
**LAWYERS
DEFENDING
AMERICAN
DEMOCRACY**

December 6, 2022

George S. Cardona Esq.
Office of Chief Trial Counsel
The State Bar of California
845 South Figueroa Street
Los Angeles, CA 90017

Re: Professional Responsibility Investigation of Kenneth John Chesebro
California Bar No. 236022

Dear Chief Trial Counsel Cardona:

Lawyers Defending American Democracy (LDAD) hereby submits this ethics complaint against Kenneth J. Chesebro, a member of the bar of the State of California. Based on a broad range of publicly available information, we believe that Mr. Chesebro violated the California Rules of Professional Conduct while acting in his capacity as an attorney for then President Donald J. Trump in the aftermath of the 2020 presidential election. Mr. Chesebro conspired with other attorneys, notably John C. Eastman and Rudolph W. Giuliani, to devise and attempt to implement a fraudulent scheme relying on fake electors in order to overturn Joseph R. Biden's irrefutable victory in the 2020 election. Mr. Chesebro, moreover, is the apparent mastermind behind key aspects of the fake elector scheme, including the legal theory that the Vice President had the sole authority to determine the outcome of the election.

LDAD recently filed an ethics complaint against Mr. Chesebro in New York, where an ethics investigation of Mr. Giuliani is pending. We are now filing this parallel complaint in California, where your office has announced that an ethics investigation of Mr. Eastman is pending. Rather than repeating the content of our New York complaint against Mr. Chesebro, we are attaching a copy (Exhibit A) along with our supplemental list with additional signers to that complaint (Exhibit B), and we ask that these documents be incorporated by reference in this complaint. The applicable rules cited in our New York complaint all have their analogues in California.¹

Recent developments underscore the seriousness of Mr. Chesebro's misconduct and its relevance to California. On November 14, 2022, the Brookings Institution published an updated report on Fulton County, Georgia's investigation into efforts by President Trump and his allies to overturn

¹ The primary rule cited in the New York complaint is Rule 8.4(c), which is substantially identical to the parallel California rule. See https://www.calbar.ca.gov/Portals/0/documents/rules/Rule_8.4-Exec_Summary-Redline.pdf. We also rely on New York Rules 4.1, 8.4(a) and 8.4(d) which are likewise identical in California. See *id.* and <https://www.calbar.ca.gov/Portals/0/documents/rules/New-Rules-of-Professional-Conduct-4.pdf>

the 2020 election.² The report includes an extensive discussion of Mr. Chesebro’s conduct and concludes that he was part of a “conspiratorial agreement” with Mr. Eastman and others “to commit election fraud.”³ Mr. Chesebro apparently has pleaded the Fifth Amendment before the grand jury investigating these crimes.⁴ Newly released emails between Mr. Chesebro and Mr. Eastman also confirm how closely they worked together on their scheme,⁵ and extend the timeline of their collaboration closer to January 6 than had been previously known. These latest developments further support our request that California investigate Mr. Chesebro along with Mr. Eastman.

As a member of the California Bar, Mr. Chesebro is subject to discipline in this state pursuant to Rule 8.5(a) of the California Rules of Professional Conduct, regardless of where he was located at the time of his misconduct. An investigation and discipline in California are particularly appropriate here in light of Mr. Chesebro’s conspiratorial activities with Mr. Eastman, who as noted, also is being investigated by this Office. Mr. Chesebro’s efforts to overturn the 2020 election also directly impacted the citizens of this state, more than 11 million of whom voted for Mr. Biden and would have been effectively disenfranchised had his scheme succeeded.

Respectfully submitted,

LAWYERS DEFENDING AMERICAN DEMOCRACY, INC.,

By: _____ /s/_____
Scott Harshbarger, Chairman

²[Fulton County, Georgia's Trump Investigation: An Analysis of the Reported Facts and Applicable Law \(2d ed. Nov. 2022\)](#).

³ *Id.* at 145. *See also, e.g., id.* at 130 (Chesebro “involved in soliciting the false electors to commit election fraud”); *id.* at 135 (Chesebro “involved in . . . soliciting others to tamper with the legitimate electors list”).

⁴ *Id.* at 105.

⁵ ["Trump Lawyer Expressed Worry Over False Claims of Election Fraud"](#) (New York Times, Nov. 2, 2022).