

June 22, 2026

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-newcomplaints@nycourts.gov

Re: **Ethics Complaint Against Todd Blanche**
(Registration No. 4192456)

Dear Grievance Committee Members:

Democracy Defenders Fund, Lawyers Defending American Democracy, and the 101 undersigned former judges respectfully submit this complaint¹ pursuant to title 22 of the New York Compiled Codes of Rules and Regulations (NYCRR) requesting that the Attorney Grievance Commission initiate an investigation into Acting Attorney General Todd Blanche (Registration No. 4192456) for violation of the New York Rules of Professional Conduct (“Rules”).²

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¹ This complaint is based entirely on publicly available primary documents, including court cases and news reports.

² The Rules are codified at N.Y. Comp. Codes R. & Regs. tit. 22, part 1200. For ease of reference, the Rules are referred to by the Rule designation set forth in the N.Y. State Bar Association Rules of Professional Conduct (2025) (Rules). References in footnotes are to the corresponding provision of the NYCRR. References to the Comments to the Rules, which are not codified, are referred to by corresponding Rule.

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II. Summary of Complaint

Mr. Blanche has been Deputy Attorney General of the United States since March 2025 and Acting Attorney General since April 2026. Like all federal officials, before assuming his duties as Deputy Attorney General, Mr. Blanche was required to take an oath of office.³ That oath required Mr. Blanche to “bear true faith and allegiance” to the Constitution of the United States and “well and faithfully discharge the duties of the office” he occupies.⁴ That oath was backed by Executive Order 12674, as modified, and the Standards of Ethical Conduct for Employees of the Executive Branch, which make it an obligation of all government employees to “place loyalty to the Constitution, the laws, and ethical principles above private gain.”⁵ As Acting Attorney General, Mr. Blanche is said to speak for the “common interests of the Government and therefore of all the people.”⁶ Moreover, Mr. Blanche, as an attorney for the government, is the representative of the United States and the Department of Justice.⁷ Misconduct by government attorneys is particularly reprehensible. As Comment 5 to Rule 8.4 states: “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 lawyers.”⁸

On May 18, 2026—a little over a month after assuming the position of Acting Attorney General—Mr. Blanche announced that the Department of Justice had entered into an unprecedented settlement agreement with Donald Trump, his sons, and the Trump organization in the case *President Donald J. Trump v. Internal Revenue Service*. The agreement purported to resolve claims the President and his family made against the Internal Revenue Service (IRS) related to the unauthorized release of Mr. Trump’s tax returns. This settlement agreement resulted in the President receiving unheard-of favorable treatment, including the creation of a \$1.776 billion dollar slush fund out of appropriated funds and a release of all potential claims, known or unknown, that could have been made against Donald Trump, his family, his organizations, or “related or affiliated individuals” before the “Defendants or *other agencies or departments*” of the United States.⁹ This extraordinary “sight unseen” global release of liability not only violates longstanding norms established in the Justice Manual,¹⁰ but it could serve as the functional equivalent of a backdoor blanket pardon—inoculating President Trump, his family, and any “related or affiliated individuals” from federal oversight to the overwhelming prejudice of the interests of Mr. Blanche’s client: the United States.

³ 5 U.S.C. § 3331.

⁴ *Id.*

⁵ Exec. Ord. 12674, § 1(a), 54 Fed. Reg. 15159 (1989), as modified by E.O. 12731, 55 Fed. Reg. 42547 (1990); 5 C.F.R. § 2635.101(b)(1).

⁶ *United States v. Providence J. Co.*, 485 U.S. 693, 706 (1988) (explaining that when appearing before the Supreme Court, the Attorney General is to represent the collective views of the United States).

⁷ 28 U.S.C. § 503 (providing that the President can appoint an Attorney General “of the United States”); Rule 1.13, cmt. 9.

⁸ Rule 8.4, cmt. 5.

⁹ Acting Attorney General Todd Blanche, Order and General Release (May 19, 2026), <https://www.justice.gov/opa/media/1441216/dl>.

¹⁰ *See, e.g.*, Department of Justice, Justice Manual § 4-3.432 (updated Apr. 2018), <https://www.justice.gov/jm/jm-4-3000-compromising-and-closing>. (requiring that any compromise of an Federal Tort Claims Act suit “demonstrate a thorough, thoughtful exploration of any issues relating to jurisdiction, liability, and damages, with the ultimate goal of ensuring that a proposed settlement is in the best interests of the United States and that the United States has bought peace with respect to any claims that the plaintiff could bring based on the subject matter of the case.”).

As described below, Mr. Blanche's participation in *President Trump v. I.R.S.* was fundamentally incompatible with his ethical obligations under the New York Rules of Professional Responsibility ("Rules"). Among other things, Mr. Blanche failed to competently and diligently represent the United States; participated in a matter he previously participated in while in private practice; attempted to assist his former client and current boss, President Trump, to skirt legal limits on his ability to end a tax audit against him, his family, and his companies and achieve a global release of all claims the United States had or could have had against them; and personally and knowingly through the acts of another engaged in conduct that was deceptive and prejudicial to the administration of justice.

As the Court of Appeals of New York said in *The Matter of Rowe*, "Conduct that tends to reflect adversely on the legal profession as a whole and to undermine public confidence in it warrants disciplinary action."¹¹ Never could that be clearer than here. The undersigned therefore call on the Grievance Committee to initiate an investigation of Mr. Blanche for potential violations of his professional responsibility obligations under Rules 1.1, 1.3, 1.7, 1.9, 1.11, 1.13, 5.1, and 8.4, and to impose appropriate discipline up to and including disbarment.

In addition to the apparent violations of professional conduct by Mr. Blanche in reference to *President Trump v. I.R.S.* and the Department of Justice's resolution of that matter, a brief discussion of Mr. Blanche's apparent abuse of the Department's authorities to target President Trump's personal and political enemies is found in part b. of this complaint. As described further in that part, Mr. Blanche has initiated, induced, participated in, and overseen an ever-growing list of frivolous investigations and prosecutions perpetrated for the apparent purpose of harassing and injuring people and institutions President Trump perceives as his foes. This complaint covers two examples: On May 22, 2026, the U.S. District Court for the Middle District of Tennessee concluded that the Department of Justice could not overcome the presumption of vindictive prosecution against Kilmar Ábrego Garcia.¹² Among other things, the Court noted that while he was Deputy Attorney General, Mr. Blanche made several "remarkable statements [that] could directly establish that the motivations for Ábrego's criminal charges stem from his exercise of his constitutional and statutory rights."¹³ Second, in April 2026, Mr. Blanche oversaw the indictment of Former FBI Director James Comey for sharing an Instagram post of seashells arranged to form "86 47."¹⁴ These are only a few examples of actions taken by Mr. Blanche and his subordinates at the Department of Justice in pursuit of the President's personal vendettas.

More than eighty years ago, the then Attorney General of the United States, later Supreme Court Justice, Robert H. Jackson, remarked in his seminal speech before the Department of Justice that:

¹¹ *Matter of Rowe*, 80 N.Y.2d 336, 340 (1992).

¹² The Campaign for Accountability (CfA) also recently filed a complaint with your office raising similar concerns about Mr. Todd Blanche's actions in regard to Mr. Abrego Garcia. Campaign for Accountability, *Complaint against Todd Blanche*, New York Atty. Regis. No. 4192456 (May 27, 2026), <https://www.documentcloud.org/documents/28166615-todd-blanche-bar-complaint-campaign-for-accountability-2-27-26/>.

¹³ Memorandum Opinion, *United States v. Abrego Garcia*, No. 3:25-cr-00115 (May 22, 2025) (citations omitted), [3.25.cr .00115 Memorandum Opinion.pdf](https://www.uscourts.gov/uscourts/3rd-circuit/2025/05/22/3-25-cr-00115-Memorandum-Opinion.pdf).

¹⁴ Indictment, *United States v. Comey*, No. 4:26-cr-00016 (Apr. 28, 2026), [gov.uscourts.nced.227449.1.0_12.pdf](https://www.uscourts.gov/uscourts/4th-circuit/2026/04/28/4-26-cr-00016-Indictment.pdf).

The prosecutor has more control over life, liberty, and reputation than any other person in America. (...) While the prosecutor at his best is one of the most beneficent forces in our society, when he acts from malice or other base motives he is one of the worst (...)

If the prosecutor is obliged to choose his cases, it follows that he can choose his defendants. Therein is the most dangerous power of the prosecutor: that he will pick people that he thinks he should get, rather than pick cases that need to be prosecuted (...) In such a case, it is not a question of discovering the commission of a crime and then looking for the man who has committed it, it is a question of picking the man and then searching the law books, or putting investigators to work, to pin some offense on him.

It is here that law enforcement becomes personal, and the real crime becomes that of being unpopular with the predominant or governing group, being attached to the wrong political views, or being personally obnoxious to or in the way of the prosecutor himself.¹⁵

Former Deputy Attorney General Laurence Silberman echoed then-Attorney General Jackson's remarks nearly seventy years later: "the most heinous act in which a democratic government can engage is to use its law enforcement machinery for political ends."¹⁶ Mr. Blanche's apparent use of the legal system to punish the personal and political enemies of his former client and current boss violates, *inter alia*, his responsibilities under Rules 3.1 and 8.4. The undersigned therefore request that you also investigate Mr. Blanche's conduct in relation to his apparent abuse of the powerful authorities of the Department of Justice to pursue President Trump's personal and political enemies.

Finally, part c. of this complaint discusses Mr. Blanche's personal involvement in overseeing the Department of Justice's botched and incomplete release of documents related to Jeffrey Epstein and Ghislaine Maxwell under the Epstein Files Transparency Act (EFTA). A complaint has been filed with your office by the Legal Accountability Center raising serious concerns about Mr. Blanche's interview of Ghislaine Maxwell, Jeffrey Epstein's long-time co-conspirator, who is serving a prison sentence for sex trafficking.¹⁷ As discussed below, Mr. Blanche's central role in the Department's response to the EFTA failed to meet his expectations of competent and diligent representation of the United States, was burdened by his own conflicts of interest, and reflected adversely on his fitness as an attorney. As a result, the Department over-redacted documents without legal authority, failed to provide legally required justifications for its redactions, and

¹⁵ Robert H. Jackson, Attorney General of the United States, The Federal Prosecutor, at 1, 4, 5, Address Delivered at the Second Annual Conference of United States Attorneys (Apr. 1, 1940), <https://www.justice.gov/sites/default/files/ag/legacy/2011/09/16/04-01-1940.pdf>.

¹⁶ Laurence H. Silberman, *Hoover's Institution*, Wall Street Journal (Jul. 20, 2005) (cited by Fifth Circuit Judge Ho in *Gonzalez v. Trevino*, 60 F.4th 906, 907 (5th Cir. 2023)).

¹⁷ Letter to Jorge Dopico, Chief Attorney, Attorney Grievance Commission for the First Judicial Department (Sep. 11, 2025), <https://static1.squarespace.com/static/67367bde1a5ffd49c54fcf7e/t/68cab126dfdd2b081f36d6e0/1758114086895/Blanche+Complaint.pdf>.

released the victim information of nearly 100 survivors in what has been called “the single most egregious violation of victim privacy in one day in United States history.”¹⁸

Paragraph 1 of the Preamble to the New York Rules states that a lawyer “should further the public’s understanding and confidence in the rule of law and the justice system because, in a constitutional democracy, legal institutions depend on popular participation and support to maintain their authority.”¹⁹ Yet recent polls show that a majority of respondents believe that President Trump has utilized the Department to attack his political enemies and has acted to cover up the crimes of Jeffrey Epstein.²⁰ Mr. Blanche’s actions in these matters raise serious questions. The American public deserves an Attorney General who serves the interests of the Nation, and not those of a single man. For the reasons set forth below, we urge you to expeditiously investigate Mr. Blanche to determine if he has violated the Rules and, if so, to take appropriate action.

III. Jurisdiction

Pursuant to 28 U.S.C. § 530B (a/k/a the McDade Amendment) and the implementing regulations at 28 C.F.R. § 77, Mr. Blanche is an “attorney for the government”²¹ and is “subject to State laws and rules, and local Federal court rules, governing attorneys in each 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.”²² Congress enacted the McDade Amendment to resolve arguments by the Department of Justice that government attorneys were not bound by state ethics codes and processes.²³

Mr. Blanche is admitted to practice law in the State of New York. Under section 22 NYCRR § 1240.1, Mr. Blanche is subject to the disciplinary authority of this State.²⁴ Rule 8.5(a) provides that “[a] lawyer admitted to practice in this state is subject to the disciplinary authority of this state, regardless of where the lawyer’s conduct occurs.” Failure to adhere to the applicable ethics rules is professional misconduct that may be the basis of discipline, including admonition, censure, suspension, or disbarment pursuant to Judiciary Law § 90(2). Under the choice of law provision of the Rule 8.5 and 28 U.S.C. § 530B, the State of New York has continuing jurisdiction over Mr.

¹⁸ Emergency Request for Immediate Judicial Intervention–Epstein Transparency Act, *United States v. Jeffrey Epstein*, No. 1:19-cr-00490 (Feb. 2, 2026), <https://www.courtlistener.com/docket/15887813/102/united-states-v-epstein/>.

¹⁹ N.Y. Rules, Preamble: A Lawyer’s Responsibility (Nov. 10, 2025), <https://nysba.org/wp-content/uploads/2026/04/NYSBA-NY-Rules-of-Professional-Conduct-Nov-10-2025.pdf>.

²⁰ Taylor Orth, A majority of Americans believe Trump is using the Justice Department to go after his enemies, YouGov (Jun. 2, 2026), <https://yougov.com/en-us/articles/54889-most-americans-believe-trump-using-justice-department-to-go-after-enemies-may-29-june-1-2026-economist-yougov-poll>.

²¹ 28 C.F.R. § 77.2(a).

²² 28 U.S.C. § 530B(a).

²³ An extensive discussion of the history of the McDade Amendment can be found in the regulatory comment to the Department of Justice’s Proposed Rule, *Review of State Bar Complaints and Allegations Against Department of Justice Attorneys*, 91 Fed. Reg. 10780 (Mar. 5, 2026), filed by Democracy Defenders Fund and Lawyers Defending American Democracy on behalf of 129 retired state and federal judges. See Comment, *RE: Review of State Bar Complaints and Allegations Against Department of Justice Attorneys*, 91 Fed. Reg. 10780 (Mar. 5, 2026) (Apr. 6, 2026), [f9c23f_e1cc9c27894b44cfa9bea09a36bffd97.pdf](https://www.federalregister.gov/documents/2026/04/06/2026-07923f-e1cc9c27894b44cfa9bea09a36bffd97.pdf).

²⁴ See N.Y. City Bar Association, *Formal Opinion 2025-1: Ethical Responsibilities of Lawyers Representing Government Officers and Agencies* (Apr. 4, 2025) (“[U]nder all circumstances, a government lawyer who is a member of the New York Bar must always comply with the Rules . . .”).

Blanche's conduct as a lawyer.²⁵ Rule 8.5, 22 NYCRR § 1240.1, and the McDade Amendment make clear that Mr. Blanche is subject to discipline for misconduct occurring in the course of his official responsibilities. Moreover, the State of New York has the power to enforce the Rules as it has done with countless government officials, including the disbarment of former U.S. Attorney General John Mitchell.²⁶

Mr. Blanche lists his current business address, associated with Blanche Law PLLC, in Manhattan, New York.²⁷ Manhattan is located in the First Judicial Department. In advance of his July 2026 confirmation hearing to be Attorney General, Mr. Blanche filed a Senate Questionnaire with the U.S. Senate Committee on the Judiciary that indicates he stopped providing legal services through Blanche Law PLLC in 2025.²⁸ According to Mr. Blanche's 2025 Ethics Agreement with the U.S. Office of Government Ethics and Department of Justice, however, it appears he continues to maintain Blanche Law PLLC in a dormant status.²⁹ The New York Department of State's Division of Corporations lists Blanche Law PLLC as active.³⁰ Therefore, pursuant to 22 NYCRR § 1240.7, the First Judicial Department has jurisdiction over this complaint.³¹

IV. Background

As noted above, Mr. Blanche has been Deputy Attorney General of the United States since March 2025 and Acting Attorney General since April 2026. As Deputy Attorney General, and now as

²⁵ Although *President Trump v. I.R.S.* was filed in Florida, Mr. Blanche did not appear, nor did any attorney for the government, in the case and the settlement agreement signed by the parties was not submitted to the court as part of that matter (although it bore the caption of the case). As a result, the rules that are applicable in this matter are those of New York state. See 28 CFR §77.2(j)(1)(ii) (which states if there is no case pending, the ethical rules that apply are the rules of the attorney's state of licensure); 28 CFR §77.2(j)(2) (which states that a government attorney does not engage in their duties in a state in which the attorney's conduct "is not substantial and continuous").

²⁶ See, e.g., *Mitchell v. Ass'n of Bar of N.Y.*, 40 N.Y.2d 153, 155 (1976) (sustaining disbarment of former Attorney General John Mitchell for violations of law committed while participating in the Watergate cover-up).

²⁷ Mr. Blanche's business address is currently listed as:

99 WALL ST STE 4460
NEW YORK, NY 10005-4301
(New York County)

²⁸ Todd Blanche, U.S. Senate Committee on the Judiciary Questionnaire for Non-Judicial Nominees (Jun. 12, 2026), https://www.judiciary.senate.gov/imo/media/doc/blanche_sjq.pdf.

²⁹ Todd Blanche, Ethics Agreement (Feb. 10, 2025), [https://extapps2.oge.gov/201/Presiden.nsf/PAS+Index/0E4C3EB0ACE8404785258C30003217F2/\\$FILE/Blanche%2C%20Todd%20%20finalEA.pdf](https://extapps2.oge.gov/201/Presiden.nsf/PAS+Index/0E4C3EB0ACE8404785258C30003217F2/$FILE/Blanche%2C%20Todd%20%20finalEA.pdf).

³⁰ N.Y. Department of State, Division of Corporations, Entity Search: Blanche Law PLLC (#6867249) (last visited June 17, 2026).

³¹ N.Y. Comp. Codes R. & Regs. tit. 22, § 1240.7 ("The complaint shall be filed initially in the Judicial Department encompassing the respondent's registration address on file with the Office of Court Administration"). We note that the Attorney Grievance Committee previously referred complaints concerning Emil Bove, the former Principal Associate Deputy Attorney General, to the Office of Professional Responsibility (OPR) at the Department of Justice in May of last year. See Letter from Jorge Dopico, Chief Attorney, Attorney Grievance Committee, First Judicial Department, to the Office of Professional Responsibility, Re: Matter of Emil Bove, Esq. (May 27, 2025), <https://www.documentcloud.org/documents/25983556-new-york-attorney-grievance-committee-response-to-american-oversights-complaint-against-emil-bove/>. We have grave concerns about the independence of any internal Department of Justice investigation concerning Mr. Blanche, who as Acting Attorney General has direct oversight over OPR. It is therefore imperative that you maintain jurisdiction over this complaint and exercise your independent investigative authority over Mr. Blanche's conduct as a licensed attorney in the State of New York.

Acting Attorney General, Mr. Blanche exercises substantial authority over the Department.³² The Attorney General has plenary supervisory authority over the Department and the responsibility to represent the United States in all legal matters.³³ Among the duties of the Deputy Attorney General are “advis[ing] and assist[ing] the Attorney General in formulating and implementing Department policies and programs and in providing overall supervision and direction to all organizational units of the Department” and taking actions related to the “employment, pay, separation, and general administration of personnel, including attorneys, in the Senior Executive Service or the equivalent; Senior-Level and Scientific and Professional positions; and of attorneys and law students regardless of grade or pay in the Department.”³⁴

Prior to his appointment as Deputy Attorney General, Mr. Blanche owned and operated Blanche Law PLLC. In that capacity, Mr. Blanche represented both President Trump and several of his close associates.³⁵ Among other roles, Mr. Blanche served as President Trump’s personal attorney in several high-profile cases. These matters included defending President Trump against a federal indictment alleging Trump conspired to overturn the 2020 election, and defending Mr. Trump in the N.Y. state prosecution that eventually resulted in a conviction on 34 counts of falsifying business records.³⁶ Mr. Blanche also represented close Trump associate Boris Epshteyn, Mr. Trump’s former campaign chairman Paul Manafort,³⁷ and Igor Fruman, a close associate of Rudy Giuliani, who pled guilty to federal campaign finance-related charges.³⁸

As a condition of serving as Deputy Attorney General, Mr. Blanche agreed that his firm would “cease engaging in any business, including the representation of clients.”³⁹ He also agreed to “not participate personally and substantially in any particular matter involving specific parties in which I know a former client of mine is a party or represents a party for a period of one year after I last provided service to that client.”⁴⁰ It has been reported that former Director of the Departmental Ethics Office, Joseph Tirrell, advised Mr. Blanche that he was required to recuse himself from matters involving Mr. Trump.⁴¹

³² 28 C.F.R. §§ 0.5, 0.15(a).

³³ 28 C.F.R. § 0.5.

³⁴ 28 C.F.R. § 0.15.

³⁵ Michael R. Sisak, *What to Know about Todd Blanche, Trump’s pick for acting attorney general*, PBS (Apr. 3, 2026), <https://www.pbs.org/newshour/politics/what-to-know-about-todd-blanche-trumps-pick-for-acting-attorney-general>; Josh Gernstein, *Indicted Giuliani associate Igor Fruman taps Manafort attorney*, POLITICO (Oct. 22, 2019), <https://www.politico.com/news/2019/10/22/giuliani-igor-fruman-manafort-todd-blanche-054996>.

³⁶ Maggie Haberman, et al., *Trump’s Lawyer Gambled His Career to Represent Him in Hush Money Case*, THE N.Y. TIMES (Apr. 4, 2024), <https://www.nytimes.com/2024/04/04/nyregion/todd-blanche-hush-money-case.html>.

³⁷ Benjamin Weiser, William K. Rashbaum and Maggie Haberman, *Trump Adds Former U.S. Prosecutor Todd Blanche to Legal Defense Team*, THE N.Y. TIMES (Apr. 3, 2023), <https://www.nytimes.com/2023/04/03/nyregion/trump-indictment-lawyer-blanche.html>.

³⁸ Larry Neumeister, *Igor Fruman, Giuliani’s associate, sentenced to a year in prison in foreign donor case*, PBS NEWS (Jan. 21, 2022), <https://www.pbs.org/newshour/nation/igor-fruman-giulianis-associate-sentenced-to-a-year-in-prison-in-foreign-donor-case>.

³⁹ Todd Blanche, Ethics Agreement (Feb. 10, 2025), [https://extapps2.oge.gov/201/Presiden.nsf/PAS+Index/0E4C3EB0ACE8404785258C30003217F2/\\$FILE/Blanche%2C%20Todd%20%20finalEA.pdf](https://extapps2.oge.gov/201/Presiden.nsf/PAS+Index/0E4C3EB0ACE8404785258C30003217F2/$FILE/Blanche%2C%20Todd%20%20finalEA.pdf).

⁴⁰ *Id.*

⁴¹ Katelyn Polantz, et al., *Exclusive: Acting AG Todd Blanche was told last year to recuse from Justice Department matters involving Trump*, CNN POLITICS (May 14, 2026), <https://www.cnn.com/2026/05/14/politics/todd-blanche-recusal-trump-investigations-brennan>. Although Mr. Blanche is no longer practicing through Blanche Law PLLC, it

During his confirmation hearing to be Deputy Attorney General, Mr. Blanche stated that his “attorney-client relationship with President Trump remains” and that he was aware that ethical conflicts might arise but that he would “not violate my ethical obligations.”⁴² In response to statements from Senator Sheldon Whitehouse that Mr. Trump may have been charged with crimes because he committed those crimes, Mr. Blanche stated “I very much disagree with that, senator.”⁴³ Following his hearing, Mr. Blanche answered several questions for the record regarding his relationship with Mr. Trump and whether that would influence his decision-making. Several of these responses appeared evasive concerning whether he would resist an unlawful or unethical request from President Trump or would recuse from matters involving Mr. Trump or cases he had previously worked on while in the private sector:

How do you foresee this relationship affecting your work and decision-making process if confirmed as Deputy Attorney General?

RESPONSE: I respect President Trump and consider my representation of President Trump to be the highlight of my professional life and an honor that I will cherish until the day I die. My relationship with President Trump will positively affect my work and decision-making because I strongly believe I share his views of how to restore the integrity of the Department of Justice and enforce the rule of law.

* * *

Will you commit to consulting with career officials at DOJ regarding matters where you previously represented an adverse party, including President Trump?

RESPONSE: In the event of any potential conflict of interest, I will consult with the appropriate Department of Justice ethics officials and act consistent with governing regulations.

b. Do you commit to recusing yourself on any matters where you represented President Trump?

RESPONSE: Please see my response to [the prior] question

c. Do you commit to recusing yourself on any matters involving President Trump?

RESPONSE: Please see my response to [the prior] question

is unclear whether he or the firm have formally terminated their legal representation agreement with Mr. Trump. The Grievance Committee should investigate whether Mr. Blanche continues to have an existing retainer or representational agreement with Mr. Trump.

⁴² Devlin Barrett, *Trump Deputy Attorney General Nominee Decries Treatment of His Client*, THE N.Y. TIMES (Feb. 12, 2025), <https://www.nytimes.com/2025/02/12/us/politics/trump-deputy-attorney-general-hearing.html>.

⁴³ *Id.*

* * *

If President Trump pressures you engage in unethical or illegal conduct, would you tell him, “No”?

RESPONSE: As I stated in my hearing, I respectfully reject that premise. If confirmed, I will always uphold my oath to support and defend the Constitution and I would follow the law.

Is President Trump above the law?

RESPONSE: I am not aware of what it means to be “above the law” so I cannot answer that question.

If confirmed, will you recuse yourself from any actions related to investigations into the January 6 case, *United States v. Trump*, No. 23-cr-257 (D.D.C., Dec. 1., 2023)?

RESPONSE: In the event of any potential conflict of interest, I will consult with the appropriate Department of Justice ethics officials and act consistent with governing regulations.

If confirmed, will you recuse yourself from any actions related to the Mar-a-Lago case, *United States v. Trump*, No. 9:23-cr-80101 (S.D. Fla., June 8, 2023)?

RESPONSE: Please see my response [above].

If confirmed, will you recuse yourself from any actions related to the falsifying business records case, *The People of the State of New York v. Donald J. Trump*, No. IND-71543/2023 (Supreme Court, New York County, New York)?

RESPONSE: Please see my response [above].

Will you recuse yourself from any reviews or investigations involving or related to President Trump, his family, or business activity tied to President Trump or his family?

RESPONSE: Please see my response [above].⁴⁴

⁴⁴ Questions for the Record, The Nomination of Todd Blanche to be Deputy Attorney General of the United States at *4, *5, *45-47, *71-72 (Feb. 2025), https://www.judiciary.senate.gov/imo/media/doc/2025-02-12_-_qfr_responses_-_blanche.pdf.

V. Request for Investigation

a. **President Trump v. I.R.S**

1. **Background**

On January 29, 2026, President Trump, his sons Eric Trump and Donald Trump Jr., and the Trump Organization filed a lawsuit against the Internal Revenue Service (IRS) seeking \$10 billion as the result of the unauthorized release of President Trump’s tax information by Charles Littlejohn, a government contractor with Booz Allen Hamilton, during the first Trump term.⁴⁵

In September 2023, Littlejohn pled guilty to one count of willful unauthorized disclosure of tax returns after accessing and disclosing the tax information of thousands of people, including President Trump.⁴⁶ That day, Mr. Trump’s attorney, Alina Habba, appeared outside the plea hearing to talk about the plea deal and stated: “I know President Trump wanted to be here, I spoke with him right before I came.”⁴⁷ A few weeks later, on October 12, 2023, Judge Ana Reyes, who was the presiding judge, held a hearing with counsel for the government and Mr. Littlejohn.⁴⁸ At that hearing, Judge Reyes asked counsel whether “former President Donald Trump” wanted his name withheld from the plea agreement.⁴⁹ She then attempted to call in Mr. Trump’s personal attorney. After the hearing ended, the government contacted Ms. Habba and informed her of the proceedings.⁵⁰ Thus, it can be inferred that Mr. Trump was fully on notice of the matter as of that time.

More than two years after Mr. Littlejohn pled guilty, President Trump filed a complaint seeking civil damages under two sections of the United States Code: section § 7431(a) of the Tax Code and the Privacy Act, 5 U.S.C. § 552a(g).⁵¹

- Section 7431(a) provides that an individual may sue the United States if an “officer or employee” has improperly disclosed their tax returns.⁵² A separate provision provides that “if any person *who is not an officer or employee of the United States*” releases tax returns then the taxpayer must sue “such person.”⁵³ In general, a taxpayer is entitled to the greater of \$1,000 for each act of unauthorized disclosure or actual damages and

⁴⁵ Complaint, *President Trump v. I.R.S.*, No. 1:26-cv-20609 (S.D. Fl., Jan. 29, 2026), gov.uscourts.flsd.706172.1.0_4.pdf.

