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Committee on Professional Standards  
286 Washington Avenue Extension  
Suite 200  
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Dear New York Committee on Professional Standards:

New York Attorney General Letitia James violated the Rules of Professional Conduct by conducting a biased investigation and prosecution of President Trump and by attacking President Trump through extrajudicial statements during a trial. In just the first five weeks of the trial that began in October 2023—before I stopped counting—Ms. James made over 50 highly inappropriate and prejudicial comments on social media. This complaint respectfully requests that the Attorney Grievance Committee conduct an investigation and issue an immediate interim suspension, disbar Ms. James as an attorney and counselor-at-law, or suspend Ms. James.

The investigation and trial of President Trump are matters of enormous public interest and concern. All citizens, including Ms. James, have rights under the First Amendment to speak freely on matters of public interest and concern. However, as a licensed attorney, Ms. James is subject to special rules and responsibilities under New York’s Rules of Professional Conduct. These rules create specific restrictions that apply only to attorneys, not to ordinary citizens or members of the general public. *See Gentile v. State Bar of Nevada*, 501 U.S. 1030, 1074 (1991) (distinguishing the lawyer’s more constrained latitude to speak about pending cases as an “officer of the court,” from “the common rights of citizens” to speak freely about judicial matters). As set forth herein, Ms. James’ conduct appears to violate her special responsibilities as an attorney, and her actions warrant discipline.

**I. The New York Rules of Professional Conduct apply to Ms. James.**

As an attorney licensed in New York, Ms. James is subject to the Rules of Professional Conduct. *See Matter of Giuliani*, 146 N.Y.S.3d 266, 268 (N.Y. App. Div. 2021) (“All attorneys who are licensed to practice law in New York are subject to the Rules of Conduct, . . .”); 22 NYCRR 1240.1(a). It is well-settled that the Rules of Professional Conduct apply even to public officials in New York like Ms. James. “Holding a public office . . . is not a shield behind which breaches of professional ethics, otherwise warranting disciplinary action, are permitted. Rather, a lawyer who holds public office must not only fulfill the duties and responsibilities of that office, but must also comply with the Bar’s ethical standards.” *Matter of Malone*, 480 N.Y.S.2d 603, 606 (N.Y. App. Div. 1984), *aff’d sub nom. In Matter of Malone*, 482 N.E.2d 565 (N.Y. 1985). In fact,

service as the New York Attorney General has been considered an *aggravating* factor in a previous disciplinary action because the Attorney General “had substantial experience in the practice of law at the time of this conduct.” *Matter of Schneiderman*, 144 N.Y.S.3d 436, 438 (N.Y. App. Div. 2021). At the time of this complaint, Ms. James has been licensed as an attorney in New York for more than 30 years.<sup>1</sup>

The Rules of Professional Conduct begin by outlining the broad duties and obligations of each lawyer:

As an officer of the legal system, each lawyer has a duty to uphold the legal process; to demonstrate respect for the legal system; to seek improvement of the law; and to promote access to the legal system and the administration of justice. In addition, a lawyer should further the public’s understanding of and confidence in the rule of law and the justice system because, in a constitutional democracy, legal institutions depend on popular participation and support to maintain their authority.

Preamble to the Rules of Professional Conduct, ¶ 1. The Rules of Professional Conduct “concern conduct both inside and outside the courtroom.” *Matter of Giuliani*, 146 N.Y.S.3d at 269–70 (internal citations omitted).

Violation of the Rules of Professional Conduct may be professionally disciplined, such as by disbarment or suspension. N.Y. Judiciary Law § 90(2). “The ultimate purpose of disciplinary proceedings is to protect the public in its reliance upon the integrity and responsibility of the legal profession.” *In re Nearing*, 229 N.Y.S.2d 567, 569 (N.Y. App. Div. 1962) (citing *In re Gould*, 164 N.Y.S.2d 48, 49 (N.Y. App. Div. 1957)). Attorney discipline protects the public by providing “notice to the profession that certain conduct will not be tolerated and is thereby an assurance to the public that, as far as known, certain taints do not exist, because, if discovered, they would be eradicated. *In re Nearing*, 229 N.Y.S.2d at 569 (internal citation omitted).

This Attorney Grievance Committee has jurisdiction over this complaint because the Attorney General’s primary office is in the state capitol building in Albany, New York. *See Matter of Malone*, 480 N.Y.S.2d at 605-06.

## **II. Ms. James’ personal vendetta against President Trump raises serious ethical concerns.**

Ms. James has pursued a personal vendetta against President Trump since he first was elected President of the United States. Ms. James’ comments as Attorney General and as a candidate for Attorney General adversely reflect on her fitness as a lawyer and implicate Rule 8.4(h) of the New York Rules of Professional Conduct.

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<sup>1</sup> New York State Unified Court System, Attorney Online Services – Search, *at* <https://iapps.courts.state.ny.us/attorneyservices/search>. Ms. James was admitted to the New York Bar on April 12, 1989. *Id.*

### **A. Rule of Professional Conduct 8.4(h).**

Rule 8.4(h) states, “A lawyer or law firm shall not: ... (h) engage in any other conduct that adversely reflects on the lawyer’s fitness as a lawyer.” Statements to the media have served as the basis for disciplinary sanctions against lawyers under Rule 8.4(h). *See, e.g., Matter of Holtzman*, 577 N.E.2d 30, 32 (N.Y. 1991); *Matter of Giuliani*, 146 N.Y.S.3d at 270 (“[T]he AGC relies upon statements that respondent made following the 2020 election at press conferences, state legislative hearings, radio broadcasts (as both a guest and host), podcasts, television appearances and one court appearance.”). In *Holtzman*, the Court of Appeals affirmed disciplinary sanctions against an attorney who made a false allegation about a judge to the media. *Matter of Holtzman*, 577 N.E.2d at 33 (“[P]etitioner was plainly on notice that her conduct in this case, involving public dissemination of a specific accusation of improper judicial conduct under the circumstances described, could be held to reflect adversely on her fitness to practice law”).

### **B. Ms. James’ actions and comments suggest she has violated the Rules of Professional Conduct.**

Before she became a candidate for Attorney General, Ms. James displayed extreme partisan hostility toward President Trump. During President Trump’s first year in office, Ms. James led “die-in” protests against President Trump because “we are all being killed by this administration.”<sup>2</sup> Ms. James also accused President Trump’s administration of “blatant disregard for human lives.”<sup>3</sup> Ms. James bragged about her leadership of, and dedication to, the “resistance” movement in late 2017: “I’ve been leading the resistance against Donald Trump in NYC and will only continue to do so in every way possible.”<sup>4</sup>

Ms. James campaigned for attorney general on a platform explicitly focused on attacking President Trump and promising investigations of him. During her campaign, Ms. James called President Trump a “con man” and a “carnival barker.”<sup>5</sup> In a 2018 campaign debate, Ms. James explicitly promised to “focus on Donald Trump” if she were elected attorney general.<sup>6</sup> Ms. James’ obsession with President Trump continued in her 2018 election night victory speech, when she said her victory “was about that man in the White House who can’t go a day without threatening our fundamental rights,” and pledged to “shin[e] a bright light into every dark corner of his real estate dealings.”<sup>7</sup> During the transition period before she took office, James promised to “use

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<sup>2</sup> Letitia James (@TishJames), X (Aug. 14, 2017, 5:55 PM ET), at <https://bit.ly/3lu9fqz>.

<sup>3</sup> *Id.* (Sep. 5, 2017, 11:06 AM ET), at <https://bit.ly/3lhVStj>.

<sup>4</sup> *Id.* (Oct. 16, 2017, 7:57 PM ET), at <https://bit.ly/3d4wBQr>.

<sup>5</sup> Anthony Izaguirre, *NY Attorney General Has Long History of Taking on Powerful Targets, Including Trump*, THE ASSOCIATED PRESS (Sept. 28, 2023), at <https://www.pbs.org/newshour/politics/who-is-letitia-james-ny-attorney-general-has-long-history-of-taking-on-powerful-targets-including-trump>.

<sup>6</sup> Max Matza, *Letitia James and Donald Trump’s History of Clashes*, BBC (Sept. 27, 2023), at <https://www.bbc.com/news/world-us-canada-63000691>.

<sup>7</sup> *Id.*

every area of the law to investigate President Trump and his business transactions and that of his family as well.”<sup>8</sup>

Ms. James leveraged her campaign attacks against Donald Trump into fundraising appeals. In July 2018, Ms. James posted messages to ActBlue, a Democrat party and candidate fundraising platform, that “[i]n this fight against Donald Trump and his harmful administration, I need your help.”<sup>9</sup>

Ms. James did not just promise baseless investigations against President Trump. She also prejudged evidence she had not seen to call for criminal charges. As a candidate, Ms. James “made it clear that Trump would be her top target,” telling voters before she had been elected that “Trump should be indicted on criminal charges.”<sup>10</sup> Before the primary election, Ms. James specifically called for President Trump to be indicted on criminal charges, including obstruction of justice, and accused him of money laundering through his real estate holdings.<sup>11</sup> “Donald Trump’s days of defrauding Americans are coming to an end,” Ms. James promised.<sup>12</sup>

### **C. Ms. James’ personal vendetta implicates Rule 8.4(h).**

Ms. James has displayed a personal vendetta against President Trump that renders her unable to impartially handle cases against President Trump. She used promises of investigations against President Trump to win votes and raise money in her campaign for Attorney General. Despite her clear bias, Ms. James has launched frivolous investigations and lawsuits against President Trump, his family, and his businesses. Ms. James also prejudged evidence she had not seen and called for criminal indictments on that basis. It should go without saying that the abuse of an attorney’s official position—especially an elective office—to pursue a personal vendetta violates the most basic ethical precepts.

As a lawyer, Ms. James should not have made these comments about President Trump. Having made these comments, Ms. James should have recused herself from any official action by her office involving President Trump.

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<sup>8</sup> Andy Katz, *Incoming New York Attorney General Plans Wide-Ranging Investigations of Trump and Family*, NBC NEWS (Dec. 12, 2018), at <https://www.nbcnews.com/politics/donald-trump/incoming-new-york-attorney-general-plans-wide-ranging-investigations-trump-n946706>.

<sup>9</sup> Letitia James (@TishJames), X (July 11, 2018, 5:03 PM ET), at <https://twitter.com/tishjames/status/1017152409720754177>.

<sup>10</sup> Erin Durkin, *Tish James Just Sued Trump—But They’ve Been at It for Years*, POLITICO (Sept. 21, 2022), at <https://www.politico.com/news/2022/09/21/james-lawsuit-trump-longstanding-battle-00058128>.

<sup>11</sup> *Why Letitia James Wants to Take on Trump as NY’s Attorney General*, NOWTHIS NEWS (Sept. 28, 2018), 2:01, at <https://www.youtube.com/watch?v=D1yj0NKSSuU>.

<sup>12</sup> Adam Davidson, *How State Officials and Unpaid Taxes Could Force Trump to Liquidate Part of His Family Fortune*, THE NEW YORKER (Oct. 4, 2018), at <https://www.newyorker.com/news/swamp-chronicles/how-the-states-could-force-trump-to-liquidate-parts-of-his-business-empire>.

Even legal commentators who politically oppose President Trump have recognized the ethical issues created by Ms. James' statements. Now-Rep. Daniel Goldman, who served as lead impeachment counsel for the Democrat House Majority against President Trump, warned that Ms. James' statements gave the appearance of "an individualized vendetta . . . It's essential that prosecutors maintain their neutrality and an objective view of the facts and the evidence, no matter the politics involved."<sup>13</sup> Chuck Rosenberg, a former U.S. attorney, counsel to Robert Mueller, and chief of staff to James Comey, called for Ms. James to consider recusing herself from any matters involving President Trump because her comments before she became Attorney General "demonstrate a prejudgment of the facts and a political predisposition to the issues she now must manage apolitically and dispassionately. Every good prosecutor knows those comments are a problem."<sup>14</sup> Rosenberg renewed his calls for Ms. James to consider recusal again in 2021 because she "publicly prejudged" matters involving President Trump and "her prior remarks give rise to a perception of unfairness."<sup>15</sup>

As the Supreme Court said in a case involving President Trump, the law seeks to protect against the abuse of the political motivations of state prosecutors. *Trump v. Vance*, 591 U.S. \_\_\_, 140 S. Ct. 2412, 2428 (2020). Ms. James' extreme partisanship, lack of impartiality, personal vendetta, and jumping to baseless conclusions adversely reflects on Ms. James' fitness as a lawyer under Rule 8.4(h). Ms. James' refusal to recuse from matters that she prejudged and is biased also adversely reflects on Ms. James' fitness as a lawyer under Rule 8.4(h).

The Attorney Grievance Committee should suspend Ms. James on an interim basis while it investigates whether Ms. James' pursuit of her personal vendetta violated Rule 8.4(h). If the Committee determines that Ms. James violated Rule 8.4(h), she should be disbarred or suspended.

### **III. Ms. James' trial publicity against President Trump raises serious ethical concerns.**

In September 2021, Ms. James filed a civil lawsuit against President Trump, members of his family, his business, and some business employees.<sup>16</sup> From the very beginning of the case and continuing through trial, Ms. James has repeatedly made public statements personally attacking President Trump, publicly commenting on and mischaracterizing evidence, attacking the credibility of witnesses, and maligning President Trump and other parties and witnesses when discussing the lawsuit, even as trial on these matters remains ongoing.

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<sup>13</sup> Jeffery C. Mays, *N.Y.'s Attorney General Is Targeting Trump. Will Judges See a 'Political Vendetta?'*, THE NEW YORK TIMES, Dec. 31, 2018, at <https://www.nytimes.com/2018/12/31/nyregion/tish-james-attorney-general-trump.html>.

<sup>14</sup> Chuck Rosenberg, *Why Matt Whitaker and Letitia James Should Both Consider Recusal*, LAWFARE (Jan. 2, 2019), at <https://www.lawfaremedia.org/article/why-matt-whitaker-and-letitia-james-should-both-consider-recusal>.

<sup>15</sup> Chuck Rosenberg, *The New York Attorney General Should Still Consider Recusal*, LAWFARE (May 19, 2021), at <https://www.lawfaremedia.org/article/new-york-attorney-general-should-still-consider-recusal>.

<sup>16</sup> Verified Compl., *People by the State of New York, by Letitia James v. Donald J. Trump, et al.*, Doc. 1 (N.Y. Sup. Ct. Sept. 21, 2022).

At the press conference announcing the lawsuit against President Trump, Ms. James accused President Trump of violating the law, falsely inflating his net worth and cheating the system—all obvious prejudicial extrajudicial comments. “For too long, powerful, wealthy people in this country have operated as if the rules do not apply to them,” Ms. James claimed. “Donald Trump stands out as among the most egregious examples of this misconduct. . . . With the help of his children and senior executives at the Trump Organization, Donald Trump falsely inflated his net worth by billions of dollars to unjustly enrich himself and cheat the system.”<sup>17</sup> Ms. James then mocked President Trump’s best-selling book, “The Art of the Deal”: “Claiming you have money that you do not have does not amount to the art of the deal. It’s the art of the steal,” Ms. James said.<sup>18</sup> Ms. James has held other press conferences and given other media interviews since filing the lawsuit against President Trump, including during the trial.

Ms. James also has communicated through social media about President Trump and the trial. Just during the first five weeks of the trial starting in October 2023, Ms. James posted about President Trump and his family more than 50 times on her official X account.<sup>19</sup> As of November 9, 2023, when I stopped tallying, these posts have been viewed more than 54 million times.<sup>20</sup> Screenshots of these posts are provided in the Appendix and are incorporated herein by reference. In these posts and other public statements made while the trial is on-going, Ms. James has accused President Trump of illegal conduct, called President Trump and members of his family liars, and personally attacked President Trump.

Ms. James’ comments during the lawsuit and trial appear to violate Rule 3.6 and Rule 8.4(h) of the New York Rules of Professional Conduct.

