July 24, 2026

Tina M. Wells, Esq.
Milton L. Williams, Jr., Esq.
Chairs
Attorney Grievance Committee
Supreme Court of the State of New York
Appellate Division, First Judicial Department
180 Maiden Lane
New York, New York 10038
(212) 401-0800
Email: AD1-AGC@nycourts.gov

Section 1240.7(e) Request for Reconsideration of Chief Attorney Dopico's July 16, 2026, Decision Deferring Investigation of Acting Attorney General Todd Blanche (Registration No. 4192456)

Dear Chair Wells and Chair Williams:

On June 22, Democracy Defenders Fund (DDF), Lawyers Defending American Democracy (LDAD), and 101 retired judges ('the undersigned") submitted a complaint with the Attorney Grievance Committee (AGC or "the Committee") requesting an investigation into N.Y. licensed attorney and Acting Attorney General, Todd Blanche for potential infractions of the N.Y. Rules of Professional Conduct. We submit this request for reconsideration on behalf DDF, LDAD, and the undersigned judges.

On July 16, AGC Chief Attorney Jorge Dopico notified the complainants that he had decided not to initiate an investigation "at this time."[1] He stated that complaints against the Acting Attorney General "are reviewed by the United States Department of Justice's Office of Professional Responsibility" and referred us to that office. Chief Attorney Dopico further requested that complainants "notify [the Committee] of any adverse findings or other event that may warrant our attention."

It is unclear whether Chief Attorney Dopico was aware at the time he issued his July 16 letter that Judge Kathleen Williams of the Southern District of Florida had issued an order on July 13 in *President Trump v. Internal Revenue Service*.[2] That order strongly supports the allegations complainant made concerning Mr. Blanche's misconduct. Moreover, Judge Williams directed that her order be provided to the State Bar of New York for consideration in connection with this complaint.[3] Judge William's order, which is discussed in detail below, includes a finding that Department of Justice, led by Mr. Blanche, "abdicat[ed] its responsibility to zealously defend the

[1] Complainants do not interpret Chief Attorney Dopico's July 16 letter as dismissing the complaint *in toto* but as declining to investigate "at this time." The Chief Attorney's letter does not, however, describe the conditions under which it would reassess its decision to delay investigation. Deferral for an indefinite period of time without providing the legal conditions that would operate to re-open the matter has the operative effect of a constructive denial. It is, in any event, certainly a "decision declining to investigate" within the meaning of Section 1240.7(e)(3).
[2] Order, *President Trump v. I.R.S.,* 1:26-cv-20609 S.D. Fl., July 13, 2026).
[3] *Id.* at 53-54.

interests of the United States" and in fact had colluded with the Plaintiffs "for an improper purpose—to gain the imprimatur of judicial legitimacy for a 'settlement' that had no viable basis in law or fact."[4] This and other conclusions contained in Judge Williams's July 13 order are strong evidence that the Chief Attorney's decision to not investigate this matter "at this time" is unwarranted and should be reversed.

As a result, pursuant to 22 NYCRR 1240.7(e)(3), complainants respectfully submit this request for reconsideration of Chief Attorney Dopico's decision not to pursue investigation of our complaint at this time. We implore the Chairs to grant this request and investigate the merits of the June 22 complaint expeditiously.

I. The Committee has a Duty to Investigate Allegations of Serious Misconduct

> 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]

The State of New York, like all other States and the District of Columbia, has instituted a comprehensive system of attorney licensure and regulation. Pursuant to section 90(2) of the Judiciary Law, "[t]he supreme court shall have power and control over attorneys and counsellors-at-law and all persons practicing or assuming to practice law" in the State of New York and "the appellate division of the supreme court in each department is authorized to censure, suspend from practice or remove from office any attorney and counsellor-at-law admitted to practice who is guilty of professional misconduct, malpractice, fraud, deceit, crime or misdemeanor, or any conduct prejudicial to the administration of justice." The Rules for Attorney Disciplinary Matters, 22 NYCRR part 1240 (Disciplinary Rules), address the process that the Supreme Court has elected to use when addressing complaints of unethical conduct by attorneys who are licensed to practice in New York. The June 22 complaint was appropriately filed with the Committee pursuant to 22 NYCRR 1240.7(a)(1).

The Committee has a duty and responsibility to address allegations of serious misconduct by N.Y. licensed attorneys. While the Chief Attorney may "decline to investigate a complaint" he can only do so only for "reasons including but not limited to the following:

> (A) the matter involves a person or conduct not covered by these Rules;
> (B) the allegations, if true, would not constitute professional misconduct;
> (C) the complaint seeks a legal remedy more appropriately obtained in another forum; or
> (D) the allegations are intertwined with another pending legal action or proceeding."

---

[4] *Id.* at 38, 51.
[5] *Leis v. Flynt*, 439 U.S. 438, 442 (1979).

