The Legal Profession's Duty to Hold Attorney General Pam Bondi Accountable

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Summary

- The article discusses the drastic changes in the federal government under President Trump, particularly the mass firings of Department of Justice lawyers perceived as not aligning with his agenda, including over 50 line prosecutors under Attorney General Pam Bondi's leadership.
- The authors highlight concerns about the erosion of ethical oversight within the federal government, noting that offices responsible for maintaining this oversight have been weakened or shut down, culminating in actions taken by Bondi and her associates that contravene ethical standards.
- In response to these issues, a coalition of legal professionals filed a complaint with the Florida Bar against Bondi, urging an investigation into her conduct for potentially violating the Rules of Professional Conduct and undermining the rule of law.

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It is an understatement to say that, since Donald Trump's return to the presidency seven months ago, he has profoundly altered the federal government. As a result of his efforts to shrink the federal workforce, there are now 300,000 fewer federal workers. This reduction was accomplished in a variety of ways and by a variety of actors with a clear aim: to purge the government of public servants whose views do not sufficiently align with President Trump's—or public servants whom he considers to be part of the "deep state"—no matter how skilled or experienced they may be.

From the start, the mass firings included lawyers in the Department of Justice (DOJ), starting with more than a dozen lawyers who worked for Special Counsel Jack Smith on the classified documents and January 6 insurrection cases against Trump. Then-Acting Attorney General Pamela Bondi cited the lawyers' "significant role in prosecuting the president" and declared they could not be trusted to "faithfully implement the president's agenda." By March, following Ms. Bondi's confirmation as Attorney General, over 50 U.S. attorneys, deputies, and line prosecutors had been fired. While some turnover between administrations is expected, never before had there been a mass firing of line prosecutors.

Along with getting rid of career DOJ lawyers, the Trump administration also sought to eradicate any ethical oversight of the federal government—oversight that is chiefly accomplished by lawyers. Offices tasked with providing this oversight, including the Office of Government Ethics, the Office of Special Counsel, and the Justice Department's Office of Professional Responsibility, have been either shut down or rendered feeble. This summer,

Ms. Bondi also fired Joseph Tirrell—her personal ethics adviser, the DOJ's top official responsible for counseling the most senior political appointees, and a career lawyer with 20 years at the Department.

All told, the rapid descent into an ethics-free regulatory environment for government officials happened in less than five months. During this same time, Ms. Bondi and those working with her—including Trump's former defense lawyers Todd Blanche and Emile Bove, who is now a judge on the Third Circuit—began to engage in a series of ethically questionable, deeply troubling actions. They were not just getting rid of experienced and ethical prosecutors. They were firing them or giving them no choice but to resign when those lawyers refused to act unethically.

It was in this context that former judges, lawyers, ethics scholars, and organizations devoted to preserving the rule of law decided we needed to *do something* (as Michelle Obama might say). We could not stand by as Ms. Bondi—arguably the most powerful lawyer in the country—violated ethical obligations fundamental to the legal profession. We believed her conduct undermined the administration of justice and the long, proud, independent tradition of the Department of Justice.

On June 5, 2025, Lawyers Defending American Democracy, Democracy Defenders Fund, Lawyers for the Rule of Law, and 70 prominent lawyers, law professors, and former judges filed a complaint with the Florida Bar, urging it to investigate Attorney General Pamela Bondi for violations of the Rules of Professional Conduct that threaten the rule of law and the administration of justice. Signers included Hon. Barbara J. Pariente and Hon. Peggy A. Quince, two former chief justices of the Florida Supreme Court; Martha W. Barnett, a former president of the American Bar Association; Bruce Udolf, a former chief of the Department of Justice's Public Integrity Section; and Bruce Lyons, a past president of both the National Association of Criminal Defense Lawyers and the ABA's Section of Criminal Law. The complaint was filed in Florida because AG Bondi is admitted to practice in that jurisdiction and the ethics rules and provisions in the District of Columbia require that such complaints be filed in the lawyer's home jurisdiction if that lawyer is not admitted in DC.

The complaint documents Bondi's misunderstanding and misuse of the concept of "zealous advocacy" to pursue the Trump administration's objectives. It alleges that Ms. Bondi, personally and through her senior management, sought to compel Department of Justice lawyers to violate their ethical obligations under the guise of zealous advocacy, as announced in a memorandum to all DOJ employees issued on her first day in office on February 5, 2025.