#### **A. Rule of Professional Conduct 3.6.**

Rule 3.6 governs trial publicity. According to Rule 3.6(a), “A lawyer who is participating in or has participated in a criminal or civil matter shall not make an extrajudicial statement that the lawyer knows or reasonably should know will be disseminated by means of public communication and will have a substantial likelihood of materially prejudicing an adjudicative proceeding in the matter.” “Knowingly . . . denotes actual knowledge of the fact in question. A person’s knowledge may be inferred from circumstances.” Rule 1.0(k). Rule 3.6 applies to prejudicial comments made during non-jury proceedings. Rule 3.6 cmt. 6.

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<sup>17</sup> Josh Russell, *NY attorney general brings long-awaited financial fraud suit against Donald Trump*, COURTHOUSE NEWS SERVICE (Sept. 21, 2022), at <https://www.courthousenews.com/ny-attorney-general-brings-long-awaited-financial-fraud-suit-against-donald-trump/>.

<sup>18</sup> *Id.*

<sup>19</sup> Ms. James posted duplicate versions of these posts on her official Facebook page, which were viewed thousands of additional times. New York State Attorney General, Facebook, at <https://www.facebook.com/newyorkstateag/>. Because Ms. James has more followers on her X page (557,000 on X compared to 69,000 on Facebook), and X publicly displays view statistics, screenshots of the X posts are provided in the Appendix.

<sup>20</sup> As of November 9, 2023. *See* Appendix.

## B. Ms. James' legal conclusions about President Trump's conduct.

During the trial, Ms. James repeatedly made prejudicial public comments about President Trump's conduct, accusing him of acting fraudulently, making false statements, cheating, and committing other illegal acts. For example, just in the first five weeks after the trial began in October 2023, Ms. James has made the following extrajudicial statements:

- “When it comes to running a company, Donald Trump doesn't care about the facts. Instead, he engages in fraud to enrich himself and his family.”<sup>21</sup>
- “Donald Trump and the other defendants have committed persistent and repeated fraud.”<sup>22</sup>
- “Regardless of Donald Trump's fantasy beliefs, here are the facts: He inflated his personal net worth and engaged in years of financial fraud to enrich himself and his family.”<sup>23</sup>
- “Donald Trump and the Trump Organization filed fraudulent financial statements, inflating his personal net worth by billions.”<sup>24</sup>
- “For years, Trump evaded justice for his repeated fraud, and as we continue to present our case, we will show just how much he unfairly benefited.”<sup>25</sup>
- “Over the course of that investigation, we uncovered Donald Trump's incredible fraud and all the ways he used that fraud to enrich himself.”<sup>26</sup>
- “For years, Donald Trump falsely inflated his net worth to enrich himself and cheat the system.”<sup>27</sup>

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<sup>21</sup> NY AG James (@NewYorkStateAG), X (Oct. 5, 2023, 8:34 PM ET), at <https://twitter.com/NewYorkStateAG/status/1710091192153539048>.

<sup>22</sup> *Id.* (Oct. 2, 2023, 1:09 PM ET), at <https://twitter.com/NewYorkStateAG/status/1708892012286492860>.

<sup>23</sup> *Id.* (Oct. 24, 2023, 11:21 AM ET), at <https://twitter.com/NewYorkStateAG/status/1716837245179633998>; *see also id.* (Oct. 13, 2023, 7:08 PM ET), at <https://twitter.com/NewYorkStateAG/status/1712968582018019807> (“The numbers don't lie: Trump engaged in years of financial fraud to enrich himself and his family.”); *id.* (Nov. 6, 2023, 1:36 PM ET), at <https://twitter.com/NewYorkStateAG/status/1721597481971032136> (“But make no mistake, [President Trump] committed fraud. Numbers and facts don't lie.”).

<sup>24</sup> *Id.* (Oct. 3, 2023, 10:28 AM ET), at <https://twitter.com/NewYorkStateAG/status/1709213806138622155/photo/1>.

<sup>25</sup> *Id.* (Oct. 11, 2023, 6:08 PM ET), at <https://twitter.com/NewYorkStateAG/status/1712228805308264876>.

<sup>26</sup> *Id.* (Oct. 25, 2023, 6:29 PM ET), at <https://twitter.com/NewYorkStateAG/status/1717307306906406918>.

<sup>27</sup> *Statement from Attorney General James on the Trial Against Donald Trump*, Office of the New York State Attorney General (Oct. 2, 2023), at <https://ag.ny.gov/press-release/2023/statement-attorney-general-james-trial-against-donald-trump>; *see also* NY AG James (@NewYorkStateAG), X (Oct. 2, 2023, 7:04 AM ET), at <https://twitter.com/NewYorkStateAG/status/1708800189434093758> (“One year ago, we filed a lawsuit against Donald Trump and the Trump Organization for engaging in years of financial

- “We presented our opening statement, called our first witness to the stand, and began laying out how Trump cheated the system to enrich himself and his family.”<sup>28</sup>
- “The testimony of these individuals, and the accompanying exhibits, show the incredible scale and scope of Donald Trump’s fraudulent business practices and that they were used to enrich himself and his company.”<sup>29</sup>
- “In this country, there are consequences for this type of persistent fraud, and we look forward to demonstrating the full extent of his fraud and illegality during trial.”<sup>30</sup>
- “And now we look forward to disgorgement and to the remaining counts in our action against Donald Trump and his repeated and consistent fraud against the citizens of the great state of New York.”<sup>31</sup>

**C. Ms. James’ accusations that President Trump and other Trump family members have lied.**

During the trial, Ms. James repeatedly accused President Trump and members of his family of lying, thus publicly commenting on the credibility of witnesses while trial is ongoing. For example, just in the first five weeks after the trial began in October 2023, Ms. James has publicly stated:

- “[President Trump] has repeatedly and consistently lied about the value of his assets to fraudulently enrich himself and his family.”<sup>32</sup>
- “Donald Trump directed those around him to lie and scheme to make his fantasy a reality. But fraud is very real.”<sup>33</sup>

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fraud.”); *id.* (Oct. 2, 2023, 7:04 AM ET), at <https://twitter.com/NewYorkStateAG/status/1708800192609141216> (“From 2011-2021, Donald Trump and the Trump Organization produced false and misleading financial statements that significantly inflated his net worth.”).

<sup>28</sup> NY AG James (@NewYorkStateAG), X (Oct. 2, 2023, 8:37 PM ET), at <https://twitter.com/NewYorkStateAG/status/1709004731618623863>.

<sup>29</sup> *Id.* (Nov. 8, 2023, 6:50 PM ET), at <https://twitter.com/NewYorkStateAG/status/1722401113771528293>.

<sup>30</sup> *Statement from Attorney General James on the Trial Against Donald Trump*, Office of the New York State Attorney General (Oct. 2, 2023), at <https://ag.ny.gov/press-release/2023/statement-attorney-general-james-trial-against-donald-trump>; NY AG James (@NewYorkStateAG), X (Oct. 2, 2023, 9:44 AM ET), at <https://twitter.com/NewYorkStateAG/status/1708840426617147616> (“No matter how rich or powerful you are, in America, there are consequences for breaking the law.”).

<sup>31</sup> NY AG James (@NewYorkStateAG), X (Nov. 6, 2023, 5:57 PM ET), at <https://twitter.com/NewYorkStateAG/status/1721663117275406511>.

<sup>32</sup> *Id.* (Nov. 6, 2023, 7:33 AM ET), at <https://twitter.com/NewYorkStateAG/status/1721506037671362597>.

<sup>33</sup> *Id.* (Oct. 24, 2023, 6:57 PM ET), at <https://twitter.com/NewYorkStateAG/status/1716952034535227514>.



- “We have proven that Donald Trump lied about his net worth to enrich himself and cheat the system.”<sup>34</sup>
- “Donald Trump might lie, but the facts and the numbers don’t.”<sup>35</sup>
- “Trump can keep spreading rumors. Trump can keep lying. But the truth always prevails.”<sup>36</sup>
- “[Donald Trump Jr. and Eric Trump] pretend that they were not involved in their family’s fraudulent business. But the facts tell a very different story.”<sup>37</sup>
- “In fact, just a week after he was confronted with the truth that his father’s triplex was three times smaller than the statement of financial condition said it was, Donald Trump, Jr. continued to lie.”<sup>38</sup>
- “And [Eric Trump] was intimately involved in lying about the values of properties . . . .”<sup>39</sup>
- “In a deposition, Eric Trump claimed he had nothing to do with valuations and property development. He said he did not sign documents or speak to real estate professionals. He said he just poured concrete. But we know that is not the truth.”<sup>40</sup>
- “For years, the defendants built a business on lies and misrepresentations.”<sup>41</sup>
- “When you have built an empire on falsehoods, the truth is your only enemy.”<sup>42</sup>

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<sup>34</sup> *Id.* (Oct. 2, 2023, 9:44 AM ET), *at* <https://twitter.com/NewYorkStateAG/status/1708840426617147616>; *see also id.* (Nov. 1, 2023, 6:16 PM ET), *at* <https://twitter.com/NewYorkStateAG/status/1719840830716862918> (“Donald Trump lied about his net worth on his statements of financial condition to get loans for much better terms than he should have. It’s that simple.”); *id.* (Oct. 2, 2023, 9:44 AM ET), *at* <https://twitter.com/NewYorkStateAG/status/1708840429183967424> (“In September 2022, we sued Donald Trump because he lied to banks in order to enrich himself, his family, and his businesses.”).

<sup>35</sup> *Id.* (Nov. 6, 2023, 7:33 AM ET), *at* <https://twitter.com/NewYorkStateAG/status/1721506037671362597>.

<sup>36</sup> *Id.* (Oct. 20, 2023, 5:19 PM ET), *at* <https://twitter.com/NewYorkStateAG/status/1715477986357502078>.

<sup>37</sup> *Id.* (Nov. 2, 2023, 6:17 PM ET), *at* <https://twitter.com/NewYorkStateAG/status/1720203521893568937>; *see also* Sean O’Driscoll, *Letitia James Tears Into Donald Trump Jr. and Eric’s Testimony*, Newsweek (Nov. 3, 2023), *at* <https://www.newsweek.com/donald-trump-eric-trump-letitia-james-video-fraud-trial-1840577>.

<sup>38</sup> NY AG James (@NewYorkStateAG), X (Nov. 2, 2023, 6:17 PM ET), *at* <https://twitter.com/NewYorkStateAG/status/1720203521893568937>.

<sup>39</sup> *Id.* (Nov. 2, 2023, 6:17 PM ET), *at* <https://twitter.com/NewYorkStateAG/status/1720203521893568937>.

<sup>40</sup> *Id.* (Oct. 20, 2023, 5:19 PM ET), *at* <https://twitter.com/NewYorkStateAG/status/1715477986357502078>.

<sup>41</sup> *Id.* (Oct. 16, 2023, 8:15 PM ET), *at* <https://twitter.com/NewYorkStateAG/status/1714072502060634319>.

<sup>42</sup> *Id.* (Oct. 25, 2023, 6:29 PM ET), *at* <https://twitter.com/NewYorkStateAG/status/1717307306906406918>; *id.* (Oct. 30, 2023, 8:47 AM ET), *at* <https://twitter.com/NewYorkStateAG/status/1718972998307267043>.

#### D. Ms. James' personal attacks against President Trump.

During the first five weeks of the trial that began in October 2023, Ms. James repeatedly launched personal attacks against President Trump. For example, Ms. James made the following extrajudicial statements:

- “The Donald Trump show is over.”<sup>43</sup>
- “Donald Trump lives in a fantasy land.”<sup>44</sup>
- President Trump is “fomenting violence” and “race-baiting” with comments about the trial that were “offensive,” “baseless,” and “void of any facts and/or any evidence.”<sup>45</sup>
- President Trump is making “dangerous, racist comments.”<sup>46</sup>
- President Trump’s appearance in court for a case in which he is a party is “nothing more than a political stunt, a fundraising stop.”<sup>47</sup>
- “Donald Trump is a bully, but he is not the first bully we’ve stood up to, and he will not be the last.”<sup>48</sup>
- “Donald Trump can lie, complain, and throw insults around as much as he wants.”<sup>49</sup>
- “And while I am sure [President Trump] will try to hide his wrongdoing behind taunts, threats, and name calling, . . .”<sup>50</sup>
- “Trump can try to hide his wrongdoings behind taunts and threats, . . .”<sup>51</sup>

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<sup>43</sup> Jacob Knutson, *NY AG James calls Trump’s voluntary court appearances a ‘political stunt,’* AXIOS (Oct. 4, 2023), at <https://www.axios.com/2023/10/04/new-york-ag-james-trump-fraud-case-political-stunt>.

<sup>44</sup> NY AG James (@NewYorkStateAG), X (Oct. 24, 2023, 6:57 PM ET), at <https://twitter.com/NewYorkStateAG/status/1716952034535227514>.

<sup>45</sup> Jacob Knutson, *NY AG James calls Trump’s voluntary court appearances a ‘political stunt,’* AXIOS (Oct. 4, 2023), at <https://www.axios.com/2023/10/04/new-york-ag-james-trump-fraud-case-political-stunt>.

<sup>46</sup> NY AG James (@NewYorkStateAG), X (Oct. 4, 2023, 9:54 PM ET), at <https://twitter.com/NewYorkStateAG/status/1709748900918133174>.

<sup>47</sup> Jacob Knutson, *NY AG James calls Trump’s voluntary court appearances a ‘political stunt,’* AXIOS (Oct. 4, 2023), at <https://www.axios.com/2023/10/04/new-york-ag-james-trump-fraud-case-political-stunt>.

<sup>48</sup> NY AG James (@NewYorkStateAG), X (Nov. 3, 2023, 6:58 PM ET), at <https://twitter.com/NewYorkStateAG/status/1720576132855009448>.

<sup>49</sup> *Id.* (Nov. 7, 2023, 4:19 PM ET), at <https://twitter.com/NewYorkStateAG/status/1722000731132096513>.

<sup>50</sup> *Id.* (Nov. 2, 2023, 6:17 PM ET), at <https://twitter.com/NewYorkStateAG/status/1720203521893568937>.

<sup>51</sup> *Id.* (Nov. 5, 2023, 4:53 PM ET), at <https://twitter.com/NewYorkStateAG/status/1721284548837687622>.

- “This morning, Donald Trump resorted to bullying and name calling, he gave rambling answers and hurled insults from the witness stand to distract from the truth.”<sup>52</sup>

#### **E. Ms. James’ trial comments appear to violate Rule 3.6 and Rule 8.4(h).**

Once again, Rule 3.6(a) provides, “A lawyer who is participating in or has participated in a criminal or civil matter shall not make an extrajudicial statement that the lawyer knows or reasonably should know will be disseminated by means of public communication and will have a substantial likelihood of materially prejudicing an adjudicative proceeding in the matter.” Ms. James appears to have violated this rule through her numerous extrajudicial statements about President Trump during the trial.

*Participation.* Ms. James is participating in the civil lawsuit and trial against President Trump. Ms. James brought the lawsuit through the office that she leads; her name is in the lawsuit caption and signature block.<sup>53</sup> Ms. James also has personally attended the trial.<sup>54</sup>

*Extrajudicial statements.* Ms. James made numerous extrajudicial statements about President Trump during the trial. She held press conferences and gave interviews and statements about the case since the day she filed it,<sup>55</sup> as well as on virtually every day of the trial.<sup>56</sup> Through her official social media account, Ms. James also has posted more than 50 times about President Trump’s trial in just the first five weeks.<sup>57</sup> These posts often include videos of Ms. James discussing her views of witness testimony and evidence received in court *that day*. Ms. James has

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<sup>52</sup> *Id.* (Nov. 6, 2023, 1:36 PM ET), at <https://twitter.com/NewYorkStateAG/status/1721597481971032136>.