These reasons do not apply here. There can be no question that Mr. Blanche is subject to the jurisdiction of the Committee.[6] Moreover, the allegations set forth in the complaint, if true, would not only constitute professional misconduct, but misconduct of the gravest nature. As described in-depth below, the legal remedy sought cannot be obtained in another forum because the Office of Professional Responsibility can neither conduct an independent investigation of its superior nor take any disciplinary action that would deter or otherwise prevent abuse of the legal system by him, both of which the Committee can. Lastly, while a limited number of allegations in the complaint refer to ongoing legal matters, many do not; moreover, as noted above, in at least one of the instances of misconduct, *President Trump v. Internal Revenue Service*, the presiding judge expressly directed that her most recent order be provided to the Committee for assessment in connection with this complaint.

Put simply, the enumerated reasons for declining to investigate Mr. Blanche at this time are inapplicable to the complaint. To the extent to which the Chief Attorney can decline to investigate for other reasons, those reasons surely must be based on the purposes of the attorney disciplinary system: "protection of the public interest."[7]

As Judge Cardozo said over a hundred years ago "Membership in the bar is a privilege burdened with conditions. A fair private and professional character is one of them."[8] Upon his admission to the bar, Mr. Blanche assumed the role of an officer of the court and, "like the court itself, [became] an instrument or agency to advance the ends of justice."[9] "The question" complainants pose to the Committee is "whether, after the conduct of this man, it is proper that he should continue as a member of a profession which should stand free from all suspicion."[10] That question is imperative for the Committee to investigate, and to decide expeditiously.

It should be self-evident that immediate investigation of the allegations in the complaint is necessary to protect the public interest. The allegations contained in the June 22 complaint, which span 69 pages and are supported by over 420 footnotes, describe a course of conduct that not only brings into question Mr. Blanche's "integrity and fitness to continue engaging in the practice of law in New York" but also "strike[s] at the heart of the administration of justice . . . and undercuts the very notion of our constitutional democracy that he, as an attorney, swore to uphold."[11] That course of conduct represents a sustained effort to utilize the powers of his office to benefit his former client, President Trump, to the severe prejudice of his current client, the United States and its citizens. This misconduct has resulted in a degradation of trust in the Department of Justice, abuse of the judicial system and a waste of scarce court resources, as well as the flagrant abuse of the civil liberties of those, like Kilmar Ábrego García, who was targeted for "exercis[ing] his constitutional and statutory rights."[12]

---

[6] Complainants previously explained the basis of the First Department's jurisdiction, which can be found on pages 6-7 of the complaint.
[7] *Mitchell v. Ass'n of Bar of City of New York*, 40 N.Y.2d 153, 156 (1976) (citing *Matter of Levy*, 37 N.Y.2d 279, 282 (1975).
[8] *Matter of Rouss*, 221 N.Y. 81, 84 (1917).
[9] *People ex rel. Karlin v. Culkin*, 248 N.Y. 465, 471 (1928).
[10] *Ex parte Brounsall,* 2 Cowp. 829 (1778)
[11] *Matter of Chesebro*, 239 A.D.3d 1223, 1228 (2025), *appeal dismissed*, 45 N.Y.3d 930 (2026) (modification in original)
[12] Memorandum Opinion, *United States v. Abrego Garcia*, 3:25-cr-00115 at 7-8 (M.D. Tenn., Oct. 3, 2025).

The harm to the "public interest" presented by Mr. Blanche's conduct could not be more clear. Judges in three of the cases identified in the complaint held that Mr. Blanche engaged in conduct that was prejudicial to the interests of the United States. Judge Williams's July 13 Order, which is described in full detail in Part IV, made several findings that evidence professional misconduct by Mr. Blanche in *President Trump v. Internal Revenue Service* and the purported Settlement Agreement. Similarly, as we pointed out on page 48 of the complaint, the District Court for the Middle District of Tennessee determined that the Department of Justice, acting on the cue of Mr. Blanche, initiated a criminal investigation against Kilmar Ábrego García "to justify the Executive Branch's decision to remove him to El Salvador"[13] and based on "his exercise of his constitutional and statutory rights to bring suit against the Executive Official Defendants, rather than a genuine desire to prosecute him for alleged criminal misconduct."[14] Finally, in *Phang v. Blanche*, Judge Emmet Sullivan found that the "Attorney General conceded that he is in violation of the [Epstein Files Transparency] Act," violations which form the basis of the allegations found in Part V(c) of the complaint.[15]

When the Acting Attorney General engages in practices that call into question the rule of law and his responsibility to the public, it "undercuts the very notion of our constitutional democracy that he, as an attorney, swore an oath to uphold."[16] Declining to investigate these allegations at this time would harm the public interest and undermine the State judiciary's responsibility to regulate attorneys in this state, impinge upon the sovereign interests of the State of New York in overseeing its own legal system, and violate the core mission of the Committee. It is therefore imperative that the Committee move forward with an investigation expeditiously.

II. Congress Intended for State Ethics Bodies to Independently Investigate and Discipline DOJ Attorneys Licensed in their Jurisdiction

Chief Attorney Dopico's July 16 letter indicated that complaints against the Acting Attorney General "are reviewed by the United States Department of Justice's Office of Professional Responsibility" and referred us to that office. Chief Attorney Dopico's letter does not describe the basis for deferring to the Office of Professional Responsibility. Nothing in the Disciplinary Rules requires that the Committee defer investigation until after OPR investigates. In fact, Disciplinary Rule 1240.3, which provides that discipline by the First Judicial Department "shall not bar or preclude further or other action by any court, bar association, or other entity with disciplinary authority," implicitly recognizes that an investigation here would not preclude OPR from proceeding in the unlikely event it decided to investigate its direct supervisor.

