

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 or induce another
4 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, trustworthiness or fitness as
6 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 to achieve
10 results by means that violate the Rules of Professional Conduct or other law; or

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

13 **Comment**

14 [1] Lawyers are subject to discipline when they violate or attempt to violate the Rules of Professional
15 Conduct or knowingly assist or induce another to do so through the acts of another, as when they request
16 or instruct an agent to do so on the lawyer's behalf. Paragraph (a), however, does not prohibit a lawyer
17 from advising a client concerning action the client is legally entitled to take.

18 ~~[1a] A violation of paragraph (a) based solely on the lawyer's violation of another Rule of Professional~~
19 ~~Conduct shall not be charged as a separate violation. However, this rule defines professional misconduct~~
20 ~~as a violation of the Rules of Professional Conduct as the term professional misconduct is used in the~~
21 ~~Supreme Court Rules of Professional Practice, including the Standards for Imposing Lawyer Sanctions. In~~
22 ~~this respect, if a lawyer violates any of the Rules of Professional Conduct, the appropriate discipline may~~
23 ~~be imposed pursuant to Rule 14-605. An act of professional misconduct under Rule 8.4(b), (c), (d), (e), (f),~~
24 ~~(g), or (h) cannot be counted as a separate violation of Rule 8.4(a) for the purpose of determining~~
25 ~~sanctions. Conduct that violates other Rules of Professional Conduct, however, may be a violation of~~
26 ~~Rule 8.4(a) for the purpose of determining sanctions.~~

27 [2] Many kinds of illegal conduct reflect adversely on fitness to practice law, such as offenses
28 involving fraud and the offense of willful failure to file an income tax return. However, some kinds of
29 offenses carry no such implication. Traditionally, the distinction was drawn in terms of offenses involving
30 "moral turpitude." That concept can be construed to include offenses concerning some matters of
31 personal morality, such as adultery and comparable offenses, that have no specific connection to fitness
32 for the practice of law. Although a lawyer is personally answerable to the entire criminal law, a lawyer
33 should be professionally answerable only for offenses that indicate lack of those characteristics relevant
34 to law practice. Offenses involving violence, dishonesty, breach of trust or serious interference with the
35 administration of justice are in that category. A pattern of repeated offenses, even ones of minor
36 significance when considered separately, can indicate indifference to legal obligation.

37 [3] A lawyer who, in the course of representing a client, knowingly manifests by words or conduct bias
38 or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation, or
39 socioeconomic status, violates paragraph (d) when such actions are prejudicial to the administration of
40 justice. Legitimate advocacy respecting the foregoing factors does not violate paragraph (d). A trial
41 judge's finding that peremptory challenges were exercised on a discriminatory basis does not alone
42 establish a violation of this rule.

43 [3a] The Standards of Professionalism and Civility approved by the Utah Supreme Court are intended
44 to improve the administration of justice. An egregious violation or a pattern of repeated violations of the
45 Standards of Professionalism and Civility may support a finding that the lawyer has violated paragraph
46 (d).

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

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