⁴⁶ Plea Agreement, *United States v. Littlejohn*, No. 23-cr-00343 (Oct. 12, 2023), <https://storage.courtlistener.com/recap/gov.uscourts.dcd.260321/gov.uscourts.dcd.260321.8.0.pdf>; Factual Basis for Plea, *United States v. Littlejohn*, No. 23-cr-00343 (Oct. 12, 2023) gov.uscourts.dcd.260321.9.0.pdf.

⁴⁷ NTD, Trump Attorney Reacts to Former IRS Contractor Pleading Guilty to Stealing Trump’s Tax Returns, at 02:50 (Oct. 12, 2023), <https://www.youtube.com/watch?v=1tO1kqufniY>.

⁴⁸ Statement of Unrecorded Proceedings, *United States v. Littlejohn*, No. 23-cr-00343 at 4 (Oct. 29, 2024), gov.uscourts.dcd.260321.43.1.pdf.

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ Complaint, *President Trump v. I.R.S.*, No. 1:26-cv-20609 (S.D. Fl., Jan. 29, 2026), gov.uscourts.flsd.706172.1.0_4.pdf.

⁵² 26 U.S.C. § 7431(a)(1).

⁵³ *Id.* § 7431(a)(2) (emphasis added).

punitive plus costs when the violation is grossly negligent.⁵⁴ No claim can be brought under this section if it isn't brought "within 2 years after the date of discovery by the plaintiff of the unauthorized inspection or disclosure."⁵⁵

- Section 552a(g)(1)(D) provides that an individual may bring a suit against an agency if it "fails to comply with any other provision" of the Privacy Act. In any such case the individual is entitled to "an amount equal to the sum of actual damages sustained (...) but in no case (...) less than the sum of \$1,000," in addition to costs and attorney fees.⁵⁶ An action under the Privacy Act is required to be filed "within two years from the date on which the cause of action arises..."⁵⁷

President Trump's lawsuit is one of several that have been filed by persons whose tax returns were disclosed by Littlejohn, including a putative class action case representing all individuals potentially harmed by Littlejohn's disclosure.⁵⁸ The Department of Justice, under Mr. Blanche's control, has vigorously asserted defenses against the litigants in these cases, including that the IRS was not a correct party because Littlejohn was not a U.S. "officer or employee" and that the claims were time-barred. It has done so in all but one case: President Trump's. In Mr. Trump's case, Mr. Blanche's DOJ never made an appearance and—as discussed below—eventually purported to "settle" the matter on terms unheard of in their generosity to the Plaintiffs, including establishment of the \$1.776 billion fund to reward Mr. Trump's personal and political allies and a general release of liability in favor of the President, his family, and affiliated organizations.

On February 5, 2026, four former high-ranking government tax officials, including the former head of the IRS, and two public service organizations filed an amicus brief ("Former Officials Brief") in the U.S. District Court for the Southern District of Florida, explaining that the complaint had significant flaws. As the brief explained, "the President controls both sides of the litigation" and thus "there is no assurance that the Department will zealously contest these issues."⁵⁹ Among the issues highlighted by amici were that the claims appeared to be time-barred, that the tax claims were not properly brought against the United States given that Littlejohn was not an "officer or employee" of the United States, and that the damages sought were incompatible with the damages provisions of the statute.⁶⁰

On February 12, 2026, Citizens for Responsibility and Ethics in Washington (CREW) filed an amicus brief that reiterated the concerns in the Former Officials Brief, stating that "[t]he President's two hats in this litigation—his personal capacity as plaintiff and his role as chief Executive—make it impossible for attorneys in the Department of Justice (DOJ) to fulfill their

⁵⁴ *Id.* § 7431(c).

⁵⁵ *Id.* § 7421(d).

⁵⁶ 5 U.S.C. § 552a(g)(4).

⁵⁷ *Id.* § 552a(g)(5).

⁵⁸ *Griffin v. IRS*, 730 F. Supp. 3d 1312 (S.D. Fla. 2024); *Warren v. Booz Allen Hamilton, Inc.*, No. 24-cv-01252-LKG, 2025 WL 580362 (D. Md. Feb. 21, 2025); *Safe Harbor Int'l LLC v. Booz Allen Hamilton, Inc.*, No. 8:25-cv-00139 (D. Md. Jan. 14, 2025); *MacNeil v. Booz Allen Hamilton, Inc.*, No. 8:25-cv-00963 (D. Md. Mar. 24, 2025); *Alarm Concepts Inc. v. IRS*, No. 8:2025cv00228 (D. Md. Jan. 24, 2025).

⁵⁹ Brief of Amici Curiae Former Government Officials and Public Interest Organizations, *President Trump v. I.R.S.*, No. 1:26-cv-20609 at 6 (S.D. Fl., Feb. 5, 2026), gov.uscourts.flsd.706172.7.1.pdf.

⁶⁰ *Id.* at 6-19.

ethical duties to zealously represent the interests of the defendant agencies against President Trump’s claims.”⁶¹ CREW’s brief explained “the interest of President Trump and “our country” are not aligned because, if President Trump prevails in this lawsuit or enters into monetary settlement, the damages he seeks will be paid out of the U.S. Treasury and, ultimately, by American taxpayers.”⁶² As explained in CREW’s brief, DOJ attorneys working on the case would have an “intractable conflict of interest” under Rule 4-1.7 based on their responsibility to the President in his official capacity and their own interests in continued federal employment.⁶³ As CREW points out in its brief, this conflict of interest would not be waivable as there is “no federal officer sufficiently independent of the President to provide the informed consent needed to waive the conflict.”⁶⁴ CREW also noted that any payment to President Trump would implicate the Domestic Emoluments Clause of the U.S. Constitution.⁶⁵ That provision provides that the President shall receive a salary and may not during his term of office “receive within that Period any other Emolument from the United States, or any of them.”⁶⁶

On April 29, 2026, Judge Kathleen Williams issued an order *sua sponte* appointing amici curiae to address whether the court had subject matter jurisdiction over the case.⁶⁷ On May 15, the court-appointed amici filed a memorandum explaining that “[t]his case is unprecedented: A sitting president seeks monetary damages for alleged harm to his personal interests from an executive agency that he controls. That presents significant Article III subject matter jurisdiction concerns.”⁶⁸

On May 18, 2026, 93 Members of the U.S. House of Representatives filed a brief as amici curiae reiterating many of the concerns raised by previous amici, including that the court lacked subject matter jurisdiction given the lack of adversity since Trump was on “both sides” of the case.⁶⁹ Amici also explained that high-ranking DOJ officials, including Mr. Blanche, had “defended President Trump’s micromanagement of the DOJ.”⁷⁰ Furthermore, amici raised serious concerns that the Department of Justice had failed to raise “routine and obvious defenses—particularly those it has successfully introduced in substantially similar cases—all while it rushes to achieve a collusive settlement apparently at the President’s direction”⁷¹ Among those “routine and obvious defenses” were that the claims were time-barred, named the wrong defendants, and that the damages were completely unsupported.⁷² Finally, amici raised that the DOJ lacked the authority to settle the suit

⁶¹ Brief of Amici Curiae Citizens for Responsibility and Ethics in Washington, *President Trump v. I.R.S.*, No. 1:26-cv-20609 at 6 (S.D. Fl., Feb. 12, 2026), gov.uscourts.flsd.706172.15.1.pdf.

⁶² *Id.* at 5. The CREW Brief refers to Rule 4-1.7 as set out in the Florida Rules of Professional Conduct. The N.Y. Rules of Professional Conduct Rule 1200.1.7(a)-(b) are in relevant part consistent with Florida Rule 1.7(a)-(b).

⁶³ *Id.* at 6-7.

⁶⁴ *Id.* at 7.

⁶⁵ *Id.* at 7-11.

⁶⁶ U.S. Const. art. II, § 1, cl. 7.

⁶⁷ Order, *President Trump v. I.R.S.*, No. 1:26-cv-20609 at 6 (S.D. Fl., Apr. 29, 2026), gov.uscourts.flsd.706172.43.0_3.pdf.

⁶⁸ Memorandum of Court-Appointed Amici Curiae, *President Trump v. I.R.S.*, No. 1:26-cv-20609 (May 14, 2026), gov.uscourts.flsd.706172.45.0.pdf.

⁶⁹ Brief of Amici Curiae 93 Members of the United States House of Representatives, *President Trump v. I.R.S.*, No. 1:26-cv-20609 at 4 (May 18, 2026), gov.uscourts.flsd.706172.54.1_1.pdf.

⁷⁰ *Id.* at 6.

⁷¹ *Id.* at 7.

⁷² *Id.* at 7-12.

for several reasons, including that to do so would cause the payment of a domestic emolument and that the DOJ lacked the authority under the Appropriations Clause of the U.S. Constitution.⁷³

That same day, in a two-page notice, President Trump informed the court that he was voluntarily dismissing the suit with prejudice.⁷⁴ No settlement agreement was attached or referenced in that filing. Later that day, Judge Williams issued an order closing the case.⁷⁵ As Judge Williams stated in her order:

Because the Notice does not reference any settlement or include a stipulation of settlement, there is no settlement of record. Additionally, Defendants—federal agencies represented by the Department of Justice, which has an independent obligation to uphold the “public’s strong interest in knowing about the conduct of its Government and expenditure of its resources” and the “fair administration of justice,” 28 C.F.R. §§ 50.9, 50.23—neither submitted any settlement documents nor filed any documents ensuring that settlement was appropriate where there was an outstanding question as to whether an actual case or controversy existed.⁷⁶

At no time during the pendency of the case did the Department of Justice appear before the court, make any motions, or file an answer. Indeed, even when seeking and obtaining an extension to answer or move, the Department did so through plaintiffs’ counsel who sought the extension for the Department and did not disclose the name of the Justice Department attorney who “consented” to the extension.⁷⁷ It was recently reported that career IRS staff prepared a 25-page memo outlining deficiencies in President Trump’s claims, including many highlighted by amici.⁷⁸ However, the Department of Justice never raised any of those concerns or arguments in a filing with the court. Based on the Plaintiffs’ notice of voluntary dismissal, Judge Williams promptly dismissed the case.

At virtually the same time as the dismissal, on May 18, 2026, the Department of Justice released a ‘Settlement Agreement’ it had reached with President Trump.⁷⁹ The Settlement Agreement was signed by personal counsel to the President; Stanley Woodward, Associate Attorney General (and Mr. Blanche’s immediate subordinate); and Frank Bisignano, Chief Executive Officer, Internal Revenue Service.⁸⁰ The Settlement Agreement bears the caption of the Florida case that had just been dismissed and opens “[t]his is a civil lawsuit [] brought by President Donald J. Trump (...) against the Internal Revenue Service [] and the U.S. Department of the Treasury.”⁸¹ But the

⁷³ *Id.* at 12-16.

⁷⁴ Plaintiff’s Notice of Voluntary Dismissal with Prejudice Pursuant to Federal Rule of Civil Procedures 41(a)(1)(A)(i), *President Trump v. I.R.S.*, No. 1:26-cv-20609 (May 18, 2026), gov.uscourts.flsd.706172.52.0_6.pdf.

⁷⁵ Order Closing the Case, *President Trump v. I.R.S.*, No. 1:26-cv-20609 (May 18, 2026), gov.uscourts.flsd.706172.62.0_4.pdf.

⁷⁶ *Id.* at 2-3.

⁷⁷ Consent Motion for Extension of Time, *President Trump v. I.R.S.*, No. 1:26-cv-20609 (Apr. 17, 2026), <https://storage.courtlistener.com/recap/gov.uscourts.flsd.706172/gov.uscourts.flsd.706172.40.0.pdf>.

⁷⁸ Andrew Duehren, *The IRS Thought it Could Fight Trump’s Lawsuit, but it Struck a Deal Anyway*, The N.Y. Times (May 19, 2026), <https://www.nytimes.com/2026/05/19/admin/irs-trump-lawsuit-deal.html>.

⁷⁹ Settlement Agreement, (May 18, 2026) <https://www.justice.gov/opa/media/1441201/dl?inline>.

⁸⁰ *Id.*

⁸¹ Settlement Agreement, Para. I (“Introduction”).

document was never filed with the court and is not part of the court record.⁸² The Settlement Agreement also recites that President Trump “submitted two claims for relief pursuant to the Federal Tort Claims Act, based on the unlawful raid on Mar-a-Lago, in Palm Beach, Florida, in August of 2022, and the Russia-collusion hoax throughout his first term as President, and beyond.”⁸³

In exchange for Plaintiffs’ release and dismissal with prejudice of their claims in the lawsuit and the FTCA claims, the Settlement Agreement purported to establish a \$1.776 billion dollar so-called “Anti-Weaponization Fund.” The Agreement states that because the funding “does not represent the value of any current claim by Plaintiffs, but rather is based on the projected valuation of future claimant’s claims (...) the corpus of The Anti-Weaponization Fund’s funding is not taxable income as to Plaintiffs...”⁸⁴ This is an extraordinary claim. The Settlement Agreement also provides that the Fund will terminate on December 1, 2028, and that the balance will be transferred to a “federal government account as designated by the President.”⁸⁵

When the agreement was announced, the Department stated that “as a part of the settlement agreement in *President Donald J. Trump v. Internal Revenue Service, the Attorney General established ‘The Anti-Weaponization Fund’* to provide a systematic process to hear and redress claims of others who suffered weaponization and lawfare.”⁸⁶ The press release announcing the Fund detailed that “[t]he Fund will receive \$1.776 billion and will come from the judgment fund, which is a perpetual appropriation allowing DOJ to settle and pay cases.”⁸⁷ The same day, Mr. Blanche issued an order establishing the so-called “Anti-Weaponization Fund” (“Fund”).⁸⁸ Among other things, the Fund Order provides that “[w]ithin 60 days of the Effective Date, the United States shall provide the U.S. Department of the Treasury with all necessary forms and documentation to direct a payment of \$1,776,000,000 to an account for the sole use by the Anti-Weaponization Fund (‘Designated Account’).”⁸⁹

Mr. Blanche was quoted in the press release as stating “The machinery of government should never be weaponized against any American, and it is this Department’s intention to make right the wrongs that were previously done while ensuring this never happens again (...) As part of this settlement, we are setting up a lawful process for victims of lawfare and weaponization to be heard and seek redress.”⁹⁰

⁸² Order Closing the Case, *President Trump v. I.R.S.*, No. 1:26-cv-20609 (May 18, 2026), [gov.uscourts.flsd.706172.62.0_4.pdf](https://www.uscourts.flsd.706172.62.0_4.pdf).

⁸³ *Id.* These administrative claims under the Federal Tort Claims Act are referred to hereinafter as “the FTCA claims.”

⁸⁴ *Id.* at 2.

⁸⁵ *Id.* at 3.

⁸⁶ Press Release, Department of Justice, *Justice Department Announces Anti-Weaponization Fund* (May 18, 2026), <https://www.justice.gov/opa/pr/justice-department-announces-anti-weaponization-fund> (emphasis added).

⁸⁷ *Id.*

⁸⁸ Acting Attorney General Todd Blanche, Order (May 18, 2026), <https://www.justice.gov/opa/media/1441086/dl>.

⁸⁹ *Id.*

⁹⁰ *Id.* (emphasis added).

In the wake of the announcement of the Fund, the General Counsel for the Department of the Treasury resigned from his Senate-confirmed position, a mere seven months after confirmation.⁹¹ The following day, May 19, 2026, the Department of Justice released an untitled one-page document signed by Mr. Blanche (“AG Order”).⁹² Mr. Blanche subsequently explained that the AG Order was not an “addendum” but was “part of the settlement.”⁹³ The AG Order is linked to in an updated version of the May 18 press release and contains three paragraphs. The first paragraph reiterates the creation of the Settlement Agreement. The second states that “terms in this document shall have the same meaning as in the Settlement Agreement.” The third paragraph provides that:

The United States RELEASES, WAIVES, ACQUITS, and FOREVER DISCHARGES each of the Plaintiffs from, and is hereby FOREVER BARRED and PRECLUDED from prosecuting or pursuing, any and all claims, counterclaims, causes of action, appeals, or requests for any relief, including injunctive relief, monetary relief, damages, examinations or similar or related reviews, appeals, debt relief, costs, attorney's fees, expenses, and/or interest, whether presently known or unknown, that—as of the Effective Date of the Settlement Agreement have been or could have been asserted by Defendants against any of the Plaintiffs or related or affiliated individuals (including, without limitation, family or others filing jointly), or parties including trusts, parent, sister, or related companies, affiliates, and subsidiaries, by reason of, with respect to, in connection with, or which arise out of (1) any matters that were raised or could have been raised in the Case or the Pending Agency Claims; (2) Lawfare and/or Weaponization; or (3) any matters currently pending or that could be pending (including tax returns filed before the Effective Date) before Defendants or other agencies or departments.⁹⁴

No person signed the AG Order other than the Acting Attorney General, including any counsel for President Trump, any other Department of Justice official, or any officer of the I.R.S. or the Department of the Treasury. Neither Mr. Blanche nor any Department of Justice official identified any additional consideration provided by the Plaintiffs to the Government in exchange for this extraordinary relief, nor did they attempt to explain why it was not included in the initial settlement document.

In discussing the Settlement Agreement on *CNN*, Mr. Blanche explained that he had no role in coming up with the terms of the agreement, stating: “The president has outside counsel, and their

⁹¹ Andrew Duehren, *Top Treasury Lawyer Resigns After Creation of ‘Anti-Weaponization’ Fund*, THE N.Y. TIMES (May 18, 2026), <https://www.nytimes.com/2026/05/18/business/anti-weaponization-fund-brian-morrissey-treasury.html>.

⁹² Acting Attorney General Todd Blanche, Order and General Release (May 19, 2026), <https://www.justice.gov/opa/media/1441216/dl>.

⁹³ House Approp. Comm., Subcomm. On Commerce, Justice, Sci., Oversight Hearing: Department of Justice (Jun. 2, 2026) (Testimony of Todd Blanche), <https://appropriations.house.gov/schedule/hearings/oversight-hearing-department-justice-0>.

⁹⁴ Acting Attorney General Todd Blanche, Order and General Release (May 19, 2026) <https://www.google.com/url?q=https://www.justice.gov/opa/media/1441216/dl&sa=D&source=docs&ust=1781283033980014&usg=AOvVaw3BzxH5h3GbInqrzRTqcQ4n>.

counsel, the Department of Justice, not me (...) And there was negotiations, and this was what was part of those negotiations included a discussion around (...) any pending audits.”⁹⁵

On May 27, 2026, thirty-five retired federal judges filed a motion to reopen *President Trump v. I.R.S.* on the basis that “[t]he Court was deceived.”⁹⁶ The retired judges explained that it appeared Mr. Blanche’s Department of Justice had colluded with Mr. Trump and his attorneys to engage in collusive litigation and reach a collusive settlement; to deceive the Court by failing to file the settlement with the Court, including withholding the AG Order signed by Mr. Blanche until the day after Judge Williams dismissed the case; and “commandeers the contrived sum of \$1.776 billion from the United States Treasury, to be handed out to recipients chosen by a commission effectively controlled by the President.”⁹⁷ Two days after the retired judges’ filing, Judge Williams ordered the plaintiffs to file a response to “(1) the charges of collusion and whether the Parties are truly adverse; (2) the assertion that the dismissal in this case was premised on deception by the Parties; and (3) the question of whether the case should be reopened because the Court was the ‘victim of a fraud.’”⁹⁸

On June 13, 2026, President Trump and the other plaintiffs filed a response to the court’s motion. The Plaintiffs argued, *inter alia*, that there was adversity in the lawsuit and that the Department was not required to receive approval of the Settlement Agreement from the court.⁹⁹ The Plaintiffs made this argument notwithstanding that, in their words “[n]o Defendant ever filed an answer, a motion for summary judgment, or any other responsive pleading—at any point in this case.”¹⁰⁰ The Plaintiff’s brief later described this lack of defense as entirely ordinary, stating that “Defendants in civil cases routinely elect not to contest certain claims for strategic, economic, or institutional reasons, including the entirely rational conclusion that the cost of defense exceeds the cost of settlement. The fact that the IRS may have identified viable defenses in internal memoranda does not mean it was obligated to assert them, and the decision not to do so does not give rise to an inference of collusion.”¹⁰¹

In the wake of the settlement, there has been broad opposition and legal challenges to the legality of the Anti-Weaponization Fund. Cases contesting the legality of the Fund have been filed in the

⁹⁵ Paula Reid, Casey Gannon and Devan Cole, *Blanche insists violent conduct will be weighed when applying for new anti-weaponization fund payouts*, CNN POLITICS (May 21, 2026), <https://www.cnn.com/2026/05/20/politics/paula-reid-step-aside-with-blanche-hdfr>.

⁹⁶ 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>.

⁹⁷ *Id.*

⁹⁸ Order, *President Trump v. I.R.S.*, No. 1:26-cv-20609 (S.D. Fl., May 29, 2026) https://storage.courtlistener.com/recap/gov.uscourts.flsd.706172/gov.uscourts.flsd.706172.65.0_2.pdf.

⁹⁹ Plaintiffs’ Response to the Court’s May 29, 2026 Order and in Further Opposition to the Motion of Thirty-Five Former Federal Judges for Relief from the Order of Dismissal, *President Trump v. I.R.S.*, No. 1:26-cv-20609 (S.D. Fl., Jun. 12, 2026), <https://storage.courtlistener.com/recap/gov.uscourts.flsd.706172/gov.uscourts.flsd.706172.89.0.pdf>.

¹⁰⁰ *Id.* at 7.

¹⁰¹ *Id.* at 20.

During the hearing, Mr. Blanche also explained that the AG Order he signed absolving Mr. Trump, his family, and affiliated organizations of all liability to the United States, was still in effect.¹¹¹ In response to questions concerning the release of tax audits against Trump, Mr. Blanche stated that it's "typical to get rid of past ongoing audits" in settlements with the IRS.¹¹² Mr. Blanche also denied that he had afforded the President with an immunity deal.¹¹³

2. Potential Violations of the New York Rules of Professional Responsibility

i. Competence and Diligence

Rule 1.1(a) establishes the basic responsibility of any lawyer to provide "competent representation to a client." In addition, a lawyer "shall not intentionally (1) fail to seek the objectives of the client through reasonably available means permitted by law and [the] Rules; or (2) prejudice or damage the client during the course of the representation except as permitted or required by [the] Rules."¹¹⁴ Although the rules permit a lawyer to "waive or fail to assert a right or position of the client," that permission is limited to circumstances that would "not prejudice the rights of the client."¹¹⁵ Rule 1.3(a) provides that "[a] lawyer shall act with reasonable diligence and promptness in representing a client." Rule 1.3(b) provides that "[a] lawyer shall not neglect a legal matter entrusted to the lawyer." As the comment to the rule states, "A lawyer must also act with commitment and dedication to the interests of the client and in advocacy upon the client's behalf."¹¹⁶ "[T]he government lawyer owes [his or her] client agency the ethical duties that lawyers generally owe entity clients – e.g., duties of competence and diligence [and] duties of loyalty and confidentiality (...)"¹¹⁷ The duties of competence and diligence "fully apply to lawyers employed by the government to represent government agencies."¹¹⁸

Rule 5.1(d) provides that:

A lawyer shall be responsible for a violation of these Rules by another lawyer if: (1) the lawyer orders or directs the specific conduct or, with knowledge of the specific conduct, ratifies it; or (2) the lawyer is a partner in a law firm or is a lawyer who individually or together with other lawyers possesses comparable managerial responsibility in a law firm¹¹⁹ in which the other lawyer practices or is a lawyer who

¹¹¹ Dan Mangan, *Trump gets tax protection, but DOJ fund is dead*, CNBC (Jun. 2, 2026), <https://www.cnbc.com/2026/06/02/doj-fund-trump-todd-blanche.html>; House Approp. Comm., Subcomm. On Commerce, Justice, Sci., Oversight Hearing: Department of Justice (Jun. 2, 2026) (Testimony of Todd Blanche), <https://appropriations.house.gov/schedule/hearings/oversight-hearing-department-justice-0>.

¹¹² House Approp. Comm., Subcomm. On Commerce, Justice, Sci., and Related Agencies, Oversight Hearing: Department of Justice (Jun. 2, 2026) (Testimony of Todd Blanche), <https://appropriations.house.gov/schedule/hearings/oversight-hearing-department-justice-0>.

¹¹³ *Id.*

¹¹⁴ N.Y. Comp. Codes R. & Regs. tit. 22, § 1200.1.1(c).

¹¹⁵ N.Y. Comp. Codes R. & Regs. tit. 22, § 1200.1.2(e).

¹¹⁶ Rule 1.3, cmt (1).

¹¹⁷ N.Y. City Bar Association, Formal Opinion 2004-03: Government Lawyer Conflicts: Representing a Government Agency and Its Constituents (Oct. 19, 2010), <https://www.nycbar.org/reports/formal-opinion-2004-03-government-lawyer-conflicts-representing-a-government-agency-and-its-constituents/?back=1>.

¹¹⁸ N.Y. State Bar Assoc., Op. 751 (Jan. 31, 2002), <https://nysba.org/ethics-opinion-751/>.

¹¹⁹ The term "law firm" includes "a government law office." N.Y. Comp. Codes R. & Regs. tit. 22, § 1200.1.0(h).

has supervisory authority over the other lawyer; and (i) knows of such conduct at a time when it could be prevented or its consequences avoided or mitigated but fails to take reasonable remedial action; or (ii) in the exercise of reasonable management or supervisory authority should have known of the conduct so that reasonable remedial action could have been taken at a time when the consequences of the conduct could have been avoided or mitigated.

As the Acting Attorney General, Mr. Blanche is responsible for “supervis[ing] all litigation in which the United States, an agency, or officer thereof is a party, and shall direct all United States attorneys, assistant United States attorneys, and special attorneys appointed under section 543 of this title in the discharge of their respective duties.”¹²⁰ As the Supreme Court said in 1888, “[t]he Attorney General is “undoubtedly the officer who has charge of the institution and conduct of the pleas of the United States, and of the litigation which is necessary to establish the rights of the government.”¹²¹ Thus, “no suit can be brought except the Attorney General, his subordinate or a district attorney under his ‘superintendence and direction,’ appears for the United States.¹²² As Acting Attorney General, Mr. Blanche certainly occupies a position that exercises “managerial responsibility” over the Department that is comparable to that of a partner in a law firm for purposes of Rule 5.1.

Mr. Blanche, personally and through his subordinates, not only failed to competently and diligently represent the United States during every phase of this matter, but his actions also directly undermined several U.S. interests. Starting with the Department’s failure to represent the U.S. before the court, to entering into a baseless Settlement Agreement that purports to use taxpayer money to establish a slush fund for the President, to providing the President and “affiliated” individuals with a global release that effectively operates as a back-door pardon, Mr. Blanche’s actions worked a manifest injustice upon the U.S. in derogation of his duties to competently and diligently represent the interests of the country.

Failure to Defend the United States in President Trump v. I.R.S.

Mr. Blanche failed to ensure that the Department of Justice competently and diligently represented the interests of the United States in *President Trump v. I.R.S.* In fact, Mr. Blanche and the Department failed to defend the U.S. at all. Mr. Blanche and the Department of Justice could have, and should have, reasonably known that there were strong arguments against the President’s case including (1) a lack of adversity and subject matter jurisdiction (2) the claims were time-barred, and (3) the IRS was not an appropriate party under Section 7431(a) because Littlejohn was not an “officer or employee of the United States.” Three separate amici curiae highlighted these issues and Judge Williams raised substantial concerns about whether there was adversity in this case. The Plaintiffs attempt to rationalize away Defendants’ decision to take no action in the case as completely appropriate, stating that “[d]efendants in civil cases routinely elect not to contest certain claims for strategic, economic, or institutional reasons, including the entirely rational conclusion that the cost of defense exceeds the cost of settlement. The fact that the IRS may have identified viable defenses in internal memoranda does not mean it was obligated to assert them,

¹²⁰ 28 U.S.C. § 519.

¹²¹ *United States v. San Jacinto Tin Co.*, 125 U.S. 273, 279 (1888).

