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September 28, 2015 Eaton Email to Wendy Patrick, Edward McIntyre, Gaglione Law Group, Patrick Kearns, Dennis Dawson & Sandra J. Morris, cc Kehr & Clopton:

I am a member of the State Bar Commission studying revisions to the Rules of Professional Conduct. I am writing to ask you to weigh in on what to do about subsection (C) of the below rule. At our meeting this past weekend, members of the Commission expressed broad agreement that this subsection makes this rule essentially dead letter or toothless and that it needs to be revised to reduce or eliminate this obstacle to enforcing the rule as a disciplinary standard.

Several members of the Commission support eliminating subsection (C) altogether. Other options include eliminating only the last sentence of that subsection or changing the standard so that discipline could be imposed only if a government agency or court found that there was probable cause to believe the prohibited conduct occurred, leaving it to State Bar prosecutors to prove discriminatory conduct had in fact occurred should disciplinary charges be brought. This rule will be brought back for a vote at the Commission's mid-November meeting. I would welcome any thoughts you may have on this issue. Please also feel free to forward this email to anyone else you think may have an interest in this issue.

You may either email those thoughts to me or send them to Robert Kehr, the lead of the subgroup on this Rule who is copied on this email, and Judge Karen Clopton this email, a fellow member of the Commission who has expressed strong interest in the revision of this rule. I am copying both of them on this email.

September 28, 2015 Kehr Email to Eaton, cc Difuntorum, Mohr & Lee:

Thank you for thinking of this. It will be interesting to see what response we get.

September 28, 2015 Eaton Email re Sandra Morris Comment to Drafting Team, cc Difuntorum & Mohr:

The below is from one of the Founding Mothers of the San Diego Lawyers Club. When I asked her whether I could identify her as such in forward this email, she replied: "Sure. No stranger to discrimination, but zealous about the rule of law."

> **From:** Morris, Sandra J.
> **Sent:** Monday, September 28, 2015 6:07 PM
> **To:** Eaton, Dan
> **Subject:** RE: Rule 2-400 Prohibited Discriminatory Conduct in a Law Practice
>
> My thoughts are that the State Bar's resources should not be used to duplicate proceedings by courts of competent jurisdiction regarding behavior that falls within the purview of such courts for adjudication of conduct that violates a statute. If a person believes that there has been discriminatory behavior in the management or operation of a law practice, there is no reason for them to bring a complaint for disciplinary action instead of a complaint for court action. If they fail in their State Bar complaint, do they then get to file a civil complaint and try another bite of the apple? Do two full adjudicatory proceedings go forward simultaneously in the courts and at the State Bar? Are the standards different between the State Bar and the civil courts? Frankly, if they are, that is a little scary.
>
> The ruling of a court of competent jurisdiction should be binding on the State Bar when final, and the Bar can then determine appropriate disciplinary action based on the findings and on

the circumstances that may be in mitigation, or not. I do think that a finding of discriminatory behavior by a court should be binding on the State Bar, not just admissible in evidence.

I do not see why Subsection C, or the last sentence of it, would be deleted. I would change the next to the last sentence to reflect that upon adjudication the finding or verdict shall be binding as to the occurrence or non-occurrence of the alleged discrimination.

I think there is a place for the State Bar to have a rule that discriminatory behavior may subject a member of the Bar to disciplinary action. Saying that civil remedies should be pursued does not mean that disciplinary action cannot be enforced when there has been an adjudication that the behavior occurred. Imposing disciplinary action before there has been an adjudication is offensive to me. Unless the State Bar is going to allow discovery and conduct a trial, including a jury trial, as completely as would be done in the court, I have grave concerns that a litigant might try to use in a civil trial for damages, a State Bar decision to impose disciplinary action that was conducted under lesser due process standards.

September 29, 2015 Eaton Email to Drafting Team re Dennis Dawson Comment, cc Clopton, Difuntorum & Mohr:

See below from the President of the Earl B. Gilliam Bar, San Diego's African-American lawyers' group of which I am a past president.