More importantly, not only does no state or federal law preclude the Committee from investigating Mr. Blanche, but Congress has spoken forcefully on the subject. The McDade Amendment (28 U.S.C. 530B) was enacted in 1998 for the express purpose of clarifying that "an attorney for the government" including the Attorney General "shall be subject to State laws and rules . . . governing attorneys in each State . . . *to the same extent and in the same manner* as other attorneys in that

---

[13] Memorandum Opinion, *United States v. Abrego Garcia*, 3:25-cr-00115 at 26 (M.D. Tenn., May 22, 2026).
[14] Memorandum Opinion, *United States v. Abrego Garcia*, 3:25-cr-00115 at 7-8 (M.D. Tenn., Oct. 3, 2025).
[15] Order, *Phang v. Blanche*, 26-cv-01417 at 46 (D.D.C., Jun. 25, 26).
[16] *Matter of Chesebro*, 239 A.D.3d 1223, 1228 (2025).

State."[17] The McDade Amendment was enacted against the background of several attempts by the Department of Justice to exempt employees from coverage of State ethics regulations—including State disciplinary proceedings—and to make sure that DOJ attorneys adhered to the same rules as all other attorneys.

As Representative Joseph McDade, the author of the McDade Amendment, explained in a hearing on an earlier version of the law, the purpose of the statute was to hold Department of Justice attorneys "accountable, as all other lawyer[s] in this country are, to charges of misconduct and to ethics standards."[18] Rep. McDade explained that "Department of Justice prosecutors . . . have always been monitored for ethics compliance by independent outside observers: the State or the Federal court"[19], and that "we would be unwise to abandon this longstanding arrangement in favor of some kind of self-regulation internally by DOJ."[20]

The regulatory preamble to the Department of Justice's 1999 regulations implementing 28 U.S.C. 530B reinforces this allocation of responsibility. As the Department wrote at that time, "[t]he Regulations . . . recognize that attorneys are principally subject to discipline by their state of licensure and the courts before which they practice. Thus, although Department attorneys are also subject to discipline by the Office of Professional Responsibility, the regulations generally direct Department attorneys to look, according to the circumstances, to the rules of the court before which they are appearing and the rules of their licensing jurisdiction."[21] The statute's emphasis that not only the substance of the rules—"to the same extent"—but the procedures and institutions by which they are applied—"in the same manner"—are to be applied to federal attorneys makes clear that deference to DOJ's in-house disciplinary process proposed here is inappropriate, and for obvious reasons. As explained below, no one should be permitted to be a judge in his own case, least of all when a lawyer's ethics, and the interests of the United States and its people as his clients, are directly at issue.

Given Congress's clear allocation of disciplinary responsibility, there is no legal requirement for the Committee to delay investigation on the basis that the Office of Professional Responsibility could exercise concurrent jurisdiction over the allegations in this complaint.

III. Discretionary Deference to the Office of Professional Responsibility is Wholly Inappropriate in this Case

Absent a federal or state statutory requirement to defer to the Department of Justice, the Chief Attorney's decision to pause its investigation and refer the complainants to OPR can only be considered a discretionary matter. While there may be circumstances in which it makes sense for the Committee to abstain from investigating a claim against a Department of Justice attorney, this

---

[17] 28 U.S.C. 530B(a)(emphasis added); 28 C.F.R. 77.2(a).
[18] *Hearing on H.R. 3386, Federal Prosecutors Act of 1996, Before the Subcomm. On Courts & Intell. Prop. Of the Comm. Of the Judiciary*, 104th Cong. 78 (1996).
[19] *Id.* at 10
[20] *Id.* at 8. Additional legislative history supporting the purpose of the McDade Amendment can be found in the amicus brief filed by 76 legal ethics scholars and experts in *U.S. v. Hamilton P. Fox, III*, filed the day after Mr. Dopico issued his letter. *See* Brief of *Amici Curiae* Legal Ethics Scholars and Experts in Support of Defendants' Motion to Dismiss the Complaint, *U.S. v. Hamilton P. Fox, III*, 26-CV-01658 at 12-20 (D.D.C., July 17, 2026).
[21] 64 Fed. Reg. 19273, 19274 (Apr. 20, 1999).

is not one of them. In fact, discretionary deference to OPR is wholly inappropriate here. Mr. Blanche, as Acting Attorney General, has direct supervisory responsibility over OPR. Any OPR investigation would therefore be irretrievably tainted by organizational and personal conflicts.

