IN THE DISTRICT OF COLUMBIA COURT OF APPEALS

In the Matter of:

LARRY E. KLAYMAN, ESQ.

Respondent.

No. 20-BG-583
Board Docket No: 17-BD-063
BDN: 2011-D028

A Member of the Bar of the District of Columbia Court of Appeals
(Bar Registration No. 334581)

NOTICE OF INTENT TO FILE PETITION FOR REHEARING EN BANC, PETITION FOR WRIT OF MANDUMUS BEFORE THE SUPREME COURT, AND OTHER LEGAL ACTIONS IF NECESSARY AS A RESULT OF CONSTITUTIONAL VIOLATIONS BY THE PANEL

Respondent Larry Klayman ("Mr. Klayman") by and through counsel Ms. Melissa Isaak and Respondent *pro se*, hereby serves notice that he will file a timely petition for rehearing en banc with regard to the opinion issued today effectively rubber stamping, with little to no analysis, the Report and Recommendation of the Board of Professional Responsibility, which itself had effectively rubber stamped recommendations the Ad Hoc Hearing Committee, comprised of leftist anti-Trump Democrats and in the case of one of the hearing members, Michael Tigar, an avowed communist, as exposed by famed Washington Post investigative journalist Robert Woodward in his book on the Supreme Court, "The Brethren."

If the petition for rehearing en banc does not reverse the finding of the panel which issued its opinion today, Respondent Klayman will file a timely petition for writ of mandamus before the U.S. Supreme Court as well as pursue other legal avenues of relief should that prove necessary with regard to the judges of this Court who have denied him due process and equal protection by ignoring the record in this case, but instead rendering a politically motived opinion.

As show in Exhibit 1 of this notice, the District of Columbia disciplinary apparatus is on a legal "jihad" to attempt to remove pro-Trump, conservative and Republican lawyer advocates from the practice of law in the District of Columbia, while at the same time providing less than even a slap on the wrist to bar members such Trump hating U.S. Department of Justice lawyer, Kevin Clinesmith, who was convicted of a felony for falsifying and affidavit which gave rise to the Russian collusion witch hunt of Special Counsel Robert Mueller against President Donald Trump.

At no time, contrary to Clinesmith, has Respondent Klayman been accused much more found to have engaged any dishonesty.

Importantly, identical bar complaints had been dismissed by ethical state bar disciplinary counsel almost 12 years ago in Florida and Pennsylvania.

A review of the pleadings in this twelve-year saga, which should also have been time barred, will also show that the record in this case was completely ignored given the predetermined mindset of the panel overseeing this matter.

Dated: September 15, 2022

Respectfully submitted,

/s/ Melissa Isaak_____
Melissa Isaak, Esq.
2815-B Zelda Road
Montgomery, AL 36106
Tel: 334-262-8200
Melissa@protectingmen.com

Counsel for Respondent

/s/ Larry Klayman_____
Larry Klayman. Esq.
7050 W. Palmetto Park Road
Boca Raton, FL, 33433
Tel: 561-558-5336
leklayman@gmail.com

Co-Counsel Pro Se

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was filed electronically and served through the court's ECF system to all counsel of record or parties listed below on September 15, 2022.

/s/ Larry Klayman

EXHIBIT 1

RealClear Investigations

DC Bar Restores Convicted FBI Russiagate Forger to 'Good Standing' Amid Irregularities and Leniency

By Paul Sperry, RealClearInvestigations
December 16, 2021

A former senior FBI lawyer who falsified a surveillance document in the Trump-Russia investigation has been restored as a member in "good standing" by the District of Columbia Bar Association even though he has yet to finish serving out his probation as a convicted felon, according to disciplinary records obtained by RealClearInvestigations.

Kevin Clinesmith, convicted ex-FBI lawyer: Allowed to negotiate a light sentence.

YouTube/Fox News

The move is the latest in a series of exceptions the bar has made for Kevin Clinesmith, who pleaded guilty in August 2020 to doctoring an email used to justify a surveillance warrant targeting former Trump campaign adviser Carter Page.

Clinesmith was sentenced to 12 months probation last January. But the D.C. Bar did not seek his disbarment, as is customary after lawyers are convicted of serious crimes involving the administration of justice. In this case, it did not even initiate disciplinary proceedings against him until February of this year — five months after he pleaded guilty and four days after RealClearInvestigations first reported he had not been disciplined. After the negative publicity, the bar temporarily suspended Clinesmith pending a review and

temporarily suspended Clinesmith pending a review and hearing. Then in September, the court that oversees the bar and imposes sanctions agreed with its recommendation to let Clinesmith off suspension with time served; the bar, in turn, restored his status to "active member" in "good standing."

Before quietly making that decision, however, records indicate the bar did not check with his probation officer to see if he had violated the terms of his sentence or if he had completed the community service requirement of volunteering 400 hours.

To fulfill the terms of his probation, Clinesmith volunteered at Street Sense Media in Washington but stopped working at the nonprofit group last summer, which has not been previously reported. "I can confirm he was a volunteer here," Street Sense editorial director Eric Falquero told RCI, without elaborating about how many hours he worked. Clinesmith had helped edit and research articles for the weekly newspaper, which coaches the homeless on how to "sleep on the streets" and calls for a "universal living wage" and prison reform.

From the records, it also appears bar officials did not consult with the FBI's Inspection Division, which has been debriefing Clinesmith to determine if he was involved in any other surveillance abuses tied to Foreign Intelligence Surveillance Act warrants, in addition to the one used against Page. Clinesmith's cooperation was one of the conditions of the plea deal he struck with Special Counsel John Durham. If he fails to fully cooperate, including turning over any relevant materials or records in his possession, he could be subject to perjury or obstruction charges.

Clinesmith — who was assigned to some of the FBI's most sensitive and high-profile investigations — may still be in Durham's sights regarding others areas of his wide-ranging probe.

The scope of his mandate as special counsel is broader than commonly understood: In addition to examining the legal justification for the FBI's "Russiagate" probe, it also includes examining the bureau's handling of the inquiry into Hillary Clinton's use of an unsecured email server, which she set up in her basement to send and receive classified information, and her destruction of more than 30,000 subpoenaed emails she generated while running the State Department. As assistant FBI general counsel in the bureau's national security branch, Clinesmith played an instrumental role in that investigation, which was widely criticized by FBI and Justice Department veterans, along with ethics watchdogs, as fraught with suspicious irregularities.

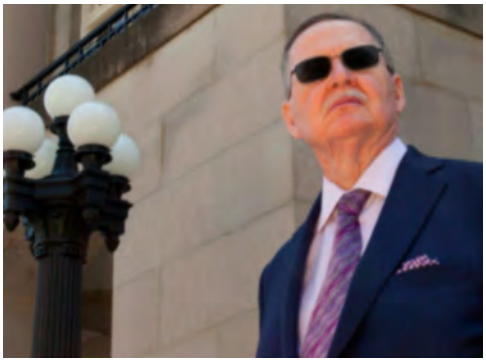
John Durham, Trump-Russia special counsel: He may still have Clinesmith in his sights.

