



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

June 9, 2025

The Florida Bar
Attn: ACAP
651 E. Jefferson Street
Tallahassee, FL 32399-2300
ACAPIntake@floridabar.org

Re: The Lawfare Commenced Against Attorney General Pamela Bondi

Dear Members of The Florida Bar:

It has come to my attention that certain ideologically captured attorneys have sought to wield the disciplinary mechanisms of The Florida Bar to file complaints against Attorney General of the United States Pam Bondi. These complaints, targeting the lawful exercise of executive authority, seek to hold the attorney general accountable not for professional misconduct in the practice of law but for policy decisions or official acts. Countenancing such a practice would be an affront to the Constitution's separation of powers, an overreach of state authority, and a perversion of the bar's disciplinary purpose. I write in support of The Florida Bar's well-founded, prudent policy of refusing to entertain such complaints against federal officials.

These efforts demonstrate a now all-too-familiar pattern. After rotely repeating that "democracy is on the ballot" throughout last year,¹ such activists were unable to prevent Donald J. Trump from gaining a historic victory in the presidential election and the executive power that comes with it.² Failure in the legislature followed, as ideologues overwhelmingly failed to halt Bondi's confirmation as the United States Attorney General.³ And since that confirmation, efforts to oppose President Trump's agenda in court have frequently run into a buzzsaw of advocates at the Department of Justice zealously defending the policies promised by the nation's new chief executive.⁴ Indeed, opposition to such zealous advocacy is what actually lies at the heart of the

¹ *DNC to launch billboards, bus signs in Milwaukee for RNC hitting Trump over Roe, democracy*, THE HILL (Jan. 8, 2024), <https://thehill.com/opinion/white-house/4394692-bidens-powerful-electoral-message-emerges/>.

² *Official 2024 Presidential General Election Results*, FEDERAL ELECTIONS COMMISSION, <https://www.fec.gov/resources/cms-content/documents/2024presgeresults.pdf>; *Trump set to be the first Republican candidate to win the popular vote in 20 years*, AXIOS (Nov. 6, 2024), <https://www.axios.com/2024/11/06/trump-popular-vote-republican-candidates>.

³ *See Oppose the Nomination of the Honorable Pamela Jo Bondi to be Attorney General of the United States*, THE LEADERSHIP CONFERENCE ON CIVIL AND HUMAN RIGHTS (Jan. 28, 2025), <https://civilrights.org/resource/oppose-the-nomination-of-the-honorable-pamela-jo-bondi-to-be-attorney-general-of-the-united-states/>; *Roll Call Vote 119th Congress - 1st Session*, UNITED STATES SENATE (Feb. 4, 2025), https://www.senate.gov/legislative/LIS/roll_call_votes/vote119/vote_119_1_00033.htm.

⁴ *See, e.g., Trump v. Wilcox*, 145 S. Ct. 1415 (2025); *V.O.S. Selections, Inc. v. Trump*, No. 2025-1812, 2025 WL 1527040 (Fed. Cir. May 29, 2025).

current controversy.⁵ Having fallen short in all three branches of the federal government, these groups now retreat to familiar territory of harassment and lawfare. Unfortunately, I have experienced these underhanded tactics firsthand during my time as Attorney General of Texas.

In the aftermath of the flawed 2020 presidential election, I sought to vindicate the rights of Texas voters by filing suit in the Supreme Court. In response, individuals with no connection to the underlying litigation—organized in part by Lawyers Defending American Democracy,⁶ an ironically-named front group also involved in the complaint here—filed a grievance against me and my First Assistant Attorney General Brent Webster with the State Bar of Texas’s Commission for Lawyer Discipline. This sham traversed from the Commission to state district court, then to an intermediate appeals court, and finally to the Supreme Court of Texas, where I was ultimately vindicated along with First Assistant Webster. All told, this process took nearly four years to play out, wasting copious amounts of time and resources along the way. Attorney General Bondi must not be burdened to spend nearly all of President Trump’s term on similar dead-end deceptions and distractions.

In addressing the spurious complaint currently before you, the Texas Supreme Court’s treatment of the grievances filed against First Assistant Webster is instructive. There, the State Bar of Texas claimed to possess “a free-ranging power to second-guess the attorney general’s and his first assistant’s exercise of discretion in making initial filings that is wholly divorced from and collateral to the litigation in which those filings are made,”⁷ even though “the normal adversarial system provides a powerful safeguard against executive-branch authorities who may violate [ethical rules] over the course of litigation.”⁸ The Court observed, however, that such a theory not only “creates a serious risk that the judicial branch will venture into, or be dragged into, the contentious arena of political disputes,” but indeed “maximizes such a risk, including by opening up the process to anyone, anywhere, who for his own reasons—whether good or bad—desires to harness the judicial power of this State and to unleash that power in response to decisions of the executive branch that a complainant opposes.”⁹ There, as here, employing such an approach “risks allowing the judiciary to be commandeered by adversaries—political or otherwise—who wish to leverage the disciplinary process in service of deeply felt views of policy or politics that are best addressed outside the disciplinary process.”¹⁰ This carries with it a “great risk of usurping the authority entrusted to the attorney general” and “threatens the attorney general’s ability to run his office and therefore represent the State in civil litigation altogether.”¹¹ This was the case because First

