DISTRICT OF COLUMBIA COURT OF APPEALS
BOARD ON PROFESSIONAL RESPONSIBILITY

In the Matter of	
JULIA Z. HALLER, **Bar Number: 466921** **and** **BRANDON C. JOHNSON,** **Bar Number: 491370**	**Disciplinary Docket Nos. 2021-D012, 2021-D013, 2021-D014, 2021-D015, 2021-D044, and 2021-D046**
Members of the Bar of the District of Columbia Court of Appeals.	

SPECIFICATION OF CHARGES

The disciplinary proceedings instituted by this petition are based upon conduct that violates the standards governing the practice of law in the District of Columbia as prescribed by D.C. Bar Rule X and D.C. Bar Rule XI, § 2(b).

Jurisdiction for these disciplinary proceedings is prescribed by D.C. Bar Rule XI. Pursuant to D.C. Bar Rule XI, § 1(a), jurisdiction is found because:

1. Respondent Julia Z. Haller is a member of the Bar of the District of Columbia Court of Appeals, having been admitted by motion on March 10, 2000, and assigned Bar. No. 466921.

2. Respondent Brandon Johnson is a member of the Bar of the District of Columbia Court of Appeals, having been admitted by motion on April 14, 2008, and assigned Bar No. 491370.

The conduct and standards that Respondents violated, and the relevant facts, are as follows:

3. After the states had certified the results of the November 3, 2020, presidential election, Respondents filed federal lawsuits against state election offices and state government officials in four states where President Joseph Biden was certified as the winner – Michigan, Georgia, Wisconsin, and Arizona – which sought to overturn the election results in those states. In those pleadings in which Respondents reflected their bar licenses, they provided their D.C. Bar numbers.

4. In each of the lawsuits, Respondents alleged there was election fraud on a vast scale as a result of a conspiracy to falsely inflate or increase the vote count in favor of Biden. The alleged conspirators included, but were not limited to, Dominion Voting Systems (a company that manufactures voting machines), foreign actors from Iran and China, officials of the Democratic and Republican parties, state officials, and local elections workers.

5. The relief Respondents sought included decertifying the election results, disregarding the actual vote count, and declaring former President Donald Trump the winner even though he had lost.

6. Respondents knew or should have known the lawsuits were frivolous. They had no plausible factual basis for the claims they made and the relief they sought was unprecedented and beyond the authority of courts to grant.

7. The lawsuits and the claims that Respondent pursued were also procedurally without basis because of their: failure to follow the procedures established by the states to challenge election proceedings or results; filing claims against state officials barred by the Eleventh Amendment; pursuing claims on behalf of plaintiffs who lacked standing; and filing untimely claims after the election results were certified.

Respondent Haller's and Respondent Johnson's Federal Court Action to Overturn the Results of the Presidential Election in Michigan

8. Approximately 5.5 million Michigan residents voted in the November 2020 presidential election. Biden won by more than 150,000 votes.

9. On November 23, 2020, Michigan's bipartisan Board of Canvassers certified the state results after the 83 bipartisan county boards of canvassers had provided county certifications.

10. On November 23, 2020, the Michigan Governor sent the certified results to the Archivist of the United States.

11. Michigan law includes procedures for voters and candidates to raise issues of voting fraud or incorrect vote counts. Respondents did not seek to use any of these procedures to challenge the Michigan results.

12. Instead, on November 25, 2020, Respondents Haller and Johnson, together with their co-counsel, filed a complaint in the United States District Court for the Eastern District of Michigan. On November 29, 2020, they filed an Amended Complaint and an emergency motion for declaratory and injunctive relief on behalf of six plaintiffs - three of whom they described as "registered Michigan voters and nominees of the Republican Party to be a Presidential Elector on behalf of the State of Michigan" and three of whom were "registered voters" and chairs of the Republican Party in their district. They sued the Governor, the Secretary of State, and the Michigan Board of State Canvassers. *King v. Whitmer*, Case No. 20-cv-13134 (E.D. Mich.).

13. In the amended complaint, Respondents Haller and Johnson and their co-counsel alleged violations of the U.S. Constitution under the Elections and Electors Clauses and the Fourteenth Amendment's Equal protection and Due Process clauses, as well as violations of the Michigan Election Code.

14. Respondents' principal claim was that there was "massive election fraud" for the purpose of "illegally and fraudulently manipulating the vote count to elect Joe Biden as President of the United States," which was carried out by a "wide-ranging interstate – and international – collaboration involving multiple public and private actors" which, "at bottom," was "ballot-stuffing" that was "amplified and

rendered virtually invisible by computer software created and run by domestic and foreign actors for that very purpose."

15. Respondents claimed that the international conspiracy to perpetrate election fraud "beg[an] with the election software and hardware from Dominion Voting Systems Corporation ('Dominion') used by the Michigan Board of State Canvassers." Respondents falsely alleged that Dominion committed "computer fraud" by changing "votes for Trump to votes for Biden," and otherwise "manipulat[ing] Michigan votes." Respondents had no factual basis for making these claims.

16. Respondents asked the federal court to "set aside the results of the 2020 General Election" and enter an order that, among other things, would (1) enjoin Secretary Benson and Governor Whitmer from transmitting the currently certified election results to the Electoral College; (2) require Governor Whitmer "to transmit certified election results that state that President Donald Trump is the winner of the election"; (3) "impound all the voting machines and software in Michigan for expert inspection" by plaintiffs; and (4) declare that "absentee ballot fraud occurred in violation of Constitutional rights, Election laws, and under state law."

17. There was no basis for the relief Respondents sought. Governor Whitmer already had sent the certified election results that Biden was the winner in Michigan *before* Respondents filed their complaints, which they knew. The parties

that Respondents named as defendants in the lawsuit did not own or maintain the voting machines; the machines were owned and maintained by the local governments, which were not parties to the lawsuit. And asking the District Court to reject or require a recount of absentee ballots would have been contrary to Michigan law as only a candidate may request a recount and the deadline for requesting and completing a recount already had passed *before* Respondents filed the lawsuit.

18. As the District Court found, none of Respondents' claims had a factual or legal basis:

a. The alleged violation of the Elections and Electors Clauses of the U.S. Constitution was based on alleged violations of the Michigan Election Code and thus was a state law claim "disguised" as a federal claim, which Respondents had not challenged under the state procedures;

b. Respondents offered no facts, but only belief, conjecture, and speculation for the alleged violation of the Equal Protection Clause;

c. Respondents abandoned their Due Process claim; and

d. The alleged violations of the Michigan Election Code had no factual basis, misstated or misconstrued Michigan's law, and already had

been rejected by the Michigan courts – something that Respondents failed to disclose in the complaint and amended complaint.

19. Respondents falsely alleged that that Dominion's systems derived from software designed by Smartmatic Corporation and that both Dominion and Smartmatic were founded by foreign oligarchs and dictators to ensure computerized ballot-stuffing and vote manipulation so that Hugo Chavez never lost an election. The purported source cited for this claim was an anonymous, redacted, and unsigned affidavit from an alleged former member of Venezuela's presidential security detail. But available public information showed that a Canadian businessman founded Dominion and still served as its CEO, and Dominion once licensed its technology to Smartmatic, not the other way around as Respondents alleged.

20. Respondents falsely claimed that Dominion software was being "accessed by agents acting on behalf of China and Iran in order to monitor and manipulate elections, including the most recent US general election in 2020." Respondents relied on an anonymous affidavit of someone referred to as "Spider" or "Spyder" and who Respondents falsely represented was "a former US Military Intelligence expert." In fact, "Spider" had no such expertise, had claimed he had not told counsel that he had such expertise, and had in fact spent most of his time in the Army as a vehicle mechanic.

21. Respondents falsely claimed that a Michigan Democratic Party member was in charge of Michigan's procurement and certification process for Dominion hardware and software. Publicly available information showed that in 2017, a Republican Secretary of State selected Dominion and two other companies, which the bipartisan Board of State Canvassers approved and certified. Each county had the option of using any of the three approved and certified vendors. Of Michigan's 83 counties, 65 elected to use Dominion hardware and software, including many Republican majority counties. Notably, 90% of the counties using Dominion machines were carried by Trump.

