

Office of Chief Trial Counsel (Intake)
The State Bar of California
845 South Figueroa Street
Los Angeles, CA 90017

Feast of St. Ignatius of Loyola
July 31, 2023

RE: Request for Investigation of Adam B. Schiff, California Bar Number 122595

Dear Chief Trial Counsel:

Because of my deep reverence for the rule of law, I submit this letter of Ethics Complaint along with documentary evidence and I HEREBY request a prompt and immediate investigation into substantial evidence of professional misconduct by a Member of Congress, Representative Adam B. Schiff (Democrat - CA). Member Schiff is publicly and prominently identified as a member of the Bar of the State of California. Upon public review, the evidence of Member Schiff's misconduct appears clear and accountability for him necessary.

For years, Member Schiff has been one of the foremost purveyors of the false allegations of Russian collusion in the 2016 election, misleading the American public on these baseless claims, egregiously misusing the information gathered from his privileged position serving as Chairman of the House Permanent Select Committee on Intelligence ("HPSCI").

For the reasons outlined below, I submit that there exists a substantial basis to investigate whether Member Schiff violated California Rules of Professional Conduct 8-4(c) and 8.4(d).¹

The bedrock of our republic rests upon the faith of "we the people" in our electoral system. However, for several years, Member Schiff used his prominent position on the HPSCI to mislead the public about the legitimacy of

the 2016 Presidential election by concocting and promoting unsubstantiated claims of Trump-Russia collusion. For the sake of future public trust in our institutions, and consistent with the State Bar of California’s mission, it is imperative that this Counsel undertake an investigation of the various instances in which Schiff had engaged in conduct involving dishonesty, deceit, and/or misrepresentation, helping to undermine public trust in the 2016 Presidential election. Member Schiff also abused his role as a member of the HPSCI.

Although not acting in his official capacity as a lawyer, the Rules of Professional Conduct continue to apply to Member Schiff, who remains bound by these ethics rules as well as subject to the disciplinary authority of the State Bar of California, even as an inactive member of the state bar.²

In January 2023, Speaker Kevin McCarthy rightly refused³ to appoint Member Schiff to the HPSCI, given Member Schiff’s misuse of the committee—and resultant undermining of its national security and oversight missions—while serving as its chair during the 116th and 117th Congress.

On May 15, 2023, Special Counsel John Durham released a 300-page report⁴ on matters arising from the 2016 election (“Durham Report”). The Durham Report detailed how the Clinton campaign concocted false allegations regarding supposed “collusion” between the Trump campaign and Russia. These baseless claims were funneled to credulous media outlets, the intelligence community, and the Federal Bureau of Investigation (“FBI”)—which opened an investigation despite possessing *no* evidence of collusion.

According to the Durham report, “neither U.S. law enforcement nor the Intelligence Community appears to have possessed any actual evidence of collusion in their holdings at the commencement of the Crossfire Hurricane investigation.”

The Clinton campaign’s fabricated collusion narrative has had no greater champion than Schiff, whose dedication to perpetuating the Russia Hoax without regard for the truth, as supported by considerable evidence available to the public, raises serious concerns of misconduct giving rise to the need for a prompt investigation by The State Bar of California.

I. Adam Schiff Repeatedly Spread False Information in His Capacity As a Member of the HPSCI

Examples of such violations include, but are certainly not limited to, the following:

- On March 20, 2017, Schiff read into the congressional record⁵ significant portions of the salacious and unverified Steele Dossier. The Durham Report confirmed that former British spy Christopher Steele was unable to corroborate *any* of the substantive allegations in the dossier, “even after being offered \$1 million or more by the FBI for such corroboration.” Even Steele’s primary sub-source, a Russian national, characterized the information he provided to Steele as “rumor and speculation.” However, Schiff’s action gave the obviously false⁶ allegations in the dodgy dossier an undeserved veneer of legitimacy.
- On March 22, 2017, Schiff infamously proclaimed in a television interview he had seen “more than circumstantial evidence now”⁷ of collusion between the Trump campaign and Russia. According to⁸ former *New York Times* investigative reporter Jeff Gerth, Schiff “offered no substantiation” for his claim. As confirmed by numerous subsequent investigations, including the Durham Report⁹, no such evidence has emerged. However, Schiff abused his privileged position on HPSCI to mislead the American public.
- On or about, April 4, 2017, Member Schiff solicited naked pictures of President Trump¹⁰ from two Russian pranksters posing as Ukrainian parliamentarians. Member Schiff’s subsequent claim that he reported the call to the proper authorities is inconsistent with his actions—a staff member for Schiff appeared to describe the call as “productive.” Records published in February 2018 show that Schiff directed his staff to pick up materials promised by the pranksters from the Ukrainian Embassy in Washington, D.C.
- In February 2018, Member Schiff publicly released a declassified version of a January 29, 2018, document widely known as the Schiff Memo¹¹. The Schiff Memo vigorously defended the decision by the Department of Justice and FBI to seek Foreign Intelligence Surveillance Act (FISA) surveillance of Carter Page. Among other claims, the Schiff Memo maintained that “FBI and DOJ did not ‘abuse the ... FISA process [or] omit material information,’ and ‘would have been remiss in

