



FAUGHNAN LAW
PLLC

Brian S. Faughnan
Attorney at Law

June 9, 2025

By email only

Sandy Garrett, Esq.
Chief Disciplinary Counsel
Board of Professional Responsibility
of the Supreme Court of Tennessee
10 Cadillac Drive, Suite 220
Brentwood, Tennessee 37027

**Re: Disciplinary complaint against Robert E. McGuire (BPR # 21594) and
Pamela J. Bondi (Florida Bar No. 886440)**

Dear Sandy:

I am submitting this disciplinary complaint against Rob McGuire, the acting U.S. Attorney for the Middle District of Tennessee, and Pamela J. Bondi, the Attorney General of the United States. The conduct that has prompted me to submit this complaint is the tremendously inflammatory and inappropriate public remarks made by Ms. Bondi on Friday, June 6, 2025 in connection with discussing the indictment that was unsealed of two criminal charges in the Middle District of Tennessee against Mr. Kilmar Abrego Garcia. (A copy of that indictment is attached as Exhibit A for ease of reference and to compare its contents to what was said by Ms. Bondi during her press conference.) As will be explained below, I believe that Mr. McGuire must be required to account for Ms. Bondi's comments under Tenn. Sup. Ct. R. 8, RPC 3.6(d) and RPC 3.8(f). As will also be explained below, I believe that the Board of Professional Responsibility can exercise jurisdiction over Ms. Bondi directly because the case that she has purposely attempted to materially prejudice through her public remarks is pending in a federal court in Tennessee.

Media reports have indicated that another lawyer in the U.S. Attorney's office for the Middle District of Tennessee, Ben Schrader, walked away from a fifteen-year career rather than be a party to the filing of the pending criminal charges against Mr. Abrego Garcia. This criminal case seems to have been brought based on an incident that occurred in 2022 and that did not result at the time in any arrest at all. There is a real possibility that Mr. McGuire and others in his office who are pursuing these charges that apparently Mr. Schrader would rather resign than be a part of prosecuting, may be engaged in other conduct amounting to violations of portions of RPC 3.8, but I certainly do not have sufficient information to know of any such violations at this time. Rather, this complaint is directed only at the clear

5865 Ridgeway Center Parkway
Suite 300
Memphis, TN 38120

901-820-4556
Brian@faughnanonethics.com

violations of Tennessee's ethics rules that occurred during Ms. Bondi's press conference on June 6 for which Ms. Bondi should be held to account and for which Mr. McGuire had an ethical obligation, at minimum, to make an effort to discourage her from saying the things she said that were in violation of Tennessee's ethics rules.

RPC 3.6 imposes a number of restrictions upon the ability of lawyers to make public statements about pending litigation. The primary prohibition that rule imposes is that a lawyer "who is participating or has participated in the investigation or litigation of a matter shall not make an extrajudicial statement that the lawyer knows or should reasonably know will be disseminated by mean of public communication and will have a substantial likelihood of materially prejudicing an adjudicative proceeding in the matter." Tenn. Sup. Ct. R. 8, RPC 3.6(a). The rule then goes on to provide some things that a lawyer can safely say despite the prohibition in (a), including "information contained in a public record." Tenn. Sup. Ct. R. 8, RPC 3.6(b)(2). In a criminal case such as the prosecution of Mr. Abrego Garcia, the rule provides additional information that can safely be discussed at a press conference such as the one Ms. Bondi held. Tenn. Sup. Ct. R. 8, RPC 3.6(b)(7). The aspects of Ms. Bondi's remarks during her June 6 press conference that prompt this complaint are not protected in any fashion by RPC 3.6(b)(2) or (b)(7).

Rather, despite the fact that no such information was included in the two-count indictment against Mr. Abrego Garcia, Ms. Bondi made a number of false statements as to the findings of the grand jury reflected in the indictment and made other statements that are not reflected anywhere in the indictment:

Ms. Bondi directly stated that the grand jury found that alien smuggling "was his full-time job." That does not appear in the indictment at all.

Ms. Bondi directly stated that the grand jury found that Mr. Abrego Garcia "made over a hundred trips." That allegation against Mr. Abrego Garcia does not appear in the indictment at all. Rather, while the indictment does allege that Mr. Abrego Garcia engaged in certain alleged smuggling conduct on "multiple occasions," the indictment never references 100 trips and only rests upon one traffic stop in Tennessee in November 2022 which did not result in any arrest at the time.

Ms. Bondi directly states that Mr. Abrego Garcia was "alleged with transporting minor children." No such allegation appears in the indictment.

Ms. Bondi directly stated that a co-conspirator "alleged that the defendant solicited nude photographs and videos of a minor." There is no such allegation in the indictment.

Ms. Bondi directly stated that a co-conspiratory has alleged that Mr. Abrego Garcia “played a role in the murder of a rival gang member’s mother.” There is no such allegation in the indictment.

Further, while taking a limited amount of questions from the press, and after a reporter pointed out that Ms. Bondi was saying things that were not in the indictment, Ms. Bondi did not acknowledge that she was saying things that she should not have said nor did she make any effort to clarify that the public should not believe the accusations she was relaying against Mr. Abrego Garcia, but instead referenced an unrelated case involving the arrest of an MS-13 member and implied again that Mr. Abrego-Garcia was involved in grooming middle school age children.

(A video of the press conference in question can be located in many places online including: <https://www.justice.gov/opa/video/attorney-general-bondi-announces-charges-against-abrego-garcia>)

Each of these incredibly reckless statements itemized above are not in the indictment against Mr. Abrego Garcia. Instead, they are statements on subject matter that the Comment to RPC 3.6 clearly indicates “are more likely than not to have a material prejudicial effect on a proceeding, particularly when they refer to ... a criminal matter.” Tenn. Sup. Ct. R. 8, RPC 3.6 cmt. [5]. That Comment identifies such subject matter as including “the character, credibility [and] reputation” of the defendant; “any opinion as to the guilt or innocence of a defendant ... in a criminal case;” and “information that the lawyer knows or reasonably should know is likely to be inadmissible as evidence in a trial and that would, if disclosed, create a substantial risk of prejudicing an impartial trial.” *Id.*

For *any* federal prosecutor to be willing to make such assertions at a press conference about a federal criminal case would be a very serious ethical problem. Another comment to our Rule 3.6 points out that “[c]riminal jury trials will be most sensitive to extrajudicial speech.” Tenn. Sup. Ct. R. 8, RPC 3.6 cmt. [6]. It is also worth noting that such a statement is also violative of the Department of Justice’s policy provisions in its own Justice Manual. Specifically, Title 1-7.700(B) provides that in circumstances when media contact may be appropriate after indictment but before conviction, “communications with the media should be limited to information contained in publicly available material, such as an indictment or other public pleadings.”

For the Attorney General of the United States to act in such brazen disregard to the ethics rules that govern our profession is a situation that is beyond the pale and that

requires vigilant action by every agency that is part of our self-regulating profession when they have the authority and ability to do something about it.

Now, it is possible that Ms. Bondi will assert that prior to her press conference she did not participate at all in the investigation of the charges pursued against Mr. Abrego-Garcia. Her comments during her press conference certainly strongly appear to imply that she was personally involved in this investigation. If that is her claim, and her argument for not being governed by RPC 3.6(a), then she should be required to say so. Because Mr. McGuire is participating in the litigation of the charges against Mr. Abrego-Garcia, and because RPC 3.6(d) prohibits other lawyers in the same government agency as him, which would include Ms. Bondi, from making statements that would be prohibited by RPC 3.6(a), any claim by Ms. Bondi in that respect would not absolve her from responsibility for violating RPC 3.6(d).

Furthermore, while the restrictions in RPC 3.6 apply to all kinds of lawyers, lawyers who are prosecutors, including the Attorney General of the United States and the U.S. Attorney for the Middle District of Tennessee such as Mr. McGuire, are also governed by Tenn. Sup. Ct. R. 8, RPC 3.8.

RPC 3.8(f) specifically mandates that prosecutors “shall refrain from making extrajudicial comments that have a substantial likelihood of heightening public condemnation of the accused.” Tenn. Sup. Ct. R. 8, RPC 3.8(f). The exceptions to that prohibition as to statements “that are necessary to inform the public of the nature and extent of the prosecutor’s action and that serve a legitimate law enforcement purpose” provide no protection for the statements made by Ms. Bondi accusing Mr. Abrego-Garcia of crimes and other conduct not reflected at all in the indictment. In fact, her statements on June 6 are now actually directly leading to additional public condemnation of Mr. Abrego Garcia as on June 7, 2025, the Assistant Secretary of the Department of Homeland Security appeared on the Fox News Channel and called Mr. Abrego-Garcia “a disgusting human being” and also accused him of homicide and involvement with soliciting child pornography – allegations not in the indictment but that were asserted by Ms. Bondi at her press conference. [The clip containing these comments can be found in multiple locations online, including at <https://www.threads.com/@brittainforsenate/post/DKm106Oygej>].

As for Mr. McGuire and his own ethical responsibility flowing from Ms. Bondi’s wholly unethical conduct during the June 6 press conference, that question is governed by RPC 3.8(f) as well. Another portion of that rule imposes a requirement on Mr. McGuire to “discourage ... persons assisting or associated with the prosecutor in a criminal matter from making an extrajudicial statement that the prosecutor would be prohibited from

making under RPC 3.6 or this Rule.” Tenn. Sup. Ct. 8, RPC 3.8(f). It is, of course, possible that Mr. McGuire can provide facts in his response to this complaint to show that he made efforts to discourage Ms. Bondi from saying the things she said at her press conference on June 6. If he does, and Ms. Bondi proceeded to say the things she said on June 6, then it will only heighten the importance of your office taking action against her.

Before I walk through in this letter the reasons that Ms. Bondi’s statements at her press conference, regarding federal criminal proceedings in Tennessee, can subject her to the disciplinary jurisdiction of the Board of Professional Responsibility, I want to make clear how important exercising that jurisdiction is given the position that the Florida Bar, where Ms. Bondi is licensed, has articulated about why it will do absolutely nothing to address her unethical conduct.

Florida has a provision that indicates that it will not take any action against a sitting constitutional officer during the constitutional officer’s tenure. The Florida Bar has relied upon that provision to essentially reject at least two, if not more, complaints that have been filed against Ms. Bondi for other alleged unethical conduct she has engaged in her very short tenure so far as Attorney General of the United States. A very recent disciplinary complaint filed against her by Lawyers Defending American Democracy and almost 70 other lawyers has attempted to convince the Florida Bar to reverse its position, but there is no significant likelihood that Ms. Bondi – no matter how severely she violates ethics rules – will be held to account in her home licensing jurisdiction. (A copy of that recent Florida complaint is attached as Exhibit B.)

As to the power of your office to investigate, and the power of the Board of Professional Responsibility to impose discipline against, Ms. Bondi despite her not being licensed in Tennessee, these, as you know, are the relevant provisions in our ethics rules and in our rules of disciplinary enforcement addressing your jurisdiction.

Tenn. Sup. Ct. R. 9, Section 8.1 indicates that “any lawyer not admitted in this jurisdiction who practices law or renders or offers to render any legal services in this jurisdiction, is subject to the disciplinary jurisdiction of the [Tennessee Supreme] Court [and] the Board [of Professional Responsibility. RPC 8.5(a) provides that “A lawyer not admitted in this jurisdiction is also subject to the disciplinary authority of this jurisdiction if the lawyer provides or offers to provide any legal services in this jurisdiction.” It is admittedly not unambiguously clear that Ms. Bondi’s conducting of a press conference about the bringing of these criminal charges in Tennessee amounts to providing legal services in Tennessee. Ms. Bondi may also attempt to argue that the conduct of her press conference did not involve the practice of law in Tennessee either.

