

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995
4 By: Representative Thomas

H.C.R. 1023

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7 **HOUSE CONCURRENT RESOLUTION**

8 URGING THE ARKANSAS SUPREME COURT TO AMEND THE RULES OF
9 PROFESSIONAL CONDUCT FOR ATTORNEYS TO MAKE SEXUAL CONDUCT
10 BETWEEN THE ATTORNEY AND CLIENT AS ETHICAL MISCONDUCT AND
11 ASKING THE ARKANSAS BAR ASSOCIATION TO SUPPORT A CHANGE IN
12 THE RULES OF PROFESSIONAL CONDUCT.

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14 **Subtitle**

15 URGING THE ARKANSAS SUPREME COURT TO MAKE A RULE DEFINING
16 SEXUAL CONDUCT BETWEEN THE ATTORNEY AND CLIENT AS
17 UNETHICAL CONDUCT.

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19 WHEREAS, sexual relations or sexual contact between any individuals
20 involves personal feelings and emotions which are extremely sensitive and
21 uniquely personal in nature and are certainly not conducive to a legal or
22 business relationship between an attorney and his or her client; and

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24 WHEREAS, sexual relationships between attorney and client are, at best,
25 ill-advised and a misuse of position and they are, at worst, an abuse of
26 discretion and an unethical exploitation of the attorney-client relationship;
27 and

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29 WHEREAS, Amendment 28 of the Arkansas Constitution gives the Arkansas
30 Supreme Court authority to regulate the practice of law and to make rules
31 regulating the professional ethical conduct of attorneys; and

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33 WHEREAS, the current Arkansas Supreme Court's Rules of Professional
34 Conduct regulating the ethical conduct of lawyers does not specifically
35 address professional situations regarding sexual relations between attorneys

1 and their clients and it is within the interest of the Arkansas Bar
2 Association to promote any effort to uphold the ethical standards of the
3 legal profession,

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5 NOW THEREFORE,

6 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTIETH GENERAL
7 ASSEMBLY OF THE STATE OF ARKANSAS, THE SENATE CONCURRING THEREIN:

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9 THAT the Eightieth General Assembly of the State of Arkansas
10 respectfully urges the Arkansas Supreme Court to promulgate and revise its
11 Rules of Professional Conduct for attorneys to make it a violation of the
12 ethical rules of conduct for attorneys to be involved in a sexual
13 relationship with their clients and it urges the Arkansas Bar Association to
14 aid and support a change in the Court's Rules of Professional Conduct for the
15 legal profession making sexual conduct between attorneys and clients
16 unethical; and

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18 FURTHER RESOLVED THAT a copy of this resolution, after its concurrence
19 by the Senate, be sent by the Clerk of the Arkansas Supreme Court and to the
20 House of Delegates for the Arkansas Bar Association for their consideration.

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