¹²² *Sutherland v. Int’l Ins. Co. of New York*, 43 F.2d 969, 970–71 (2d Cir. 1930).

and the decision not to do so does not give rise to an inference of collusion.”¹²³ There is, however, a stark difference between strategically litigating a matter or choosing to settle in the face of strong claims and failing to raise any defense at all. As the House of Representatives amici explained in its brief:

The failure to raise an “obviously winning affirmative defense” in a civil case could form the basis for a malpractice claim. *See Glenn v. Aiken*, 569 N.E.2d 783, 787 (Mass. 1991). And, the failure to raise an affirmative defense—either because of incompetence or collusion—would support an ineffective assistance of counsel claim in a criminal case. *Cf. People v. Turner*, 5 N.Y.3d 476, 481 (2005) (holding that counsel’s “failure to raise a defense as clear-cut and completely dispositive as a statute of limitations (...) is hard to reconcile with a defendant’s constitutional right to the effective assistance of counsel”).¹²⁴

Even a modestly diligent attorney would have raised some defense. Yet the Department of Justice, under Mr. Blanche’s direction, *completely* neglected this matter by never making an appearance on behalf of the United States, never pursuing any line of defense or asserting any claim, and never seeking to preserve the interests of the American taxpayers.¹²⁵ It is particularly problematic that the Department did not pursue the claim that this matter was time-barred. Given that the Department could have resolved all of the claims based on failure to timely file, any responsible attorney would have rationally determined that the costs to the government in filing a brief are microscopic compared to the nearly \$2 billion that was proposed to be transferred to the Anti-Weaponization Fund. Failing to raise those claims would have, if the Fund had come into effect, cost American taxpayers substantial sums that could have been used for other purposes. In addition, the Department had previously raised the argument that Littlejohn was not an employee of the United States in similar ongoing cases.¹²⁶ Not only would it have cost nothing to repurpose those arguments, but by failing to take the same position in *President Trump v. Internal Revenue Service* the Department may have jeopardized their position in those other cases, potentially costing the U.S. even more money. These factors gravely undercut Plaintiffs’ assertion that “[s]ettlement is not evidence of collusion (...) it is evidence of a rational litigation decision.”¹²⁷ By not ensuring that the Department of Justice was pursuing a litigation strategy aimed at vindicating the rights of the United States and preserving the public fisc, Mr. Blanche violated his responsibilities under Rule 1.1(a), (c) and Rule 1.3(b). By failing to appropriately supervise other attorneys in the Department of Justice, who themselves did not make an appearance on behalf of

¹²³ Plaintiffs’ Response to the Court’s May 29, 2026 Order and in Further Opposition to the Motion of Thirty-Five Former Federal Judges for Relief from the Order of Dismissal, *President Trump v. I.R.S.*, 26-cv-20609 at 20 (S.D. Fla., June 12, 2026),

<https://storage.courtlistener.com/recap/gov.uscourts.flsd.706172/gov.uscourts.flsd.706172.89.0.pdf>.

¹²⁴ Brief of Amici Curiae 93 Members of the United States House of Representatives, *President Trump v. I.R.S.*, No. 1:26-cv-20609 at 9 (May 18, 2026), [gov.uscourts.flsd.706172.54.1_1.pdf](https://storage.courtlistener.com/recap/gov.uscourts.flsd.706172.54.1_1.pdf).

¹²⁵ *See, e.g., Matter of Roth*, 207 A.D.3d 150, 154, 170 N.Y.S.3d 93, 96 (2022) (“In failing to appropriately attend to court matters on behalf of JC, respondent neglected a legal matter entrusted to her in violation of rule 1.3(b)”).

¹²⁶ *See, e.g., United States’ Mot. to Dismiss, Griffin v. I.R.S.*, No. 1:22-cv-24023, ECF No. 58, at 6-12 (S.D. Fla. Nov. 27, 2023).

¹²⁷ Plaintiffs’ Response to the Court’s May 29, 2026 Order and in Further Opposition to the Motion of Thirty-Five Former Federal Judges for Relief from the Order of Dismissal, *President Trump v. I.R.S.*, 26-cv-20609 at 19 (S.D. Fla., June 12, 2026),

<https://storage.courtlistener.com/recap/gov.uscourts.flsd.706172/gov.uscourts.flsd.706172.89.0.pdf>.

the United States or assert any defense or claims against President Trump, Mr. Blanche violated Rule 5.1(b)(2), (d)(1)-(2).

Entering into a Baseless and Flawed Settlement Agreement & Creation of an Unlawful “Anti-Weaponization Fund” and Granting an Unprecedented General Release of Liability to Trump and his Family

Given the serious infirmity in the complaint, Mr. Blanche and his subordinates should never have settled the claims brought by the President, his family, and his associated organizations. In doing so, Mr. Blanche acting personally and through his subordinates, failed to protect and diligently represent the interests of the United States.

More importantly, the Settlement Agreement and Order creating the Anti-Weaponization Fund themselves raises profound questions about Mr. Blanche’s loyalty, competence, and diligence in representing the U.S. The agreement is riddled with significant flaws, and the central provision—creating the so-called Anti-Weaponization fund—appears to violate several basic provisions of law that the Acting Attorney General should have known about had he been operating in the best interest of the U.S.

The Settlement Agreement Violated DOJ Policy and Prejudiced the United States’ Litigation Position

The scope of relief provided by the Settlement Agreement and the Order that was personally executed by Mr. Blanche violated several established DOJ policies. Department of Justice policy, reiterated just last year by then Attorney General Pam Bondi,¹²⁸ provides that “[e]xcept in limited circumstances, however, settlements should not be used to require payments to non-governmental, third-party organizations that were neither victims nor parties to the lawsuits.”¹²⁹ Yet, the Settlement Agreement provides that claimants, including entities, may seek payment from the Fund. As a former Justice Department official recently wrote “it is not obvious how a broadly administered compensation program that only contemplates non-parties to the litigation fits within the department’s articulated limits on the use of settlement authority. This raises questions about whether the department is following its own policies in facilitating this settlement.”¹³⁰ In addition, Justice Manual 4-3.400 requires that any compromise entered by the DOJ be “specifically limited to the immediate subject matter of the claim which was in fact compromised. In no case should a general release be issued to the debtor (...)”¹³¹ It further provides that substantial settlements of claims under the Federal Tort Claims Act (“FTCA”), like the one here, “must receive explicit and

¹²⁸ Memorandum from the Attorney General, Reinstating the Prohibition on Improper Third-Party Settlements (Feb. 5, 2025), <https://www.justice.gov/ag/media/1388536/dl?inline>.

¹²⁹ Although the Grievance Committee does not have jurisdiction over Department Policy, Mr. Blanche’s failure to adhere to Department policies, which constrain the Department’s actions, raise questions of Mr. Blanche’s competence. Moreover, to the extent to which the policy constitutes a rule of internal administration, see 5 U.S.C. §§ 551(4), 553(a)(2), “It is a familiar rule of administrative law that an agency must abide by its own regulations.” *Fort Stewart Schs. v. Fed. Lab. Rels. Auth.*, 495 U.S. 641, 654 (1990).

¹³⁰ Josh Gardner, *The “Anti-Weaponization Fund” and the Limits of Analogy*, JUSTICE CONNECTION SUBSTACK (May 21, 2026), https://justiceconnection.substack.com/p/the-anti-weaponization-fund-and-the?r=6ig9ox&utm_medium=ios&triedRedirect=true.

¹³¹ Justice Manual 4-3.400.

advance approval through the Civil Division of the Department of Justice (...) Requests are expected to demonstrate a thorough, thoughtful exploration of any issues relating to jurisdiction, liability, and damages, with the ultimate goal of ensuring that a proposed settlement is in the best interests of the United States (...)"¹³² The Settlement Agreement and Order are not limited to the claims and parties in the lawsuit; the Department has issued a purported general release in the AG Order; and there is every reason to believe that the "thoughtful exploration" mandated by the Justice Manual has not occurred.

In addition, the Settlement Agreement made serious concessions about the status of Mr. Littlejohn by referring to him as an "employee/contractor." By admitting in the Recital portion of the Settlement Agreement that Littlejohn was an "employee/contractor,"¹³³ the Department of Justice has severely undermined its argument that he was not an "officer or employee" in other ongoing cases. This goes beyond the Department's failure to argue that the case should be dismissed; the Settlement Agreement appears to concede a contested position in other related matters. That admission directly harms the U.S. litigating position in those cases and prejudices the Department's ability to raise similar claims that contractors are not employees in future cases involving the release of tax return information by contractors, potentially exposing the United States to millions of dollars of future liability. Doing so raises serious questions of competency and diligence, and certainly prejudices the United States, in violation of Rules 1.1 and 1.3.

The So-called Anti-Weaponization Fund Violates Fundamental Constitutional and Statutory Requirements

In addition to the sundry issues found throughout the Settlement Agreement, the agreement and Fund Order creating the so-called Anti-Weaponization Fund poses immense statutory and Constitutional issues, issues that Mr. Blanche should have been aware of before ratifying the agreement and establishing the Fund Order. These issues include (1) that the Fund illegally utilizes funds from the Judgment Fund (2) that the Fund creates an unelected body of federal officers in violation of the Appointments Clause (3) the Fund would make payments to third parties, which is inconsistent with Department policy generally preventing settlement payments to third-parties, and (4) the Department's purported precedent justifying the Fund is inapplicable. Although Mr. Blanche has stated—in response to political pressure—that the Anti-Weaponization Fund will not come to fruition, there are serious questions about whether that is true. Moreover, even if true, that fact would not mitigate the serious professional misconduct that occurred when Mr. Blanche and his subordinates entered into the Settlement Agreement and issued the order in the first place.

First, the Judgment Fund is available for only the payment of judgments owed by the United States or arising as part of "compromise settlements."¹³⁴ The Judgment Fund "does not create an all-purpose fund for judicial disbursement."¹³⁵ A "compromise settlement" is a settlement in the face of an "actual or imminent litigation."¹³⁶ The Government Accountability Office has referred to the concept of "actual or imminent litigation" as requiring a "legitimate dispute over either a liability

¹³² *Id.* 4-3.432; *see also* Ex. A, Settlement Agreement, at 1-2 (releasing President Trump's pending FTCA claims).

¹³³ Settlement Agreement at 1.

¹³⁴ *See* 31 U.S.C. § 1304; 28 U.S.C. § 2414 (settlements authority statute).

¹³⁵ *Office of Pers. Mgmt. v. Richmond*, 496 U.S. 414, 431 (1990).

¹³⁶ 31 C.F.R. § 256.1.

or an amount”¹³⁷ The requirement for a “legitimate dispute” is intended to allow for the Department to settle a case only when there is legitimate jeopardy that the United States would have to pay a claim in court. However, as the court-appointed amici noted in their submissions, the case “presents significant Article III subject matter jurisdiction concerns.”¹³⁸ The Department could have, and should have, pursued a robust defense of the United States on that basis and sought dismissal for failure of subject matter jurisdiction. Instead, the Department of Justice appears to have ignored guidance from the IRS and entered into an agreement that would have shifted nearly \$1.8 billion from the Judgment Fund to the Anti-Weaponization Fund. The use of the Judgment Fund for an illicit purpose would violate several appropriations laws, including the Purpose Act and the Anti-Deficiency Act.¹³⁹ Furthermore, as highlighted by amici Senators Booker and Cassidy, the Settlement Agreement and Fund Order would permit non-parties to receive payments originating in the Judgment Fund from the Anti-Weaponization Fund without first obtaining a judgment from the U.S. in violation of the statutory limits on the use of the Judgment Fund.¹⁴⁰ Mr. Blanche personally signed the Fund Order establishing the Fund, notwithstanding these grave issues. In doing so he violated his responsibilities of competence and diligence under Rules 1.1 and 1.3. Furthermore, Mr. Blanche failed to ensure that the Department of Justice attorneys who worked on the agreement operated competently and diligently. In doing so, Mr. Blanche violated his responsibilities under Rule 5.1.

Second, the Settlement Agreement and Fund Order provide that the Fund will be administered by a body of five officials who are personally selected by the Attorney General and removable by the President. As amici Senators Booker and Cassidy point out, however, vesting the power to determine whether applicants’ claims are meritorious and to disburse federal funds are the types of powers that must be exercised by officers of the United States under the Appointments Clause.¹⁴¹ Mr. Blanche is well acquainted with the case law regarding the Appointments Clause—he sought to disqualify former Special Counsel Jack Smith in the lawsuit concerning President Trump’s retention of classified records on grounds that Mr. Smith’s appointment was illegal.¹⁴² As Mr. Blanche should have been aware, absent statutory authority, the executive has no power to unilaterally create any Office or appoint any Officer.¹⁴³

Third, as noted above, the Fund was provided by the authority to make payments to non-parties including organizations. Doing so would violate the Department of Justice’s own internal guidance prohibiting settlement agreements to provide for payments to non-parties.

¹³⁷ U.S. Gov’t Accountability Off., GAO-08-978SP, Principles of Federal Appropriations Law 14-35 (3d ed., Vol. III, Sep. 2008).

¹³⁸ Memorandum of Court-Appointed Amici Curiae, *President Trump v. I.R.S.*, 26-cv-20609 (S.D. Fl. May 15, 2026), gov.uscourts.fl.sd.706172.45.0.pdf.

¹³⁹ 31 U.S.C. § 1301 (Purpose Act); 31 U.S.C. § 1341(a) (Anti-deficiency Act).

¹⁴⁰ Brief of Amici Curiae United States Senators Cory Booker and Bill Cassidy, *Floyd v. Department of Justice*, 26 - Cv-01399 at 7a (E.D. Va. June 6, 2026), edva_booker_cassidy_amicus_brief.pdf.

¹⁴¹ *Id.*

¹⁴² President Trump’s Motion to Dismiss the Indictment Based on the Unlawful Appointment and Funding of Special Counsel Jack Smith, *United States v. Trump*, No. 9:23-cr-80101 (S.D. Fl. Feb. 22, 2024), <https://storage.courtlistener.com/recap/gov.uscourts.fl.sd.648653/gov.uscourts.fl.sd.648653.326.0.pdf>.

¹⁴³ See, Brief of Amici Curiae United States Senators Cory Booker and Bill Cassidy, *Floyd v. Department of Justice*, 26 -Cv-01399 at 13a (E.D. Va. June 6, 2026), edva_booker_cassidy_amicus_brief.pdf.

Finally, Mr. Blanche and the Department of Justice have suggested that there is precedent for the Settlement Agreement based on *Keepseagle v. Vilsack*.¹⁴⁴ As the lead counsel on *Keepseagle* recently stated, however, that “comparison is, at best, incomplete. At worst, it risks obscuring fundamental differences in both structure and legal footing.”¹⁴⁵ *Keepseagle* was a class action case brought by Native American farmers and ranchers under the Equal Credit Opportunity Act after years of discriminatory practices by the U.S. Department of Agriculture.¹⁴⁶ After ten years of litigation, the plaintiffs in *Keepseagle* entered into a Settlement Agreement whereby *class members* could seek compensation from the Department of Justice.¹⁴⁷ Anticipating that there might be some money left over, the Settlement Agreement included a *cy pres* clause that allowed for left over funds to be distributed to nonprofit organizations that serve Native American farmers and ranchers.¹⁴⁸ As the District Court in D.C. acknowledged, there is precedent for allowing *cy pres* relief, particularly where that relief is contained in a settlement agreement.¹⁴⁹ Likewise, the Settlement Agreement was overseen by the court. However, *cy pres* in a class action, where it is difficult to assess the value of existing claims to all class members, is substantially different than creating a settlement fund *ab initio*. The Department of Justice attorney’s failure to understand this basic distinction raises serious questions about their competence and diligence in addressing the legality of the Settlement Agreement in violation of Rules 1.1 and 1.3. If the Department’s attorneys, including Mr. Blanche, were aware, as they should have been if they were exercising the diligence of a normally prudent lawyer, that *Keepseagle* was inapplicable, there is a serious question of whether the Department’s attorney’s actions were dishonest or deceitful in violation of Rule 8.4. By attempting to strain the Anti-Weaponization Fund through inapplicable precedent, the Department of Justice appears to have engaged a legal “sleight of hand,” providing surface credibility to an otherwise inappropriate arrangement. Yet there is no legitimate basis to extend *Keepseagle* to the facts of *President Trump v. I.R.S.*

The conduct of Mr. Blanche in the Settlement Agreement and Fund Order raise serious concerns about his competence, diligence, and loyalty. Moreover, the actions of Mr. Blanche’s subordinates in authorizing the Settlement Agreement are imputable to him under Rule 5.1(d). Mr. Blanche not only knew “of the specific conduct” and “ratifie[d] it” but he failed to take steps to prevent the Settlement Agreement and to avoid the prejudicial effect of these ill consequences on the interests of the United States, in violation of his responsibilities under Rule 5.1.

The AG Order Provided Trump and Numerous Others with an Exceptional and Unprecedented Global Release of Liability

The AG Order relieves President Trump, his sons, and the Trump Organization as well as any member of their families, associated trusts, or any associated persons of any liability in connection with *President Trump v. I.R.S.*, the FTCA claims, “Lawfare and/or Weaponization” and “any

¹⁴⁴ Memorandum from Acting Attorney General Todd Blanche at 2 (May 18, 2026), <https://www.justice.gov/opa/media/1441086/dl>.

¹⁴⁵ Josh Gardner, *The “Anti-Weaponization Fund” and the Limits of Analogy*, JUSTICE CONNECTION SUBSTACK (May 21, 2026), https://justiceconnection.substack.com/p/the-anti-weaponization-fund-and-the?r=6ig9ox&utm_medium=ios&triedRedirect=true.

¹⁴⁶ *Keepseagle v. Vilsack*, 118 F. Supp. 3d 98, 102 (D.D.C. 2015).

¹⁴⁷ *Id.* at 105.

¹⁴⁸ *Id.* at 109.

¹⁴⁹ *Id.* at 116.

matters currently pending *or that could be pending* (including tax returns filed before the Effective Date) before Defendants or other agencies or departments.”¹⁵⁰ This appears to serve as a global absolution of all potential civil and criminal claims against the President, his family, and the Trump Organization, which fundamentally undercuts the responsibility of the Attorney General to represent the interests of the United States and to pursue justice, in violation of his core responsibility to the government under Rule 1.13(a). If Mr. Trump, his family, or others had engaged in wrongdoing, including failure to pay taxes, the United States had an interest in pursuing those claims.¹⁵¹ Yet, by broadly waiving the United States’ right to seek redress of these claims Mr. Blanche not only “intentionally (...) fail[ed] to seek the objectives of” the United States but he also appears to have “intentionally (...) prejudice[d] or damage[d] the client” by restricting the Department of Justice’s ability to prosecute illegal conduct, in violation of Rule 1.1(c).¹⁵² Moreover, Mr. Blanche’s actions suggest a failure to “act with reasonable diligence” in representing the United States in violation of Rule 1.3(a).¹⁵³

First, the exceptional form of relief in the AG Order was provided without obtaining anything at all for the United States.¹⁵⁴ The Settlement Agreement was signed on May 18 and, within its four corners, contained a full release of the claims at issue. The Agreement specifically recites that the “formal apology from the United States” is the “sole and complete relief for allegations in the Case and the Pending Agency Claims.”¹⁵⁵ Thus, on the face of the documents, the creation of the Fund embodied in the Fund Order and the global release of claims in the AG Order were not obtained in settlement of the claims Trump et al. released in the settlement. The exceptional relief Mr. Blanche provided to President Trump, his family, the Trump Organization and “affiliated” individuals in the AG Order thus was provided without any apparent consideration at all from President Trump, his family, or his businesses. All parties signed the May 18 Settlement Agreement and were therefore bound by its terms at the time of signature. The Settlement Agreement provides that it “may be modified only with the written agreement of the Parties.”¹⁵⁶ And the parties had already begun performing the contract—Mr. Blanche issued his Fund Order on May 18—and there was no time for an intervening material change in reliance on the promises made by the parties.¹⁵⁷ Yet the next day, Mr. Blanche unilaterally signed the AG Order. That order effectively serves as a gratuitous benefit to President Trump with no concomitant benefit to the United States.

Second, the global release is unprecedented in its exceptional breadth. Under this global release, the United States has lost the opportunity to pursue claims that could have resulted in increased tax revenue. It is estimated that President Trump could have owed up to \$100 million to the IRS

¹⁵⁰ AG Order.

¹⁵¹ See, e.g., *Comm'r v. Glenshaw Glass Co.*, 348 U.S. 426, 429 (1955) (explaining that Congress sought to exert “the full measure of its taxing power” in drafting the definition of gross income).

¹⁵² N.Y. Comp. Codes R. & Regs. tit. 22, § 1200.1.1(c).

¹⁵³ N.Y. Comp. Codes R. & Regs. tit. 22, § 1200.1.3(a).

¹⁵⁴ *Rainbow v. Swisher*, 72 N.Y.2d 106, 109, 527 N.E.2d 258, 259 (1988) (stating that a “settlement agreement is a contract subject to principles of contract interpretation”).

¹⁵⁵ Settlement Agreement, III.A.

¹⁵⁶ Settlement Agreement at 4.

¹⁵⁷ See Restatement (Second) of Contracts § 89.

alone.¹⁵⁸ That money is no longer recoverable. Furthermore, although there has been significant focus on the tax implications for Mr. Trump, the release prevents the “United States (...) from prosecuting or pursuing any and all claims, counterclaims, causes of action, appeals, or requests for any relief (...) whether presently known or unknown, that (...) have been or could be asserted by Defendants against” not only Mr. Trump, but his family, the Trump Organization, and any “related or affiliated individuals (including, without limitation, family or others filing jointly), or parties including trusts, parent, sister, or related companies, affiliates, and subsidiaries.”¹⁵⁹ Even though the AG Order refers to actions that could be “asserted by Defendants,” it applies to any matters that “could be pending” before any “other agencies or department.”¹⁶⁰ Taken together, these terms foreclose a wide variety of investigations into potential misconduct. Mr. Blanche therefore appears to have foreclosed all courses of action and potential compensation—to the United States or victims by way of restitution—arising from actions “known or unknown” taken by Mr. Trump, his family, and organizations as of May 18, 2026, again without any consideration to the United States.¹⁶¹ As the Center for American Progress recently explained:

Part (c)(3) appears to be a universal prohibition on investigation or prosecution—in that it applies not just to DOJ and the IRS—but also incorporates “other agencies or departments” of the federal government, seemingly without limitation. This could well include the Securities and Exchange Commission (SEC), DOJ, FBI, the Department of Labor, the Department of Homeland Security, the Federal Trade Commission, the Financial Crimes Enforcement Network (FinCEN), or any other federal agency. In short, this settlement seemingly is an attempt to put not just President Trump but also his entire family and business empire above the law for anything that occurred prior to May 19, 2026.¹⁶²

Thus, this global release would preclude the Department from future investigations of President Trump, potentially including allegations made in the Epstein Files that he engaged in sexual assault of a minor¹⁶³ or potential securities violations by the presidentially-aligned World Liberty Financial, Inc. governance token (and the potential tax consequences of those violations).¹⁶⁴ By releasing the President, his family members and affiliated organizations from the responsibility to

¹⁵⁸ Bernard Condon & Fatima Hussein, *Trump immunity from IRS audit shocks experts, who warn it could undermine trust in tax system*, THE ASSOCIATED PRESS (May 22, 2026), <https://apnews.com/article/trump-justice-department-irs-tax-audits-7ba4781b9b9bef99873151df6bfc33ab>.

¹⁵⁹ AG Order.

¹⁶⁰ AG Order.

¹⁶¹ See, e.g. CAMPAIGN LEGAL CENTER, TRUMP’S CORRUPT TRANSACTIONS: HOW THE 47TH PRESIDENT HAS BRAZENLY TRADED OFFICIAL BENEFITS FOR PERSONAL AND POLITICAL GAIN (Last Updated May 19, 2026) (listing allegedly suspicious transactions entered into by President Trump), https://campaignlegal.org/sites/default/files/2026-05/Trump_Corruption_Tracker_May_2026_Update.pdf.

¹⁶² Devon Ombres, *How Trump’s Potential Settlement Could Shield His Family and Businesses from Investigation*, Center for American Progress (Jun. 3, 2026), <https://www.americanprogress.org/article/how-trumps-potential-settlement-could-shield-his-family-and-businesses-from-investigation/>.

¹⁶³ See James Hill & Peter Charalambous, *Epstein files: DOJ releases previously withheld FBI reports about sex abuse allegation against Trump*, ABC NEWS (Mar. 6, 2026), <https://abcnews.com/US/epstein-files-doj-releases-previously-withheld-fbi-reports/story?id=130809763>.

¹⁶⁴ Lee Reiners, *Is \$WFLI an Unregistered Security?*, THE FINREG BLOG (May 8, 2026), <https://sites.duke.edu/thefinregblog/2026/05/08/is-wlfi-an-unregistered-security/>.

pay taxes owed—and apparently releasing the President and his family members from liability arising from any matter arising before the Defendants or at any other agency or department—Mr. Blanche’s actions not only failed to advance the interests of the United States, they worked directly against those interests in violation of his responsibility under Rule 1.1 and Rule 1.3.

Third, by providing the President with a full release of liability for any claims pending before the IRS, Department of Justice, or any other agency or department of the United States, Mr. Blanche provided the President with a valuable benefit in violation of the Domestic Emoluments Clause. That clause, set out at Article II, Section 1, Clause 7, provides that: “The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be increased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.” As the District Court of the D.C. Circuit explained in *Griffin v. United States*: “[t]he Framers of the Constitution forbade the President from receiving any emolument other than a fixed compensation, in part because they feared the consequences of allowing a President to convert his or her office into a vehicle for personal profit.”¹⁶⁵ The term “emolument” has generally been understood to refer to any “profit, gain, or advantage.”¹⁶⁶ Mr. Blanche’s release of the President’s liability is an emolument in the constitutional sense. The United States gratuitously provided an item of value, the release of liability including an alleged potential \$100 million in unpaid or underpaid taxes, to the President. Moreover, this unwarranted benefit has no apparent basis other than that the President is the President. By effectuating an arrangement that implicates the Domestic Emoluments Clause, Mr. Blanche failed to exercise the level of competence and diligence consistent with his professional responsibilities under Rule 1.1 and Rule 1.3.

Finally, the AG Order’s use of the vague descriptions regarding what claims the United States was waiving the right to enforce, including “Lawfare and/or Weaponization” create uncertainty in the breadth of the AG Order’s release of liability. The failure to define such undeniably vague terms leaves the United States open to the risk of future litigation regarding their scope and meaning. The failure to appropriately circumscribe the risk and liability to the United States works manifest prejudice against the government’s potential future litigation strategy in violation of Mr. Blanche’s professional responsibilities under Rule 1.1 and Rule 1.3.

ii. Conflicts of Interest

Rule 1.13 provides the basic rule that an attorney for an organization serves that organization and not its individual members. Rule 1.13(a) emphasizes this point, stating that “[w]hen a lawyer employed or retained by an organization is dealing with the organization’s directors, officers, employees, members, shareholders or other constituents, and it appears that the organization’s interests may differ from those of the constituents with whom the lawyer is dealing, the lawyer shall explain that the lawyer is the lawyer for the organization and not for any of the constituents.” Comment 9 to Rule 1.13 clarifies that “The duties defined in this Rule apply to governmental organizations.” As the New York City Bar recently advised “There is no dispute that a lawyer

¹⁶⁵ *Griffin v. United States*, 935 F. Supp. 1, 3, (D.D.C., 1995).

¹⁶⁶ *Blumenthal v. Trump*, 373 F. Supp. 3d 191, 207 (D.D.C. 2019), *vacated as moot*, 949 F.3d 14 (D.C. Cir. 2020).

employed by the United States (...) represents the respective government and not any individual. In that regard, the government is a client, and in the rubric of the Rules, an organizational client.”¹⁶⁷

As Acting Attorney General, Mr. Blanche’s client is the United States and the Department of Justice.¹⁶⁸ While there are times when the President *qua* President is the client of the Department of Justice, the Attorney General does not represent the person occupying the Presidency in his personal capacity. Where the person occupying the Presidency appears before the United States, the Attorney General is required to act in the interests of his client: the United States. As noted below, Mr. Blanche appears to have failed to make this distinction and has taken actions in *President Trump v. I.R.S.* that prejudice the American people to the advantage of Mr. Trump in his personal capacity.¹⁶⁹

Participation in Prior Matters Worked on While in Private Practice

A lawyer serving in public service is covered by two rules relating to former clients and matters on which the lawyer formerly worked: Rule 1.9 and Rule 1.11.¹⁷⁰ Rule 1.9(a) provides that “A lawyer who has formerly represented a client in a matter shall not thereafter represent another person in the same or a substantially related matter in which that person’s interests are materially adverse to the interests of the former client unless the former client gives informed consent, confirmed in writing.” Rule 1.11(d)(2) provides that a “lawyer currently serving as a public officer or employee shall not (...) participate in a matter in which the lawyer participated personally and substantially while in private practice or nongovernmental employment, unless under applicable law no one is, or by lawful delegation may be, authorized to act in the lawyer's stead in the matter.” To comply with Rule 1.11(d)(2), a public lawyer must “must recuse himself or herself from any participation in, or discussion of, matters in which he was involved as a private attorney (...) unless the elements of necessity apply.”¹⁷¹ Comment 10 to Rule 1.11(d)(2) advises that a “‘matter’ may continue in another form. In determining whether two particular matters are the same, the lawyer

¹⁶⁷ New York City Bar, Formal Opinion 2025-1: *Ethical Responsibilities of Lawyers Representing Government Officers and Agencies* (Apr. 4, 2025) <https://www.nycbar.org/reports/formal-opinion-2025-1-ethical-responsibilities-of-lawyers-representing-government-officers-and-agencies/>.