⁵ *Ethics Complaint Against Pamela Jo Bondi*, LAWYERS DEFENDING AMERICAN DEMOCRACY (June 5, 2025), at 4, <https://ldad.org/wp-content/uploads/2025/06/Pamela-Bondi-Ethics-Complaint-6.5.25-1.pdf>; see also *General Policy Regarding Zealous Advocacy on Behalf of the United States*, U.S. DEP’T OF JUSTICE (Feb. 5, 2025), <https://www.justice.gov/ag/media/1388521/dl?inline>.

⁶ *Professional Responsibility Investigation of Warren Kenneth Paxton Jr.*, LAWYERS DEFENDING AMERICAN DEMOCRACY (July 21, 2021), <https://ldad.org/wp-content/uploads/2021/07/Final-Paxton-Complaint-Signers-7-21-21.pdf>.

⁷ *Webster v. Comm’n for Lawyer Discipline*, 704 S.W.3d 478, 496 (Tex. 2024).

⁸ *Id.* at 505.

⁹ *Id.* at 501.

¹⁰ *Id.* at 504.

¹¹ *Id.* at 500.

Assistant Webster “derives any authority that he may exercise from the executive department—and specifically from the attorney general, whose authority comes from the Constitution and from statutes.”¹² Thus, the Court found that the State Bar of Texas’s “claim of authority creates unauthorized friction between the judicial and executive departments” in violation of the separation-of-powers doctrine.¹³

That result is even more warranted where, as here, the grievance seeks to enlist a state bar to control the federal executive. This gambit implicates federalism as well as the separation of powers, both of which are “foundational doctrines” that are “evident from the Constitution’s vesting of certain powers in certain bodies.”¹⁴ The Constitution vests the executive power exclusively in the President, and Attorney General Bondi only exercises his delegated power,¹⁵ just as First Assistant Webster only exercises the power held by the Attorney General of Texas. Federal executive officials, when acting within their lawful authority, are accountable to the President, who in turn answers to the electorate. Such officials must act with resolve to enforce the law and defend the Nation’s interests. But abusing the bar complaint process to collaterally attack the attorney general risks chilling the vigorous execution of official duties throughout the federal executive. If federal officials face the specter of state bar complaints for every controversial decision, they may hesitate to implement the directives of the sole bearer of federal executive power—the President. As the Framers recognized, “[e]nergy in the executive is a leading character in the definition of good government” and, as relevant here, is “essential to the steady administration of the laws.”¹⁶ To permit the weaponization of bar complaints against such officials is to encourage impotence in the executive and inconsistency in the law’s application.

Nowhere does the Constitution contemplate that state entities—least of all state bars—should superimpose their disciplinary oversight upon the policy decisions of federal officers. Indeed, consider the absurdity of such an approach. If state bars entertain complaints against federal executive officials, what prevents a flood of such filings by any attorney with a political axe to grind? Not only the attorney general, but any federal lawyer could be hauled before a state bar for policy-laden decisions deemed objectionable by politically motivated actors. The result would be chaos: a patchwork of state bars, each with its own rules, presuming to police the federal executive. This would not only undermine the supremacy of federal law,¹⁷ but also violate the centuries-old principle that States may not “retard, impede, burden, or in any manner control the operations of” the federal government.¹⁸

The complaint against Attorney General Bondi is a naked attempt to intimidate a federal official in the exercise of her duties. It is political vigilantism dressed in the garb of professional ethics. And it represents a dangerous encroachment upon the federal executive’s constitutional domain. Accordingly, I urge The Florida Bar to reject categorically any complaint filed against Attorney

¹² *Id.* at 494.

¹³ *Id.* at 496.

¹⁴ *Seila Law LLC v. Consumer Fin. Prot. Bureau*, 591 U.S. 197, 227 (2020).

¹⁵ U.S. CONST. art. II, § 1.

¹⁶ THE FEDERALIST No. 70, p. 471 (J. Cooke ed. 1961) (A. Hamilton).

¹⁷ U.S. CONST. art. VI, cl. 2.

¹⁸ *M’Culloch v. Maryland*, 17 U.S. 316, 317 (1819).

General Bondi or any other federal executive official when the complainant lacks a direct connection to a legal controversy and the complaint targets official acts rather than professional misconduct. To do otherwise is to invite constitutional disorder, erode the bar's legitimacy, and betray the principles of limited government that sustain our Republic.

Respectfully,

A handwritten signature in black ink that reads "Ken Paxton". The signature is written in a cursive, flowing style with a large initial "K" and a long, sweeping underline.