Bar Complaint Filed with the GA State Bar
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D.A. Fani T. Willis GA Bar Grievance

CLEARLY DESCRIBE YOUR COMPLAINT AND ATTACH SUPPORTING DOCUMENTS:

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I have no legal experience. I am not or never have been an attorney, nor have I formally studied the law. In that regard, please accept my apologies if my complaint is not in the accepted legal format or if I have not held it to the standard with the precision and/or accuracy you may expect for formal legal complaints. Also, please excuse any poor grammar or improper terms, and instead look at the intent of the complaint from your experience and the context. Please also excuse any typos.

Although I have an information technology background, I am not associated with CellHawk. This software tool will become relevant in my discussion violating a State Bar of Georgia rule.

This complaint is mine and mine alone. No one else wrote it. The words, thoughts, and meanings are all mine. When I use the first-person plural pronoun in this document, it is merely nosism, which is the common device of an editorial *we*.

My grievance is against Georgia's Fulton County District Attorney Fani Taifa Willis.

When I cite the *case* below, also referred to as the *election case* below, without any other clarification, it refers to: the State of Georgia v. Donald John Trump, Rudolph William Louis Giuliani, Michael A. Roman, et al.

case, Indictment No. 23SC188947. The case includes the parallel election cases brought by D.A. Willis in the Georgia Racketeer Influenced and Corrupt Organizations (GA RICO, or just RICO) Act (O.C.G.A § 16-14)[1] indictment.

Any statement below constitutes an allegation and our opinion and/or interpretation (even if not explicitly stated as such) and should not be construed as a proven fact. We leave it to the courts and the State Bar of Georgia to use compelled documents and discovery to determine the facts. However, the allegations are serious and have been widely disseminated. Therefore, for the good of the State of Georgia and its reputation in the United States and the world, they should be more fully examined and either proven or disproven by the State Bar of Georgia. I firmly believe the allegations, if proven true in part or in whole, require a determination of disbarment.

I have never met D.A. Willis, Mr. Nathan Wade, nor, to the best of my knowledge, any staff in the Fulton County District Attorney's office.

My sources are local, national, and international publications, arguments in the election case, the Georgia Code and related codes and rules, law review articles, legal rulings, my previous ethics filing, and specific online references. Most of them have website address Uniform Resource Locator (URL) references in the footnotes.

Background

We have previously filed a complaint with the Fulton County Board of Ethics regarding D.A. Fani T. Willis's actions up to and just before her appearance in Fulton County Superior Court Judge Scott McAfee's court.[2] We believed and nevertheless believe D.A. Willis acted unethically according to the Fulton County Code of Ethics. The complaint was rejected by the Ethics Board counsel on March 5, 2024. It was not because of the arguments or contents themselves, but because the board counsel stated that D.A. Willis is a state constitutional officer, part of the judicial branch, and not a Fulton County officer or employee. We disagree with that conclusion, as we believe that many of her duties and funding sources cross the line between judicial and county officer. We believe that she still violated the Fulton County Ethics Code, regardless of whether or not she was covered by it. She should be setting an example for Fulton County officers and employees to follow.

With her appearance in McAfee's court on February 15, 2024, and the events that followed, we now believe an ethics reprimand, while warranted, is not sufficient punishment for D.A. Willis. She doubled down on her statements, showing absolutely no remorse. Instead, she blamed everyone else for her actions.
She was belligerent on the stand, combative and disrespectful to the defendants' lawyers, repeatedly tried to block testimony from relevant witnesses, and appeared in my layman's opinion, unbecoming of both an officer of the court and a public official. Subsequent revelations seriously call into question her veracity and her handling of such an important job as district attorney.

The following represents our opinions of Georgia Bar Rule sections we believe she violated. We quote the relevant parts of each rule, leaving out the parts that aren't. Next, we discuss the alleged violations of the specific rule. Many of the violations bear a maximum penalty of disbarment. Overall, we think it would be difficult to come to any other conclusion.

1 https://law.justia.com/codes/georgia/2022/title-16/chapter-14/
2 https://www.documentcloud.org/documents/24431111-fani-t-willis-ethics-complaint-20240214

GA Bar Rules Sections Potentially Violated

The following rules of the State Bar Handbook of Georgia (the "Bar Rules")[3] are alleged to have been violated by Fulton County District Attorney Fani T. Willis:

Rule 1.5 Fees

This rule addresses honesty about fees:

A lawyer shall not make an agreement for, charge, or collect an unreasonable fee or an unreasonable amount for expenses. The factors to be considered in determining the reasonableness of a fee include the following:

(1) the time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly; …

(3) the fee customarily charged in the locality for similar legal services; …

(7) the experience, reputation, and ability of the lawyer or lawyers performing the services; …

Rule 1.5 closes with this penalty:

The maximum penalty for a violation of this rule is disbarment.

As a public official, D.A. Fani T. Will's clients are the residents of Fulton County. Fulton County, which is the capital of the State of Georgia, also hears cases for the state as a whole. Therefore, her client is also Georgia. When her office gets compensated by either Georgia or Fulton County, she must be responsible to them as her clients. Of course, the county and the state aren't just some amorphous entity – they are comprised of all the citizens of the respective governments. And, it is these citizens who pay her salary, her subordinates, and all the other accouterments of her office.

D.A. Willis hired a special prosecutor, Mr. Nathan Wade for the election case. The case was based on RICO charges on a former president and many of his associates in a case of national and world significance. For the election case, Mr. Wade did not possess the requisite experience for which he was hired. The other two contract attorneys had such RICO experience. The crimes being prosecuted are complex, multi-defendant, RICO felonies. Mr. Wade has never prosecuted a RICO case or prosecuted a felony. He was a solicitor (who prosecutes misdemeanors) and a municipal court judge.[4] He did not have the skill and experience requisite to perform the complex, multi-defendant felony and RICO case. Given the appointment guidelines and Mr. Wade's current experience, he was not qualified to serve as the special prosecutor in this case. The defendants note that if he were appointed commensurate with his experience, he should only receive $140.00 per hour, not the $250 per hour he was receiving.[5] This would constitute a violation of Rule 1.5(3).

On the stand, the district attorney's lawyers questioned former Governor Roy Barnes, who now is in private practice. Gov. Barnes has the experience necessary. He has prosecuted felonies. As stated, so have the other two special prosecutors D.A. Willis hired. Were there no other attorneys licensed to practice in Georgia who didn't have the requisite experience or reputation? Of course, there were. There are hundreds or thousands. Why didn't D.A. Willis choose among them? If she interviewed several dozen, and they didn't accept the position, an observer could understand her looking for a novel approach with the taxpayer's money. There was no need to, as stated. Use of the taxpayer's money to pay someone who doesn't have the experience or reputation to litigate RICO and felony cases, especially for a former president and high visibility associates, is alleged to violate Rule 1.5(7).

This raises the questions:

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3 https://www.gabar.org/Handbook/#home

4 D.A. Fani T. Willis Fulton County Ethics Complaint, Steven M. Kramer, February 14, 2024.

5 https://www.msn.com/en-us/music/celebrity/nathan-wade-allegedly-billed-willis-office-for-24-hours-of-work-in-1-day/ar-AA1n1F0l

1) Were there not any attorneys already in the district attorney's office (such as Mr. Adam Abbate) who were qualified to lead the prosecution?[6]
2) Was Mr. Wade hired because of some unforeseen experience to prosecute felonies that escaped the public record, or merely because he was D.A. Willis's paramour?
3) Why did the more experienced contract attorneys get paid much less (in total billing and at least one rate-wise) than Mr. Wade?[7]

Even if we never get the complete answers one way or another, we believe it is an appearance of a conflict in the public eye.[8]

Let's move on to the question of fees. Mr. Wade billed Fulton County on November 5, 2021, for 24 hours of work in a day, totaling $6,000.[9] Any manager would question an invoice containing those hours. Either it was padding the bill, fraudulent, his work after so many hours would be expected to be subpar from exhaustion, his record-keeping was deficient, or some other explanation that escapes us. At best, that billing is highly improbable. He had an excuse, that he billed for multiple days and November 5 was the final day. However, he had a bill for November 3 already for a substantial time. Also, on other occasions, Mr. Wade listed date spans when he billed. He did not for November 5.