Mr. Blanche is not an ordinary government attorney. As the Acting Attorney General, he has near plenary authority over OPR. The regulations establishing OPR make it clear that the office is "subject to the general supervision and direction of the Attorney General, or, whenever appropriate, the Deputy Attorney General."[22] The result is that any investigation would come under the direct supervision of the very person whose conduct is in question. Mr. Blanche's participation in his own investigation would not only violate the ancient maxim that "no man can be a judge in his own case" but would also implicate the financial conflict of interest law 18 U.S.C. 208. That law prohibits employees like Mr. Blanche from participating in any matter in which they have a financial interest, including by "direct and active supervision of the participation of a subordinate."[23]

Even if he were not directly involved in the investigation, there is an inherent risk that Mr. Blanche could effectively structure the review to receive a favorable result. This risk is not abstract: Mr. Blanche's predecessor pushed the career head of OPR out of office last year[24] and former Acting Deputy Attorney General Emil Bove (friend and former law partner to Mr. Blanche) reportedly reassigned the responsibility to make final determinations on attorney ethics issues to political appointees.[25] And Mr. Blanche has already taken personnel actions against several attorneys, including the former Pardon Attorney, Liz Oyer, and senior counsel Erez Reuveni, for standing up to pressure to bend or break the law. An attorney serving with the Department would run the very real risk of retaliation for finding that the Acting Attorney General had violated his ethical obligations. As a result, any DOJ attorney assigned to investigate Mr. Blanche would be put in a situation in which their professional judgement could be compromised by their own personal interests in continued employment, in essence creating the type of personal conflict of interest that is generally prohibited by Rule 1.7. That risk alone is enough to warrant reconsideration of Chief Attorney Dopico's letter.

Moreover, Mr. Blanche would continue to be responsible for the final decision on any OPR investigation. Pursuant to DOJ regulations, once OPR finalizes an investigation the office "[r]eport[s] to the responsible Department official the results of inquiries and investigations" and "mak[es] recommendations for disciplinary action or other corrective action."[26] When OPR makes a finding of misconduct, the Justice Manual directs OPR to transfer the findings to the Professional Misconduct Review Unit (PRMU) to handle disciplinary action. Justice Manual 1-4.320. But PMRU "has no authority to adjudicate disciplinary actions in misconduct cases pertaining to non-career attorneys (whether appointed by the President with Senate confirmation, or otherwise politically appointed), unless that authority is specifically delegated by the Attorney General or

[22] 28 C.F.R. 0.39.
[23] 5 C.F.R. 2640.103(a)(2).
[24] Scott McFarlane & Melissa Quinn, *Bondi ousts top ethics official at the Justice Department*, CBS News (July 15, 2025), Bondi ousts top ethics official at the Justice Department - CBS News.
[25] Ben Penn, *Trump DOJ Assigns Sensitive Ethics Powers to Political Aides*, Bloomberg Law (Feb. 16, 2025), Trump DOJ Assigns Sensitive Ethics Powers to Political Aides (1).
[26] 28 C.F.R. 0.39a.

Deputy Attorney General."[27] Nor can PMRU authorize OPR to make bar referrals for non-career appointees appointed by the President.[28] Those are powers reserved to the Deputy Attorney General.[29] In other words, an OPR investigation into Mr. Blanche would result in a referral to Mr. Blanche, and it would be Mr. Blanche who would have the power to act. And even if Mr. Blanche were to delegate this power or to somehow recuse himself, no person within the Department of Justice has the actual authority to take disciplinary action or other corrective action over Mr. Blanche.

The end result is that an OPR investigation of the Acting Attorney General would both be futile and marred by conflicts of interest.

IV. Judge Williams's Order in *President Trump v. Internal Revenue Service* Provides Strong Support for Immediate Investigation

As described in Part V(a) of the original complaint, President Trump, his family, and the Trump organization brought a lawsuit in the Southern District of Florida—after the expiration of the statute of limitations—seeking $10 billion from the IRS for unauthorized disclosures of tax returns by a Booz Allen Hamilton contractor, Charles Littlejohn. Rather than defending the interests of the United States with dispositive defenses as it had done in other matters involving the Littlejohn leak, the Justice Department as led by Mr. Blanche made no defense at all and entered into a "settlement agreement," signed by Mr. Blanche, that would have created a $1.776 billion "Anti-Weaponization Fund" run by a commission whose members would be hand selected by Mr. Blanche. That same day, Mr. Blanche issued an order as Acting Attorney General, establishing the fund.[30] Then, the next day (after Judge Williams had dismissed the case), Mr. Blanche issued another order that purported to provide Trump, his family, his companies, and affiliates with a global release of liability for any matters that could have been brought against them by any agency or department, including specifically barring the IRS from conducting tax audits of those people and entities for potential past liability. As Judge Williams noted, several of the matters for which Mr. Blanche issued releases to Trump were matters in which Mr. Blanche had previously served as Trump's private defense counsel.

Our original complaint explained that Mr. Blanche's actions in *President Trump v. Internal Revenue Service* raised serious questions under the N.Y. Rules of Professional Conduct. As we highlighted, Mr. Blanche appears to have (1) failed to competently and diligently protect the interests of his client the United States in *President Trump v. Internal Revenue Service*, the "settlement agreement", and the AG Order; (2) had irresolvable client conflicts of interest arising from his past representation of Mr. Trump with respect to those matters; and (3) engaged in activity that was prejudicial to the administration of justice. As noted in the complaint, Mr. Blanche's actions appear to violate Rules 1.1, 1.3, 1.7, 1.9, 1.11, 1.13, 5.1 and 8.4.