22. Citing the affidavit of Patrick Colbeck, Respondents falsely claimed that Dominion hardware connected to the Internet. Colbeck claimed only that he saw an icon on Wayne County tabulation and adjudication equipment that indicated internet connection. Colbeck's affidavit previously had been submitted to a Michigan state court, which found no evidence to support his position – a fact that Respondents did not disclose to the District Court.

23. Respondents falsely claimed that Dominion hardware had "glitches" that hurt Trump and helped Biden. But the affidavits and articles Respondents cited, none of which focused on the equipment used or on what occurred in Michigan, did not support their claims.

24. Respondents falsely claimed that Dominion "undetectably switched Trump votes to Biden in Antrim County, which was only discoverable through a manual recount." Weeks before Respondents' lawsuit, the Antrim County Clerk had reported "apparently skewed results in the Unofficial Election Result tabulations," which the Secretary of State investigated. As publicly reported on November 7, 2020, the error in reporting the unofficial results was the "result of a user error that was quickly identified and corrected; did not affect the way ballots were actually tabulated; and would have been identified in the county canvass before official results were reported even if it had not been identified earlier." The manual recount was not completed until December 17, 2020 – weeks after Respondents filed the complaint (although nevertheless alleged had exposed fraud), and ten days after the federal court ruled against them.

25. To support their claims of "massive election fraud," Respondents cited to and relied on reports by alleged "experts" about statistical phenomena. Respondents' alleged "experts" had no expertise in voting and their data and methods or both were flawed, which Respondents knew or reasonably should have known. Those experts included, but were not limited to Russell Ramsland, Matthew Braynard, William Briggs, Thomas Davis, and Eric Quinnell. Respondents also misrepresented what some of their other "experts" said in their reports, including Robert Wilgus, and Stanley Young.

26. Even after other parties disclosed the errors in the data, analysis, and findings of Respondents' "experts" to the court (and Respondents), Respondents continued to cite and rely on their reports as evidence of fraud, including before the United States Supreme Court.

27. Respondents alleged that election workers and state, county, and city employees had engaged in illegal conduct in concert with Dominion to facilitate and cover up voting fraud – something for which Respondents offered no proof but, as the District Court found, only "speculation and conjecture." The affidavits and statements of poll watchers and others that Respondents attached to their amended complaint were from people with whom Respondents had not spoken. Most, if not all, of the affidavits and statements had been presented in other proceedings and had been discredited by state court judges – something Respondents failed to disclose to the District Court.

28. Respondents knew or should have known that there was no basis for their fraud claims based on these affidavits and statements, but they never withdrew or amended their claims even after evidence refuting them was presented to the court (and Respondents).

29. On December 7, 2020, the District Court denied Respondents' motion for declaratory and injunctive relief. It found that the relief they had requested was "stunning in its scope and breathtaking in its reach," and "would disenfranchise the

votes of the more than 5.5 million Michigan citizens who, with dignity, hope, and a promise of a voice, participated in the 2020 General Election." The District Court also found that the requested relief rendered the case moot: "This case represents well the phrase: 'this ship has sailed.' The time has passed to provide most of the relief Plaintiffs requested in their Amended Complaint; the remaining relief is beyond the power of any court."

30. The District Court found that there was no evidence to support the alleged scheme by defendants to cause votes for Trump to be changed to votes for Biden. Rather, it found that "this lawsuit seems to be less about achieving the relief Plaintiffs seek–as much of that relief is beyond the power of this Court–and more about the impact of their allegations on People's faith in the democratic process and their trust in our government."

31. The District Court held that Respondents' claims were subject to dismissal on numerous grounds, including that they were barred by Eleventh Amendment immunity; doctrines of mootness, laches, and abstention; and plaintiffs' lack of standing.

32. Respondents did not seek to dismiss their lawsuit after the District Court's decision, even though they had alleged that the results of the election would be considered conclusive on December 8, 2020, after which no relief was possible. Nor did they seek to dismiss it after Michigan's electoral votes were cast on

December 14, 2020, despite their statements to the Supreme Court of the United States that "[o]nce the electoral votes are cast, subsequent relief would be pointless" and their "petition would be moot."

33. Respondents' co-counsel filed a notice of appeal with the United States Court of Appeals for the Sixth Circuit on December 8, 2020. While that appeal was pending, Respondents Haller and Johnson with their co-counsel filed a petition for writ of certiorari with the Supreme Court of the United States on December 11, 2020. In the petition, Respondents repeated their false claims that the Michigan Governor, Secretary of State, the Board of State Canvassers, and "their collaborators" had "executed a multifaceted scheme to defraud" and used Dominion Voting Systems to "achieve election fraud." Their request for relief – ordering the defendants to de-certify the results of the general election for Biden (who had won) or order them to certify the results in favor of Trump (who had lost) – was unprecedented and beyond the authority of the court to grant.

34. In a motion requesting the Supreme Court of the United States to consolidate their petition to overturn the results in Michigan with the petitions that Respondents filed to overturn the results in other states, Respondents represented that the Michigan Republican slate of presidential electors, as well as the Republican slates in Georgia, Wisconsin and Arizona, had all cast their votes for Trump and that "[t]hese four slates of electors have received the endorsement of the legislatures in

each of these States, as reflected in permission for them to cast (or attempt to cast) their electoral votes . . ." In fact, none of the state legislatures in these states had endorsed the Republican slate of their respective states.

35. In mid and late December 2020, the defendants and intervenors in the Michigan District Court case filed motions to dismiss and some of them also filed motions for sanctions.

36. After seeking and obtaining an extension to respond to the motions, Respondents and their co-counsel filed notices to dismiss as to the defendants on January 14, 2021, and a further notice to dismiss as to one of the intervenors on January 17, 2021.

37. On or about January 26, 2021, Respondents and their co-counsel entered into a stipulation with counsel for the defendants and the intervenors to dismiss the appeal of the District Court's December 7, 2020 decision.

38. On February 22, 2021, the Supreme Court denied Respondents' petition for a writ of certiorari.

39. The District Court later sanctioned Respondents and the other lawyers representing the plaintiffs, finding that the lawsuit was "a historic and profound abuse of the judicial process" and that Respondents and the other lawyers engaged in litigation practices that were abusive and therefore sanctionable:

> The attorneys who filed the instant lawsuit abused the well-established rules applicable to the litigation process by proffering

> claims not backed by law; proffering claims not backed by evidence (but instead, speculation, conjecture, and unwarranted suspicion); proffering factual allegations and claims without engaging in the required prefiling inquiry; and dragging out these proceedings even after they acknowledged that it was too late to attain the relief sought.
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> *And this case was never about fraud—it was about undermining the People's faith in our democracy and debasing the judicial process to do so.*

40. The District Court found that Respondents "did not provide a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law to render their claims ripe or timely, to grant them standing, or to avoid Eleventh Amendment immunity." The District Court found that "[t]he same can be said for [their] claims under the Elections and Electors, Equal Protection, and Due Process Clauses, and the alleged violations of the Michigan Election Code." Finally, the District Court found that Respondents "have not identified any authority that would enable a federal court to grant the relief sought in this lawsuit."

41. The District Court further found that the claims of Respondents had no factual basis which they knew or should have known because they had no evidentiary support for numerous factual assertions; they presented conjecture, speculation, and guesswork as support for their claims of fraud and misconduct; they failed to conduct due diligence before recycling affidavits from other cases; and they failed to inquire into outlandish and easily debunked numbers from their "experts."

42. The District Court found that "their ultimate goal was the decertification of Michigan's presidential election results and the certification of the losing candidate as the winner – relief not 'warranted by existing law or a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law.'"

43. Respondents appealed the District Court's decision sanctioning them to the Sixth Circuit. On June 23, 2023, the Sixth Circuit found that numerous claims that Respondents had made were frivolous and had no basis in fact or law, including, but not limited to, their claims about Dominion voting systems, statistical "anomalies" in the election results that allegedly demonstrated fraud, and affidavits demonstrating tens of thousands of fraudulent votes. The Sixth Circuit also found that most of Respondent's legal claims relied exclusively on frivolous allegations of widespread voter fraud and most of their claims against the defendants were both legally and factually frivolous.