<sup>53</sup> Verified Compl., *People by the State of New York, by Letitia James v. Donald J. Trump, et al.*, Doc. 1, at 1, 214 (N.Y. Sup. Ct. Sept. 21, 2022).

<sup>54</sup> See, e.g., Nicole Hong and Jonah E. Bromwich, *Inside the Courtroom at Trump’s Fraud Trial*, THE NEW YORK TIMES (Nov. 6, 2023), at <https://www.nytimes.com/2023/11/06/nyregion/trump-fraud-trial-court-photo.html>.

<sup>55</sup> See, e.g., *New York Attorney General Leticia [sic] James Announcement*, C-SPAN (Sept. 21, 2022), at <https://www.c-span.org/video/?523085-1/york-attorney-general-leticia-james-announcement>; *Attorney General James Sues Donald Trump for Years of Financial Fraud*, Office of the New York State Attorney General (Sept. 21, 2022), at <https://ag.ny.gov/press-release/2022/attorney-general-james-sues-donald-trump-years-financial-fraud>; *Attorney General James Takes Action to Immediately Stop Donald Trump and the Trump Organization from Continuing Financial Fraud*, Office of the New York State Attorney General (Oct. 13, 2022), at <https://ag.ny.gov/press-release/2022/attorney-general-james-takes-action-immediately-stop-donald-trump-and-trump>; *1-on-1 with New York State Attorney General Letitia James*, WGRZ-TV (Oct. 18, 2022), 12:00, at <https://www.youtube.com/watch?v=5jUrZCIKnU8>; *Re-Indicted and It Feels So Good (with Hillary Clinton!)*, Pod Save America (June 13, 2023), 20:14, at <https://podcasts.apple.com/us/podcast/re-indicted-and-it-feels-so-good-with-hillary-clinton/id1192761536?i=1000616782139>

<sup>56</sup> See, e.g., Appendix.

<sup>57</sup> See *id.*

effectively appointed herself to the role of a real-time, daily, highly partisan public commentator on the trial and the witnesses testifying at trial.

*Knowledge of public dissemination.* Ms. James knows or reasonably should know that her extrajudicial statements about President Trump during his trial will be disseminated by means of public communication. In fact, by posting on social media to tens of thousands of followers and giving public press conferences, she plainly intends for such dissemination to occur. President Trump is a former President of the United States and the leading candidate for President in 2024. This trial has received global media attention, in keeping with the global media attention that President Trump has received since at least 2015. Indeed, Ms. James knows or reasonably should know that comments about President Trump will be disseminated by means of public communication because she has personally benefited from this dissemination by making President Trump the focal point of her first campaign for Attorney General in 2018.<sup>58</sup>

As further evidence of her knowledge, Ms. James has specifically sought national attention for her lawsuit and trial against President Trump. Ms. James announced the lawsuit at a press conference that received national attention.<sup>59</sup> She also has publicized developments in the case to receive national attention.<sup>60</sup> In addition, Ms. James' posts and press conferences during the trial

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<sup>58</sup> See Section II *supra*.

<sup>59</sup> See, e.g., Aaron Katersky, *New York AG Letitia James files \$250M lawsuit against Trump for defrauding lenders, others*, ABC NEWS (Sept. 21, 2022), at <https://abcnews.go.com/US/york-ag-letitia-james-files-250m-lawsuit-trump/story?id=90240332>; Graham Kates, *New York Attorney General Letitia James sues Trump and The Trump Organization, seeking end to their business in the state and \$250 million in relief*, CBS NEWS (Sept. 21, 2022), at <https://abcnews.go.com/US/york-ag-letitia-james-files-250m-lawsuit-trump/story?id=90240332>; Kara Scannell *et al.*, *New York attorney general files civil fraud lawsuit against Trump, some of his children and his business*, CNN (Sept. 21, 2022), at <https://www.cnn.com/2022/09/21/politics/trump-new-york-attorney-general-letitia-james-fraud-lawsuit/index.html>; Marta Dhanis and Ronn Blitzer, *New York AG sues Trump over fraud allegations*, FOX NEWS (Sept. 21, 2022), at <https://www.foxnews.com/politics/new-york-ag-sues-trump-fraud-allegations>; Summer Concepcion and Tim Winter, *New York AG sues Trump, 3 of his children and their company, charging large-scale business fraud*, NBC NEWS (Sept. 21, 2022), at <https://www.nbcnews.com/politics/donald-trump/new-york-ag-sues-trump-children-company-charges-large-scale-business-f-rcna48668>; Jonah E. Bromwich *et al.*, *N.Y. Attorney General Accuses Trump of 'Staggering' Fraud in Lawsuit*, THE NEW YORK TIMES (Sept. 21, 2022), at <https://www.nytimes.com/2022/09/21/nyregion/trump-fraud-lawsuit-ny.html>; Shayna Jacobs and Jonathan O'Connell, *Donald Trump, 3 of his children accused of business fraud by New York AG*, THE WASHINGTON POST (Sept. 21, 2022), at <https://www.washingtonpost.com/national-security/2022/09/21/trump-sued-new-york-letitia-james/>.

<sup>60</sup> See, e.g., Kevin Breuninger, *Trump's deposition is sought in New York attorney general's civil probe of possible tax fraud*, CNBC (Dec. 9, 2021), at <https://www.cnbc.com/2021/12/09/ny-ag-letitia-james-seeks-trump-deposition-in-probe-of-possible-tax-fraud.html>; Rebecca Falconer, *New York AG's office says Trump lawsuit 'ready for trial.'* AXIOS (Aug. 1, 2023), at <https://www.axios.com/2023/08/01/new-york-ags-office-trump-lawsuit-ready-trial>.

have been reported in numerous publications in the United States and almost every continent around the world.<sup>61</sup>

Ms. James also has personally and publicly disseminated extrajudicial statements about President Trump during his trial. Ms. James has posted on X more than 50 times about President Trump during the first five weeks of the trial alone.<sup>62</sup> Ms. James had more than 557,000 followers on X who received her posts about President Trump.<sup>63</sup> Engagement statistics publicly provided by X and visible to Ms. James on each social media post show that Ms. James' posts about President Trump during the first five weeks of the trial have been viewed more than 54 million times.<sup>64</sup>

For these reasons, Ms. James knows or reasonably should know that her extrajudicial statements about President Trump and his trial will be disseminated by means of public communication.

*Prejudice.* Ms. James knows or reasonably should know that her extrajudicial statements about President Trump and his trial will have a substantial likelihood of materially prejudicing an adjudicative proceeding in the matter. Indeed, Ms. James' conduct supports a compelling inference that she is *deliberately* intending to influence the outcome of the matter by creating a powerful media narrative pre-judging the defendants' liability. Ms. James' extrajudicial statements could influence the judge or appellate judges that hear the comments. *See, e.g., Patterson*, 205 U.S. at 462-63. These comments also may affect public perception of the judgment and appellate decisions reviewing that judgment, such as by making the public more receptive to an unlawful judgment against President Trump, his family, and his business. Finally, these comments by Ms. James could prejudice future jurors in President Trump's criminal trials, one of

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<sup>61</sup> *New York Attorney General Has Experience with Powerful Foes*, VOA AFRICA (Oct. 2, 2023), at <https://www.voafrika.com/a/new-york-attorney-general-has-experience-with-powerful-foes/7293940.html>; *Civil fraud case: Trump gave 'inaccurate' financial information, says lawyer*, THE TIMES OF INDIA (Oct. 3, 2023), at <https://timesofindia.indiatimes.com/world/us/civil-fraud-case-trump-gave-inaccurate-financial-information-says-lawyer/articleshow/104111770.cms>; Jacob Knutson, *NY AG James calls Trump's voluntary court appearances a 'political stunt.'* AXIOS (Oct. 4, 2023), at <https://www.axios.com/2023/10/04/new-york-ag-james-trump-fraud-case-political-stunt>; Kelly McClure, *New York AG Letitia James refers to Trump's comments against her as race-baiting*, SALON (Oct. 4, 2023), at <https://www.salon.com/2023/10/04/new-york-ag-letitia-james-refers-to-comments-against-her-as-race-baiting/>; *NY attorney general says 'Donald Trump show is over' at civil fraud trial*, FRANCE 24 (Oct. 5, 2023), at <https://www.france24.com/en/americas/20231004-donald-trump-show-is-over-ag-says-as-ex-president-leaves-new-york-fraud-trial>; *Letitia James: 'He'll call this a witch hunt'*, BBC (Nov. 7, 2023), at <https://www.bbc.com/news/av/world-us-canada-67338164>; Farrah Tomazin, *'Can you control your client?' Trump clashes with judge during \$US250 million fraud trial*, SYDNEY MORNING HERALD (Nov. 7, 2023), at <https://www.smh.com.au/world/north-america/donald-trump-clashes-with-judge-during-blockbuster-civil-fraud-trial-20231107-p5ei25.html>

<sup>62</sup> Copies of these posts are provided in the Appendix.

<sup>63</sup> *See* Appendix.

<sup>64</sup> *See id.*

which involves allegations of fraudulent business documents brought by the Manhattan District Attorney. Ms. James' office has attorneys cross-designated with the Manhattan District Attorney's Office to work on the criminal prosecution of President Trump.

It is no defense that others, including President Trump, have commented on the trial. First, President Trump is not a lawyer subject to the Rules of Professional Conduct. Second, Ms. James' client is the State of New York. A reasonable lawyer would not believe that "a public response is required in order to avoid prejudice" to the State of New York. Rule 3.6 cmt 7. The State of New York has not been the subject of criticism as a result of the trial against President Trump. Nor do Ms. James' comments "avoid prejudice" to the State of New York or "have the salutary effect of lessening any resulting adverse impact on the adjudicative proceeding." *Id.*

In addition, Ms. James' comments would only be permitted "provided they contain only such information as is necessary to mitigate undue prejudice created by the statements made by others." *Id.* Ms. James comments have not been so limited. Instead, Ms. James has made affirmative statements about President Trump and her views on the evidence in the case that were not responsive to any attacks and made her own personal attacks against President Trump and members of his family.<sup>65</sup>

Standards relating to defamation actions also do not provide a defense. "Neither this Court nor the Supreme Court has ever extended the [*New York Times Co. v. Sullivan*] standard to lawyer discipline and we decline to do so here." *Matter of Holtzman*, 577 N.E.2d at 34 (N.Y. 1991). "Unlike defamation cases, professional misconduct, although it may directly affect an individual, is not punished for the benefit of the affected person; the wrong is against society as a whole, the preservation of a fair, impartial judicial system, and the system of justice as it has evolved for generations." *Id.* (internal quotation marks omitted).

Ms. James' accusations of fraud and illegal conduct, claims of lies, and personal attacks against President Trump suggest she has violated Rule 3.6's restrictions on trial publicity. They also adversely reflect on Ms. James' fitness as a lawyer under Rule 8.4(h). The Attorney Grievance Committee should suspend Ms. James on an interim basis while it investigates these allegations. If the Committee determines that Ms. James violated Rule 3.6 and Rule 8.4(h), she should be disbarred or suspended.

#### **IV. Ms. James' comments as a prosecutor against President Trump raise serious ethical concerns.**

Prosecutors are held to a high ethical standard for their extrajudicial statements. Ms. James' comments about President Trump fall far short of this high standard.

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<sup>65</sup> *See, e.g., id.*

### **A. Rules of Professional Conduct 3.6 and 3.8.**

Rule 3.6 restricts extrajudicial statements by lawyers in criminal matters that could result in incarceration. Extrajudicial statements are likely to materially prejudice a criminal matter if the statement relates to: the character, credibility, or reputation of a party or suspect in a criminal investigation; the contents of a statement given by a defendant or suspect; or “any opinion as to the guilt or innocence of a defendant or suspect in a criminal matter that could result in incarceration.” Rule 3.6(b)(1), (2), (4).

Prosecutors are held to high standards to protect defendants and preserve justice. The final comment to Rule 3.6 on trial publicity states, “See Rule 3.8 Comment [5] for additional duties of prosecutors in connection with extrajudicial statements about criminal proceedings.” Rule 3.6 cmt. 8. Rule 3.8 sets forth “Special Responsibilities of Prosecutors and Other Government Lawyers.” Comment 5 to this rule provides:

Rule 3.6 prohibits extrajudicial statements that have a substantial likelihood of prejudicing an adjudicatory proceeding. In the context of a criminal prosecution, a prosecutor’s extrajudicial statement can create the additional problem of increasing public condemnation of the accused. Although the announcement of an indictment, for example, will necessarily have severe consequences for the accused, a prosecutor can, and should, avoid comments that have no legitimate law enforcement purpose and have a substantial likelihood of increasing public opprobrium against the accused. . . .

Rule 3.8 cmt. 5.

The U.S. Supreme Court has emphasized the importance of professional disciplinary actions against prosecutors: “a prosecutor stands perhaps unique, among officials whose acts could deprive persons of constitutional rights, in his amenability to professional discipline by an association of his peers.” *Imbler v. Pachtman*, 424 U.S. 409, 429 (1976); *see also Matter of Malone*, 480 N.Y.S.2d at 607 (rejecting “respondent’s argument that as a public official exercising prosecutorial and investigative discretion he should be immune from disciplinary action”).

### **B. Ms. James has participated in criminal investigations and prosecutions of President Trump.**

In May 2021, Ms. James announced that she was opening a criminal investigation into the Trump Organization.<sup>66</sup> “We are now actively investigating the Trump Organization in a criminal

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<sup>66</sup> *NY Attorney General’s Office Opens Criminal Investigation Into Trump Organization*, NBC NEW YORK (May 18, 2021), at <https://www.nbcnewyork.com/news/local/ny-attorney-generals-office-opens-criminal-investigation-into-trump-organization/3063079/>.

capacity, along with the Manhattan DA,” Ms. James’ office reported.<sup>67</sup> When Ms. James announced her civil lawsuit against President Trump and the Trump Organization, she claimed to have uncovered evidence of potential crimes by President Trump and sent criminal referrals to the U.S. Attorney’s Office and the Internal Revenue Service.<sup>68</sup> At that time, Ms. James did not announce the closure of her office’s criminal investigation into the Trump Organization.

Ms. James also has formally partnered in the criminal investigation of President Trump and prosecution of the Trump Organization. Since at least 2021, Ms. James assigned at least two of her assistant attorneys general to the Manhattan DA’s office, where they were cross-designated as district attorneys.<sup>69</sup> One of Ms. James’ assistant attorneys general who was detailed to the Manhattan DA’s office and cross-designated as a district attorney was Gary Fishman, who at the same time was leading Ms. James’ investigation into the Trump Organization.<sup>70</sup>

In December 2022—after Ms. James had filed her civil lawsuit and sought a preliminary injunction against President Trump and his business—Ms. James issued a press release taking credit for a guilty verdict against the Trump Organization.<sup>71</sup> According to the press release, “The Office of the Attorney General (OAG), under Attorney General James, worked closely with the Manhattan District Attorney’s (DA) Office to investigate and uncover a scheme employed by the Trump Organization to avoid paying taxes.”<sup>72</sup> The press release also identified Mr. Fishman and another assistant attorney general who had “handled” the matter for Ms. James’ office.

In April 2023, the Manhattan DA announced a 34-count felony indictment of President Trump.<sup>73</sup> The charges related to allegedly “falsifying New York business records.”<sup>74</sup> No public reporting has been located to determine whether Ms. James or her cross-designated attorneys are

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<sup>67</sup> Noeleen Walder and Jan Wolfe, *New York State mounts criminal probe of Trump Organization finances*, REUTERS (May 18, 2021), at <https://www.reuters.com/world/us/new-york-state-mounts-criminal-probe-trump-organization-finances-2021-05-19/>.

<sup>68</sup> Kevin Breuninger and Dan Mangan, *New York Attorney General Letitia James says Trump committed crimes, asks federal prosecutors and IRS to investigate*, CNBC (Sept. 21, 2022), at <https://www.cnbc.com/2022/09/21/trump-criminal-referral-sent-to-prosecutors-and-irs-by-letitia-james.html>.