In May, DOJ's handling of the *Trump v. Internal Revenue Service* litigation and the "settlement agreement"—including its establishment of a "slush" fund and its unprecedented broad releases of

---

[27] *Id*.
[28] *Id*.
[29] *Id*.
[30] Attorney General Order (May 18, 2026), https://www.justice.gov/opa/media/1441086/dl.

liability—was challenged by thirty-five former federal judges, who filed a motion as amici curiae asking Judge Williams to reopen the case and to determine whether the parties had colluded to perpetrate a fraud on the court and otherwise engaged in sanctionable conduct.[31] On their motion, Judge Williams required the plaintiffs to respond and offered the amici former federal judges an opportunity to reply.

On July 13, 2026, Judge Williams issued an order finding that the Trump plaintiffs' lawsuit had been collusively "brought for an improper purpose—to gain the imprimatur of judicial legitimacy for a "settlement" that had no viable basis in law or fact"[32] and that the case was "part of Mr. Trump's pattern of misusing the courts to serve political purposes."[33] She concluded that Mr. Trump entirely controlled both sides of the litigation, not only his private plaintiffs' attorneys but also the defendants Treasury Department and IRS, and the defendants' attorneys at the Justice Department through his direct subordinate Mr. Blanche. Judge Williams ordered sanctions against the Plaintiffs and directed that the order be sent to the State Bar of New York for consideration of Mr. Blanche's conduct.[34]

Several sections of the order further substantiate the many concerns raised in the original June 22 complaint, including:

1. That Mr. Blanche did not competently and diligently represent the United States interests, in violation of Rules 1.1 and 1.3:

> [N]o attorney appeared on Defendants' behalf, challenged Plaintiffs' actions, or justified the United States' position in any way[35]
>
> Considering . . .the silent docket, and Defendants' deviation from basic litigation strategies pursued in similar cases . . . the Court must conclude that Defendants chose not to advance an interpretation of the law as the position of the United States that contravenes President Trump's opinion regarding this lawsuit.[36]

---

[31] Motion for Relief from Judgment, *President Trump v. I.R.S.*, No. 1:26-cv-20609-KMW (S.D. Fl., May 27, 2026) https://storage.courtlistener.com/recap/gov.uscourts.flsd.706172/gov.uscourts.flsd.706172.63.0.pdf.

[32] Order, *President Trump v. I.R.S.,* 1:26-cv-20609 at 38 (S.D. Fl., July 13, 2026).

[33] *Id.* (citing *Trump v. Clinton*, 653 F. Supp. 3d 1198, 1219 (S.D. Fla. 2023)). Judge Williams' order also highlighted several irregularities concerning the Department of Justice's handling of this matter and Mr. Blanche's involvement. For example, Judge Williams noted that no records relating to President Trump's lawsuit existed in DOJ's Civil Division, the component that normally would handle a suit of this kind and that had advanced defenses in other similar cases. *Id.* at 8-9 & n. 18. The implication was that the matter had been handled exclusively in DOJ's management offices under the control of Mr. Blanche and the Associate Attorney General, Stanley Woodward. The court also noted that "IRS officials had prepared a 25-page memorandum that outlined major flaws with Plaintiffs' claims and listed the various defenses that could be advanced [and] that had been raised in other litigation"—an opinion that was apparently ignored. *Id.* at 8-9. Finally, the court noted that the day Mr. Blanche signed and announced the settlement and established the slush fund, the Treasury Department's General counsel resigned. *Id.* at 7, n. 10.

[34] *Id.* at 53-54.

[35] *Id.* at 23.

[36] *Id.* at 25-26.

> Here, Defendants' actions (or inaction), as directed by the DOJ, and the subsequent "resolution" of this lawsuit leads the Court to conclude the Parties' interests were "one and the same." . . . Ultimately, the DOJ has endeavored to justify its position to create the appearance of a case or controversy "resolved" under the aegis of the Court. But the Parties, most of whom are government actors, did not engage in any public discussion or judicial review . . .; indeed, they actively avoided such an undertaking.[37]
>
> [T]he Release Order, signed only by Acting Attorney General Blanche, extends a blanket grant of immunity to all Plaintiffs [and] . . . purports to bar the IRS from conducting any future tax audits of President Trump, his sons, and their entities. This provision directly contravenes 26 U.S.C. § 7217 . . . acquiescing to any [demand to release the President from an audit] is wholly incompatible with the duties of DOJ attorneys . . . to enforce the law and protect the public interest.[38]
>
> [T]he conferral of possible millions of dollars in tax relief and corollary benefits potentially violates Article II, Section I of the United States Constitution, a limitation surely known by . . . the current Acting Attorney General. . . . The failure of any attorney in this case to address, on this docket, the relationship of this Article II proscription with the benefits conferred by the "settlement" is a glaring omission that speaks to the control of the Lead Plaintiff [Donald Trump].[39]
>
> Defendants' conduct is . . . untenable. It is telling that the DOJ, which is tasked with enforcement of United States law, has remained conspicuously absent and silent when serious questions about this matter have been raised. . . . And when representatives did choose to expound on the Department's conduct, they offered misleading explanations of the facts and the law. In abdicating its responsibility to zealously defend the interests of the United States, the Government entered into a "settlement" that deviated from its litigation posture in similar actions, disregarded DOJ policies, and accomplished objectives beyond those authorized, as well as those specifically prohibited, by law. Under these circumstances, the Court may reasonably infer that the Government failed to defend this lawsuit or to respond to the Court's jurisdictional inquiry because its position would not withstand judicial scrutiny and because resolution of the threshold issues identified by the Court would not have favored its preferred outcome to this case.[40]