The memorandum states that it is the job of a DOJ attorney to zealously advance, protect, and 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." 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."

Bondi's memo cited, as an example, DOJ attorneys who refuse to advance good faith arguments by declining to appear in court or sign briefs. According to Bondi, this "undermines the constitutional order" and "deprives the President of the benefit of his lawyers." Bondi declared that it is therefore the policy of the Department of Justice that any attorney who because of their personal 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.

The 23-page ethics complaint against Bondi spells out how Bondi's view of "zeal"—and her unprecedented view of who the DOJ "client" is—justifies the routine violation of the Rules of Professional Conduct. The complaint delineates the facts in three disturbing cases, each of which resulted in Department lawyers being fired or forced to resign because they refused to go along with a directive to act unethically.

1. Erez Reuveni

In the most glaring and notorious example, in mid-April Ms. Bondi and Deputy AG Todd Blanche fired Erez Reuveni, an experienced DOJ lawyer who was the Acting Deputy Director of the Office of Immigration Litigation, for telling the truth in court in the Kilmar Amando Abrego Garcia deportation case. Mr. Reuveni's fireable offense was to concede that Mr. Abrego Garcia was mistakenly sent to a Salvadoran mega prison the previous month due to an "administrative error," which was contrary to an immigration court order that he not be removed from the United States to El Salvador.

As noted in the complaint, Mr. Abrego Garcia, a citizen of El Salvador, entered the United States in 2011. In 2019, Immigration and Customs Enforcement (ICE) instituted removal proceedings against him. Shortly thereafter, Garcia sought and obtained a "withholding of removal" order preventing the United States from removing him to El Salvador. The immigration judge agreed it was more likely than not that Garcia would be persecuted by Salvadoran gangs if he were forced to return to his home country. The government did not appeal that order. Nonetheless, in March 2025, 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). His family filed suit in federal district court in Maryland seeking an emergency temporary restraining order asking the court to order the defendants to request the government of El Salvador to return Mr. Garcia to the United States.

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. Significantly, 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."

At the April 4 hearing on the TRO motion, the government was represented by Erez Reuveni, who had signed the March 31 response. As such, Mr. Reuveni had no option but to say at the outset, consistent with the DOJ pleading, "We concede the facts. This person should—the plaintiff, Abrego Garcia, should not have been removed." In an exchange with the court, he acknowledged that there was a withholding of removal order, now final, that forbade the government from returning Mr. Garcia to El Salvador. As a result, he said, "There's no dispute that the order could not be used to send Mr. Abrego Garcia to El Salvador." When the court pressed him on what document the government had relied upon to initiate Mr. Garcia's removal, Mr. Reuveni again had no option but to state, "That is not in the record, and the government has not put that into the record. And that's the best I can do." He then acknowledged again: "There's no dispute that the order could not be used to send Mr. Abrego Garcia to El Salvador."

The court thanked Mr. Reuveni, no less than three separate times, for his "candor." Mr. Reuveni did point out where there remained a "dispute" between the parties, and he argued at some length why the government believed the court had no jurisdiction in the case.

The very next day, Deputy AG 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." The day after, Ms. Bondi appeared on *Fox News Sunday* and made plain 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.

The Fox host, Shannon Bream, twice pointed out that "the government ha[d] admitted there was an error in deporting him." Ms. Bondi did not dispute this, nor did she explain how Mr. Reuveni could have done otherwise. Instead, 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." As we note in the complaint, the Abrego Garcia case was not a criminal proceeding. More importantly, criminal defense lawyers routinely concede points of fact and law in criminal matters when it is in the client's interest to do so.

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

We should note that, this past June, Reuveni filed a detailed whistleblower claim with the US Senate. He stated: "The Department of Justice is thumbing its nose at the courts, and putting Justice Department attorneys in an impossible position where they have to choose between loyalty to the agenda of the president and their duty to the court." Devlin Barrett, *Justice Department Whistleblower Warns of Trump Administration's Assault on the Law*, N.Y. Times July 10, 2025). Bondi disparaged Reuveni's account on social media by calling him a "disgruntled employee" and a "leaker … seeking five minutes of fame."