their duty to protect the country had they not sought a FISA warrant and repeated renewals to conduct temporary surveillance of Carter Page.”” As a former federal prosecutor and longtime member of HPSCI, Schiff could not have reasonably drawn these conclusions from the underlying facts. Indeed, DOJ’s Inspector General subsequently identified¹² no fewer than 17 significant errors in the Page FISA applications. As Gerth noted¹³ for the *Columbia Journalism Review*, “[e]ventually the FBI declared that at least two of the four applications were no longer valid.” The Foreign Intelligence Surveillance Court (FISC) found that all four applications had “violations of the government’s duty of candor.” Once again, however, Schiff misled the American public based on his privileged access to classified information.

Additional evidence of Schiff engaging in dishonest behavior appears beyond the context of the Russia Hoax. For example:

- In October 2019, the *Washington Post* analyzed¹⁴ Schiff’s public statement that HPSCI had “not spoken directly with the whistleblower” whose allegations instigated the first impeachment of President Trump. The *Post* concluded that “Schiff clearly made a statement *that was false*” (emphasis added).
- In September 2020, Schiff responded to a report¹⁵ from two U.S. Senate committees concerning Hunter Biden’s business dealings as follows: “With the release of this report and two Senate Committee Chairs promoting the same Russian disinformation, the Kremlin must be very pleased.” Previewing a line of attack that would be deployed in response to the subsequent release of documents from Hunter Biden’s abandoned laptop (which Schiff dismissed¹⁶ as a “smear ... from the Kremlin”), Schiff further called the Senate report “an election year hit job that uses as its very basis Russian disinformation.” There was no factual basis for Schiff’s statement, and—as the *Wall Street Journal* noted¹⁷ in April 2022—subsequent events have vindicated the Senate report.
- The “Twitter Files” revealed¹⁸ that, in November 2020, “Schiff’s Office” asked Twitter to, among other requests, “[r]emove any and all content about ... [HPSCI] staff from its service—to include quotes, retweets, and reactions to that content.” In other words, in blatant violation of free speech principles and constitutional guarantees, a government official (Schiff) deceitfully sought to coerce a private company to censor “any and all content” posted by users about his staff—public servants whose

employment details (including salaries) are a matter of public record.

II. Adam Schiff Abused His Position As Chair of the HPSCI to Promote the Collusion Narrative

The Durham Report also details how, as summarized in a subsequent news report¹⁹:

Staffers for Democratic congressman Adam Schiff ... threatened two university researchers to force them to help with an investigation into former president Donald Trump's ties to Russia, the researchers told Special Counsel John Durham.

The researchers, from Georgia Tech University, told Durham that they were invited to Washington, D.C. in November 2018 to provide what they thought was a briefing about the school's federal research contracts.

Instead, they were lured into a meeting with staff members working for Schiff at the House Intelligence Committee and for [Senator Jack] Reed, the top Democrat on the Senate Armed Services Committee. The researchers said the Democratic staffers asked them to analyze ... alleged links between Trump's company and Russia's Alfa Bank.

When they balked at the request because it was "inappropriate" conduct for a public university, the Democratic staffers issued what one researcher believed was a "mild threat." ... [A] staffer for Schiff pointed out the Democrat would soon take over as chairman of the House Intelligence Committee, one researcher told Durham.

III. Rules of Professional Conduct

California Rule of Professional Conduct 8-4(c) states "[i]t is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit, or reckless or intentional misrepresentation."⁴ The substantial evidence presented above concerning Schiff's abuse of his power to advance a false narrative about Trump-Russia collusion clearly supports a violation of Rule

8-4(c), and warrants an investigation for the benefit of our republic and the rule of law.

In addition, Rule 8-4(d) states “[i]t is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.” As set forth above, Schiff misused his position as chairman of the House Intelligence Committee to threaten university researchers to help him in the investigation of links between the former president’s organization and a Russian bank during the ongoing probe by intelligence communities into the 2016 election.²⁰

IV. Conclusion

As set forth above, the public record provides sufficient and substantial evidence warranting an investigation into these serious questions of misconduct implicated by the actions and statements of Adam Schiff. In addition, in light of the recent revelations on this matter, of grave public import, we are hoping that an investigation of this kind will promote a renewed sense of accountability and public trust in the rule of law and guardians thereof.

I recognize that opening an investigation of a prominent Democrat member of Congress may be politically controversial. But the California Bar must act in an even-handed fashion. It cannot investigate a conservative legal and political figure like Dr. John Eastman (who at one point ran for Attorney General of California) without opting to investigate Representative Schiff for his far clearer role in a Russiagate operation that cost the nation dearly and attempted to drive a President from office or blunt his administration.

I ask for your prompt attention to this matter—any delay would be detrimental to “we the people.” We have watched the speed with which you have undertaken an investigation of Professor John Eastman.