Department of Justice via AP

Clinesmith also worked on former Special Counsel Robert Mueller's probe into the 2016 Trump campaign as the key attorney linking his office to the FBI. He was the only headquarters lawyer assigned to Mueller. Durham's investigators are said to be looking into the Mueller team's actions as well.

The D.C. Bar's treatment of Clinesmith, a registered Democrat who sent anti-Trump rants to FBI colleagues after the Republican was elected, has raised questions from the start. Normally the bar automatically suspends the license of members who plead guilty to a felony. But in Clinesmith's case, it delayed suspending him on even an interim basis for several months and only acted after RCI revealed the break Clinesmith was given, records confirm.

It then allowed him to negotiate his fate, which is rarely done in any misconduct investigation, let alone one



Hamilton "Phil" Fox: Disciplinary counsel who handled Clinesmith is a major donor to Democrats.
Facebook/D.C. Bar

involving a serious crime, according to a review of past cases. It also overlooked violations of its own rules: Clinesmith apparently broke the bar's rule requiring reporting his guilty plea "promptly" to the court — within 10 days of entering it — and failed to do so for five months, reveal transcripts of a July disciplinary hearing obtained by RCI.

"I did not see evidence that you informed the court," Rebecca Smith, the chairwoman of the D.C. Bar panel conducting the hearing, admonished Clinesmith.

"[T]hat was frankly just an error," Clinesmith's lawyer stepped in to explain.

Smith also scolded the bar's Office of Disciplinary Counsel for the "delay" in reporting the offense, since it negotiated the deal with Clinesmith, pointing out: "Disciplinary counsel did not report the plea to the court and initiate a disciplinary proceeding." Bill Ross, the assistant disciplinary counsel who represented the office at the hearing, argued Clinesmith shouldn't be held responsible and blamed the oversight on the COVID pandemic.

The Democrat-controlled panel, known as the Board on Professional Responsibility, nonetheless gave Clinesmith a pass, rubberstamping the light sentence he negotiated with the bar's chief prosecutor, Disciplinary Counsel Hamilton "Phil" Fox, while admitting it was "unusual." Federal Election Commission records show Fox, a former Watergate prosecutor, is a major donor to Democrats, including former President Obama. All three members of the board also are Democratic donors, FEC data reveal.

While the D.C. Bar delayed taking any action against Clinesmith, the Michigan Bar, where he is also licensed, automatically suspended him the day he pleaded guilty. And on Sept. 30, records show, the Michigan Bar's attorney discipline board suspended Clinesmith for two years, from the date of his guilty plea through Aug. 19, 2022, and fined him $1,037.

"[T]he panel found that respondent engaged in conduct that was prejudicial to the proper administration of justice [and] exposed the legal profession or the courts to obloquy, contempt, censure or reproach," the board ruled against Clinesmith, adding that his misconduct "was contrary to justice, ethics, honesty or good morals; violated the standards or rules of professional conduct adopted by the Supreme Court; and violated a criminal law of the United States."

Normally, bars arrange what's called "reciprocal discipline" for unethical attorneys licensed in their jurisdictions. But this was not done in the case of Clinesmith. The D.C. Bar decided to go much easier on the former FBI attorney, further raising suspicions the anti-Trump felon was given favorable treatment.

In making the bar's case not to strip Clinesmith of his license or effectively punish him going forward, Fox disregarded key findings by Durham about Clinesmith's intent to deceive the FISA court as a government attorney who held a position of trust.

Clinesmith confessed to creating a false document by changing the wording in a June 2017 CIA email to state Page was "not a source" for the CIA when in fact the agency had told Clinesmith and the FBI on multiple occasions Page had been providing information about Russia to it for years — a revelation that, if disclosed to the Foreign Intelligence Surveillance Court, would have undercut the FBI's case for electronically monitoring

Carter Page: FBI lawyer Clinesmith

undercut the FBI's case for electronically monitoring Page as a supposed Russian agent and something that Durham noted Clinesmith understood all too well.

Bar records show Fox simply took Clinesmith's word that he believed the change in wording was accurate and that in making it, he mistakenly took a "shortcut" to save time and had no intent to deceive the court or the case agents preparing the application for the warrant.

Carter Page. FBI lawyer Clinesmith misled the surveillance court when he falsified a document to say Page was "not a source" who had helped the CIA, when in fact he was.
FNC

Durham demonstrated that Clinesmith certainly did intend to mislead the FISA court. "By his own words, it appears that the defendant falsified the email in order to conceal [Page's] former status as a source and to avoid making an embarrassing disclosure to the FISC," the special prosecutor asserted in his 20-page memo to the sentencing judge, in which he urged a prison term of up to six months for Clinesmith. "Such a disclosure would have drawn a strong and hostile response from the FISC for not disclosing it sooner [in earlier warrant applications]."

As proof of Clinesmith's intent to deceive, Durham cited an internal message Clinesmith sent the FBI agent preparing the application, who relied on Clinesmith to tell him what the CIA said about Page. "At least we don't have to have a terrible footnote" explaining that Page was a source for the CIA in the application, Clinesmith wrote.

The FBI lawyer also removed the initial email he sent to the CIA inquiring about Page's status as a source before forwarding the CIA email to another FBI agent, blinding him to the context of the exchange about Page.

Durham also noted that Clinesmith repeatedly changed his story after the Justice Department's watchdog first confronted him with the altered email during an internal 2019 investigation. What's more, he falsely claimed his CIA contact told him in phone calls that Page was not a source, conversations the contact swore never happened.

Fox also maintained that Clinesmith had no personal motive in forging the document. But Durham cited virulently anti-Trump political messages Clinesmith sent to other FBI employees after Trump won in 2016 – including a battle cry to "fight" Trump and his policies – and argued that his clear political bias may have led to his criminal misconduct.

"It is plausible that his strong political views and/or personal dislike of [Trump] made him more willing to engage in the fraudulent and unethical conduct to which he has pled guilty," Durham told U.S. District Judge Jeb Boasberg.

Boasberg, a Democrat appointed by President Obama, spared Clinesmith jail time and let him serve out his probation from home. Fox and the D.C. Bar sided with Boasberg, who accepted Clinesmith's claim he did not intentionally deceive the FISA court, which Boasberg happens to preside over, and even offered an excuse for his criminal conduct.

"My view of the evidence is that Mr. Clinesmith likely believed that what he said about Mr. Page was true," Boasberg said. "By altering the email, he was saving himself some work and taking an inappropriate shortcut."

Fox echoed the judge's reasoning in essentially letting Clinesmith off the hook. (The deal they struck, which the U.S. District Court of Appeals that oversees the bar

James E. "Jeb" Boasberg: Obama appointee spared Clinesmith jail time.
DC District Court

approved in September, called for a one-year suspension, but the suspension began retroactively in August 2020, which made it meaningless.)
Boasberg opined that Clinesmith had "already suffered" punishment by losing his FBI job and $150,000 salary.