¹⁶⁸ N.Y. Comp. Codes R. & Regs. tit. 22, § 1200.1.13(a); *see also* Griffin B. Bell, The Attorney General: The Federal Government’s Chief Lawyer and Chief Litigator, or One Among Many, 46 *Fordham L. Rev.* 1049, 1069 (1978) (“our client is the government [but] in the end we serve a more important constituency; the American People”).

¹⁶⁹ Note that for purposes of this section, it is assumed that Mr. Blanche no longer has an attorney-client relationship with President Trump in his private capacity. If he still had an attorney-client relationship with Mr. Trump that would affect the application of which rules of professional conduct apply (e.g., the provisions dealing with the former client conflicts would not apply under Rule 1.9, however, the rules concerning concurrent conflicts under Rule 1.7 would). More importantly, if Mr. Blanche had an ongoing personal attorney-client relationship with President Trump it would raise serious questions under the Federal conflict of interests law, 18 U.S.C. § 205(a) (preventing any government employee to represent a private party before the United States), and Department of Justice regulations prohibiting the outside practice of law, 5 C.F.R. § 3801.106(b). Failure to adhere to these laws would be misconduct incompatible with Mr. Blanche’s professional obligations under Rules 8.4(b) and (d).

¹⁷⁰ N.Y. Comp. Codes R. & Regs. Tit. 22 § 1200.1.9; N.Y. Comp. Codes R. & Regs. tit. 22, § 1200.1.11(d)(2).

¹⁷¹ N.Y. State Bar Assoc., Op. 1169 (Jul. 8, 2019), <https://nysba.org/ethics-opinion-1169/>.

should consider the extent to which (i) the matters involve the same basic facts, (ii) the matters involve the same or related parties, and (iii) time has elapsed between the matters.”¹⁷²

In private practice, Mr. Blanche represented President Trump in several cases, including *United States v. Trump*, No. 9:23-cr-80101 (S.D. Fl. 2023) (“Classified Records Case”)¹⁷³ and *United States v. Trump*, No. 1:23-cr-00257 (D.D.C. 2023) (“Election Sabotage Case”).¹⁷⁴

The Classified Records case concerned President Trump’s unauthorized removal and storage of classified documents at Mar-a-Lago.¹⁷⁵ Mr. Blanche and Stanley Woodward, the current Associate Attorney General and counsel for Trump’s co-defendant Waltine Nauta in the Classified Records Case, raised several claims for why the indictment should be dismissed, including that the indictment constituted selective or vindictive prosecution.¹⁷⁶ The case was dismissed on July 15, 2024, on the basis that Special Counsel Jack Smith was not appropriately appointed.¹⁷⁷ On August 7, 2024, President Trump filed a claim against the government under the Federal Tort Claims Act seeking \$100 million in damages.¹⁷⁸ The FTCA claim, filed by the same attorney who represented President Trump in *President Trump v. I.R.S.*, was based on the same facts giving rise to the Classified Records Case and cites heavily to that case.¹⁷⁹

The Election Sabotage Case arose out of an indictment of President Trump for his role in conspiring to overturn the 2020 Presidential election.¹⁸⁰ The Election Sabotage Case was voluntarily dismissed *without* prejudice on November 25, 2024. In moving to dismiss the case, Special Counsel Jack Smith clarified that “although the Constitution requires dismissal in this context, consistent with the temporary nature of the immunity afforded a sitting President, it does not require dismissal with prejudice.”¹⁸¹

Section III.B of the May 18 Settlement Agreement provides that:

¹⁷² Rule 1.11, cmt. 10; N.Y. Bar Assoc., Op. 1029 (Oct. 23, 2014); *cf. United States v. Medico Industries, Inc.*, 784 F. 2d 840, 843-844 (1986) (holding that two matters are the same for the Federal post-employment law when the parties, facts, and subject matter coincide).

¹⁷³ *See*, Motion to Appear *Pro Hac Vice*, *United States v. Donald J. Trump*, No. 9:23-cr-80101 (S.D. Fl., June 13, 2023), https://storage.courtlistener.com/recap/gov.uscourts.flsd.648653/gov.uscourts.flsd.648653.14.0_5.pdf.

¹⁷⁴ Motion for Admission *Pro Hac Vice*, *United States v. Donald J. Trump*, No. 1:23-cr-00257 (D.D.C., Aug. 3, 2023), <https://storage.courtlistener.com/recap/gov.uscourts.dcd.258149/gov.uscourts.dcd.258149.7.0.pdf>.

¹⁷⁵ Indictment, *United States v. Donald J. Trump*, No. 9:23-cr-80101 (S.D. Fl., Jun. 8, 2023), https://storage.courtlistener.com/recap/gov.uscourts.flsd.648653/gov.uscourts.flsd.648653.3.0_12.pdf.

¹⁷⁶ President Trump’s Motion to Dismiss the Indictment Based on Selective and Vindictive Prosecution, *United States v. Donald J. Trump*, No. 9:23-cr-80101 (S.D. Fl., May 2, 2024), <https://storage.courtlistener.com/recap/gov.uscourts.flsd.648653/gov.uscourts.flsd.648653.508.0.pdf>.

¹⁷⁷ Order Granting Motion to Dismiss Superseding Indictment Based on Appointments Clause Violation, *United States v. Donald J. Trump*, No. 9:23-cr-80101 (S.D. Fl., Jul. 15, 2024), https://storage.courtlistener.com/recap/gov.uscourts.flsd.648653/gov.uscourts.flsd.648653.672.0_4.pdf.

¹⁷⁸ Claim for Damage, Injury, or Death (Aug. 7, 2024), <https://static01.nyt.com/newsgraphics/documenttools/873052e810ffe3d8/eb43fcf4-full.pdf>.

¹⁷⁹ *Id.*

¹⁸⁰ Indictment, *United States v. Donald J. Trump*, No. 9:23-cr-00257 (D.D.C., Aug. 1, 2023), https://storage.courtlistener.com/recap/gov.uscourts.dcd.258149/gov.uscourts.dcd.258149.1.0_11.pdf.

¹⁸¹ Government’s Motion to Dismiss, *United States v. Donald J. Trump*, No. 9:23-cr-00257 (D.D.C., Nov. 25, 2024), https://storage.courtlistener.com/recap/gov.uscourts.dcd.258149/gov.uscourts.dcd.258149.281.0_6.pdf.

In exchange for the relief provided in this Settlement Agreement (...) Plaintiffs hereby RELEASE, WAIVE, ACQUIT, and FOREVER DISCHARGE Defendants and the United States from, and are hereby FOREVER BARRED and PRECLUDED from prosecuting or pursuing, any and all claims, charges, counterclaims, causes of action, appeals, or requests for any relief, including injunctive, monetary, damages, tax payments, debt relief, costs, attorney's fees, expenses, and/or interest, that—as of the Effective Date—have been or could have been asserted by Plaintiffs in the (...) Pending Agency Claims, by reason of, with respect to, in connection with, or which arise out of, (...) Pending Agency Claims.¹⁸²

The Pending Agency Claims include “claims for relief pursuant to the Federal Tort Claims Act, based on the unlawful raid on Mar-a-Lago, in Palm Beach, Florida, in August of 2022.”¹⁸³

The AG Order provides that:

The United States RELEASES, WAIVES, ACQUITS, and FOREVER DISCHARGES each of the Plaintiffs from, and is hereby FOREVER BARRED and PRECLUDED from prosecuting or pursuing, any and all claims (...) that—as of the Effective Date of the Settlement Agreement—have been or could have been asserted by Defendants against any of the Plaintiffs or related or affiliated individuals (including, without limitation, family or others filing jointly), or parties including trusts, parent, sister, or related companies, affiliates, and subsidiaries by reason of, with respect to, in connection with, or which arise out of (1) any matters that were raised or could have been raised in the Case or the Pending Agency Claims; (2) Lawfare and/or Weaponization; or (3) any matters currently pending or that could be pending (including tax returns filed before the Effective Date) before Defendants or other agencies or departments.

Taken together these exceptionally broad waivers of liability—which reach to “any matters currently pending or that could be pending (including tax returns filed before the Effective Date) before Defendants or other agencies or departments”—cover both the FTCA claim arising from the Classified Records Case and any claims reserved by the Department of Justice that could have been filed in a new indictment or claims against President Trump arising from the facts underlying or related to the Election Sabotage Case. Mr. Blanche also received substantial legal fees for representing Mr. Trump in these matters. Mr. Blanche’s law firm received more than \$10 million for representing Mr. Trump in various matters through the Save America PAC.¹⁸⁴ To the extent that Mr. Trump’s claims in the FTCA matters involved or were based in part on actual damages, those damages would have included amounts associated with Mr. Blanche’s services. For that reason, the Settlement Agreement and AG Order appear to be both the same “matter” as the Classified Records Case and the Election Sabotage Case for purposes of Rule 1.11(d)(2) and “similarly related” to those cases for purposes of Rule 1.9(a).

¹⁸² Settlement Agreement 2.

¹⁸³ Settlement Agreement 1.

¹⁸⁴ Questions for the Record, Nomination of Todd Blanche to be Deputy Attorney General at *10 (Feb. 2025), https://www.judiciary.senate.gov/imo/media/doc/2025-02-12_-_qfr_responses_-_blanche.pdf.

Applying the “facts, parties, and time” test utilized by the N.Y. State Bar Association in Rule 1.11(d)(2), it seems clear that these “two matters involve the same underlying events, the same or related parties, the same underlying events [and] related issues, and [that] the matters [were] ongoing at the same time or close in time” as the Settlement Agreement and AG Order waiver of liability.¹⁸⁵

- The Classified Records Case and the FTCA Claim involve the same parties: President Trump and the Department of Justice. They include the same underlying events: the FBI search of Mar-a-Lago for classified records. They include the same issues: allegations by the President of vindictive or selective prosecution. They arose close in time: the case was dismissed in July 2024 and the FTCA claim was filed in August 2024. The FTCA Claim is in effect a continuation of the dispute between President Trump and the Department of Justice concerning the validity of the FBI search, and a determination of that claim speaks to the meritorious nature of the motions Mr. Blanche filed on behalf of Mr. Trump seeking dismissal for vindictive prosecution in the Classified Records Case. The Settlement Agreement to end the FTCA claim is inextricably intertwined with the Classified Records Case. The two therefore appear to both be the same matter.¹⁸⁶
- The Election Sabotage Case was dismissed without prejudice and the Government’s motion to dismiss suggested that it could re-file the case. The global release of any “matters currently pending or that could be pending (...) before the Defendants” or that related to “Lawfare and/or Weaponization” appears to foreclose the Department’s ability to re-file those claims, in effect immunizing the President from suit on the same facts as the Election Sabotage Case. The global release effectively operates to terminate any re-indictment in the future. The two therefore appear to be the same matter.

In addition, Mr. Blanche had a conflict of interest arising from his representation of President Trump in these matters while in private practice. Pursuant to Rule 1.9 and Rule 1.11(d)(1-2), Mr. Blanche may not represent the government “in the same or a substantially related matter in which that person’s interests are materially adverse to the interests of [a] former client unless the former client gives informed consent, confirmed in writing.” The Classified Records Case and the Election Sabotage Case and the Settlement Agreement and AG Order are “substantially related” for purposes of Rule 1.9(a). Two matters are “substantially related” when “they involve the same transaction or legal dispute or if, under the circumstances, a reasonable lawyer would conclude that there is otherwise a substantial risk that confidential factual information that would normally have been obtained in the prior representation would materially advance the client's position in the subsequent matter.”¹⁸⁷ As noted above, the Classified Records Case involves the same “legal

¹⁸⁵ N.Y. State Bar Assoc., Op. 1064 (Jul. 10, 2015), <https://nysba.org/ethics-opinion-1064/>.

¹⁸⁶ See Rule 1.9, cmt. 1 (“a lawyer who has prosecuted an accused person could not properly represent that person in a subsequent civil action against the government concerning the same transaction”); *Cf. EEOC v. Exxon Corp.*, 202 F. 3d 755, 757 (5th Cir. 2000) (finding that under a similar “facts, parties, time” test utilized for purposes of the Federal post-employment statute 18 U.S.C. § 207 that expert testimony in an EEOC case was the same particular matter as the criminal charges arising from the 1989 Valdez Oil spill).

¹⁸⁷ Rule 1.9, cmt. 3; N.Y. Bar Assoc., Ethics Op. 1103 (Jul. 15, 2016), <https://nysba.org/ethics-opinion-1103/>.

dispute” as the Settlement Agreement: whether the FBI’s search of President Trump’s home was legitimate or, as the president claims, was vindictive prosecution. Likewise, the Department of Justice reserved the right to re-indict Mr. Trump for the charges in the Elections Sabotage Case, claims that were apparently nullified by the global release in the AG Order. Those claims are substantially related as they involve the same transaction and involve information that could have been used to materially advance the Department of Justice’s position. In addition, the interests of Mr. Blanche’s current client—the United States—are materially adverse to those of his former client—Donald Trump. Had Mr. Blanche effectively represented the United States, he would have been in the position of both potentially attacking his own prior arguments and pursuing a course of action that was against the interest of President Trump. It is the general rule that “[a] lawyer should not be permitted to put himself in a position where, even unconsciously he will be tempted to ‘soft pedal’ his zeal in furthering the interests of one client in order to avoid an obvious clash with those of another”¹⁸⁸ That appears to be exactly what has happened in this case: instead of zealous representation of the U.S., Mr. Blanche and the Department effectively put up no fight at all. Finally, this conflict of interest is non-consentable and non-waivable. On one hand, Mr. Blanche has personally worked on these matters while in private practice and the N.Y. Rules provide that such conflicts are non-waivable.¹⁸⁹ Even if they were not the same matters, however, these conflicts are non-waivable because there is no one competent to waive the conflict (see discussion below).¹⁹⁰

Pursuant to Rule 1.11 and Rule 1.9, Mr. Blanche had a disqualifying conflict of interest in the Settlement Agreement and AG Order. Mr. Blanche participated in these matters notwithstanding that conflict of interest. Mr. Blanche should have been aware that his participation in these cases was problematic: he signed an ethics agreement stating that he would not work on any matters involving Mr. Trump and was reportedly advised by ethics officials at the Department of Justice that his participation in matters related to Mr. Trump could violate his federal ethics obligations.¹⁹¹ Yet he participated in these matters anyways.

Personal Financial Interests

Rule 1.7(a) provides that:

[A] lawyer shall not represent a client if a reasonable lawyer would conclude that the representation involves a concurrent conflict of interest. A concurrent conflict of interest exists if (...) there is a significant risk that the lawyer’s independent professional judgment on behalf of a client will be adversely affected by (...) or representation of one or more clients (...) will be materially limited by (...) the lawyers responsibilities to (...) a former client or a third person or by the lawyer’s own financial, business, property or other personal interests.

¹⁸⁸ *Estates Theatres, Inc. v. Columbia Pictures Indus., Inc.*, 345 F.Supp. 93, 99 (S.D.N.Y. 1972).

¹⁸⁹ N.Y. Comp. Codes R. & Regs. tit. 22, § 1200.1.11(d)(2)(ii).

¹⁹⁰ In addition, although Rule 1.9(d)(2)(i) provides a special exemption that allows for government attorneys to participate in a matter they would be disqualified from if the Rule of Necessity so requires, it is clear that rule has no applicability here.

¹⁹¹ Katelyn Polantz, et al., *Exclusive: Acting AG Todd Blanche was told last year to recuse from Justice Department matters involving Trump*, CNN POLITICS (May 14, 2026), <https://www.cnn.com/2026/05/14/politics/todd-blanche-recusal-trump-investigations-brennan>.

Mr. Blanche has two personal financial interests in connection with the Settlement Agreement and AG Order.

First, Mr. Blanche has a personal interest in the AG Order's global release of liability for President Trump and "affiliated persons." As Mr. Trump's former personal attorney, Mr. Blanche may be an "affiliated person" covered under the release. Certainly, Mr. Blanche would have a financial interest in a global release of liability which would effectively prevent future investigation of Mr. Blanche regarding past actions he has taken personally or representation that he has undertaken on behalf of Mr. Trump. Even if Mr. Blanche were not an "affiliated person" by ensuring that Mr. Trump's past claims before the government are waived, Mr. Blanche has removed the likelihood that President Trump will bring a malpractice suit against him. In either case, Mr. Blanche has a financial interest in the AG Order. It is axiomatic that an attorney cannot participate in a matter that would absolve them of liability related to their prior work, or that would prevent future investigation of their own conduct, which appears to be the case here.

Second, although employment interests do not often create disqualifying financial interests,¹⁹² the N.Y. State Bar Association has recognized that there may be times when a lawyer's own pay or employment can create a conflict of interest.¹⁹³ For example, in Ethics Opinion 1081 the Bar considered a situation in which a lawyer had a financial incentive to settle a case instead of bringing judicial or administrative action because the lawyer would receive a \$100 bonus payment.¹⁹⁴ The Bar Association stated that "if the additional \$100 would encourage the lawyer to settle a matter on terms less favorable to the client in order to qualify for the bonus, then the compensation arrangement would violate Rule 1.7 unless the conflict is consentable under Rule 1.7(b) and the lawyer obtains the client's informed consent, confirmed in writing."¹⁹⁵

This is the unusual circumstance in which Mr. Blanche's continued employment with the Department of Justice poses a disqualifying financial interest for purposes of Rule 1.7(a). President Trump had an immense personal interest in this matter. Given that Mr. Blanche serves at the will of the President, the risk of denying the President's personal interest in the case could have resulted in his removal. As Democracy Defenders Fund explained in a November 2025 complaint filed with the Department of Justice Office of Inspector General regarding Mr. Blanche's involvement with the FTCA claim involving the Classified Records Case:

Todd Blanche [is] operating under the sword of Damocles. The Trump Administration has fired hundreds of employees, including hundreds of prosecutors and officials within the Department of Justice, many whose views did not accord with the President's own. A decision to disapprove the President's claims would raise a near certain risk of removal. As the former Director of the DOJ's ethics office, Joe Tirrell, recently put it "there's just nobody that can make this decision, career or political appointee, who's not going to be chock-full of ethical

¹⁹² See Rule 1.8, cmt. 4C ("This Rule also does not apply to ordinary fee arrangements between client and lawyer reached at the inception of the client-lawyer relationship").

¹⁹³ N.Y. Bar Assoc., Ethics Op. 1081 (Jan. 8, 2016), <https://nysba.org/ethics-opinion-1081/>.

¹⁹⁴ *Id.*

¹⁹⁵ *Id.*

conundrums here” because there exists a “risk of any or all of them being fired if they don’t make a decision that comports with the president’s wishes...” Given this immense coercive pressure, an individual DOJ employee’s determination on the President’s FTCA claim would appear to be one that would directly and predictably affect their own financial interests...”¹⁹⁶

That risk has not abated since November of last year; in fact, it has only increased with the recent removal of Pamela Bondi from her position as Attorney General, which is widely believed to have resulted from her failure to aggressively pursue President Trump’s personal enemies.¹⁹⁷

Personal Loyalty, Prejudice, and Bias

Pursuant to Rule 1.7(a)(2) an attorney has a conflict of interest with his client—here the Department of Justice—when “there is a significant risk that (...) the lawyer’s independent professional judgment on behalf of a client will be adversely affected by (...) the lawyer’s responsibilities to another client, a former client or a third person or by the lawyer’s own financial, business, property or other personal interests.” As Acting Attorney General, Mr. Blanche is under an obligation to serve the interests of the United States and not Donald Trump. Where those two interests conflict, Mr. Blanche’s responsibility is to the nation and not to the President.¹⁹⁸ Mr. Blanche, however, appears to have allowed his personal loyalty to President Trump to take priority over his responsibility as Acting Attorney General to the United States.

Mr. Blanche’s relationship with Mr. Trump goes far beyond that of a normal attorney-client relationship. Mr. Blanche started his law firm, Blanche Law, PLLC, to serve as a counsel to Mr. Trump in various matters.¹⁹⁹ Mr. Blanche’s law firm received more than \$10 million for that work, which was paid through the Save America PAC.²⁰⁰ Mr. Blanche stated that he worked an average of 70 hours per a week on matters related to Mr. Trump.²⁰¹ As he reflected in his confirmation hearing questions for the record, Mr. Blanche views his relationship with Mr. Trump to be special: “I respect President Trump and consider my representation of President Trump to be the highlight of my professional life and an honor that I will cherish until the day I die.”²⁰² More recently, Mr. Blanche said “If [President Trump] chooses to nominate somebody else and asks me to go do something else, I will say ‘Thank you very much. I love you, sir.’ I don’t have any goals or aspirations beyond that.”²⁰³ Mr. Blanche’s actions and past connection with Mr. Trump evidence

¹⁹⁶ Letter from Norman L. Eisen, et al., Democracy Defenders Fund, to Don R. Berthiaume, Acting Inspector General, U.S. Department of Justice 12 (Nov. 11, 2025), [fb1cd5_a86805f9f175412cbeee2ebc758cca8c.pdf](https://www.fbi.gov/foia/records/2025-02-12-13-14-15-16-17-18-19-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41-42-43-44-45-46-47-48-49-50-51-52-53-54-55-56-57-58-59-60-61-62-63-64-65-66-67-68-69-70-71-72-73-74-75-76-77-78-79-80-81-82-83-84-85-86-87-88-89-90-91-92-93-94-95-96-97-98-99-100-101-102-103-104-105-106-107-108-109-110-111-112-113-114-115-116-117-118-119-120-121-122-123-124-125-126-127-128-129-130-131-132-133-134-135-136-137-138-139-140-141-142-143-144-145-146-147-148-149-150-151-152-153-154-155-156-157-158-159-160-161-162-163-164-165-166-167-168-169-170-171-172-173-174-175-176-177-178-179-180-181-182-183-184-185-186-187-188-189-190-191-192-193-194-195-196-197-198-199-200-201-202-203-204-205-206-207-208-209-210-211-212-213-214-215-216-217-218-219-220-221-222-223-224-225-226-227-228-229-230-231-232-233-234-235-236-237-238-239-240-241-242-243-244-245-246-247-248-249-250-251-252-253-254-255-256-257-258-259-260-261-262-263-264-265-266-267-268-269-270-271-272-273-274-275-276-277-278-279-280-281-282-283-284-285-286-287-288-289-290-291-292-293-294-295-296-297-298-299-300-301-302-303-304-305-306-307-308-309-310-311-312-313-314-315-316-317-318-319-320-321-322-323-324-325-326-327-328-329-330-331-332-333-334-335-336-337-338-339-340-341-342-343-344-345-346-347-348-349-350-351-352-353-354-355-356-357-358-359-360-361-362-363-364-365-366-367-368-369-370-371-372-373-374-375-376-377-378-379-380-381-382-383-384-385-386-387-388-389-390-391-392-393-394-395-396-397-398-399-400-401-402-403-404-405-406-407-408-409-410-411-412-413-414-415-416-417-418-419-420-421-422-423-424-425-426-427-428-429-430-431-432-433-434-435-436-437-438-439-440-441-442-443-444-445-446-447-448-449-450-451-452-453-454-455-456-457-458-459-460-461-462-463-464-465-466-467-468-469-470-471-472-473-474-475-476-477-478-479-480-481-482-483-484-485-486-487-488-489-490-491-492-493-494-495-496-497-498-499-500-501-502-503-504-505-506-507-508-509-510-511-512-513-514-515-516-517-518-519-520-521-522-523-524-525-526-527-528-529-530-531-532-533-534-535-536-537-538-539-540-541-542-543-544-545-546-547-548-549-550-551-552-553-554-555-556-557-558-559-560-561-562-563-564-565-566-567-568-569-570-571-572-573-574-575-576-577-578-579-580-581-582-583-584-585-586-587-588-589-590-591-592-593-594-595-596-597-598-599-600-601-602-603-604-605-606-607-608-609-610-611-612-613-614-615-616-617-618-619-620-621-622-623-624-625-626-627-628-629-630-631-632-633-634-635-636-637-638-639-640-641-642-643-644-645-646-647-648-649-650-651-652-653-654-655-656-657-658-659-660-661-662-663-664-665-666-667-668-669-670-671-672-673-674-675-676-677-678-679-680-681-682-683-684-685-686-687-688-689-690-691-692-693-694-695-696-697-698-699-700-701-702-703-704-705-706-707-708-709-710-711-712-713-714-715-716-717-718-719-720-721-722-723-724-725-726-727-728-729-730-731-732-733-734-735-736-737-738-739-740-741-742-743-744-745-746-747-748-749-750-751-752-753-754-755-756-757-758-759-760-761-762-763-764-765-766-767-768-769-770-771-772-773-774-775-776-777-778-779-780-781-782-783-784-785-786-787-788-789-790-791-792-793-794-795-796-797-798-799-800-801-802-803-804-805-806-807-808-809-810-811-812-813-814-815-816-817-818-819-820-821-822-823-824-825-826-827-828-829-830-831-832-833-834-835-836-837-838-839-840-841-842-843-844-845-846-847-848-849-850-851-852-853-854-855-856-857-858-859-860-861-862-863-864-865-866-867-868-869-870-871-872-873-874-875-876-877-878-879-880-881-882-883-884-885-886-887-888-889-890-891-892-893-894-895-896-897-898-899-900-901-902-903-904-905-906-907-908-909-910-911-912-913-914-915-916-917-918-919-920-921-922-923-924-925-926-927-928-929-930-931-932-933-934-935-936-937-938-939-940-941-942-943-944-945-946-947-948-949-950-951-952-953-954-955-956-957-958-959-960-961-962-963-964-965-966-967-968-969-970-971-972-973-974-975-976-977-978-979-980-981-982-983-984-985-986-987-988-989-990-991-992-993-994-995-996-997-998-999-1000).

¹⁹⁷ Hannah Rabinowitz & Evan Perez, *How Pam Bondi lost her job*, CNN POLITICS (Apr. 4, 2026), <https://www.cnn.com/2026/04/04/politics/how-pam-bondi-lost-her-job>.

¹⁹⁸ N.Y. Comp. Codes R. & Regs. tit. 22, § 1200.1.13.

¹⁹⁹ Cailey Gleeson, *Who Is Todd Blanche? Trump’s N.Y. Criminal Trial Lawyer Left High-Profile Firm Before Joining Legal Team.*, Forbes (Apr. 24, 2024), <https://www.forbes.com/sites/caileygleeson/2024/04/24/who-is-todd-blanche-trumps-ny-criminal-trial-lawyer-left-high-profile-firm-before-joining-legal-team/>.

²⁰⁰ Questions for the Record, Nomination of Todd Blanche to be Deputy Attorney General at *10 (Feb. 2025), https://www.judiciary.senate.gov/imo/media/doc/2025-02-12_-_qfr_responses_-_blanche.pdf.

²⁰¹ *Id.*

²⁰² *Id.* at 4.

²⁰³ Joseph Konig, *Acting Attorney General Todd Blanche Will Tell Trump ‘I Love You, Sir’ if Fired*, PEOPLE (Apr. 8, 2026), <https://people.com/acting-attorney-general-todd-blanche-says-tell-donald-trump-i-love-you-sir-if-fired-11945545>.

a close personal relationship raising significant concerns under Rule 1.7. The N.Y. Bar Association has frequently advised that close personal relationships can create “personal interests” for purposes of Rule 1.7(a) when there is a significant risk that the “lawyer’s professional judgment on behalf of a client will be adversely affected.” In a recent opinion, the N.Y. Bar Association explained that a criminal defense attorney who was in a romantic relationship with a deputy sheriff would have a concurrent conflict of interest if the deputy sheriff played a significant role in a matter the criminal defense attorney was working on as she “might be tempted to ‘pull her punches’ in defending her client [or] (...) might also be inclined to accept a negotiated plea of guilty to resolve the matter without exposing deficiencies in the investigation...”²⁰⁴ The N.Y. Bar Association has also provided guidance on conflicts of interest that arise from relationships with former work colleagues.²⁰⁵ In *Matter of Mann*,²⁰⁶ the Attorney Grievance Committee for the Third Judicial Department upheld disciplinary action against an attorney for settling custody disputes between several parents and their grandchildren where “[a]ll of the parties to the agreement were not only respondent’s friends to a greater or lesser extent, but they were also persons that respondent was contemporaneously representing as clients in separate legal matters.”²⁰⁷ Mr. Blanche’s close personal relationship with President Trump raises serious concerns that he was unable to exercise independent judgment in *President Trump v. I.R.S.* in derogation of his responsibility to the United States in violation of Rule 1.7.

In addition, the N.Y. State Bar Association has opined that a disqualifying personal interest can arise from entrenched political and personal views and relationships, including *inter alia* a “fervent political belief.”²⁰⁸ The Restatement (Third) of the Law of Governing Lawyers concurs in that position, providing that a conflict can arise as a result of “a lawyer’s deeply held religious, philosophical, political, or public-policy beliefs.”²⁰⁹ Recently, the Association of the Bar of the City of New York Committee on Professional and Judicial Ethics issued an opinion assessing whether and when an attorney’s own personal political, social, or moral views can create a conflict of interest impeding the ability of the lawyer to provide competent representation of a client.²¹⁰ In that opinion, the Association explained that the rule applies “if the lawyer subjectively believes that there is a significant risk or if, from an objective perspective, a reasonable lawyer would conclude that there is a significant risk that the representation will be materially limited.”²¹¹ As the opinion explained, if a lawyer “is indifferent to the obligation to subordinate relevant beliefs or affirmatively intends to give effect to personal beliefs at the expense of the client’s interests and

²⁰⁴ N.Y. Bar Association, Ethics Op. 1255 (May 26, 2023), <https://nysba.org/ethics-opinion-1255-romantic-relationship-between-criminal-defense-attorney-and-county-deputy-sheriff/> (discussing a romantic relationship).