I affirm that, to the best of our knowledge and ability, all evidence submitted was not obtained in violation of any law, rule, or regulation. In addition, I refer you to the ongoing investigation of Mr. Schiff by the U.S. Congress - link here: <https://www.politico.com/news/2023/06/21/house-gop-clears-the-way-for-schiff-censure-00102961>

I request that you act immediately on this request as Mr. Schiff is publicly

identified as a member of the California Bar and an officer of various courts. This is a pressing matter and it also is important for the public to see that the Bar takes serious the issues surrounding Mr. Schiff no matter his political party or partisan nature.

I thank you in advance for addressing this important matter.

All the best.

Ed Martin

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1. See CA Bus & Prof Code § 6001.1 (2018).
2. See Rules of Professional Conduct 1.0, Comment 2: “While the rules are intended to regulate professional conduct of lawyers, a violation of a rule can occur when a lawyer is not practicing law or acting in a professional capacity.”
3. Speaker McCarthy, Kevin. Twitter.
<https://twitter.com/SpeakerMcCarthy/status/1618047779422769154>
4. Durham, John H. “REPORT ON MATTERS RELATED TO INTELLIGENCE ACTIVITIES AND INVESTIGATIONS ARISING OUT OF THE 2016 PRESIDENTIAL CAMPAIGNS.” United States Department of Justice. May 12, 2023. <https://www.justice.gov/storage/durhamreport.pdf>
5. “Russian Election Interference.” C-SPAN. March 20, 2017.
<https://www.c-span.org/video/?425087-1/russian-election-interference>
6. Gregory, Paul R. “Why Was The Steele Dossier Not Dismissed As A Fake?” Hoover Institution. February 3, 2020.
<https://www.hoover.org/research/why-was-steele-dossier-not-dismissed-fake>
7. Conway, Madeline. “Schiff: There is now ‘more than circumstantial evidence’ of Trump-Russia collusion.” POLITICO. March 22, 2017.
<https://www.politico.com/story/2017/03/schiff-russia-trump-collusion-236386>
8. Gerth, Jeff. “The press versus the president, part two.” Columbia Journalism Review. January 30, 2023.
https://www.cjr.org/special_report/trumped-up-press-versus-president-part-2.ph

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9. Durham, John H. "REPORT ON MATTERS RELATED TO INTELLIGENCE ACTIVITIES AND INVESTIGATIONS ARISING OUT OF THE 2016 PRESIDENTIAL CAMPAIGNS." United States Department of Justice. May 12, 2023. <https://www.justice.gov/storage/durhamreport.pdf>

10. Goodman, Alana. "EXCLUSIVE: Adam Schiff sent his staff to try and collect 'classified materials for the FBI' after Russian pranksters told him Putin has NAKED blackmail pictures of Trump." Daily Mail. February 6, 2018. <https://www.dailymail.co.uk/news/article-5355713/Adam-Schiff-spoofed-Russian-claim-nude-Trump-pic.html>

11. HPSCI Minority "Correcting the Record – The Russia Investigations." January 29, 2018. <https://docs.house.gov/meetings/ig/ig00/20180205/106838/hmtg-115-ig00-20180205-sd002.pdf>

12. Office of the Inspector General. "Review of Four FISA Applications and Other Aspects of the FBI's Crossfire Hurricane Investigation." U.S. Department of Justice. December 9, 2019. <https://www.justice.gov/storage/120919-examination.pdf>

13. Gerth, Jeff. "The press versus the president, part four." Columbia Journalism Review. January 30, 2023. https://www.cjr.org/special_report/trumped-up-press-versus-president-part-4.php

14. Kessler, Glenn. "Schiff's false claim his committee had not spoken to the whistleblower." The Washington Post. October 4, 2019. <https://www.washingtonpost.com/politics/2019/10/04/schiffs-false-claim-his-committee-had-not-spoken-whistleblower/>

15. "Hunter Biden, Burisma, and Corruption: The Impact on U.S. Government Policy and Related Concerns." U.S. Senate Committee on Homeland Security and Governmental Affairs and U.S. Senate Committee on Finance Majority Staff Report. https://www.hsgac.senate.gov/wp-content/uploads/imo/media/doc/HSGAC_Finance_Report_FINAL.pdf

16. Gerth, Jeff. "The press versus the president, part four." Columbia Journalism Review. January 30, 2023. https://www.cjr.org/special_report/trumped-up-press-versus-president-part-4.php

17. Strassel, Kimberly. "ICYMI | Opinion: Apologies For Hunter Biden's Laptop." Chuck Grassley. April 8, 2022. https://www.grassley.senate.gov/news/commentary/icymi_opinion-apologies-fo

r-hunter-bidens-laptop

18. Taibbi, Matt. Twitter.

<https://twitter.com/mtaibbi/status/1610394284867436547>

19. Ross, Chuck. "Schiff Aide Threatened Researchers Who Refused to Investigate False Trump-Russia Links." The Washington Free Beacon. May 16, 2023.

<https://freebeacon.com/democrats/schiff-aide-threatened-researchers-who-refused-to-investigate-false-trump-russia-links/>

20. Comment 1 to Rule 8-4 states "A violation of this rule can occur when a lawyer is acting in propria persona or when a lawyer is not practicing law or acting in a professional capacity."