5865 Ridgeway Center Parkway
Suite 300
Memphis, TN 38120

901-820-4556
Brian@faughnanonethics.com

However, RPC 8.5(b)(1) in explaining which ethics rules should apply to a lawyer's conduct establishes that when it is "conduct in connection with a matter pending before a tribunal," then it is the rules of the jurisdiction where the tribunal sits. That would clearly indicate that it is Tennessee's ethics rules that apply to Ms. Bondi's conduct during that press conference and, given Florida's refusal to date to consider itself to have any authority over Ms. Bondi while she is serving as the Attorney General of the United States, if your office does not advance the position that it has authority to exercise jurisdiction over that conduct, then Ms. Bondi will be free to continue to engage in such conduct regarding this, and any other federal criminal proceedings in Tennessee without any ethical consequences whatsoever.

If the Board is not inclined to believe that it has the power to exercise disciplinary jurisdiction over Ms. Bondi for her conduct on June 6, then prior to making a final decision on that question, I would ask the Board to refer this complaint to the Florida Bar and see if it will continue to abdicate its responsibility for holding Ms. Bondi responsible for her conduct. If the Florida Bar were to accept a referral of this complaint from the Board, that would be acceptable from my perspective because Tennessee's rules, as described and addressed above, would apply to her conduct under Florida's version of Rule 8.5(b).

Very truly yours,

FAUGHNAN LAW, PLLC



Brian S. Faughnan

Enclosures

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

MAY 21 2025

UNITED STATES OF AMERICA)

NO. 3:25-00115

DT
DEPUTY CLERK

v.)

8 U.S.C. § 1324(a)(1)(A)(ii)

8 U.S.C. § 1324(a)(1)(A)(v)

8 U.S.C. § 1324(a)(1)(B)(i)

KILMAR ARMANDO ABREGO GARCIA)

18 U.S.C. § 2

INDICTMENT

THE GRAND JURY CHARGES:

INTRODUCTORY ALLEGATIONS

At all times material to this Indictment unless otherwise indicated:

1. From in or around 2016 through in or around 2025, **KILMAR ARMANDO ABREGO GARCIA** and others known and unknown to the Grand Jury, conspired to bring undocumented aliens to the United States from countries such as Guatemala, El Salvador, Honduras, Ecuador, and elsewhere, ultimately passing through Mexico before crossing into Texas. The co-conspirators knew the undocumented aliens did not possess authorization to enter the United States.

2. **KILMAR ARMANDO ABREGO GARCIA** and co-conspirators from El Salvador, Guatemala, Mexico, the United States, and elsewhere, communicated with each other using cellular telephones and social media applications to facilitate the unlawful transportation of undocumented aliens without authorization to and throughout the United States.

3. **KILMAR ARMANDO ABREGO GARCIA** and co-conspirators collected financial payments from undocumented aliens for illegal transportation into and throughout the

United States. The co-conspirators then knowingly transferred money between one another in an effort to conceal the origin of the payments.

4. CC-1, CC-2, CC-3, CC-4, and CC-5, all persons known to the Grand Jury, were co-conspirators with **KILMAR ARMANDO ABREGO GARCIA**, all were citizens of El Salvador, and all were not United States citizens. CC-6, also a person known to the Grand Jury, was a citizen of Guatemala and not a United States citizen.

5. **KILMAR ARMANDO ABREGO GARCIA** was a citizen of El Salvador, was not a United States citizen, and was living in the United States. **KILMAR ARMANDO ABREGO GARCIA** was also a member and associate of the transnational criminal organization, La Mara Salvatrucha, otherwise known and hereinafter referred to as MS-13.

6. MS-13 was a criminal enterprise engaged in, among other activities, acts and threats involving murder, extortion, narcotics trafficking, firearms trafficking, alien smuggling, and money laundering. MS-13 operated throughout North and Central America, including in El Salvador, Guatemala, Mexico, the United States, including in Texas, Maryland, New York, Tennessee, and elsewhere.

7. **KILMAR ARMANDO ABREGO GARCIA**, as detailed further below, used his status in MS-13 to further his criminal activity. Over the course of the conspiracy, the co-conspirators knowingly and unlawfully transported thousands of undocumented aliens who had no authorization to be present in the United States, and many of whom were MS-13 members and associates. The co-conspirators also worked with transnational criminal organizations in Mexico to transport undocumented aliens through Mexico and into the United States.

COUNT ONE

8 U.S.C. § 1324 (a)(1)(A)(v)(I)

(Conspiracy to Transport Aliens)

8. Paragraphs one through seven are incorporated by reference and realleged as if fully set forth herein.

A. The Conspiracy

9. Between in or around 2016 and 2025, in the Middle District of Tennessee and elsewhere, **KILMAR ARMANDO ABREGO GARCIA** did combine, conspire, confederate, and agree with CCs-1 through 6, and others known and unknown to the Grand Jury, to knowingly and in reckless disregard of the fact that certain aliens had come to, entered, and remained in the United States in violation of law, transport and move said aliens within the United States by means of transportation and otherwise in furtherance of such violation of law, with intent to further the unlawful presence of the aliens in the United States and for private financial gain, in violation of Title 8, United States Code Sections 1324(a)(1)(A)(ii) and (B)(i).

B. Manner and Means

10. In or around 2016, shortly after meeting each other, CC-1 and **KILMAR ARMANDO ABREGO GARCIA** agreed to work together to transport undocumented aliens for profit and private financial gain.

11. Co-conspirators outside the United States facilitated the travel of undocumented aliens from El Salvador, Guatemala, Honduras, Ecuador, Mexico, and elsewhere to illegally cross the United States border into Texas without inspection. CC-6 was one of the primary sources of supply of undocumented aliens for the conspiracy, and many of the undocumented aliens supplied by CC-6 included MS-13 members and associates.

12. **KILMAR ARMANDO ABREGO GARCIA** and CC-1 ordinarily picked up the undocumented aliens in the Houston, Texas area shortly after the aliens had unlawfully crossed the Southern border of the United States from Mexico. **KILMAR ARMANDO ABREGO GARCIA** and CC-1 then transported the undocumented aliens from Texas to other parts of the United States to further the aliens' unlawful presence in the United States.

13. During the course of the conspiracy, CC-1 was incarcerated for alien smuggling and was deported from the United States. During that period, CC-2, at the direction of CC-1, began working with **KILMAR ARMANDO ABREGO GARCIA** to transport undocumented aliens for profit. After CC-1 was released from prison and deported, CC-1 illegally re-entered the United States and returned to work with **KILMAR ARMANDO ABREGO GARCIA**, CC-2, and other co-conspirators to transport undocumented aliens for profit.

14. In addition to transporting undocumented aliens, **KILMAR ARMANDO ABREGO GARCIA**, CC-1, and CC-2 occasionally and simultaneously transported firearms illegally purchased in Texas for distribution and resale in Maryland.

15. In addition to transporting undocumented aliens, and firearms at times, **KILMAR ARMANDO ABREGO GARCIA** occasionally and simultaneously transported undocumented aliens and narcotics purchased in Texas for distribution and resale in Maryland.

16. On some occasions, members and associates of MS-13 in Maryland accompanied **KILMAR ARMANDO ABREGO GARCIA** on his trips to transport undocumented aliens in Texas to other parts of the United States.

17. On various occasions throughout the conspiracy, among the undocumented aliens **KILMAR ARMANDO ABREGO GARCIA** and his co-conspirators transported from Texas to other parts of the United States, were MS-13 members and associates.

18. **KILMAR ARMANDO ABREGO GARCIA** and CC-1 regularly required the undocumented aliens they transported to pay **KILMAR ARMANDO ABREGO GARCIA** and CC-1 in cash for facilitating their transport throughout the United States. The MS-13 members and associates transported by CC-2 refused to pay CC-2 for his transportation services, but the MS-13 members and associates **KILMAR ARMANDO ABREGO GARCIA** transported generally treated **KILMAR ARMANDO ABREGO GARCIA** with respect and also paid him for his transportation services. Co-conspirators later transferred, via Western Union and other means, at least some of these monies derived from the unlawful transportation within the United States to other co-conspirators in foreign countries such as Mexico and Guatemala as part of the wider alien smuggling operation.

19. CC-3, on multiple occasions along with **KILMAR ARMANDO ABREGO GARCIA** and CC-1, transported undocumented aliens within the United States. CC-3 also received and transferred payments from undocumented aliens derived from the unlawful transportation within the United States and in furtherance of the conspiracy.

20. CC-4 and CC-5 received and transferred thousands of dollars of criminal proceeds derived from the conspiracy by wire to and from other co-conspirators, both within and outside of the United States. CC-1 also directed CC-6 and other co-conspirators known and unknown to the Grand Jury to transfer money to other individuals by wire for a fee, to obscure the recipient of the money. CC-6 also transferred criminal proceeds by wire to CC-4.

21. In an effort, in part, to protect operational security and conceal their illegal alien smuggling operation, **KILMAR ARMANDO ABREGO GARCIA**, CC-1, and CC-2 varied their transportation routes within the United States.

22. **KILMAR ARMANDO ABREGO GARCIA**, CC-1, and CC-2 also routinely took the undocumented aliens' cellular phones they transported within the United States, and they provided them back to the undocumented aliens at the end of the trip. They did this to ensure the undocumented aliens could not and would not contact anyone else during the trip.

23. **KILMAR ARMANDO ABREGO GARCIA**, CC-1, and CC-2 transported undocumented aliens in an unsafe manner, including using reconfigured vehicles with after-market unattached seating rows, and they transported children on the floorboards of vehicles in order to maximize profits.

24. As a part of the conspiracy, none of the undocumented aliens transported by **KILMAR ARMANDO ABREGO GARCIA**, CC-1, and CC-2 carried luggage because they had just crossed the border from Mexico into the United States.

25. To conceal their illegal activity, **KILMAR ARMANDO ABREGO GARCIA**, CC-1, and CC-2 routinely devised and employed knowingly false cover stories to provide to law enforcement if they were stopped during a transport. These false cover stories regularly involved the transportation of individuals (i.e. the undocumented aliens) for work such as a construction job.

26. In 2021, as part of CC-6's criminal activities in these international transports, CC-6 was involved in the transportation of more than 150 migrants that ended when the tractor trailer carrying them overturned in Mexico, resulting in the deaths of more than 50 migrants and injuring many others.

27. **KILMAR ARMANDO ABREGO GARCIA** sometimes brought close relatives with him when he picked up undocumented aliens in Texas and transported them to other parts of the United States. On other occasions, he came alone. During some of the trips **KILMAR**

ARMANDO ABREGO GARCIA operated when he did not bring a close relative, CC-6 received reports from undocumented aliens that **KILMAR ARMANDO ABREGO GARCIA** had abused some of the female undocumented aliens. Knowing this was bad for business, CC-6 reported these allegations of abuse by **KILMAR ARMANDO ABREGO GARCIA** to both CC-1 and CC-2, and CC-6 directed CC-1 and CC-2 to cause **KILMAR ARMANDO ABREGO GARCIA** to stop the abuse.

28. **KILMAR ARMANDO ABREGO GARCIA**, CC-1, and CC-2 routinely transported between six and ten undocumented aliens per trip to maximize efficiency and profits.

29. Over the course of the conspiracy, **KILMAR ARMANDO ABREGO GARCIA** transported undocumented aliens who had entered the United States without authorization on approximately more than 100 trips between Texas to Maryland and other states.