Unlike all the other contract attorneys in the election case, Mr. Wade used block billing. That is where an entire day or days were collapsed into one line item in the bill. The other attorneys billed using itemized billing, broken down into detailed 10- or 15-minute intervals. The latter is common practice; Mr. Wade's billing, especially to a government body, is not. Mr. Wade did not explicitly say what the items were regarding. Other attorneys detailed the exact motion or meeting subject involved; Mr. Wade did not. Again, Mr. Wade's lack of detailed explanation is not normal for billing to government bodies.

Mr. Wade's superior, D.A. Willis, should have questioned the invoice with the November 5 billing and conducted an audit of all his other expenses. She is the gatekeeper of the people's money in this case, and she simply lets this and other bills be processed and paid without question. There was no annotation or other explanation by her in the record. So, his total bill was announced to be $700,000, and with recent McAfee court appearances and time on the clock, it is expected to now be much more. D.A. Willis should have looked at the reasonableness of his fees and asked for an itemized bill and supporting documentation, as is customary. Additionally, as stated before, he is not experienced in this type of case, and his fee should reflect that. The responsibility on behalf of the public lies with D.A. Willis. She should have sought an explanation, detailed supporting documentation, and a full audit.[10] She did not, and therefore in our opinion has squandered the money of her client, the people.

Why is this important? This is because itemized billing and subsequent approval is the standard accountability of taxpayer money. Without detailed billing and precise explanations, accountability is lost. Especially if Mr. Wade and D.A. Willis were in an improper relationship, the accountability would quash some questions about what was being done with the people's money. This is especially relevant since some of that money obtained in this way made its way back to D.A. Willis personally. This is alleged to violate Rule 1.5(1,3).

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6 Mr. Abbate and other attorneys in the office were already on salary, so there wouldn't be any additional charge to the taxpayer for their services.
7 Testimony of Ms. Ashleigh Merchant to the Georgia Senate Special Committee on Investigations hearing on March 6, 2024.
8 D.A. Fani T. Willis Fulton County Ethics Complaint, Steven M. Kramer, February 14, 2024.
9 Ibid.
10 https://www.donaldwatkins.com/post/nathan-j-wade-needs-to-revise-and-resubmit-his-invoices-to-the-fulton-county-district-attorney-s-of

Rule 3.3(a) Candor Toward the Tribunal

This rule prevents a lawyer from lying or hiding information from a court:

> A lawyer shall not knowingly:
>
> 1) make a false statement of material fact or law to a tribunal;
> 2) fail to disclose a material fact to a tribunal when disclosure is necessary to avoid assisting a criminal or fraudulent act by the client;
> 3) fail to disclose to the tribunal legal authority in the controlling jurisdiction known to the lawyer to be directly adverse to the position of the client and not disclosed by opposing counsel; or
> 4) offer evidence that the lawyer knows to be false. If a lawyer has offered material evidence and comes to know of its falsity, the lawyer shall take reasonable remedial measures.

Rule 3.3 closes with this penalty:

> The maximum penalty for a violation of this rule is disbarment.

In our opinion, D.A. Fani Willis made a false statement under oath, violating Rule 3.3(a)(1). The following is a prima fascia argument as to why:

D.A. Fani Willis supplied a brief to the McAfee court and subsequently testified on February 15, 2024, that her inappropriate relationship with Mr. Nathan Wade started in 2022 after she hired him as a special prosecutor. Mr. Wade provided a similar story, but both those statements were self-serving. She was impeached by Robin Bryant Yeartie, a long-time friend of hers who gave clear testimony that the relationship began in 2019. Yeartie didn't equivocate, saying she had "no doubt" of the 2019 timeline, and she witnessed them showing public displays of affection.[11] The State did not materially challenge her testimony. Unlike D.A. Willis and Mr. Wade, whose employment and reputation were at risk, Ms. Yeartie had no reason to lie. She was extremely reluctant to testify and wasn't impeached by the counsel for the State.

Then, around February 23, 2024, Mr. Charles Mittelstadt of the defense team filed a brief showing cellphone tower data, phone call metadata, and text metadata.[12] He used the online software CellHawk in his work. CellHawk is known as the premiere tool for this type of work and is praised by (other) prosecutors for catching criminals. The CellHawk tool, from its website, has quotes like "CellHawk is an instrumental part of our daily case work … Many felony cases have been solved and concluded in a conviction because of this outstanding, user-friendly application … Thank you CellHawk for the justice you serve in the law enforcement community."[13] And, this: "After comparing and testing several solutions, CellHawk was the obvious choice. … I can't imagine life without it. … Working in a prosecutor's office allowed me to put the other half of CellHawk to the test. It has not disappointed."[14] The San Francisco, CA District's Office said, "Your software is a must-have for our DA's Office."[15]

DA's Office."[15]

CellHawk data showed intense interaction between D.A. Willis and Mr. Wade well before they claimed their affair had begun. Willis argued that cellphone tower data is imprecise, but let's unpack that. First, in urban areas, there are many more cellphone towers than in rural ones. Stating that it could be nine miles between the true

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11 https://www.rollingstone.com/politics/politics-news/fani-willis-nathan-wde-affair-timeline-1234968986/

12 The actual content of the texts and phone calls is not recorded. The data recorded are the two phones being used for texting/calling, when, and where.

13 https://www.leadsonline.com/main/cellhawk.php

14 Ibid.

15 Ibid.

location of a cellphone and a tower may be true in Hahira, GA[16] [17], but in dense Hapeville[18], the number of cellphone towers is much denser. A phone doesn't ping on a tower nine miles away when there are many others nearby. The cellphone tower data is much more reliable in a highly populated city. This is supported by United States v. Medley on May 8, 2018, which concluded that this technology is well understood and, while a phone can't be placed precisely at a specific spot, it can be placed within the cellphone tower area. We also note, that with a high density of cellphone towers, this area becomes much more localized.

What exactly does the cellphone tower data show? Mr. Mittelstadt's data shows that Mr. Wade was at (or to be fair, very near to) D.A. Willis's home many more times than the "under ten" they testified to under oath. Additionally, and damning, on two of those occasions, he was there for most of the night. Young people call these events "bootie calls".[19] One night in September 2021 he arrived at 10:45 PM and left at 3:30 AM. Returning to his own home, where he lived with his wife, Mr. Wade then texted D.A. Willis at 4:20 AM.[20]

Mr. Adam Abbate, Fulton County Chief Deputy District Attorney, tried to impeach the cellphone tower data, partially by saying there was no expert used by the defense. He later referred to the defense's "expert", thus contradicting himself and tacitly admitting that the defense did indeed have an expert. In oral arguments, Mr. Abbate did not orally present the name of an expert to refute the defense.

D.A. Willis cannot get away with arguing this point in the crowded Metro Atlanta area. If so, any case she has prosecuted using cellphone data can be reversed on appeal using her arguments, and this data cannot be used in the future. And, if this does set a precedent, the defendants in the January 6, 2021, riot should be released, because the Department of Justice used such data in their prosecutions.[21] We can't have two standards of justice. We can't have one standard used by prosecutors against the public, and another that applies only to themselves.

The State shows times that Mr. Wade was in the Hapeville area when D.A. Willis wasn't there. However, that doesn't explain away the sequence of his late-night visits there, and then an immediate late-night call to D.A. Willis once again found himself in the area of his own home. The actions are alleged to be violations of Rule 1.5(1).

In addition to the cellphone tower information, there is an undisputed number of phone calls and texts between D.A. Willis and Mr. Wade before he was appointed as the special prosecutor. The records show that, in the first eleven months of 2021, D.A. Willis and Mr. Wade exchanged more than 2,000 calls and an astounding 9,800 text messages. To put things into perspective, over those 333 days, that's an average of more than 6 calls a day and over 29 texts a day. People sometimes need to call or text frequently, but again note this was the daily *average*. Note that they wouldn't have to text or call when traveling together. Many in the public are shocked because most close couples don't communicate this much.

