

Commentary **Legal Ethics and Attorney Discipline**

'We Could Not Remain Silent': The Members of the Legal Profession Pursuing Ethics Investigation for AG Pam Bondi

July 02, 2025 By  **Abbe Smith**

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Abbe Smith, professor with Georgetown University Law Center, left, and Ellen Yaroshefsky, professor with the Maurice A. Deane School of Law at Hofstra University, right. Courtesy photos

Since Donald Trump's return to office, every agency tasked with ethical oversight of the executive branch, including the Office of Government Ethics, the Office of Special Counsel, and the Justice Department's Office of Professional Responsibility has been shut down or rendered feeble. This rapid descent into an ethics-free regulatory environment happened in less than five months. It is against this backdrop that, last month, three civil society groups and 70 prominent lawyers, law professors, and judges filed a complaint with the Florida Bar Association, urging it to investigate

U.S. Attorney General and Florida Bar member Pam Bondi for her misuse of the concept of “zealous advocacy” to pursue the Trump Administration’s objectives. We helped draft this complaint because we could not remain silent while Bondi violated ethical obligations fundamental to the legal profession by repeatedly firing Justice Department lawyers, or giving them no choice but to resign, when those lawyers refused to act unethically. In the most glaring example, Bondi fired a DOJ lawyer for telling the truth in court about a wrongful deportation—contrary to her duty to train and supervise lawyers to comply with the ethical rules and standards of the profession and create a culture of compliance.

The Florida Bar, which is responsible for enforcing the state’s Rules of Professional Conduct, rejected the complaint the day after it was filed, pronouncing that it “does not investigate or prosecute sitting officers appointed under the U.S. Constitution while they are in office.” They made this up. Nowhere in the Florida Rules is there an exemption for lawyers in federal office. Florida’s disciplinary rules state that the Florida bar will not investigate grievances against *state*, not federal “constitutional officers” while they are in office.

The Florida Bar abdicated its obligation to the profession and the public—for lawyers play a vital role in the preservation of the rule of law, the proper functioning of democracy, and, as it states in the Preamble to the Florida Rules, the very “preservation of society.”

The legal profession claims to take its obligation to self-govern seriously and requires “[e]very lawyer [to be] responsible for observance of the Rules of Professional Conduct [and] [to] also aid in securing their observance by other lawyers.” (Preamble to the Florida Rules). The three organizations and 70 individuals who joined us in the complaint against Ms. Bondi comported with this mandate.

We did not file the complaint lightly. We understand and acknowledge that Bondi serves as the highest-ranking lawyer in the U.S. government. Indeed, we brought Bondi’s misconduct to the attention of the Florida Bar precisely because she holds this “exalted position, with the attendant responsibilities for subordinate lawyers under her authority who carry out her directives.” As the Comment to Florida Rule 4-8.4 states: “Lawyers holding public office assume legal responsibilities *going beyond those* of other citizens.”

Historically, lawyers have been an important safeguard in government and commerce. Trump seems to understand this. His first cabinet had the fewest lawyers in recent memory. Now, it appears, lawyers in the Trump Administration must pass a loyalty test, one that places sycophancy to Trump over the ethics of the profession.

Who will regulate the federal lawyers? If independent federal agencies no longer provide ethical oversight and state bars and delegated disciplinary agencies decline to investigate, lawyers

working for the federal government will operate with no guardrails. This is not what Congress had in mind when, in 1998, it enacted the “McDade Amendment,” which requires federal attorneys to abide by the professional conduct rules in the state where they are practicing, “to the same extent and in the same manner as other attorneys in that State.”

The Supreme Court also proclaimed in *Leis v. Flynt*, 439 U.S. 438, 442 (1979), that “[s]ince the founding of the Republic, the licensing and regulation of lawyers has been left exclusively to the States....[which] prescribe the qualifications for admission to practice and the standards of professional conduct. They are also responsible for the discipline of lawyers.”

This is not about politics. It’s about *ethical accountability* for all lawyers—including those at the highest rungs of power. Bondi continues to act contrary to the profession’s ethical rules and standards—as it appears she will—there will be more complaints. Lawyers must call out other lawyers when they act unethically. We have a responsibility to do so.

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Page

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