But, Boasberg assumed, wrongly as it turned out, that Clinesmith also faced possible disbarment. "And who knows where his earnings go now," the judge sympathized. "He may be disbarred or suspended from the practice of law."

Anticipating such a punishment, Boasberg waived a recommended fine of up to $10,000, arguing that Clinesmith couldn't afford it. He also waived the regular drug testing usually required during probation, while returning Clinesmith's passport. And he gave his blessing to Clinesmith's request to serve out his probation as a volunteer journalist, before wishing him well: "Mr. Clinesmith, best of luck to you."

Fox did not respond to requests for comment. But he argued in a petition to the board that his deal with Clinesmith was "not unduly lenient," because it was comparable to sanctions imposed in similar cases. However, none of the cases he cited involved the FBI, Justice Department or FISA court. One case involved a lawyer who made false statements to obtain construction permits, while another made false statements to help a client become a naturalized citizen – a far cry from falsifying evidence to spy on an American citizen.

Durham noted that in providing the legal support for a warrant application to the secret FISA court, Clinesmith had "a heightened duty of candor," since FISA targets do not have legal representation before the court.

He argued Clinesmith's offense was "a very serious crime with significant repercussions" and suggested it made him unfit to practice law.

"An attorney – particularly an attorney in the FBI's Office of General Counsel – is the last person that FBI agents or this court should expect to create a false document," Durham said.

The warrant Clinesmith helped obtain has since been deemed invalid and the surveillance of Page illegal. Never charged with a crime, Page is now suing the FBI and Justice Department for $75 million for violating his constitutional rights against improper searches and seizures.

Rudolph Giuliani, Trump lawyer: Facing bar discipline, even though he's not charged with a crime.

Michael Sussmann, ex-Hillary Clinton lawyer: Not facing bar discipline, despite being charged with a crime.
perkinscoie.com

PBS

Explaining the D.C. Bar's disciplinary process in a 2019 interview with Washington Lawyer magazine, Fox said that "the lawyer has the burden of proving they are fit to practice again. Have they accepted responsibility for their conduct?" His office's website said a core function is to "deter attorneys from engaging in misconduct."

In the same interview, Fox maintained that he tries to insulate his investigative decisions from political bias. "I try to make sure our office is not used as a political tool," he said. "We don't want to be a political tool for the Democrats or Republicans."

Bar records from the Clinesmith case show Fox suggested the now-discredited Trump-Russia "collusion" investigation was "a legitimate and highly important investigation."

One longstanding member of the D.C. Bar with direct knowledge of Clinesmith's case before the bar suspects its predominantly Democratic board went soft on him due to partisan politics. "The District of Columbia is a very liberal bar," he said. "Basically, they went light on the him because he's also a Democrat who hated Trump."

Meanwhile, the D.C. Bar has not initiated disciplinary proceedings against Michael Sussmann, another Washington attorney charged by Durham. Records show Sussmann remains an "active member" of the bar in "good standing," which also has not been previously reported. The former Hillary Clinton campaign lawyer, who recently resigned from Washington-based Perkins Coie LLP, is accused of lying to federal investigators about his client while passing off a report falsely linking Trump to the Kremlin.

While Sussmann has pleaded not guilty and has yet to face trial, criminal grand jury indictments usually prompt disciplinary proceedings and interim suspensions.

Paul Kamenar of the National Legal and Policy Center, a government ethics watchdog, has called for the disbarment of both Clinesmith and Sussmann. He noted that the D.C. Court of Appeals must automatically disbar an attorney who commits a crime of moral turpitude, which includes crimes involving the "administration of justice."

"Clinesmith pled guilty to a felony. The only appropriate sanction for committing a serious felony that also interfered with the proper administration of justice and constituted misrepresentation, fraud and moral turpitude, is disbarment," he said. "Anything less would minimize the seriousness of the misconduct" and fail to deter other offenders.

Disciplinary Counsel Fox appears to go tougher on Republican bar members. For example, he recently opened a formal investigation of former Trump attorney Rudy Giuliani, who records show Fox put under "temporary disciplinary suspension" pending the outcome of the ethics probe, which is separate from the one being conducted by the New York bar. In July, the New York Bar also suspended the former GOP mayor on an interim basis.

Giuliani has not been convicted of a crime or even charged with one.

DISTRICT OF COLUMBIA COURT OF APPEALS
BOARD ON PROFESSIONAL RESPONSIBILITY
HEARING COMMITTEE NUMBER FOUR

Issued
August 11, 2021

In the Matter of:	:	
	:	
KEVIN E. CLINESMITH,	:	
	:	D.C. App. No. 21-BG-018
Respondent.	:	Board Docket No. 21-ND-004
	:	Disc. Docket No. 2019-D305
A Temporarily Suspended Member of the Bar	:	
of the District of Columbia Court of Appeals	:	
(Bar Registration No. 984265)	:	

REPORT AND RECOMMENDATION
APPROVING PETITION FOR NEGOTIATED DISCIPLINE

I. PROCEDURAL HISTORY

This matter came before Hearing Committee Number Four on July 19, 2021, for a limited hearing on an Amended Petition for Negotiated Discipline (the "Petition"). The Office of Disciplinary Counsel was represented by Assistant Disciplinary Counsel William R. Ross, Esquire. Respondent, Kevin E. Clinesmith, was represented by Eric L. Yaffe, Esquire.

The Hearing Committee has carefully considered the Petition, the supporting Amended Affidavit submitted by Respondent (the "Affidavit"), the representations during the limited hearing made by Respondent, Respondent's counsel, and Disciplinary Counsel, and the supplemental statement filed by Respondent's counsel following the limited hearing. The Hearing Committee also has fully considered the Chair's *in camera* review of Disciplinary Counsel's investigative file and *ex parte* communications with Disciplinary Counsel. For the reasons set forth below, we

approve the Petition, find the negotiated discipline of a one-year suspension, running *nunc pro tunc* from August 25, 2020, is justified and recommend that it be imposed by the Court.

II. FINDINGS PURSUANT TO D.C. BAR R. XI, § 12.1(c) AND BOARD RULE 17.5

The Hearing Committee, after full and careful consideration, finds that:

1. The Petition and Affidavit are full, complete, and in proper order.

2. Respondent is aware that there is currently pending against him an investigation involving allegations of misconduct. Tr. 12[1]; Affidavit ¶ 2.

3. The allegations that were brought to the attention of Disciplinary Counsel arose from a Department of Justice Office of the Inspector General report dated December 2019, as well as Respondent's subsequent guilty plea to the felony of making a false statement in violation of 18 U.S.C. § 1001(a)(3). Petition at 1-2; Affidavit ¶ 2.