From: **Dennis Dawson**
Date: Tue, Sep 29, 2015 at 10:10 AM
Subject: Fwd: Rule 2-400 Prohibited Discriminatory Conduct in a Law Practice
To: Eaton, Dan

My view is that subsection (c) has an improper discriminatory effect on poor people, who may not have the access to the courts that others have. Even before the onerous adjudication and finding required in this subsection can occur, a complaint must be filed. That requirement marks where poor people, including African-Americans, who cannot afford legal counsel to file such complaints in court, will be severely disadvantaged in challenging the unlawful discrimination referred to in subsection (b). Thus I would support eliminating subsection (c).

I will also refer you on this to Stacie Patterson, as she has particular expertise in defense of attorney discipline matters, and she should be a great resource. Unfortunately, I cannot find an e-mail for her on her website or at the state bar attorney search vehicle. . . . Take care.

September 29, 2015 Kornberg Email to Eaton, cc Drafting Team, Clopton, Difuntorum & Mohr:

Thank you Dan. I think some enforcement mechanism short of a civil trial to final judgment would be helpful but I cannot think of a mechanism to accomplish this without denial of due process. I too will continue to ponder how we can put some teeth in (c) to discipline lawyers for violating this rule. Let me know if you have other ideas.

October 2, 2015 OCTC Email Inquiry to National Organization of Bar Counsel (NOBC):

Dear NOBC Members,

An inquiry from California:

Does your jurisdiction have a disciplinary rule prohibiting unlawful discrimination (e.g. discrimination by the lawyer or a law firm towards employees, staff, clients, opposing counsel, judges, and others)? If so, we would appreciate if you could identify and provide your rule to us. Also, if you have such a rule, does it or any case law in your jurisdiction, define what constitutes illegal discrimination for disciplinary purposes? Lastly, has your jurisdiction prosecuted attorneys for engaging in such illegal discrimination? If so, any examples of discrimination prosecutions by your office, including any relevant citations, would be greatly appreciated.

Please send any responses directly to: Senior Trial Counsel Allen Blumenthal via email at allen.blumenthal@calbar.ca.gov.

Thank you in advance for any information you can provide us.

Best regards,

Joseph R. Carlucci | Deputy Chief Trial Counsel

October 16, 2015 McCurdy Email to RRC2, Advisors, Liaisons & Staff:

Please read the article posted at the link below in connection with your consideration of Rule 2-400 [Prohibited Discriminatory Conduct in a Law Practice], which is scheduled to be considered further at the November meeting.

https://www.washingtonpost.com/posteverything/wp/2015/05/27/law-is-the-least-diverse-profession-in-the-nation-and-lawyers-arent-doing-enough-to-change-that/

October 25, 2015 Eaton Email to Drafting Team re Wendy Patrick Comment, cc Clopton, Difuntorum & Mohr:

The below is from former COPRAC Chair Wendy Patrick.

From: Wendy Patrick [mailto:jstcesq@live.com]
Sent: Saturday, October 24, 2015 6:25 AM
To: Eaton, Dan
Subject: Re: Rule 2-400 Prohibited Discriminatory Conduct in a Law Practice

Ok, I have taken some time to read and think about this. I have some thoughts related to consistency of the rules as a whole, balanced against the unique nature of this particular rule in addressing conduct that frequently forms the basis of civil litigation. Here are my thoughts:

Regarding consistency with the other rules of professional conduct, 2-400 subsection (C) imposes an obstacle that the other rules of professional conduct do not have—the requirement that a “tribunal of competent jurisdiction other than a disciplinary tribunal” have found that unlawful conduct occurred before the State Bar can take action. Eliminating (as opposed to revising) subsection (C) would make this rule consistent with all of the other professional rules, which do not require independent findings in order to impose discipline.

However, the Commission might find an important rationale that justifies requiring a higher bar be reached before allowing discriminatory conduct to be actionable under this rule. This rule is unique by virtue of the fact that it addresses conduct that frequently forms the basis of

civil lawsuits (discrimination) as an ethical violation, and some might feel it should therefore be treated differently as a rule of professional conduct—which would be a reason to justify *modifying* subsection (C) instead of eliminating it entirely. If there is insufficient rationale to treat this rule differently, eliminating subsection (C) would make sense for the sake of consistency with the other rules.

Wendy

Wendy L. Patrick, JD, PhD
San Diego Deputy District Attorney
Special Operations Division

October 26, 2015 COAF (Downing & Clopton) Memo to Hollins (for Commission):

The State Bar Council on Access & Fairness is charged with implementing the State Bar goals and strategies for increasing diversity in the legal profession and the elimination of bias in the practice of law. COAF continues to focus on Rule 2-400 of the Rules of Professional Conduct as it related to discrimination in the practice of law.