44. Respondents and their co-counsel sought *en banc* review, which the Sixth Circuit denied on August 8, 2023.

45. Respondents' conduct violated the following Michigan and/or D.C. Rules of Professional Conduct and constituted conduct unbecoming an attorney (*see* Rule 46(c) of the Federal Rues of Appellate Procedure and Rule 8 of the Rules of the Supreme Court of the United States):

a. Rule 3.1, in that Respondents brought a proceeding and asserted issues therein when there was not a non-frivolous basis for doing so;

b. Rule 3.3, in that Respondents made false statements of fact and/or failed to correct false statements of material facts to a tribunal;

c. Rule 8.4(a), in that Respondents violated or attempted to violate the Rules, knowingly assisted or induced another to do so, or did so through the acts of another;

d. Mich. Rule 8.4(b) / D.C. Rule 8.4(c), in that Respondents engaged in conduct involving dishonesty, fraud, deceit, and/or misrepresentation; and

e. Mich. Rule 8.4(c) / D.C. Rule 8.4(d), in that Respondents engaged in conduct that is prejudicial to or seriously interferes with the administration of justice.

Respondent Haller's Federal Court Action to Overturn the Results of the Presidential Election in Georgia and Respondent Haller's and Respondent Johnson's Petition to the Supreme Court Seeking to Overturn the Election Results in Georgia

46. On November 20, 2020, Georgia Secretary of State Brad Raffensperger certified the results of the 2020 presidential election, showing that 2.475 million votes were cast for Biden and 2.462 million votes were cast for Trump.

47. On that same day, Governor Brian Kemp sent the certified results of the U.S. presidential race in Georgia to the Archivist of the United States.

48. Prior to the certification of the Georgia results, the federal agency tasked with overseeing election security determined that the 2020 general elections "was the most secure in American history" and cybersecurity experts determined that there was "no evidence than any voting system deleted or lost votes, changed votes, or was in any way compromised."

49. The State of Georgia independently had confirmed the accuracy of the presidential elections results in the state through (a) a statewide risk-limiting audit that confirmed the results of the presidential election; (b) a hand audit of all ballots cast in the presidential race for every county in the state that also confirmed the results of the election; and (c) independent testing by a federally-certified voting systems test lab that performed an audit of the voting machines after the November 3, 2020 election confirming that the security of the state's electronic voting equipment had not been compromised. All this information was a matter of public record prior to November 25, 2020.

50. The Secretary of State audited all the absentee ballots for Cobb County. That audit also confirmed the results of the election and that there had been no "massive fraud" or failure to follow and comply with the State's requirements

relating to absentee ballots.[1] After the certification, the Trump campaign requested a post-certification recount that again confirmed the results of election.

51. Respondent Haller and her co-counsel did not use any of the election-contest procedures established and available under Georgia state law to challenge the election results in Georgia. Instead, she and her co-counsel waited until November 25, 2020, five days *after* Secretary of State Raffensperger had certified the results and Governor Kemp sent them to the Archivist, to file their lawsuit in United States District Court for the Northern District of Georgia, seeking to overturn the state's presidential election results. *Pearson v. Kemp*, Case No. 1:20-cv-04809 (N.D. Ga.).

52. Respondent Haller and her co-counsel sued Raffensperger, Kemp, and the Members of the State Election Board, alleging "massive election fraud" that they claimed violated the Constitution, *i.e.*, the Elections and Electors Clauses and the Fourteenth Amendment's Equal Protection and Due Process clauses, which were substantially similar if not the same as the Constitutional claims that they included in the federal lawsuit filed in Michigan (and that they would include in other federal

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[1] Secretary of State Raffensperger reported and later testified about that audit which involved a random sample of approximately 15,000 ballots of the total 150,000 Cobb County ballots. The Secretary of State's audit found only two envelopes that were not handled in the appropriate way and should have been flagged. According to the Secretary of State, both envelopes had been signed by the voter's spouse, one because the voter had a health issue, and the other because of confusion about the process.

lawsuits filed several days later in Wisconsin and Arizona). They also claimed violations of Georgia law.

53. Respondent Haller's claims of "massive election fraud" in the federal action in Georgia were similar if not identical to the claims that she and her co-counsel had made in the federal court action in Michigan (as well as Wisconsin, and Arizona discussed below). They included, among other false claims, that Dominion and Smartmatic were founded by foreign oligarchs and dictators, and that Dominion Voting Systems, foreign actors from China and Iran, and others had conspired to somehow uploaded an algorithm to the state's electronic voting equipment and/or hacked the equipment to switch votes from Trump to Biden. Respondent Haller knew or should have known these claims had no basis in fact.

54. To support their conspiracy claims, Respondent Haller and her co-counsel attached affidavits from many of the same "experts" who provided supporting affidavits in the federal lawsuits in Michigan (and lawsuits they later filed in Wisconsin and Arizona). They included the affidavit of "Spider" who they falsely claimed was a "former US Military Intelligence expert."

55. Respondent Haller and her co-counsel also used the analysis of their alleged "experts" in the Michigan case that they knew or should have known used flawed data and applied faulty analysis to support their claims of "ballot stuffing"

and "massive fraud." The "experts" included Matt Braynard, William Briggs, Eric Quinnell, Russel Ramsland, and Shiva Ayyadurai.

56. Even after the errors in the data, analysis, and findings of Respondents' "experts" were disclosed to the court (and Respondents), Respondents continued to cite and rely on their reports as evidence of fraud, including before the United States Supreme Court.

57. The federal lawsuit that Respondent Haller and her co-counsel filed repeated claims from an earlier lawsuit filed by one of her co-counsel L. Lin Wood. *Wood v. Raffensperger*, Case No. 1:20-cv-04651-SDG. In the earlier lawsuit filed on November 13, 2020 (and amended on November 16, 2020), Wood in his capacity as "a qualified elector and registered voter," sued the Georgia Secretary of State and Members of the Georgia State Election Board and sought to have a federal court judge prohibit the certification of the election results in Georgia based on the alleged "unauthorized actions in the handling of absentee ballots within th[e] state."

58. On November 20, 2020, the federal judge in *Wood v. Raffensperger* issued an opinion and order finding that Wood lacked standing to challenge Georgia's absentee voter procedures; his claims were barred by laches; he was not entitled to relief because he failed to show that any class of voters was treated differently; the only burden resulting from the state's signature requirements was on absentee and provisional voters; the rejection rate for such voters was the same as in

previous elections; and the absentee-voter procedures implemented by Secretary Raffensperger added additional safeguards to ensure election security, sought to ensure consistency among the counties, and was within the authority delegated to him by the state legislature.

59. Notwithstanding the ruling in *Wood v. Raffensperger* and the absence of evidence to support Wood's claims, Respondent Haller and her co-counsel repeated many of the same claims about absentee votes in the action they filed in the federal court in Georgia, including that Georgia should have rejected absentee votes at a greater rate and that its failure to do so somehow denied the plaintiffs due process. They made these claims without disclosing that the federal judge in *Wood v. Raffensperger* had found that they had no merit.

60. Respondent Haller and her co-counsel made other claims that they knew had no basis, including that the "massive fraud begins with the election software and hardware from Dominion . . . only recently purchased and rushed into use by Defendants Governor Brian Kemp, Secretary of State Brad Raffensperger, and the Georgia Board of Elections." They cited as proof a certificate from the Secretary of State awarded to Dominion Voting Systems and a test report that they said were "undated." The actual certificate was dated August 9, 2019, but the one attached to the complaint was not. Also, the test report was dated August 7, 2019.

When the defendants notified the court of this fact, Respondent Haller and her co-counsel made no effort to correct the allegations in the complaint.

61. Respondent Haller and her co-counsel purported to quote from affidavits in other litigation, including the affidavit of Harri Hursti, but the statement they attributed to him did not appear in his affidavit. They also referred to a 2019 article about "Ballot-Marking Devices" that dealt with an older Dominion voting machine not used in Georgia (or Michigan), which they should have known, but did not disclose.

