

1 **Rule 8.4. Misconduct.**

2 It is professional misconduct for a lawyer to:

3 (a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist
4 or induce another to do so, or do so through the acts of another;

5 (b) commit a criminal act that reflects adversely on the lawyer's honesty,
6 trustworthiness or fitness as a lawyer in other respects;

7 (c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation;

8 (d) engage in conduct that is prejudicial to the administration of justice;

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

12 (f) knowingly assist a judge or judicial officer in conduct that is a violation of
13 applicable rules of judicial conduct or other law.

14 Comment

15 [1] Lawyers are subject to discipline when they violate or attempt to violate the Rules
16 of Professional Conduct or knowingly assist or induce another to do so through the acts
17 of another, as when they request or instruct an agent to do so on the lawyer's behalf.
18 Paragraph (a), however, does not prohibit a lawyer from advising a client concerning
19 action the client is legally entitled to take.

20 [\[1a\] A violation of paragraph \(a\) based solely on the lawyer's violation of another](#)
21 [Rule of Professional Conduct shall not be charged as a separate violation. However,](#)
22 [this rule defines professional misconduct as a violation of the Rules of Professional](#)
23 [Conduct as the term professional misconduct is used in the Supreme Court Rules of](#)
24 [Professional Practice, including the Standards for Imposing Lawyer Sanctions. In this](#)
25 [respect, if a lawyer violates any of the Rules of Professional Conduct, the appropriate](#)
26 [discipline may be imposed pursuant to Rule 14-605.](#)

27 [2] Many kinds of illegal conduct reflect adversely on fitness to practice law, such as
28 offenses involving fraud and the offense of willful failure to file an income tax return.
29 However, some kinds of offenses carry no such implication. Traditionally, the distinction
30 was drawn in terms of offenses involving "moral turpitude." That concept can be

31 construed to include offenses concerning some matters of personal morality, such as
32 adultery and comparable offenses, that have no specific connection to fitness for the
33 practice of law. Although a lawyer is personally answerable to the entire criminal law, a
34 lawyer should be professionally answerable only for offenses that indicate lack of those
35 characteristics relevant to law practice. Offenses involving violence, dishonesty, breach
36 of trust or serious interference with the administration of justice are in that category. A
37 pattern of repeated offenses, even ones of minor significance when considered
38 separately, can indicate indifference to legal obligation.

39 [3] A lawyer who, in the course of representing a client, knowingly manifests by
40 words or conduct bias or prejudice based upon race, sex, religion, national origin,
41 disability, age, sexual orientation or socioeconomic status, violates paragraph (d) when
42 such actions are prejudicial to the administration of justice. Legitimate advocacy
43 respecting the foregoing factors does not violate paragraph (d). A trial judge's finding
44 that peremptory challenges were exercised on a discriminatory basis does not alone
45 establish a violation of this rule.

46 [4] A lawyer may refuse to comply with an obligation imposed by law upon a good
47 faith belief that no valid obligation exists. The provisions of Rule 1.2(d) concerning a
48 good faith challenge to the validity, scope, meaning or application of the law apply to
49 challenges of legal regulation of the practice of law.

50 [5] Lawyers holding public office assume legal responsibilities going beyond those of
51 other citizens. A lawyer's abuse of public office can suggest an inability to fulfill the
52 professional role of lawyers. The same is true of abuse of positions of private trust such
53 as trustee, executor, administrator, guardian, agent and officer, director or manager of a
54 corporation or other organization.

55