4. Respondent has freely and voluntarily acknowledged that the material facts and misconduct reflected in the Petition are true. Tr. 13; Affidavit ¶¶ 4, 6. Specifically, Respondent acknowledges that:

> (1) Respondent is a member of the Bar of the District of Columbia Court of Appeals, having been admitted on November 7, 2008, and assigned Bar number 984265.
>
> (2) On August 19, 2020, Respondent pled guilty in the U.S. District Court for the District of Columbia to one count of making a false statement in violation of 18 U.S.C. § 1001(a)(3).

[1] "Tr." Refers to the transcript of the limited hearing held on July 19, 2021.

(3) As part of Respondent's guilty plea, he stipulated that had the case gone to trial, the government's evidence would have proved, beyond a reasonable doubt, the facts laid out below in ¶¶ 4 - 15.

(4) From July 12, 2015 to September 21, 2019, Respondent was employed full-time with the Federal Bureau of Investigation as an Assistant General Counsel in the National Security and Cyber Law Branch of the FBI's Office of General Counsel. As part of Respondent's duties and responsibilities, Respondent assisted FBI Special Agents and Supervisory Special Agents in connection with applications prepared by the FBI and the National Security Division ("NSD") of the United States Department of Justice to conduct surveillance under the Foreign Intelligence Surveillance Act.

(5) On July 31, 2016, the FBI opened an investigation known as Crossfire Hurricane into whether individual(s) associated with the Donald J. Trump for President Campaign were aware of and/or coordinating activities with the Russian government. By August 16, 2016, the FBI had opened individual cases under the Crossfire Hurricane umbrella on four United States persons, including a case involving Carter Page.

(6) Respondent was assigned to provide legal support to FBI personnel working on Crossfire Hurricane. One of Respondent's tasks was to communicate with another specific United States government agency (the "Other Government Agency," or "OGA") to raise questions or concerns for the Crossfire Hurricane team.

(7) As part of his responsibilities, Respondent provided support to FBI Special Agents and Supervisory Special Agents working with the NSD to prepare FISA applications to obtain authority from the United States Foreign Intelligence Surveillance Court to conduct surveillance on Page. There were a total of four court-approved FISA applications targeting Page. Each alleged that there was probable cause that Page was a knowing agent of a foreign power, specifically Russia.

(8) On August 17, 2016, prior to the approval of the first FISA application, the OGA provided certain members of the Crossfire Hurricane team – but not the Respondent – a memorandum indicating that Page had been approved as an "operational contact" for the OGA from 2008 to 2013 and detailing information that Page had provided to the OGA concerning Page's prior contacts with certain Russian intelligence officers.

(9) The first three FISA applications did not include Page's history or status with the OGA.

(10) Prior to submission of the fourth FISA application, Carter Page publicly stated that he had assisted the United States Government in the past. During the preparation of the fourth FISA application, an FBI Supervisory Special Agent asked Respondent to inquire with the OGA as to whether Page had ever been a "source" for that agency.

(11) Respondent knew that if Carter Page had been a source for the OGA, that information would need to be disclosed in the fourth FISA application.

(12) On June 15, 2017, Respondent sent an email to a liaison at the OGA (the "Liaison") stating: "We need some clarification on [Carter Page]. There is an indication that he may be a '[designation redacted]' source. This is a fact we would need to disclose in our next FISA renewal . . . To that end, can we get two items from you? 1) Source Check/Is [Carter Page] a source in any capacity? 2) If he is, what is a [designation redacted] source (or whatever type of source he is)?"

(13) Later that same day, the Liaison provided Respondent with a list (but not copies) of memoranda previously provided to other members of the Crossfire Hurricane team, including a reference to the above referenced August 17, 2016 Memorandum, as well as an explanation that the OGA uses:

> the [designation redacted] to show that the encrypted individual . . . is a [U.S. person]. We encrypt the [U.S. persons] when they provide reporting to us. My recollection is that [Page] was or is . . . [designation redacted] but the [memoranda] will explain the details. If you need a formal definition for the FISA, please let me know and we'll work up some language and get it cleared for use.

(14) It was not typical for someone in Respondent's position to review the memoranda listed in the Liaison's email. Respondent's role generally was to conduct legal reviews of the FISA applications, not to obtain, review, or evaluate the underlying documents related to the applications. That was the case agent's role.

(15) As such, the same day that Respondent received the Liaison's email, he forwarded it—including the list of memoranda that would "explain the details" of Page's relationship with the OGA—to the case agent and the case agent's acting supervisor. Upon receiving the email, the case agent's supervisor responded by telling the case agent (copying Respondent) that she would "pull these [memoranda] for you tomorrow and get you what you need."

(16) Respondent responded that same day to the Liaison via email with: "Thanks so much for that information. We're digging into the [memoranda] now, but I think the definition of the [designation redacted] answers our questions."

(17) The following day, Respondent also forwarded the Liaison's email to the DOJ attorney drafting the FISA renewal application. The DOJ attorney replied to Respondent, "thanks I think we are good and no need to carry it further."

(18) On June 19, 2017, the FBI Supervisory Special Agent followed up with an instant message to Respondent, asking, "Do you have any update on the [OGA source] request?" During a series of instant messages between Respondent and the Supervisory Special Agent, Respondent indicated that Page was a "subsource," "was never a source," and that the OGA "confirmed explicitly he was never a source." When asked whether he had that in writing, Respondent stated that he did and would forward the email that the OGA provided to Respondent.

(19) Immediately following the instant messages between the Respondent and the SSA, Respondent forwarded the Liaison's June 15, 2017 email to the SSA with alterations that Respondent had made so that the Liaison's email read as follows:

> the [designation redacted] to show that the encrypted individual . . . is a [U.S. person]. We encrypt the [U.S. persons] when they provide reporting to us. My recollection is that [Page] was or is "[designation redacted]" **and not a "source"** but the [memoranda] will explain the details. If you need a formal definition for the FISA, please let me know and we'll work up some language and get it cleared for use.

(emphasis added). Respondent knew that the original email from the Liaison did not contain the words "and not a source." Respondent knowingly and willfully altered the email making it appear that the OGA's Liaison had written in the email "and not a source[."]

(20) Relying on the altered email, the Supervisory Special Agent signed and submitted the fourth FISA application on June 29, 2017. This application also did not include Page's history or status with the OGA.

(21) Respondent violated the following provisions of the District of Columbia Rules of Professional Conduct and D.C. Bar Rules:

a. Rule 8.4(b) in that Respondent committed a criminal act that reflected adversely on his honesty, trustworthiness, or fitness as a lawyer in other respects, namely making a false statement in violation of 18 U.S.C. § 1001(a)(3);

b. Rule 8.4(c) in that Respondent engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation; and

c. D.C. Bar R. XI, § 10(d), in that Respondent was convicted of a serious crime as defined by D.C. Bar R. XI, § 10(b) because his offense was a felony involving false swearing, misrepresentation, and/or fraud.