C. Representative Acts of the Conspiracy

Transportation in Tennessee

30. On or about the following dates, as representative of the manner and means of the conspiracy, **KILMAR ARMANDO ABREGO GARCIA** and his co-conspirators took and caused the following actions:

- a. On or about November 30, 2022, a state trooper with the Tennessee Highway Patrol (“THP”) conducted a traffic stop on a Chevrolet Suburban on Interstate I-40 in Putnam County, Tennessee, outside of Cookeville, Tennessee, located in the Middle District of Tennessee. Other THP troopers subsequently responded to the scene of the traffic stop.
- b. The November 30, 2022, traffic stop was captured on video by THP body worn cameras.
- c. **KILMAR ARMANDO ABREGO GARCIA** was the driver of the Suburban.
- d. There were nine additional passengers in the Suburban, all of whom were Hispanic males, and none of whom had any identification.

- e. When asked where they were traveling from, **KILMAR ARMANDO ABREGO GARCIA** knowingly and falsely told the state trooper he and the passengers were coming from St. Louis. He further knowingly and falsely stated to the state trooper that the Suburban passengers had been in St. Louis for two weeks doing construction. **KILMAR ARMANDO ABREGO GARCIA** also offered that the passengers were on their way back to Maryland, which he also then knew to be false because the passengers had been picked up in Texas.
- f. Multiple passengers told the THP state troopers they were going to the same address in Maryland.
- g. The Suburban that **KILMAR ARMANDO ABREGO GARCIA** was driving had an after-market third row of seats placed where a cargo area should be, which was occupied by undocumented passengers.
- h. None of the nine undocumented passengers had any luggage, nor was there any tools or construction equipment in the Suburban.
- i. License Plate Reader (LPR) data, which can track a particular vehicle's location at a given point in time, showed that the Chevrolet Suburban **KILMAR ARMANDO ABREGO GARCIA** was driving had not been near St. Louis in the past twelve months and, in fact, had been in the Houston, Texas area within the week leading up to the traffic stop on November 30, 2022.
- j. **KILMAR ARMANDO ABREGO GARCIA** had \$1,400 in cash in his pocket.
- k. Shortly after the traffic stop, **KILMAR ARMANDO ABREGO GARCIA** informed other members of the conspiracy that he had been stopped by law enforcement in Tennessee but that he had been released.

All in violation of Title 8 United States Code, Sections 1324(a)(1)(A)(v)(I) and 1324(a)(1)(B)(i).

COUNT TWO

8 U.S.C. §1324 (a)(1)(A)(ii)

(Unlawful transportation of undocumented aliens)

31. The Grand Jury realleges paragraphs one through seven and ten through thirty of this Indictment and further alleges the following.

32. On or about November 30, 2022, in the Middle District of Tennessee and elsewhere, **KILMAR ARMANDO ABREGO GARCIA**, aided and abetted by others known and unknown to the Grand Jury, did knowing and in reckless disregard of the fact that certain aliens had come to, entered, and remained in the United States in violation of law, did transport and move said aliens within the United States by means of transportation and otherwise in furtherance of such violation of law, with intent to further the unlawful presence of the aliens in the United States and for private financial gain, and did aid and abet the same.

In violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii) and 1324(a)(1)(B)(i), and Title 18, United States Code, Section 2.

FORFEITURE ALLEGATION

1. The allegations contained in this Indictment are re-alleged and incorporated by reference as if fully set forth in support of this forfeiture.

2. Upon conviction of Counts One or Two, **KILMAR ARMANDO ABREGO GARCIA** shall forfeit to the United States of America, pursuant to Title 8, United States Code, Section 1324(b) and Title 18, United States Code, Section 981(d):


- (A) Any conveyance, including any vessel, vehicle, or aircraft, that was being used in the commission of a violation of Count One or Two;
- (B) the gross proceeds of such violation; and
- (C) any property traceable to such conveyance or proceeds.

A TRUE BILL


FOREPERSON



ROBERT E. MCGUIRE
ACTING UNITED STATES ATTORNEY
MIDDLE DISTRICT OF TENNESSEE



JACOB WARREN
CHRISTOPHER EASON
CO-DIRECTORS, JOINT TASK FORCE VULCAN
JEREMY I. FRANKER
DEPUTY DIRECTOR, JOINT TASK FORCE VULCAN
UNITED STATES DEPARTMENT OF JUSTICE

June 5, 2025

The Florida Bar
Attn: ACAP
651 E. Jefferson Street
Tallahassee, FL 32399-2300
ACAPIntake@floridabar.org

Re: Ethics Complaint Against Pamela Jo Bondi¹

The undersigned attorneys, law professors and former judges file this complaint seeking an investigation and appropriate sanctions against Pamela Jo Bondi, a member of The Florida Bar, who has engaged in serious professional misconduct that threatens the rule of law and the administration of justice.²

We file this complaint recognizing that Ms. Bondi currently serves as the Attorney General of the United States, the highest-ranking lawyer in the United States government. Indeed, we bring Ms. Bondi's misconduct to your attention precisely *because* Ms. Bondi holds this exalted position, with the attendant responsibilities for subordinate lawyers under her authority who carry out her directives, and because the complaint highlights for the entire legal profession the importance of ethical rules to our independent, self-regulating profession.

Likewise, we file this complaint notwithstanding The Florida Bar's recent reply to two previous ethics complaints filed against Ms. Bondi that it "does not investigate or prosecute sitting officers appointed under the U.S. Constitution while they are in office."³ The purported rationale for declining to investigate or prosecute is that such action "could encroach on the authority of the federal government concerning these officials and the exercise of their duties."⁴ The Florida Bar's dismissal is unsupported by history or precedent. As the Supreme Court has held:

Since the founding of the Republic, the licensing and regulation of lawyers has been left exclusively to the States and the District of Columbia within their respective jurisdictions. The States prescribe the qualifications for admission to practice and the standards of professional conduct. They also are responsible for the discipline of lawyers.⁵

¹ Ms. Bondi's Florida Bar Number is 886440. Her contact information is:
United States Department of Justice
950 Pennsylvania Ave., NW, 20530-0001
202-514-2000

² R. Regulating Fla. Bar 4-8.3, Comment. ("An apparently isolated violation may indicate a pattern of misconduct that only a disciplinary investigation can uncover.").

³ Letters from Allie F. Huston, Bar Couns., Fla. Bar (May 20, 2025) and Christopher S. Wackes, Bar Couns., Fla. Bar (May 20, 2025) (on file with the author).

⁴ *Id.* (the text of the letters is identical).

⁵ *Leis v. Flynt*, 439 U.S. 438, 442 (1979).

Accordingly, this policy of The Florida Bar is an abdication of its jurisdiction and its responsibility to regulate the legal profession. Indeed, this policy means that the Bar will exercise no authority over the behavior of lawyers licensed in Florida who happen to be appointed as an officer of the United States.⁶ In other words, any such lawyers, including the Attorney General, are professionally unaccountable.

The Rules not only require that lawyers who are public officials are accountable for their ethical conduct, but they specifically declare that lawyers who are public officials have a higher duty than other lawyers to maintain ethical standards: “Lawyers holding public office assume legal responsibilities going beyond those of other citizens. A lawyer’s abuse of public office can suggest an inability to fulfill the professional role of attorney.”⁷ Nowhere in the Rules or Comments is there an exemption for lawyers who are federal public officials. Moreover, the McDade Amendment, 28 U.S.C § 530B, plainly makes Department of Justice lawyers subject to state bar rules.⁸ Therefore, we ask The Florida Bar to do its duty and investigate the serious professional misconduct discussed herein.

Summary of the Complaint

The gravamen of this complaint is that Ms. Bondi, personally and through her senior management, has sought to compel Department of Justice lawyers to violate their ethical obligations under the guise of “zealous advocacy” as announced in her memorandum to all Department employees, issued on her first day in office, threatening employees with discipline and possible termination for falling short.⁹ She has exerted this pressure even though the Rules of Professional Conduct limit the “zeal” of attorneys to “lawful and ethical measures.”¹⁰ Such conduct violates Florida Rule of Professional Conduct 4-8.4(a), which makes it misconduct for a lawyer to “knowingly assist or induce another ... to violate the Rules of Professional Conduct”; Rule 4-5.1, which imposes ethical duties on Ms. Bondi to take reasonable measures with respect to her managerial duties as Attorney General and her supervisory duties over subordinate lawyers to ensure that lawyers in the Department comply with their ethical duties; and Rule 4-8.4(d), which prohibits a lawyer from engaging in conduct that is prejudicial to the administration of justice.

⁶ We note that although The Florida Bar may not, pursuant to Rule 3-7.16(d) of Florida’s Rules of Discipline, investigate bar complaints against “constitutional officers” until after they vacate office, this limitation only applies to officers appointed under the Florida Constitution. *See Kane v. Robbins*, 556 So. 2d 1381, 1382 (Fla. 1989) (“In any event, school board members are now accorded constitutional status by article IX, section 4(a), Florida Constitution.”). *See also* § 112.3142, Fla. Stat. (2025) (defining “constitutional officers” for purposes of ethics training to include “the Governor, the Lieutenant Governor, the Attorney General, the Chief Financial Officer, the Commissioner of Agriculture, state attorneys, public defenders, sheriffs, tax collectors, property appraisers, supervisors of elections, clerks of the circuit court, county commissioners, district school board members, and superintendents of schools.”).

⁷ R. Regulating Fla. Bar 4-8.4, Comment. (“A lawyer shall not engage in conduct in connection with the practice of law that is prejudicial to the administration of justice.”).

⁸ *See* discussion *infra*, pp. 10-11.

⁹ Memorandum of U.S. Att’y Gen. Pamela Bondi to all Dep’t Emp. on General Policy Regarding Zealous Advocacy on Behalf of the United States (Feb. 5, 2025), <https://www.justice.gov/ag/media/1388521/dl?inline>.

¹⁰ *See* R. Regulating Fla. Bar 4-1.3, Comment.

In this complaint, we highlight three glaring examples of Department lawyers being terminated or forced to resign as a result of demands that they act unethically issued by Ms. Bondi or a member of her senior management, including Emil Bove, initially the Acting Deputy Attorney General (the No. 2 position in the Department) and now the Principal Associate Deputy Attorney General (the No. 3 position); Todd Blanche, the current Deputy Attorney General; and Edward Martin, then Interim U.S. Attorney for the District of Columbia and now chief of the Justice Department’s “Weaponization Working Group” and the Department’s pardon attorney.

In the simplest and most alarming example, Ms. Bondi and her deputy, Mr. Blanche, fired an experienced and accomplished attorney, Erez Reuveni, for telling the truth before a tribunal in the case involving Kilmar Garcia,¹¹ who was deported to El Salvador due to an administrative error, and contrary to a court order that he not be deported to that country. The second example is the forced resignation of Denise Cheung, who had served in the Department for nearly a quarter century, when she declined to open a criminal investigation because there was insufficient predication. And the third example of this pattern of conduct occurred when the Department proposed to dismiss the criminal indictment of Mayor Eric Adams of New York without prejudice in exchange for Mr. Adams’ assistance on immigration enforcement. Because the dismissal was based on an improper *quid pro quo*, the Acting U.S. Attorney for the Southern District of New York and almost a dozen other lawyers in that office and the Department’s Public Integrity Section objected to the proposed dismissal. As a result, they were forced to resign immediately or placed on administrative leave and later resigned rather than express regret for the prosecution.

Through her “zealous advocacy” memorandum and its application in these three cases, Ms. Bondi has sent a message to all Justice Department lawyers that they must disregard the applicable Rules of Professional Conduct, fundamental ethical principles, and longstanding norms of the Department in order to zealously pursue the President’s political objectives—and, if they fail to do so, they will be disciplined or fired. However, as Ms. Bondi and her senior staff are fond of saying, no one is above the law,¹² and this includes Ms. Bondi.