COAF recommends that existing Rule 2-400 be updated to reflect current employment protections under the Fair Employment and Housing Act (Gov. Code, § 12900 et seq.) (FEHA) and public accommodations protections under the Unruh Civil Rights Act (Unruh Act) (Civ. Code, § 51 et seq.). We have not cited to federal law, such as Title VII of the Civil Rights Act or the Americans with Disabilities Act, because protections under California law exceed that under federal law. In addition, minor word changes and grammatical edits are recommended.

In addition, COAF proposes a new section that would encourage diversity and inclusion in the legal profession consistent with the California Constitution (Cal. Const., art. I, §8), existing statutes regulating the legal profession (Bus. & Prof. Code, §§ 6067-6068) and Sate Bar Rules on minimum continuing education (Rules and Regs. of the State Bar, rule 2.272.). Please see the proposed edits, new language and authorities below. Feel free to contact us if you have questions or need additional information at mdowning@lacourt.org or at kvc@cpuc.ca.gov.

PROPOSED EDITS TO CURRENT RULE 2-400:

Rule 2-400 Prohibited Discriminatory Conduct in a Law Practice.

(A) For purposes of this rule:

(1) "law practice" includes sole practices, law partnerships, law corporations, corporate and governmental legal departments, and other entities which employ members to practice law; ,

(2) "knowingly permit" means a failure to advocate corrective action where the member knows or should have known of a discriminatory policy or practice and fails to take immediate and appropriate corrective action,[5] which results in the unlawful discrimination prohibited in paragraph (B); and

[5] Government Code section 12940, subdivision (j)(1) and (3).

(3) "unlawfully" and "unlawful" shall be determined by reference to applicable state and/or federal statutes or decisions making unlawful discrimination in employment and in offering goods and services to the public.

(B) In the management or operation of a law practice, a member shall not unlawfully discriminate or knowingly permit unlawful discrimination on the basis of race-, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, sexual orientation, religion, age, or disability or military and veteran status, whether actual or perceived, to harass an employee, an applicant, an unpaid intern or volunteer, or a person providing services pursuant to a contract[6] in:

(1) to refuse to hire or employ the person or to refuse to select the person for a training program leading to employment, or to bar or to discharge the person from employment or from a training program leading to employment, or to discriminate against the person in compensation or in terms, conditions, or privileges of employment[7] hiring, promoting, discharging, or otherwise determining the conditions of employment of any person; or

(2) to refuse to offer full and equal accommodations, advantages, facilities, privileges, or services to any client, including but not limited to, accepting or terminating representation of any client, This section shall not be construed to confer any right or privilege on a person that is conditioned or limited by law or that is applicable alike to persons of every enumerated basis described in section (B) above..[8] Nothing in this section shall be construed to require any construction, alteration, repair, structural or otherwise, or modification of any sort whatsoever, beyond that construction, alteration, repair, or modification that is otherwise required by other provisions of law, to any new or existing establishment, facility, building, improvement, or any other structure, nor shall anything in this section be construed to augment, restrict, or alter in any way the authority of the State Architect to require construction, alteration, repair, or modifications that the State Architect otherwise possesses pursuant to other laws.[9]

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[6] Government Code section 12940; California Code of Regulations, title 2, sections 11035, subdivision (q), 11036, 11039 and 11064.

[7] Government Code section 12940, subdivision (a); Civil Code section 51, subdivision (b).

[8] Civil Code section 51, subdivision (c).

[9] Civil Code section 51, subdivision (d).

~~(C) No disciplinary investigation or proceeding may be initiated by the State Bar against a member under this rule unless and until a tribunal of competent jurisdiction, other than a disciplinary tribunal, shall have first adjudicated a complaint of alleged discrimination and found that unlawful conduct occurred. Upon such adjudication, the tribunal finding or verdict shall then be admissible evidence of the occurrence or non-occurrence of the alleged discrimination in any disciplinary proceeding initiated under this rule. In order for discipline to be imposed under this rule, however, the finding of unlawfulness must be upheld and final after appeal, the time for filing an appeal must have expired, or the appeal must have been dismissed.~~