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16 The site https://www.city-data.com/towers/cell-Hapeville-Georgia.html shows 4 distinct cell towers in Hahira, GA. The FCC lists 70 registered Antenna towers in Hapeville, but quite a few seem to be in the same location. Hahira, according to https://en.wikipedia.org/wiki/Hapeville,_Georgia#Geography, is 2.4 sq. mi.

17 We have nothing against our fine brethren in Hahira, with its vast pine trees that help build the country. It is a fine place, just not as densely populated as Hapeville, GA.

18 Hapeville, GA is an immediate suburb of the densest Georgian city and very close to the largest airport by traffic in the world. The site https://www.city-data.com/towers/cell-Hapeville-Georgia.html shows 10 distinct cell towers in Hapeville, GA, not including those in nearby localities. The FCC lists 87 registered Antenna towers in Hapeville, but quite a few seem to be in the same location. Hapeville, according to https://en.wikipedia.org/wiki/Hapeville,_Georgia#Geography, is also 2.4 sq. mi.

19 https://www.merriam-webster.com/dictionary/booty%20call

20 https://www.bbc.com/news/world-us-canada-68388603

21 https://www.businessinsider.com/doj-is-mapping-cell-phone-location-data-from-capitol-rioters-2021-3?op=1

If, as D.A. Willis would have us believe, this was just friends communicating, or asking for work advice, she could have easily released the texts to show that. Without such evidence, and other testimony and exhibits showing an affair that pre-dates the working relationship at the district attorney's office, we believe it is clear and convincing that the affair pre-dated November 2021.

Why does a personal relationship need to be brought up by the judicial system? In normal cases, it wouldn't. It should remain private. In so many cases, it would be unremarkable. If she were dating a non-lawyer outside her office, there would be no need to pry into the relationship. If she were dating an attorney outside her office, that would be fine, except that when they are adversaries, the facts need to be disclosed. If she were an assistant district attorney and dated another assistant district attorney, that would also be fine, but office rules would probably dictate that she notify her superior.

None of the above happened in this case. In this case, according to defense attorneys, the following events occurred:

> D.A. Willis *was* in charge, and she hired[22] a boyfriend to work directly for her as her subordinate. Then, she put him in a senior (but still subordinate) position on a sole-source contract, only overseen by her. He only had prosecuted misdemeanors and no RICO cases, but the case for which he was hired expressly involved RICO and felonies. Taxpayers, through her, paid him hundreds of thousands of dollars. His invoices even contained an item saying he worked 24 hours in a single day. She required more detail but just paid him. The money then was used for both of them on trips, other outings, and restaurants. Except for $400, there is no record of her paying him back, nor did she file an ethics record for each of the gifts/advances/loans. Even if the money was eventually paid back, they were still given to her at the time. Each record needed to be recorded by law, and at a minimum, each reimbursement needs to be codified. None of that was done, making a mockery of ethics rules for gifts. It appears very likely to us that financial misconduct happened.

A RICO case, as D.A. Willis well knows, takes a very long time. (She was credited with a long RICO case when she prosecuted several Atlanta teachers over the testing scandal, so she knows how long they can be.) A RICO case means a lot of money spent on attorneys, especially when they aren't employees on fixed salaries, but consultants who can bill up to 24 hours a day. There was not one, but two grand juries, and only then did charges appear. This sequencing of a special grand jury, followed by a regular grand jury, hadn't been done in Georgia in the past, and it took a very long time to get to trial. Thus, we believed the initial prolonged grand juries was to be a method used to enrich her boyfriend and herself.

If the defense attorneys are correct, it is to D.A. Willis's benefit to make this a long case. The longer Mr. Wade works for her, the more she can feast off of the fruits of the taxpayer through him. As it stands, the investigation began soon after she took office. She hired Mr. Wade in November 2021, and the money started rolling in for vacations and meals. Defense attorney Craig Gillen calls it a "fraud on this court".

At the Georgia Senate Special Committee on Investigations hearing on March 6, 2024, Senate Democratic Whip Harold Jones quizzed Ms. Merchant about why D.A. Willis, who earns about $200,000 a year, would want to risk her job and reputation for the relatively modest sum of $17,000. That's a good question. Only D.A. Willis can answer this question, should she not adequately show that Mr. Wade was reimbursed. Others with money, resources, power, and fame have risked everything for paltry gains. Some of the reasons for the others were: lack of impulse control, the thrill of breaking the rules, trying to get out of financial mismanagement, addiction,

22 When we say *hired*, it doesn't have to be an employee. It can also be a consultant or contractor who reports to her. There is little effective distinction between the employee/contractor because she has ultimate control over both, sets compensation, and can fire them from either type of position. Whether being paid by a W-2 or 1099-NEC form, she has control over their job.

mental health issues, peer influence, or a sense of entitlement. There are well-known cases of wealthy people committing or being alleged to have committed an act of petty financial crime. Among them are:

- Farrah Fawcett was arrested for shoplifting in 1970 for allegedly stealing a pair of earrings;
- Martha Stewart was convicted in 2004 of conspiracy and obstruction of justice related to insider trading of securities amounting to a very small amount ($5,673) of her net worth ($1 billion);
- Leona Helmsley, then worth over $1 billion, was convicted of tax evasion in 1989 for claiming household luxuries (totaling about 1% of her net worth) as business expenses;
- Macy Gray allegedly forged checks in 2001;
- Amanda Bynes was arrested for shoplifting in 2014 for allegedly stealing merchandise; and
- Winona Ryder was arrested for shoplifting in 2001 for allegedly stealing items from a department store.

These examples show that it is not uncommon for people of means to commit (or be alleged to have committed) minor financial crimes relative to their net worth or income.

On the stand during the elections case, D.A. Willis repeatedly failed to answer direct questions from the defense attorneys. She supplied lengthy non-answers to obfuscate and deflect, to get her point across that wasn't an answer to the question asked. Judge McAfee had to admonish her several times to get her to answer the question. This display, in full view of the watching public, made many people believe she was hiding something. As an officer of the court, she had a duty to answer the questions asked, and would not tolerate such misuse by those she questioned in her role as prosecutor. Thus, the conduct on the stand is alleged to be a violation of Rule 3.4(b)(4).

Rule 3.4 Fairness to Opposing Party and Counsel

This rule deals with fairness to various parties:
A lawyer shall not:

(b)
(1) falsify evidence; …
(2) counsel or assist a witness to testify falsely; …

(f) request a person other than a client to refrain from voluntarily giving relevant information to another party … ;

(g) use methods of obtaining evidence that violate the legal rights of the opposing party or counsel; or

(h) present, participate in presenting or threaten to present criminal charges solely to obtain an advantage in a civil matter.

Rule 3.4 closes with this penalty:

The maximum penalty for a violation of this rule is disbarment.

It is established that Mr. Wade paid over $9,200 in benefits for both Mr. Wade and D.A. Willis throughout the relationship. They do not deny this. D.A. Willis says she paid cash for many things and generally their accounts were in balance. However, except for a single $400 cash payment during a trip to Napa Valley, California, there is no evidence that D.A. Willis ever reimbursed Mr. Wade for any of the expenses. D.A. Willis could have shown receipts from Publix showing she asked for cash back on groceries (as she stated that Publix cash back was one means whereby she received cash). She also could have shown large cash withdrawals from her bank after being paid her salary. She did neither, and it seems quite probable to us that Mr. Wade's one-way payments were never repaid. This reinforces, in our view, that the story of using cash, with no supporting documentation, was a story concocted to conceal a financial benefit to D.A. Willis from Fulton County and Georgian taxpayers.

The State has argued in court that the only times in Georgia's history when fees caused a conflict of interest was when there were contingency fees involved. A conflict in a contingency case would only occur in those cases if that party won the case. In the election case with D.A. Willis and Mr. Wade, the outcome is irrelevant. They partook of the money during the case, and it didn't matter the outcome. The longer the case continued, the longer they could share the fruits of the income. The conflict of interest happened and was ongoing well before and the trial outcome will be known. The outcome is irrelevant to the scheme in the election case.

So, if this evidence-falsifying scheme is intended to protect the affair, the reason for hiring Mr. Wade, and to conceal the flow of money, we believe that it constitutes a violation of Rule 3.4(b)(1).