62. Respondent Haller and her co-counsel sought relief in the District Court action that they knew had no basis in law and would, if granted, exceeded the court's authority. Among other things, Respondent Haller and her co-counsel asked the federal court to: (1) direct Georgia's Governor, Secretary of State, and the State Board of Electors to "de-certify" the election results; (2) enjoin the Governor from transmitting the results to the Electoral College (which he already had done five days before Respondent filed the complaint); (3) order the Governor to transmit certified results declaring Trump the winner; (4) impound all the voting machines and software in Georgia for inspection by the plaintiffs' experts; and (5) declare that "mail-in and absentee ballot fraud" occurred and must be "remedied with a Full Manual Recount."

63. On December 7, 2020, the District Court in Georgia held a hearing and, at its conclusion, dismissed the complaint. The court found that Respondent Haller and her co-counsel should have filed their election contests in the state courts, that the plaintiffs lacked standing, that they waited too long to bring their claims, and that a federal court could not grant the relief sought. "[T]he plaintiffs essentially ask the Court for perhaps the most extraordinary relief ever sought in any Federal Court in connection with an election. They want this Court to substitute its judgment for that of two-and-a-half million Georgia voters who voted for Joe Biden, and this I am unwilling to do."

64. On December 7, 2020, Respondent Haller's co-counsel filed an appeal with the United States Court of Appeals for the Eleventh Circuit. While that appeal was pending, Respondents Haller and Johnson with their co-counsel filed an emergency petition for an extraordinary writ of mandamus with the Supreme Court of the United States on December 11, 2020. In the petition, Respondents repeated their false claims that the Georgia defendants and others engaged in "massive, coordinated inter-state election fraud" that the defendants "knowingly enabled, permitted, facilitated, or even collaborated with third parties in practices resulting in hundreds of thousands of illegal, ineligible or fictitious votes being cast in the State of Georgia." They repeated their claims in the complaint, citing as support the reports of their same "experts." Respondents knew or should have known that their

claims of fraud and other alleged misconduct repeated in their petition to the Supreme Court had no basis in fact and were false. Their request for relief, which included ordering the defendants to de-certify the results of the general election for Biden (who had won) had no basis in law, which Respondents knew.

65. In a subsequent notice and motion to consolidate filed with the Supreme Court, Respondents Haller and Johnson and their co-counsel claimed that the Georgian Republican slate of Presidential Electors, as well as the Republican slates in other states, all cast their votes for Trump and that "[t]hese Republican slates of electors have received the endorsement of the Republican-majority legislatures in each of these States, as reflected the decision for them to cast (or attempting to cast) their slate of electoral votes . . . ." In fact, none of the state legislatures in these states had endorsed the Republican slate – a fact Respondents knew.

66. On January 11, 2021, the Supreme Court of the United States denied the motion for expedited consideration.

67. On January 19, 2021, Respondents' co-counsel filed a stipulation of dismissal with the Supreme Court. On that same date, they filed a motion to voluntarily dismiss the appeal with the Eleventh Circuit.

68. Respondents' conduct violated the following Georgia and/or D.C. Rules of Professional Conduct and constituted conduct unbecoming an attorney (*see*

Rule 46(c) of the Federal Rues of Appellate Procedure and Rule 8 of the Rules of the Supreme Court of the United States):

a. Rule 3.1, in that Respondents brought a proceeding and asserted issues therein when there was not a non-frivolous basis for doing so;

b. Rule 3.3, in that Respondents made false statements of fact and/or failed to correct false statements of material facts to a tribunal;

c. Ga. Rule 8.4(a) / D.C. Rule 8.4(a), in that Respondents violated or attempted to violate the Rules, knowingly assisted or induced another to do so, or did so through the acts of another;

d. Ga. Rule 8.4(a)(1) / D.C. Rule 8.4(c), in that Respondents engaged in conduct involving dishonesty, fraud, deceit, and/or misrepresentation; and

e. D.C. Rule 8.4(d), in that Respondents engaged in conduct that seriously interfered with the administration of justice.

Respondent Haller's and Respondent Johnson's Federal Court Action to Overturn the Results of the Presidential Election in Wisconsin

69. Following the November 3, 2020 election, the Trump Campaign filed recount petitions for all ballots and all wards in Dane and Milwaukee Counties, Wisconsin. The Wisconsin Elections Commission granted the petitions, and the county board of canvassers, following state-mandated procedures, completed the recounts on November 29, 2020, confirming that Biden had received the most votes.

70. The Wisconsin Election Commission also performed a post-election audit of voting machines which did not find any programming errors or any "identifiable bugs, errors, or failures of the tabulation voting equipment . . . ." The audit results were posted on line, and accessible by the public, by no later than November 30, 2020.

71. On November 30, 2020, after the 72 bipartisan county canvassing boards and commissions had certified the results for all the counties in Wisconsin, the Chair of the Wisconsin Elections Commission certified the results of the 2020 presidential election in Wisconsin, showing that Biden received 1.63 million votes, and Trump received 1.61 million votes. On that same day, Wisconsin Governor Tony Evers sent the results of the state's presidential race to the Archivist of the United States.

72. Wisconsin state law governs the elections process and provides procedures for voters to raise issues about the actions of voting officials to the Wisconsin Elections Commission. State law requires that complaints be in writing and submitted before the filing of any court action. Respondents Haller and Johnson and their co-counsel did not use these state procedures to challenge the results in Wisconsin.

73. Instead, on December 1, 2020, Respondents Haller and Johnson, together with their co-counsel, filed a complaint in the United States District Court

for the Eastern District of Wisconsin, seeking declaratory, emergency and permanent injunctive relief that included overturning the presidential election results in Wisconsin. *Feehan v. Wisconsin Elections Commission*, Case No. 2:20-cv-1771 (E.D. Wis.).

74. Respondents and their co-counsel filed their complaint on behalf of two plaintiffs: William Feehan, whom they described as a "registered Wisconsin voter and a nominee of the Republican Party to be a Presidential Elector on behalf of the State of Wisconsin" and Derrick Van Orden, an unsuccessful Republican congressional candidate. On December 1, 2020, Van Orden publicly stated that his name had been included in the complaint without his permission. Respondents and their co-counsel then filed an amended complaint removing Van Orden as a plaintiff.

75. The amended complaint named as defendants the Wisconsin Elections Commission, all six members of the Commission, and Wisconsin Governor Evers. It included the same alleged violations of the U.S. Constitution that Respondents included in the lawsuits they had filed in Michigan and Georgia (and would file in Arizona) – *i.e.*, violations of the Elections and Electors Clauses, the Fourteenth Amendment's Equal Protection and Due Process clauses, and claims of "widespread ballot fraud" which were state law claims.

76. Respondents' principal contention was that judicial intervention and the extraordinary relief they sought was warranted due to alleged "massive election

fraud" that was "for the purpose of illegally and fraudulently manipulating the vote count to manufacture an election of Joe Biden as President of the United States . . . ." They claimed "[t]he multifaceted schemes and artifices implemented by Defendants and their collaborators to defraud resulted in the unlawful counting, or fabrication, of hundreds of thousands of illegal, duplicate or purely fictitious ballots in the State of Wisconsin, ..."'

77. Respondents repeated their claims, almost verbatim from the other lawsuits, about an alleged international conspiracy to perpetrate election fraud "begin[ning] with the election software and hardware from Dominion Voting Systems Corporation ('Dominion') used by the Wisconsin Election Commission . . . ." According to Respondents' Amended Complaint, Dominion committed "computer fraud" and the "glitches" in its system had the "uniform effect of hurting Trump and helping Biden." Respondents had no factual basis for making these claims.