2. Denise Cheung

The second example cited in the complaint is the forced resignation of career DOJ attorney Denise Cheung for declining to open a criminal investigation because of insufficient facts to support such an investigation. Ms. Cheung had served in the Department of Justice and the US Attorneys' Office in the District of Columbia for more than 24 years.

The basic facts are as follows: On February 17, 2025, the 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 the Environmental Protection Agency had unlawfully awarded a clean energy project contract and to issue grand jury subpoenas pursuant to the investigation. Ms. Cheung was instructed to act by close of business that evening to prevent contract awardees from drawing down contract funds held by Citibank. Ms. Cheung conferred with DOJ colleagues with substantial white-collar prosecution experience, reviewed documentation provided by ODAG, and concluded that

the documents on their face simply 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. At the direction of ODAG, Ms. Cheung also viewed a Project Veritas video that purported to establish probable cause (Project Veritas is known for using deceptive techniques, including recording people without their knowledge and misrepresenting their identities).

Ms. Cheung sent a draft freeze letter to the Principal Deputy US Attorney for the District of Columbia (PAUSA). The PAUSA proposed including language 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 the 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 p.m. The PAUSA and Interim US Attorney Ed Martin called Ms. Cheung shortly after the letter was sent, objecting to the language and directing Ms. Cheung to immediately send a second letter to the bank, signed by her and Mr. Martin, announcing the commencement of a criminal investigation and ordering the bank not to disburse any funds. Ms. Cheung demurred, saying she continued to believe there was insufficient evidence to issue such a letter. Mr. Martin then asked for her resignation, which she submitted the following day.

Notwithstanding everything Ms. Cheung had shared, Mr. Martin then personally submitted an application for a seizure warrant. The application was not signed by any other prosecutor in his office and was swiftly rejected by a magistrate judge on the grounds that it failed to establish a reasonable belief that a crime had occurred.

3. Danielle Sassoon et al. and the Eric Adams Indictment

The third example occurred in February, when Ms. Bondi proposed to dismiss the criminal indictment of New York Mayor Eric Adams without prejudice in exchange for Mr. Adams' assistance on immigration enforcement. Because the dismissal was explicitly based on an improper quid pro quo, Danielle Sassoon, the Acting US Attorney for the Southern District of New York, and almost a dozen other lawyers in that office along with the Justice Department's Public Integrity Section objected. As a result, they were forced to resign.

The complaint notes that there was a five-count indictment of Eric Adams alleging solicitation of illegal campaign contributions from foreign nationals. Shortly after the election, Mr. Adams and his defense counsel initiated contact with Trump campaign staff and ultimately met with President-elect Donald Trump. Later, on January 31, 2025, Mayor Adams' counsel met with then-Acting Deputy Attorney General Bove and prosecutors

working on the case, led by Ms. Sassoon. At that meeting, the mayor's counsel stated 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, Mr. Bove scolded a member of her team who was taking notes and ordered that any notes taken during the meeting be collected when the meeting ended.

On February 10, Mr. Bove sent a memorandum to Ms. Sassoon, 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 (so that it might later be 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 at which she might express her grave misgivings about this memorandum. She was concerned that the agreement with Mayor Adams had been negotiated without her office's awareness or participation. She explained to Ms. Bondi that offering to drop a prosecution in exchange for a promise of assistance to the Trump administration 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. She also pointed out that dismissing the Adams case without prejudice and with the express option of re-indicting Adams in the future created obvious ethical problems by implicitly threatening future prosecution if Adams's help enforcing the immigration laws proved unsatisfactory. Ms. Sassoon acknowledged Ms. Bondi's order that prosecutors must make good faith arguments in support of the Executive Branch's positions, but she simply didn't see any good faith basis for the proposed position. Under the circumstances, Ms. Sassoon advised Ms. Bondi that she could not make such arguments consistent with her duty of candor and offered to resign if Ms. Bondi chose not to meet with her or to reevaluate the dismissal directive.

Mr. Bove responded the next day, "accepting" Ms. Sassoon's resignation and placing the two lead prosecutors on administrative leave pending an investigation of all three attorneys' "insubordination." Bove's letter quoted from the "zealous advocacy" 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 section lawyers promptly resigned for the same reasons as Ms. Sassoon. Mr. Bove then held a conference call with the remaining lawyers in the Public Integrity Section, telling

them that two lawyers needed to sign the dismissal motion or—it was strongly implied—they would all be fired. He gave them one hour to decide. Ultimately, a senior lawyer offered to sign the motion, together with Mr. Bove and the head of the Criminal Division of DOJ, "to protect the other lawyers."