²⁰⁵ N.Y. Bar Association, Ethics Op. 1119 (Apr. 7, 2017), <https://nysba.org/ethics-opinion-1119/> (former work colleagues).

²⁰⁶ 157 A.D.3d 1160 (2018).

²⁰⁷ *Id.* at 1161; *see also Ligon v. Bennett*, 2018 Ark. 150 (2018) (finding that the attorney violated applicable rule 1.7 under the Arkansas Rules of Professional Conduct by advising his client to enter into a loan agreement with the attorney’s friend and former client under unfavorable terms).

²⁰⁸ N.Y. Bar Association, Ethics Op. 752 (Feb. 22, 2002), <https://nysba.org/ethics-opinion-752/>.

²⁰⁹ RESTATEMENT (THIRD) OF THE LAW GOVERNING LAWYERS § 125 cmt. c (2000).

²¹⁰ Association of the Bar of the City of New York Committee on Professional and Judicial Ethics, *Formal Opinion 2025-5: Conflicts of Interest Arising out of a Lawyers’ Personal Beliefs* (Sep. 4, 2025), <https://www.nycbar.org/reports/formal-opinion-2025-5-conflicts-of-interest-arising-out-of-a-lawyers-personal-beliefs/>.

²¹¹ *Id.*

objectives, then the lawyer should not undertake the representation.”²¹² Mr. Blanche has made clear since his confirmation hearing that he has strong, entrenched views concerning what he perceives as democratic “lawfare,” particularly “lawfare” that relates to the President.²¹³ In response to a question for the record related to what “lawfare” meant to him, Mr. Blanche explained that it related to “democrat state operatives” and the special counsel bringing cases against Mr. Trump.²¹⁴ In the press release accompanying the Settlement Agreement, the Department stated “*the Attorney General established ‘The Anti-Weaponization Fund’ to provide a systematic process to hear and redress claims of others who suffered weaponization and lawfare.*”²¹⁵ Likewise, Mr. Blanche stated that “*it is this Department’s intention to make right the wrongs that were previously done while ensuring this never happens again.*”²¹⁶ This all suggests that Mr. Blanche “affirmatively intend[ed] to give effect to personal beliefs at the expense of the client’s interests and objectives” and to act on his entrenched personal beliefs to the detriment of the Department of Justice and the United States.²¹⁷

These Conflicts are Non-Consentable and Non-Waivable

Under the Rules, some conflicts of interest can be waived through client consent. For example, Rule 1.9(a) and Rule 1.7(a) can generally be waived when the appropriate parties have provided informed consent through writing. However, certain conflicts are non-consentable. As the Comment 14 to Rule 1.7 states “[i]f a lawyer does not reasonably believe that the conditions set forth in paragraph (b) can be met, the lawyer should neither ask for the client’s consent nor provide representation on the basis of the client’s consent. A client’s consent to a non-consentable conflict is ineffective” One court has described this as an “objective test” which asks “what a disinterested lawyer would believe. The phrase has been interpreted to mean that a lawyer is not permitted to seek client consent to a conflict if a disinterested lawyer would advise the client to refuse consent and that a client consent that is given is not valid if the objective test of a disinterested lawyer is not met.”²¹⁸ Comment 15 to Rule 1.7 explains that “a representation is prohibited if, in the circumstances, the lawyer cannot reasonably conclude that the lawyer will be able to provide competent and diligent representation.”

As described above, Mr. Blanche has shown that he was unable to provide competent and diligent representation to the Department of Justice and the United States in *President Trump v. I.R.S.*, the Settlement Agreement, and the AG Order. Moreover, a reasonable attorney, i.e., “a lawyer acting from the perspective of a reasonably prudent and competent lawyer who is personally disinterested

²¹² *Id.*

²¹³ Questions for the Record, Nomination of Todd Blanche to be Deputy Attorney General at 5-6 (Feb. 12, 2025), https://www.judiciary.senate.gov/imo/media/doc/2025-02-12_-_qfr_responses_-_blanche.pdf.

²¹⁴ *Id.* at 6.

²¹⁵ Press Release, Department of Justice, *Justice Department Announces Anti-Weaponization Fund* (May 18, 2026), <https://www.justice.gov/opa/pr/justice-department-announces-anti-weaponization-fund> (emphasis added).

²¹⁶ *Id.* (emphasis added).

²¹⁷ Association of the Bar of the City of New York Committee on Professional and Judicial Ethics, *Formal Opinion 2025-5: Conflicts of Interest Arising out of a Lawyers’ Personal Beliefs* (Sep. 4, 2025), <https://www.nycbar.org/reports/formal-opinion-2025-5-conflicts-of-interest-arising-out-of-a-lawyers-personal-beliefs/>.

²¹⁸ *Shaikh ex rel. Shaikh v. Waiters*, 185 Misc. 2d 52, 56 (Sup. Ct. 2000) (discussing former N.Y. Rule).

in commencing or continuing the representation,”²¹⁹ would have found Mr. Blanche incapable of operating in an objective manner as is required under the N.Y. Rules.

Even if Mr. Blanche’s conflicts were consentable, however, there is no way for Mr. Blanche to receive voluntary informed consent. As the N.Y. Bar Association has previously opined, a “client’s consent must be voluntary”²²⁰ and that “[c]lient consent, in a case where a conflict is consentable, is often not possible. Consent can only be sought where the (...) client would be empowered to withhold consent freely.”²²¹ Mr. Blanche could not provide his own consent, nor could he receive it from President Trump who himself sits on both sides of *President Trump v. I.R.S.*²²² No person operating below President Trump or Mr. Blanche would be able to give voluntary consent; fear of removal or retaliation—legitimate concerns given the number of DOJ attorneys the Trump Administration has fired or reassigned—would make it nearly possible for any person within the White House or the Department of Justice to “withhold consent freely.”²²³

iii. Dishonest and Deceitful Conduct

Rule 8.4(c) prohibits a lawyer from engaging in “conduct involving dishonesty, fraud, deceit or misrepresentation.” The rule covers all dishonest and deceitful conduct, and not just illegal conduct. As the Supreme Court for the First Judicial Department explained in the *Matter of Giuliani* the “prohibition against false statements is broad and includes misleading statements as well as affirmatively false statements.”²²⁴ The rule against making misleading or false statements applies “both inside and outside of the courtroom.”²²⁵ Attorneys are “professional[ly] trained in the art of persuasion” and are “a crucial source of information and opinion,” therefore it is imperative that they do not mislead the public.²²⁶ This responsibility is ever more important for the Attorney General and Deputy Attorney General, who speak for the United States. New York courts have recognized that violations of Rule 8.4 are particularly reprehensible when the individual “committed the misconduct while serving as a public official” which has been found “to be a significant aggravating factor, as such actions inflict substantial damage upon the public’s trust in the integrity of lawyers, government officials, and our system of governance.”²²⁷ In addition, Rule 1.2(d) of New York State’s Rule of Professional Conduct provides that “[a] lawyer

²¹⁹ N.Y. Comp. Codes R. & Regs. tit. 22, § 1200.1.0(q).

²²⁰ N.Y. State Bar Assoc. Op. 1282 (Jul. 7, 2025), <https://nysba.org/ethics-opinion-1282-disclosing-confidential-information-to-non-legal-staff/>.

²²¹ N.Y. State Bar Assoc. Op. 800 (Nov. 3, 2006), <https://nysba.org/ethics-opinion-800/>.

²²² See, RESTATEMENT (THIRD) OF THE LAW GOVERNING LAWYERS § 122 (2000) (“an officer of a government agency capable of consenting might be disabled from giving consent when that officer is a lawyer personally interested in consenting to the conflict”); *Guthrie Aircraft, Inc. v. Genesee Cnty., N.Y.*, 597 F. Supp. 1097, 1098 (W.D.N.Y. 1984) (prohibiting informed consent by government entities); N.Y. State Bar Assoc., Op. 247 (stating that a municipal government body cannot give informed consent to a matter where the “public interest” applies).

²²³ Cf. N.Y. Bar Assoc. Op. 490 (1978) (stating that a lawyer must be sensitive to when a client is in a vulnerable position, such as where the client is indigent).

²²⁴ *Matter of Giuliani*, 197 A.D.3d 1, 6 (2021) (citing *Matter of Antoine*, 74 AD3d 67, 72 (2010)); *Matter of Piepes*, 259 AD2d 135, 137 (1999); ABA Model Rules of Professional Conduct Rule 4.1 Comment [1] [“Misrepresentations can also occur by partially true but misleading statements or omissions that are the equivalent of affirmative false statements”].

²²⁵ *Id.*

²²⁶ *Id.* at 7.

²²⁷ *Matter of Genova*, 208 A.D.3d 33, 38, 171 N.Y.S.3d 179, 182 (2022).

shall not counsel a client to engage, or *assist a client*, in conduct that the lawyer knows is *illegal* or fraudulent, except that the lawyer may discuss the legal consequences of any proposed course of conduct with a client.”²²⁸

Potential Use of the Judicial System to Collusively Whitewash the Settlement Agreement

There are serious questions about whether the lawsuit and Settlement Agreement, AG Order, and Fund Order were a scheme intended to “disguise the true nature”²²⁹ of the agreement and to deceive the public and the court. As Judge Williams noted in her May 29 Order, these “grievous allegations” include that the lawsuit was “‘collusive from the start’ and was only filed to provide the imprimatur of legality for an unlawful settlement.”²³⁰ As described above, the Department’s failure to advance any defense of the United States, the immensely favorable terms of the purported resolution, and Mr. Blanche’s own statements suggest that this was not a case of truly adverse parties, but a situation in which Mr. Blanche and his subordinates appear to have worked collectively with the President to utilize taxpayer funds for President Trump’s personal and policy benefits.

As *CNN* recently reported, President Trump’s allies have been seeking a way to compensate individuals who are politically aligned with President Trump and who had been the subject of investigation and prosecution by the Department of Justice for unlawful acts on January 6, 2021, and other violations of federal law. Inside sources were quoted as saying that “[t]he concept was always there, but the question mark was the funding. But along comes this case and it’s like, hey wait a minute, there it is.”²³¹ Statements allegedly made by high-ranking DOJ attorney Ed Martin are consistent with this account. Mr. Martin purportedly said months ahead of the lawsuit that the Department of Justice was looking to provide millions of dollars to January 6 insurrectionists.²³² In his own words, Mr. Martin stated that insurrectionists should receive “reparations.”²³³

In announcing the Settlement Agreement, the Department of Justice and Mr. Blanche made several comments suggesting that it was the intent of *the Department* to create the Fund. For example, the press release states that “*the Attorney General established ‘The Anti-Weaponization Fund’ to provide a systematic process to hear and redress claims of others who suffered weaponization and lawfare.*” Likewise, Mr. Blanche stated that “*it is this Department’s intention to make right the wrongs that were previously done while ensuring this never happens again.*” After receiving significant push back from members of Congress, Mr. Blanche indicated that the Department of Justice was not moving forward with the proposed Anti-Weaponization Fund, a decision that,

²²⁸ N.Y. Comp. Codes R. & Regs. tit. 22, § 1200.1.2(d).

²²⁹ See, e.g., N.Y. State Bar Association, Opinion 1171 (Aug. 26, 2019), <https://nysba.org/ethics-opinion-1171/>.

²³⁰ Order, *President Trump v. I.R.S.*, No. 1:26-cv-20609 (May 29, 2026), https://storage.courtlistener.com/recap/gov.uscourts.flstd.706172/gov.uscourts.flstd.706172.65.0_2.pdf.

²³¹ Adam Cancryn, et al., *Trump’s 2024 campaign discussed an ‘anti-weaponization’ fund. They didn’t know where to get the money — until now*, CNN POLITICS (May 21, 2026), <https://www.cnn.com/2026/05/21/politics/anti-weaponization-fund-trump-campaign>.

²³² Ryan J. Reilly, *Trump DOJ official told GOP ally that big payouts were coming for Jan. 6 defendants*, NBC NEWS (May 19, 2026), <https://www.nbcnews.com/politics/justice-department/doj-official-told-gop-ally-big-payouts-coming-jan-6-defendants-rcna343847>.

²³³ *Id.*

made unilaterally, would involve a breach of the Settlement Agreement.²³⁴ Yet, President Trump showed limited understanding of the discussions related to ending the Fund, as evidenced by his statement that he didn't know the status of the Fund and that he'd "have to ask the lawyers."²³⁵ Furthermore, there appears to be no evidence that the other plaintiffs released the Department from their obligation to carry out the agreement to establish the Fund. The fact that Mr. Blanche has admitted that the Department will not comply with those terms but also will not revisit the Settlement Agreement suggests that the agreement itself was not seen as a binding contract between the parties but as a vehicle for using taxpayer funds to create the slush fund. The Department of Justice's refusal to sign a declaration under penalty of perjury that the Fund will not move forward raises further questions about the Department's candor and motivations. If the Department was not planning on moving forward with the Fund, it should be easy for Mr. Blanche and Stanley Woodward to say so in a signed declaration. Yet, Stanley Woodward's response that "We are on it" to Senator Graham's request that the Department find a way to pay off the "victims" of the prior Administration evidences an intent by Department officials to find a way to pay off perceived victims using taxpayer funds.

These statements suggest that the *Department* was colluding with the President to use the Settlement and the litigation to create the Fund. If true, this would suggest that the lawsuit and Settlement Agreement were ultimately a deceptive scheme to allow the Department of Justice to siphon money from the Judgment Fund to pay off politically aligned individuals when no other funds were available. Such a deceptive scheme would clearly violate Rule 8.4(c).²³⁶ Moreover, by creating a conduit through which the Judgment Fund could be used for improper and unlawful purposes, Mr. Blanche assisted the President in engaging in illegal conduct—the attempted use of government funds in violation of statutory limits—in violation of Rule 1.2(d).

Potential Conspiracy to Interfere in Tax Administration

In addition, Mr. Blanche's approval of terms that release President Trump from ongoing tax audits raises profound questions as to whether Mr. Blanche used the AG Order to circumvent the tax code to allow Mr. Trump to avoid liability for allegedly on-going audits of his tax returns. Under Section 7217(a) of the tax code, "[i]t shall be unlawful for any applicable person to request, directly or indirectly, any officer or employee of the Internal Revenue Service to conduct or terminate an audit or other investigation of any particular taxpayer with respect to the tax liability of such taxpayer." The President is considered an "applicable person."²³⁷ Therefore, the President could not lawfully direct the IRS to end an audit of his taxes, those of his family, or his companies. On May 19, Mr. Blanche *alone* signed the AG Order that unilaterally expanded the settlement to prevent the Department of Justice and the IRS from bringing or continuing any tax audits or claims

²³⁴ Daniel Bush, *The end of Trump's 'anti-weaponisation' fund is another sign Republicans are fighting back*, BBC (Jun. 12, 2026), <https://www.bbc.com/news/articles/c87q9d7r57yo>.

²³⁵ Kyla Guilfoil & Raquel Coronell Uribe, *Trump says he's not sure if 'anti-weaponization' fund is dead: 'I'd have to ask the lawyers'*, NBC NEWS (Jun. 3, 2026), <https://www.nbcnews.com/politics/donald-trump/not-sure-anti-weaponization-fund-dead-todd-blanche-doj-rcna348377>.

²³⁶ *Cf. Matter of Ponder*, 252 N.Y.S.3d 75, 77 (App. Div. 2026) (upholding reciprocal disbarment of an Oklahoma attorney for, among other things, filing claims against a defendant under circumstances that "show[ed] plaintiff's claims to be spurious and suggest an attempt to use the FDCPA as some sort of shake-down scheme, rather than a means of rectifying a legitimate injury or of resolving a legitimate dispute").

²³⁷ 26 U.S.C. § 7217(e)(1).

related to the President, the President’s family, or his companies. Unlike the President, the Attorney General is *not* considered an “applicable person.”²³⁸ The circumstances, including that the AG Order was signed solely by the Attorney General and not by the President’s private agents or counsel, raise significant questions about whether Mr. Blanche intended to facilitate the president’s attempt to close these longstanding audits in a way that protected the President from recrimination. As two prominent tax experts recently wrote: “[g]iven the reporting about how the agreement was reached, the circumstances raise substantial questions whether these laws (...) were violated.”²³⁹ By allowing the Department of Justice to be used in a scheme to make an end-run to evade the tax code provisions enacted precisely to prevent executive branch influence over taxpayer audits, Mr. Blanche’s actions would violate Rule 8.4(c) and would deeply prejudice the administration of justice in violation of Rule 8.4(d). Similarly, Mr. Blanche’s global release of any audits of President Trump, his family, the Trump organization suggest that he has “assisted” the President in avoiding the tax laws in violation of Rule 1.2(d).

Mr. Blanche’s Actions were Prejudicial to the Administration of Justice

Rule 8.4(d) prohibits a lawyer from engaging in “conduct that is prejudicial to the administration of justice.” The prohibition is broadly construed and covers any conduct that “results in substantial harm to the justice system” or that is “seriously inconsistent with a lawyer’s responsibility as an officer of the court.”²⁴⁰ Rule 8.4(h) provides that a lawyer shall not “engage in any other conduct that adversely reflects on the lawyer’s fitness as a lawyer.”

As described above, Mr. Blanche’s actions in connection with *President Trump v. I.R.S.* have resulted in serious harm to the justice system and are incompatible with his responsibilities as the chief law enforcement officer for the United States. These actions violated Mr. Blanche’s responsibility to his client and deeply undercut trust in the Department of Justice in violation of Rule 8.4(d). They also raise serious questions about Mr. Blanche’s fitness as a lawyer under Rule 8.4(h).

b. Abuse of Justice Department Authorities to Target Personal and Political Opponents of the President

During Mr. Blanche’s tenure at the Department of Justice there has been an extraordinary emphasis on bringing high-profile investigations and prosecutions against individuals whom the President has expressly singled out for political retribution. Many of these actions followed President Trump’s social media post in September 2025 calling on then-Attorney General Pam Bondi to move quicker in pursuing his enemies:

Pam: I have reviewed over 30 statements and posts saying that, essentially, “same old story as last time, all talk, no action. Nothing is being done. What about Comey, Adam “Shifty” Schiff, Leticia??? They're all guilty as hell, but nothing is going to be done.” Then we almost put in a Democrat supported U.S. Attorney, in Virginia, with a really bad

²³⁸ *Id.* § 7217(e)(2).

²³⁹ Brandon DeBot & Kelsey Merrick, *What Congress Should Do About the President’s Sweetheart Deal in Trump v. IRS*, JUST SECURITY (Jun. 2, 2026), <https://www.justsecurity.org/140939/congress-block-deal-trump-irs/>.

²⁴⁰ Rule 8.4, cmt. 3.

Republican past. A Woke RINO, who was never going to do his job. That's why two of the worst Dem Senators PUSHED him so hard. He even lied to the media and said he quit, and that we had no case. No, I fired him, and there is a GREAT CASE, and many lawyers, and legal pundits, say so. Lindsey Halligan is a really good lawyer, and likes you, a lot. We can't delay any longer, it's killing our reputation and credibility. They impeached me twice, and indicted me (5 times!), OVER NOTHING. JUSTICE MUST BE SERVED, NOW!!!
President DJT²⁴¹

Since being appointed to serve as Acting Attorney General, Mr. Blanche has made it abundantly clear that his primary loyalties lie with President Trump and not with the fair and even-handed administration of justice. This vision was crystallized in his first public remarks as Acting Attorney General, in which he responded to a question about prosecution of President Trump's political enemies by saying "[i]t is true that some of [the Department's cases] involve men, women, and entities that the president has in the past has had issues with and that believe should be investigated. *That is his right and, indeed, it is his duty to do that . . .*"²⁴² Later he explained in reference to a question about firing DOJ attorneys who had investigated President Trump that those dismissals were permissible because "if you were a prosecutor and you were trying to prosecute your boss, you have ethical duties as a lawyer that prevent you from continuing to work in that environment."²⁴³ In the ensuing days, Mr. Blanche ramped up attacks against President Trump's political enemies including indicting former FBI Director James Comey, investigating former CIA Director John Brennan, and indicting the Southern Poverty Law Center.²⁴⁴

As described below, Mr. Blanche's actions as Deputy Attorney General and Acting Attorney General—including the Department's selective prosecution decisions—do not evidence a reasoned, rational, and fair-minded administration of justice that is the product of independent professional judgment. Rather, Mr. Blanche, personally and through subordinate DOJ staff, has continuously used the law enforcement power of the Department of Justice to carry out political retribution against President Trump's perceived foes in violation of his obligations under the New York Rules of Professional Conduct.

1. James Comey

Background

²⁴¹ *United States v. James*, 810 F. Supp. 3d 752, 756 (E.D. Va. 2025).

²⁴² Rebecca Beitsch, *Blanche says only Trump knows why Bondi was fired, defends president's vision for DOJ*, THE HILL (Apr. 7, 2026), <https://thehill.com/homenews/administration/5820066-blanche-bondi-trump-press-conference/> (quoting Blanche) (emphasis added).

²⁴³ *Id.*

²⁴⁴ Marina Dunbar, *Trump v Comey: a timeline of the president and ex-FBI director's feud*, THE GUARDIAN (Apr. 28, 2026), <https://www.theguardian.com/us-news/2025/sep/26/donald-trump-james-comey-timeline-feud>; Eric Tucker, *AP sources: Witnesses subpoenaed to testify before D.C. grand jury in John Brennan investigation*, PBS NEWS (Apr. 20, 2026), <https://www.pbs.org/newshour/politics/ap-sources-witnesses-subpoenaed-to-testify-before-d-c-grand-jury-in-john-brennan-investigation>; Christopher Hardee, *The Politically Motivated Indictment of Southern Poverty Law Center*, LAWFARE (May 8, 2026), <https://www.lawfaremedia.org/article/the-politically-motivated-indictment-of-southern-poverty-law-center>.

President Trump has a longstanding vendetta against Mr. Comey.²⁴⁵ The President fired Mr. Comey in 2017, as a result of his role in investigating Russian interference in the 2016 presidential election.²⁴⁶ When Mr. Comey was called to testify before Congress shortly after being terminated, President Trump called Mr. Comey a “leaker and a liar.”²⁴⁷ Those claims have been rebutted by several investigations, including through a comprehensive review conducted by Special Counsel John Durham.²⁴⁸ In a September 2025 press conference, President Trump said “I can only say that Comey is a bad person. He's a sick person. I think he's a sick guy actually. He did terrible things at the FBI.”²⁴⁹ The same month, President Trump posted on Truth Social urging Attorney General Pam Bondi to bring cases against Comey, Senator Adam Schiff of California, and New York Attorney General Letitia James, saying: “Pam: I have reviewed over 30 statements and posts saying that, essentially, ‘same old story as last time, all talk, no action. Nothing is being done. What about Comey, Adam “Shifty” Schiff, Leticia??’ They’re all guilty as hell, but nothing is going to be done.”²⁵⁰

In September 2025, the Department of Justice brought an indictment against Mr. Comey in the Eastern District of Virginia.²⁵¹ After Mr. Comey’s indictment, President Trump called Mr. Comey “a dirty cop” and a “crooked man.”²⁵² The indictment was eventually dismissed in November 2025 based on the Department’s unlawful appointment of Lindsey Halligan as Interim U.S. Attorney.²⁵³ During the case, however, Judge William Fitzpatrick determined that there were potential issues with DOJ’s procedures before the grand jury, including use of potentially illegally seized attorney-client work product, mischaracterizations of the law by the prosecutors to the grand jury, and improper suggestions by prosecutors that they could rely on evidence that was not before them to determine probable cause.²⁵⁴ As a result, days before dismissing the indictment he issued a memorandum order directing the Department to disclose grand jury materials on the basis that “government misconduct may have tainted the grand jury proceedings.”²⁵⁵

²⁴⁵ Maggie Haberman, *Trump and Comey: An Escalating Conflict with No Off-Ramp*, THE N.Y. TIMES (Sep. 29, 2025), <https://www.nytimes.com/2025/09/29/us/politics/trump-comey-escalating-conflict.html>.

²⁴⁶ Marina Dunbar, *Trump v Comey: a timeline of the president and ex-FBI director's feud*, THE GUARDIAN (Apr. 28, 2026), <https://www.theguardian.com/us-news/2025/sep/26/donald-trump-james-comey-timeline-feud>.

²⁴⁷ Ivan Pereira, *Trump, Comey Had Years of Turmoil Before Former FBI Director's Indictment*, ABC NEWS (Sep. 26, 2025), <https://abcnews.go.com/Politics/back-decade-turmoiltrump-comey/story?id=125970714>.

²⁴⁸ Katherine Faulders, et al., *Ex-special counsel John Durham undercut case against James Comey in interview with prosecutors: Sources*, ABC News (Oct. 6, 2025), <https://abcnews.com/US/special-counsel-john-durham-undercut-case-james-comey/story?id=126164120>.

²⁴⁹ C-SPAN, *President Trump Calls James Comey a "Bad Person"* (Sep. 25, 2025), <https://www.c-span.org/clip/white-house-event/president-trump-calls-james-comey-a-bad-person/5173350>.

²⁵⁰ Donald J. Trump (@realDonaldTrump), Truth Social (Sep. 20, 2025), <https://truthsocial.com/@realDonaldTrump/posts/115239044548033727>.

²⁵¹ Indictment, *U.S. v. Comey*, No. 1:25-cr-272-MSN-WEF (E.D. Va., Sep. 25, 2025), https://storage.courtlistener.com/recap/gov.uscourts.vaed.582136/gov.uscourts.vaed.582136.1.0_18.pdf.

²⁵² Ashleigh Fields, *Donald Trump: Ex-FBI leader James Comey knows 'full well' that '86' is 'mob term for kill'*, THE HILL (Apr. 30, 2026), <https://thehill.com/homenews/administration/5856783-comey-indicted-social-media-threat/>.

²⁵³ Opinion and Order Granting Motion to Dismiss Indictment, *U.S. v. Comey*, No. 1:25-cr-272-MSN-WEF (E.D. Va., Nov. 24, 2025),

https://storage.courtlistener.com/recap/gov.uscourts.vaed.582136/gov.uscourts.vaed.582136.213.0_9.pdf.

²⁵⁴ Memorandum Opinion, *U.S. v. Comey*, No. 1:25-cr-272-MSN-WEF (E.D. Va., Nov. 17, 2025),

<https://storage.courtlistener.com/recap/gov.uscourts.vaed.582136/gov.uscourts.vaed.582136.191.0.pdf>.

²⁵⁵ *Id.* at 1.

On April 28, 2026, the Department of Justice unsealed a two-count indictment against James Comey in the Eastern District of North Carolina. The three-page indictment alleges that:

On or about May 15, 2025, in the Eastern District of North Carolina, the defendant, JAMES BRIEN COMEY JR, did knowingly and willfully make a threat to take the life of, and to inflict bodily harm upon, the President of the United States, in that he publicly posted a photograph on the internet social media site Instagram which depicted seashells arranged in a pattern making out "86 47", which a reasonable recipient who is familiar with the circumstances would interpret as a serious expression of an intent to do harm to the President of the United States.²⁵⁶

The indictment charged Mr. Comey with violating both 18 U.S.C. § 871(a) and § 875(c). Section 871(a) makes it illegal, in relevant part, to “knowingly and willfully” make a “threat to take the life of, to kidnap, or to inflict bodily harm upon the President of the United States.”²⁵⁷ Section 875(c) makes it illegal for any person to transmit “in interstate or foreign commerce any communication containing any threat to kidnap any person or any threat to injure the person of another.”²⁵⁸

The “threat” was a picture of seashells on a beach arranged into the numbers “86 47.” Mr. Comey’s post was accompanied with the caption “Cool shell formation on my beach walk.”²⁵⁹ After critics raised concerns about the post, Mr. Comey removed it from his Instagram account the same day and explained that it was a “political message,” that he “didn’t realize some folks associate those numbers with violence” and that “it never occurred to me but I oppose violence of any kind so I took the post down.”²⁶⁰ Mr. Comey voluntarily met with the Secret Service the day after he removed the post.²⁶¹

Although the indictment was signed by Assistant U.S. Attorney Matthew R. Petracca on behalf of the U.S. Attorney for the Eastern District of North Carolina, W. Ellis Boyle, Acting Attorney General Blanche, along with U.S. Attorney Boyle and FBI Director Kash Patel held a press briefing at the Department of Justice’s Headquarters to announce the indictment.²⁶²

²⁵⁶ Indictment, *U.S. v. Comey*, No. 4:26-CR-16-1-FL (E.D. N.C., Apr. 28, 2026),

https://storage.courtlistener.com/recap/gov.uscourts.nced.227449/gov.uscourts.nced.227449.1.0_12.pdf.