~~***Discussion:***~~

~~In order for discriminatory conduct to be actionable under this rule, it must first be found to be unlawful by an appropriate civil administrative or judicial tribunal under applicable state or federal law. Until there is a finding of civil unlawfulness, there is no basis for disciplinary action under this rule.~~

~~A complaint of misconduct based on this rule may be filed with the State Bar following a finding of unlawfulness in the first instance even though that finding is thereafter appealed.~~

~~A disciplinary investigation or proceeding for conduct coming within this rule may be initiated and maintained, however, if such conduct warrants discipline under California Business and Professions Code sections 6106 and 6068, the California Supreme Court's inherent authority to impose discipline, or other disciplinary standard. (Added by order of Supreme Court, effective March 1, 1994.)~~

PROPOSED NEW RULE OR ADDED LANGUAGE TO RULE 2-400:

Given COAF's charge to help eliminate bias in the practice of law, COAF also offers new additional language to educate members about their professional responsibility related to access, fairness and the elimination of bias as they impact the nature and quality of services provided by members of the legal profession to diverse members of the public.

The proposed new rule or added language is as follows:

Promote Diversity and Inclusion in the Legal Profession:

(c) Consistent with the attorney's oath of office to support the "Constitution of the State of California" and "faithfully to discharge the duties of any attorney at law to the best of his [or her] knowledge and ability,"[10] each member shall affirmatively support the goals of diversity and

[10] Business and Professions Code sections 6067-6068.

inclusion for the legal profession embodied in article I, section 8, of the California Constitution.[11] A diverse, inclusive and non-discriminatory legal profession can be created and maintained through a variety of programs, including community engagement, strategic partnerships, and education on access, fairness and the elimination of bias.[12]

October 31, 2015 Kehr Email to Drafting Team, cc Difuntorum, Mohr, A.Tuft, McCurdy & Lee:

Howard and Toby: I have attached for your review and comments a suggested redraft of our earlier recommendation to the Commission. Rather than attempting to revise the Report that was discussed at the September 2015 meeting, I've copied our recommended Rule and show my new proposal in clean and computer-marked versions, and with explanatory footnotes. We seem to have a deadline of 11/6 for getting this in, and my time next week will be extremely limited. The attachment of course expresses only my views so far. I look forward to hearing from you.

I prepared this draft after considering several things that Randy sent me. I will forward to you in a moment without copying the others as they already have them.

Attached:
RRC2 - [2-400][8.4.1] - Rule - REV (10-31-15).docx

November 1, 2015 Rothschild Email to Drafting Team, cc Difuntorum, Mohr, A. Tuft, McCurdy & Lee:

I reviewed the latest draft, and I basically agree with it. Great job in working through this quagmire. I have two small suggestions. First, I would move the reference to other categories of discrimination in (b) to after "veteran status". It is adding to the list of categories of discrimination, not the categories of workers. That is covered by Comment [3]. We might want to add a similar catch-all to Comment [3] to address other categories of covered persons. For example, a lawyer working on a fellowship is paid, not a volunteer, but is not an employee because she is paid by someone else, but they clearly are covered by the discrimination laws. They probably qualify as "a person providing services pursuant to a contract", but I'm not sure that is what was intended by that phrase.

November 2, 2015 Kehr Email to Drafting Team, cc Difuntorum, Mohr, A. Tuft, McCurdy & Lee:

I agree with Toby's first point, which corrects my oversight, but I don't see how to broaden Comment [3]. More significantly, on rereading paragraph (b) I came to think that COAF's insertions didn't quite track. It could be read as limiting that paragraph to harassment by making everything that preceded "to harass" as modifying those two words. I hope my edits work.

Attached:
RRC2 - [2-400][8.4.1] - Rule - DFT3.1 (11-02-15)RLK - Cf. to 10-31-15.docx

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[11] California Constitution, article I, section 8.

[12] Rules and Regulations of the State Bar, rule 2.72.

November 2, 2015 Kornberg Email to Drafting Team, cc Difuntorum, Mohr, A. Tuft, McCurdy & Lee:

After reviewing all of the drafts and subject to Toby's first correction, that Bob approves being inserted, I approve of Bob's final draft. I believe it is a better and a stronger statement of this Rule.

November 2, 2015 Rothschild Email to Drafting Team, cc Difuntorum, Mohr, A. Tuft, McCurdy & Lee:

I agree. I think this is a great improvement.