If the State Bar concludes that D.A. Wade provided false testimony, then it stands to reason that she and/or her team either counseled, assisted, or acquiesced in facilitating Mr. Wade to corroborate such false testimony. Thus, the testimony, if believed by the State Bar to be false, is alleged to be a violation of Rule 3.4(b)(2).

The State did its best to prevent Mr. Terrence Bradley from testifying. His plain texts to Ms. Ashleigh Merchant were definitive that there was an affair long before he started his position as special prosecutor. In the texts, Mr. Bradley was clear when asked if the affair started before 2021, he said "Absolutely". This was highly relevant information and should have been heard. It was the genesis of Ms. Merchant's cause for calling the hearing. The State did its best to avoid his testimony because it knew that if the texts, if believed, showed an improper relationship before when the two lovers said they had initiated the affair. That would impeach a major part of the case, and by extension, none of the testimony from D.A. Willis or Mr. Wade would be credible.

Mr. Bradley developed a case of "amnesia" on the stand, repeatedly stating, "I don't recall" and similar statements from the witness stand. However, he wrote the texts only about a month or two earlier and was definitive in them. What, then, do we believe? It could be a wash, if not for the proposed testimony from Cindi Lee Yeager, a Co-Chief Deputy District Attorney of Cobb County, Georgia. She corroborates the version of Mr. Bradley's account in his texts. Ms. Yeager had many conversations with Mr. Bradley. She said that Mr. Bradley stated to her that the Willis/Wade affair started in 2019 soon after they met, it continued as D.A. Willis ran for office, and that, most strikingly, Mr. Bradley had personal knowledge of the relationship.[23]

And, after Ms. Yeager's possible testimony, another lawyer, Manny Arora, a former adjunct professor at Georgia State School of Law, has come forward to refute Mr. Bradley's courtroom testimony. In a motion by co-defendant Cathy Latham, "Between September through October 2023, Mr. Arora had several conversations with attorney Terrence Bradley regarding the relationship between District Attorney Wills and Nathan Wade" and that Arora stated, "Mr. Wade had definitely begun a romantic relationship with Ms. Willis during the time that Ms. Willis was running for District Attorney in 2019 through 2020."[24] According to one report: "Wade apparently even had a garage door opener for the apartment where he and Willis would meet for their secret trysts, Bradley told Arora."[25]

> We now have Ms. Yeartie's evidence, Mr. Bradley's texts, and Ms. Yeager's corroboration, Mr. Arora's corroboration (and supporting text quantities, call quantities, and cellphone tower data) that demonstrate that the improper relationship started in 2019. None of these people have anything to gain by offering this information. Only the two people who have everything to lose are disputing it. Thus, we believe the possible concealment constitutes a violation of Rule 3.4(b)(1).

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23 https://www.atlantanewsfirst.com/2024/03/05/court-filing-cobb-county-prosecutor-says-key-witness-was-untruthful-hearings-about-fani-willis-relationship/

24 https://www.washingtonexaminer.com/news/2904296/fani-willis-faces-new-claim-on-romance-timing-from-trump-co-defendant/

25 https://freerepublic.com/focus/f-news/4222183/posts

If D.A. Willis lied under oath, which is perjury, it is an example of *prosecutorial forensic misconduct*.[26] This is "defined as any activity by the prosecutor which tends to divert the jury from making its determination of guilt or innocence by weighing the legally admitted evidence in the manner prescribed by law."[27] The California Supreme Court in 1889 had a warning in its opinion when there was misconduct by a prosecutor:

> We have been called upon many times to caution, sometimes to rebuke, prosecuting officers for the overzealous performance of their duties. They seem to forget that it is their sworn duty to see that the defendant has a fair and impartial trial, and that he be not convicted except by competent and legitimate evidence.[28]

The State also tried to prevent Mr. Wade and Mr. Bradley from testifying. Thus, the scheme is alleged to be a violation of Rule 3.4(f).

The long, drawn-out grand jury process and the charging of so many crimes, served to cost the defendants a great deal of money in legal fees, in the millions. At the same time, her boyfriend and she were potentially profiting from the delays. Many believe it was a case of overcharging[29], The plea deals that occurred were for vastly reduced charges – no RICO, no loss of law licenses for attorneys.[30] If the defendants were central to a large RICO scheme, it lends credence that their minor sentences were due to overcharging overall.

In our opinion, the only reason she stopped the gravy train that helped fund vacations and meals was to set a trial date for maximum harm to one of the defendants. By scheduling it directly in the middle of an election season, her political star rises, and she may be credited with taking down a powerful person in an opposing party. Was this deliberate? We believe it was, that is, she benefited first from excess taxpayer money in the initial drawn-out phase, and then received a massive political bump by clever timing. Thus, the initial prolonged grand juries, followed by a purposeful attempt to accelerate the trial in the middle of election season, is alleged to be a violation of Rule 3.4(g).

One of the most concerning incidents in this case, in a long line of concerning incidents, is when D.A. Willis used her position to threaten Mr. Wade's wife, Joycelyn Wade, during their divorce proceedings. D.A. Willis stated in a motion that Ms. Wade was trying to embarrass and harass her and, by extension, interfere and obstruct the conduct of the election. Since that time, D.A. Willis admitted to an improper relationship with Mr. Wade, so Ms. Wade had every reason to determine how the marital money was being used before the divorce. This was not an unusual action by a divorcing couple. The unusual action was done by D.A. Willis, in using her position to threaten her paramour's estranged wife during her proceeding. D.A. Willis was using the full power of her office to threaten Ms. Wade with criminal prosecution[31], with our belief that it was to:

1) prevent Ms. Wade from adequately fighting for her rights in court,
2) correspondingly help her boyfriend in his case, and
3) prevent herself from being an integral part of the now-public divorce case.

Thus, the motion is alleged to be a violation of Rule 3.4(h).

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26 *The Nature and Consequences of Forensic Misconduct in The Prosecution of a Criminal Case*, 54 Col. L. Rev. 946, 949 (1954)
27 Ibid.
28 People v. Lee Chuck, 78 Cal. 317, 328-329, 20 P. 719, 733 (1889), cited by Frank D. Celebrezze, *Prosecutorial Misconduct: Quelling the Tide of Improper Comment to the Jury*, 35 Clev. St. L. Rev. 237 (1987).
29 https://www.washingtonpost.com/opinions/2023/08/10/fulton-county-prosecutor-fani-willis-trump-investigation/
30 https://www.msnbc.com/deadline-white-house/deadline-legal-blog/powell-chesebro-plea-deal-trump-rcna121723
31 https://www.ajc.com/politics/defense-slams-willis-threats-against-wades-wife/ECDKTW34JBF5XKNKH6KEMGLY7E/

Rule 3.5 Impartiality and Decorum of the Tribunal

This rule addresses the integrity of the court and how to act appropriately:
A lawyer shall not, without regard to whether the lawyer represents a client in the matter:

(d) engage in conduct intended to disrupt a tribunal.

Rule 3.5 closes with this penalty:

The maximum penalty for a violation of … paragraph (d) of this rule is a public reprimand.

On February 15, 2024, D.A. Fani T. Willis took the stand in Judge McAfee's courtroom at 5:22:58 of the judge's YouTube video.[32] The result was a circus. Rather than recount each episode, we'll let the video speak for itself as it shows all the incidents. The world saw the disrespect and disruptions that D.A. Willis faced on the stand. The following are quotes from various news sources to demonstrate the chaos in the courtroom:

> Things quickly went off the rails. Willis didn't act much like a traditional witness and was more like a prosecutor, arguing with the defense attorneys, raising objections, making legal arguments and even having exchanges with the judge. She even raised her voice at one point.
> This led to a few rebukes from McAfee, who urged her and other attorneys in the courtroom to maintain "professionalism" and to not "talk over each other."[33]

In a nod to the famous courtroom scene from *A Few Good Men* (1992)[34], D.A. Willis had an outburst similar to Colonel Nathan R. Jessep (played by Jack Nicholson):

> "You think I'm on trial," Willis said, in her sharpest pushback of the day. "These people are on trial for trying to steal an election in 2020," she added, pointing toward the table of attorneys representing defendants in the criminal case. "I'm not on trial, no matter how hard you try to put me on trial."[35]

And much, much more:

> She upbraided Ashleigh Merchant, one of the defense lawyers questioning her, alleging that Ms. Merchant's court filings — which accused Ms. Willis of having a disqualifying conflict of interest stemming from a romantic relationship with Nathan J. Wade, the special prosecutor on the case — were full of lies. At one point her voice approached a yell, prompting [Judge] Scott McAfee, the mild-mannered judge, to call a five-minute recess in an apparent effort to cool things down.[36]

One publication likened the trial to reality TV:

> The fun never sets in the Atlanta courtroom of Superior Court Judge Scott McAfee. That is the red-hot scene of the adults-only reality TV hit called "The Real Prosecutors of Fulton County."[37]

One more commentary on her outbursts should drive home the point of disruption:

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32 https://www.youtube.com/watch?v=NDcexi-W8rQ&t=25443s
33 https://www.cnn.com/2024/02/15/politics/takeaways-fani-willis-testimony-georgia/index.html
34 https://www.youtube.com/watch?v=9FnO3igOkOk, 45-second mark.
35 Ibid.
36 https://www.nytimes.com/2024/02/15/us/fani-willis-trump-georgia-testimony.html
37 https://www.msn.com/en-us/news/crime/its-an-adults-only-reality-tv-hit-just-call-it-the-real-prosecutors-of-fulton-county/ar-BB1jccSe

> Defense attorneys clearly grew frustrated with the district attorney's off-the-cuff commentary, prompting McAfee to warn her twice that he would strike portions of her testimony if she continued to stray far afield from the attorneys' questions.[38]

There were many, many more articles on her behavior, but this sampling should suffice. Thus, the behavior in court is alleged to be a violation of Rule 3.5(d).

Rule 3.8(g) Special Responsibilities of a Prosecutor

This specific rule states:

> The prosecutor in a criminal case shall: … (g) except for statements that are necessary to inform the public of the nature and extent of the prosecutor's action and that serve a legitimate law enforcement purpose, refrain from making extrajudicial comments that have a substantial likelihood of heightening public condemnation of the accused;

Rule 3.8 closes with this penalty:

> The maximum penalty for a violation of this rule is disbarment.

D.A. Willis didn't just charge the former president, Donald J. Trump, and let the chips fall where they may in the courtroom. For months, she was on many nationally seen TV shows, campaign events, and national press. Some of these appearances could be argued that she's just informing the public, as allowed under Rule 3.6 Trial Publicity, like this one at Atlanta's 11 Alive.[39]

However, she didn't merely inform the public. She condemned the highest-profile defendant in public.

She freely gave information to the authors of *Find Me the Votes*.[40] During the case, according to Rule 3.8(g), the prosecutor should just discuss the facts of the case. Instead, she spent a lot of time with friendly authors[41] to promote her case the way she wanted it to be seen by the public, the future jury pool. The book's authors had unfettered access at a point where D.A. Willis was deciding who to indict. The authors treated her with kid gloves while lambasting the ex-president, and D.A. Willis was an intimate part of the book. This is another example of prosecutorial forensic misconduct. In our view, she is indirectly using her position to gain political advantage and helping to prosecute her case outside the courtroom, to the detriment of the defense.

Earlier in the case, Fulton County Superior Court Judge Robert C. McBurney disqualified D.A. Willis from prosecuting Lt. Governor Burt Jones. D.A. Willis took part in a fundraiser for Jones's opponent at the time, Democrat Charlie Bailey. Judge McBurney said that what D.A. Willis did was "harmful" to the integrity of the investigation, writing, "Any decision the district attorney makes about Senator Jones in connection with the grand jury investigation is necessarily infected by it." He also said it would demonstrate "entirely reasonable concerns of politically motivated persecution."[42]

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38 https://www.politico.com/news/2024/02/15/trump-election-interference-georgia-prosecutors-misconduct-hearing-00141651

39 https://www.11alive.com/article/news/special-reports/ga-trump-investigation/trumps-georgia-case-fani-willis-ap/85-b29cc4df-cf54-4e19-bae0-5f22bd185037

40 https://www.amazon.com/Find-Votes-Hard-Charging-Prosecutor-President/dp/1538739992/ref=sr_1_1

41 As one of the authors, David Klaidman, stated to the Washington Post (https://www.washingtonpost.com/books/2024/02/01/fani-willis-trump-book/), "But of course we were fascinated by her, because she has an extraordinary story: this larger-than-life personality, all of these talents, her faith, her background as the literal child of the civil rights movement." Any question on the viewpoint of the book as pro-Willis and anti-Trump should be put aside by this quote.

42 https://www.nbcnews.com/politics/2020-election/judge-disqualifies-fulton-county-district-attorney-targeting-georgia-l-rcna39870

Then, on January 14, 2024, D.A. Willis publicly took to the alter at Big Bethel AME Church[43] [44] and ascribed the charges to her, not as valid objections, but as racism. First, she set the stage by crying poverty with the words, "I want y'all to know I pulled out my most lavish $29.99 dress from Ross."[45] Then, she engendered sympathy with the throwaway line regarding God, "But today, what He has brought you is His very flawed, hardheaded, and imperfect servant."[46], and then promoting herself as a vehicle of God, with comments like, "But my God got a way of making sure no matter why you came with his message. So the theme being celebrated today is it starts with me,"[47] and "I knew God was telling me, I'm sending you where you need to be. Yes, I was invited here to give you a message, but yet my God does what he always does. He brought a message to me."[48] She repeatedly used God to imply that He was on *her* side and that *she* was on a divine mission. That, in itself, can taint a potential jury pool, prejudice the defendants, and is unbecoming of a prosecutor in a criminal case. The speech was not just an impromptu speech, where she got carried away. She had written it down and thought it through beforehand. This was premeditated. It's using religious prejudice to influence the jury pool and is further prosecutorial forensic misconduct.

Recall, that this was all to obscure that she was accused of an affair with a married man. The climax of her speech that day was this:

> "First thing they say. Oh, she going to play the race card now? But no. God, isn't it them who's playing the race card when they only question one? Isn't it them playing the race card when they constantly think I need someone from some other jurisdiction in some other state to tell me how to do a job I've been doing almost 30 years."[49]

The New York Times reported:

> Ms. Willis's performance Thursday was a different kind of response — shot through with pride, hurt and blustery verbal jousts. It was the antithesis of the buttoned-up approach taken by Jack Smith, the laconic special counsel leading the two federal criminal cases against Mr. Trump. And it was pitched not only to Judge McAfee, who will determine whether she should be able to keep the case, but also to the Fulton County voters who will decide whether to re-elect her later this year — and who would make up a jury in the case.
>
> She may have also been speaking to a nation that is now entertaining doubts about the validity of her prosecution.[50]

She played the *race card* slur[51] against her accusers. There was a hunger in the press for her commentary on the case, so she could assume the speech would become public and the results could easily influence members of the jury pool. There was **no** evidence of her accusers using race. D.A. Willis had the affair, that she was later forced to admit in a brief and on the stand to the McAfee court, with one man who was one of her three special prosecutors. She used the fact that he was Black as a shield and a weapon to use against any accusation. What

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43 https://www.youtube.com/watch?v=aGHjumOMWHA
44 https://www.atlantanewsfirst.com/2024/01/15/read-fulton-county-da-fani-willis-improper-relationship-charges/
45 https://www.atlantanewsfirst.com/2024/01/15/read-fulton-county-da-fani-willis-improper-relationship-charges/
46 Ibid.
47 Ibid.
48 Ibid.
49 Ibid.
50 https://www.nytimes.com/2024/02/15/us/fani-willis-trump-georgia-testimony.html
51 https://en.wikipedia.org/wiki/Race_card

this does to the citizens of Fulton County, as well as actions within other parts of the State of Georgia heard in a Fulton County court, is to taint any objectivity by this woman. She pulled the race card as an improper defense but now makes any action she takes against a person of any other race a suspect action. This is an attempt at using racial prejudice to influence the jury pool and furthering prosecutorial forensic misconduct.

In our estimation, anyone of another race should rightfully ask for another office to prosecute them should they be confronted by her or anyone else in her office. Read on in the next paragraphs for another reason we hold this viewpoint.