²⁵⁷ 18 U.S.C. § 871(a).

²⁵⁸ 18 U.S.C. § 875(c).

²⁵⁹ Kyle Cheney & Josh Gerstein, *James Comey indicted over 2025 seashell post*, POLITICO (Apr. 28, 2026),

<https://www.politico.com/news/2026/04/28/james-comey-indicted-again-00896579>.

²⁶⁰ James Comey (@comey) Instagram (May 15, 2025), <https://www.instagram.com/p/DJsN4GAPoxY/?hl=en>; Hannah Rabinowitz, et al., *Exclusive: Former FBI Director James Comey indicted over alleged ‘threat’ against Trump*, CNN POLITICS (Apr. 29, 2026), <https://www.cnn.com/2026/04/28/politics/justice-department-indicts-ex-fbi-director-james-comey-again>.

²⁶¹ Sophie Brams, *McCabe on new Comey indictment: DOJ has ‘real work to do’*, THE HILL (Apr. 29, 2026),

<https://thehill.com/regulation/court-battles/5854669-mccabe-slams-comey-indictment/>.

²⁶² Press Release, Department of Justice, *Acting Attorney General Blanche Announces Federal Grand Jury Indicts Former FBI Director James Comey for Threats to Harm President Trump* (Apr. 28, 2026),

<https://www.justice.gov/opa/video/acting-attorney-general-blanche-announces-federal-grand-jury-indicts-former-fbi-director>.

After the indictment, Mr. Blanche admitted that the “86 47” message is “posted constantly” by others but that “[e]very one of those statements do not result in indictments.”²⁶³ And while Mr. Blanche stated that the Department has “evidence of all sorts” and that “this isn’t about a single incident,” the allegations in the indictment are based solely on Mr. Comey’s Instagram post.²⁶⁴

Potential Violations of N.Y. Rules of Professional Responsibility

Mr. Blanche’s personal involvement, oversight, and assistance in the indictment and prosecution of Mr. Comey raises serious questions under the Rules. The decision to prosecute Mr. Comey, one of President Trump’s “political enemies,” on such limited grounds strongly suggests that these indictments were not based on facts and law but intended “merely to harass or maliciously injure” Mr. Comey in violation of Rule 3.1(b)(2). As the Comment to Rule 3.1 explains “The advocate has a duty to use legal procedure for the fullest benefit of the client’s cause, but also a duty not to abuse legal procedure.” The State of New York has brought sanctions against attorneys for filing frivolous claims intended to harass and injure in a variety of scenarios.²⁶⁵ For example, in *In re Bevans*, the Supreme Court for the Third Department of New York upheld the disbarment of an attorney for bringing “wild charges [against sitting judges for conspiracy] which he was unable to support by evidence, followed by vicious and intemperate attacks on all persons he thought were opposed to him or who declined to engage in the crusade with him.”²⁶⁶

Mr. Blanche’s personal and indirect involvement in the indictment and prosecution of Mr. Comey violated Rule 3.1—which precludes a lawyer from bringing a suit that is intended to harass or maliciously injure another—and Rule 5.1(d)(2), which provides that a lawyer is responsible for the violations of a subordinate lawyer when they “individually or together with other lawyers possess comparable managerial responsibility” to a partners in a law firm.

The April 2026 indictment of Mr. Comey failed on both the facts and law. Under Supreme Court and Fourth Circuit case law, the government must show that the arrangement of seashells and the statement “Cool shell formation on my beach walk” were “true threats” to President Trump. As the Supreme Court held in *Watts v. United States*: “a threat must be distinguished from what is constitutionally protected speech.”²⁶⁷ In that case, the Court held that an attendee at a public rally at the Washington Monument did not violate section 871(a) when he said, in reference to being drafted, that “I am not going. If they ever make me carry a rifle, the first man I want to get in my sights is L.B.J.”²⁶⁸ As the Court explained, against the “national commitment to the principle that debate on public issues should be uninhibited, robust, and wideopen” the defendant’s statements were not threats but “a kind of very crude offensive method of stating a political opposition to the

²⁶³ NBC News, Meet the Press (May 3, 2026), <https://www.nbcnews.com/meet-the-press/transcripts/meet-press-may-3-2026-rcna343322>.

²⁶⁴ *Id.*

²⁶⁵ See, e.g. *In re Nash*, 135 A.D.3d 159, 166 (2015); *In re Gurvey*, 102 A.D.3d 197, 198 (2012); *Matter of Belge*, 400 N.Y.S.2d 407 (1977).

²⁶⁶ 225 A.D. 427, 430, 233 N.Y.S. 439, 442 (App. Div. 1929).

²⁶⁷ 394 U.S. 705, 707 (1969).

²⁶⁸ *Id.* at 706.

President.”²⁶⁹ Moreover, under Fourth Circuit precedent, there must have been a “present intention to do injury to the President.”²⁷⁰

Mr. Comey clearly stated that he was not aware that the term “86” was related to violence.²⁷¹ Given that the term is not normally considered to relate to violence, and that Mr. Comey took down the post, any reasonable prosecutor would have determined that his statements were not a “true ‘threat.’”²⁷² Furthermore, it seems clear, a year after the incident, that Mr. Comey did not have a “present intention to do injury to the President” as is required under Fourth Circuit precedent.²⁷³ Notwithstanding Mr. Blanche’s allusions to other evidence that was presented to the grand jury and supposedly compiled over the last year, the indictment is based solely on Mr. Comey’s Instagram post. Given Mr. Comey’s clear statement that he was unaware that the term “86” had any connotation of violence, the indictment simply cannot be squared with the legal requirements of the law.

At the same time, the delay of the indictment for almost a year after the conduct occurred and Mr. Blanche’s statements that the Department of Justice will not be seeking indictments against persons who engage in similar misconduct strongly suggest that Mr. Blanche and the Department of Justice have singled out Mr. Comey and that the claims were brought merely to harass him in violation of Rule 3.1(b)(2). In addition, Mr. Blanche’s apparent use of his public office to personally, and through Department of Justice attorneys, carry out President Trump’s personal vendettas is a subversion of his responsibilities to the American people and “prejudicial to the administration of justice” in violation of Rule 8.4(d).

2. Kilmar Armando Ábrego García

*Background*²⁷⁴

Kilmar Ábrego García is a Salvadoran native who was mistakenly deported in March 2025 by the Trump Administration to the notorious CECOT prison in El Salvador despite an immigration order prohibiting his removal to that country.²⁷⁵ Mr. Ábrego García challenged his removal and on March 31, 2025, the Department of Justice admitted that Ábrego García’s deportation was a result of an administrative error.²⁷⁶ On April 4, 2025, the Department of Justice attorney-of-record on Mr. Ábrego García’s case, Erez Reuveni, truthfully explained to the presiding judge during a

²⁶⁹ *Id.* at 708.

²⁷⁰ *United States v. Patillo*, 438 F.2d 13, 15 (4th Cir. 1971).

²⁷¹ James Comey (@comey) Instagram (May 15, 2025), <https://www.instagram.com/p/DJsN4GAPoxY/?hl=en>.

²⁷² *Watts v. United States*, 394 U.S. at 708.

²⁷³ *United States v. Patillo*, 438 F.2d 13, 15 (4th Cir. 1971).

²⁷⁴ This background provides an abbreviated version of the events surrounding Mr. Ábrego García’s removal, civil suit, and criminal prosecution.

²⁷⁵ Laura Romero, et al., *Timeline: Wrongful deportation of Kilmar Abrego Garcia to El Salvador*, ABC NEWS (May 22, 2026), <https://abcnews.com/US/timeline-wrongful-deportation-kilmar-abrego-garcia-el-salvador/story?id=120803843>.

²⁷⁶ Laura Romero, *ICE admits to an 'administrative error' after Maryland man sent to El Salvador prison*, ABC NEWS (Apr. 1, 2025), <https://abcnews.com/Politics/ice-admits-administrative-error-after-maryland-man-el/story?id=120359991>; Defendant’s Memorandum of Law in Opposition to Plaintiff’s Emergency Motion for Temporary Restraining Order, *Abrego Garcia v. Noem*, No. 8:25-cv-00951 at 3 (D. Md. Mar. 31, 2025), https://storage.courtlistener.com/recap/gov.uscourts.mdd.578815/gov.uscourts.mdd.578815.11.0_2.pdf.

temporary restraining order hearing that “the plaintiff, Ábrego García, should not have been removed.”²⁷⁷ The judge issued an order that same day requiring that the federal government “facilitate” the return of Mr. Ábrego García.²⁷⁸ On April 5, 2025, Mr. Reuveni was placed on administrative leave by Mr. Blanche for failing to “follow a directive from [his] supervisors” and was eventually removed.²⁷⁹

Notwithstanding the judge’s requirement that the Department of Justice facilitate the return of Mr. Ábrego García, the Department continued to take steps to avoid returning Mr. Ábrego García to the United States. On April 13, 2025, the Department of Justice through Deputy Assistant Attorney General Drew Ensign frivolously argued that the judge’s order only required that the Department take steps to “remove any *domestic* obstacles that would otherwise impede the alien’s ability to return here.”²⁸⁰ The Fourth Circuit ruled that reading was incompatible with the judge’s order.²⁸¹ The District Court judge called out the Department of Justice for attempting to twist the facts and provided that the Department was engaging in a “willful and bad faith refusal to comply with discovery obligations.”²⁸²

On June 6, 2025, Mr. Ábrego García was brought back to the United States, after he was charged with conspiracy to traffic undocumented immigrants. At the time, Mr. Blanche explained that the government started “investigating” Ábrego García after “‘a judge in Maryland (...) questioned’ the government’s decision, found that it ‘had no right to deport him,’ and ‘accus[ed] [the government] of doing something wrong.’”²⁸³

Mr. Ábrego García moved to dismiss the criminal charges on the basis that the Department of Justice had engaged in selective and vindictive prosecution.²⁸⁴ On October 3, 2025, presiding Judge Waverly Crenshaw issued a memorandum order finding that Mr. Ábrego García had shown

²⁷⁷ Hamed Aleaziz & Alan Feuer, *How Trump Officials Debated Handling of the Abrego Garcia Case: ‘Keep Him Where He Is’*, *The N.Y. Times* (May 21, 2025), <https://www.nytimes.com/2025/05/21/us/politics/trump-abrego-garcia-el-salvador-deportation.html>.

²⁷⁸ Order Granting Preliminary Injunction, *Abrego Garcia v. Noem*, 8:25-cv-00951 at 2 (D. Md. Apr. 4, 2025), <https://www.courtlistener.com/docket/69777799/21/abrego-garcia-v-noem/>.

²⁷⁹ Protected Whistleblower Disclosure of Erez Reuveni submitted to DOJ’s Inspector General, the Acting Special Counsel, Senator Chuck Grassley and Congressman Jim Jordan (June 24, 2025), <https://static01.nyt.com/newsgraphics/documenttools/e285ec96adf8d443/5868d536-full.pdf>; Glenn Thrush, *Justice Dept. Accuses Top Immigration Lawyer of Failing to Follow Orders*, *THE N.Y. TIMES* (Apr. 5, 2025), <https://www.nytimes.com/2025/04/05/us/politics/justice-dept-immigration-lawyer-leave.html>.

²⁸⁰ Response to Plaintiff’s Motion for Additional Relief, *Abrego Garcia v. Noem*, No. 8:25-cv-00951 at 3 (D Md. Apr. 13, 2025), <https://storage.courtlistener.com/recap/gov.uscourts.mdd.578815/gov.uscourts.mdd.578815.65.0.pdf> (emphasis in original).

²⁸¹ Order, *Abrego Garcia v. Noem*, No. 25-1404 at 3 (4th Cir. Apr. 17, 2025), https://storage.courtlistener.com/recap/gov.uscourts.ca4.178400/gov.uscourts.ca4.178400.8.0_5.pdf.

²⁸² Order, *Abrego Garcia v. Noem*, No. 8:25-cv-00951 at 2 (D. Md. Apr. 22, 2025), https://storage.courtlistener.com/recap/gov.uscourts.mdd.578815/gov.uscourts.mdd.578815.100.0_3.pdf.

²⁸³ Memorandum Opinion, *United States v. Abrego Garcia*, No. 3:25-cr-00115 at 6 (Oct. 3, 2025), https://storage.courtlistener.com/recap/gov.uscourts.tnmd.104622/gov.uscourts.tnmd.104622.138.0_1.pdf (citing FOX NEWS, *Kilmar Abrego Garcia was indicted on 'very serious charges, US deputy attorney general says* (Jun. 6, 2025), <https://www.foxnews.com/video/6373969491112>).

²⁸⁴ Memorandum of Law in Support of Defendant Kilmar Armando Abrego Garcia’s Motion to Dismiss for Vindictive and Selective Prosecution, *United States v. Abrego Garcia*, No. 3:25-cr-00115 (Aug. 19, 2025), https://storage.courtlistener.com/recap/gov.uscourts.tnmd.104622/gov.uscourts.tnmd.104622.105.0_3.pdf.

enough evidence of vindictive prosecution to move forward with discovery. In that order, Judge Crenshaw highlighted that “Deputy Attorney General Blanche’s remarkable statements could directly establish that the motivations for Ábrego’s criminal charges stem from 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.”²⁸⁵ On May 22, 2026, the judge dismissed the indictment against Mr. Ábrego García upon a finding that the Department could not rebut the presumption of vindictive prosecution.²⁸⁶ In his motion dismissing the case, Judge Crenshaw stated that “Blanche started the investigation to implicate Ábrego” and that “Absent Blanche’s tainted investigation [the Department] would not have sought an indictment against Ábrego.”²⁸⁷

Potential Violations of New York Rules of Professional Responsibility

Mr. Blanche’s participation in the Ábrego García case appears to have violated several New York Rules, including Rule 3.1(a).²⁸⁸ As Judge Crenshaw noted, Mr. Blanche’s statements were the direct cause of the indictment of Mr. Ábrego García. The determination by Judge Crenshaw that the government failed to rebut the presumption of vindictiveness, strongly suggests that Mr. Blanche’s actions were taken to “maliciously injure” Mr. Ábrego García. As the court noted, the standard for determining whether a presumption of vindictive prosecution exists arises if the conduct ““would not have been initiated but for vindictiveness.””²⁸⁹ Although the court did not find that there was enough evidence to prove actual vindictiveness, the court recognized that the standard for actual vindictiveness was high and often required “direct evidence or retaliatory motive, such as when the prosecutor openly admitted that he acted vindictively.”²⁹⁰ As Judge Crenshaw explained, “The objective evidence here comes close to establishing that but for Ábrego’s lawsuit, the Government would not have indicted him (...)Blanche’s statements tie Main Justice to the tainted investigation and confirm what motivated it.”²⁹¹ Moreover, Judge Crenshaw explicitly found that “persuasive, credible, objective evidence shows” that the decision to indict Mr. Ábrego Garcia was not “free of influence, pressure, or direction from Mr. Blanche, Main Justice, the White House, or DHS.”²⁹² As the court found “Blanche and [the line prosecutor’s immediate supervisor] presented the evidence to him to charge Ábrego on April 27, such that

²⁸⁵ Memorandum Opinion, *United States v. Abrego Garcia*, No. 3:25-cr-00115 at 7-8 (Oct. 3, 2025), https://storage.courtlistener.com/recap/gov.uscourts.tnmd.104622/gov.uscourts.tnmd.104622.138.0_1.pdf.

²⁸⁶ Memorandum Opinion, *United States v. Abrego Garcia*, No. 3:25-cr-00115 at 31-32 (May 22, 2026), https://storage.courtlistener.com/recap/gov.uscourts.tnmd.104622/gov.uscourts.tnmd.104622.312.0_5.pdf.

²⁸⁷ *Id.* at 26, 32; *cf. Yick Wo v. Hopkins*, 118 U.S. 356, 373-374 (1886) (“Though the law itself be fair on its face and impartial in appearance, yet, if it is applied and administered by public authority with an evil eye and an unequal hand, so as practically to make unjust and illegal discriminations between persons in similar circumstances, material to their rights, the denial of equal justice is still within the prohibition of the constitution”).

²⁸⁸ CfA’s May 2026 provides additional support for the need for an investigation into Mr. Blanche’s conduct in regard to Mr. Ábrego Garcia. See Campaign for Accountability, *Complaint Against Todd Blanche, New York Atty. Regis. No. 4192456* (May 27, 2026), <https://www.documentcloud.org/documents/28166615-todd-blanche-bar-complaint-campaign-for-accountability-2-27-26/>.

²⁸⁹ Memorandum Opinion, *United States v. Abrego Garcia*, No. 3:25-cr-00115 at 13 (May 22, 2026) (citing *United States v. Zakhari*, 85 F.4th 367, 379 (6th Cir. 2023)).

²⁹⁰ *Id.* (citations omitted).

²⁹¹ *Id.* at 14.

²⁹² *Id.* at 27.

McGuire could begin to draft charges on April 29.”²⁹³ Moreover, Mr. Blanche was aware that Mr. Ábrego García had been returned to the United States based on the line attorney’s acknowledgement that “Blanche had called him in May 2025 to congratulate him on Ábrego’s return to the United States.”²⁹⁴ Judge Crenshaw concluded that “[t]he evidence before this Court sadly reflects an abuse of prosecuting power.”²⁹⁵

Furthermore, under both Rule 5.1(d) and Rule 8.4(a), Mr. Blanche was responsible for his subordinates’ roles in vindictively prosecuting Mr. Ábrego García. Rule 5.1, described above, makes a lawyer responsible for a violation of the Rules by another lawyer if he “orders or directs the specific conduct, or with knowledge of the specific conduct, ratifies it” or he holds a position with managerial authority and “knows of such conduct at a time when it could be prevented or its consequences avoided or mitigated but fails to take reasonable remedial action.” Rule 8.4(a) makes a lawyer responsible for any violation of the Rules of Professional Conduct by knowingly assisting or inducing another to do so, or do so through the acts of another. Mr. Blanche as Deputy Attorney General had managerial authority over the Department,²⁹⁶ and is therefore responsible for those unethical actions that he “knows” of.²⁹⁷ Given the high-profile nature of the case, Mr. Blanche’s personal involvement, and his statements regarding Mr. Ábrego García’s return to face criminal charges, his knowledge can be “inferred from the circumstances.”²⁹⁸ Judge Crenshaw determined that Mr. Blanche was fully aware of the vindictive prosecution of Mr. Ábrego García and in fact appears to have taken substantial steps in orchestrating Mr. Ábrego García’s indictment. Mr. Blanche could have stopped the prosecution at any time; he did not. Rather, Mr. Blanche induced the prosecution and continued to support it. As a result, Mr. Blanche is responsible for the vindictive prosecution of Mr. Ábrego García under Rules 5.1(d) and 8.4(a). In addition, Mr. Blanche is also responsible for Deputy Assistant Attorney General Drew Ensign’s frivolous conduct in arguing that the Department did not need to facilitate Mr. Ábrego García’s return to the United States. Further description of the ethical flaws involved in the Ábrego García case are outlined in the complaint filed by Lawyers Defending American Democracy with the D.C. Court of Appeals concerning the conduct of Deputy Assistant Attorney General Drew Ensign.²⁹⁹ Among other things, the complaint describes in detail how Mr. Ensign’s actions violate Rule 3.1 of the D.C. Rules of Professional Conduct.³⁰⁰ As a result, Mr. Blanche is responsible for Mr. Ensign’s frivolous filings under Rules 5.1(d) and 8.4(a).

3. Additional Matters

In addition to the two matters discussed above, Mr. Blanche has overseen or engaged in several additional matters focused on Mr. Trump’s perceived political foes. These include investigations into former C.I.A. Director John Brennan and inquiries into former White House staffer Cassidy

²⁹³ *Id.*

²⁹⁴ *Id.* at 29.

²⁹⁵ *Id.* at 32.

²⁹⁶ N.Y. Comp. Codes R. & Regs. tit. 22, § 1200.5.1(d)(2); 28 U.S.C. § 504; 28 C.F.R. § 0.15.

²⁹⁷ N.Y. Comp. Codes R. & Regs. tit. 22, § 1200.5.1(d)(2).

²⁹⁸ N.Y. Comp. Codes R. & Regs. tit. 22, § 1200.1.0(k).

²⁹⁹ See Lawyers Defending American Democracy, *RE: Ethics Complaint against Drew C. Ensign* (Apr. 7, 2026), <https://ldad.org/wp-content/uploads/2026/04/Drew-Ensign-Complaint-FINAL.pdf>.

³⁰⁰ *Id.*

Hutchinson.³⁰¹ In addition, Mr. Blanche spearheaded the apparent vindictive prosecution of the Southern Poverty Law Center (SPLC).³⁰² In announcing the case, Mr. Blanche falsely and prejudicially stated that SPLC did not share information gleaned from paid informants with law enforcement. Those statements were prejudicial to SPLC. Mr. Blanche later revised those assertions on *Fox News*.³⁰³ The Department also appears to have leaked a copy of the superseding indictment of SPLC that was under seal by sending an unsigned version to news outlets.³⁰⁴ Mr. Blanche's conduct in this matter appears to have violated Rule 3.1 (frivolous claims), Rule 3.6(a) (prohibiting extrajudicial statements that will have a substantial risk of materially prejudicing an adjudicative proceeding) and Rule 8.4(a) and (d).

c. Epstein Files Transparency Act

Background

During his presidential campaign, President Trump indicated that he would release the files related to disgraced financier and child sex offender Jeffrey Epstein.³⁰⁵ Shortly after her confirmation, former Attorney General Pamela Bondi committed to releasing the files.³⁰⁶ However, other than releasing a small number of documents, most of which had been previously released publicly, the Department of Justice took no further action on that commitment.

In the Spring of 2025, the Department of Justice reportedly assigned approximately 1,000 FBI officials to comb through thousands of pages of documents related to Mr. Epstein, purportedly to identify mentions of President Trump's name.³⁰⁷ In May 2025, Mr. Blanche and Ms. Bondi informed President Trump that his name appeared in the Epstein Files.³⁰⁸ In July 2025, in an

³⁰¹ Glenn Thrush, et al., *Todd Blanche Targets Trump's Enemies Amid Jockeying to Lead Justice Dept.*, THE N. Y. TIMES (Apr. 24, 2026), <https://www.nytimes.com/2026/04/24/us/politics/todd-blanche-trump-doj.html>.

³⁰² The Southern Poverty Law Center's Memorandum in Support of its Motion to Dismiss the Indictment for Vindictive Prosecution, *United States v. Southern Poverty Law Center*, No. 2:26-cr-00139 (May 26, 2026), <https://storage.courtlistener.com/recap/gov.uscourts.almd.90264/gov.uscourts.almd.90264.49.1.pdf>.

³⁰³ Response, *United States v. Southern Poverty Law Center*, No. 2:26-cr-00139 at 2 (May 5, 2026), <https://storage.courtlistener.com/recap/gov.uscourts.almd.90264/gov.uscourts.almd.90264.27.0.pdf>.

³⁰⁴ The Southern Poverty Law Center's Motion to Show Cause Regarding the Superseding Indictment, *United States v. Southern Poverty Law Center*, No. 2:26-cr-00139 (Jun. 3, 2026), <https://storage.courtlistener.com/recap/gov.uscourts.almd.90264/gov.uscourts.almd.90264.53.0.pdf>.

³⁰⁵ Stephen Fowler, *With few Epstein files released, conspiracy theories flourish and questions remain*, NPR (Jan. 2, 2026), <https://www.npr.org/2026/01/02/nx-s1-5662638/epstein-files-release-trump-conspiracy-2026>.

³⁰⁶ Press Release, Department of Justice, *Attorney General Pamela Bondi Releases First Phase of Declassified Epstein Files* (Feb. 27, 2025), <https://www.justice.gov/opa/pr/attorney-general-pamela-bondi-releases-first-phase-declassified-epstein-files>.

³⁰⁷ Alexander Bolton, *Durbin: FBI Agents were Told to 'Flag' Epstein Records that Mention Trump*, THE HILL (Jul. 18, 2025), <https://thehill.com/homenews/senate/5409002-trump-epstein-files-ag-bondi-patel-bongino-fbi-agents-durbin-wall-street-journal/>.

³⁰⁸ Sadie Gurman, et al., *Justice Department Told Trump in May that His Name is Among Many in the Epstein Files*, WALL STREET JOURNAL (Jul. 23, 2025), https://www.wsj.com/politics/justice-department-told-trump-name-in-epstein-files-727a8038?mod=hp%20trendingnow%20_article_pos1; Maggie Haberman & Jonathan Swan, *Inside the White House Freakout Over the Epstein Files*, THE N.Y. TIMES (Jun. 10, 2026), <https://www.nytimes.com/2026/06/10/magazine/trump-epstein-files-white-house-vance-doj.html>.

undated and unsigned letter³⁰⁹ later revealed to have been prepared by officials including Mr. Blanche and FBI Director Kash Patel,³¹⁰ the Department of Justice explained that it had done an “exhaustive” and “systematic” review of investigative files and determined that there was no “evidence that could predicate an investigation against uncharged third parties” and “no further disclosure would be appropriate or warranted.”³¹¹ This statement was made, notwithstanding the fact that the Department of Justice later indicated that it had found over a million documents that it had not disclosed earlier.³¹²

According to the *New York Times*, on July 17, 2025, Mr. Blanche met with high-ranking DOJ and White House officials, including Vice President J.D. Vance, White House Chief of Staff Susie Wiles, White House Counsel David Warrington, and Associate Attorney General Stanley Woodward Jr., in the Situation Room to discuss the Administration’s response to pressure they were receiving concerning the Epstein files.³¹³ In that meeting, Vice President Vance suggested that they should ask Tucker Carlson to interview Ghislaine Maxwell, on the basis that it could help President Trump if Ms. Maxwell could state that President Trump was not engaged in illicit activity with Mr. Epstein.³¹⁴ In response, Mr. Blanche suggested that the Department could interview Ms. Maxwell and release the transcript.³¹⁵ Mr. Blanche also suggested that they petition the District Courts in Florida and New York to unseal grand jury transcripts, on the apparent belief that any information released would not be prejudicial to the President, and that if the courts refused to release the documents, it would shift blame away from the Administration.³¹⁶ During that meeting Mr. Blanche raised that Ms. Maxwell might want something in exchange for speaking with the Department. The White House Counsel explained that they could consider a pardon or reduction of sentence.³¹⁷

On July 24, 2025, Mr. Blanche met with Ghislaine Maxwell—Jeffrey Epstein’s longtime girlfriend and accomplice who was serving time for sex trafficking—in prison to discuss matters related to Epstein, including what she knew about President Trump.³¹⁸ It was reported that Ms. Maxwell was provided proffer immunity, meaning that any statements she made during the interview—

³⁰⁹ U.S. Department of Justice & Federal Bureau of Investigations, Memorandum (Undated), <https://www.justice.gov/opa/media/1407001/dl?inline>.

³¹⁰ H. Comm. on Oversight and Gov’t Reform, Interview of Pamela J. Bondi 21 (May 29, 2026), [Final-Bondi-Transcript.pdf](#); Maggie Haberman & Jonathan Swan, *Inside the White House Freakout Over the Epstein Files*, THE N.Y. TIMES (Jun. 10, 2026), <https://www.nytimes.com/2026/06/10/magazine/trump-epstein-files-white-house-vance-doj.html>.

³¹¹ U.S. Department of Justice & Federal Bureau of Investigations, Memorandum (Undated), <https://www.justice.gov/opa/media/1407001/dl?inline>.

³¹² Marshall Cohen, *DOJ says it has found over a million additional documents potentially related to Epstein*, CNN (Dec. 24, 2025), <https://www.cnn.com/2025/12/24/politics/epstein-documents-doj-million>.

³¹³ Maggie Haberman & Jonathan Swan, *Inside the White House Freakout Over the Epstein Files*, THE N.Y. TIMES (Jun. 10, 2026), <https://www.nytimes.com/2026/06/10/magazine/trump-epstein-files-white-house-vance-doj.html>.