78. Respondents Haller and Johnson and their co-counsel also repeated allegations that they had included in the Michigan and Georgia lawsuits that they knew or should have known had no factual basis and that were false including that:

a. Dominion and Smartmatic were "founded by foreign oligarchs and dictators to ensure computerized ballot-stuffing and vote manipulation to whatever level was needed to make certain

Venezuelan dictator Hugo Chavez never lost another election" based on the same anonymous, unsigned, and redacted affidavit from an alleged former member of Venezuela's presidential security that was used in the Michigan case;

b. that Dominion hardware and software "was compromised by rogue actors, including foreign interference by Iran and China" based (as in the Michigan case) on an affidavit from "Spider" who Respondents falsely characterized as a "former US Military Intelligence expert;" and

c. a description of various design flaws unique to Ballot Marking Devices, notwithstanding that Wisconsin records almost all votes either directly on hand-marked paper ballots or on touch screens that produce voter-verified paper ballots, subjects voting equipment to a legally required post-election audit, and uses BMDs only for a limited number of disabled voters in some of its counties.

79. Respondents Haller and Johnson and their co-counsel made other allegations about Dominion hardware and software in Wisconsin that had no basis, which they knew or should have known. For example, Respondents claimed "an especially egregious range of conduct in Milwaukee County and the City of Milwaukee, along with Dane County, La Crosse County, Waukesha County, St.

Croix County, Washington County, Bayfield County, Ozaukee County and various other counties throughout Wisconsin employing Dominion Systems, though this conduct occurred throughout the State at the direction of Wisconsin state election officials." However, Milwaukee and Dane Counties did not use Dominion software or equipment, nor did La Crosse, Waukesha, St. Croix and Bayfield Counties. In fact, only 14.7% of voting jurisdictions in Wisconsin used Dominion. Of the six counties Respondents singled out in their amended complaint, the only two that used Dominion were Ozaukee and Washington. Trump won both of those counties - 54 to 44% in Ozaukee and 69.3 to 30.7% in Washington.

80. Although the Wisconsin Elections Commission had approved Dominion in 2015 as one of three state-certified vendors, Respondents and their client never made any allegations of impropriety until after the 2020 results had been certified.

81. Respondents Haller and Johnson and their co-counsel falsely claimed that there were "several hundred thousand illegal, ineligible, duplicate, or purely fictitious votes" that they claimed "must be thrown out."

82. Many of Respondents' "experts" were anonymous and did not express any knowledge of what transpired in Wisconsin. A number of the other "experts" were those who had provided similar, if not the same reports or declarations that

Respondents used as support for their complaints in Michigan and Georgia (and the Arizona) including Braynard, Briggs, and Ramsland.

83. Even after the errors in the data, analysis, and findings of these and Respondents' other "experts" were disclosed to the court (and Respondents), Respondents continued to cite and rely on their reports as evidence of fraud, including before the United States Supreme Court.

84. Respondents falsely claimed that "Dominion's Results for 2020 General Election Demonstrate Dominion Manipulated Election Results" and contended there were "statistically impossible" vote counts in Milwaukee County and "surge[s]" in Dane County. However, Milwaukee and Dade counties did not use Dominion equipment and software – something that Respondents knew or should have known but did not disclose.

85. Other claims that Respondents Haller and Johnson and their co-counsel included were misleading, which they knew or should have known. For example, they alleged that "[i]n addition to the Dominion computer fraud," there were "additional categories of 'traditional' voting fraud that occurred as a direct result of the Defendant Wisconsin Election Commission ('WEC') and other Defendants directing Wisconsin clerks and other officials to ignore or violate the express requirements of the Wisconsin Election Code." Respondents then misrepresented the WEC guidance that was given to county and municipal clerks about "indefinitely

confined" absentee voters, and challenged the guidance to WEC for clerks about missing address information on absentee envelope certificates had been issued in 2016 and followed in 11 statewide elections. Respondents failed to identify any vote that was cast in the Wisconsin election by an ineligible voter.

86. Respondents Haller and Johnson and their co-counsel asked the District Court to "set aside the results of the 2020 General Election" and enter an order: (1) directing Governor Evers and the Wisconsin Elections Commission to "de-certify the election results;" (2) enjoining Governor Evers from transmitting the currently certified election results to the Electoral College; (3) directing Governor Evers to transmit certified election results that Trump was the winner; (4) seizing and impounding all election equipment and materials; (5) directing that "no votes received or tabulated by machines that were not certified as required by federal law and state law be counted"; (6) declaring that the "failed system of signature verification" violates the Elections and Electors Clauses; (7) declaring that the "currently certified election results" violated Due Process; (8) declaring that mail-in and absentee ballot fraud occurred and must be remedied; and (9) permanently enjoining the Governor and the Secretary of State – the latter of whom was not a defendant and had no role in Wisconsin elections – from "transmitting the currently certified results to the Electoral College based on the overwhelming evidence of election tampering." Respondents knew or should have known that not only did

their claims have no factual or legal basis, but also their claims for relief were beyond the authority of the court to grant.

87. Respondents Haller and Johnson and their co-counsel initially sought an order for the "[i]mmediate production of 48 hours of security camera recordings of all rooms used in the voting process at the TCF Center for November 3, 2020 and November 4, 2020" – notwithstanding that the TCF Center is in Detroit Michigan, not Wisconsin. The amended complaint changed this request to 48 hours of security camera recordings of all voting and central count facilities and processes in Milwaukee and Dane Counties. They did so even though a Trump-requested recount of "all ballots in all wards" in these two counties had been performed before they filed the complaint confirming Biden's victory – a fact they knew or should have known but failed to disclose to the District Court.

88. On December 9, 2020, after receiving motions to dismiss from the WEC and Governor Evers, other briefs by interested parties, and Respondents' responses, the federal court dismissed the action. The court stated what Respondents knew or should have known: "Federal judges do not appoint the president in this country." Yet, as the court found, "what [plaintiff] asks is for Donald J. Trump to be certified the winner *as a result of judicial fiat*."

89. The court found that Respondents' client had no standing as a voter and nominee, that there was no § 1983 jurisdiction over defendants, and that the

defendants were protected by Eleventh Amendment immunity. The court agreed with the District Court in Michigan that the alleged harm of having one's vote invalidated and diluted "is not remedied by denying millions of others *their* right to vote."

90. On December 10, 2020, Respondents' co-counsel filed a notice of appeal with the United States Court of Appeals for the Seventh Circuit. Five days later, on December 15, 2020, while the appeal was still pending with the Seventh Circuit, Respondents Haller and Johnson and their co-counsel filed an emergency petition for an extraordinary writ of mandamus with the Supreme Court of the United States. Respondents repeated their claims about "massive" election fraud and "an unprecedent[ed] multi-state conspiracy to steal the 2020 General Election," which Respondents knew had no basis and were false. Respondents referred to "unrebutted evidence that the fraud began with Dominion Voting Systems ('Dominion') and was implemented with knowledge and connivance of Respondents [the Wisconsin Elections Commission, its member, and Governor Evers] and other Wisconsin state and local officials that enabled, facilitated and permitted election fraud and counting of illegal and fictitious ballots." Respondents further claimed that the Wisconsin officials they sued and "their collaborators" had implemented "multifaceted schemes and artifices . . . to defraud [that] resulted in the unlawful counting, or manufacturing, of hundreds of thousands or illegal, ineligible, duplicate or purely fictitious ballots

in the State of Wisconsin." Respondents also repeated their claim of "election fraud" and "ballot-stuffing" that were "amplified and rendered virtually invisible by computer software created and run by domestic and foreign actors for that very purpose." Respondents knew or should have known that their claims of fraud and other alleged misconduct had no basis in fact. Their request for relief – ordering the defendants to de-certify the results of the general election for Biden (who had won) or order them to certify the results in favor of Trump (who had lost) – was beyond the authority of the court to grant.

91. The Supreme Court denied Respondents' petition on March 1, 2021.

92. In the interim, the WEC and its members as well as Governor Evers moved to dismiss the appeal filed in the Seventh Circuit on January 25, 2021. Respondents' co-counsel filed a notice of "concurrence" on January 26, 2021, and the Seventh Circuit dismissed the appeal on February 1, 2021.