¹¹ Sadie Gurman, *He Represented Contentious Immigration Cases for the Government. His Candor Lost Him His Job*, WALL ST. J. (Apr. 15, 2025, at 9:00 ET), https://www.wsj.com/us-news/law/this-lawyer-defended-republicans-and-democrats-his-candor-cost-him-his-job-b3515a38?reflink=desktopwebshare_permalink.

¹² See Luke Barr, Alexander Mallin & Ivan Pereira, *‘No one is above the law’: AG Bondi blasts judges accused of helping undocumented immigrants evade*, ABC NEWS (Apr. 25, 2025, at 16:40 ET), <https://abcnews.go.com/US/judge-hannah-dugan-arrested-fbi-allegedly-helping-undocumented/story?id=121161497> (Att’y Gen. Bondi); Marina Dunbar & Maya Yang, *FBI arrests Wisconsin judge and accuses her of obstructing immigration officials*, GUARDIAN (Apr. 25, 2025, at 12:27 ET), https://www.theguardian.com/us-news/2025/apr/25/judge-hannah-dugan-milwaukee-arrest?CMP=share_btn_url (FBI Director Patel); and Chris Perez, *‘Egregiously unqualified political hack’: Former US attorneys eviscerate Ed Martin — with over 100 voicing opposition to Trump’s selection of him as DC’s top prosecutor*, L. & CRIM. (Apr. 2, 2025, at 14:51 ET), <https://lawandcrime.com/high-profile/egregiously-unqualified-political-hack-former-us-attorneys-eviscerate-ed-martin-with-over-100-voicing-opposition-to-trumps-selection-of-him-as-dcs-top-prosecutor> (U.S. Att’y D.C. Edward Martin).

This complaint will first describe Ms. Bondi's and her senior managers' conduct in connection with these examples. It then identifies the ethical provisions she likely has violated and explains how her actions endanger the rule of law and the administration of justice.¹³

I. Factual Statement

A. Ms. Bondi's "Zealous Advocacy" Memorandum

On her first day as Attorney General (February 5, 2025), Ms. Bondi issued a memorandum to all Justice Department employees entitled *General Policy Regarding Zealous Advocacy on Behalf of the United States*.¹⁴ It states in part

It is the job of an attorney privileged to serve in the Department of Justice to zealously defend the interests of the United States. Those interests, and the overall policy of the United States, are set by the Nation's Chief Executive, who is vested by the Constitution with all "[E]xecutive Power." More broadly, attorneys are expected to zealously advance, protect, and defend their client's interests. Department of Justice attorneys have signed up for a job that requires zealously advocating for the United States.

The responsibilities of Department of Justice attorneys include not only aggressively enforcing criminal and civil laws enacted by Congress, but also vigorously defending presidential policies and actions against legal challenges on behalf of the United States. The discretion afforded Department attorneys entrusted with these responsibilities does not include latitude to substitute personal political views or judgments for those that prevailed in the election.

When Department of Justice attorneys, for example, refuse to advance good-faith arguments by declining to appear in court or sign briefs, it undermines the constitutional order and deprives the President of the benefit of *his lawyers*. It is therefore the policy of the Department of Justice that any attorney who because of their personal political views or judgments declines to sign a brief or appear in court, refuses to advance good-faith arguments on behalf of the Administration, or otherwise delays or impedes the Department's mission will be subject to discipline and potentially termination, consistent with applicable law.¹⁵

As subsequent events demonstrate, the zealousness intended by Ms. Bondi's memorandum entails the routine violation of ethical strictures applicable to Department lawyers and has resulted in these lawyers being fired for complying with those limits or forced to resign rather than violate their ethical obligations.

¹³ This complaint is based entirely on publicly-available primary documents and news reports. The undersigned disclaim any personal knowledge of any of the events discussed here.

¹⁴ Bondi, *supra* note 9, at 1.

¹⁵ *Id.* (emphasis added).

B. Kilmar Garcia Litigation

Kilmar Armando Abrego Garcia is an El Salvadoran citizen. He entered the United States around 2011.¹⁶ In 2019, Immigration and Customs Enforcement (ICE) instituted removal proceedings against him. In response, Garcia sought a “withholding of removal” order preventing the United States from removing him to El Salvador. That order was issued in October 2019 after the immigration judge agreed it was more likely than not that Garcia would be persecuted by gangs if he were forced to return to his home country. The government did not appeal that order, so it became effective.

In March of this year, Mr. Garcia was detained by ICE and, without notice or legal process, flown to El Salvador and placed in the notorious “Terrorism Confinement Center” (CECOT).¹⁷ On March 24, his family filed suit in federal district court in Maryland against several federal defendants, including the Secretary of Homeland Security and Ms. Bondi. They also sought an emergency temporary restraining order asking the court to order the defendants to request the government of El Salvador to return Mr. Garcia.

The government filed its response on March 31, arguing principally that the district court lacked jurisdiction for several reasons, and that it was not likely that El Salvador would respond positively to a request from the United States.¹⁸ Critically, the response conceded that, “[o]n March 15, although ICE was aware of his protection from removal to El Salvador, Abrego Garcia was removed to El Salvador because of an administrative error.”¹⁹

At the April 4 hearing on the TRO motion, the government was represented by Erez Reuveni, the Acting Deputy Director of DOJ’s Office of Immigration Litigation and one of the DOJ lawyers who signed the March 31 response. As such, Mr. Reuveni had no option but to say at the outset, consistent with the Department’s March 31 response, “we concede the facts. This person should—the plaintiff, Abrego Garcia, should not have been removed.”²⁰ In an exchange with the court, he explained why: there was a withholding of removal order, now final, that forbade the government from returning Mr. Garcia to El Salvador. As a result, he acknowledged, “[t]here’s no dispute that the order could not be used to send Mr. Abrego Garcia to El Salvador.”²¹ When the court pressed him on what document the government had relied upon to initiate Mr. Garcia’s removal in 2025, Mr. Reuveni again had no option but to concede

¹⁶ All the factual statements in this and the following paragraph are drawn from the complaint in *Abrego Garcia v. Noem*, 8:25-cv-00951, (D. Maryland Mar. 24, 2025) ECF No. 1.

¹⁷ *Abrego Garcia v. Noem*, 8:25-cv-00951, (D. Maryland Apr 06, 2025) ECF No. 31, at 1.

¹⁸ *Abrego Garcia v. Noem*, 8:25-cv-00951, (D. Maryland Mar. 31, 2025) ECF No. 11. The Department’s opposition was signed by Yaakov M. Roth, Acting Assistant Attorney General – Civil Division, Mr. Reuveni, and Christopher I. Pryby, Trial Attorney, Office of Immigration Litigation.

¹⁹ *Id.* at 3. As a defendant in this case, represented by the government’s lawyers – as well as those lawyers’ supervisor—Ms. Bondi should be bound by this assertion. *See Israel v. John Crane, Inc.*, 601 F. Supp. 3d 1259, 1266 (M.D. Fla. 2022) (“Moreover, lawyers are agents of their clients; clients are therefore bound by what their lawyers assert in a case.”).

²⁰ Hr’g Tr. No. 8:25-cv-00951, 19 (D. Maryland Apr. 4, 2025) (on file with the author).

²¹ *Id.* at 25.

“[t]hat is not in the record, and the government has not put that into the record. And that’s the best I can do.”²²

Similarly, Mr. Reuveni had to concede that the withholding of the removal order meant that, as a matter of law, Mr. Garcia could not be removed to El Salvador,²³ and that there was “no case directly on point to Your Honor’s question.”²⁴ The court thanked Mr. Reuveni, *no less than three separate times*, for his “candor.”²⁵ Mr. Reuveni *did* point out where there *was* a “dispute” between the parties,²⁶ and he argued at some length why the government believed the court had no jurisdiction in the case.²⁷

And yet, the very next day, Deputy Attorney General Todd Blanche placed Mr. Reuveni on administrative leave for failing to “follow a directive from your supervisors,” “engaging in conduct prejudicial to your client” and not “zealously advocat[ing] on behalf of the United States.”²⁸ And the next day, Ms. Bondi appeared on “Fox News Sunday” and made it clear that Mr. Reuveni’s suspension was a direct consequence of her February 5 “zealous advocacy” memorandum:

He was put on administrative leave by Todd Blanche on Saturday. And I firmly said on Day 1, I issued a memo that you are to vigorously advocate on behalf of the United States. Our client in this matter was Homeland Security—is Homeland Security. He did not argue. He shouldn’t have taken the case. He shouldn’t have argued it, if that’s what he was going to do. He’s on administrative leave now. . . . You have to vigorously argue on behalf of your client.²⁹

The Fox host, Shannon Bream, twice pointed out that “the government ha[d] admitted there was an error in deporting him.”³⁰ Neither time did Ms. Bondi dispute that assertion; nor did she explain how Mr. Reuveni could have done so. Rather, she simply said that Mr. Reuveni’s conduct “would be a defense attorney walking in conceding something in a criminal matter. That would never happen in this country.”³¹

²² *Id.* at 21.

²³ *Id.* at 23-25.

²⁴ *Id.* at 28.

²⁵ *Id.* at 20, 35-36, and 50.

²⁶ *Id.* at 40-41.

²⁷ *Id.* at 42-49.

²⁸ Glenn Thrush, *Justice Dept. Accuses Top Immigration Lawyer of Failing to Follow Orders*, NEW YORK TIMES (Apr. 5, 2025), <https://www.nytimes.com/2025/04/05/us/politics/justice-dept-immigration-lawyer-leave.html?searchResultPosition=7>.

²⁹ Video posted by Fox News (@FoxNews), FACEBOOK, *AG Pam Bondi accuses district court judges of playing ‘whack-a-mole’* (Apr. 6, 2025), <https://www.facebook.com/FoxNews/videos/ag-pam-bondi-accuses-district-court-judges-of-playing-whack-a-mole-with-anti-tru/672899485221131/>

³⁰ *Id.*

³¹ *Id.* In fact, Rule 4-3.3 applies equally in civil and criminal cases, except where a client in a criminal case insists on presenting false testimony. *See* R. Regulating Fla. Bar 4-3.3(b). That is obviously inapplicable to Mr. Reuveni. Also, Ms. Bondi’s statement that a defense attorney would never “concede something in a criminal matter” is

Ten days later, Mr. Reuveni was fired by Mr. Bove at Ms. Bondi's direction.³² Mr. Blanche also suspended Mr. Reuveni's immediate supervisor, August Flentje, for failure to supervise Mr. Reuveni.³³

C. EPA Clean Energy Contract Investigation

Denise Cheung served for over 24 years in the Department of Justice and the U.S. Attorney's Office in the District of Columbia.³⁴ She was most recently the Chief of the Criminal Division of that office. On February 17, 2025, the Department's Office of the Deputy Attorney General (ODAG) (then headed by Mr. Bove in an acting capacity) instructed Ms. Cheung to open a criminal investigation into whether EPA had unlawfully awarded a clean energy project contract, and to issue grand jury subpoenas pursuant to the investigation. She was instructed to take that action by close of business that evening to prevent contract awardees from drawing down contract funds held by Citibank.

Ms. Cheung conferred with colleagues with substantial white collar criminal prosecution experience, reviewed documentation provided by ODAG, and concluded that the documents on their face did not provide the predicate for opening a criminal investigation. After much internal debate, ODAG said a "freeze letter" requesting that the bank freeze the funds would be adequate. Ms. Cheung contacted the FBI's Washington Field Office to start that process. Ms. Cheung also viewed a Project Veritas video that ODAG claimed provided probable cause.