November 3, 2015 McCurdy Email to Drafting Team, cc Chair, Difuntorum, Mohr, Andresen, Marlaud & Lee:

The State Bar Court has submitted the attached comment on Rule 2-400 [8.4.1]. The State Bar Court comment letter will be added to the posted agenda materials on Friday, November 6th.

Please review this letter and submit any revised materials for posting with the agenda by Friday, Nov. 6th.

Attached:
RRC2 - [2-400][8.4.1] - 11-02-15 State Bar Court Comment on Rule.pdf

November 2, 2015 State Bar Court Memo to Chair & Commission:

The State Bar Court appreciates the opportunity to respond to the proposed revisions to rule 2-400 of the Rules of Professional Conduct, regarding prohibiting discriminatory conduct in a law practice. Specifically, the Court wishes to comment on the proposed revisions by the Committee on Access and Fairness.

The current proposal seeks to delete subsection (c) which provides that:

> "No disciplinary investigation or proceeding may be initiated by the State Bar against a member under this rule unless and until a tribunal of competent jurisdiction, other than a disciplinary tribunal, shall have first adjudicated a complaint of alleged discrimination and found that unlawful conduct occurred. Upon such adjudication, the tribunal finding or verdict shall then be admissible evidence of the occurrence or non-occurrence of the alleged discrimination in any disciplinary proceeding initiated under this rule. In order for discipline to be imposed under this rule, however, the finding of unlawfulness must be upheld and final after appeal, the time for filing an appeal must have expired, or the appeal must have been dismissed."

We believe that the deletion of subsection (c) could allow the initiation of discipline charges based on alleged discriminatory conduct to be filed in the State Bar Court in the first instance, thereby bypassing other government agencies that are specifically authorized to investigate and prosecute such conduct. While the State Bar Court makes no comment on the desirability or feasibility of such a possibility, the Court would like the Commission to consider the following:

<u>Limited Discovery in State Bar Court Proceedings</u>

Discovery in State Bar Court proceedings is generally limited and permitted only upon Court order. (Rules of Proc. of State Bar, rule 5.65) [No discovery subpoenas without prior Court order (Rule 5.61(A)); Depositions allowed only upon court order (Rule 5.61(C)); Additional discovery only upon motion and showing of good cause (Rule 5.66(A)].)

Burden of Proof in State Bar Court Proceedings

Unlike in civil proceedings, in a disciplinary proceeding, the State Bar must prove culpability by clear and convincing evidence. Clear and convincing evidence leaves no substantial doubt and is sufficiently strong to command the unhesitating assent of every reasonable mind. *(Conservatorship of Wendland* (2001) 26 Cal.4th 519, 552.)

Evidence Code Not Applicable in State Bar Court Proceedings

State Bar Court proceedings are not conducted according to the Evidence Code as applied in civil cases. Instead, any relevant evidence must be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of the evidence over objection in civil actions. (Rule
5.104(C).) In addition, hearsay evidence may be used for the purpose of supplementing or explaining other evidence. (Rule 5.104(D).)

No Jury Trials

In disciplinary proceedings, attorneys are not entitled to a jury trial. *(Johnson v. State Bar of Cal.* (1935) 4 Cal.2d 744, 758. Instead, all trials are conducted by a Hearing Department Judge. (Bus. & Prof. Code, § 6079.1(1).)

As described above, the unique nature of the State Bar Court and its own Rules of Procedure differ significantly from Superior Court civil proceedings. The State Bar Court respectfully requests that these differences be evaluated by the Commission when determining whether the proposed amendments to rule 2-400 should be adopted.

November 4, 2015 Difuntorum Email to Kehr, cc Drafting Team, Mohr, A. Tuft, McCurdy & Lee:

Here are two observations on the proposed revised rule 2-400 [8.4.1].

(1) In fnt. 6, there is an explanation for the rejection of COAF's recommendation to include language regarding equal facilities accommodations. The following hypo comes to mind:

Lawyer is a plaintiffs personal injury practitioner. Lawyer owns/rents a law office that includes a small parking lot that is not ADA compliant because it does not have the usual wheelchair van parking space. Assume it is a clear violation of applicable state and federal laws and that lawyer has received complaints over the years from people who have asserted this precise problem with the parking lot. Lawyer routinely accepts clients who require a wheelchair van to visit the law office and the only suitable parking for those clients is more than two blocks away. Should lawyer's conduct in knowingly accepting representation of such clients constitute a disciplinable violation if all of the other elements are met (including para. (c))? What if a client expressly asks lawyer to remedy the ADA violation and lawyer responds by terminating the

representation and referring the client to another firm that does have a parking facility that is compliant?