Three of the prosecutors who had been placed on administrative leave ended up resigning rather than expressing regret and admitting misconduct, the conditions Deputy Attorney General Blanche required for their reinstatement. They resigned rather than "abdicate our legal and ethical obligations in favor of directions from Washington."

On April 2, U.S. District Court Judge Dale Ho reluctantly dismissed the indictment, *with prejudice*. He agreed with Ms. Sassoon—that "everything here smacks of a bargain: dismissal of the Indictment in exchange for immigration policy concessions." Judge Ho also rejected the DOJ's claims of misconduct by Southern District prosecutors, stating: "There is no evidence—zero—that they had any improper motives."

Violations of the Florida Rules of Professional Conduct

Based on these three examples, the ethics complaint documents the violations of the Rules of Professional Conduct. Initially, we point out that, under the McDade Amendment, 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."

Ms. Bondi's principal ethics violation results 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.

The complaint argues that Ms. Bondi's actions violate Rule 4-5.1, the Rule of Professional Conduct regarding a lawyer's ethical responsibility regarding 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 firm has in effect measures giving reasonable assurance that all lawyers therein conform to the Rules of Professional Conduct." Rule 4-5.1(b) requires a lawyer "having direct supervisory authority over another lawyer [to] make reasonable efforts" to ensure that their subordinates conform to the Rules.

In each of the three cases, Ms. Bondi and her senior team pressured Department lawyers to pursue the Trump administration's objectives even though the Rules of Professional Conduct limit attorney "zeal" to "lawful and ethical measures." R. 4-1.3 cmt. The complaint

argues that such conduct violates Rule 4-8.4(a), which makes it 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. . . ." In each case, Ms. Bondi acted directly, or through Messrs. Bove, Blanche, or Martin, to compel subordinate lawyers to violate professional obligations. These actions were intentional, as in every case, one or more lawyers were fired or forced to resign after they had explained that the orders would cause them to act unethically.

In addition, the complaint alleges that Ms. Bondi violated Rule 4-2.1 (duty to render candid advice) because her campaign of coercion also prevented these lawyers from complying with their own duties to exercise independent professional judgment and render candid advice. Ms. Bondi's threat to discipline or terminate any Department lawyer who refuses to sign a brief or appear in court because of their own "judgments" directly conflicts with the lawyers' duty under Rule 2.1.

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

Finally, the complaint argues that Ms. Bondi's conduct threatens the administration of justice in violation of Rule 4-8.4(d). It claims that by aggressively implementing a zealous advocacy policy directed towards conduct in pending and future judicial proceedings, and which requires subordinates to routinely violate the Rules of Professional Conduct, Ms. Bondi has elevated loyalty to the president who appointed her over the interests of her true client, the United States. The "zealous advocacy" memorandum improperly conflated these two things, by stating that President Trump "sets . . . the interests of the United States."

Ms. Bondi's conduct as Attorney General goes far beyond the particulars of the three examples discussed above. Ms. Bondi has set the tone for all lawyers working for the federal government. They must be in lockstep with the Trump administration's agenda—in choosing which cases to pursue, counseling clients, and advocacy—or lose their jobs. This culture of practice is profoundly prejudicial to the administration of justice in both existing and future cases and violates the core values of Rule 4-8.4(d).

Unfortunately, the hits just keep on coming. In late September, two more U.S. Attorneys, Erik S. Siebert from the Eastern District of Virginia and Michelle Beckwith from the Eastern District of California, were ousted for exercising their ethical duties. Siebert's fireable offense was declining to prosecute James Comey because of lack of evidence, while Beckwith's was instructing a border patrol chief that he must abide by court-ordered restrictions on immigration raids. The Attorney General of the United States is now

engaging in precisely the conduct former Attorney General and Supreme Court Justice Robert H. Jackson warned of in his 1940 speech, "The Federal Prosecutor": unchecked, personally motivated, vindictive power. Siebert's replacement, the wholly inexperienced Lindsey Halligan, immediately illustrated the immense power of her office by indicting Comey as her boss Pam Bondi and President Donald Trump had demanded. Two weeks later, she indicted New York Attorney General Letticia James.

