or support in challenging its enforcement in those States in which it has been or is adopted, should contact Zachary Greenberg, Esq. at the Foundation for Individual Rights in Education (zach.greenberg@thefire.org).

FALA SUPPORTS FREE SPEECH FOR ALL. FALA is a non-profit, nationwide association of hundreds of attorneys devoted to protection of free expression under the First Amendment, who represent businesses and individuals engaged in constitutionally protected activities. Formed in the mid-1960s, FALA’s members practice throughout the United States, Canada, and elsewhere in defense of the First Amendment and free speech and, by doing so, advocate against all forms of governmental censorship. FALA is non-partisan, with members of all political persuasions.