93. Respondents' conduct violated the following Wisconsin and/or D.C. Rules of Professional Conduct and constituted conduct unbecoming an attorney (*see* Rule 46(c) of the Federal Rues of Appellate Procedure and Rule 8 of the Rules of the Supreme Court of the United States):

a. Rule 3.1, in that Respondents brought a proceeding and asserted issues therein when there was not a non-frivolous basis for doing so;

b. Rule 3.3, in that Respondents made false statements of fact and/or failed to correct false statements of material facts to a tribunal;

c. Rule 8.4(a), in that Respondents violated or attempted to violate the Rules, knowingly assisted or induced another to do so, or did so through the acts of another;

d. Rule 8.4(c), in that Respondents engaged in conduct involving dishonesty, fraud, deceit, and/or misrepresentation; and

e. D.C. Rule 8.4(d), in that Respondents engaged in conduct that is prejudicial to the administration of justice.

Respondent Haller's and Respondent Johnson's Federal Court Action to Overturn the Results of the Presidential Election in Arizona

94. More than 3.4 million people voted in the November 3, 2020 general election in Arizona. Within days after the election, 10 of Arizona's 15 counties, including the two most populous counties (Maricopa and Pima) performed a hand count of sample ballots to test the tabulation equipment. In six of the counties, no discrepancies were found and the discrepancies found in the other four counties were "within the acceptable margin." The results of the hand counts were publicly available by no later than November 17, 2020.

95. Under Arizona law, the Secretary of State must, in the presence of the Governor, certify the statewide canvas on the fourth Monday after a general election, *i.e.*, November 30, 2020. The official canvasses for each of the 15 counties were

received by no later than November 23, 2020. On November 30, 2020, as required by state law, then-Secretary of State Katie Hobbs, in the presence of then Governor Doug Ducey, certified the statewide canvas showing that Biden had won the presidential election having received 1,672,143 votes, with Trump receiving 1,661,686. On that same day, Governor Ducey signed the Certificate of Ascertainment for Biden's presidential electors that was transmitted to the U.S. Archivist.

96. Arizona state law provides a procedure for contesting elections, which requires the person to bring the action either in the superior court of the county in which the person resides or in the Superior Court of Maricopa County (A.R.S. § 16-672).

97. Respondents Haller and Johnson and their co-counsel did not seek to challenge the election results in Arizona under the procedures established by the state.

98. Instead, on December 2, 2020, Respondents Haller and Johnson, together with their co-counsel, filed a complaint in the United States District Court for the District of Arizona, seeking declaratory, emergency and permanent injunctive relief, which included overturning the presidential election results in Arizona. *Bowyer v. Ducey*, Case No. 2:20-cv-02321-DJH (D. Ariz.)

99. The complaint named as plaintiffs 11 registered voters and nominees of the Republican Party to be presidential electors, and three other registered voters who served as Chairs of the Republican Party in their counties. One of the named plaintiffs, Kelli Ward, had previously filed an action in the Superior Court of Maricopa County, raising a number of the same claims that Respondents included in their federal complaint.

100. Respondents sued Governor Ducey and Secretary of State Hobbs in their "official capacity." According to Respondents' complaint, these defendants "and their collaborators" implemented "multifaceted schemes and artifices" to defraud that "resulted in the unlawful counting, or fabrication, of hundreds of thousands of illegal, ineligible, duplicate or purely fictitious ballots in the State of Arizona . . . ." There was no basis for these claims as Respondents knew or should have known.

101. The complaint included the parallel counts that Respondents had included in the lawsuits they filed in Michigan, Georgia, and Wisconsin – *i.e.*, alleged violations of the Elections and Electors Clauses, the Equal Protection Clause, the Due Process Clause, and a claim of "wide-spread ballot fraud" based on alleged violations of Arizona law.

102. Respondents' principal contention was that judicial intervention and the extraordinary relief they sought was warranted due to alleged "massive election

fraud" that was "for the purpose of illegally and fraudulently manipulating the vote count to manufacture an election of Joe Biden as President of the United States" and that was "amplified and rendered virtually invisible by computer software created and run by domestic and foreign actors for that very purpose."

103. Respondents repeated their claims, almost verbatim from the other lawsuits, including those about an alleged international conspiracy to perpetrate election fraud that began with the election software and hardware from Dominion. According to Respondents' complaint, there was a scheme to fraudulently manipulate the vote count for Biden and "down ballot democratic candidates" and the fraud was "executed by many means" including ballot-stuffing and that there was an "especially egregious range of conduct in Maricopa County and other Arizona counties using employing [sic] Dominion Systems, though this conduct occurred throughout the State at the direction of Arizona state election officials." Respondents had no factual basis for making these claims.

104. Respondents Haller and Johnson and their co-counsel also repeated allegations they included in the lawsuits filed in Michigan, Georgia, and Wisconsin, that they knew or should have known had no factual basis and that were false including that:

a. Dominion and Smartmatic were "founded by foreign oligarchs and dictators to ensure computerized ballot-stuffing and vote

manipulation to whatever level was needed to make certain Venezuelan dictator Hugo Chavez never lost another election" based on the same anonymous, unsigned, and redacted affidavit from an alleged member of Venezuela's presidential security;

b. Dominion hardware and software "was compromised by rogue actors, including foreign interference by Iran and China" based on an affidavit from "Spider" whom Respondents falsely characterized as a "former US Military Intelligence expert";

c. a description of various design flaws unique to Ballot Marking Devices used in Georgia, notwithstanding that Arizona records almost all votes either directly on hand-marked paper ballots, subjects voting equipment to a legally required post-election audit, and uses BMDs only for a limited number of disabled voters in some of its counties; and

d. Dominion was not certified pursuant to the EAC Voting Systems.

105. Respondents Haller and Johnson and their co-counsel made other baseless and false allegations against Dominion or unidentified "third parties." This included allegations (a) that approximately 78,000 to almost 95,000 absentee/mail ballots were "either lost or destroyed (consistent with allegations of Trump ballot destruction) and/or were replaced with blank ballots filled out by election workers,

Dominion or other third parties;" and (b) that ballots process by Dominion were "report[ed] to SCYTL, which is offshore, and uses an algorithm, that is secretive, and applies a cleansing of invalid versus valid ballots, before the votes get tallied for distribution."

106. Respondents Haller and Johnson and their co-counsel alleged that "expert witness testimony" demonstrated that there were hundreds of thousands of "illegal, ineligible, duplicate, or purely fictitious" votes in Arizona and those votes "must be thrown out."

107. A number of Respondents' alleged "experts" were anonymous and did not express any knowledge of what happened in Arizona.

108. Respondents' "experts" who were identified were the same people who provided surveys, reports or opinions in Respondents' federal court actions in Michigan, Georgia, and Wisconsin as support for their claims of "massive voting fraud."

109. Even after other parties disclosed the errors in the data, analysis, and findings of Respondents' "experts" to the court (and Respondents), Respondents continued to cite and rely on their reports as evidence of fraud, including before the United States Supreme Court.

110. Other claims that Respondents Haller and Johnson and their co-counsel included were misleading, which they knew or should have known. They alleged

numerous violations of Arizona Election Law based on the statements of poll watchers and members of the Republican party that even if they had some factual basis, did not amount to fraud.

111. Respondents Haller and Johnson and their co-counsel asked the District Court to (1) direct the Governor and Secretary of State to "de-certify the election results"; (2) enjoin the Governor from transmitting the "currently certified election results" to the Electoral College (3) eliminate or not count the mail-in ballots; (4) disqualify the state electors or direct them to vote for Trump; (5) seize and impound all election equipment and materials, and produce 48 hours of security camera recordings for Maricopa County for November 3 and 4, 2020; (6) direct that "no votes received or tabulated by machines that were not certified as required by federal law and state law be counted;" (7) declare that the "failed system of signature verification" violates the Elections and Electors Clauses; (8) declare that the "currently certified election results" violated Due Process; and (9) declare that mail-in and absentee ballot fraud occurred and must be remedied with a full manual recount or statistically valid sampling. Respondents knew or should have known that not only did their claims have no factual or legal basis, but their prayers for relief were beyond the court's authority to grant.