Contrary to heeding the lesson in Jackson's famous speech, Bondi seems to be basking in having "more control over life, liberty, and reputation than any other person in America." Jackson urged prosecutors against abusing their authority, particularly when selecting whom to prosecute. Jackson knew something that AG Bondi apparently does not: When prosecutors select those they prosecute based on personal feelings rather than *evidence of a crime*, the administration of justice will be based on personal dislike rather than law.

Sadly, this Department of Justice is poised to engage in more personally motivated prosecutions. Upon being ordered by President Trump to move "now" against his "guilty as hell" enemies, Bondi's DOJ has launched investigations against several other perceived enemies of Donald Trump, including wealthy Democratic donor George Soros, California Senator Adam B. Schiff of California, and Fulton County, GA, District Attorney Fani Willis.

It is especially disturbing that the person driving this campaign to pervert ethical duties of Department lawyers is the Attorney General of the United States, the highest-ranking lawyer in the nation and the holder of an august and storied office. This is why the complaint concludes with a well-known quote, from Justice George Sutherland in *Berger v. United States*, 295 U.S. 78 (1935):

> 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.

This proud tradition has now been trampled on by Ms. Bondi and her senior team. That's why those of us who signed the ethics complaint against Pamela Bondi felt compelled to

do so.

Response by Bondi, the Florida Bar, and the Media—We Are "Weaponizing" Ethics Complaints

Ms. Bondi's Chief of Staff Chad Mizelle immediately punched back. Commenting on the filing—and on two previous complaints filed against Ms. Bondi by others—he said, "The Florida Bar has twice rejected performative attempts by these out-of-state lawyers to weaponize the bar complaint process against AG Bondi. This third vexatious attempt will fail to do anything other than prove that the signatories have less intelligence—and independent thoughts—than sheep." As prominent ethics scholar Professor Brad Wendel, a signatory to the complaint, quipped in response, "I'd like to think I'm not generally sheep-like, and I know many of the other signatories and they're definitely not the sort of people who just go along with the herd."

Professor Wendel, who was initially reluctant to join this effort, decided the facts were too compelling not to. The specific facts demonstrated a pattern of departure from one of the central duties of a supervisory lawyer—especially a supervisory prosecutor. He noted that leaders create culture, and what Attorney General Bondi is attempting to create at DOJ is a culture of zeal with no guardrails. Pursuing the president's interests, heedless of professional ethics, is the job.

The complaint was dismissed by the Florida Bar in less than 24 hours. Bar Counsel Francisco J. Digon-Greer wrote: "The Florida Bar does not investigate or prosecute sitting officers appointed under the U.S. Constitution while they are in office. Such proceedings by The Florida Bar, as an arm of the Florida Supreme Court, could encroach on the authority of the federal government concerning these officials and the exercise of their duties. Therefore, this matter is closed as of the date of this letter." Letter Regarding Pamela Jo Bondi, RFA No. 25-13781 (June 6, 2025). The Florida Bar had previously dismissed two complaints against Ms. Bondi with the same language.

On June 9, 2025, Ken Paxton, Attorney General of Texas, sent a letter to the Florida Bar posted on the Texas Attorney General website urging the Florida Bar to reject the complaint that it had already rejected three days earlier. Entitled "The Lawfare Commenced Against Attorney General Pam Bondi," Paxton claimed that "ideological captured attorneys" were engaged in "political vigilantism dressed in the garb of professional ethics."

The Miami Herald, *Newsweek*, and other media outlets reported on the complaint, and the *Miami Herald* published an editorial acknowledging that Ms. Bondi's conduct warrants "scrutiny" because of the "enormous amount of power" she holds. The editorial acknowledged that Bondi is "deeply political" and committed to advancing President

Trump's agenda "at all costs." It even affirmed that "ethical standards must be enforced" because they are "a cornerstone of the legal profession." Despite these concerns, the Editorial Board opposed an investigation by The Florida Bar, the entity charged by Florida law with regulating members of the legal profession. Worse, it criticized the complaint and its 70 signers as "politicizing" Bondi's conduct.The drafters and signers of the complaint were hoping for better from the Fourth Estate, which holds a crucial watchdog role in democracy, ensuring accountability and enlightening the public.