³¹⁴ *Id.*

³¹⁵ *Id.*

³¹⁶ *Id.*

³¹⁷ *Id.*

³¹⁸ Eric Tucker, et al., *Justice Dept. official meets with Ghislaine Maxwell, Jeffrey Epstein’s imprisoned former girlfriend*, AP News (Jul. 24, 2025), <https://apnews.com/article/epstein-maxwell-trump-sex-offender-b828f96be4a438edfe8051511be8c5da>.

including false statements—could not later be used against her.³¹⁹ During the interview she was asked to make statements about her relationship with President Trump and what she knew about him. In addition to denying seeing any sexual misconduct by President Trump, Ms. Maxwell gratuitously flattered President Trump, stating “as far as I am concerned, President Trump was always very cordial and very kind to me. And I just want to say that I find—I—I admire his extraordinary achievement in becoming the President now. And I like him, and I’ve always liked him. So that is the sum and substance of my entire relationship with him.”³²⁰

Mr. Blanche reportedly acknowledged that Ms. Maxwell would want something in exchange for the interview in the July 17, 2025, Situation Room meeting.³²¹ After the prison interview, Ms. Maxwell was transferred from a Low-Security Prison to Minimum-Security Prison Camp Bryan (FCP Bryan),³²² in apparent violation of Bureau of Prisons (BOP) policy Program Statement 5100.008 that generally prohibits sex offenders from being housed in minimum-security camps absent a waiver.³²³ Mr. Blanche explained in December 2025 that Ms. Maxwell was moved because of “threats” and that while BOP made the decision “every decision that they make lands on my desk to the extent it needs to,” suggesting his personal involvement in the decision.³²⁴ Meanwhile, whistleblower reports suggest that BOP has provided “favorable concierge-style treatment [to] Ms. Maxwell” while at FPC Bryan.³²⁵ As Democracy Defenders Fund noted in a Freedom of Information Act request filed for records related to the transfer on August 6, 2025, “the arrangement is particularly ripe for coercion and abuse of authority. Maxwell is in prison. She, as any person, would be motivated to take actions that would return her liberty (or at least make her time in prison less unpleasant). Her attorney has expressly stated that she is ‘eager to receive clemency’—something only the President could do.”³²⁶

Not content with the Department’s explanations, members of Congress pushed for greater accountability and eventually Congress passed the Epstein Files Transparency Act (EFTA). The

³¹⁹ Aaron Katersky, et al., *Ghislaine Maxwell received limited immunity during meetings with deputy attorney general; sources*, ABC NEWS (Jul. 25, 2025), <https://abcnews.com/US/deputy-ag-blanche-set-meet-2nd-day-ghislaine/story?id=124064062>.

³²⁰ Interview of Ghislaine Maxwell, EFTA 02846783 at 104-105 (Jul. 24, 2025).

³²¹ Maggie Haberman & Jonathan Swan, *Inside the White House Freakout Over the Epstein Files*, THE N.Y. TIMES (Jun. 10, 2026), <https://www.nytimes.com/2026/06/10/magazine/trump-epstein-files-white-house-vance-doj.html>.

³²² Kaitlan Collins, et al., *Ghislaine Maxwell Moved to Federal Prison Camp in Texas*, CNN (Aug. 1, 2025), <https://www.cnn.com/2025/08/01/politics/ghislaine-maxwell-federal-prison-texas>.

³²³ Department of Justice, Bureau of Prisons, Program Statement § 5100.008, Ch. 5, pp. 8 (Amended May, 2026), https://www.bop.gov/policy/progstat/5100_008_cn-3.pdf. DOJ recently amended Program Statement 5100.008 to provide the Attorney General the authority to unilaterally redesignate prisoners. *Id.* at 1.

³²⁴ Jacob Wendler, *Deputy AG Todd Blanche defends moving Ghislaine to minimum-security prison*, POLITICO (Dec. 21, 2025), <https://www.politico.com/news/2025/12/21/todd-blanche-defends-moving-ghislaine-maxwell-00702240>.

³²⁵ Letter from Representative Jaime Raskin to President Trump at 3 (Nov. 9, 2025), <https://democrats-judiciary.house.gov/sites/evo-subsites/democrats-judiciary.house.gov/files/evo-media-document/2025-11-09-raskin-to-trump-wh-re-maxwell.pdf>.

³²⁶ Letter from Democracy Defenders Fund, Re: Freedom of Information Act Request at 4 (Aug. 6, 2025), https://f7686c0a-15b3-4eab-8987-5b0c0e57f672.filesusr.com/ugd/af2d66_5f3ff649a98d4767b22bfdbe9ce907d2.pdf.

EFTA was passed unanimously in the Senate and by an overwhelming vote of 427-1 in the House of Representatives.³²⁷ On November 19, 2025, President Trump signed the bill into law.³²⁸

Section 2(a) of the EFTA required the Department of Justice to “make publicly available in a searchable and downloadable format all unclassified records” covered by the law “[n]ot later than 30 days after enactment.” The records required to be released by the EFTA included “all unclassified records, documents, communications, and investigative materials” that “relate to”:

- Jeffrey Epstein including all investigations, prosecutions, or custodial matters.
- Ghislaine Maxwell.
- Flight logs or travel records, including but not limited to manifests, itineraries, pilot records, and customs or immigration documentation, for any aircraft, vessel, or vehicle owned, operated, or used by Jeffrey Epstein or any related entity.
- Individuals, including government officials, named or referenced in connection with Epstein’s criminal activities, civil settlements, immunity or plea agreements, or investigatory proceedings.
- Entities (corporate, nonprofit, academic, or governmental) with known or alleged ties to Epstein’s trafficking or financial networks.
- Any immunity deals, non-prosecution agreements, plea bargains, or sealed settlements involving Epstein or his associates.
- Internal DOJ communications, including emails, memos, meeting notes, concerning decisions to charge, not charge, investigate, or decline to investigate Epstein or his associates.
- All communications, memoranda, directives, logs, or metadata concerning the destruction, deletion, alteration, misplacement, or concealment of documents, recordings, or electronic data related to Epstein, his associates, his detention and death, or any investigative files.
- Documentation of Epstein’s detention or death, including incident reports, witness interviews, medical examiner files, autopsy reports, and written records detailing the circumstances and cause of death.³²⁹

The EFTA specified that the responsive records could be redacted or withheld in very limited circumstances. Those circumstances were that the records:

- contain personally identifiable information of victims or victims’ personal and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy
- depict or contain child sexual abuse materials (CSAM) as defined under 18 U.S.C. 2256 and prohibited under 18 U.S.C. 2252–2252A
- would jeopardize an active federal investigation or ongoing prosecution, provided that such withholding is narrowly tailored and temporary
- depict or contain images of death, physical abuse, or injury of any person

³²⁷ Joe Walsh, *Trump signs bill to release Epstein files after it passed House and Senate with overwhelming support*, CBS NEWS (Nov. 19, 2025), <https://www.cbsnews.com/news/trump-says-signed-epstein-files-bill/>.

³²⁸ Epstein Files Transparency Act, Pub. L. 119-38, 139 Stat. 656 (2025).

³²⁹ EFTA § 2(a).

- contain information specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such Executive order.³³⁰

In addition, the EFTA provides that “[n]o record shall be withheld, delayed, or redacted on the basis of embarrassment, reputational harm, or political sensitivity, including to any government official, public figure, or foreign dignitary.”³³¹

The EFTA also establishes two separate reporting requirements. First, Section 2 of the EFTA directs that “[a]ll redactions must be accompanied by a written justification published in the Federal Register and submitted to Congress.”³³² Section 3 of the EFTA provides that “[w]ithin 15 days of completion of the release required under Section 2, the Attorney General shall submit to the House and Senate Committees on the Judiciary a report listing: (1) All categories of records released and withheld. (2) a summary of redactions made, including legal basis; [and] (3) a list of all government officials and politically exposed persons named or referenced in the released materials”.³³³

On December 19, 2026, the statutorily mandated date by which all responsive documents were required to be released, Mr. Blanche appeared on *Fox News* to explain that the Department would not be releasing all the files on time.³³⁴ That same day, Mr. Blanche sent a letter to Congress stating that “today the Department of Justice is producing hundreds of thousands of pages of responsive materials in compliance with the Epstein Files Transparency Act.”³³⁵ The letter explained the process being used, and also indicated that the Department was going to withhold information beyond that permitted by EFTA under a claim of privilege.³³⁶ That evening the Department of Justice released less than 4,000 new files by the statutory deadline.³³⁷ Notwithstanding the small number of documents released and the legal requirement to protect victim information, the Department of Justice released the “unredacted names and dates of birth” of victims along with a “a single document identifying more than 30 victims.”³³⁸

Over the course of the next month, the Department released additional tranches of documents, which were stored on its Epstein Files Library webpage. By early January 2026, the Department had released less than 13,000 new records, far less than the several hundreds of thousands that Mr.

³³⁰ *Id.* § 2(c).

³³¹ *Id.* § 2(b).

³³² *Id.* § 2(c)(2).

³³³ *Id.* § 3 (cleaned up).

³³⁴ Alan Feuer & Michael Gold, *Justice Dept. Won’t Meet Friday Deadline to Release All Epstein Files*, THE N. Y. TIMES (Dec. 19, 2025), <https://www.nytimes.com/2025/12/19/us/politics/epstein-files-deadline.html>.

³³⁵ Letter from Deputy Attorney General Todd Blanche to Congress about Epstein Files Release (Dec. 19, 2025), <https://www.documentcloud.org/documents/26392531-read-the-letter-deputy-attorney-general-todd-blanche-sent-to-congress-about-the-epstein-files-release/>.

³³⁶ *Id.*

³³⁷ Maddy Varner, et al., *Here’s What’s in the DOJ’s Epstein Files Release—and What’s Missing*, WIRED (Dec. 19, 2025), <https://www.wired.com/story/epstein-files-whats-in-doj-release-december-19/>.

³³⁸ Emergency Request for Immediate Judicial Intervention—Epstein Transparency Act, *United States v. Jeffrey Epstein*, No. 1:19-cr-00490 (Feb. 2, 2026), <https://www.courtlistener.com/docket/15887813/102/united-states-v-epstein/>.

Blanche initially promised.³³⁹ Around the same time the Department indicated that it was reviewing more than 5 million pages of files.³⁴⁰

In mid-January 2026, Democracy Defenders Fund identified that the Department of Justice was surreptitiously taking documents out of the Epstein Files Library and at times imposing additional redactions on files without any indication of why those redactions were being made and without any apparent form of audit trail.³⁴¹ To date, the Department has not provided individualized explanations of why documents were removed or further redacted.

On January 30, 2026, Mr. Blanche held a press conference in which he announced that the Department was releasing more than three million pages of responsive records. At that conference, Mr. Blanche stated that “[t]oday’s release marks the end of a very comprehensive document identification and review process to ensure transparency to the American people and compliance with the act.”³⁴² That same day, Mr. Blanche sent a letter to Congress describing the production.³⁴³ That letter explained, among other things, that they had reviewed more than six million documents and retained some 200,000 based on privilege.³⁴⁴ Mr. Blanche’s letter concluded that the production “marks the Department’s compliance with its production obligations under the Act.”³⁴⁵

Notwithstanding the substantial delay in producing documents well after the statutory deadline, purportedly to apply appropriate redactions, the Department released hundreds of documents that included the victim information of “nearly 100 individual survivors whose lives have been turned upside down” in what has been described as “the single most egregious violation of victim privacy in one day in United States history.”³⁴⁶ As the *New York Times* reported, the Department of Justice released dozens of unredacted nude images, including potential underage women.³⁴⁷ As a result, the Department of Justice was required to take down thousands of documents from its website.³⁴⁸

In addition, Mr. Blanche explained in the January 30th letter that the review was focused on “five primary sources”: “(1) the Florida and New York cases against Epstein; (2) the New York case against Maxwell; (3) the New York cases investigating Epstein’s death; (4) the Florida case

³³⁹ Letter from U.S. Attorney Jay Clayton, *U.S. v. Maxwell*, No. 1:20-cr-00330 (S.D. N.Y. Jan. 5, 2026), <https://storage.courtlistener.com/recap/gov.uscourts.nysd.539612/gov.uscourts.nysd.539612.826.0.pdf>.

³⁴⁰ Devlin Barrett, *Justice Dept. Is Now Said to Be Reviewing 5.2 Million Pages of Epstein Files*, THE N.Y. TIMES (Dec. 30, 2025), <https://www.nytimes.com/2025/12/30/us/politics/epstein-files-5-million-pages.html>.

³⁴¹ Letter from Democracy Defenders Fund to Don R. Berthiaume, Acting Inspector General, Department of Justice (Jan. 23, 2026), https://dea5edf3-e27d-4adc-a42a-b9c082bc3167.usrfiles.com/ugd/dea5ed_8e9c4ab913854ce0a87573bc3fd70db3.pdf.

³⁴² YouTube, Deputy AG Todd Blanche details release of additional Epstein Files, MS NOW (Jan. 30, 2026), <http://www.youtube.com/watch?v=jL5F4qmQlvM&t=87s>.

³⁴³ Letter from Deputy Attorney General Todd Blanche, Re: Epstein Files Transparency Act – Production of Department Materials (Jan. 30, 2026), <https://www.justice.gov/opa/media/1426091/dl>.

³⁴⁴ *Id.*

³⁴⁵ *Id.* at 1.

³⁴⁶ Emergency Request for Immediate Judicial Intervention–Epstein Transparency Act, *United States v. Jeffrey Epstein*, No. 1:19-cr-00490 (Feb. 2, 2026), <https://www.courtlistener.com/docket/15887813/102/united-states-v-epstein/>.

³⁴⁷ Mike Baker & Julie Tate, *The Government Published Dozens of Nude Photos in Epstein Files*, THE N.Y. TIMES (Feb. 1, 2026), <https://www.nytimes.com/2026/02/01/us/nude-photos-epstein-files.html>.

³⁴⁸ Jessica Rawnsley, *Thousands of Epstein documents taken down after victims identified*, BBC (Feb. 4, 2026), <https://www.bbc.com/news/articles/cn0k65pnxjxo>.

investigating a former butler of Epstein; and (5) multiple FBI investigations; and (6) the Office of Inspector General investigation into Epstein's deal.”³⁴⁹ As Democracy Defenders Fund explained in a letter to the Department of Justice’s Office of Inspector General “[i]f true, the scope of review undertaken by the Department would be substantially more limited than what is required under the EFTA.”³⁵⁰ That is because “the EFTA was expressly not limited to investigative or case materials.”³⁵¹ Among documents that would not have fit within the scope of the Department’s review include records of communications from and between former Attorney General Bondi, Mr. Blanche, and FBI Director Patel.³⁵² Likewise, not included in that scope would be documents related to Ms. Maxwell’s transfer from a low-security prison to a minimum security camp after Mr. Blanche met with Ms. Maxwell in prison, in apparent violation of Bureau of Prison’s policies.

In January 2026, Mr. Blanche issued an updated Attorney Review Protocol for Epstein Files that explained how DOJ attorneys were to review Epstein documents.³⁵³ The Review Protocol advised attorneys on how to “tag” documents in the Department’s review platform. These included tags for “responsive” or “non-responsive” as well as “duplicate” “error” or “foreign language.”³⁵⁴ Furthermore, for all responsive documents, attorneys were instructed to apply a “content tag” for certain categories of records and to add in “Freeform Codes” to include additional information on redactions.³⁵⁵ In addition, the Review Protocol provided in a section titled “Privacy Act Redactions” that attorneys should remove all personal identifying information, including “Names of Government employees” and “email addresses.”³⁵⁶

On February 14, 2026, Mr. Blanche sent a letter to Congress to comply with Section 3 of the EFTA.³⁵⁷ That letter, which was six pages long, provided a conclusory explanation of the categories of information withheld and the legal basis by essentially parroting the statute and stating that the Department had removed documents deemed to be covered by “deliberative-process privilege, work-product privilege, and attorney-client privilege.”³⁵⁸ In addition, the letter set out the names of 305 individuals deemed to be “politically exposed persons.” In addition to notable government officials, the letter sets out dozens of celebrities, actors, comedians, and musicians, including some who have been dead for decades, such as Elvis Presley and Kurt Cobain.³⁵⁹ As Mr. Blanche explained in the letter, because the EFTA did not provide a definition of “politically exposed person” the Department simply instructed reviewers to “notate” any person

³⁴⁹ Letter from Deputy Attorney General Todd Blanche, Re: Epstein Files Transparency Act – Production of Department Materials (Jan. 30, 2026), <https://www.justice.gov/opa/media/1426091/dl>.

³⁵⁰ Letter from Democracy Defenders Fund to Don R. Berthiaume, Acting Inspector General at 2 (Feb. 6, 2026), https://f7686c0a-15b3-4eab-8987-5b0c0e57f672.filesusr.com/ugd/f9c23f_dc27c236acad4153ad6cc7e7d77e6d73.pdf.

³⁵¹ *Id.* at 2.

³⁵² *Id.* at 4.

³⁵³ Memorandum from the Deputy Attorney General, Attorney Review Protocol for Epstein Files (Jan. 4, 2026), <https://www.justice.gov/media/1426281/dl?inline>.

³⁵⁴ *Id.* at 3.

³⁵⁵ *Id.* at 4.

³⁵⁶ *Id.* at 8.

³⁵⁷ Letter from Deputy Attorney General Todd Blanche, Re: Epstein Files Transparency Act – Section 3 Report to Congress (Feb. 14, 2026), <https://www.documentcloud.org/documents/27061014-efta-final-letter/>.

³⁵⁸ *Id.* at 2.

³⁵⁹ *Id.* at 4.

they considered to meet that criteria.³⁶⁰ At the same time, notwithstanding that there was no exemption to remove the names of any persons, the Department indicated that “[i]ndividuals whose names were redacted for law-enforcement sensitive purposes are not included.”³⁶¹

After Mr. Blanche’s “final” statement on the Epstein files, NPR identified over 50 pages of FBI interviews that were not disclosed³⁶² including three FBI interviews with a woman who claimed that President Trump sexually abused her when she was a minor.³⁶³

There has been ongoing bipartisan concern about the Department of Justice’s compliance with the EFTA.³⁶⁴ Among the principal concerns are that the Department has:

- illegally withheld entire documents and has over-redacted others, including removing the names of government officials and individuals who were not victims of Mr. Epstein;
- released victims’ personal identifying information, including their names and birthdates;
- released nude photos of potential victims, including those who may have been underage;
- refused to issue a written justification in the Federal Register and submit it to Congress describing each individual redaction, as is required by section 2 of the EFTA;
- surreptitiously amended and re-redacted previously released documents without properly identifying those records as being amended.³⁶⁵

On April 23, 2026, in response to this widespread criticism of the Department of Justice’s actions, the Department of Justice’s Office of Inspector General opened an audit into the Department’s compliance with the EFTA to assess “(1) the DOJ’s identification, collection, and production of responsive material; (2) DOJ guidance and processes for redacting and withholding material consistent with the requirements enumerated in the Act; and (3) DOJ’s processes for addressing post-release publication concerns.”³⁶⁶

³⁶⁰ *Id.* at 3.

³⁶¹ *Id.*

³⁶² Stephen Fowler, *DOJ removed, withheld Epstein files related to accusations about Trump*, NPR (Feb. 24, 2026), <https://www.npr.org/2026/02/24/nx-s1-5723968/epstein-files-trump-accusation-maxwell>.

³⁶³ Stephen Fowler & Saige Miller, *Justice Department publishes some missing Epstein files related to Trump*, NPR (Mar. 6, 2026), <https://www.npr.org/2026/03/05/nx-s1-5737562/justice-department-missing-epstein-files-trump>.

³⁶⁴ *See, e.g.* Letter from Representative Garcia, Ranking Member, Committee on Oversight and Government Reform to Chairman James Comer (Jun. 2, 2026), <https://oversightdemocrats.house.gov/imo/media/doc/2026-06-02garcialettertocomerreblanche1.pdf>; Letter from Representative Comer, Chairman of the Committee on Oversight and Government Reform to Attorney General Bondi (Mar. 17, 2026), <https://oversight.house.gov/wp-content/uploads/2026/03/03.17.2026-Subpoena-Cover-Letter-Bondi-FINAL.pdf>; Letter from Senators Merkley, Lujan, Murkowski, and Durbin to Acting Comptroller General Orice Williams Brown (Mar. 11, 2026), <https://www.merkley.senate.gov/wp-content/uploads/GAO-Epstein-Files-Redactions-Review-Letter.pdf>.

³⁶⁵ *See, e.g.* Emergency Request for Immediate Judicial Intervention–Epstein Transparency Act, *United States v. Jeffrey Epstein*, No. 1:19-cr-00490 (Feb. 2, 2026), <https://www.courtlistener.com/docket/15887813/102/united-states-v-epstein/>; Letter from Democracy Defenders Fund to Don R. Berthiaume, Acting Inspector General (Jan. 7, 2026), https://fb1cd5ab-5a51-475c-87d1-10904a61146d.usrfiles.com/ugd/fb1cd5_85d27291e5db4cac824dc487793834f0.pdf; Letter from Democracy Defenders Fund to Don R. Berthiaume, Acting Inspector General (Jan. 23, 2026), https://dea5edf3-e27d-4adc-a42a-b9c082bc3167.usrfiles.com/ugd/dea5ed_8e9c4ab913854ce0a87573bc3fd70db3.pdf.

³⁶⁶ Press Release, U.S. Department of Justice Office of Inspector General, *Audit of the Department of Justice’s Compliance with the Epstein Files Transparency Act* (Apr. 23, 2026), <https://oig.justice.gov/ongoing-work/audit-department-justices-compliance-epstein-files-transparency-act>.

1. Potential Violations of New York Rules of Professional Conduct

Mr. Blanche was central to the Department’s response to the EFTA. As former Attorney General Pamela Bondi confirmed during an interview with the House Committee on Oversight and Government Reform on May 29, 2026, Mr. Blanche “was leading the Epstein matter and the release of everything from the beginning.”³⁶⁷ She emphasized that she had “delegated th[e] oversight over this process to Deputy Attorney General Todd Blanche.”³⁶⁸ Mr. Blanche also purportedly oversaw the work of hundreds of attorneys and non-attorneys involved in processing Epstein-related files.³⁶⁹

Notwithstanding the importance of the matter, both to a near unanimous Congress but also to the hundreds of victims of Mr. Epstein, Mr. Blanche failed to ensure that the Department competently and diligently reviewed and released the information required under the EFTA, limited redactions to only what is permitted by law, notified the public of those redactions, and prevented the release of victim information, in violation of his ethical obligations under Rules 1.1, 1.3, 5.1, 5.3, and 8.4. It also shows that he failed to take reasonable efforts to ensure that subordinate attorneys and non-attorneys who were conducting the searches of the Epstein files complied with the law and their responsibility to act competently and diligently pursuant to Rules 5.1 and 5.3. Moreover, Mr. Blanche’s communications and actions suggest that he may have been motivated to end inquiries into the Epstein files to protect Mr. Trump and himself in violation of his duty of loyalty to the United States. Finally, several statements that Mr. Blanche made appear to have been, at a minimum, mischaracterizations or perhaps even outright dishonest in violation of Rule 8.4(c).

i. Competence and Diligence

Failure to Timely Comply with Disclosure Requirements

Under Mr. Blanche’s oversight, the Department has systematically and repeatedly failed to comply with the EFTA’s timelines. That failure began when the Department, under Mr. Blanche’s watch, failed to produce all documents on December 19, 2025, as the law required. This delayed release occurred notwithstanding the fact that the Department, through the unsigned June 2025 statement, previously explained that it had done an exhaustive search of the Epstein files and reportedly had more than 1,000 FBI agents already review the Epstein files. Yet on the compliance date the Department released only a tiny sliver of responsive documents. It eventually took more than a month for the Department to make its final production.

Unlawful Withholding and Redacting of Documents

³⁶⁷ H. Comm. on Oversight and Gov’t Reform, Interview of Pamela J. Bondi at 23 (May 29, 2026), [Final-Bondi-Transcript.pdf](#).

³⁶⁸ *Id.* at 11.

³⁶⁹ Katherine Faulders & Alexander Mallin, *DOJ seeks to enlist 400 attorneys to review more than 5M pages of Epstein records*; *Sources*, ABC News (Dec. 31, 2025), <https://abcnews.com/Politics/doj-seeks-enlist-400-attorneys-review-5m-pages/story?id=128809409>; U.S. Department of Justice and Federal Bureau of Investigations, Memorandum (Undated), <https://www.justice.gov/opa/media/1407001/dl?inline> (“Teams of agents, analysts, attorneys, and privacy and civil liberties experts combed through the digital and documentary evidence with the aim of providing as much information as possible to the public while simultaneously protecting victims”).

The Department appears to have withheld more than two million pages of documents and has heavily redacted other documents. These redactions included information about government officials as well as the identities of potential abusers and accomplices of Mr. Epstein.³⁷⁰ Although the Department unredacted a small number of files after being pushed by members of Congress,³⁷¹ these files should never have been redacted in the first instance. Some of the most egregious over-redactions were catalogued in part by the plaintiff in *Phang v. Blanche*,³⁷² —a lawsuit brought by journalist and attorney Katie Phang to force the Department to comply with the EFTA—who identified that, *inter alia*, the Department redacted:

- a. The identities, in a draft indictment, of people who allegedly conspired with Epstein to “persuade, induce, and entice individuals who had not attained the age of 18 years to engage in prostitution.”
- b. The identity of the person who wrote to Epstein in 2014, “Thank you for a fun night... Your littlest girl was a little naughty.”
- c. The identity of the person who wrote to Epstein in 2017 that, “I met [REDACTED] today. She is like Lolita from Nabokov , femme miniature... So now I should send you her type of candidates only?”
- d. The identity of the person who wrote to Epstein in 2018 that “I found at least 3 very good young poor but we was so tired” and that “Meet this one, not the beauty queen but we both likes her a lot.”
- e. The identity of the person who wrote to Epstein in 2013 that “New Brazilian just arrived, sexy and cute, 19yo.”
- f. The identity of the person to whom Epstein wrote in 2009, “where are you? are you ok I loved the torture video.”³⁷³

The Department had no legal basis to redact this information, and in doing so violated the clear requirement of the EFTA to release “all” responsive documents and to redact only information explicitly permitted under Section 2(c)(1) of the Act. Given the very narrow categories for redaction, this information should clearly have been released. However, the Attorney Review Protocol released by Mr. Blanche’s office provided that attorneys should remove all personal identifying information, including “Names of Government employees” and “Email addresses.”³⁷⁴ These redactions were purportedly made under the Privacy Act, but as Democracy Defenders Fund explained in its letter requesting an audit of the EFTA, even:

assuming some of the documents required to be released under the EFTA may be covered by the Privacy Act, 5 U.S.C. § 552a, that Act would not preclude the

³⁷⁰ Joe Walsh & Jacob Rosen, *Rep. Khanna names 6 men he says were redacted from Epstein files for "no apparent reason"; DOJ says some had no Epstein ties*, CBS News (Feb. 13, 2026), <https://www.cbsnews.com/news/massie-khanna-epstein-files-6-men/>.

³⁷¹ Max Rego, *DOJ unredacts more names from Epstein files after pressure*, THE HILL (Feb. 10, 2026), <https://thehill.com/homenews/administration/5731080-doj-unredacts-epstein-files/>.

³⁷² Complaint, *Phang v. Blanche*, No. 1:26-cv-01417 (Apr. 27, 2026), <https://storage.courtlistener.com/recap/gov.uscourts.dcd.291779/gov.uscourts.dcd.291779.1.0.pdf>.

³⁷³ *Id.* at 7.

³⁷⁴ Memorandum from the Deputy Attorney General, Attorney Review Protocol for Epstein Files (Jan. 4, 2026), <https://www.justice.gov/media/1426281/dl?inline>.

disclosure of information that is required to be disclosed by law. As an initial matter, much of the information is already covered by express routine uses. For example, the FBI has promulgated a blanket-wide routine use that applies to all records it controls that permits disclosure of any information “mandated by Federal statutes or treaty.” In addition, it is a settled principle of statutory construction that where there is a conflict between statutes, a later-in-time more specific enactment governs. Given the express requirements to release the documents in question under the EFTA, failure to release any documents on the basis that they are covered by section 2(a) cannot be based on withholding under the Privacy Act.³⁷⁵

These over-redactions suggest on one hand a failure to competently comply with the disclosure requirements of the EFTA in violation of Rule 1.1, and on the other hand “raise[] substantial questions about whether [Mr. Blanche and the Department] are willfully and intentionally precluding the release of information that would be embarrassing to the Department or that would be politically sensitive, in violation of EFTA § 2(b).”³⁷⁶

Release of Sensitive Victim Information

Notwithstanding Congress’s clear direction to the Department to protect victim information, and the Department’s frequent statements that it has taken every step to protect victims, including Mr. Blanche’s statement that “to protect victims we redacted every woman depicted in any image or video,”³⁷⁷ the Department released identifying information of nearly 100 victims and dozens of nude photos. These redaction issues are not mere technical matters; by releasing the names of victims, the Department re-traumatized survivors. Several victims were quoted in *Ms. Magazine* explaining how the release, which some called “careless”, and others claimed might have been “deliberate” affected them.³⁷⁸ As one victim stated:

I just right now don’t believe that the leadership at the DOJ had any intention of following through with what they told us over and over. There was so much lip

³⁷⁵ Letter from Democracy Defenders Fund to Don R. Berthiaume, Acting Inspector General (Jan. 7, 2026), https://fb1cd5ab-5a51-475c-87d1-10904a61146d.usrfiles.com/ugd/fb1cd5_85d27291e5db4cac824dc487793834f0.pdf. This point has been made in several Freedom of Information Act cases where documents were required to be disclosed under the FOIA. In those cases, courts have consistently held that the requirement to disclose overcomes the Privacy Act. *See News-Press v. DHS*, 489 F.3d 1173, 1189 (11th Cir. 2007) (“[W]here the FOIA requires disclosure, the Privacy Act will not stand in its way, but where the FOIA would permit withholding under an exemption, the Privacy Act makes such withholding mandatory upon the agency.”); *Burwell v. EOUSA*, 210 F. Supp. 3d 33, 36 (D.D.C. 2016) (“Privacy Act specifically exempts from its nondisclosure provisions documents that are otherwise required to be disclosed under the FOIA, see 5 U.S.C. §552a(b)(2), and EOUSA processed plaintiff’s request under the FOIA.”); *Sikes v. United States*, 987 F. Supp. 2d 1355, 1372 n.14 (S.D. Ga. 2013) (“The FOIA requires disclosure in this case, and consequently the Privacy Act will not bar disclosure”).