In part, I think COAF's goal is to alert lawyers to the importance of complying with this category of discrimination laws. See link below to an article about law firm compliance with ADA laws. In addition, one could argue that the current language of 2-400 is sufficiently broad to encompass equal facilities accommodations and that COAF's language is a clarification rather than a substantive change.

http://www.dfeh.ca.gov/res/docs/Publications/Articles/Pages%20from%20CRPJ%20Issue%203%202011%20(How%20to%20article).pdf

(2) In fnt. 7 regarding COAF's recommendation to delete paragraph (C), it is observed that an associate's concerns with seeking redress in the courts equally apply to a disciplinary complaint to the State Bar. Complaints to the State Bar generally are confidential unless and until the State Bar issues a notice of formal disciplinary charges to an attorney (B&P sec. 6086.1(b)). An associate who believes he/she is a victim of discrimination is placed in a position of having to weigh carefully the likelihood of success given the significant career risk at stake. A possible advantage of a disciplinary complaint over a remedy in the courts is that if OCTC ultimately determines to issue a notice of charges, the associate may feel this action is a factor weighing in favor of ultimate success. (Put another way, the associate may feel encouraged that an independent prosecutor believes the complaint has merit and is on their side, so to speak.) If OCTC never issues a notice of charges, then the associate can hope that the complaint will remain private. Even if a Bar investigator had contacted the alleged offender before closing the complaint, the associate might reasonably believe that the offender would have similar interests in not publicizing the allegations. This stands in contrast to a typical civil suit that ordinarily is a public proceeding from inception and creates an incentive for a law firm defendant to act promptly to protect the firm's reputational interests, all to the immediate detriment of the plaintiff.

That's all for now.

November 5, 2015 Kehr Email to Difuntorum, cc Drafting Team, Mohr, A. Tuft, McCurdy & Lee:

I think you're right on n.6 (except that I question whether the lessee of your parking lot would have ADA obligations unless required by the lease). On the other hand the likelihood of a lawyer having a parking lot that is not ADA compliant seems vanishingly small, and I always am concerned that adding words will interfere with understanding and defeat the informational purpose of the Rule. I have no strong feelings on this point.

On n. 7, you are saying that our hypothetical young associate would be hidden from scrutiny only if she made a baseless claim, but we should not make that assumption. As far as being encouraged when a Bar prosecutor deciding to act on the complaint, which I take to suggest that this might encourage the young associate to file a civil action, I have two problems. First, even if the civil complaint were good, the associate surely would believe that she is at a career dead end on that job. The problem with making the claim would continue. Second, OCTC has a two-step process. The investigation is only an inquiry, not a determination of merit by OCTC, and it might lead nowhere. We should not want the associate to file a civil action b/c of anything OCTC says, and I don't imagine it would want to be used for that purpose. If the associate wants to know whether her concerns have civil merit, she should consult with a lawyer who handles such things on a contingent fee basis and learn whether he wants to invest in her claim.

November 6, 2015 Difuntorum Email to Kehr, cc Drafting Team, Mohr, A. Tuft, McCurdy & Lee:

Actually, my thought on n. 7 contemplates a very gun shy associate who would not pursue a civil suit, at least not while a disciplinary proceeding was pending (thus avoiding a motion to abate). This associate might feel reluctant to challenge the firm even on a contingency fee basis due to disparities in social and economic power. As I indicated, in a disciplinary proceeding the associate might fee encouraged by having a State Bar prosecutor as their de facto advocate. With a prosecutor on the associate's side, so to speak, the associate might feel braver to face scrutiny. To an associate who has had to deal with discrimination all their life, this might feel significantly preferable to a perceived David v. Goliath civil suit scenario.

November 6, 2015 Kehr Email to Difuntorum, cc Drafting Team, Mohr, A. Tuft, McCurdy & Lee:

I won't be able to respond to this or any other Commission matter before the weekend.