Ms. Cheung sent a draft freeze letter to the Principal Deputy U.S. Attorney for the District of Columbia (PAUSA). The PAUSA proposed inclusion of language stating that the government had probable cause to believe that contract funds held by the bank were subject to seizure and forfeiture. Ms. Cheung said the language was not appropriate, based on evidence she had reviewed. Ms. Cheung provided the FBI with alternative language that said "there may be conduct that constitutes potential violations of [the federal criminal code] that merits additional investigation." The FBI issued the letter to Citibank at 7:28 pm.

The PAUSA and Interim U.S. Attorney Martin called Ms. Cheung shortly afterward, objecting to the language of the freeze letter and directing Ms. Cheung to immediately send a second letter to the bank, signed by herself and Mr. Martin, announcing the commencement of a criminal investigation and ordering the bank not to disburse any funds. Ms. Cheung responded that she continued to believe there was insufficient evidence to issue such a letter, including insufficient evidence to tell the bank there was probable cause to seize the accounts that had been identified. Because Ms. Cheung believed she did not have legal authority to send the letter, she told Mr.

incorrect. Criminal defense attorneys often concede facts or points of law if they are undisputed and it is in the interest of their client to do so.

³² See Glenn Thrush, *As White House Steers Justice Dept., Bondi Embraces Role of TV Messenger*, N.Y. TIMES (May 12, 2025), <https://www.nytimes.com/2025/05/12/us/politics/pam-bondi-trump-justice-dept.html?smid=url-share>.

³³ Thrush, *supra* note 28.

³⁴ The facts in this section are drawn from *Read the resignation letter by Denise Cheung, a veteran D.C. federal prosecutor*, WASH. POST (Mar. 6, 2025), <https://www.washingtonpost.com/dc-md-va/2025/02/18/read-resignation-letter-denise-cheung/>.

Martin she would not send it. Mr. Martin then asked for her resignation, which she submitted the following day.

Mr. Martin then personally submitted an application for a seizure warrant, not signed by any other prosecutors in his office.³⁵ A U.S. magistrate judge rejected it on the grounds that the application (which included an affidavit from an FBI agent) failed to establish a reasonable belief that a crime had occurred. Mr. Bove then approached at least one other U.S. attorney's office in the southeastern United States about launching a grand jury investigation of the same contract and seeking a court-ordered bank freeze, but prosecutors in that office also refused to do so.

D. Dismissal of Eric Adams Prosecution³⁶

In September 2024, the Department indicted Eric Adams, the Mayor of New York City, on five counts arising from his alleged solicitation of illegal campaign contributions from foreign nationals. Shortly after the election, Mr. Adams and his defense team initiated contact with Trump staff and ultimately met with the President-Elect himself. On January 31, 2025, Mayor Adams' counsel met with then-Acting Deputy Attorney General Bove and the prosecutors working on the case, led by Danielle Sassoon, the Acting U.S. Attorney for the Southern District of New York. At that meeting, as documented by Ms. Sassoon, the Mayor's counsel indicated that he could be helpful to the Administration's immigration enforcement priorities if he was no longer facing prosecution. Also, as reported by Ms. Sassoon in her resignation letter, Mr. Bove "admonished a member of my team who took notes during that meeting and directed the collection of those notes at the meeting's conclusion."³⁷

On February 10, Mr. Bove sent a memorandum to Ms. Sassoon, stating that he was acting pursuant to the authorization of the Attorney General. The memorandum instructed her to dismiss the indictment after obtaining Mr. Adams' consent to dismissal of the indictment without prejudice to it being refiled. Mr. Bove's memorandum provided two grounds for dismissal: (1) doing so would enable Mr. Adams to assist in immigration enforcement; and (2) Damian Williams, Ms. Sassoon's predecessor, improperly "weaponized" the prosecution. Mr. Bove's memorandum also stated that the decision to dismiss had been reached without consideration of the merits of the prosecution.

Ms. Sassoon wrote Ms. Bondi on February 12 to request a meeting and express her grave misgivings about this memorandum. She expressed concern that the agreement with Mayor Adams to consent to dismissal had been "negotiated without my office's awareness or participation." She explained that offering to drop a prosecution in exchange for a promise of

³⁵ The facts in this paragraph are drawn from Spencer S. Hsu, Maxine Joselow & Nicolás Rivero, *FBI takes up EPA probe amid pushback from judge, prosecutors*, WASH. POST (Feb. 27, 2025), <https://www.washingtonpost.com/dc-md-va/2025/02/27/trump-fbi-epa-grant-investigation/>.

³⁶ Except as otherwise noted, the facts in this section are drawn from Lola Fadulu & Alyce McFadden, *A Timeline of Eric Adams's Indictment, and What Came Next*, N.Y. TIMES (Apr. 2, 2025), <https://www.nytimes.com/article/eric-adams-indictment-timeline.html>; Letter from Danielle Sassoon, Fmr. U.S. Att'y S.D. N.Y. to Pamela Bondi, U.S. Att'y Gen. (Feb. 12, 2025) (on file with the author); *Read the letter from Emil Bove accepting Danielle Sassoon's resignation*, N.Y. TIMES (Feb. 13, 2025), <https://www.nytimes.com/interactive/2025/02/13/nyregion/memo-from-bove-1.html>; and E-mail from Hagan Scotten, Asst. U.S. Att'y S.D. N.Y. to Emil Bove, Princ. Assoc. Dep. U.S. Att'y Gen. (on file with the author).

³⁷ Letter, *supra* note 36, at 3.

assistance violated the Department of Justice Manual and the Rules of Professional Conduct, and would constitute prosecutorial misconduct. She also explained that Mr. Williams had very little involvement in the investigation, that the decision to indict originated with career staff, and that Mr. Williams' public statements were typical for a U.S. Attorney. "Moreover," she added, "dismissing without prejudice and with the express option of again indicting Adams in the future creates obvious ethical problems, by implicitly threatening future prosecution if Adams's cooperation with enforcing the immigration laws proves unsatisfactory to the Department."

Ms. Sassoon said "I am mindful of your recent order reiterating prosecutors' duty to make good-faith arguments in support of the Executive Branch's positions. *See* Feb. 5, 2025 Mem. 'General Policy Regarding Zealous Advocacy on Behalf of the United States.' But because I do not see any good-faith basis for the proposed position, I cannot make such arguments consistent with my duty of candor." She offered to resign if Ms. Bondi chose not to meet with her or to reevaluate the dismissal directive.

Mr. Bove responded on February 13, "accepting" Ms. Sassoon's resignation and placing the two lead prosecutors on administrative leave, pending an investigation of all three attorneys' "insubordination" by the Office of Attorney General and the Department's Office of Professional Responsibility.³⁸ The letter quoted from the "zealous advocacy" memorandum and added: "Your Office was not exempted from . . . the Attorney General's memorandum." That same day, Mr. Bove transferred the Adams prosecution from the office of the U.S. Attorney for the Southern District of New York to the Department's Public Integrity Section. The two leaders of the Public Integrity Section and three other lawyers there promptly resigned rather than participate in dismissing the case.

Ms. Sassoon resigned on February 14, along with one of the two lead prosecutors.³⁹ Also that day, Mr. Bove held a conference call with the remaining lawyers in the Public Integrity Section, stating that two of them would need to sign the dismissal motion—or it was strongly implied, they would all be fired. He gave them one hour to decide. A senior Section lawyer offered to sign the motion "to protect the other lawyers," and it was ultimately filed that day with the additional signatures of Mr. Bove himself and the then head of the Department's Criminal Division.

On April 22, three of the prosecutors who had been placed on administrative leave resigned. They explained that Mr. Blanche, newly appointed as the Deputy Attorney General, had

³⁸ *Read the letter from Emil Bove accepting Danielle Sassoon's resignation, supra* note 36, at 1-2 and 5. Mr. Bove placed Hagan Scotten and Derek Wikstrom on administrative leave. Two other prosecutors, Celia Cohen and Andrew Rohrbach, were also placed on leave sometime later.

³⁹ The resignation email that the lead prosecutor, Mr. Scotten, sent to Mr. Bove is particularly scathing:

No system of ordered liberty can allow the Government to use the carrot of dismissing charges, or the stick of threatening to bring them again, to induce an elected official to support its policy objectives. . . . [O]ur laws and traditions do not allow using the prosecutorial power to influence other citizens, much less elected officials, in this way. If no lawyer within earshot of the President is willing to give him that advice, then I expect you will eventually find someone who is enough of a fool, or enough of a coward, to file your motion. But it was never going to be me.

E-mail, *supra* note 36, at 1.

conditioned their return to service on expressing regret and admitting misconduct in connection with refusing to dismiss the Adams case. They resigned rather than “abdicate our legal and ethical obligations in favor of directions from Washington.”⁴⁰

On April 2, Judge Dale Ho reluctantly dismissed the indictment, although he did so with prejudice, declaring that “everything here smacks of a bargain: dismissal of the Indictment in exchange for immigration policy concessions.”⁴¹ Judge Ho also rejected the Department’s claims of misconduct by Southern District prosecutors: “There is no evidence—zero—that they had any improper motives.”⁴²

II. Ethical Rules Violated

A. Applicable Rules of Professional Conduct

1. Ms. Bondi

The McDade Amendment makes plain that an attorney for the federal government is bound by State laws, ethical rules and federal court rules in the State “where such attorney engages in that attorney’s duties, to the same extent and in the same manner as other attorneys in that State.”⁴³

Ms. Bondi is a member of The Florida Bar. Under Rule 4-8.5 of the Florida Rules of Professional Conduct, she “is subject to the disciplinary authority of this jurisdiction although engaged in practice elsewhere.” The Comment to this Rule adds:

In modern practice lawyers frequently act outside the territorial limits of the jurisdiction in which they are licensed to practice, either in another state or outside the United States. In doing so, they remain subject to the governing authority of the jurisdiction in which they are licensed to practice. If their activity in another jurisdiction is substantial and continuous, it may constitute the practice of law in that jurisdiction. See rule 4-5.5.

If the Rules of Professional Conduct in the 2 jurisdictions differ, principles of conflict of laws may apply. Similar problems can arise when a lawyer is licensed to practice in more than 1 jurisdiction.

⁴⁰ Jonah Bromwich & William Rashbaum, *Adams Case Prosecutors Resign Rather Than Express Regret to Justice Dept.*, N.Y. TIMES (Apr. 22, 2025), <https://www.nytimes.com/2025/04/22/nyregion/eric-adams-prosecutors-resign.html>.

⁴¹ *Read the ruling dismissing corruption charges against Eric Adams*, N.Y. TIMES (Apr. 2, 2025), <https://www.nytimes.com/interactive/2025/04/02/nyregion/adams-charges-dismissed-ruling.html>

⁴² *Id.*, slip op. at 2.

⁴³ 28 U.S.C. § 530B(a). Congress passed the McDade Amendment in 1998 in response to the Department of Justice’s claim that federal government lawyers were not bound by state ethics rules regarding contacting witnesses represented by counsel. See Nina Marino and Richard Kaplan, *Moving Towards a Meaningful Limitation on Wrongful Prosecutorial Contact with Represented Parties*, 4 PUB. INT. L. REV. 36 (1999). This law now binds all federal government lawyers, including the Attorney General. See *id.* § 530B(c) (cross-referencing 28 C.F.R. § 77.2(a) (“The phrase *attorney for the government* means the Attorney General . . .”).

Although Ms. Bondi heads a federal agency headquartered in the District of Columbia, she is not a member of the D.C. Bar and therefore is not subject to the disciplinary authority of the D.C. Bar under the current rules issued by the D.C. Court of Appeals.⁴⁴ Under the choice of law rules issued by the Department of Justice to implement the McDade Amendment, however, Ms. Bondi is subject to Florida's ethical rules.⁴⁵ The Florida Bar therefore has disciplinary authority over this bar complaint and its Rules of Professional Conduct apply to Ms. Bondi's conduct that is the subject of this complaint.