5. Respondent is agreeing to the negotiated disposition because Respondent believes that he cannot successfully defend against discipline based on the stipulated misconduct. Tr. 11-12; Affidavit ¶ 5.

6. Disciplinary Counsel has made no promises to Respondent other than its agreement not to pursue any charges or sanctions arising out of the conduct described in the Petition. Petition at 8; Affidavit ¶ 7. Respondent confirmed during the limited hearing that there have been no other promises or inducements other than those set forth in the Petition. Tr. 30.

7. Respondent has conferred with his counsel. Tr. 8-9; Affidavit ¶ 1.

8. Respondent has freely and voluntarily acknowledged the facts and misconduct reflected in the Petition and agreed to the sanction set forth therein. Tr. 31; Affidavit ¶ 6.

9. Respondent is not being subjected to coercion or duress. Tr. 31; Affidavit ¶ 6.

10. Respondent is competent and was not under the influence of any substance or medication that would affect his ability to make informed decisions at the limited hearing. Tr. 9-10.

11. Respondent is fully aware of the implications of the disposition being entered into, including, but not limited to, the following:

a) he has the right to assistance of counsel if Respondent is unable to afford counsel;

b) he will waive his right to cross-examine adverse witnesses and to compel witnesses to appear on his behalf;

c) he will waive his right to have Disciplinary Counsel prove each and every charge by clear and convincing evidence;

d) he will waive his right to file exceptions to reports and recommendations filed with the Board and with the Court;

e) the negotiated disposition, if approved, may affect his present and future ability to practice law;

f) the negotiated disposition, if approved, may affect his bar memberships in other jurisdictions; and

g) any sworn statement by Respondent in his affidavit or any statements made by Respondent during the proceeding may be used to impeach his testimony if there is a subsequent hearing on the merits.

Tr. 36-38; Affidavit ¶¶ 9-10, 12.

12. Respondent and Disciplinary Counsel have agreed that the sanction in this matter should be one-year suspension, running *nunc pro tunc* from August 25, 2020, the date on which Respondent self-reported his guilty plea to the Court, Disciplinary Counsel, and the Board.[2] Petition at 9; Tr. 15.

13. Disciplinary Counsel and Respondent agree to the following aggravating factors: "(a) As a Department of Justice lawyer, Respondent enjoyed a position of trust; and (b) Respondent's misconduct occurred during an *ex parte* process where it is particularly important that a lawyer not cause [sic] inaccurate representations." Petition at 13; Tr. 34. Disciplinary Counsel also asserts that "Respondent's misconduct has been used to discredit what appeared otherwise to have been a legitimate and highly important investigation." Petition at 13; Tr. 34-35.

14. Disciplinary Counsel and Respondent agree to the following mitigating factors:

> (a) Respondent has no prior discipline; (b) Respondent has taken full responsibility for his misconduct and has demonstrated remorse; (c) Respondent has fully cooperated with Disciplinary Counsel; (d) prior to the facts leading to his criminal offense, Respondent had over a decade of distinguished public service; (e) Respondent's conduct was not motivated by any personal financial, economic, or commercial motive; (f) Respondent's conduct involves only a single incident, not a pattern of misconduct; (g) the sentencing judge credited Respondent's explanation that he had wrongly believed that the information he was inserting into the email was accurate; and (h) the sentencing judge, who is also the presiding judge of the [Foreign Intelligence Surveillance Court ("FISC")], concluded that "even if [Respondent] had been accurate about

[2] The Petition does not specify that Respondent notified the Court of his guilty plea; however, Respondent provided proof in a post-hearing supplemental filing that he gave notice to the Court on August 25, 2020. Letter, Yaffe to Hearing Committee No. 4 at unnumbered pages 2-16 (July 19, 2021). Disciplinary Counsel has not contested this proof.

> Dr. Page's relationship with the [OGA], the warrant may well have been signed and the surveillance authorized."

Petition at 12 (second and third alterations in original); *see* Tr. 31-32.

15. Respondent also asserts that:

> (a) . . . [I]t was not his intent to deceive his colleagues or the court about Page's relationship with the OGA; (b) . . . although he was not yet suspended, he voluntarily stopped practicing law or seeking legal employment in December 2019 while this matter was under investigation by the government and Disciplinary Counsel; and (c) the December 2019 DOJ IG Report states that days before sending the altered email, Respondent emailed the *unaltered* information he received from the OGA to (1) Page's case agent, who was responsible for requesting the fourth FISA application and providing the factual basis for the request, (2) that agent's acting supervisor, and (3) the DOJ NSD attorney responsible for drafting and submitting the fourth FISA application to the FISC.

Petition at 12-13 (emphasis in original); *see* Tr. 32-33.

16. There were no complainants in this matter; thus, no individuals were entitled to provide written comments or make statements during the limited hearing pursuant to Board Rule 17.4(a).

III. DISCUSSION

The Hearing Committee shall recommend approval of an agreed petition for negotiated discipline if it finds that:

> 1) The attorney has knowingly and voluntarily acknowledged the facts and misconduct reflected in the petition and agreed to the sanction therein;
>
> 2) The facts set forth in the petition or as shown at the hearing support the admission of misconduct and the agreed upon sanction; and
>
> 3) The sanction agreed upon is justified.

D.C. Bar R. XI, § 12.1(c); *see also* Board Rule 17.5(a)(i)-(iii).

A. Respondent Has Knowingly and Voluntarily Acknowledged the Facts and Misconduct and Agreed to the Stipulated Sanction.

The Hearing Committee finds that Respondent has knowingly and voluntarily acknowledged the facts and misconduct reflected in the Petition and agreed to the sanction therein. Respondent, after being placed under oath, admitted the stipulated facts and charges set forth in the Petition, and denied that he is under duress or has been coerced into entering into this disposition. *See* Paragraphs 8-9, *supra*. Respondent understands the implications and consequences of entering into this negotiated discipline. *See* Paragraph 11, *supra.*

Respondent has acknowledged that any and all promises that have been made to him by Disciplinary Counsel as part of this negotiated discipline are set forth in writing in the Petition and that there are no other promises or inducements that have been made to him. *See* Paragraph 6, *supra*.

B. The Stipulated Facts Support the Admissions of Misconduct and the Agreed-Upon Sanction.

The Hearing Committee has carefully reviewed the facts set forth in the Petition and established during the hearing, and we conclude that they support the admissions of misconduct and the agreed-upon sanction. Moreover, Respondent is agreeing to this negotiated discipline because he believes that he could not successfully defend against the misconduct described in the Petition. *See* Paragraph 5, *supra*.

With regard to the second factor, the Petition states that Respondent violated Rule of Professional Conduct 8.4(b) (criminal act that reflects adversely on Respondent's honesty, trustworthiness, or fitness as a lawyer in other respects). The

evidence supports Respondent's admission that he violated Rule 8.4(b) in that the stipulated facts describe that Respondent pled guilty to the criminal act of making a false statement in violation of 18. U. S. C. § 1001(a)(3), which prohibits making a "false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement." *See* Paragraph 4.(2), *supra*.