<sup>69</sup> Michael R. Sisak, *New York AG has 2 lawyers working with DA on Trump probe*, THE ASSOCIATED PRESS (May 21, 2021), at <https://apnews.com/article/donald-trump-new-york-business-government-and-politics-9aebc26a54a083db72cbe3068ca2b87f>.

<sup>70</sup> Laura Italiano, *October 24 trial date set for Trump Organization and its former top money man Allen Weisselberg*, INSIDER (Aug. 12, 2022), at <https://www.businessinsider.com/donald-trumps-business-cfo-to-stand-trial-october-4-in-tax-dodge-case-2022-8>.

<sup>71</sup> *Statement from Attorney General James on Guilty Verdict for Trump Organization*, Office of the New York State Attorney General (Dec. 6, 2022), at <https://ag.ny.gov/press-release/2022/statement-attorney-general-james-guilty-verdict-trump-organization>.

<sup>72</sup> *Id.*

<sup>73</sup> *District Attorney Bragg Announces 34-Count Felony Indictment of Former President Donald J. Trump*, Manhattan District Attorney’s Office (Apr. 4, 2023), at <https://manhattanda.org/district-attorney-bragg-announces-34-count-felony-indictment-of-former-president-donald-j-trump/>.

<sup>74</sup> *Id.*



assisting the Manhattan DA with this prosecution, though the circumstances indicate that such participation is likely.

Ms. James also reportedly considered indicting President Trump on criminal racketeering charges.<sup>75</sup> The November 2023 report wondered why “the joint AG-DA team still hasn’t filed those charges.”<sup>76</sup>

**C. Ms. James’ comments appear to violate Rule 3.6 and Rule 8.4(h).**

The elements of Rule 3.6 are again met by Ms. James’ comments in her role as a prosecutor.

*Participation.* Ms. James is a lawyer who is participating in and/or has participated in a criminal matter against President Trump. Ms. James publicly announced that she was opening a criminal investigation of the Trump Organization. She claimed to have found evidence of potential crimes by President Trump. She also reportedly considered filing criminal racketeering charges against President Trump.

In addition to these direct actions, Rule 3.6(e) applies to Ms. James because she is a lawyer associated in a government agency with a lawyer subject to Rule 3.6(a). Ms. James thus cannot make a statement prohibited by Rule 3.6(a). Ms. James has partnered with the Manhattan DA to bring criminal charges against the Trump Organization. Ms. James’ attorneys have been cross-designated as assistant district attorneys in the Manhattan DA’s office. An investigation should be conducted to determine whether Ms. James or any of her attorneys have participated in the Manhattan DA’s pending criminal indictment against President Trump. Any participation by Ms. James or her office in this indictment would affect Ms. James’ public comments under Rule 3.6(e).

*Extrajudicial statements.* As discussed in Section III.E and incorporated herein by reference, Ms. James has made extrajudicial statements about President Trump, his family, and his business.

*Knowledge of dissemination.* As discussed in Section III.E and incorporated herein by reference, Ms. James knows or reasonably should know that her extrajudicial statements will be disseminated by means of public communication.

*Prejudice.* In addition to the discussion in Section III.E, which is incorporated herein by reference, Ms. James’ extrajudicial statements are likely to materially prejudice a criminal matter or any other proceeding that could result in incarceration. *See* Rule 3.6(b). Ms. James’ extrajudicial statements have attacked the character, credibility, and reputation of President Trump, who is a defendant in the Manhattan DA’s criminal action and is and/or has been a suspect and/or target in other announced or unannounced investigations by Ms. James’ office or by her cross-designated attorneys in the Manhattan DA’s office. Ms. James has attacked the expected

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<sup>75</sup> Jose Pagliery, *New York AG Weighed Hitting Trump With Racketeering Charges*, THE DAILY BEAST (Nov. 3, 2023), at <https://www.thedailybeast.com/new-york-ag-weighted-hitting-trump-with-racketeering-charges>.

<sup>76</sup> *Id.*

testimony of President Trump and statements he has made. Finally, Ms. James' extrajudicial statements have opined as to the guilt or innocence of President Trump.

Ms. James has not limited her extrajudicial statements to those set forth in Rule 3.6(c). No law enforcement purpose exists for Ms. James' comments. And as previously discussed in Section III.E and incorporated herein by reference, Ms. James' extrajudicial statements do not satisfy the exception in Rule 3.6(d).

As a prosecutor in one or more criminal matters involving President Trump, Ms. James' extrajudicial statements about President Trump raise serious concerns that she violated Rule 3.6 for trial publicity. They also adversely reflect on Ms. James' fitness as a lawyer under Rule 8.4(h).

The Attorney Grievance Committee should suspend Ms. James on an interim basis while it investigates whether Ms. James' extrajudicial statements violated Rule 3.6 and Rule 8.4(h). If the Committee determines that Ms. James violated these provisions, she should be disbarred or suspended.

#### **V. An interim suspension of Ms. James' license is justified and necessary.**

In 2021, the Attorney Grievance Committee obtained an interim suspension of former New York City Mayor Rudy Giuliani. *See Matter of Giuliani*, 146 N.Y.S.3d at 283. The Appellate Division found that “[v]iolation of the Rules of Professional Conduct in and of themselves necessarily means that there is harm to the public.” *Id.* at 280. As set forth in this complaint, there is reason to believe that Ms. James has violated multiple Rules of Professional Conduct. The public thus has been harmed.

The Appellate Division evaluated several factors in its analysis of an interim suspension. Seriousness of the offense is a factor. “[W]hen the underlying uncontroverted evidence of professional misconduct is very serious, the continued risk of immediate harm to the public during the pendency of the underlying disciplinary proceeding is unacceptable.” *Id.* at 281. Here, the volume of Ms. James' extrajudicial statements in just the first five weeks of trial that began in October 2023—multiple press conferences and more than 50 social media posts about the trial alone—and the aggressiveness of these statements provide serious evidence suggesting professional misconduct.

Another factor is whether “the misconduct is continuing.” *Id.* Ms. James' conduct is ongoing. She commented almost daily on President Trump during his trial. It is expected that an appeal will be filed by at least one party after the trial concludes, and Ms. James' past conduct indicates that she will continue making extrajudicial statements about President Trump during that appeal. In addition, Ms. James is associated with other matters pending in New York.

A final factor is whether “the underlying misconduct is likely to result in a substantial sanction at the conclusion of the formal disciplinary hearing proceeding.” *Id.* Ms. James' voluminous extrajudicial statements as a prosecutor and civil lawyer merit a substantial sanction.

Because there is immediate threat to the public, the Committee should seek an interim suspension of Ms. James' license.

## **VI. Conclusion**

Ms. James violated multiple Rules of Professional Conduct through her comments during trial and by actions and comments that adversely reflect on her fitness as a lawyer. I urge the Attorney Grievance Committee to investigate Ms. James' conduct. To remedy the significant and ongoing harm to the public and to protect the profession, Ms. James should be suspended on an interim basis, and then she should be disbarred or suspended.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Elise Stefanik".

Elise Stefanik

APPENDIX

From the “Official Twitter account of New York Attorney General Letitia James’ Office.”



1. NY AG James (@NewYorkStateAG), X (Oct. 2, 2023, 7:04 AM ET), at <https://twitter.com/NewYorkStateAG/status/1708800189434093758>.



2. NY AG James (@NewYorkStateAG), X (Oct. 2, 2023, 7:04 AM ET), at <https://twitter.com/NewYorkStateAG/status/1708800192609141216>.



3. NY AG James (@NewYorkStateAG), X (Oct. 2, 2023, 7:04 AM ET), at <https://twitter.com/NewYorkStateAG/status/1708800194999968241>.

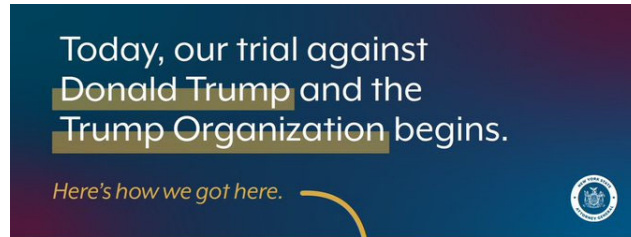


4. NY AG James (@NewYorkStateAG), X (Oct. 2, 2023, 8:09 AM ET), at <https://twitter.com/NewYorkStateAG/status/1708816398628131032>.



Our trial against Donald Trump and the Trump Organization begins today.

Here's what's happened since we started our investigation 4.5 years ago.



8:09 AM · Oct 2, 2023 · 336.9K Views



5. NY AG James (@NewYorkStateAG), X (Oct. 2, 2023, 9:44 AM ET), at <https://twitter.com/NewYorkStateAG/status/1708840426617147616>.

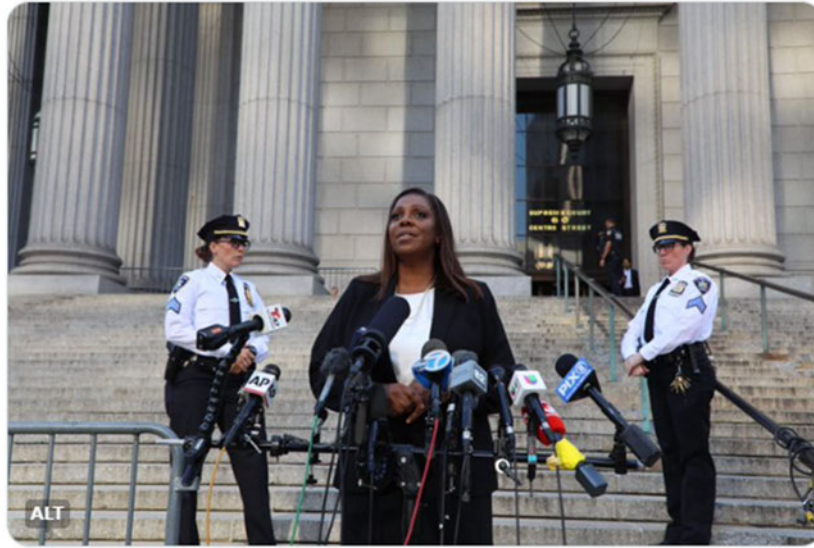


**NY AG James**   
@NewYorkStateAG



We have proven that Donald Trump lied about his net worth to enrich himself and cheat the system.

No matter how rich or powerful you are, in America, there are consequences for breaking the law.



9:44 AM · Oct 2, 2023 · 1.1M Views

 10K


 4.7K

 21K


 66




6. NY AG James (@NewYorkStateAG), X (Oct. 2, 2023, 9:44 AM ET), at <https://twitter.com/NewYorkStateAG/status/1708840429183967424>.

 **NY AG James**   
@NewYorkStateAG ...

In September 2022, we sued Donald Trump because he lied to banks in order to enrich himself, his family, and his businesses.

Here's a refresher on our lawsuit 


 **NY AG James**   
@NewYorkStateAG · Sep 21, 2022

Today, I filed a lawsuit against Donald Trump for engaging in years of financial fraud to enrich himself, his family, and the Trump Organization.

There aren't two sets of laws for people in this nation: former presidents must be held to the same standards as everyday Americans.

9:44 AM · Oct 2, 2023 · 133.3K Views

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 360    581    1.9K    17   

7. NY AG James (@NewYorkStateAG), X (Oct. 2, 2023, 9:44 AM ET), at <https://twitter.com/NewYorkStateAG/status/1708840432614928649>.

 **NY AG James**   
@NewYorkStateAG ...

We won much of our case last week, when the judge ruled in our favor that Trump engaged in years of financial fraud.

Now we go to trial, where we're seeking to ban the Trumps from doing business in New York and pay hundreds of millions of dollars in ill-gotten gains.


9:44 AM · Oct 2, 2023 · 98.8K Views

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 537    673    3.1K    7   



8. NY AG James (@NewYorkStateAG), X (Oct. 2, 2023, 1:09 PM ET), at <https://twitter.com/NewYorkStateAG/status/1708892012286492860>.

 **NY AG James**   
@NewYorkStateAG ...

It is my responsibility, my duty, and my job to enforce the law.

No matter how powerful you are, no matter how much money you think you may have, no one is above the law.

Justice will prevail.

Donald Trump and the other defendants have committed persistent and repeated fraud.

**LIVE**  
NEW YORK CITY



COMING UP  
NEW YORK AG LETITIA JAMES HOLDS NEWS CONFERENCE AS TRUMP CIVIL FRAUD TRIAL BEGINS

0:00 / 0:40

1:09 PM · Oct 2, 2023 · 1M Views

 8.9K  6.3K  28K  127 

9. NY AG James (@NewYorkStateAG), X (Oct. 2, 2023, 8:37 PM ET), at <https://twitter.com/NewYorkStateAG/status/1709004731618623863>.

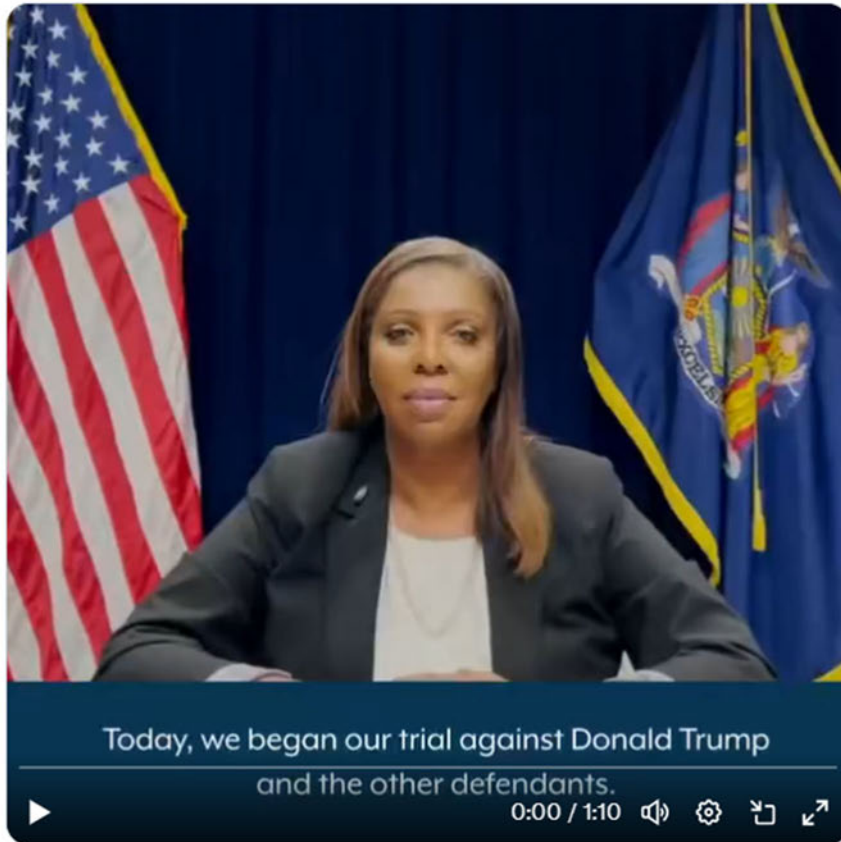


NY AG James  
@NewYorkStateAG



Today, we began our trial against Donald Trump and the Trump Organization.

We presented our opening statement, called our first witness to the stand, and began laying out how Trump cheated the system to enrich himself and his family.



8:37 PM · Oct 2, 2023 · 625.5K Views

7K

5.2K

22K

154



10. NY AG James (@NewYorkStateAG), X (Oct. 3, 2023, 10:28 AM ET), at <https://twitter.com/NewYorkStateAG/status/1709213806138622155>.



From 2011-2021, Donald Trump and the Trump Organization produced fraudulent financial statements that significantly inflated Trump's personal net worth.

Throughout our trial, we will present evidence of the massive amount of fraud they committed.