2. Department Lawyers

Under the Department's choice of law rules, the Department lawyers that Ms. Bondi and her senior management team supervise (i) when involved with a particular case, are subject to the "rules of ethical conduct of the court before which a case is pending"; and as noted above (ii) where no case is pending, are subject to the ethical rules of the attorney's state of licensure unless choice of law principles direct the attorney to comply with the ethical rules of another jurisdiction or court.⁴⁶ Accordingly, Mr. Reuveni is subject to the Maryland Rules of Professional Conduct since the *Garcia* case is pending in federal district court in Maryland; Ms. Cheung, as a member of the D.C. Bar, is subject to the D.C. Rules of Professional Conduct; and Ms. Sassoon is subject to the New York Rules of Professional Conduct since the Adams case was pending in New York and she is a member of the New York State Bar.

B. Supervisory Misconduct (Rules 4-8.4(a) and 4-5.1)

Ms. Bondi's principal ethical violation arises from her perversion of the concept of "zealous advocacy" into an overriding campaign, individually and through Messrs. Blanche, Bove and Martin, to coerce and intimidate the lawyers they supervise into violating their ethical obligations. In each of the examples discussed above, Ms. Bondi and her senior "team"⁴⁷

⁴⁴ Pursuant to Rule XI, Section 1(a) of the D.C. Court of Appeals' Rules Governing the District of Columbia Bar, the D.C. Court of Appeals and the D.C. Board on Professional Responsibility have disciplinary jurisdiction over members of the D.C. Bar, persons appearing *pro hac vice* in a D.C. case, licensed special legal consultants, clinical professors providing legal services, and persons who have been suspended or disbarred by the D.C. Court of Appeals. *See also* Bd. Pro. Resp. R. 8.5(a). ("A lawyer admitted to practice in this jurisdiction is subject to the disciplinary authority of this jurisdiction, regardless of where the lawyer's conduct occurs.").

⁴⁵ *See* 28 C.F.R. § 77.4(c)(1) ("Where no case is pending, the attorney should generally comply with the ethical rules of the attorney's state of licensure, unless application of traditional choice-of-law principles direct the attorney to comply with the ethical rule of another jurisdiction or court, such as the ethical rule adopted by the court in which the case is likely to be brought.") *See also* R. Regulating Fla. Bar 4-8.5, Comment ("If the Rules of Professional Conduct in the 2 jurisdictions differ, principles of conflicts of laws may apply."). There are no material differences between the Florida and District of Columbia Rules of Professional Conduct that Ms. Bondi allegedly violated and therefore Florida's conflicts of laws rule does not apply.

⁴⁶ *See* 28 C.F.R. § 77.4(a) and (c). While the Department's rules prescribe the applicable rules of conduct, they do not address which state bar has disciplinary jurisdiction to determine if a Department lawyer has violated the rules.

⁴⁷ Ms. Bondi herself refers to these individuals as her "team." *See* Pamela Bondi, U.S. Att'y Gen., Introduction at the Department of Justice (Mar. 14, 2025) ("Hi, please be seated. Welcome to the Department of Justice and I love our team. Todd Blanche, Emil Bove, Kash Patel, soon to be Terry Cole, Gaddy Serralta, thank you all. . . . I am so proud to have a team with Emil and Todd and all of our great team and we all work for the greatest president in the history of our country."), <https://www.rev.com/transcripts/trump-speaks-at-doj>.

ordered Department lawyers to do things those lawyers were ethically forbidden from doing, under threat of suspension or termination—or fired them for not having done so.

To recap:

Erez Reuveni. Mr. Blanche first suspended, and then fired, Erez Reuveni for telling the truth in a federal district court located in Maryland about why Kilmar Garcia was deported to El Salvador. Ms. Bondi endorsed this action in a television broadcast. But Mr. Reuveni was required to make these concessions by the duty of candor to the tribunal imposed on him by Maryland Rule 19-303.3(a)(1) & (4), which provide in relevant part: “An attorney shall not knowingly . . . make a false statement of fact or law to a tribunal . . . or offer evidence that the lawyer knows to be false.”⁴⁸ As noted above, the court thanked Mr. Reuveni, *no less than three separate times*, for his “candor.”⁴⁹

In subsequent appellate proceedings, two judges on a panel of the Fourth Circuit Court of Appeals took special note of the treatment of Mr. Reuveni:

Of note, in response to the candid responses by the Government attorney to the district court’s inquiry, that attorney has been put on administrative leave, ostensibly for lack of “zealous[] advocacy.” . . . But, the duty of zealous representation is tempered by the duty of candor to the court, among other ethical obligations, and the duty to uphold the rule of law, particularly on the part of a Government attorney. United States Department of Justice, Home Page, <https://www.justice.gov/> (last visited Apr. 6, 2025) (“Our employees adhere to the highest standards of ethical behavior, mindful that, as public servants, we must work to earn the trust of, and inspire confidence in, the public we serve.”).⁵⁰

Denise Cheung. Mr. Bove and Mr. Martin sought to get Ms. Cheung, an Assistant U.S. Attorney in the District of Columbia, to open a criminal investigation in a circumstance where she and her senior colleagues agreed that the available evidence was insufficient to support such action.⁵¹ She also refused to sign a letter to a bank declaring that probable cause existed to justify seizing assets held by the bank. Ms. Cheung’s conclusions were subsequently validated by a U.S. magistrate judge and at least one other U.S. Attorney’s office.

Adams Prosecutors. Mr. Bove and Ms. Bondi accepted the resignations of Ms. Sassoon and almost a dozen other Department lawyers handling (or told to handle) the Adams

⁴⁸ Md. R. Prof. Conduct 19-303.3(a)(1), (4).

⁴⁹ Hr’g Tr., *supra* note 20, at 20, 35-36, and 50.

⁵⁰ *Abrego Garcia v. Noem*, No. 25-1345, 2025 WL 1021113 (4th Cir. April 7, 2025) (concurring opinion of judges Thacker and King), slip op. at 8 note 4.

⁵¹ See The Att’y Gen. Guidelines for Domestic FBI Operations, Op. Att’ys Gen. 20-22 (Sep. 29, 2008) (discussing circumstances justifying predicated investigations (and thus use of grand jury subpoenas)). Part II.B.3(a) states:

A predicated investigation may be initiated on the basis of any of the following circumstances:

a. An activity constituting a federal crime or a threat to the national security has or may have occurred, is or may be occurring, or will or may occur and the investigation may obtain information relating to the activity or the involvement or role of an individual, group, or organization in such activity.

prosecution because they refused to ask a court to dismiss a well-founded indictment as part of a political deal. In her resignation letter, addressed to Ms. Bondi, Ms. Sassoon explained that offering to drop a prosecution in exchange for a promise of assistance would violate Section 1-8.100 of the Department's *Justice Manual*, the words of which are worth quoting here:

The rule of law depends upon the evenhanded administration of justice. The legal judgments of the Department of Justice must be impartial and insulated from political influence. It is imperative that the Department's investigatory and prosecutorial powers be exercised free from partisan consideration. It is a fundamental duty of every employee of the Department to ensure that these principles are upheld in all of the Department's legal endeavors.⁵²

She also pointed out that:

Threatening criminal prosecution even to gain an advantage in civil litigation is considered misconduct for an attorney. *See, e.g.*, D.C. Bar Ethics Opinion 339; ABA Criminal Justice Standard 3-1.6 ("A prosecutor should not use improper considerations, such as partisan or political or personal considerations, in exercising prosecutorial discretion.").⁵³

Ms. Sassoon acknowledged the "zealous advocacy" memorandum, but said that, because she could not see any good-faith basis for the proposed deal, to support it in court would violate her duty of candor under New York Rule 3.3.⁵⁴

All of the foregoing lawyers. In addition to the different rules that applied to each of the Department lawyers discussed above, Ms. Bondi's campaign of coercion also prevented *all* of these lawyers from complying with their own duties to "exercise independent professional judgment and render candid advice" as required by every relevant jurisdiction's Rule 2.1 of professional conduct, or were terminated for their unwillingness to violate that duty. Ms. Bondi's threat to subject to discipline or terminate any Department lawyer who refuses because of their "personal . . . judgments" to sign a brief or appear in court stands in direct conflict with Department lawyers' duty under Rule 2.1. That duty is binding on a lawyer in every relevant jurisdiction even if that lawyer is a subordinate acting at the direction of another.⁵⁵ Reuveni,

⁵² U.S. Dep't of Just., Just. Manual § 1-8.100 (2025). She also cited § 9-27.260 of the Manual, which states: "prosecutors may not be influenced by a person's 'political association, activities, or beliefs.'"

⁵³ Letter, *supra* note 36, at 2.

⁵⁴ Rules of Professional Conduct [22 NYCRR 1200.0] rule 3.3.

⁵⁵ *See, e.g.*, R. Regulating Fla. Bar 4-5.2(a). A subordinate can only be excused from exercising independent professional judgment in the event of "an arguable question of professional duty," and then only if the lawyer acts in accordance with his or her supervisor's "reasonable resolution" of that question. *See* R. Regulating Fla. Bar 4-5.2(b). Ms. Bondi's termination of Mr. Reuveni for answering the Court's questions honestly, Mr. Martin's demand that Ms. Cheung announce the commencement of a criminal investigation and order the bank not to disburse funds and his termination of Ms. Cheung for refusing to do so, and Mr. Bove's demand that Ms. Sassoon file a motion to dismiss the indictment against in the Adams case were not "reasonable resolution[s]" of Reuveni's, Cheung's and Sassoon's duty to exercise independent professional judgment. If Reuveni had failed to answer the Court's question honestly and if Cheung and Sassoon had acceded to Martin's and Bove's demands, they would have violated their duties under Rule 4-2.1 as well as their other ethical duties identified above. Accordingly, Ms. Bondi has no basis

Cheung, Sassoon and other lawyers involved in the Adams prosecution were compelled to either quit their jobs to avoid violating that duty or were fired for doing so. In the cases of Ms. Cheung and the Adams prosecution, Department lawyers were placed under intense pressure to knuckle under and violate their ethical duties.

In the EPA Clean Energy contract investigation, Ms. Cheung had an ethical duty to evaluate whether there was sufficient evidence to open a criminal investigation and for claiming that contract funds held by a bank were subject to seizure and forfeiture. But rather than acknowledge Ms. Cheung's exercise of her professional judgment, Interim U.S. Attorney Martin demanded that she sign a letter stating that she was commencing a criminal investigation and ordering the bank not to disburse any funds. When she refused to ignore her ethical duties by signing the letter, Martin fired her.

In the Adams case, lawyers in the Criminal Division were required to exercise their independent professional judgment with respect to whether the motion to dismiss the indictment could be filed in good faith and whether it was otherwise consistent with their professional duties. But instead of acknowledging and accommodating their concerns and ethical obligations, Mr. Bove accepted Ms. Sassoon's resignation and moved the case to the Public Integrity Section, called a meeting with the attorneys in the unit, and gave them an hour to decide who would sign the motion with the implied threat of dismissal looming over the conversation.⁵⁶ Since Mr. Bove was Ms. Bondi's deputy, it is reasonable to assume, subject to further investigation, that she was aware of and approved his actions.