2. That Mr. Blanche and others had conflicts of interests that affected his ability to competently represent the United States, and which undermined the administration of justice in violation of Rules 1.7, 1.9, 1.11, and 8.4:

> Before his appointment to the DOJ, Acting Attorney General Blanche served as President Trump's personal criminal defense attorney in several high-profile

[37] *Id.* at 27-29.
[38] *Id.* at 34-35.
[39] *Id.* at 35.
[40] *Id.* at 51.

> matters. . . . Instead of either recusing because of their previous representations or vigorously defending this lawsuit as required to do so by DOJ policies and procedures, these lawyers agreed to a "settlement" involving a staggering amount of money potentially benefitting former clients.[41]
>
> Moreover, the Release Order, signed only by Acting Attorney General Blanche, extends a blanket grant of immunity to all Plaintiffs and their families and "affiliates," and precludes all "current or possible" investigations or actions before any other agencies or departments.[42]
>
> In this case . . . notwithstanding his prior representation of President Trump, Blanche did not recuse.[43]
>
> Acting Attorney General Blanche's apparent capacity to speak for both Plaintiffs and Defendants, sign a "settlement" document on behalf of all Parties to this action, and then repudiate part of that agreement, demonstrates that there was only one party whose interests were being represented throughout this case.[44]

3. That Mr. Blanche and others attempted to use the court system to advance personal interests of the President, in violation of Rule 8.4:

> [T]he DOJ seems to have purposefully adopted the strategy of creating a "slush fund disguised as a settlement, and then doling the money out to whatever constituency the Executive wants bankrolled."[45]
>
> [The] facts lead to the inexorable conclusion that the "settlement" terms, the individuals who signed the "settlement" as well as the putative beneficiaries of the "settlement," demonstrate a shared, unitary interest. And the unilateral revision and renunciation of the "Fund" component of the "settlement" demonstrate the fact that all Parties were aligned, and ultimately, undifferentiated. This action was never about a party seeking judicial resolution of a legal issue or a factual dispute.[46]
>
> The nature of the suit itself and the conduct of the Parties and counsel from its filing make plain that this was an attempt to use the Court to provide some legitimacy to an agreement to confer immunity to people and entities affiliated with the President and to earmark billions of dollars from American taxpayers to redress grievances not defined in the law.[47]

4. That Mr. Blanche made misleading statements in his congressional testimony concerning the settlement agreement, in apparent violation of Rule 8.4(c):

---

[41] *Id.* at 32-34.
[42] Id. at 34.
[43] *Id.* at 33, n. 48.
[44] *Id.* at 36.
[45] *Id.* at 30 (citing *Keepseagle v. Perdue*, 856 F.3d 1039, 1058 (D.D.C. 2017)) (Rogers, J., dissenting).
[46] *Id.* at 55.
[47] *Id.*

> The Court is extremely troubled by the testimony given by Acting Attorney General Blanche on May 19, 2026. In response to why the "settlement agreement" had not been submitted to this Court for review, he stated that "there is no judge" because the case had been dismissed and, therefore, there was "no mechanism" for reviewing the agreement. . . . While temporally accurate, this answer is, at best, misleading and, at worst, disingenuous. The Court was available to review any pleading by any Party at any time during this lawsuit. And if Acting Attorney General Blanche had thought the dismissal was improvidently granted or thought Plaintiffs misspoke when they said, "no judicial analysis is appropriate," . . . he only had to file an appearance and ask for relief.[48]

5. Judge Williams further observed that Mr. Blanche's conduct threatens to undermine the Rule of Law in the United States:

> During an interview with the New York Times, President Trump publicly expressed his belief in his unequivocal control over the DOJ. However, the DOJ is tasked with zealously representing the United States' interests, and is trusted to remain insulated from political influence. Fidelity to the rule of law can be achieved only when the DOJ is free to assess the facts and governing law of each case it reviews without the stain of political influence. There is "an expectation that even the Attorney General must be able to draw the line between political allegiance and fidelity to the people, as well as the fair administration of the law."[49]

Finally, as Judge Williams noted, "[s]ix days [after the Settlement Agreement was signed], President Trump nominated Mr. Blanche to permanently serve as Attorney General of the United States." The Court's pointed recitation of this fact, and its timing, highlights the concern that as a matter of appearance, at least, Mr. Blanche's interest in personal career advancement had an improper influence on his representation of his client, the United States, in potential violation of Rule 1.7.

Judge Williams' order thus raises profound questions about Mr. Blanche's commitment to the rule of law and to his professional obligations as an attorney. Judge Williams plainly viewed Mr. Blanche's conduct with grave concern, as she expressly cited the complaint filed with this Committee by the undersigned and directed the clerk to "mail a copy of this order to the State Bar of New York, of which Acting Attorney General Blanche is a member (No. 4192456)."[50] We therefore respectfully ask that you consider the facts and conclusions set forth in Judge Williams' order as part of an investigation into Mr. Blanche.