The Petition further states that Respondent violated Rule of Professional Conduct 8.4(c) (dishonesty, fraud, deceit, or misrepresentation). The evidence supports Respondent's admission that he violated Rule 8.4(c) in that the stipulated facts describe that Respondent, in connection with an application to be filed with the FISC, knowingly and willfully altered an email to add the words, "and not a source," and forwarded that email to a colleague. Respondent knowingly and willfully altered the email making it appear that those words were in the original email. *See* Paragraph 4.(19) and (20), *supra*. Making a material alteration in the email constituted a misrepresentation in violation of Rule of Professional Conduct 8.4(c).

The Petition further states that Respondent violated D.C. Bar R. XI, § 10(d) (conviction of a serious crime). The evidence supports Respondent's admission that he violated D.C. Bar R. XI, § 10(d) in that the stipulated facts describe that Respondent pled guilty to 18 U.S.C. § 1001(a)(3), a felony and a serious crime. *See* Paragraph 4.(2), *supr*a.

C. The Agreed-Upon Sanction Is Justified.

The third factor the Hearing Committee must consider is whether the sanction agreed upon is justified. *See* D.C. Bar R. XI, § 12.1(c); Board Rule 17.5(a)(iii); *In re Johnson*, 984 A.2d 176, 181 (D.C. 2009) (per curiam) (providing that a negotiated

sanction may not be "unduly lenient"). Based on the record as a whole, including the stipulated circumstances in aggravation and mitigation, the Hearing Committee Chair's *in camera* review of Disciplinary Counsel's investigative file and *ex parte* discussion with Disciplinary Counsel, Respondent's post-hearing submission, and our review of relevant precedent, we conclude that the agreed-upon sanction is justified and not unduly lenient, for the following reasons:

1. Respondent was not convicted of a crime of moral turpitude.

If a criminal conviction involves moral turpitude, disbarment is the required sanction. D.C. Code § 11-2503(a). Moral turpitude is described as "[a]n act of baseness, vileness or depravity in the private and social duties which a man owes to his fellow men or to society in general, contrary to the accepted and customary rule of right and duty . . . ." *In re Colson*, 412 A.2d 1160, 1168 (D.C. 1979) (quoting 2 Bouvier's Law Dictionary 2247 (Rawle's Third Revision)). Moral turpitude involves "manifest intentional dishonesty for the purpose of personal gain . . . rather than simply 'misguided' actions." *In re Sims*, 844 A.2d 353, 365 (D.C. 2004); *see also, e.g.*, *In re White*, 698 A.2d 483, 485 (D.C. 1997) (per curiam) (disbarment for committing perjury and making false statements in passport applications, with intent to defraud); *In re Susman*, Bar Docket No. 024-00, at 18-20 (BPR Mar. 23, 2004) (recommending disbarment for lying under oath and making false statements, motivated by personal gain), *recommendation adopted*, 876 A.2d 637 (D.C. 2005) (per curiam).

This Hearing Committee is required to "evaluate independently [Disciplinary] Counsel's decision that a particular criminal conviction does not involve moral

turpitude on the facts or that the proof is insufficient." *In re Rigas*, 9 A.3d 494, 498 (D.C. 2010) (quoting Board Report).[3]

We conclude that Disciplinary Counsel was correct in deciding that Respondent's criminal conviction does not involve moral turpitude.

Making a false statement does not involve moral turpitude *per se*. *See* Order, *In re Clinesmith*, Board Docket No. 20-BD-052 (BPR Mar. 2, 2021) (concluding that making a false statement in violation of 18 U.S.C. § 1001(a)(3) is not a crime of moral turpitude *per se* and referring the matter to a Hearing Committee "to determine whether Respondent's conduct involved moral turpitude on the facts, and to recommend the final discipline to be imposed"); *see also, e.g.*, *In re Squillacote*, 790 A.2d 514, 521 (D.C. 2002) (per curiam) (appended Board Report) (finding that conviction under 18 U.S.C § 1001 was not a crime of moral turpitude *per se*). Thus, the central question is whether Respondent committed a crime of moral turpitude on the facts, which turns on whether there is clear and convincing evidence that Respondent had an intent to deceive or defraud or was motivated by personal gain in making the misrepresentation. *See Sims*, 844 A.2d at 365; *White*, 698 A.2d at 485.

[3] Consistent with the framework set forth in *Rigas*, 9 A.3d at 497, the Petition certifies that (1) that the crime does not involve moral turpitude *per se*; (2) Disciplinary Counsel has exhausted all reasonable means of inquiry to find proof in support of moral turpitude, and explained those efforts; (3) Disciplinary Counsel does not believe that there is sufficient evidence to prove moral turpitude on the facts; (4) all of the facts relevant to a determination of moral turpitude are set forth in the petition; and (5) any cases regarding the same or similar offenses have been cited in the petition. Petition at 8-9.

While the Petition does not reach a conclusion as to Respondent's actual state of mind and, specifically, whether he intended to deceive his colleagues or the FISC, the parties stipulate, *inter alia*, that "Respondent's conduct was not motivated by any personal financial, economic, or commercial motive"; that it involved "only a single incident, not a pattern of misconduct"; and that the sentencing judge credited his explanation that he had "wrongly believed that the information he was inserting into the email was accurate." *See* Paragraph 14, *supra*. Further, the Petition includes Respondent's affirmative representation that it was not his intent to deceive his colleagues or the court, and that the 2019 DOJ IG report states that Respondent sent the unaltered information to other colleagues just days before making the alteration. *See* Paragraph 15, *supra*.

We recognize that Respondent pleaded guilty to a Criminal Information that charged that he "willfully and knowingly ma[de] and use[d] a false writing and document, knowing the same to contain a materially false, fictitious, and fraudulent statement." Criminal Information, Attach. B, Statement of Disciplinary Counsel on the Issue of Moral Turpitude *Per Se*, *Clinesmith*, Board Docket No. 20-BD-052, at 4.[4] However, the Statement of Offense in Support of the Guilty Plea ("Statement of Offense") did not assert that Respondent knew that the altered email contained a *fraudulent* statement:

> In truth, and in fact, and as the defendant well knew, the original June 15, 2017 email from the OGA Liaison did not contain the words "not a

[4] The Hearing Committee takes judicial notice of the Criminal Information and Statement of Offense in the underlying criminal matter, which were attached to Disciplinary Counsel's Statement on the Issue of Moral Turpitude *Per Se*, filed with the Board before the Board referred this matter for a hearing. *See* Order, Board Docket No. 20-BD-052 (BPR Mar. 2, 2021).

> source," and therefore, when the defendant altered and forwarded the email on June 19, 2017, the defendant made and used a writing or document, specifically an email, that contained a statement or entry he knew was materially false; in doing so the defendant acted knowingly and willfully; and the email pertained to a matter within both the jurisdiction of the executive branch and judicial branch of the Government of the United States.