The Petition for Mandamus

On July 15, 2025, a petition for mandamus was filed with the Florida Supreme Court, requesting that the court order the Florida Bar to investigate the allegations against Ms. Bondi. The petition argues that, under Florida law, the Florida Bar has an imperative, ministerial, and unqualified duty to conduct a complete investigation when it receives a sworn complaint from a member of the public alleging a violation of the Rules Regulating the Florida Bar (Rules of Professional Conduct). Moreover, under Florida law, "constitutional officers" are only those individuals holding offices created by the Florida Constitution, not the US Constitution. The petition, citing the language of the Florida Rules, points out that The Florida Bar is simply wrong in maintaining that it cannot investigate ethical violations alleged to have been committed by federal "constitutional officers." Congress expressly rejected the Bar's position about encroaching on federal officials when it enacted the McDade Amendment. The McDade Amendment states that "attorney[s] for the Government shall be subject to State laws and rules . . . to the same extent and in the same manner as other attorneys in that State."

As the mandamus petition states, the Florida Supreme Court is not being asked to determine whether Ms. Bondi has violated any Florida Bar rule, but only to enforce Florida law requiring an investigation by the Florida Bar.

Six days after the mandamus petition was filed, the Florida Attorney General attempted to intercede. Acting Solicitor General Jeffrey De Sousa sent a letter to the clerk of the Florida Supreme Court on behalf of the Attorney General requesting that his letter be transmitted to the justices. The letter called the mandamus petition "a thinly veiled political attack against the Nation's top attorney by leftist malcontents that lacks any merit." The letter attacked former Supreme Court Justice Barbara Pariente as "engaged in repeated, unwarranted political attacks" on the court. The Florida AG sought to shut down any further action of the petition by the Florida Supreme Court. "Calling for a response to this nakedly political petition would open the floodgates to more partisan attacks—all meant to distract or influence public officials—through the mechanism of 'ethics' complaints.

Letter from Jeffrey DeSousa to Hon. John A. Tomasino, Clerk of the Fla. Sup. Ct (July 21, 2025).

John A. Tomasino, clerk of the Florida Supreme Court, swiftly rebuffed Mr. DeSousa. Included in his reply was this passage:

> I must respectfully inform you that it is not our practice to forward this type of correspondence to the Justices. Our internal protocols preclude me from transmitting materials that are not filed in accordance with the Florida Rules of Appellate Procedure.
> Based on the closing sentence of your letter, it appears you are aware of the proper method for seeking relief or presenting information to the Court in a pending matter.

Several amicus briefs were filed. The Florida Bar argued that complainant, Jon May, had no legal right to the remedy of an investigation. It also argued that the Florida Rule rejecting investigation of alleged ethics violations of state constitutional officers until they leave office should be read to include federal constitutional officers even though the Rules and their history do not support such an interpretation. The Florida Bar also argued against the applicability of the McDade Amendment here.

On October 13, 2025, the Florida Supreme Court entered a one-paragraph order denying the writ of mandamus, stating that the complainant did not have a clear legal right to the relief requested. It did not address any of the substantive arguments about the operation of the Florida Bar rules. Those of us who signed the complaint were disappointed but not surprised.

Why File Ethics Complaints?

The Bondi complaint was not filed lightly. It brought us no joy to call out the Attorney General of the United States for ethical misconduct. The complaint was the product of months of discussion about the importance and utility of ethics complaints against government officials and other lawyers for whom adherence to the law and ethical obligations seems to be increasingly shaky.

As we say in the complaint, this is not about politics. It is about the integrity and independence of the legal profession, as well as the integrity and independence of the U.S. DOJ. The legal profession has the great privilege of self-regulation. If lawyers believe we should continue to have this privilege, we must have a robust disciplinary system for

all. It cannot be that the only attorneys who face discipline are solo practitioners who co-mingle client funds or fail to return client phone calls. Attorneys in high places and low are subject to the same ethical rules and standards. Surely lawyers who commit the most egregious conduct ought to be held accountable.

Whether or not the complaint had a chance of success before the Florida Supreme Court—and we recognized from the start that it was a longshot in view of the court's current makeup—it is important for members of the legal profession to continue to insist that all lawyers be held accountable for their conduct. It is never pleasant to do so, but lawyers must call out other lawyers when they act unethically. We have a duty to do so. Democracy and the rule of law depend on it.

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