Conclusion

Chief Attorney Dopico's July 16 letter deferring investigation of Mr. Blanche asks complainants to adopt a "wait and see" approach. That approach is inconsistent with the Committee's obligation

---

[48] *Id.* at 29, n. 38.
[49] *Id.* at 26-27 (citations omitted).
[50] *Id.* at 53-54 & n. 70.

to protect the public interest. Mr. Blanche's conduct is well documented not only in the June 22 complaint, but in orders of courts from around the country including Judge Williams's scathing order filed on July 13. Failure to act now is an invitation to future abuses. Not only should the Committee grant this request for reconsideration, but they should act expeditiously to investigate Mr. Blanche.[51] Failure to do so will undermine the public trust.

We thank you for your consideration of this request to reconsider.

Respectfully submitted,

DEMOCRACY DEFENDERS FUND

By: ________/s/___________
Virginia Canter
Chief Counsel and Director for Ethics and Anti-corruption

Christopher Swartz
Senior Ethics Counsel

Norman Eisen,
Executive Chair
Democracy Defenders Fund

LAWYERS DEFENDING AMERICAN DEMOCRACY

By: ________/s/___________
Scott Harshbarger, Chairman
Two-term Attorney General of Massachusetts

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

John T. Montgomery
Board Member, Lawyers Defending American Democracy

* These signatories have signed solely in their individual capacity, rather than on behalf of any entity

---

[51] In addition to granting this request to reconsider, the Committee may also wish to consider suspending Mr. Blanche's license on an interim basis. Pursuant to 22 NYCRR 1240.9(a), the Committee may suspend a respondent from the practice of law upon a finding that the respondent "has engaged in conduct immediately threatening the public interest." That determination may be based on, *inter alia*, "uncontroverted evidence of professional misconduct." 22 NYCRR 1240.9(a)(5).

Judge Verna A. Adams
Marin County Superior Court, California (Ret.)

Judge Stephanie A. Arend
Pierce County Superior Court, Washington (Ret.)

Chief Justice Scott Bales
Arizona Supreme Court (Ret.)

Chief Justice Thomas A. Balmer
Oregon Supreme Court (Ret.)

Judge Paul A. Bastine
Spokane County Superior Court, Washington (Ret.)

Judge Martha Beckwith
Anchorage District Court, Alaska (Ret.)

Chief Justice Michael L. Bender
Colorado Supreme Court (Ret.)

Justice Margot Botsford
Massachusetts Supreme Judicial Court (Ret.)

Associate Justice Bobbe J. Bridge
Washington Supreme Court (Ret.)

Chief Justice Eric Brown
Supreme Court of Ohio (Ret.)

Chief Justice Walter L. Carpeneti
Alaska Supreme Court (Ret.)

Judge Wynne Carvill
Alameda County Superior Court, California (Ret.)

Judge Patrick A. Cathcart
Los Angeles Superior Court, California (Ret.)

Judge Robert J. Cindrich
U.S. District Judge, Western District of Pennsylvania (Ret.)

Chief Justice Sue Bell Cobb
Alabama Supreme Court (Ret.)

Justice Carol Ann Conboy
New Hampshire Supreme Court (Ret.)

Chief Justice Dori Contreras
13th Court of Appeals, Texas (Ret.)

Associate Justice Patricia Cotter
Montana Supreme Court (Ret.)

Judge Martin Cronin
Essex County Superior Court, New Jersey (Ret.)

Judge Beverly W. Cutler
Alaska Superior Court, Third Judicial District (Ret.)

Judge James Dannenberg
Hawaii District Court, First Circuit (Ret.)

Judge Andre M. Davis
U.S. Circuit Judge, U.S. Court of Appeals for the Fourth Circuit (Ret.)

Justice Michael P. Donnelly
Supreme Court of Ohio (Ret.)

Judge Sally Duncan
Maricopa County Superior Court, Arizona (Ret.)

Justice Robert D. Durham
Oregon Supreme Court (Ret.)

Judge Lynn Duryee
Marin County Superior Court, California (Ret.)

Justice Mark Dwyer
New York State Supreme Court (Ret.)

Judge George Eskin
Santa Barbara County Superior Court, California (Ret.)

Judge Francisco Firmat
Orange County Superior Court, California (Ret.)

Judge Helen E. Freedman
New York Appellate Division of the Supreme Court (Ret.)

Judge Royal Furgeson Jr.
U.S. District Judge, Western District of Texas (Ret.)

Judge Julia Garratt
King County Superior Court, Washington (Ret.)

Judge Deborra Garrett
Whatcom County Superior Court, Washington (Ret.)

Judge Tim Gerking
Jackson County Circuit Court, Oregon (Ret.)

Justice Janine P. Geske
Wisconsin Supreme Court (Ret.)

Judge Marilyn Go
U.S. Magistrate Judge, Eastern District of New York (Ret.)

Justice Emily Jane Goodman
New York State Supreme Court (Ret.)

Judge Ernestine S. Gray
Orleans Parish Juvenile Court, Louisiana (Ret.)

