

Memorandum in Support Comments on Proposed Amendment of Various Non-Discrimination Rules of the Unified Court System

NYSBA #23

January 31, 2018

The New York State Bar Association supports the rules changes proposed by the LGBTQ Commission of the New York Courts to bar discrimination on the basis of gender identity or gender expression. The changes would amend the Attorney Rules of Professional Conduct, Rules of Judicial Conduct, Unified Court System Code of Ethics for Nonjudicial Employees, and Rules of the Chief Judge, regarding Career Service and Equal Opportunity.

The current non-discrimination rules address discrimination based upon sexual orientation, but do not include gender identity or gender expression. As noted in the LGBTQ Commission of the New York Courts Memorandum in support of the proposed changes, the principal aim of the rule changes is to "aid in the public efforts to institutionalize the Judiciary's commitment to eradicating discrimination and bias against all persons regardless of their sexual orientation, gender identity, or gender expression." Specifically precluding discrimination based upon gender identity or gender expressions will help ensure that all persons who are or become involved in our legal system are treated with fairness and dignity.

The Association has long supported policy measures, like those proposed by these rules changes, that would prohibit discrimination. This includes our strong support for passage by the Legislature of the Gender Expression Nondiscrimination Act (GENDA).

Based on the foregoing, the Association strongly supports these rules amendments to ensure fairness for all.