Statement of Offense, Attach. C, Statement of Disciplinary Counsel on the Issue of Moral Turpitude *Per Se*, *Clinesmith*, Board Docket No. 20-BD-052, at 6. The Statement of Offense, signed by the United States, asserted that it "fairly and accurately summarizes and describes [Respondent's] actions and involvement in the offense to which he is pleading guilty." *Id.* at 7. The offense of conviction, 18 U.S.C. § 1001(a)(3), is written in the disjunctive, as it required the United States to prove only that the defendant knew that the writing "contain[ed] any materially false, fictitious, *or* fraudulent statement or entry." (emphasis added).

All of the evidence regarding Respondent's intent supports the contention that he did not act with fraudulent intent. As nothing in the record explains the variance between the language in the Criminal Information and that in the Statement of Offense, and only the language in the Criminal Information supports the conclusion that Respondent made a fraudulent statement, we do not believe that the language in the Criminal Information is dispositive as to Respondent's state of mind. We conclude that Disciplinary Counsel gathered the available evidence regarding Respondent's state of mind and that the evidence is not sufficient to establish by clear and convincing evidence that Respondent altered the email for his own personal gain or to intentionally mislead or deceive his colleagues or the FISC.

2. A one-year suspension is justified in light of sanctions imposed for cases involving similar misconduct in contested cases.

A one-year suspension is "justified, and not unduly lenient" in light of sanctions imposed for cases involving similar misconduct in contested cases. *See* Board Rule 17.5(a)(iii). Sanctions for a violation of Rule 8.4(b) involving a conviction of making a false statement or dishonesty to the government often involve a one-year suspension. *See In re Belardi*, 891 A.2d 224, 224-25 & n.1 (D.C. 2006) (per curiam) (one-year suspension for making false statements to the Federal Communications Commission in order to maintain construction permits for paging transmitters); *In re Bowser*, 771 A.2d 1002, 1003 (D.C. 2001) (per curiam) (one-year suspension for making false statements to the Immigration and Naturalization Service ("INS") in connection with a client's effort to become a naturalized citizen); *In re Sweeney*, 725 A.2d 1013 (D.C. 1999) (per curiam) (one-year suspension for making false statements in relation to documents required by the Employee Retirement Income Security Act, a felony, in violation of 18 U.S.C. § 1027); *In re Cerroni*, 683 A.2d 150, 151-52 (D.C. 1996) (per curiam) (one-year suspension with Continuing Legal Education for knowingly making and submitting a false statement and report to U.S. Department of Housing and Urban Development in connection with a real estate transaction, a felony, in violation of 18 U.S.C. § 1010); *In re Thompson*, 538 A.2d 247, 247-48 (D.C. 1987) (per curiam) (one-year suspension for knowingly assisting in the presentation false statements to the INS in connection with a client's effort to become a permanent resident alien); *see also Rigas*, 9 A.3d at 496, 498-99 (approving a one-year suspension in a negotiated

discipline case for making a false statement in connection with a stock purchase, a misdemeanor, in violation of 47 U.S.C. § 220(e)).

In light of these cases, a one-year suspension is not "unduly lenient."

3. The parties' agreement that Respondent's suspension should run *nunc pro tunc* from August 25, 2020 is justified.

When discipline is imposed on an attorney who already is suspended on an interim basis, the sanction typically will run *nunc pro tunc* to the effective date of the interim suspension, as long as the attorney promptly files the affidavit required under D. C. Bar Rule XI, Section 14(g) ("14(g) Affidavit").

In this instance, the parties agree that the suspension should run from a date prior to the interim suspension – from August 25, 2020, "the date on which Respondent promptly self-reported his guilty plea to Disciplinary Counsel and the Board on Professional Responsibility." Petition at 9.

Following a respondent's guilty plea, D.C Bar Rule XI, Section 10(a) requires the respondent to file, within ten days, a copy of the plea with the Clerk of the D.C. Court of Appeals and the Board on Professional Responsibility, and for Disciplinary Counsel to promptly file a copy with the Court if it learns that the plea has not otherwise been filed.

Respondent entered a guilty plea on August 19, 2020, and on August 25, 2020, reported his plea to the Clerk of the D.C. Court of Appeals and the Board on Professional Responsibility. *See* Paragraphs 4.(2), 12 & n.2, *supra*. On that same date,

he also reported it to Disciplinary Counsel.[5] *See* Paragraph 12, *supra*. Disciplinary Counsel did not promptly report the plea to the Court of Appeals, but eventually reported it to the Court in January 2021,[6] and the Court issued an order suspending Respondent on February 1, 2021. Petition at 9. On February 3, 2021, Respondent timely filed the 14(g) Affidavit stating, *inter alia*, that he had not practiced law since September 21, 2019, and had not had any clients since September 21, 2019. *See* 14(g) Affidavit, *Clinesmith*, Board Docket No. 20-BD-052, at 2. The parties agree that Respondent had not practiced law since his guilty plea (August 19, 2020). Petition at 10.[7]

The Hearing Committee agrees that having Respondent's suspension run *nunc pro tunc* from August 25, 2020 is justified. While it is unusual for a suspension to run from a date earlier than the interim suspension, the Court has recognized it to be

[5] It appears that Disciplinary Counsel was not aware that Respondent had notified the Court. *See* Tr. 17.

[6] The Petition states: "Because Respondent and Disciplinary Counsel were negotiating this petition, Disciplinary Counsel did not promptly report the plea to the Court and initiate a disciplinary proceeding under D. C. Bar R. XI, § 10." At the limited hearing, Disciplinary Counsel noted difficulties in obtaining and filing original certified copies of the plea (as required) due to pandemic restrictions. Tr. at 18. Whatever the reasons for the delay by Disciplinary Counsel, Disciplinary Counsel agrees that Respondent was not at fault for Disciplinary Counsel's delay in notifying the Court, and thus, the delay in the imposition of the interim suspension. Tr. at 19.

[7] In the Petition, Respondent states that he "voluntarily stopped practicing law or seeking legal employment in December 2019 while this matter was under investigation by the government and Disciplinary Counsel." Petition at 12. This was communicated to Disciplinary Counsel. Tr. 21, 27. Respondent's 14(g) Affidavit does not specify when he stopped seeking legal employment; therefore, this statement that respondent ceased practicing law *or seeking legal employment* does not appear to conflict with Respondent's representation that he stopped practicing law in September 2019. The statement that Respondent has not practiced law since his guilty plea appears to have been included as additional clarification and does not imply that he continued to practice law at any point after September 21, 2019.

appropriate in certain cases. In those instances, the respondents were not practicing law during the period of self-suspension and were not at fault for delaying the interim suspensions. *See In re Malady*, Board Docket No. 10-BD-020, at 2-4 (BPR July 29, 2011) (recommending suspension run *nunc pro tunc* from the date of conviction where the respondent received an interim suspension over one year after he had notified Disciplinary Counsel, the Board, and the Court of his guilty plea), *recommendation adopted*, 26 A.3d 783 (D.C. 2011) (per curiam); *In re Laguna*, 749 A.2d 749 (D.C. 2000) (per curiam) (granting a suspension *nunc pro tunc* from the date of guilty plea where the respondent was enrolled in the federal witness protection program and the record of the plea was under seal for more than two years, which delayed the interim suspension).