Training about race bias and other forms of bias in the workplace is beneficial to the workplace and to society at large. However, the type of training to which the Fulton County District Attorney's office subjected their employees was itself racist and belongs nowhere in the United States. The employment race issue was uncovered on February 27, 2024, on the Breitbart website.[52] According to Breitbart's investigation, former employees stated that:

> "Fulton County District Attorney Fani Willis subjected her employees to mandatory race training, forcing the entire office to rate "Black" or "White" skin colors as either "Good" or "Bad," according to training slides and video … If you didn't participate in the quiz, you got fired."[53]

Let's digress a little and consider the origin of the test D.A. Willis used. The test she used is called an *implicit bias test*[54], and Harvard University developed the slides used by her to judge her employees.[55] As we are aware, Harvard University is compromised in educating about bias. Harvard has the lowest ranking on free speech among schools[56] as well as scads of alleged antisemitic events on campus[57]. Harvard's president equivocated about antisemitism in front of the United States House of Representatives.[58]. To lay cover for all of this, Harvard set up yet another antisemitism task force. Harvard's new antisemitism task force set up by former President Claudine Gay's successor President Alan Garbar, lost another member, Professor Raffaella Sadun, on February 25, 2024. This follows the resignation of Rabbi David Wolpe (who is the Anti-Defamation League's first rabbinic fellow) from the predecessor antisemitism task force.[59] Wolpe posted on X that "… both events on campus and the painfully inadequate testimony reinforced the idea that I cannot make the sort of difference I had hoped."[60] Given the questionable bona fides, in the *bias* arena, of the origins of her test, it never should have been used, and in our opinion, was a major contributor to a hostile workplace.[61]

One employee said about the tests D.A. Willis employed from Harvard: "Willis pulled [the mandatory tests] off as diversity [training], but it was more so an attack on the race [relations] thing."[62] "The training emphasized that the United States was founded on the sins of the white man and the slaughter of Native Americans"[63] said another.

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52 https://www.breitbart.com/politics/2024/02/27/exclusive-former-employees-reveal-fani-williss-extreme-dei-training-forced-to-associate-white-with-bad-judges-ranked-on-skin-color/
53 Ibid.
54 https://www.americanbar.org/groups/litigation/about/diversity/task-force-implicit-bias/implicit-bias-test/
55 https://implicit.harvard.edu/implicit/
56 https://www.thefire.org/news/harvard-gets-worst-score-ever-fires-college-free-speech-rankings
57 https://www.nbcnews.com/news/us-news/us-department-education-opens-investigation-harvard-antisemitism-claim-rcna127152
58 https://apnews.com/article/harvard-mit-penn-campus-antisemitism-20b8513293ee2dbaee053a6fd3f8ce7a
59 https://www.cnn.com/2023/12/08/business/david-wolpe-harvard-antisemitism/index.html
60 https://twitter.com/RabbiWolpe/status/1732847411175796747
61 Unlike Harvard University leadership and some professors, this author has tried to attribute each finding to its source.
62 https://www.breitbart.com/politics/2024/02/27/exclusive-former-employees-reveal-fani-williss-extreme-dei-training-forced-to-associate-white-with-bad-judges-ranked-on-skin-color/
63 Ibid.

Let's take a closer look at some race tests that D.A. Willis forced her employees to perform for fear of dismissal if they decided to forgo the vile exercise. One, entitled Part 1 of 7, told the employee to move items to the left for *White people*. Items for *Black people* were on the right. If one didn't slide the image of the white person to the block that said *Bad*, or the image of the Black person to the block that said *Good*, the test would place an X on the screen. The test wouldn't let one continue. Completion of the test was mandatory, so each employee was forced to finish the test with its underlying evil premise. One wonders if some of the staff was led to believe this was proper, and that they must prosecute according to the precepts of the test.

There are variations of this racist exercise in the Harvard test that D.A.D.A. Willis found useful to employ. The net result was that employees engaged in a racist ordeal to save their jobs.

As an officer of public trust, D.A. Willis instead used race as a test for continued employment. Either she didn't review the test adequately (the most innocuous explanation) or she knew the course contents and agreed wholeheartedly. In either case, her employees suffered racist consequences, fearing for their jobs. Thus, she created a hostile work environment counter to the Due Process clause of the Fourteenth Amendment to the United States Constitution[64] as well as many laws created by Congress from Section 5 of the amendment in enforcement of Section 1. The U.S. Equal Employment Opportunity Commission contains this passage prominently on its main webpage:

> **Harassment is unwelcome conduct that is based on race**, color, religion, sex (including sexual orientation, gender identity, or pregnancy), national origin, older age (beginning at age 40), disability, or genetic information (including family medical history). **Harassment becomes unlawful where 1) enduring the offensive conduct becomes a condition of continued employment**, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.[65] [Emphasis ours.]

Fulton County is diverse. According to the U.S. Census Bureau in 2023[66], the racial breakdown is roughly 44% white, 45% Black, 8% Asian, 0% Hawaiian and other Pacific Islander, 2% 2+ races, and 7.4% Hispanic or Latino. D.A. Willis has unfairly and dramatically tainted prosecutions of 44% of her constituency. One could reasonably argue it's more like 55% of her constituency because one does not know how she feels about other races than the Black race. Certainly, concerning whites, a Black is superior to a white person, as evidenced by the test she used. Is that true of other non-Black races? We don't know, but would a defendant in a Fulton County court want to find out the hard way?

Regarding another alleged violation of this rule section, how does she explain her infamous *marine* tweet? D.A. Willis on July 18, 2022, tweeted about the case on her campaign address @FanifoDA during the time of the Special Grand Jury.[67] The following cartoon was taken directly from her post on July 18, 2022, and was still on the site as of March 3, 2024:

64 https://constitution.congress.gov/constitution/amendment-14/
65 https://www.eeoc.gov/harassment
66 https://www.census.gov/quickfacts/fact/table/fultoncountygeorgia,US/PST045222
67 https://twitter.com/FaniforDA/status/1549163274897350657

Illustration by Steve Stegelin

The cartoon she tweeted was drawn by cartoonist Steve Stegelin of the Charleston City Paper and D.A. Willis tweeted (not even retweeted) that picture and made it her own. To bind the image to herself, she captioned the picture with "This is my first cartoon, and likely the only time a boat will ever bear my name." D.A. Willis decided that making fun of a serious, extraordinary, precedent-setting case was a joke to her. She didn't consider the costs to taxpayers like me or the millions in defense by several defendants over the course of years as she posted in glee. She mocked U.S. Senator Lindsey Graham and portrayed President Trump as a drowning fish. D.A. Willis was shown catching Sen. Graham on a hook. This tweet violates both the spirit and letter of Rule 3.8(g) in that this was not just to inform the public, but to humiliate both a sitting U.S. senator and a former U.S. president. Correspondingly, it was to self-aggrandize D.A. Willis in the public eye, while also serving to taint the jury pool and public opinion.

Contrast this cartoon with what D.A. Willis stated earlier in February 2022, quoted in an article on CNN Politics on February 7. 2022. She said, "Mr. Trump, just as every other American citizen, is entitled to dignity. He's entitled to be treated fairly."[68]

In our opinion, she considers the possible lifetime imprisonment of a former president as a joke. The attention this cartoon received, not because of the original author, but because D.A. Willis tweeted it herself, was an extrajudicial statement that demeaned the defendant and a witness. The national attention that followed was to support her while destroying the reputations of two men who had not been convicted of anything and thus prejudiced the case against that defendant.

Rule 4.1 Truthfulness in Statements to Others

This rule requires a lawyer not to lie:

> In the course of representing a client a lawyer shall not knowingly:
>
> (a) make a false statement of material fact or law to a third person; or
>
> (b) fail to disclose a material fact to a third person when disclosure is necessary to avoid assisting a criminal or fraudulent act by a client, unless disclosure is prohibited by Rule 1.6.

Rule 4.1 closes with this penalty:

> The maximum penalty for a violation of this rule is disbarment.

During the hearing on February 15, 2024, D.A.D.A. Willis continually evaded, obfuscated, and concealed the truth. Before that, she blamed the announcement of an improper relationship on racism, as previously alleged.