Justice Karen F. Green
Massachusetts Superior Court (Ret.)

Chief Justice Mark V. Green
Massachusetts Appeals Court (Ret.)

Judge Helen Halpert
King County Superior Court, Washington (Ret.)

Judge Brook Hedge
Superior Court of the District of Columbia (Ret.)

Judge James Hely
New Jersey Superior Court, Vicinage 12 (Ret.)

Judge Bethany G. Hicks
Maricopa County Superior Court, Arizona (Ret.)

Justice Geraldine S. Hines
Massachusetts Supreme Judicial Court (Ret.)

Judge Vicki L. Hogan
Pierce County Superior Court, Washington (Ret.)

Judge J. Robin Hunt
Washington Court of Appeals (Ret.)

Justice Barbara Jaffe
New York State Supreme Court (Ret.)

Judge Nely Johnson
Multnomah County Circuit Court, Oregon (Ret.)

Chief Justice Jim Jones
Idaho Supreme Court (Ret.)

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

Judge Steven Kleifield
Los Angeles Superior Court, California (Ret.)

Judge Michael S. Kupersmith
Chittenden County Superior Court, Vermont (Ret.)

Chief Judge John P. Leopold
Colorado District Court, 18th Judicial District (Ret.)

Judge John Lohrmann
Walla Walla County Superior Court, Washington (Ret.)

Judge Richard Lyman
Los Angeles Superior Court, California (Ret.)

Judge Barbara Mack
King County Superior Court, Washington (Ret.)

Judge Patrick J. Mahoney
San Francisco County Superior Court, California (Ret.)

Judge John S. Martin Jr.
U.S. District Judge, Southern District of New York (Ret.)

Justice Mary McGowan Davis
New York State Supreme Court (Ret.)

Justice James F. McHugh
Massachusetts Appeals Court (Ret.)

Judge Kevin McKenney
Santa Clara County Superior Court, California (Ret.)

Judge Christopher Melly
Clallam County Superior Court, Washington (Ret.)

Judge John Meyer
Skagit County Superior Court, Washington (Ret.)

Judge Peter Michalski
Anchorage Superior Court, Alaska (Ret.)

Judge David Minge
Minnesota Court of Appeals (Ret.)

Judge Walter M. Morris, Jr.
Orleans County Superior Court, Vermont (Ret.)

Justice James C. Nelson
Montana Supreme Court (Ret.)

Judge Peggy J. Nelson
Eighth Judicial District Court of New Mexico (Ret.)

Judge Leslie C. Nichols
Santa Clara County Superior Court, California (Ret.)

Chief Justice Maureen O'Connor
Supreme Court of Ohio (Ret.)

Associate Justice Robert F. Orr
North Carolina Supreme Court (Ret.)

Chief Justice Barbara J. Pariente
Florida Supreme Court (Ret.)

Judge Lynn Pickard
New Mexico Court of Appeals (Ret.)

Judge Jeffrey M. Ramsdell
King County Superior Court, Washington (Ret.)

Chief Justice Mark Recktenwald
Hawaii Supreme Court (Ret.)

Judge Stephanie Rhoades
Anchorage District Court, Alaska (Ret.)

Judge Palmer Robinson
King County Superior Court, Washington (Ret.)

Judge John Romero
New Mexico 2nd Judicial District Court (Ret.)

Judge Carol Schapira
King County Superior Court, Washington (Ret.)

Judge Barry C. Schneider
Maricopa County Superior Court, Arizona (Ret.)

Judge Richard L. Seabolt
Alameda County Superior Court, California (Ret.)

Judge Catherine Shaffer
King County Superior Court, Washington (Ret.)

Administrative Judge Jacqueline Silbermann
New York County Supreme Court, Civil Branch (Ret.)

Associate Justice Sheila Sonenshine
California Court of Appeal (Ret.)

Judge Michael Spearman
Washington Court of Appeals (Ret.)

Judge Julie Spector
King County Superior Court, Washington (Ret.)

Judge Diana I. Stuart
Oregon Circuit Court (Ret.)

Judge Paul Suzuki
Los Angeles Superior Court, California (Ret.)

Judge Jeffrey Swartz
Miami-Dade County Court, Florida (Ret.)

Judge Philip E. Toci
Arizona Court of Appeals (Ret.)

Judge Michael J. Trickey
Washington Court of Appeals (Ret.)

Judge Kitty-Ann van Doorninck
Pierce County Superior Court, Washington (Ret.)

Chief Justice Daniel E. Wathen
Maine Supreme Judicial Court (Ret.)

Judge Larry Weeks
Juneau Superior Court, Alaska (Ret.)

International Judge Patricia Whalen
War Crimes Chamber, Court of Bosnia and Herzegovina (Ret.)

Judge Alexander Williams Jr.
U.S. District Judge, District of Maryland (Ret.)

Judge Ken Williams
Clallam County Superior Court, Washington (Ret.)

Judge Beverly Wood
Marin County Superior Court, California (Ret.)

Judge Margie G. Woods
San Diego County Superior Court, California (Ret.)

Judge Merri Souther Wyatt
Oregon Circuit Court, Multnomah County (Ret.)