³⁷⁶ Letter from Democracy Defenders Fund to Don R. Berthiaume, Acting Inspector General at 7 (Jan. 7, 2026), https://fb1cd5ab-5a51-475c-87d1-10904a61146d.usrfiles.com/ugd/fb1cd5_85d27291e5db4cac824dc487793834f0.pdf.

³⁷⁷ Press Conference, Deputy Attorney General Todd Blanche announces release of more Epstein files, PBS NEWS (Jan. 30, 2026), <https://www.youtube.com/watch?v=1NUjZKNMTI0>.

³⁷⁸ Roxanne Szal & Ava Slocum, *‘We Will Not Be Sidelined Again’: Survivors Respond After DOJ Releases Epstein Files With Unredacted Names and Personal Details*, MS. MAGAZINE (Feb. 5, 2026), <https://msmagazine.com/2026/02/05/survivor-reactions-epstein-files-redactions/>.

service from this administration about protecting victims. But when you know there's been ... nude images of potentially girls and young women included completely unredacted, and you see entire lists of victims that are completely unredacted, it's hard to believe this was anything other than intentional.

I found my own date of birth, my own phone number. But I was also really disturbed to see evidence of names of people that I knew did not want to be public included—and intimate details of people's lives that did not need to be included.

When something is out there in a digital way, they can take it down. But as we know, the damage has been done.

Reuters recently spoke to more than 23 survivors who recounted receiving threats ranging from threats on their lives—often explicit and disturbing—to attacks on their character.³⁷⁹ The survivors described immense impacts on their lives, from having to move homes to sleeping with a gun.³⁸⁰ Mr. Blanche acknowledged that these disclosures were “horrible” and “inexcusable” but stated “[s]ometimes it was genuine mistakes and that’s human, and that doesn’t make it right. I’m not excusing that, but you’re talking about less than 1% by the way, as far as we know it’s fixed.”³⁸¹ Although Mr. Blanche has stated that the Department removed personally identifiable information about victims “the second” it was reported, it appears that information was sometimes left up for days or even months after being flagged.³⁸²

The release of victim information has had a devastating impact on the lives of survivors. This is particularly troubling given the sensitivity of the information, Congress’s express requirement that the information be protected, and the Department’s expressed focus on protecting victims. Moreover, the failure to protect this information likely violated Mr. Blanche and his subordinates’ responsibilities to protect the disclosure of personally identifiable information under the Privacy Act, 5 U.S.C. § 552a. Unlike information that Congress has expressly provided must be disclosed under the EFTA, information that is protected from disclosure under the EFTA is also protected from disclosure under the Privacy Act.³⁸³ Overall, the Department has taken down thousands of files that included victim information.³⁸⁴ By permitting the release of victim information in violation of the EFTA, Mr. Blanche failed to exercise the duty of care and diligence expected under Rules 1.1 and 1.3. Moreover, as the primary supervisor of the Epstein files response, Mr. Blanche

³⁷⁹ Mike Spector & Linda So, *Epstein abused them. The Justice Department exposed them. Now they're under attack by haters*, REUTERS (Jun. 8, 2026), <https://www.reuters.com/investigations/epstein-abused-them-justice-department-exposed-them-now-theyre-under-attack-by-2026-06-08/>.

³⁸⁰ *Id.*

³⁸¹ Laura Jarrett, et al., *Todd Blanche says it was 'horrible' Epstein victims' details were made public*, NBC NEWS (Apr. 14, 2026), <https://www.nbcnews.com/politics/justice-department/todd-blanche-says-horrified-epstein-victims-details-made-public-rcna331788>.

³⁸² Mike Spector & Linda So, *Epstein abused them. The Justice Department exposed them. Now they're under attack by haters*, REUTERS (Jun. 8, 2026), <https://www.reuters.com/investigations/epstein-abused-them-justice-department-exposed-them-now-theyre-under-attack-by-2026-06-08/>.

³⁸³ See 5 U.S.C. § 552a(b) (generally precluding release of Privacy Act covered records unless an exception applies); *U.S. Dep't of Def. v. Fed. Lab. Rels. Auth.*, 510 U.S. 487, 494 (1994) (holding that where FOIA doesn't require release of documents, the agency is prohibited from releasing them under the Privacy Act).

³⁸⁴ Jessica Rawnsley, *Thousands of Epstein Documents taken down after victims identified*, BBC (Feb 4, 2026), <https://www.bbc.com/news/articles/cn0k65pnxjxo>.

failed to adequately supervise the attorneys and non-attorneys reviewing the files and to ensure that they did so competently and diligently as is required under Rules 5.1 and 5.3.

Careless and Inconsistent Redactions and Removal of Documents

In addition to what appear to be intentional over-redaction and failure to protect against the release of victim information, the Department's release of files under the EFTA was marked by careless and inconsistent redactions, even in violation of the Department's own overly permissive guidelines. For example, the Department released a version of a conversation between Jeffrey Epstein and a third party that redacted *Epstein's* name.³⁸⁵ As *NPR* noted in February, "[c]ountless duplicate copies of email threads, investigative files and correspondence are spread throughout the database, sometimes with different levels of redactions applied."³⁸⁶ Moreover, as reported by *NPR* there were at least 53 pages of documents that were not released, as identified by their Bates numbering.³⁸⁷ Of these were three FBI transcript interviews of an alleged victim of sexual abuse by Mr. Trump. The Department advised that these documents might have been tagged as duplicate documents.³⁸⁸ And although the Attorney Review Protocol provides for identifying and removing duplicate documents, the Department clearly has applied the protocol inconsistently given that the files include dozens of duplicate documents.

It is estimated that the Department has been forced to take down tens of thousands of pages for post-release review. In March, more than a month after the Department's "final" release, the Department acknowledged that 47,635 files were offline for review.³⁸⁹ This process of surreptitiously clawing back thousands of documents raises serious questions about whether the Department appropriately reviewed these documents initially. Moreover, the Department has failed to be candid about the process it is using to identify and re-review documents, when and why it makes additional redactions, or provided any form of notice or audit-trail to even identify which documents have been modified. Where the Department failed to appropriately redact victim or other EFTA-restricted information, the need to re-redact raises questions of competence and diligence. Where the re-redactions were to remove information that is not expressly covered by the EFTA, it raises a more profound question as to whether attorneys under Mr. Blanche's supervision were intentionally removing information that was legally required to be available to the public.

Mr. Blanche had managerial authority over the process utilized by the Department to review Epstein-related files. His office issued the Attorney Review Protocol, which described the process

³⁸⁵ EFTA01614888; David Enrich, et al., *After Trump Split, Epstein Said He Could 'Take Him Down'*, THE N.Y. TIMES (Nov. 12, 2025) <https://www.nytimes.com/2025/11/12/us/epstein-emails-trump.html>.

³⁸⁶ Stephen Fowler & Jaclyn Diaz, *Powerful people, random redactions: 4 things to know about the latest Epstein files*, *NPR* (Feb. 3, 2026), <https://www.npr.org/2026/02/03/nx-s1-5696975/what-to-know-epstein-files-latest>.

³⁸⁷ Stephen Fowler, *Justice Department withheld and removed some Epstein files related to Trump*, *NPR* (Feb. 24, 2026), <https://www.npr.org/2026/02/24/nx-s1-5723968/epstein-files-trump-accusation-maxwell>.

³⁸⁸ Stephen Fowler & Saige Miller, *Justice Department publishes some missing Epstein files related to Trump*, *NPR* (Mar. 6, 2026), <https://www.npr.org/2026/03/05/nx-s1-5737562/justice-department-missing-epstein-files-trump>.

³⁸⁹ Sadie Gurman & Caitlin Ostroff, *There are 47,635 Epstein Files Offline for Review, DOJ Says*, WALL STREET JOURNAL (Mar. 3, 2026), <https://www.wsj.com/us-news/law/there-are-47-635-epstein-files-offline-for-review-doj-says-bf2b31fe>; Elliot Ramos, et al., *The DOJ has been taking down Epstein files. Here's what remains.*, CBS NEWS (Mar. 3, 2026), <https://www.cbsnews.com/projects/2026/epstein-files/>.

that was to be used to review Epstein documents. As the central leader for the Department's response, his failure to ensure that subordinates competently and diligently reviewed and redacted files violated his responsibilities under Rule 5.1(d)(2).

Failure to Publish Justification of Redactions as Required by Law

Section 2(c) of the EFTA clearly provides that “[a]ll redactions must be accompanied by a written justification published in the Federal Register and submitted to Congress.”³⁹⁰ The Department redacted hundreds of pages of documents, some of which were completely blacked out.³⁹¹ In addition, Mr. Blanche has acknowledged that the Department withheld almost 3 million pages of potentially responsive documents. Yet, almost six months after the first documents were released under the EFTA and more than four months after the final release of documents, Mr. Blanche and the Department have filed *no* justifications in the Federal Register. By simply ignoring a legal requirement, Mr. Blanche has violated his responsibilities of care and diligence under Rules 1.1 and 1.3.

ii. Conflicts of Interest

As noted above, Mr. Blanche's personal loyalty to President Trump raises serious questions about his ability to competently and diligently represent the United States in matters directly affecting President Trump's personal interests. This concern is particularly acute in relation to the release of the Epstein files, which involve several allegations of misconduct by President Trump. This personal loyalty conflict manifested itself in the July 17, 2026, Situation Room meeting in which it appears that Mr. Blanche suggested that instead of having Tucker Carlson interview Ms. Maxwell, he could conduct the interview and that he was willing to seek grand jury materials, anticipating the request to be fatal, for the purpose of shifting blame away from the Administration and on to the courts for not disclosing Epstein materials.³⁹² These actions suggest that Mr. Blanche was more focused on protecting President Trump than he was on impartially and diligently carrying out the law enforcement responsibilities of the United States in violation of Rule 1.7.

Furthermore, Mr. Blanche has a personal stake in the production of documents under the EFTA. Mr. Blanche served as the final decision-maker on whether documents were deemed responsive to the EFTA. As the key decision-maker, Mr. Blanche was in a position to hide records related to his own conduct. Documents concerning Mr. Blanche's communications about Mr. Epstein and Ms. Maxwell, his interview of Ms. Maxwell, and his apparent participation in transferring Ms. Maxwell to FPC Bryan all should have been considered responsive documents under the EFTA. Yet it appears that those documents fell outside of the arbitrarily limited scope of the Department's review and release of the Epstein Files under the EFTA. As Democracy Defenders Fund noted in a letter to the Department of Justice's Office of Inspector General, there are almost no records

³⁹⁰ EFTA § 2(c).

³⁹¹ Joe Walsh, *Over 500 pages in initial Epstein files release were entirely blacked out, CBS News finds*, CBS NEWS (Dec. 21, 2025), <https://www.cbsnews.com/news/epstein-files-redaction-over-500-pages-entirely-blacked-out/>.

³⁹² Maggie Haberman & Jonathan Swan, *Inside the White House Freakout Over the Epstein Files*, THE N.Y. TIMES (Jun. 10, 2026), <https://www.nytimes.com/2026/06/10/magazine/trump-epstein-files-white-house-vance-doj.html>.

from or to Mr. Blanche in his official capacity.³⁹³ There were also no records released (other than the previously released Maxwell Proffer) relating to Ms. Maxwell’s interview or transfer.

The exclusion of these records appears intentional. Mr. Blanche’s memo to Congress on January 30 describes that the Department applied a very narrow scope of review, covering only case and investigation-related files.³⁹⁴ In the press release accompanying the Department’s January 30 release, the Department explained that its scope of review was limited to the investigations and prosecutions of Jeffrey Epstein and Ghislaine Maxwell and did not provide documents that were “not part of the case file for Epstein or Maxwell and were completely unrelated to these cases.”³⁹⁵ Yet, the EFTA requires any documents that “relate to” “Jeffrey Epstein *including* all investigations, prosecutions, or custodial matters” or to “Ghislaine Maxwell.”³⁹⁶ The result of this artificial limitation is that there are virtually no email or communications records from Mr. Blanche, former Attorney General Bondi, or FBI Director Patel and no documents related to Ms. Maxwell’s transfer to FPC Bryan.³⁹⁷

It should be abundantly clear that Mr. Blanche has a personal interest in not releasing those files. First, the files may provide insight into the reasoning behind the July 2025 unsigned letter explaining that the Department had conducted an “exhaustive” and “systemic” review of Epstein-related documents and found no basis to release or further investigate any potential issues in those documents, notwithstanding the fact that the Department later revealed that there were at least one million additional files not disclosed and apparently not reviewed. Second, the files may disclose internal conversations Mr. Blanche and others had about Ms. Maxwell’s transfer to FPC Bryan, his decision to give Ms. Maxwell proffer immunity, and any conversations that Mr. Blanche may have had about why he decided to interview Ms. Maxwell in the first place. These documents might, as some have suggested—including Ms. Maxwell’s former attorney³⁹⁸—disclose the possibility of a *quid-pro-quo* arrangement to permit her transfer to FPC Bryan. Because these documents might embarrass Mr. Blanche, or might uncover illegal or inappropriate conduct, Mr. Blanche may have shaped the scope of the Department’s review and release of documents to prevent access to internal communications by high-level officials, including Mr. Blanche. This includes limiting the scope of the records to exclude documents related to Ms. Maxwell’s transfer to FPC Bryan and the potential withholding or redaction of the names of government officials associated with that transfer notwithstanding the clear requirement to provide all information related to “Ghislaine Maxwell” as well as that “[n]o record shall be withheld, delayed, or redacted

³⁹³ Letter from Democracy Defenders Fund to Don R. Berthiaume, Acting Inspector General (Feb. 6, 2026), https://f9c23fd5-1644-4a5f-a561-d04e6b5736d6.usrfiles.com/ugd/f9c23f_dc27c236acad4153ad6cc7e7d77e6d73.pdf.

³⁹⁴ Letter from Todd Blanche, Deputy Attorney General, Re: Epstein Files Transparency Act - Production of Department Materials (Jan. 30, 2026), <https://www.justice.gov/opa/media/1426091/dl>.

³⁹⁵ Press Release, Department of Justice, *Department of Justice Publishes 3.5 Million Responsive Pages in Compliance with the Epstein Files Transparency Act* (Jan. 30, 2026), <https://www.justice.gov/opa/pr/department-justice-publishes-35-million-responsive-pages-compliance-epstein-files>.

³⁹⁶ EFTA § 2(a).

³⁹⁷ Letter from Democracy Defenders Fund to Don R. Berthiaume, Acting Inspector General (Feb. 6, 2026), https://f9c23fd5-1644-4a5f-a561-d04e6b5736d6.usrfiles.com/ugd/f9c23f_dc27c236acad4153ad6cc7e7d77e6d73.pdf.

³⁹⁸ Malcolm Ferguson, *Ghislaine Maxwell Lawyer Makes Stunning Quid Pro Quo Confession*, THE N. REPUB. (Sep. 9, 2025), <https://newrepublic.com/post/200178/ghislaine-maxwell-lawyer-quid-pro-quo>.

on the basis of embarrassment, reputational harm, or political sensitivity, including to any government official, public figure, or foreign dignitary.”³⁹⁹

Mr. Blanche’s personal interest in withholding documents related to his own communications poses a conflict of interest that, to a reasonable person, would materially limit his ability to provide competent and diligent representation of the United States in violation of Rule 1.7(a).

iii. Dishonest and Deceitful Statements and Conduct

Mr. Blanche has made several statements that appear to be dishonest, deceitful, or mischaracterizations in violation of Rule 8.4(c). As noted in the *Matter of Giuliani* this proscription broadly covers “misleading statements as well as affirmatively false statements.”⁴⁰⁰ Statements made with “a deliberate attempt to mislead and deceive” violate the prohibition to the same extent as statements that are facially false.⁴⁰¹ Mr. Blanche has consistently made statements that appear misleading if not outright false.

First, Mr. Blanche’s reported participation in the July 17, 2025, Situation Room meeting raises serious questions about whether he provided beneficial treatment to Ms. Maxwell to influence her testimony or to reward her for that testimony. As reported by the *New York Times*, after J.D. Vance suggested that Tucker Carlson could interview Ms. Maxwell in an attempt to clear President Trump of wrongdoing associated with Mr. Epstein, Mr. Blanche suggested during the meeting that the Department of Justice could instead conduct the interview.⁴⁰² During that conversation Mr. Blanche reportedly raised the possibility that Ms. Maxwell would want something in exchange for that interview.⁴⁰³ White House Counsel David Warrington apparently discussed several potential things that the Administration could provide to Ms. Maxwell, including executive clemency.⁴⁰⁴ Mr. Blanche did in fact interview Ms. Maxwell, and provided her with immunity for her testimony. Ms. Maxwell not only said that she never saw President Trump engage in sexual misconduct, but also made several fawning statements about the President.⁴⁰⁵ Although the proffer agreement provides that Ms. Maxwell is entitled to nothing for her testimony,⁴⁰⁶ days after the interview was completed Ms. Maxwell was transferred to FPC Bryan, a minimum security facility, which appears inconsistent with BOP policy that generally prohibits sec offenders from being housed in minimum-security facilities.⁴⁰⁷ It wasn’t until December, months after Ms. Maxwell was transferred, that Mr. Blanche provided an explanation for the transfer, namely, that Ms. Maxwell

³⁹⁹ EFTA § 2(a)(2),(b).

⁴⁰⁰ *Matter of Giuliani*, 197 A.D.3d 1, 6 (2021).

⁴⁰¹ *In re Antoine*, 74 A.D.3d 67, 71 (2010).

⁴⁰² Maggie Haberman & Jonathan Swan, *Inside the White House Freakout Over the Epstein Files*, THE N.Y. TIMES (Jun. 10, 2026), <https://www.nytimes.com/2026/06/10/magazine/trump-epstein-files-white-house-vance-doj.html>.

⁴⁰³ *Id.*

⁴⁰⁴ *Id.*

⁴⁰⁵ See, Interview of Ghislaine Maxwell, EFTA 02846783 at 105 (Jul. 24, 2025).

⁴⁰⁶ Proffer Agreement ¶ 1 (Jul. 24, 2025),

<https://www.justice.gov/epstein/files/Prior%20DOJ%20Disclosures/Maxwell%20Proffer/EFTA02847269.pdf>.

⁴⁰⁷ Maggie Haberman & Jonathan Swan, *Inside the White House Freakout Over the Epstein Files*, THE N.Y. TIMES (Jun. 10, 2026), <https://www.nytimes.com/2026/06/10/magazine/trump-epstein-files-white-house-vance-doj.html>.

had received “threats.”⁴⁰⁸ Mr. Blanche’s conduct, as described in the *New York Times* report, raises serious questions about whether Mr. Blanche provided beneficial treatment to Ms. Maxwell in exchange, or as a reward, for testimony favorable to President Trump and later mischaracterized the basis for that beneficial treatment. Providing a government benefit for the President’s personal interests and later mischaracterizing the basis of that payment would clearly constitute deceitful conduct that implicates Rule 8.4(c).

Second, Mr. Blanche’s reported participation in the July 17, 2025, Situation Room meeting also raises serious questions about whether he intentionally sought Epstein-related grand jury records believing that the court would not release the files and in an attempt to create the false impression that the Administration was acting transparently when in fact it was intentionally delaying producing records in its control.⁴⁰⁹ Mr. Blanche followed through on this course of action later that month.⁴¹⁰ If Mr. Blanche’s actions were intended to create the false appearance of transparency, his conduct would be considered deceitful in violation of Rule 8.4(c). Worse, Mr. Blanche not only suggested using, he actually eventually did use, the courts to advance this apparent scheme.

Third, according to Former Attorney General Pam Bondi and the *New York Times*, Mr. Blanche participated in drafting the unsigned July 2025 memo claiming that the Department had engaged in an exhaustive and systematic review of all Epstein files, when it later became clear that there were hundreds of thousands of files that apparently were never reviewed (if they had been reviewed, the Department’s later statement that the files were newly discovered was itself either a lie or mischaracterization). That memo created the false impression that the Department had reviewed all of the Epstein files when it appears that at that time they had not.

Fourth, during a May 19, 2026, hearing before the U.S. Senate Appropriations subcommittee on Commerce, Justice, and Science, and Related Agencies, Senator Van Hollen asked Mr. Blanche if he would meet with survivors who had become frustrated that the Acting Attorney General had not met with them.⁴¹¹ In response, Mr. Blanche stated “absolutely, and what you just said is false, I have met with them, I’ve met with the many, many of the lawyers for the survivors of victims as did Attorney General Bondi, so whoever told you that unfortunately gave you bad information.”⁴¹² This statement was misleading, as was highlighted in a letter sent by 17 survivors who stated that Acting Attorney General Todd Blanche “has not met with any of us.”⁴¹³

⁴⁰⁸ Pierre Thomas, et al., *Top DOJ official denies there’s any effort to redact mentions of President Trump from Epstein files*, ABC NEWS (Dec. 20, 2025), <https://abcnews.com/Politics/top-doj-official-denies-effort-redact-mentions-president/story?id=128574448>.

⁴⁰⁹ Maggie Haberman & Jonathan Swan, *Inside the White House Freakout Over the Epstein Files*, THE N.Y. TIMES (Jun. 10, 2026), <https://www.nytimes.com/2026/06/10/magazine/trump-epstein-files-white-house-vance-doj.html>.

⁴¹⁰ Larry Neumeister, *Former prosecutors say request to unseal Epstein grand jury transcripts likely to disappoint*, PBS NEWS (Jul. 20, 2025) <https://www.pbs.org/newshour/nation/former-prosecutors-say-request-to-unseal-epstein-grand-jury-transcripts-likely-to-disappoint>.

⁴¹¹ Anna Betts, *Todd Blanche says he would not recommend a pardon for Ghislaine Maxwell*, THE GUARDIAN (May 19, 2026), <https://www.theguardian.com/us-news/2026/may/19/todd-blanche-doj-ghislaine-maxwell>.

⁴¹² *Id.*

⁴¹³ *Id.*

Fifth, Mr. Blanche has made several mischaracterizations concerning the redaction authority under the EFTA. These mischaracterizations appear in Mr. Blanche’s letters to Congress, in which he claimed he has the legal authority to withhold documents under the Privacy Act and “various privileges” (which is, as explained above, not true). In addition, Mr. Blanche has stated that the EFTA provides him with the authority to redact *all* personally identifying information, notwithstanding that the law only permits redaction of victim information. For example, in response to a social media post by Representative Thomas Massie calling out the redacted email address of a Sultan discussing a “torture video,” Mr. Blanche said “You know it’s an email address that was redacted. The law requires redactions for personally identifiable information, including if in an email address.”⁴¹⁴ That statement was a mischaracterization of the law, which provides an exception for the disclosure of only the personally identifying information of victims.

Sixth, Mr. Blanche’s February 14 letter disclosing “politically exposed persons” (PEP) is replete with the names of individuals who would not meet the generally accepted definition of a PEP, many of whom had been dead for years. The Attorney Review Protocol provided no basis for determining how to assess if a named individual was a PEP.⁴¹⁵ As Congressman Ro Khanna noted, the release of these names appears intended to “muddy[] the waters on who was a predator and who was mentioned in an email.”⁴¹⁶ As Democracy Defenders Fund described in a blog post:

DOJ leadership simply advised reviewers to notate any person who they thought was a PEP without any further guidance on what that term means. DOJ’s January 4, 2026, instructions to first round reviewers likewise does not provide any further information or definition of what constitutes a PEP.

Congress was not drafting the EFTA on a blank slate. The term PEP is used extensively in both the international and domestic contexts. The term is used frequently in the banking and financial industries to refer to individuals who have been entrusted with prominent public functions, as well as their immediate family members. That is how the term is used by federal agencies for purposes of applying the due diligence provisions of the Bank Secrecy Act.⁴¹⁷ It is also how the Financial Action Task Force (FATF), the premier inter-governmental body that develops policies against money laundering, defines the term.⁴¹⁸

The inclusion of celebrities, actors, comedians, and musicians is not just incompetent: it looks very much like an attempt to obfuscate who the government officials and other prominent politicians are that were associated with Epstein.⁴¹⁹

⁴¹⁴ Todd Blanche (@DAGToddBlanche), X.com (Feb. 9, 2026), <https://x.com/DAGToddBlanche/status/2021039636831781134>.

⁴¹⁵ Memorandum from the Deputy Attorney General, Attorney Review Protocol for Epstein Files (Jan. 4, 2026), <https://www.justice.gov/media/1426281/dl?inline>.

⁴¹⁶ Ro Khanna (@RoKhanna) X.com (Feb. 14, 2026), <https://x.com/RoKhanna/status/2022842441309602066?s=20>.

⁴¹⁷ Joint Statement on Bank Secrecy Act Due Diligence Requirements for Customers Who May Be Considered Politically Exposed Persons (Aug. 21, 2020), https://www.fincen.gov/system/files/shared/PEP%20Interagency%20Statement_FINAL%20508.pdf.

⁴¹⁸ Financial Action Task Force, Politically Exposed Persons (Recommendations 12 and 22) 3-4 (Jun. 2013), <https://www.fatf-gafi.org/content/dam/fatf-gafi/guidance/Guidance-PEP-Rec12-22.pdf.coredownload.pdf>.

⁴¹⁹ Democracy Defenders Fund, A Cover-up in Plain Sight (Part 2) (Feb. 20, 2026), <https://www.democracydefendersfund.org/epstein-files/update-feb-20>.

Each of these points, standing alone, raises serious questions about Mr. Blanche's candor and trustworthiness. Taken together, they strongly suggest that his actions were taken to knowingly and intentionally hide information from the American public in violation of Rule 8.4(c).

iv. Mr. Blanche's Actions Adversely Reflect on His Fitness as a Lawyer

The release of the Epstein files was an undertaking of the gravest importance. The Department's role was to objectively, competently, and diligently release all responsive documents and redact only that information that Congress provided could be redacted. Instead, the Department, under Mr. Blanche's personal leadership, redacted the names of potential suspects and co-conspirators, released the names, dates of birth, and nude photos of victims, withheld potentially responsive documents, and appears to have artificially constricted the scope of review to hide information that could have caused political or personal embarrassment to Mr. Blanche. Together, these actions represent a sustained and shocking failure of competence, diligence, candor, and forthrightness that goes far "beyond the technical elements of the individual rule violations" discussed above and strike at the very heart of Mr. Blanche's fitness to practice law in violation of Rule 8.4(h).⁴²⁰

VI. Conclusion

Mr. Blanche occupies one of the most important positions to which an attorney can aspire. As Acting Attorney General, he is not only the chief law enforcement officer and chief prosecutor for the country but also serves as an example of how attorneys should conduct themselves. As Deputy Attorney General of the United States, Mr. Blanche was responsible for supervising all components of the Department of Justice.

As described above, Mr. Blanche's conduct in *President Trump v. I.R.S.*, the Settlement Agreement, and AG Order were highly prejudicial to the rule of law, as well as a violation of his ethical obligations. His actions in weaponizing the powers of the Department of Justice to attack President Trump's political foes and excuse and enrich his allies raises substantial questions of his loyalty to his client, the United States. And the immense deficiencies in the Department's production of documents pursuant to the EFTA suggests not only a lapse in the competence and diligence required by Rule 1 and 1.3, but also raises a serious question whether the production was curated in a manner to protect President Trump and Mr. Blanche, which would be inconsistent with the honesty and candor demanded by Rule 8.4(c) and (h).

As the New York Supreme Court for the Second Judicial Department recognized just four years ago, when public officials violate their professional responsibilities it "inflict[s] substantial damage upon the public's trust in the integrity of lawyers, government officials, and our system of governance."⁴²¹ When the Attorney General or Deputy Attorney General violates their professional obligations, it not only undermines trust in the integrity of our system of governance, but poses grave harm to the legitimacy of the Department of Justice, the federal government, and the rule of law.

⁴²⁰ *Matter of Shen*, 250 N.Y.S.3d 527, 532 (App. Div. 2026).

⁴²¹ *Matter of Genova*, 208 A.D.3d 33, 38 (2022).

The country deserves an Attorney General who is above reproach and serves the country without fear or favor, without placing party or personal interest above the law of the nation. The foregoing allegations unfortunately suggest that Mr. Blanche has engaged in conduct that violates his core responsibilities of competence, diligence, loyalty, and honesty. For these reasons, we urge the Grievance Committee to investigate the allegations in this complaint and take appropriate disciplinary action against Mr. Blanche.

Respectfully submitted,

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By: _____/s/ _____

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