Donald Trump and the Trump Organization filed fraudulent financial statements, inflating his personal net worth by **billions.**

statements to defraud banks and financial institutions, and enrich himself:

ALT

Favorable Loan Terms, Lower Insurance Premiums, Tax Breaks

Trump Organization used these fraudulent statements over **200** times in 10 years.

ALT

10:28 AM · Oct 3, 2023 · 170.5K Views



Donald Trump and the Trump Organization filed fraudulent financial statements, inflating his personal net worth by **billions.**

Donald Trump used these statements to defraud banks and financial institutions, and enrich himself:

Favorable Loan Terms, Lower Insurance Premiums, Tax Breaks and Benefits

Donald Trump and the Trump Organization used these fraudulent statements over **200** times in 10 years.

**11. NY AG James (@NewYorkStateAG), X (Oct. 3, 2023, 2:35 PM ET), at <https://twitter.com/NewYorkStateAG/status/1709276081272787412>.**

 **NY AG James**   
@NewYorkStateAG ...

There are not two sets of laws for people in this country.



2:35 PM · Oct 3, 2023 · 216.8K Views

 3.4K  1.5K  7.4K  20 

12. NY AG James (@NewYorkStateAG), X (Oct. 3, 2023, 7:53 PM ET), at <https://twitter.com/NewYorkStateAG/status/1709355953026469956>.



NY AG James  
@NewYorkStateAG



Everyone is equal under the law, no matter how rich and powerful one may think they are.

Here's a recap of the second day of our trial against Donald Trump and the Trump Organization.



7:53 PM · Oct 3, 2023 · 523.3K Views

4K

3.5K

13K

98



**13. NY AG James (@NewYorkStateAG), X (Oct. 4, 2023, 10:08 AM ET), at <https://twitter.com/NewYorkStateAG/status/1709571137905037619>.**



**NY AG James** ✓  
@NewYorkStateAG



Today, our trial against Donald Trump and the Trump Organization continues.

Trump engaged in years of financial fraud to enrich himself and his family, and I am confident in the case we are presenting.

10:08 AM · Oct 4, 2023 · **807.2K** Views



8.7K



4.2K



21K



41



14. NY AG James (@NewYorkStateAG), X (Oct. 4, 2023, 12:47 PM ET), at <https://twitter.com/NewYorkStateAG/status/1709611203989758058>.



NY AG James   
@NewYorkStateAG



Our case against Donald Trump and the Trump Organization was brought under Executive Law 63(12), which gives my office the power to go after persistent and repeated fraud and illegality in business conduct.

The law exists to stop all kinds of fraud and has been used for decades.

**Executive Law 63(12)** is a nearly 70-year-old law that gives the New York attorney general the power to go after persistent and repeated fraud and illegality in business conduct.

The attorney general's office has been using Executive Law 63(12) to stop all kinds of fraud for decades.



ALT

12:47 PM · Oct 4, 2023 · 302.3K Views



5.5K



3.1K



11K



51



15. NY AG James (@NewYorkStateAG), X (Oct. 4, 2023, 6:58 PM ET), at <https://twitter.com/NewYorkStateAG/status/1709704592043184467>.

 **NY AG James**   
@NewYorkStateAG 

I will not be bullied.

MOMENTS AGO  
NEW YORK CITY



> TRIALS OF TRUMP  
NY AG JAMES: "THE DONALD TRUMP SHOW IS OVER"   
0:00 / 0:25    

This case was brought simply because

6:58 PM · Oct 4, 2023 · 1.1M Views

 12K  6.8K  32K  183 



**16. NY AG James (@NewYorkStateAG), X (Oct. 4, 2023, 9:54 PM ET), at <https://twitter.com/NewYorkStateAG/status/1709748900918133174>.**

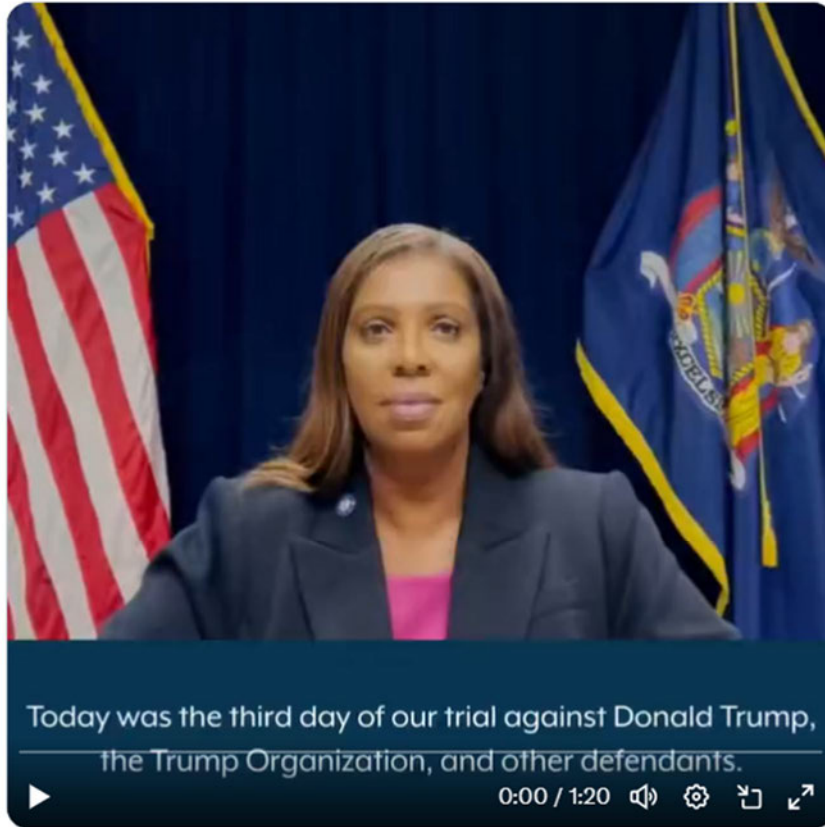


**NY AG James**   
@NewYorkStateAG



Today was the third day of our trial against Donald Trump and the Trump Organization.

Regardless of how many dangerous, racist comments the former president makes, I am not going to back down from my duty to enforce the law.



9:54 PM · Oct 4, 2023 · 2.7M Views

12K

7.7K

33K

172



17. NY AG James (@NewYorkStateAG), X (Oct. 5, 2023, 2:21 PM ET), at <https://twitter.com/NewYorkStateAG/status/1709997236623479180>.

 **NY AG James**   
@NewYorkStateAG ...

Donald Trump's art of the steal.

Mar-a-Lago 



2:21 PM · Oct 5, 2023 · 7M Views

 23K  8.3K  20K  410 

18. NY AG James (@NewYorkStateAG), X (Oct. 5, 2023, 5:14 PM ET), at <https://twitter.com/NewYorkStateAG/status/1710040779450613805>.

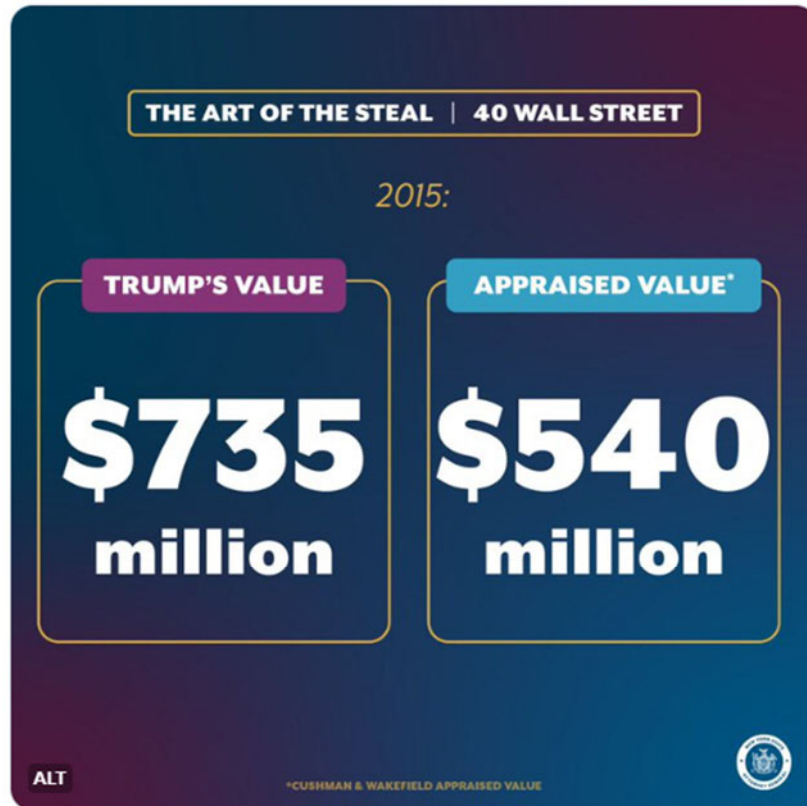


NY AG James  
@NewYorkStateAG



Donald Trump's art of the steal.

40 Wall Street



5:14 PM · Oct 5, 2023 · 1M Views

4.5K

2.2K

7K

61



**19. NY AG James (@NewYorkStateAG), X (Oct. 5, 2023, 8:34 PM ET), at <https://twitter.com/NewYorkStateAG/status/1710091192153539048>.**

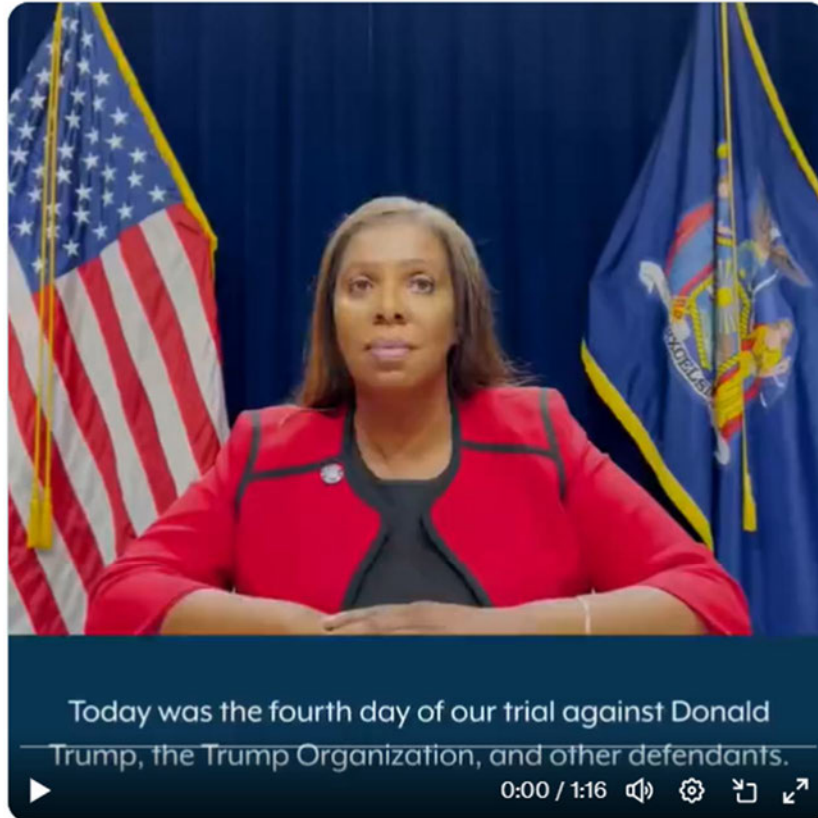


**NY AG James**   
@NewYorkStateAG



When it comes to running a company, Donald Trump doesn't care about the facts.

Instead, he engages in fraud to enrich himself and his family.



8:34 PM · Oct 5, 2023 · **888.2K** Views

11K

6.1K

20K

135



20. NY AG James (@NewYorkStateAG), X (Oct. 6, 2023, 9:12 AM ET), at <https://twitter.com/NewYorkStateAG/status/1710281944385126532>.

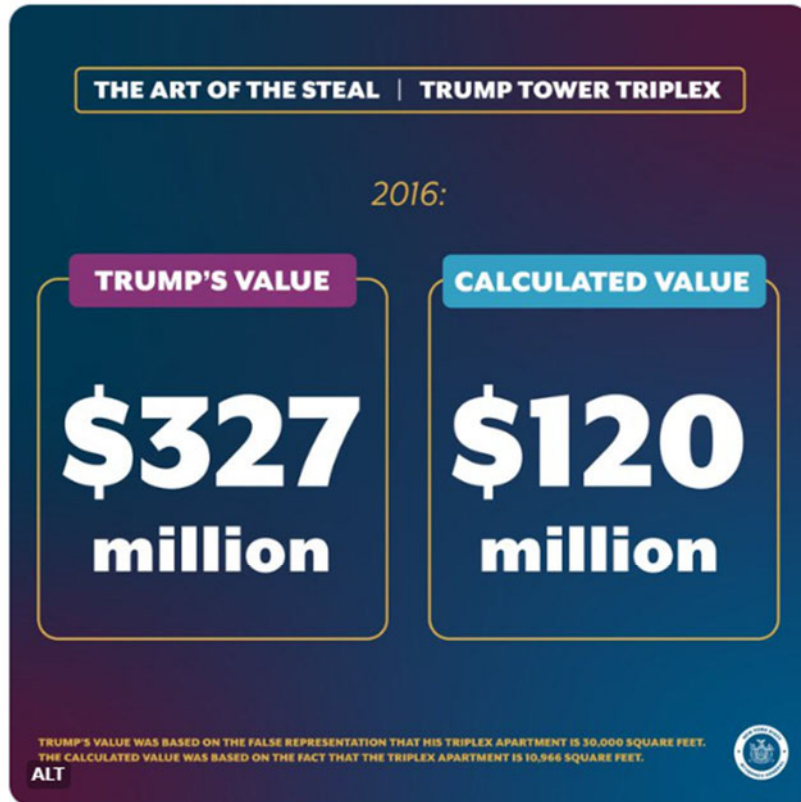


NY AG James  
@NewYorkStateAG



Donald Trump's art of the steal.

Trump Tower Triplex



9:12 AM · Oct 6, 2023 · 2.6M Views

6.2K

2.7K

8.4K

45



21. NY AG James (@NewYorkStateAG), X (Oct. 6, 2023, 2:34 PM ET), at <https://twitter.com/NewYorkStateAG/status/1710362991399428507>.

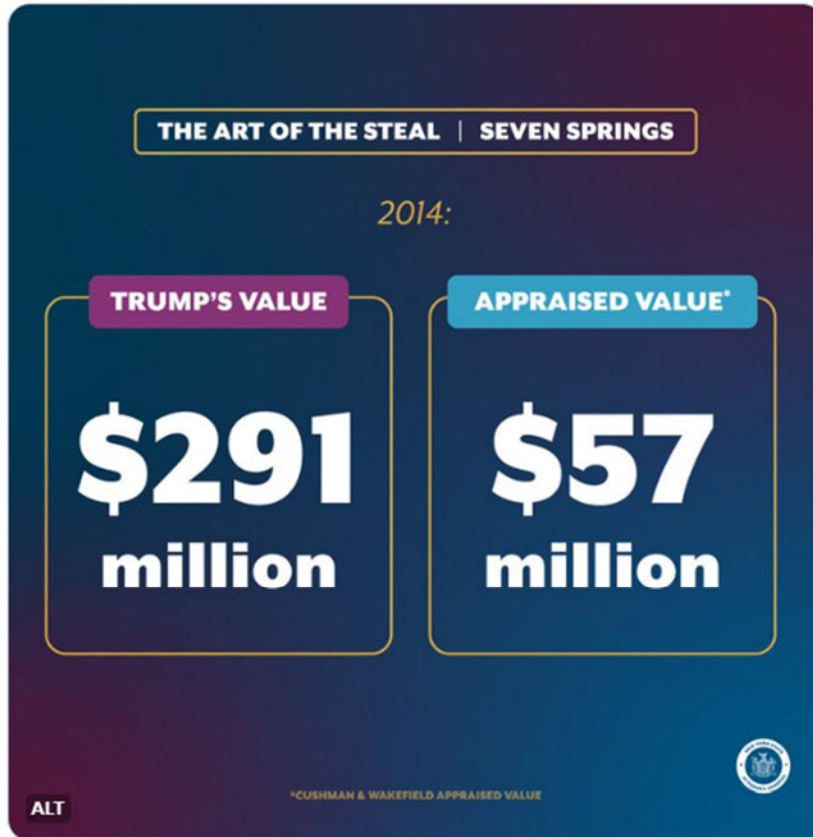


NY AG James  
@NewYorkStateAG



Donald Trump's art of the steal.