68 https://www.cnn.com/2022/02/07/politics/fani-willis-donald-trump-election-investigation/index.html

This section incorporates the allegations of falsely attributing her opposition to race (without any evidence other than to slander her accusers) in the allegation of violation of Rule 3.8(g) of this grievance, to hide the facts. The racial barrage was just false, as her later forced brief to the court divulged – there *was* an affair. When incorporated, it is alleged that D.A.D.A. Willis is to have violated Rule 4.1(a-b).

The allegations of violation of Rule 3.3(a)(1) regard the cellphone tower discussion, the texts between D.A. Willis and Mr. Wade, the phone calls, and the resulting alleged impeachment of both of their testimony on the stand. They are hereby incorporated into the allegations of violating this separate rule. It leads us to allege she also violated Rule 4.1(a-b) with the testimony.

Rule 8.4 Misconduct

This rule deals with rules violations, being convicted, committing crimes, and for dishonesty or deceit:

(a) It shall be a violation of the Georgia Rules of Professional Conduct for a lawyer to:

(1) violate or knowingly attempt to violate the Georgia Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another; …

(4) engage in professional conduct involving dishonesty, fraud, deceit or misrepresentation; …

Rule 8.4 closes with this set of penalties:

The maximum penalty for a violation of Rule 8.4 (a) (1) is the maximum penalty for the specific Rule violated. The maximum penalty for a violation of Rule 8.4 (a) (2) through (c) is disbarment.

Incorporating the allegations from the other sections of the Rules, if any of them are upheld by the State Bar, D.A. Willis is alleged to have violated Rule 8.4(a)(1). Similarly, she appears to us to have been dishonest as to when her improper relationship began now that texts, cellphone tower data, and phone records have revealed a different story. The impartial data tends to show us much more of a relationship than D.A. Willis and Mr. Wade alleged in their testimony on February 15, 2024, and therefore they have been alleged to have misrepresented what their relationship was. The deceit alleged is that D.A. Willis promoted racism as the motive of the defendants when they never had and never have shown even the slightest trace of racism. Therefore, it is alleged that D.A. Willis is to have violated Rule 8.4(a)(4).

In national news reports, it is alleged that D.A. Willis was complicit in diverting $488,000 targeted for the creation of a Center for Youth Empowerment and Gang Prevention, and instead going illegally towards Macbooks, swag, and travel. Congress does not allow the diversion of funds for one stated purpose to go to another purpose.[69] It is called misappropriation.[70] [71] It's a serious violation of law, and typically the United States claws the money back and may prosecute those who misappropriated the funds. According to news sources, her high-level aide, Michael Cuffee, fired the whistleblower[72], Amanda Timpson, for disclosing the diversion, and D.A. Willis is defending her aide. If the charge is true, then D.A. Willis is complicit in defrauding the taxpayers, not only of Fulton County, but of the United States. The U.S. House of Representatives has subpoenaed D.A. Willis about this matter after she dodged previous attempts to obtain documents from her.[73] [74]

Rule 9.5 Lawyer as a Public Official

This rule states that all public officials in Georgia, who are lawyers, must adhere to these Rules:

69 https://www.law.cornell.edu/uscode/text/31/1301
70 https://acqnotes.com/acqnote/careerfields/misappropriation
71 https://www.federalcharges.com/misappropriation-funds-laws/
72 https://freebeacon.com/democrats/fani-willis-axed-employee-who-blew-whistle-on-misuse-of-federal-funds/
73 https://www.nbcnews.com/politics/congress/fani-willis-da-charged-trump-georgia-subpoenaed-house-gop-rcna136683
74 https://www.theguardian.com/us-news/2024/feb/02/trump-prosecutor-fani-willis-subpoenaed-grant-money-records?ref=upstract.com

(a) A lawyer who is a public official and represents the State, a municipal corporation in the State, the United States government, their agencies or officials, is bound by the provisions of these Rules.

Fani T. Willis is the District Attorney of Fulton County in the State of Georgia. She was elected on November 3, 2020, and sworn in for a first term on January 1, 2021. She is a public official in Georgia and represents the State and Fulton County.

Not only is she alleged to have violated these Bar Rules, but also the Code of Ethics for Fulton County.[75] One of the many alleged violations of that code is Section 2-79(b)(3), which states:

> Each such report shall identify the source of each of the following, received or accrued during the preceding calendar year, by each person required to file such report and such person's spouse, if any … any gift(s) or favor(s) from a single prohibited source in the aggregate value or amount of $100.00 or more.

D.A. Willis should follow that Code of Ethics if only to set an example for all the other employees of Fulton County. We just don't know if the aggregate amount paid for trips, dinner, gifts, swag, and other items by Mr. Wade exceeds $100 more than what D.A. Willis put in for their roughly similar expenses. The lack of documentation places the onus on them, not the public, to show that everything came out even. From the information we have, it appears to be thousands of dollars on the side of D.A. Willis benefiting. Had Mr. Wade put in more than $100 from what D.A. Willis put in each year, she would have violated this code section for each year he was on the payroll and they spent money together. It makes a mockery to say something akin to, "It all came out in the wash. We paid for *roughly equal* amounts." What is *roughly equal*? Is it off by $10? $100? $101? $1000? Even $101 is a violation of the Fulton County Ethics Code. Read on:

The money coming to her as a public official from Mr. Wade is also covered by the O.C.G.A § 21-5-34, Campaign Contributions.[76] The full set of Georgia Ethics is found in Rules of the State Ethics Commission in the Georgia Campaign Rules and Regulation link.[77] In-kind expenditures are defined in that document as:

> an expenditure of any goods or services for which a candidate or campaign committee did not extend payment to an end-recipient for the goods or services provided, but for which the campaign received the use/benefit of said goods or services (*e.g.*, A computer is loaned to the campaign and the computer is returned to the donor upon the conclusion of the campaign).

The document contains an in-kind contribution in its section 189-6-.07, which isn't relevant to this discussion, but it refers to O.C.G.A § 21-5-34(b)(1), which states:

> All reports shall list the following:
>
> (A) As to any contribution of more than $100.00, its amount and date of receipt, the election for which the contribution has been accepted and allocated, along with the name and mailing address of the contributor, and, if the contributor is an individual, that individual's occupation and the name of his or her employer. Such contributions shall include, but shall not be limited to, the purchase of tickets for events such as dinners, luncheons, rallies, and similar fundraising events coordinated for the purpose of raising campaign contributions for the reporting person; …
>
> (C) When a contribution consists of a loan, advance, or other extension of credit, the report shall also contain the name of the lending institution or party making the advance or extension of credit and the names, mailing addresses, occupations, and places of employment of all persons having any liability for repayment of the loan, advance, or extension of credit; and, if any such persons shall have a fiduciary

75 https://fultoncountyga.gov/commissioners/clerk-to-the-commission/code-of-ethics
76 https://law.justia.com/codes/georgia/2010/title-21/chapter-5/article-2/21-5-34/
77 https://ethics.ga.gov/cfc-act/

> relationship to the lending institution or party making the advance or extension of credit, the report shall specify such relationship; …

Interestingly in (C), let's say for the sake of argument that Mr. Wade was not making an in-kind gift by pre-paying for travel. (For the record, we believe he did make a gift). Let's take him at his word and say it's merely a loan that D.A. Willis would repay during their trip or some time afterward. Then, by (C), it's a loan or advance, and that must still be recorded. It was not recorded on any official document. We contend that failure to record these transactions in state campaign filings or Fulton County ethics filings constitutes a violation of O.C.G.A § 21-5-34(b)(1)(C).

If the precedent is set that something is not a gift if it eventually gets paid back, any ethics code for gifts in Georgia becomes farcical. Any time a gift is made to an official, the defense will surely be, "Oh, that's not a gift. I just didn't pay it back yet.". The official will refer to this D.A. Fani Willis case as the defining example. Citizens of Georgia cannot let this dramatic weakening of reporting occur.

The State of Georgia also has an Ethics Law. It is codified in O.C.G.A § 45.10.1. It says:

> Any person in government service should:
>
> I. Put loyalty to the highest moral principles and to country above loyalty to persons, party, or government department. …
>
> V. Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not, and never accept, for himself or his family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties. …
>
> VIII. Never use any information coming to him confidentially in the performance of governmental duties as a means for making private profit. …
>
> X. Uphold these principles, ever conscious that public office is a public trust.