In a recent opinion on the ethical duties of government lawyers, the New York City Bar Association squarely addressed the relationship between a lawyer's duty to zealously advocate and the duty to exercise independent professional judgment. The Bar Association held that if a government lawyer in exercising her independent professional judgment determines there is no basis for a legal position she is directed to take, she is ethically prohibited from following the directive:

Each lawyer retains a personal obligation to comply with the Rules, even if also being obliged to "advocate zealously" on behalf of the government that employs them. Because each lawyer must comply with the Rules, it follows necessarily that each lawyer must retain the independent judgment to determine whether a certain course of conduct must result in a violation of the Rules. That being so, no government lawyer may follow a policy that requires them to follow instructions regardless of consequences. . . . Lawyers, as officers of the legal system and the courts, may not take positions or make arguments that they believe have no legal basis. Therefore, lawyers must always retain the discretion to make independent professional judgments about the law – from the law of the land down to the lowliest rule and regulation.⁵⁷

for arguing that if Mr. Reuveni, Ms. Cheung and Ms. Sassoon had acted in accordance with the demands of their supervisors, they would not have violated their ethical duties pursuant to Rule 4-5.2(b).

⁵⁶ Devlin Barrett, Adam Goldman, Glenn Thrush & William Rashbaum, *In Moving to Stop Adams Case, Career Lawyer Sought to Stave Off Deeper Crisis*, N.Y. TIMES (Feb. 16, 2025), <https://www.nytimes.com/2025/02/16/us/politics/justice-department-trump-eric-adams.html?smid=url-share>.

⁵⁷ NY City Bar Assn Comm on Prof Ethics Formal Op. 2025-1 [2025].

Accordingly, Mr. Reuveni, Ms. Cheung and Ms. Sassoon were ethically required to take the actions they took and Ms. Bondi's responses violated her ethical duties under two Florida rules:

First, her conduct violates Rule 4-8.4(a), which provides that it is misconduct for a lawyer to "violate or attempt to violate the Rules of Professional Conduct, *knowingly assist or induce another to do so, or do so through the acts of another. . .*."⁵⁸ In every case above, Ms. Bondi acted directly, or through Messrs. Bove, Blanche or Martin, to compel their subordinate lawyers to violate those lawyers' professional obligations. These actions were knowing, moreover, since in every case, one or more lawyers were fired or allowed to resign *after* they had explained how following these orders would cause them to act unethically.

Second, Ms. Bondi's actions violate Rule 4-5.1, the ethical rule regarding a lawyer's ethical responsibility with respect to her managerial duties as Attorney General and her supervision over subordinate lawyers. Rule 4-5.1(a) requires that managers "make reasonable efforts to ensure that the firm⁵⁹ has in effect measures giving reasonable assurance that all lawyers therein conform to the Rules of Professional Conduct." Rule 4-5.1(b) applies to the Department of Justice and requires a lawyer "having direct supervisory authority over another lawyer [to] make reasonable efforts" to ensure that their subordinates conform to the Rules.

The ethical problem vividly illustrated by the three examples concerns both Ms. Bondi's managerial and supervisory duties. Ms. Bondi's "zealous advocacy" memorandum and the actions of her senior team set in motion measures designed to ensure that subordinates would *violate* their ethical obligations whenever it serves the priorities of the Administration. Such activity is surely more blameworthy than the usual violation of Rule 4-5.1, which turns on the reasonableness of a supervisor's efforts. It is even more egregious that the person driving this campaign is the Attorney General of the United States, the highest-ranking lawyer in the nation and the holder of an august and storied office.

Ms. Bondi may object that, in each of these examples, most of the overt acts were taken by her deputy at the time, or in one example by the Interim U.S. Attorney for the District of Columbia. But, as just noted, Rule 4-8.4(a) prohibits a lawyer from violating the Rules of Professional Conduct "through the acts of another." Similarly, Rule 4-5.1 focuses on what actions a lawyer has taken to shape the actions of his or her subordinates. The adequacy and nature of those actions must be assessed in light of those subordinates' actions. Where the reaction of subordinates is to resign rather than commit an unethical act, the nature of the measures put in place by Ms. Bondi is plain. Also, Ms. Bondi expressly adopted the actions of her deputies in

⁵⁸ R. Regulating Fla. Bar 4-8.4(a) (emphasis added).

⁵⁹ There is no question that this rule applies to supervisors in legal offices contained within a government agency. See R. Regulating Fla. Bar 4-5.1, Comment. ("[L]awyers who have managerial authority over the professional work of a 'firm'... include members of a partnership, the shareholders in a law firm organized as a professional corporation, and members of other associations authorized to practice law; lawyers having comparable managerial authority in a legal services organization or a law department of an enterprise *or government agency*...") (emphasis added). See also R. Regulating Fla. Bar 4, Preamble. ("'Firm' or 'law firm' denotes a lawyer or lawyers in a law partnership, professional corporation, sole proprietorship, or other association authorized to practice law; or lawyers employed in the legal department of a corporation *or other organization*.") (emphasis added).

both the Reuveni and Adams examples. She proudly took credit, on nationwide television, for Mr. Reuveni's suspension. And she was the sole addressee of Ms. Sassoon's letter, which requested a meeting with her to discuss the issues it raised. While Mr. Bove responded to that letter the next day, it is inconceivable that he did so without first checking with Ms. Bondi since he was her deputy.

Ms. Bondi may also argue, in the Reuveni example, that she had no intention of requiring unethical behavior; that all she really meant was something more benign, like for her lawyers, when the facts and law are against them, to "pound the table and yell like hell," per the aphorism attributed to Carl Sandburg.⁶⁰ It is clear, however, from her Fox News appearance that what really irked Ms. Bondi was Mr. Reuveni's up-front concession of the facts. As she said on the broadcast, that "would be a defense attorney walking in conceding something in a criminal matter. That would never happen in this country."⁶¹ This of course was not a criminal proceeding, and as we explain in the next section, Ms. Bondi either misunderstands or grossly overstates the actual conduct of lawyers in judicial proceedings.

The crowning irony of this case is that, as the comment to Rule 4-1.3 clearly explains, while "[a] lawyer must . . . act with commitment and dedication to the interests of the client and with zeal in advocacy upon the client's behalf," the lawyer may only "take whatever *lawful and ethical* measures are required to vindicate a client's cause or endeavor."⁶² Rule 4-1.3 does not justify requiring a subordinate to breach his or her duty of candor to the tribunal, to initiate a criminal investigation without sufficient evidence, or to use the powers of a prosecutor to advance an administration's political goals. The comment also clarifies that "reasonable diligence does not require the use of offensive tactics or preclude the treating of all persons involved in the legal process with courtesy and respect"—unlike the way Ms. Bondi and her colleagues have treated their own lawyers. Ms. Bondi's "zealous advocacy" memorandum thus exceeds what Rule 4-1.3 requires. Rather, what the memorandum expresses is Ms. Bondi's determination to coerce her subordinates into a concerted campaign of unethical behavior. As explained below, that campaign threatens the administration of justice.

Additional proof of Ms. Bondi's breach of her duty under Rule 4-5.1(a) to make reasonable efforts to ensure that the Department has instituted measures to reasonably assure that all lawyers comply with the Rules of Professional Conduct can be gleaned from the removal of the head of the Department's Office of Professional Responsibility ("OPR")—Jeffrey Ragsdale.⁶³ OPR handles internal ethics investigations.⁶⁴ Tellingly, despite the fact that Mr. Ragsdale was ousted more than two months ago, OPR's website does not identify anyone as having replaced him as head of the Office. All it states under the heading "Leadership" is "Counsel".⁶⁵ It is

⁶⁰ Quote by Carl Sandburg, GOODREADS, <https://www.goodreads.com/quotes/918291-if-the-facts-are-against-you-argue-the-law-if>.

⁶¹ See video *supra* note 29.

⁶² R. Regulating Fla. Bar 4-1.3, Comment.

⁶³ Perry Stein, Shayna Jacobs, Carol Leoning & Ann Marimow, *Several top career officials ousted at Justice Department*, WASH. POST (Mar. 7, 2025), <https://wapo.st/4317uEQ>.

⁶⁴ *Attorney Professional Misconduct Matters*, U.S. DEP'T OF JUST. (Nov. 22, 2025), <https://www.justice.gov/opr/professional-misconduct>.

⁶⁵ *Office of Professional Responsibility*, U.S. DEP'T OF JUST. (2025), <https://www.justice.gov/opr>.

reasonable to infer that Mr. Ragsdale's termination and Ms. Bondi's failure to appoint a successor reflect her decision to require that Department lawyers adhere to the directives of her senior leadership team even if the directive violates a lawyer's ethical duties.⁶⁶ This is exactly the message that Ms. Bondi's "zealous advocacy" memorandum delivered.

C. Ms. Bondi's Actions Threaten the Administration of Justice (Rule 4-8.4(d))

Rule 4-8.4(d) provides that a lawyer commits misconduct when she "engage[s] in conduct in connection with the practice of law that is prejudicial to the administration of justice, including to knowingly, or through callous indifference, disparage, humiliate, or discriminate against litigants, jurors, witnesses, court personnel, or other lawyers on any basis . . ."⁶⁷ While we acknowledge that this Rule focuses on a lawyer's conduct in a specific case, the spirit of the Rule is aimed at protecting the administration of justice and "the public's confidence in our system of justice."⁶⁸ This broad purpose encompasses a range of conduct that seriously undermines the administration of justice.

Here, by aggressively implementing a zealous advocacy policy that is directed towards conduct in pending and future judicial proceedings, and which requires her subordinates to routinely violate the Rules of Professional Conduct, Ms. Bondi has elevated loyalty to the person who appointed her (President Trump)⁶⁹ over the interests of her client (the United States). The "zealous advocacy" memorandum itself conflates the two, by stating that President Trump "sets . . . the interests of the United States":

It is the job of an attorney privileged to serve in the Department of Justice to zealously defend the interests of the United States. Those interests, and the overall policy of the United States, are set by the Nation's Chief Executive, who is vested by the Constitution with all "[E]xecutive Power."

Ms. Bondi's memorandum, and the campaign of coercion and intimidation she has set in motion to implement it, go far beyond the particulars of the three examples discussed above.

⁶⁶ Stacy Ludwig, formerly the Director of the Department's Professional Responsibility Advisory Office, also left her position at the Department of Justice. The purpose of this Office is "to provide professional responsibility advice and training to Department attorneys and Assistant United States Attorneys worldwide, on how to carry out their duties, in compliance with the applicable rules of professional conduct." *Former Director of the Professional Responsibility Advisory Office Stacy Ludwig*, U.S. DEP'T OF JUST. (Mar. 10, 2025), <https://www.justice.gov/archives/prao/staff-profile/former-director-ludwig>. A replacement Director has not been appointed, again supporting the conclusion that Ms. Bondi is violating her duties under Rule 4-5.1(a) by failing to make reasonable efforts to ensure that all lawyers in the Department comply with the Rules of Professional Conduct. *See Professional Responsibility Advisory Office*, U.S. DEP'T OF JUST. (2025), <https://www.justice.gov/prao>.

⁶⁷ R. Regulating Fla. Bar 4-8.4(d). We note that D.C. Rule 8.4(d) states that it is professional misconduct for a lawyer to "[e]ngage in conduct that seriously interferes with the administration of justice" but does not state that the conduct must be "in connection with the practice of law." Nor does the D.C. Rule provide examples of the types of conduct that trigger the application of the Rule. Since Ms. Bondi's conduct relates to the practice of law and both rules prohibit conduct that is "prejudicial" to or "interferes" with the "administration of justice," there is no material difference between them.

⁶⁸ R. Regulating Fla. Bar 4-8.4(d), Comment.

⁶⁹ Bondi *supra* note 47.