112. The District Court held a hearing on December 8, 2020, at which Respondent Haller spoke on behalf of plaintiffs. During the argument, Respondent

Haller claimed, among other things, that they learned of "actual fraud" in Arizona "based on the spikes in the election data feed on the night of November 3rd;" that Dominion sent information to Scytl that was transmitted to servers offshore that applied an algorithm that redistributed votes; that the votes of Arizona voters were broken down from 1 vote to decimal points; and that the difference of 10,000 votes in favor of Biden occurred after election night. These claims had no factual basis which Respondent Haller knew or should have known.

113. Several days prior to the hearing, the Maricopa County Superior Court held an evidentiary hearing on Ward's claims alleging that Republican representatives had an insufficient opportunity to observe election officials, there was an overcounting of mail-in ballots because of inadequate signature comparisons, and there were errors in the ballot duplication process. The Superior Court rejected each claim finding that the observation procedures for the November general election were the same as the August primary and any objection to them should have been raised when any alleged deficiency could have been cured. The court found that Maricopa County election officials followed the state's requirements for mail-in ballots and signature comparisons "faithfully," and forensic document examiners for each side found only a handful of signatures that were "inconclusive" and none showed signs of forgery or simulation. The court found that the sample ballots that were examined all had phone numbers that matched a phone number already on file

for the voter. The evidence did not show that the voters' affidavits were fraudulent or showed that someone other than the voter signed them, and there was no evidence of an abuse of discretion on the part of the reviewer. The court also found that there was no evidence that the way the mail-in ballots were reviewed was designed to benefit a particular candidate or "that there was any misconduct, impropriety, or violation of Arizona law with respect to the review of mail-in ballots." An examination of the duplicate ballots showed that the process was 99.45% accurate. The court found no evidence that the inaccuracies were intentional or part of a fraudulent scheme, but rather mistakes that were small in number and that did not affect the outcome of the election. An en banc panel of the Arizona Supreme Court unanimously affirmed this decision on December 8, 2020.

114. Despite the state court rulings, Respondents did not amend or modify any of their fraud claims based on the same allegations about signature verifications, ballot duplications, and poll observation – claims for which they had no evidence other than what was presented and found inadequate by the Superior Court.

115. On December 9, 2020, the District Court dismissed Respondents' lawsuit.

116. The District Court found that Respondents' clients had no standing as republican party officials, voters, or nominee electors (who performed only ministerial functions) to sue under the Elections and Electors Clauses. The court

also found they lacked standing under the Equal Protection Clause, noting that none of them "(or any registered Arizona voter for that matter) were deprived of their right to vote" and their claims of disparate treatment were "baseless." The court also found that although plaintiffs brought some of their claims under federal law, their arguments and the statutes upon which they relied involved Arizona election law and the election procedures carried out by state officials. There was no jurisdiction over defendants under § 1983, and they were protected by Eleventh Amendment immunity. The court also found other grounds to dismiss plaintiffs' claims, including laches and mootness.

117. The District Court found that Respondents' claims that Arizona's Secretary of State conspired with various domestic and international actors to manipulate Arizona's presidential election to allow Biden to win "fail[ed] in their particularity and plausibility." The court found that the hundreds of pages of attachments to the complaint was impressive only because of their volume, and that the "various affidavits and expert reports are largely based on anonymous witnesses, hearsay, and irrelevant analysis of unrelated elections." The four declarants of poll watchers, the only ones who had first-hand observations, "do not allege fraud at all" and "fail to present evidence that supports the underlying fraud claim."

118. The court found that Respondents' "expert witnesses" failed to identify the defendants as committing any fraud or explain how they participated in the

alleged fraud; that their "innuendos" failed to meet the standards of Federal Rule of Civil Procedure 9(b) for allegations of fraud; and their reports reached "implausible conclusions, often because they are derived from wholly unreliable sources."

119. The court stated that "[b]y any measure, the relief Plaintiffs seek is extraordinary. If granted, millions of Arizonans who exercised their individual right to vote in the 2020 General Election would be utterly disenfranchised."

120. On December 10, 2020, Respondents' co-counsel filed a notice of appeal to the United States Court of Appeals for the Ninth Circuit.

121. While the appeal was pending, Respondents Haller and Johnson and their co-counsel filed an emergency petition with the Supreme Court of the United States for an extraordinary writ of mandamus. In the petition, Respondents repeated their claims about "massive" election fraud and "an unprecedented multi-state conspiracy to steal the 2020 General Election," which Respondents knew had no basis and were false. Respondents claimed there was "rampant lawlessness witnessed in Arizona" which was part of "a larger pattern of illegal conduct" that included "ballot-stuffing" that was "amplified and rendered virtually invisible by computer software created and run by domestic and foreign actors for that very purpose." Respondents repeated their false and baseless allegations about Dominion, including that it was accessed by agents acting on behalf of China and Iran, and that it used algorithms that allocated votes to Biden. Respondents and their

co-counsel asked the Supreme Court of the United States to issue an order that, among other things, directed the Arizona officials they sued to de-certify the election results in Arizona or declare the certified election results in Biden's favor are unconstitutional. Respondents knew or should have known that the allegations they made had no basis in law or fact, and the relief they sought was unauthorized by law.

122. The Supreme Court of the United States denied Respondents' petition on March 1, 2021.

123. On or around March 26, 2021, Respondents' co-counsel agreed to voluntarily dismiss their appeal to the Ninth Circuit.

124. Respondents' conduct violated the following Arizona and/or D.C. Rules of Professional Conduct and constituted conduct unbecoming an attorney (*see* Rule 46(c) of the Federal Rues of Appellate Procedure and Rule 8 of the Rules of the Supreme Court of the United States):

a. Rule 3.1, in that Respondents brought a proceeding and asserted issues therein when there was not a non-frivolous basis for doing so;

b. Rule 3.3, in that Respondents made false statements of fact and/or failed to correct false statements of material facts to a tribunal;

c. Rule 8.4(a), in that Respondents violated or attempted to violate the Rules, knowingly assisted or induced another to do so, or did so through the acts of another;

d. Rule 8.4(c), in that Respondents engaged in conduct involving dishonesty, fraud, deceit, and/or misrepresentation; and

e. Rule 8.4(d), in that Respondents engaged in conduct that is prejudicial to or seriously interfered with the administration of justice.

Respondent Haller's and Respondent Johnson's Federal Court Action In Texas to Overturn the Results of the Presidential Election

125. On December 27, 2020, after the elected, qualified, and certified Presidential electors for Arizona and every other state and the District of Columbia had convened and cast their ballots for president and vice president, Respondents Haller and Johnson and their co-counsel filed another federal lawsuit against then-Vice President Michael Pence in the United States District Court for the Eastern District of Texas.

126. Respondents and their co-counsel named as plaintiffs Republican Congressman Louis Gohmert from Texas, and the Republican slate of electors in Arizona – the same Republican slate of electors who were included as plaintiffs in the federal court action filed in Arizona discussed above.

127. In their complaint, Respondents claimed that that the Republican slate of electors in Arizona who they referred to as "[t]he Arizona Electors," had convened in the Arizona State Capitol with the knowledge and permission of the Republican-majority Arizona Legislature and, pursuant to the requirements of applicable state laws and the Electoral Count Act, had cast their votes for Trump. Respondents

made the same allegation with respect to the Republican electors in Georgia, Pennsylvania, and Wisconsin and claimed that the Michigan Republican electors met on the grounds of the State Capitol, not in the Capitol.

128. Respondents knew that their claims about a "competing slate" of electors in Arizona (as well as the slates in other "Contested States") had no factual basis and was false.

129. The state legislature in Arizona had not permitted, authorized, or endorsed the Republican slate of electors as competing or alternative electors for the state.

130. Nor had any of the state legislatures in any of the other "Contested States" permitted, authorized, or endorsed the Republican slate of electors as competing or alternative electors for their states.

