



North Carolina Association of Women Attorneys

P.O. Box 32725, Charlotte, NC 28232 | PH: (704) 940-1707 | EMAIL: admin@ncawa.org

June 28, 2021

Dear Mr. Brian Oten and Members of the Ethics Committee:

On behalf of the North Carolina Association of Women Attorneys, I write to express our support for the proposed amendments to the Preamble and the Comment to Rule 1.1 of the Rules of Professional Conduct.

We are in favor of the addition of proposed Comment [9] to Rule 1.1 to recognize that the duty of competence “includes a lawyer’s awareness of implicit bias and cultural differences relative to a client or anyone involved in a client’s matter that might affect the lawyer’s representation of the client.” NCAWA agrees that awareness of implicit bias and cultural differences “ensure[s] understanding of the client’s needs, effective communication with the client and others, and adequate representation of the client.”

On February 2, 2021, NCAWA submitted a letter in support of the proposed amendments to the Preamble and Rule 8.4 to include a prohibition on discriminatory and harassing conduct. We now respectfully reiterate our support for the most recent proposed amendment to the Preamble, which the State Bar Council voted to publish for comment on April 16, 2021. For similar reasons, we also endorse the adoption of proposed Comment [9] to Rule 1.1, a crucial measure in furtherance of NCAWA’s mission of promoting the participation of women in the legal profession and advancing the rights and welfare of women under the law. Incorporating into the standard for competence an awareness of implicit bias and cultural differences would be a powerful step toward achieving NCAWA’s goals.

The idea that an attorney should not discriminate in his or her practice and should be aware of implicit bias and cultural differences relative to client representation is a modern-day truth that the profession must embrace. Cultural sensitivity instills public confidence in the legal profession and advances the administration of justice. We believe the proposed amendments are a good starting point in the fight for justice. We urge you to hold North Carolina Bar members, as representatives of the justice system, accountable for ensuring all persons they encounter in a professional capacity are treated equally.

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We appreciate your time and thank you for considering NCAWA's position on these proposed amendments.

Sincerely,

NORTH CAROLINA ASSOCIATION OF
WOMEN ATTORNEYS

A handwritten signature in black ink, appearing to read "Laura M. Loyek". The signature is fluid and cursive, written over a horizontal line.

Laura M. Loyek
President