Rather, they influence—and are intended to influence—the conduct of all Department lawyers in every matter. Indeed, because the Department is the one federal agency focused directly on the law, and staffed by lawyers, Ms. Bondi’s campaign affects all federal lawyers. Thus, it is profoundly prejudicial to the administration of justice in both existing and future cases and accordingly violates the spirit of Rule 5-8.4(d).

Department lawyers have historically seen themselves as setting an example for all government lawyers. The degree to which this proud tradition has now been trampled upon is made apparent by several well-known descriptions of the unique role of Department lawyers. The most famous, deservedly, is *The Federal Prosecutor*, a speech delivered in the Great Hall of the Justice Department on April 1, 1940, by former Solicitor General, then-Attorney General, and later Supreme Court Justice, Robert H. Jackson, at the Second Annual Conference of U.S. Attorneys:

The prosecutor has more control over life, liberty, and reputation than any other person in America. . . . This authority has been granted by people who really wanted the right thing done – wanted crime eliminated –but also wanted the best in our American traditions preserved. . . .

Your positions are of such independence and importance that while you are being diligent, strict, and vigorous in law enforcement you can also afford to be just. Although the government technically loses its case, it has really won if justice has been done. . . .

[T]he citizen's safety lies in the prosecutor who tempers zeal with human kindness, who seeks truth and not victims, who serves the law and not factional purposes, and who approaches his task with humility.⁷⁰

Supreme Court Justice George Sutherland expressed similar sentiments:

The United States Attorney is the representative not of an ordinary party to a controversy, but of a sovereignty whose obligation to govern impartially is as compelling as its obligation to govern at all; and whose interest, therefore, in a criminal prosecution is not that it shall win a case, but that justice shall be done. As such, he is in a peculiar and very definite sense the servant of the law, the twofold aim of which is that guilt shall not escape or innocence suffer. He may prosecute with earnestness and vigor—indeed, he should do so. But, while he may strike hard blows, he is not at liberty to strike foul ones. It is as much his duty to refrain from improper methods calculated to produce a wrongful conviction as it is to use every legitimate means to bring about a just one.⁷¹

In *United States v. Tapp*, Chief Judge William T. Moore Jr. observed:

⁷⁰ Robert Jackson, Fmr. U.S. Att’y Gn., Address at the Second Annual Conference of United States Attorneys (Apr. 1, 1940). See also R. Regulating Fla. Bar 4-3.8, Comment (“A prosecutor has the responsibility of a minister of justice and not simply that of an advocate.”).

⁷¹ *Berger v. United States*, 295 U.S. 78 (1935).

The traditional understanding about state and federal prosecutors is that they should have *heightened* ethical responsibilities. Traditional thinking is that federal prosecutors should represent the government in a loyal and disinterested manner. They are charged with an overarching duty to seek justice.⁷²

We count on lawyers to conduct themselves ethically at all times. Justice Department lawyers have a higher obligation. Ms. Bondi has launched a concerted effort to override ethical obligations whenever they stand in the way of achieving her and her superior's political goals. This conduct is deeply prejudicial to the rule of law and the administration of justice, as well as a violation of her own ethical obligations. We urge The Florida Bar to investigate the allegations made here and to take appropriate action.

Respectfully submitted:

Jon May**
Creative Criminal Defense Consultants

LAWYERS DEFENDING AMERICAN DEMOCRACY

By: _____/s/_____
Scott Harshbarger, Chairman
Former National President of Common Cause
*Two-term Attorney General of Massachusetts***

DEMOCRACY DEFENDERS FUND

By: _____/s/_____
Norm Eisen, Executive Chair
Democracy Defenders Fund

LAWYERS FOR THE RULE OF LAW

By: _____/s/_____
Daniel N. Arshack
President, Lawyers for the Rule of Law

⁷² *United States v. Tapp*, 2008 WL 2371422 (S.D. Ga. 2008) at *10 (emphasis in original).

Richard Abel**
*Connell Distinguished Professor of Law
Emeritus
UCLA School of Law*

Jane Aiken**
*Former Dean
Wake Forest School of Law
Member of the DC bar*

Anthony V. Alfieri**
*Michael Klein Distinguished Scholar Chair
& Professor of Law
University of Miami School of Law*

Ty Alper**
*Clinical Professor of Law
University of California Berkeley, School of
Law*

Martha W. Barnett
*Former President, American Bar
Association
Board Member, Lawyers Defending
American Democracy*

Anita Bernstein**
*Anita and Stuart Subotnick Professor of Law
Brooklyn Law School*

Shelley Broderick**
*Dean Emerita & Joseph L. Rauh, Jr. Chair
of Social Justice
UDC David A. Clarke School of Law*

Susan Brooks**
*Professor of Law
Drexel University Thomas R. Kline School
of Law*

Virginia Canter
*Ethics and Anticorruption Chief Counsel
and Director
Democracy Defenders Fund*

James W. Conrad, Jr.
*Principal, Conrad Law & Policy Counsel**
Volunteer, Lawyers Defending American
Democracy*

Scott Cummings**
*Robert Henigson Professor of Legal Ethics
University of California Los Angeles, School
of Law*

Angela J. Davis**
*Distinguished Professor of Law
American University Washington College of
Law*

Evan Falchuk
*Board Member, Lawyers Defending
American Democracy*

Nicholas Fels
*Retired Partner, Covington & Burling LLP
Board Member, Lawyers Defending
American Democracy*

Helen E. Freedman
*Justice of the New York Appellate Division,
First Department. (Ret.)*

Bennett Gershman**
*University Distinguished Professor of Law
Pace School of Law*

Nancy Gertner**
*Former U.S. District Court Judge (D. Mass)
Senior Lecturer in Law, Harvard Law
School*

Cynthia Godsoe**
*Professor of Law
Brooklyn Law School*

Lissa Griffin**
*Professor of Law
Pace School of Law*

John Wesley Hall**
Past President NACDL
Past Chair NACDL Ethics Committee

Stephen F. Hanlon**
Former Pro Bono Partner, Holland & Knight, LLP
Past Chair, Section of Civil Rights & Social Justice, American Bar Association

G.S. Hans**
Clinical Professor of Law
Director, Civil Rights and Civil Liberties Clinic
Cornell Law School

Barbara Jaffe
Associate Justice, New York Supreme Court (Ret.)

Marcy L. Kahn
Associate Justice, New York Supreme Court, Appellate Division (Ret.)

JD King**
Professor of Law
Rutgers Law School

John Koski
Former Partner and Global Chief Legal Officer, Dentons
Board Member, Lawyers Defending American Democracy

Bruce Kuhlik**
Former Assistant to the Solicitor General, U.S. Department of Justice
Adjunct Professor, Georgetown University Law Center
Volunteer, Lawyers Defending American Democracy

Lisa Lerman**
Professor of Law Emerita
The Catholic University of America

Theo Liebmann**
Clinical Professor of Law
Executive Director Freedman Institute for the Study of Legal Ethics
Hofstra School of Law

David Luban**
Distinguished University Professor
Georgetown University Law Center

Richard Lubin
Past President of the American Board of Criminal Lawyers
Former Board Member of National Association of Criminal Defense Lawyers

Bruce Lyons
Past President, National Association of Criminal Defense Lawyers
Past President, Criminal Law Section, American Bar Association

Stephen Marcus**
Volunteer, Lawyers Defending American Democracy
Adjunct Professor, Georgetown University Law Center

Howard Matz
Former U.S. District Judge (C.D.CA)

Thomas Mela
Retired Managing Attorney of the Massachusetts Advocates for Children
Board Member, Lawyers Defending American Democracy

John T. Montgomery
Board Member, Lawyers Defending American Democracy

Karla Moskowitz
Justice of the New York State Appellate Division, First Department (Ret.)

Cheryl Niro
Past President, Illinois State Bar Association
Board Member, Lawyers Defending American Democracy

Lorriane Nordlund
Judge, Fairfax (VA) County Circuit Court (Ret.)

Patsy Palmer**
Co-Founder, D'Alemberte & Palmer, PLLC

Barbara J. Pariente
Retired Chief Justice of the Florida Supreme Court

Russell G. Pearce**
Professor of Law
Edward & Marilyn Bellet Chair in Legal Ethics, Morality, and Religion
Fordham University School of Law

Jeffrey J. Pokarak**
Professor of Law
Director, Supreme Court Clinic
Suffolk University Law School

Peggy A. Quince
Retired Chief Justice of the Florida Supreme Court
Board Member, Lawyers Defending American Democracy

Gershon M. (Gary) Ratner
Co-Founder and Board Member, Lawyers Defending American Democracy
Former Associate General Counsel for Litigation, U.S. Department of Housing & Urban Development

Mitt Regan**
McDevitt Professor of Jurisprudence
Director, Center on National Security and Law
Coordinator, Program on Law, Ethics, and International Security
Georgetown University Law Center

Lauren Stiller Rikleen
Executive Director and Board Member, Lawyers Defending American Democracy
Past Chair Civil Rights & Social Justice Section of the American Bar Association
Former President, Boston Bar Association

Cassandra Robertson**
John Deaver Drinko - BakerHostetler
Professor of Law
Case Western Reserve University School of Law

Estelle H. Rogers
Former Member, ABA House of Delegates
Board Member, Lawyers Defending American Democracy

Tanina Rostain**
Agnes Williams Sesquicentennial Professor of Justice Innovation
Georgetown University Law Center

Robert Robinson**
Dean Gilbert A. Holmes Professor of Clinical Theory and Practice
University of Baltimore School of Law

David Rudovsky**
Kairys Rudovsky Messing Feinberg & Lin
Senior Fellow
University of Pennsylvania Carey School of Law

Philip Schrag**
*Delaney Family Professor of Public Interest
Law
Georgetown University Law Center*

Tony Sebok**
*Professor of Law
Benjamin N. Cardozo School of Law*

Ilene Seidman**
*Clinical Professor of Law Emerita
Suffolk University Law School*

R. Kelly Sheridan
*Past President, Rhode Island Bar
Association
Board Member, Lawyers Defending
American Democracy*

Gary Simson**
*Macon Chair in Law and Former Dean,
Mercer Law School
Professor Emeritus, Cornell Law School
Board Member, Lawyers Defending
American Democracy*

David Singleton**
*Professor of Law
UDC David A. Clarke School of Law*

Rima Sirota**
*Professor of Law, Legal Practice
Georgetown University Law Center*

Abbe Smith**
*Scott K. Ginsburg Professor of Law
Georgetown University Law Center*

Janet R. Studley**
*Past Chair, Section of Civil Rights & Social
Justice, American Bar Association*

Jeff Swartz**
*Miami-Dade County Court Judge (Ret.)
Distinguished Emeritus Professor of Law,
Cooley Law School, Tampa Bay Campus
Past Chair, Fla. Sup. Ct. Judicial Ethics
Advisory Committee*

Bruce Lee Udolf
*Associate Independent Counsel for the
Whitewater investigation
Former Chief of the Public Integrity Section,
USAO, SDFL*

Rodney J. Uphoff**
*Elwood L. Thomas Missouri Endowed
Professor Emeritus of Law
University of Missouri School of Law*

Bradley Wendel**
*Edwin H. Woodruff Professor of Law
Cornell Law School*

Walter H. White Jr.
*Former Wisconsin Securities Commissioner
Past Chair Civil Rights & Social Justice
Section of the American Bar Association
Board Member, Lawyers Defending
American Democracy*

Lucien Wulsin**
*Founder and Retired Executive Director,
Insure the Uninsured Project
Board Member, Lawyers Defending
American Democracy*

Ellen Yaroshefsky**
*Distinguished Professor of Legal Ethics
Hofstra School of Law*

** These signatories have signed solely in their individual capacities and do not do so on behalf of the named organization or other affiliation.