Similarly in the context of reciprocal discipline, the Court has permitted reciprocal suspensions to run from the effective date of the foreign suspension but has stressed the importance of the respondent fulfilling his or her reporting requirements. *See In re Goldberg*, 460 A.2d 982 (D.C. 1983) (per curiam) ("If the attorney 'promptly' notifies [Disciplinary] Counsel of any professional disciplinary action in another jurisdiction as he or she is required to do under Rule XI, . . . and if the attorney voluntarily refrains from practicing law in the District of Columbia during the period of suspension in the original jurisdiction, then there will probably be no reason to aggravate the discipline by making the District of Columbia suspension wholly or partially consecutive to that imposed elsewhere.").

In this instance, Respondent fully complied with the requirements of Rule XI, § 10(a), was not responsible for the delay in the issuance of the interim suspension

order, and has not practiced law in the District of Columbia since before August 25, 2020. We agree that this is a case that warrants the retroactive running of the period of suspension to what was in effect a self-suspension.[8]

IV. CONCLUSION AND RECOMMENDATION

It is the conclusion of the Hearing Committee that the discipline negotiated in this matter is appropriate.

For the reasons stated above, it is the recommendation of this Hearing Committee that the negotiated discipline be approved and that the Court impose a one-year suspension, running *nunc pro tunc* from August 25, 2020.

[8] The Court in *In re Soininen*, 853 A.2d 712 (D.C. 2004) expressed concern about "secret, unilateral suspensions" and the ability to monitor such self-suspension. 853 A.2d at 727-28. In *Soininen*, the respondent claimed a self-imposed suspension pending a disciplinary proceeding. She notified Disciplinary Counsel nine months after she claimed to have discontinued practicing law. In fact, she continued to represent clients. The circumstances of this case eliminate the concerns expressed in *In re Soininen*. Respondent's employment as a government lawyer ended in September 2019, and he voluntarily stopped practicing law or seeking employment in December 2019 while the matter was under investigation. Petition at 2, 12. He informed Disciplinary Counsel of this. Tr. 21, 27. There was attendant publicity around his case. Tr. 24, 27. Respondent complied with all reporting requirements, timely notifying the Court of his plea in August 2020 and timely filing his 14(g) Affidavit in February 2021, shortly after its order of interim suspension. Respondent's 14(g) Affidavit attested that he had not had any clients since September 2019. The substance of that affidavit would have been the same had the Court issued an interim suspension in the August/September 2020 timeframe. Tr. 22.

HEARING COMMITTEE NUMBER FOUR

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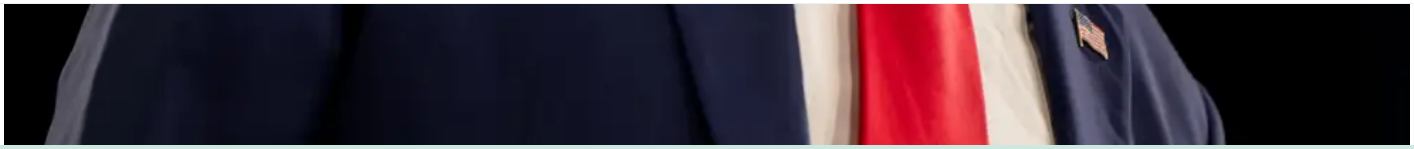
With more than 40 Trump lawyers singled out for ethics complaints and even more facing charges, legal experts joke MAGA now stands for 'Making Attorneys Get Attorneys'

Katherine Tangalakis-Lippert Sep 10, 2022, 6:12 PM



Dallas, Texas. Brandon Bell/Getty Images

The 65 Project has filed more than 40 ethics complaints against lawyers who tried to overturn the 2020 election.

Other Trump lawyers like Rudy Giuliani, John Eastman and Christina Bobb face legal troubles and charges.

The New York Times reported legal experts joke MAGA now stands for "Making Attorneys Get Attorneys."

expected part of the job: More than 40 attorneys who worked to overturn the 2020 election on his behalf have been hit with ethics complaints.

The New York Times reported legal experts joke MAGA now stands for "Making Attorneys Get Attorneys," based on the reputational risk of working with Trump.

"There's no way to adhere to your ethical integrity and keep your job," Kimberly Wehle, a University of Baltimore law professor who closely tracked investigations into the Jan. 6, 2021 attack on the Capitol, told The New York Times of the dilemma Mr. Trump's lawyers face: "There's just no way to not step into a mess."

The 65 Project, a bipartisan effort to hold Trump-allied lawyers accountable for filing 65 lawsuits across swing states in an attempt to overturn legitimate 2020 election results, has filed more than 40 ethics complaints with their respective state bar associations against lawyers who participated in the scheme.

Among the complaints, including 17 filed last month, are ethical concerns raised against former Trump lawyers John Eastman, Cleta Mitchell, and Jenna Ellis.

On Jan 6, 2021, Eastman asked former Vice President Mike Pence's legal counsel to break the law and halt proceedings to certify the 2020 election. He was still pitching ways to overturn the election by the time President Joe Biden took office.

Mitchell is currently leading a group of GOP poll workers to challenge results in the midterms. Ellis has been ordered to testify before the Fulton County, Georgia special grand jury investigating whether Trump and his associates tried to interfere in the 2020 elections.

Rudy Giuliani, Trump's one-time personal lawyer, has also been named as a target in the Georgia investigation and his licenses to practice law in the District of Columbia and New York have been suspended over his election fraud claims.

Another former Trump lawyer, Sidney Powell, is under investigation for overseeing an effort to copy sensitive election data and coordinating a breach in Georgia election files.

Christina Bobb, a current Trump lawyer, is currently facing legal trouble after she signed a letter attesting that a "diligent search" had been conducted and all material that was in Mar-a-

including 11 sets that were marked as classified.

Michael Cohen, a former Trump lawyer sentenced to three years in prison in part over his role in arranging illegal hush-money payments to adult-film star Stormy Daniels to prevent her

from speaking about her affair with Trump, has warned Trump's current legal team to "lawyer up," citing his own felony charges including tax evasion, campaign-finance violations, and bank fraud.

"Ultimately, we want to demonstrate to all the lawyers that the next time that Sidney Powell or Rudy Giuliani calls and says, 'Hey, will you sign your name to this,' they'll say 'no,' because they'll realize that there are professional consequences," Michael Teter, director of the 65 Project, told The New York Times.

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