Let's examine item I. We believe and allege that loyalty to a paramour was put above loyalty to the government department. Mr. Wade had never prosecuted a felony case or a RICO case. Other lawyers licensed to practice in Georgia that had. D.A. Willis interviewed at least a few but did not continue to seek out other experienced people. Instead, she handed the case to her boyfriend. She was able later to get in-kind contributions from him.

For item V, it appears to us that special favors were dispensed to D.A. Willis's boyfriend by getting him the job. Even if one believes their statement of when the relationship started, the point when they had a relationship onward, especially when getting in-kind travel and dinner contributions, was accepting favors and benefits.

For item VIII, D.A. Willis and Mr. Wade said they tried not to tell others of their improper relationship. This, then, was confidential information they held that directly affected their positions, since he reported to her, and contributed to a hostile workplace.[78] It certainly appears to many that a private profit was had, although there is little evidence to the contrary.

For item X, it appears to us that this catchall statement was not respected in the Fulton County District Attorney's office.

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78 Many companies require that once a relationship between co-workers develops, they must inform Human Services, fill out Conflict of Interest paperwork, and abide by a certain code. Furthermore, most companies do not allow a manager to have a relationship with a subordinate. The District Attorney's office, being the model it should be, should be even more careful about such relationships. Given that Paul Howard had caused turmoil due to his relationship, D.A. Willis was doubly on-guard about the fallout. She ran on preventing the danger; once in office, she ignored it.

Additionally, incorporating the allegations from other sections of the Rules, and the commentary above for this Rule, if any of them are confirmed by the State Bar, D.A. Willis is alleged to have violated Rule 9.5.

Rule 4-108 Conduct Constituting Threat of Harm to Clients or Public; Emergency Suspension

This rule covers the suspension of a lawyer:
(a) Upon receipt of sufficient evidence demonstrating that a lawyer's conduct poses a substantial threat of harm to his clients or the public and at the direction of the Chair or Vice-Chair of the State Disciplinary Board, the Office of the General Counsel shall petition the Supreme Court of Georgia for the suspension of the lawyer pending disciplinary proceedings predicated upon the conduct causing such petition. …

The allegations contained throughout this document show alleged violations of eight (8) other Rules, some with possible violations of multiple subsections and items, and some with multiple instantiations of a single one. Violations of most of the Rules shown here have this ending:

> The maximum penalty for a violation of this rule is disbarment.

These are serious charges, and they are alleged by a public official. Therefore, if the Chair or Vice Chair of the State Disciplinary Board sees fit to do so based on credible explanations of Rules violations, it is requested that either one or both of them direct the Office of General Counsel to petition the Supreme Court of Georgia to suspend D.A. Fani T. Willis from the practice of law until these charges are fairly adjudicated.

Incorporation

Due to the page limitations of this grievance, we cannot include the incorporated exhibits as appendices. Instead, we have footnoted them or they are widely available. The complaint to the Fulton County Board of Ethics, dated February 14, 2024, is incorporated into this grievance as relevant information to the conduct of D.A. Fani Willis.[79] We also reference and incorporate the defense arguments and defense exhibits in the State of Georgia v. Donald John Trump, Rudolph William Louis Giuliani, Michael A. Roman, et al. case, Indictment No. 23SC188947[80], with the other defendants' parallel arguments and exhibits. They are summarized by the Atlanta Journal-Constitution[81] with the full videos on YouTube[82].

Closing

We believe:

1) The conflicts of interest all emanate from an affair that likely began in 2019.
2) Then, the fruits of that relationship were used in a scheme to take taxpayer money.
3) The money than was diverted to a state constitutional officer for her personal use.

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79 https://www.documentcloud.org/documents/24431111-fani-t-willis-ethics-complaint-20240214
80 https://www.cnn.com/interactive/2023/08/politics/annotated-trump-indictment-georgia-election-dg/
81 https://www.ajc.com/news/live-updates/court-hearing-about-trump-prosecutors/
82 https://www.youtube.com/@judgescottmcafee

4) Finally, a cover-up of epic proportions that fatally tainted an internationally observed case.

As they say since Watergate, "It's not the crime, it's the cover-up." Nixon said about the Watergate break-in, "It's going to be forgotten." It wasn't. He resigned. Likewise, when D.A. Willis emphasizes that she was a private person. By extension, we believe she hoped that no one would know of her affair and evidence of it would be lacking, and we also believe she thought a cover-up would be successful. It was not.

It's not that D.A. Willis didn't know better. She ran as a reform candidate for District Attorney because her predecessor Paul Howard himself had an improper relationship with a woman who worked for him.[83] Then Ms. Willis presented herself as someone who would not repeat the past. She declared this as a central message of her campaign:

> *"I certainly will not be choosing people to date that work under me. Let me just say that. … I think that what citizens are really, really concerned about is if you chose to have inappropriate contact with employees."*[84]

The citizens of Fulton County deserve better than the current and former District Attorney. The same mistakes are being made, and they are costing Fulton County and Georgia taxpayers in many ways – financially and in terms of longer court times. The office of the District Attorney represents the integrity and majesty of the entire State of Georgia. It should not be sullied by prurient actions, dishonesty, political gain, and personal gain that interfere with their work environment and the administration of justice. The State Bar must thoroughly investigate the District Attorney and the effect her actions have had on her office, Fulton County, and Georgia.

From the "original sin" of the affair, as Defense Attorney Harry McDougal put it, grew a series of conflicts of interest. The fallout or conflict from the affair as it pertained to the public were:

1) the hiring of her boyfriend as a sole-source contractor,
2) the acquiescence of some questionable billing by him from her,
3) abuse of power against the lover's estranged wife,
4) the movement of taxpayer money through him to her, money that could have been used to reduce the Fulton County jail population,
5) the time and resources used by senior prosecutors to defend her actions, and
6) the damage to the reputation and prestige of the legal system in Georgia.

A decision to disbar against D.A. Fani Willis from the State Bar of Georgia is a serious matter. It means the loss of livelihood for D.A. Willis. However, she was the one who put herself in this situation, and she needed to understand the consequences. She has no one else to blame. She has a high-profile public job, the most visible prosecutor in the State of Georgia. D.A. Willis has promoted her cases on national TV, in books, on the web, and in newspapers. As such a public figure, she must comport herself with the highest ethics, reasoning, and actions. In our opinion, she has failed to do so embarrassingly and dramatically. We have alleged, instead, that she has violated several sections of the Bar Rules, some in more than one way, each case carrying a maximum penalty of disbarment. The above-alleged violations of the Rules, if proven by the State Bar, show a pattern of prosecutorial forensic misconduct, financial misconduct, and professional misconduct that also would violate Rules 8.4[85] and 10[86] of the American Bar Association. As a result, she has made both Fulton County and the State of Georgia

83 https://www.ajc.com/news/rival-takes-on-salacious-talk-fill-ex-da-howards-sexual-harassment-trial/TDJEM7AHYNFPHGDFEHG5RBT2MU/

84 https://www.washingtonexaminer.com/news/2807890/fani-willis-old-words-haunt-allegations-relationship-prosecutor/

85 https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_8_4_misconduct/

86 https://www.americanbar.org/groups/professional_responsibility/resources/lawyer_ethics_regulation/model_rules_for_lawyer_disciplinary_enforcement/rule_10/

laughing-stocks in the wider United States and the world. We believe that she has flaunted the rule of law. If the State Bar finds this true, she no longer has a place in her current position, and she cannot appear before any court and command the respect of a judge, opposing counsel, or the public.

If the State Bar of Georgia's Handbook is to be meaningful to the legal profession and the public, and even if some of these allegations are true, we believe that she must be disbarred. Equal treatment of the law requires the State Bar of Georgia to investigate these charges, provide due process, and adjudicate the findings. As a Georgia resident, I am pleased that there is such a Handbook, written in a language that any of us laymen can read. All I ask is that it be put to use fairly and without fear, favor, or affection.

I respectfully submit this grievance to the State Bar of Georgia in pursuit of seeking the truth, good government, transparency, ethics, and fiscal responsibility.

Steven M Kramer