Seven Springs



2:34 PM · Oct 6, 2023 · 428.9K Views

5.2K

2.8K

8.3K

50



**22. NY AG James (@NewYorkStateAG), X (Oct. 10, 2023, 9:26 AM ET), at <https://twitter.com/NewYorkStateAG/status/1711734916105335023>.**



**NY AG James**   
@NewYorkStateAG



Today, we continue our trial against Donald Trump and the Trump Organization for engaging in years of financial fraud.

Catch up on where we left off last week.



9:26 AM · Oct 10, 2023 · 679.2K Views

10K

3.8K

18K

72



**23. NY AG James (@NewYorkStateAG), X (Oct. 11, 2023, 6:08 PM ET), at <https://twitter.com/NewYorkStateAG/status/1712228805308264876>.**

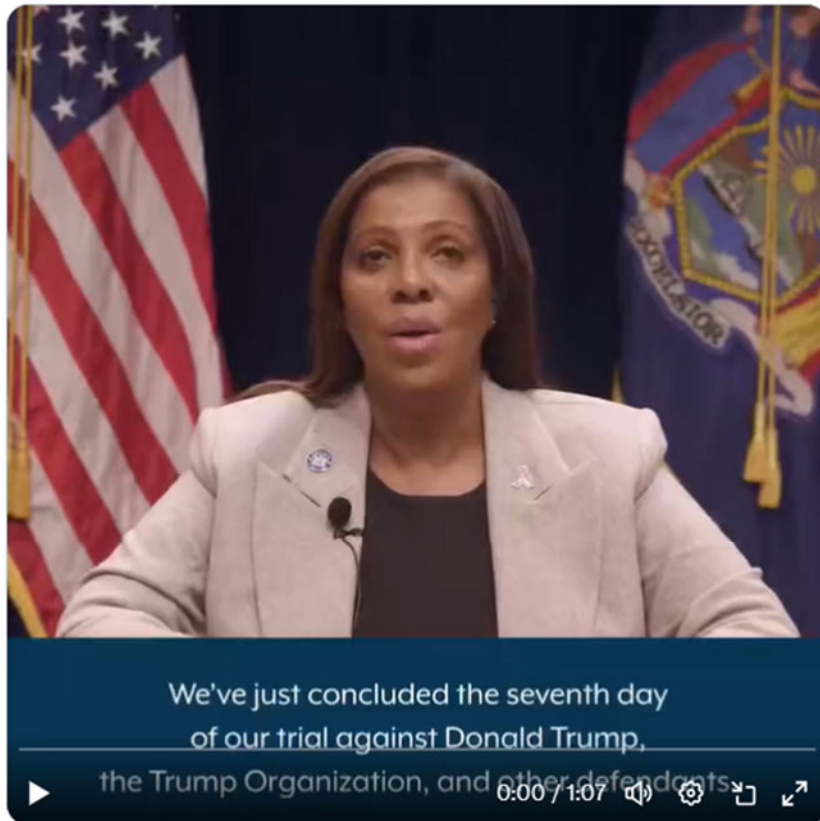


**NY AG James**   
@NewYorkStateAG



Today was the seventh day of our trial against Donald Trump and the Trump Organization.

For years, Trump evaded justice for his repeated fraud, and as we continue to present our case, we will show just how much he unfairly benefited.



6:08 PM · Oct 11, 2023 · 944.1K Views

9.9K

7.6K

29K

162



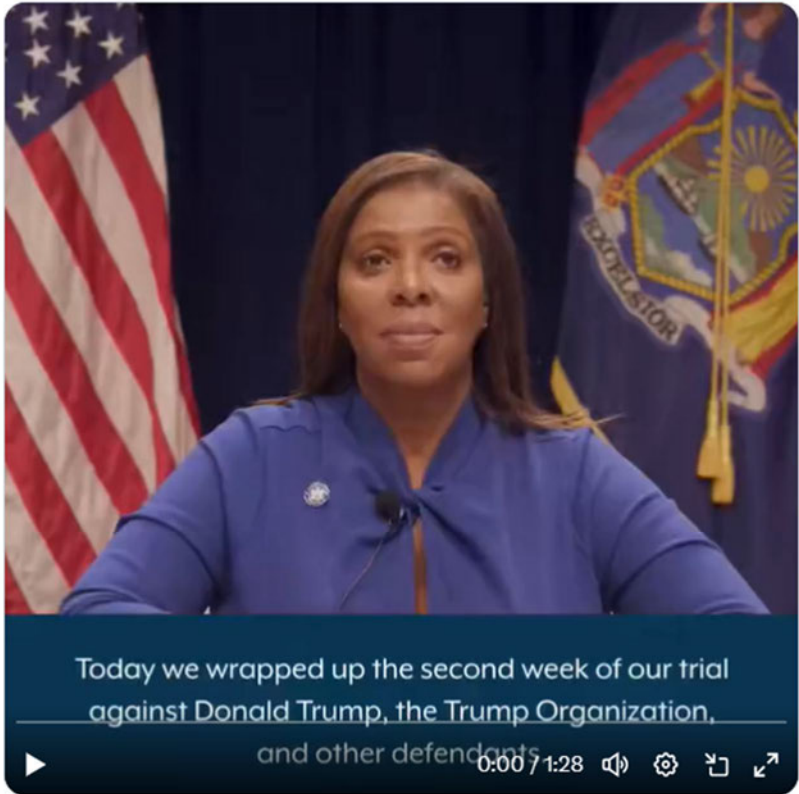


24. NY AG James (@NewYorkStateAG), X (Oct. 13, 2023, 7:08 PM ET), at <https://twitter.com/NewYorkStateAG/status/1712968582018019807>.



Today, we wrapped up the second week of our trial against Donald Trump and the Trump Organization.

The numbers don't lie: Trump engaged in years of financial fraud to enrich himself and his family.



7:08 PM · Oct 13, 2023 · 576.2K Views

7.4K 4.9K 19K 91

25. NY AG James (@NewYorkStateAG), X (Oct. 16, 2023, 8:15 PM ET), at <https://twitter.com/NewYorkStateAG/status/1714072502060634319>.

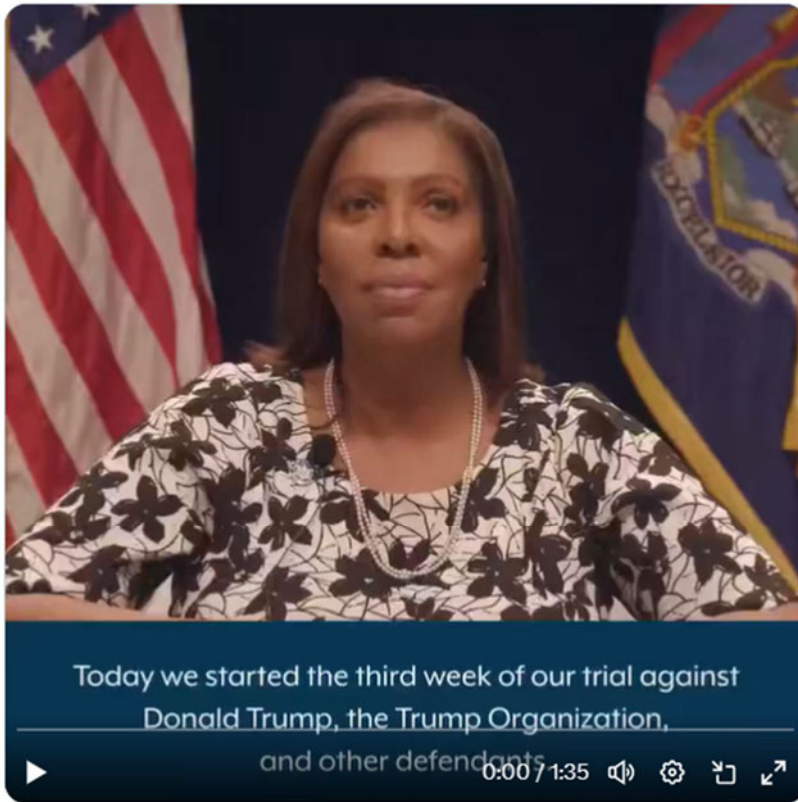


NY AG James  
@NewYorkStateAG



Today, we began the third week of our trial against Donald Trump and the Trump Organization.

We heard from witnesses who helped to create Trump's fraudulent statements of financial condition, the documents at the center of our case. [↗](#)



8:15 PM · Oct 16, 2023 · 1.4M Views

5.7K

3.6K

14K

86



**26. NY AG James (@NewYorkStateAG), X (Oct. 17, 2023, 9:45 AM ET), at <https://twitter.com/NewYorkStateAG/status/1714276351652585551>.**

 **NY AG James**  ...  
@NewYorkStateAG

Donald Trump's art of the steal. 

Trump's triplex apartment in Trump Tower is 10,966 square feet.

Yet for years, he claimed it was 30,000 square feet to inflate its value and help enrich himself and his family.

9:45 AM · Oct 17, 2023 · 1.3M Views

---

 8.1K    3.1K    10K    39   

**27. NY AG James (@NewYorkStateAG), X (Oct. 18, 2023, 9:56 AM ET), at <https://twitter.com/NewYorkStateAG/status/1714641601388024202>.**

 **NY AG James**  ...  
@NewYorkStateAG

Donald Trump can call me names.

Donald Trump can try to cause distractions.

But at the end of the day, he engaged in persistent fraud, and we will continue to demonstrate that in court.

9:56 AM · Oct 18, 2023 · 1.2M Views

---

 17K    7.8K    35K    83   

**28. NY AG James (@NewYorkStateAG), X (Oct. 20, 2023, 5:19 PM ET), at <https://twitter.com/NewYorkStateAG/status/1715477986357502078>.**



**NY AG James**   
@NewYorkStateAG

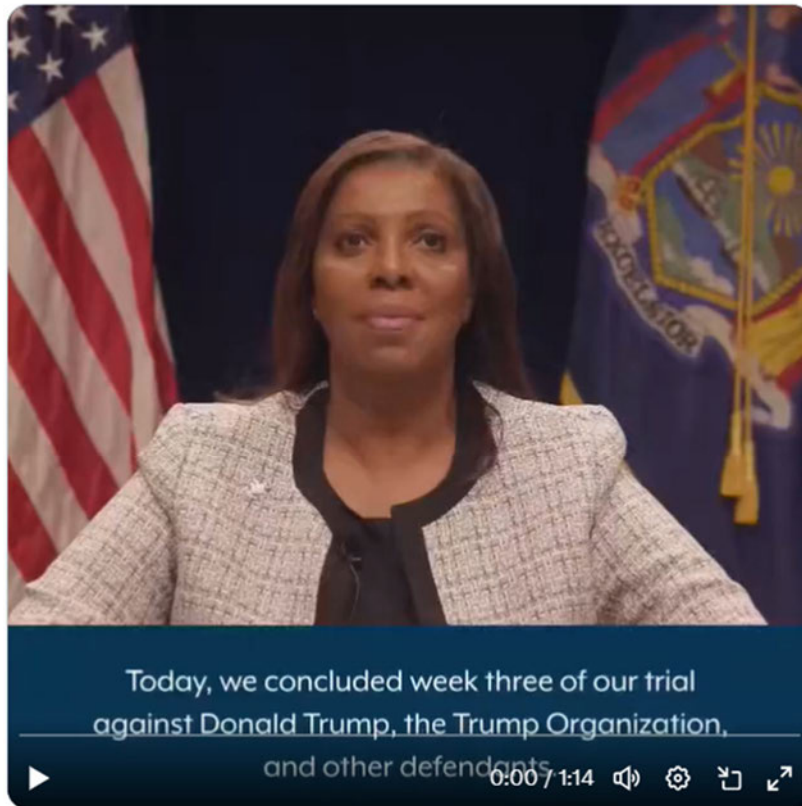


Today, we wrapped up the third week of our trial against Donald Trump and the Trump Organization.

Trump can keep spreading rumors.

Trump can keep lying.

But the truth always prevails.



5:19 PM · Oct 20, 2023 · **734K** Views

29. NY AG James (@NewYorkStateAG), X (Oct. 24, 2023, 11:21 AM ET), at <https://twitter.com/NewYorkStateAG/status/1716837245179633998>.



30. NY AG James (@NewYorkStateAG), X (Oct. 24, 2023, 4:50 PM ET), at <https://twitter.com/NewYorkStateAG/status/1716920023019823576>.



31. NY AG James (@NewYorkStateAG), X (Oct. 24, 2023, 6:57 PM ET), at <https://twitter.com/NewYorkStateAG/status/1716952034535227514>.



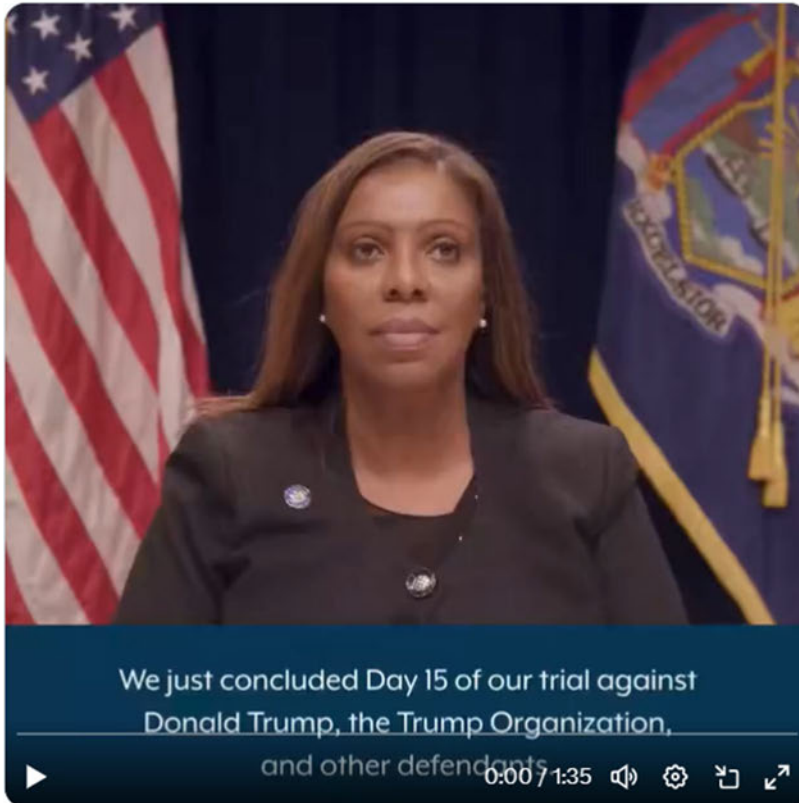
**NY AG James**   
@NewYorkStateAG



Donald Trump directed those around him to lie and scheme to make his fantasy a reality.

But fraud is very real.

So is the law.



6:57 PM · Oct 24, 2023 · **388.5K** Views

9.3K

4.2K

13K

99



32. NY AG James (@NewYorkStateAG), X (Oct. 25, 2023, 9:39 AM ET), at <https://twitter.com/NewYorkStateAG/status/1717173953280504043>.