131. Respondents referred to and attached as an exhibit to the complaint a document entitled "A Joint Resolution of the 54th Legislature, State of Arizona . . . ." Respondents stated:

> On December 14, 2020, members of the Arizona Legislature passed a Joint Resolution in which they: (1) found that the 2020 General Election "was marred by irregularities so significant as to render it highly doubtful whether the certified result accurately represents the will of the voters;" (2) invoked the Arizona Legislature's authority under the Electors Clause and 5 U.S.C. § 2 to declare the 2020 General Election a failed election and to directly appoint Arizona's electors; (3) resolved that the Plaintiff Arizona Electors' "11 electoral votes be accepted for … Donald J. Trump or to have all electoral votes nullified completely

> until a full forensic audit can be conducted;" and (4) further resolved "that the United States Congress is not to consider a slate of electors from the State of Arizona until the Legislature deems the election to be final and all irregularities resolved."

132. Respondents' claims about the "Joint Resolution" had no basis in fact and were false, as Respondents knew. The document that Respondents referred to in the Complainant and attached as an exhibit was a five-page document (although Respondents included only the first four pages) signed by just 22 members of the Republican state legislators - 17 of the 60 members of the Arizona House, and five of the 30 members of the Arizona Senate (with eight "Members-Elect," who were not part of the Arizona legislature at the time, concurring).

133. The Arizona Legislature had not "passed" the "Joint Resolution." The Arizona Legislature is deemed to act only upon the vote of a "majority of all members elected to each house." And the bicameral majority vote is necessary to "pass" any bill or joint resolution, which is then presented to the Governor for his approval or disapproval. None of these things happened, which Respondents knew.

134. On December 4, 2020, weeks before Respondents filed their action, Arizona House Speaker Rusty Bowers, a Republican, issued a news release stating that people representing Trump came to Arizona and made what he described as a "breathtaking request" – "that the Arizona Legislature overturn the certified results of last month's election and deliver the state's electoral college votes to President

Trump." Bowers stated that the "rule of law forbids us to do that." Bowers went on to state that Arizona Legislature can act only when it is in session, and it could be called into a special session only with the support of a bipartisan supermajority of its members, which had not happened. But even if it had, Bowers explained that the Legislature could not deliver the state's electoral votes to Trump because, under Arizona law, the state's electors are required to cast their votes for the candidates who receive the most votes in the official statewide election canvass.

135. In other pleadings, Respondents referred to the Republican slate as the Arizona Electors, and falsely claimed they were "duly qualified." Respondents knew that the Arizona legislature had never qualified or authorized another slate of electors, but they never corrected their claims or withdrew the exhibit that consisted of the Joint Resolution, which they knew had not even been presented to, much less passed by the Arizona legislature.

136. Based on the "competing slates" of electors, Respondents asked the District Court in Texas to declare the Electoral Count Act unconstitutional and further declare that Pence had "exclusive authority and sole discretion" to determine which electoral votes should count.

137. On January 1, 2021, the district court in Texas dismissed Respondents' lawsuit because the plaintiffs lacked standing.

138. That same day, Respondents and their co-counsel filed a notice of appeal with the United States Court of Appeals for the Fifth Circuit.

139. On January 2, 2021, the Fifth Circuit affirmed the judgment of the district court and denied Respondents' motion for an expedited appeal as moot.

140. On January 6, 2021, Respondents' co-counsel filed with the Supreme Court of the United States an emergency application for a stay and interim relief pending the resolution of their petition for a writ of certiorari (which they had not filed). In their pleading to the Supreme Court, Respondents' co-counsel repeated their false claims that there were "competing slates of Republican and Democratic electors" not only in Arizona, but in Georgia, Michigan, Pennsylvania, and Wisconsin. Respondents' co-counsel attached to their application to the Supreme Court the "Joint Resolution" which falsely purported to be of the 54th Legislature of the State of Arizona.

141. On January 7, 2021, the Supreme Court denied the emergency application.

142. Respondents' conduct violated the following Texas and/or D.C. Rules of Professional Conduct and constituted conduct unbecoming an attorney (*see* Rule 46(c) of the Federal Rues of Appellate Procedure):

a. Texas Rule 3.01 / D.C. Rule 3.1, in that Respondents brought a proceeding and asserted issues therein when there was not a non-frivolous basis for doing so;

b. Texas Rule 3.03/ Rule 3.3, in that Respondents made false statements of material fact and/or failed to correct false statements of material facts to a tribunal;

c. Texas Rule 8.04(a)(1) / D.C. Rule 8.4(a), in that Respondents violated or attempted to violate the Rules, knowingly assisted or induced another to do so, or did so through the acts of another;

d. Texas Rule 8.04(a)(3) / D.C. Rule 8.4(c), in that Respondents engaged in conduct involving dishonesty, fraud, deceit, and/or misrepresentation; and

e. D.C. Rule 8.4(d), in that Respondents engaged in conduct that seriously interfered with the administration of justice.

Respectfully submitted,

Hamilton P. Fox, III
Disciplinary Counsel

Julia L. Porter
Deputy Disciplinary Counsel

Jason Horrell/by JP

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Assistant Disciplinary Counsel

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VERIFICATION

I verify under penalty of perjury that the facts stated in the Specification of Charges are true and correct.

Julia Porter

Julia L. Porter
Deputy Disciplinary Counsel

DISTRICT OF COLUMBIA COURT OF APPEALS
BOARD ON PROFESSIONAL RESPONSIBILITY

In the Matter of	:	
	:	
JULIA Z. HALLER,	:	**Disciplinary Docket Nos. 2021-D012,**
Bar Number: 466921	:	**2021-D013, 2021-D014, 2021-D015,**
and	:	**2021-D044, and 2021-D046**
BRANDON C. JOHNSON,	:	
Bar Number: 491370	:	
	:	
Members of the Bar of the	:	
District of Columbia Court of Appeals.	:	
	:	

PETITION INSTITUTING FORMAL DISCIPLINARY PROCEEDINGS

A. This Petition (including the attached Specification of Charges which is made part of this Petition) notifies Respondent that disciplinary proceedings are hereby instituted pursuant to Rule XI, § 8(c), of the District of Columbia Court of Appeals' Rules Governing the Bar (D.C. Bar R.).

B. Respondent is an attorney admitted to practice before the District of Columbia Court of Appeals on the date stated in the caption of the Specification of Charges.

C. A lawyer member of a Hearing Committee assigned by the Board on Professional Responsibility (Board) pursuant to D.C. Bar R. XI, § 4(e)(5), has approved the institution of these disciplinary proceedings.

D. ***Procedures***

(1) **Referral to Hearing Committee** -- When the Board receives the Petition Instituting Formal Disciplinary Proceedings, the Board shall refer it to a Hearing Committee.

(2) **Filing Answer** -- Respondent must respond to the Specification of Charges by filing an answer with the Board and by serving a copy on the Office of Disciplinary Counsel within 20 days of the date of service of this Petition, unless the time is extended by the Chair of the Hearing Committee. Permission to file an answer after the 20-day period may be granted by the Chair of the Hearing Committee if the failure to file an answer was attributable to mistake, inadvertence, surprise, or excusable neglect. If a limiting date occurs on a Saturday, Sunday, or official holiday in the District of Columbia, the time for submission will be extended to the next business day. Any motion to extend the time to file an answer, and/or any other motion filed with the Board or Hearing Committee Chair, must be served on the Office of Disciplinary Counsel at the address shown on the last page of this petition.

(3) **Content of Answer** -- The answer may be a denial, a statement in exculpation, or a statement in mitigation of the alleged misconduct. Any charges not answered by Respondent may be deemed established as provided in Board Rule 7.7.

(4) **Mitigation** -- Respondent has the right to present evidence in mitigation to the Hearing Committee regardless of whether the substantive allegations of the Specification of Charges are admitted or denied.

(5) **Process** -- Respondent is entitled to fifteen days' notice of the time and place of hearing, to be represented by counsel, to cross-examine witnesses, and to present evidence.

E. In addition to the procedures contained in D.C. Bar R. XI, the Board has promulgated Board Rules relating to procedures and the admission of evidence which are applicable to these procedures. A copy of these rules is being provided to Respondent with a copy of this Petition.

WHEREFORE, the Office of Disciplinary Counsel requests that the Board consider whether the conduct of Respondent violated the District of Columbia Rules of Professional Conduct, and, if so, that it impose/recommend appropriate discipline.

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