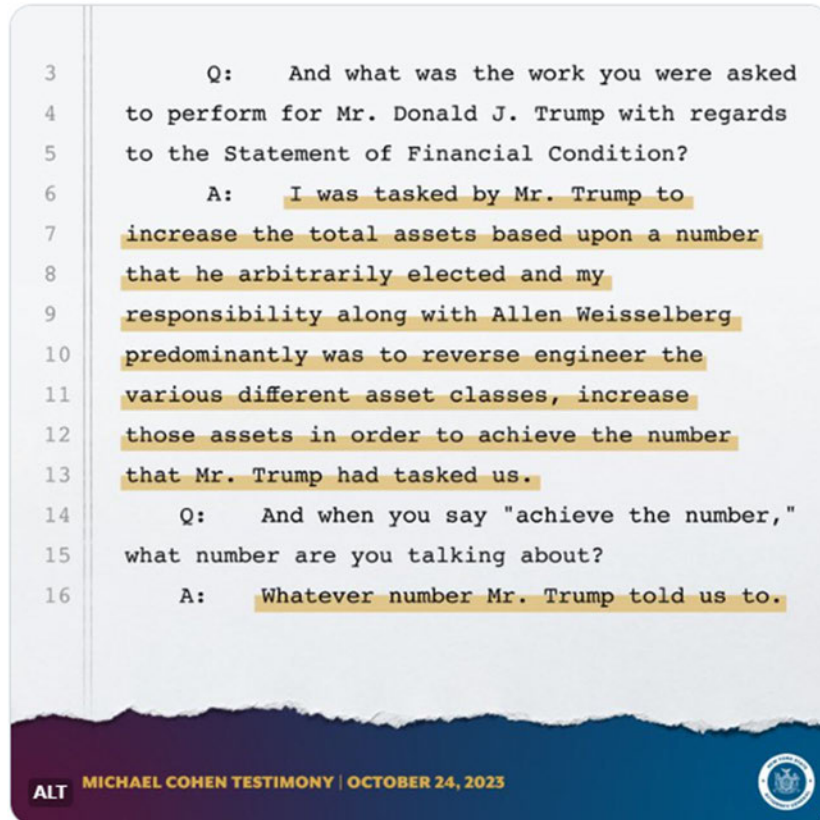


NY AG James  
@NewYorkStateAG



“Whatever number Mr. Trump told us to.”

That’s the art of the steal. ↴



9:39 AM · Oct 25, 2023 · 238.3K Views

5.6K



1.7K

4.4K


31

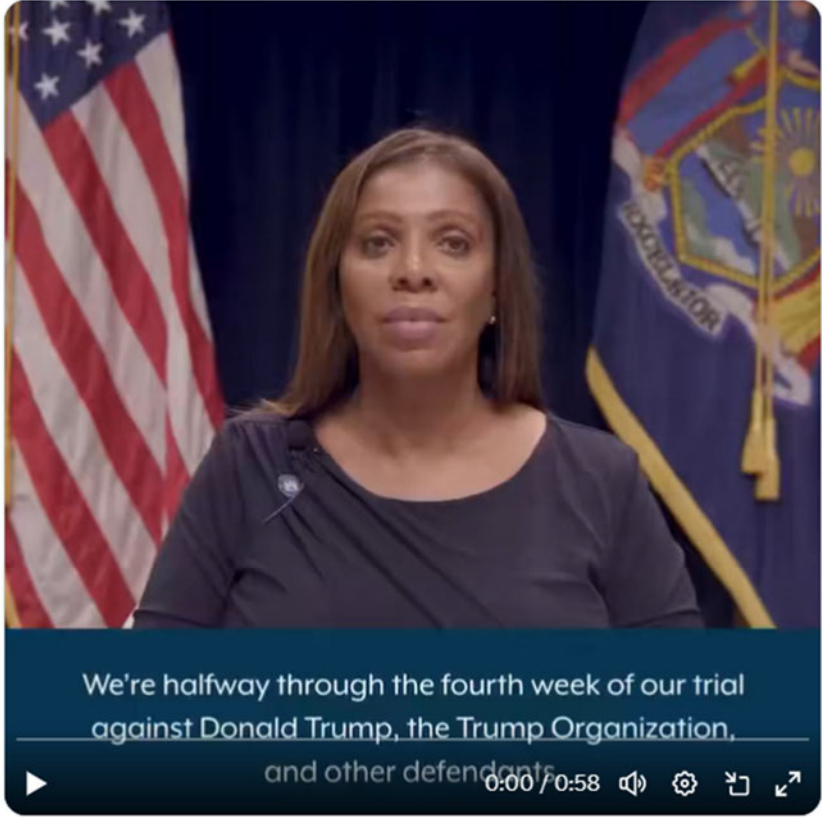


33. NY AG James (@NewYorkStateAG), X (Oct. 25, 2023, 6:29 PM ET), at <https://twitter.com/NewYorkStateAG/status/1717307306906406918>.






 **NY AG James**   
@NewYorkStateAG ...

As the judge said today about our case against Donald Trump:

“There is enough evidence in this case to fill this courtroom.” 





6:29 PM · Oct 25, 2023 · **312.7K** Views


 7K  3.4K  11K  65 




34. NY AG James (@NewYorkStateAG), X (Oct. 26, 2023, 6:34 PM ET), at <https://twitter.com/NewYorkStateAG/status/1717671190183973373>.






 **NY AG James**   
@NewYorkStateAG ...

Our case against Donald Trump is simple.






You cannot engage in fraud to succeed in business. 



We just concluded another day of testimony  
in our trial against Donald Trump,  
the Trump Organization, and other defendants.

0:00 / 2:15     

6:34 PM · Oct 26, 2023 · **453.3K** Views

 10K  4K  14K  83 

35. NY AG James (@NewYorkStateAG), X (Oct. 27, 2023, 6:59 PM ET), at <https://twitter.com/NewYorkStateAG/status/1718039715604009053>.

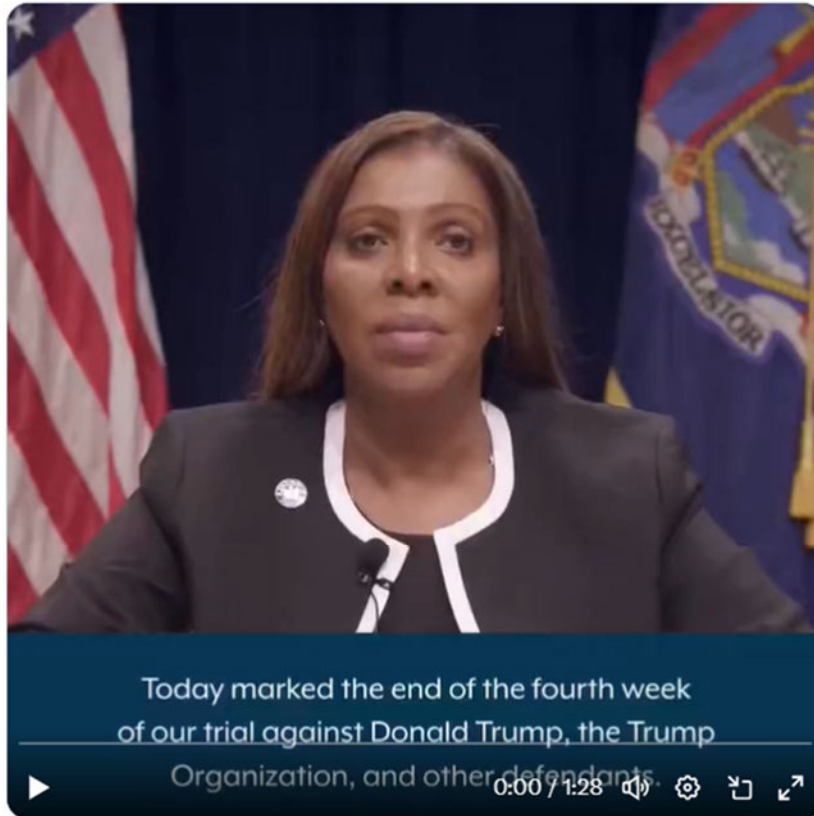


NY AG James  
@NewYorkStateAG



Donald Trump has spent years engaging in fraud to enrich himself and his family.

We've spent the past four weeks demonstrating that in court, and next week, we will continue to prove our case. [🔒](#)



6:59 PM · Oct 27, 2023 · 422.1K Views

10K

4.7K

17K

84



**36. NY AG James (@NewYorkStateAG), X (Oct. 30, 2023, 8:47 AM ET), at <https://twitter.com/NewYorkStateAG/status/1718972998307267043>.**



**NY AG James**   
@NewYorkStateAG



Last week, Donald Trump's counsel attempted and failed to discredit our entire case.

When you have built an empire on falsehoods, the truth is your only enemy, and we will continue to present the truth in court.



8:47 AM · Oct 30, 2023 · 697.2K Views

 8K



 4.3K

 18K


 51

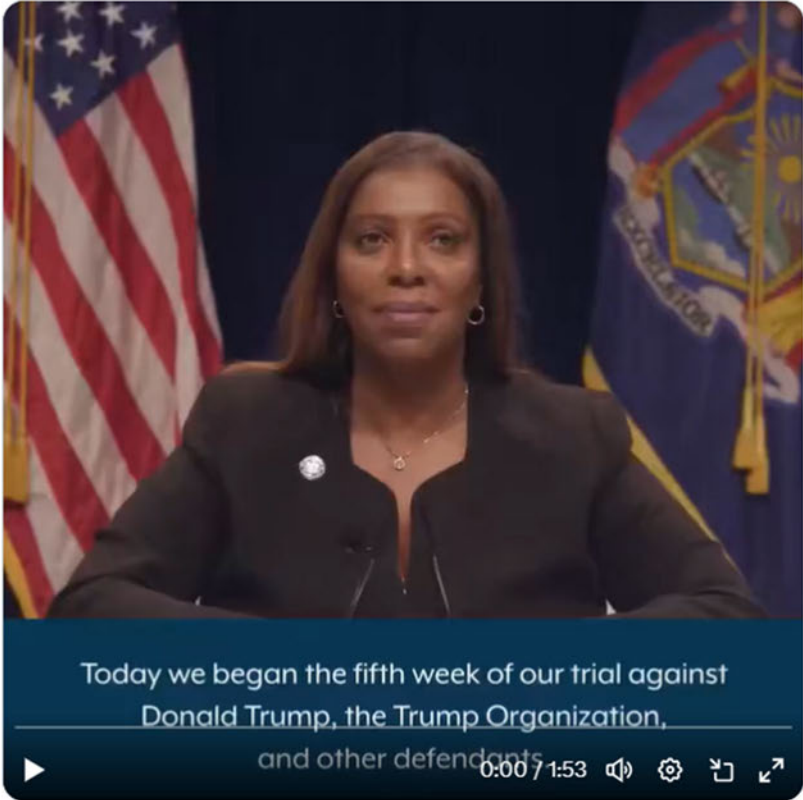


**37. NY AG James (@NewYorkStateAG), X (Oct. 30, 2023, 7:14 PM ET), at <https://twitter.com/NewYorkStateAG/status/1719130643517333876>.**

 **NY AG James**   
@NewYorkStateAG






Again and again, Donald Trump inflated the value of his properties to increase his net worth.

But here's the thing: When you engage in fraud, eventually you're going to face consequences. 





Today we began the fifth week of our trial against Donald Trump, the Trump Organization, and other defendants.


7:14 PM · Oct 30, 2023 · 3.2M Views

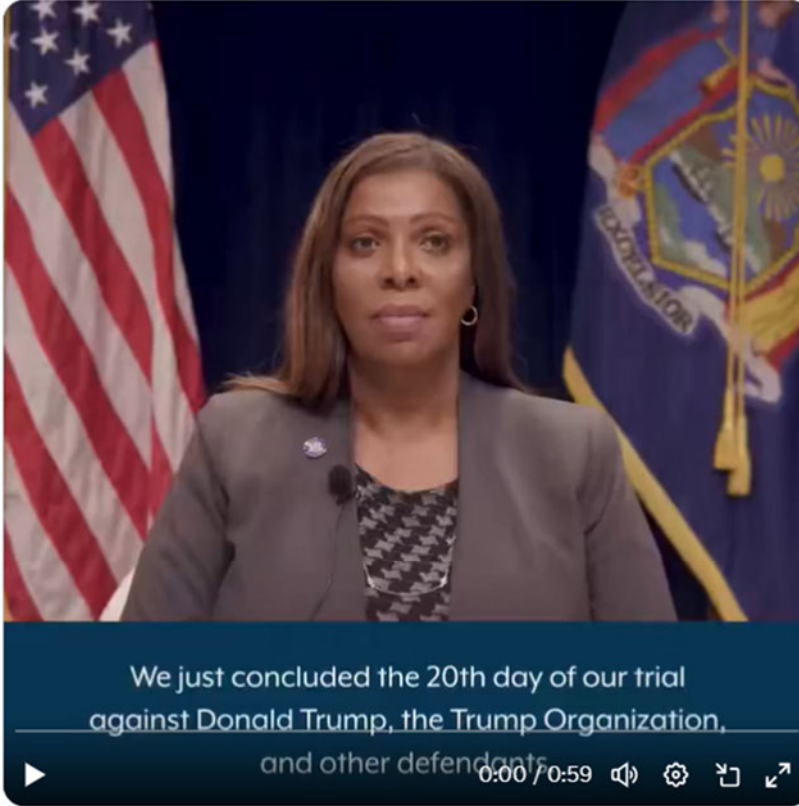
 15K  5.2K  19K  128 

38. NY AG James (@NewYorkStateAG), X (Oct. 31, 2023, 6:16 PM ET), at <https://twitter.com/NewYorkStateAG/status/1719478595263877336>.





 **NY AG James**   
@NewYorkStateAG ...

The facts of our case against Donald Trump are clear.






The truth always comes out in the end. 



We just concluded the 20th day of our trial  
against Donald Trump, the Trump Organization,  
and other defendants.

0:00 / 0:59    

6:16 PM · Oct 31, 2023 · 453K Views

 8K  4K  15K  90 

**39. NY AG James (@NewYorkStateAG), X (Nov. 1, 2023, 3:24 PM ET), at <https://twitter.com/NewYorkStateAG/status/1719797457851134389>.**



**NY AG James** ✓  
@NewYorkStateAG



Donald Trump Jr. started testifying in our trial against him, Donald Trump, and the Trump Organization.

Trump Jr. has long been involved in his family's fraudulent business operations.



3:24 PM · Nov 1, 2023 · 559.3K Views

7.6K

2.7K

10K

69



40. NY AG James (@NewYorkStateAG), X (Nov. 1, 2023, 6:16 PM ET), at <https://twitter.com/NewYorkStateAG/status/1719840830716862918>.

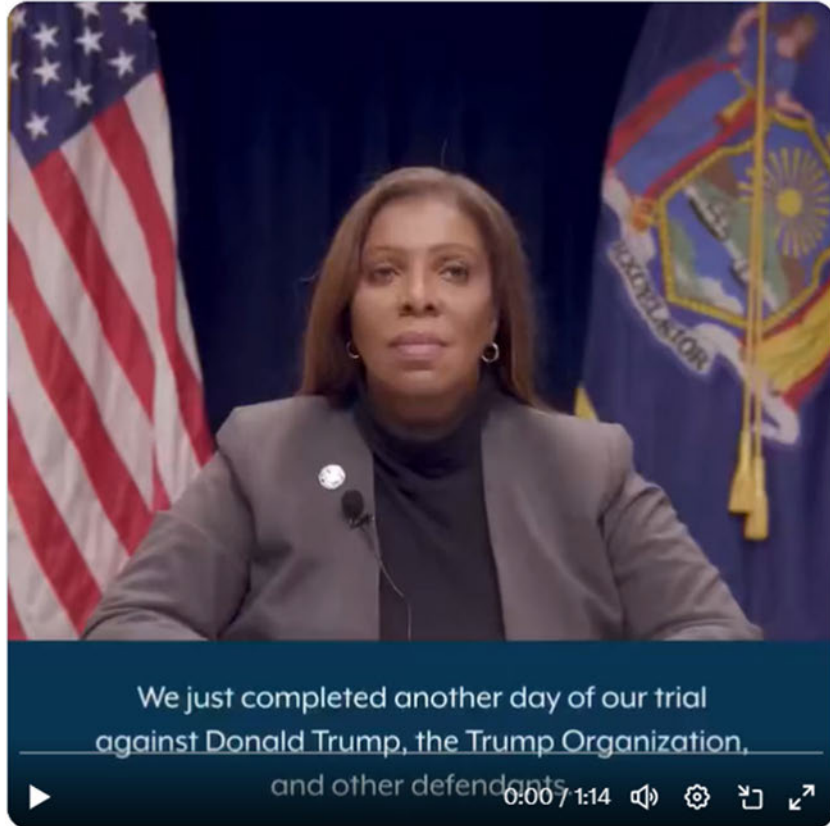


NY AG James  
@NewYorkStateAG



Donald Trump lied about his net worth on his statements of financial condition to get loans for much better terms than he should have.

It's that simple.



6:16 PM · Nov 1, 2023 · 664.8K Views

16K

5.2K

18K

88



**41. NY AG James (@NewYorkStateAG), X (Nov. 2, 2023, 6:17 PM ET), at <https://twitter.com/NewYorkStateAG/status/1720203521893568937>.**



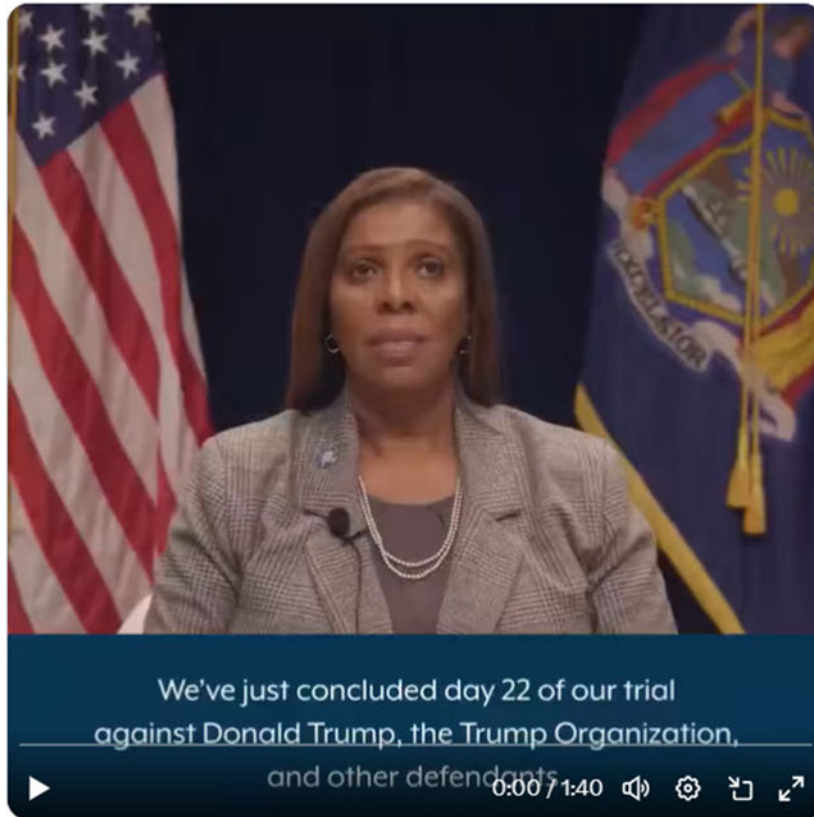
**NY AG James**   
@NewYorkStateAG



Today, we heard testimony from Donald Trump's sons and co-defendants, Donald Trump Jr. and Eric Trump.

They pretend that they were not involved in their family's fraudulent business.

But the facts tell a very different story.



6:17 PM · Nov 2, 2023 · **4.7M** Views

14K

8.1K

26K

311





**42. NY AG James (@NewYorkStateAG), X (Nov. 3, 2023, 6:58 PM ET), at <https://twitter.com/NewYorkStateAG/status/1720576132855009448>.**



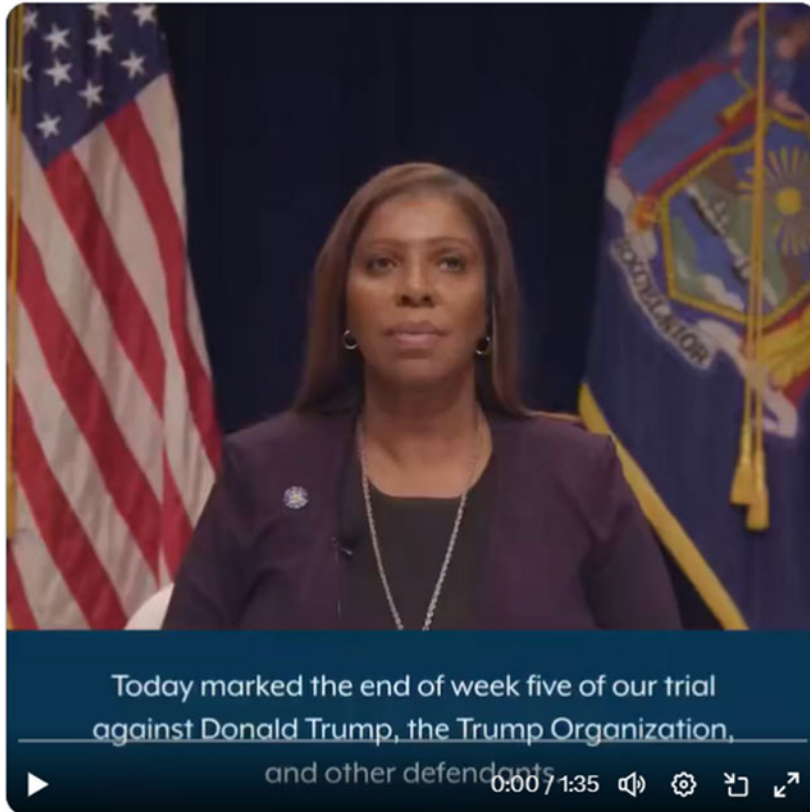
**NY AG James**   
@NewYorkStateAG



Eric Trump has been a senior executive at the Trump Organization for over a decade.

In all that time, he denies having any involvement in Donald Trump's fraudulent statements of financial condition.

The evidence shows otherwise.



6:58 PM · Nov 3, 2023 · 768.1K Views

9.2K

6.2K

21K

129



**43. NY AG James (@NewYorkStateAG), X (Nov. 4, 2023, 1:29 PM ET), at <https://twitter.com/NewYorkStateAG/status/1720855870374887743>.**

 **NY AG James**   
@NewYorkStateAG ...

This week, Donald Trump Jr. and Eric Trump testified about their work at the Trump Organization and their roles in the organization's fraudulent business practices.

On Monday, we will hear directly from the man in charge, Donald Trump.



1:29 PM · Nov 4, 2023 · 231.9K Views

 3.1K    1K    4.2K    13   

**44. NY AG James (@NewYorkStateAG), X (Nov. 5, 2023, 4:53 PM ET), at <https://twitter.com/NewYorkStateAG/status/1721284548837687622>.**

 **NY AG James**   
@NewYorkStateAG ...

Tomorrow, Donald Trump takes the stand in our trial against his fraudulent business.

Trump can try to hide his wrongdoings behind taunts and threats, but we will not be bullied out of uncovering the truth.

4:53 PM · Nov 5, 2023 · 1.9M Views

 11K    4.4K    18K    98   

**45. NY AG James (@NewYorkStateAG), X (Nov. 6, 2023, 7:33 AM ET), at <https://twitter.com/NewYorkStateAG/status/1721506037671362597>.**

 **NY AG James**   
@NewYorkStateAG 

Today, Donald Trump takes the stand in our trial against him and the Trump Organization.

He has repeatedly and consistently lied about the value of his assets to fraudulently enrich himself and his family.

Donald Trump might lie, but the facts and the numbers don't.

7:33 AM · Nov 6, 2023 · 809.1K Views

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 7.3K    3.8K    16K    65   

**46. NY AG James (@NewYorkStateAG), X (Nov. 6, 2023, 10:55 AM ET), at <https://twitter.com/NewYorkStateAG/status/1721556911777059255>.**

 **NY AG James**   
@NewYorkStateAG 

Everyone has to play by the same set of rules.

Even Donald Trump.



10:55 AM · Nov 6, 2023 · 642.1K Views

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 12K    3.5K    19K    58   

**47. NY AG James (@NewYorkStateAG), X (Nov. 6, 2023, 12:49 PM ET), at <https://twitter.com/NewYorkStateAG/status/1721585541617959377>.**

 **NY AG James**   
@NewYorkStateAG

Don't tell, I can see it from my office window. 🤔

 **Hugo Lowell** @hugolowell · Nov 6  
Trump snipes at NYAG James: "She doesn't know what a 40 Wall Street is"

12:49 PM · Nov 6, 2023 · 2.6M Views

---

 4.4K    6.1K    35K    167   

**48. NY AG James (@NewYorkStateAG), X (Nov. 6, 2023, 1:36 PM ET), at <https://twitter.com/NewYorkStateAG/status/1721597481971032136>.**

 **NY AG James**   
@NewYorkStateAG

This morning, Donald Trump resorted to bullying and name calling, he gave rambling answers and hurled insults from the witness stand to distract from the truth.

But make no mistake, he committed fraud. Numbers and facts don't lie.

1:36 PM · Nov 6, 2023 · 1.2M Views

---

 13K    6.6K    29K    115   

49. NY AG James (@NewYorkStateAG), X (Nov. 6, 2023, 5:57 PM ET), at <https://twitter.com/NewYorkStateAG/status/1721663117275406511>.

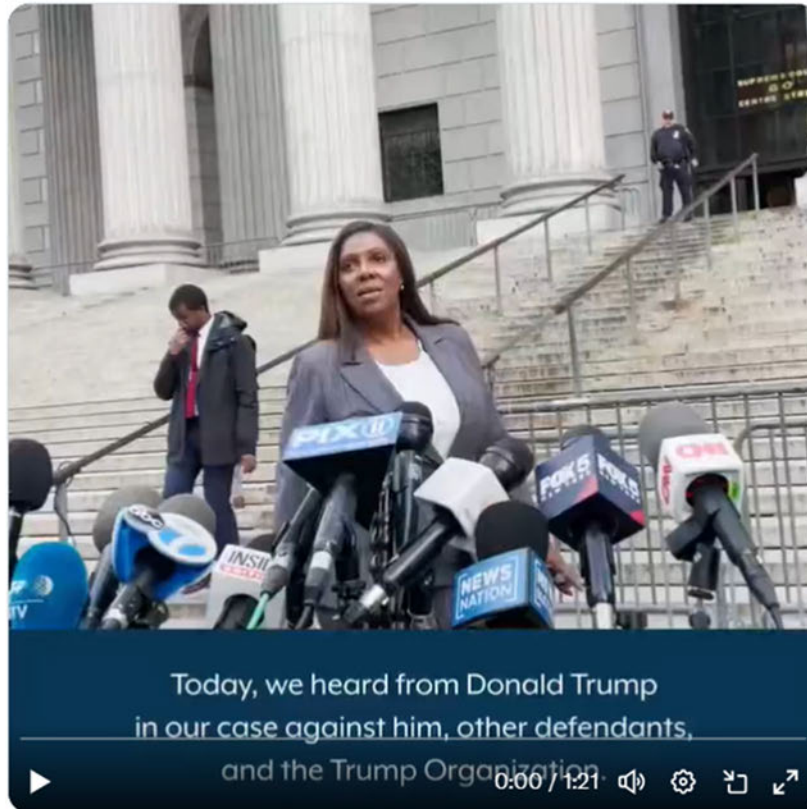


NY AG James  
@NewYorkStateAG



As expected, Donald Trump resorted to bullying and name-calling to distract from the truth today.

But the truth always comes out: Donald Trump has falsely inflated his net worth and fraudulently enriched himself and his family. [↪](#)



5:57 PM · Nov 6, 2023 · 619.1K Views

9.9K

4.8K

18K

110



**50. NY AG James (@NewYorkStateAG), X (Nov. 7, 2023, 4:19 PM ET), at <https://twitter.com/NewYorkStateAG/status/1722000731132096513>.**



**51. NY AG James (@NewYorkStateAG), X (Nov. 8, 2023, 8:12 AM ET), at <https://twitter.com/NewYorkStateAG/status/1722240554053124487>.**



**52. NY AG James (@NewYorkStateAG), X (Nov. 8, 2023, 6:50 PM ET), at <https://twitter.com/NewYorkStateAG/status/1722401113771528293>.**

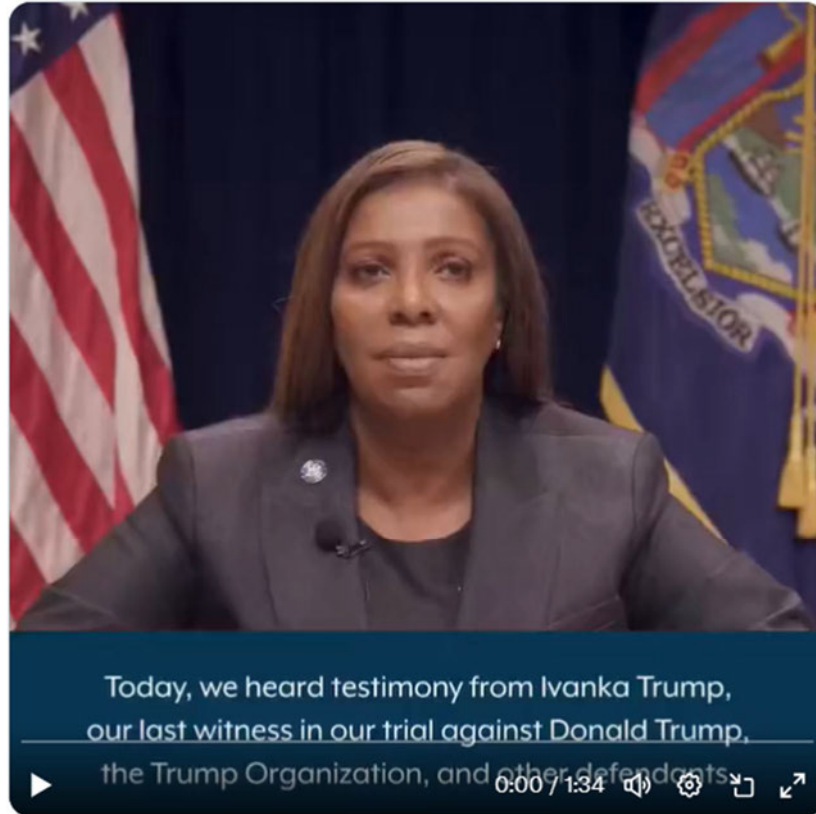


**NY AG James** ✓  
@NewYorkStateAG



Today, we called our last witness, Ivanka Trump, who used Donald Trump's fraudulent statements of financial condition to secure more favorable loans.

For the past five weeks, we've shown the incredible scale and scope of Donald Trump's fraud and how he used it to enrich himself.



6:50 PM · Nov 8, 2023 · 308.7K Views

4.8K

3.1K

11K

79



**53. NY AG James (@NewYorkStateAG), X (Nov. 8, 2023, 6:50 PM ET), at <https://twitter.com/NewYorkStateAG/status/1722401117374480418>.**



**NY AG James**   
@NewYorkStateAG



The judge has already ruled that Donald Trump committed repeated and persistent fraud, and now it's Trump's turn to try to defend that fraud.

I am confident that we will prevail because the facts don't lie.

6:50 PM · Nov 8, 2023 · 23.5K Views

 588

 248

 1.1K

 11

