



Fighting for Democracy

A Year in Review: 2024

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Introduction

Our Mission

Our mission at Lawyers Defending American Democracy (“LDAD”) is to stand up for principles of democracy and the rule of law, and to galvanize and mobilize lawyers to do so. At a time when even this simple message can be framed as a partisan issue, we want to remind lawyers that – first and foremost – they are citizens and attorneys. As attorneys, we have taken an oath to uphold the rule of law, to live up to the ethical standards that make the rule of law possible.

It means we are charged with a special responsibility to protect and defend the core principles of professional responsibility, the rule of law, and democracy.

Since our founding in 2018, we’ve called on the legal profession to buttress the foundations of democratic principles and norms. LDAD has led the way, in words and in action, to hold accountable those lawyers who have breached their obligations. Thousands of lawyers have answered the call – and it’s having an impact. This year, the American Bar Association and others implemented significant initiatives to protect democracy and democratic principles. Bar organizations disciplined – and disbarred – attorneys who worked to undermine the 2020 election. And more lawyers and legal organizations than ever are entering the fight for the core principles of democracy.

This is our third annual report detailing the accomplishments of the past year. Since our founding, LDAD has continued to shine a spotlight on those who undermine democratic norms and principles. LDAD has, for example: called on lawyers to sign onto our [Democracy Commitment](#) and to stand up and speak out in support of democracy and the rule of law; filed ethics complaints against lawyers who violated ethics rules and ignored their oath to protect the Constitution in seeking to overturn the results of a free and fair election; filed amicus briefs in important cases; called for and drafted ethics rules for the Supreme Court; shared our message in the press and opinion columns; presented in classrooms and to professional audiences; and collaborated with other democracy organizations.

At the same time, damage to democratic norms and principles continues. The Supreme Court decision in

Trump v. United States, decreeing that Presidents can enjoy immunity from criminal prosecution, puts the lie to the words “equal justice under law” inscribed on the Supreme Court building. Taken together with language from the incoming administration that threatens government employees, prosecutors, the media, and others, in addition to the specific plans set forth in Project 2025, rule of law issues promise to be a major battleground in the coming year – and lawyers will play the most important role as guardrails.

Where We Stand

As a profession, lawyers are among the most influential in the country. As elected officials, policymakers, judges, prosecutors, defense lawyers, and in so many other roles, lawyers are at the forefront of social and political dynamics. Indeed, lawyers are critical to numerous advocacy organizations across the political spectrum, from the American Constitution Society to the Federalist Society.

LDAD stands astride the political spectrum. Rather than advocate for policy outcomes, LDAD advocates for the very principles that make political debate and political change possible in the first place. We are a vehicle for people across the political spectrum who want to play a role that is central to the privilege of practicing law. That role is far different from cheering on a side in a political fight. **Instead, it’s about taking leadership in articulating – and fighting for – the values of democracy and the rule of law.**

Contact Us

Our Website:
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Donations:
www.LDAD.org/donate

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Introduction

From Defending Democracy to Fighting for it

Protecting democracy starts by defining what, exactly, democracy means.

In 2019, [LDAD articulated](#) what we believe are the core principles that represent the foundation of democracy. These principles are embodied in eight simple pillars, each of which inform LDAD's actions against those seeking to undermine them.

These core principles are:

1. The rule of law;
2. Institutional checks and balances;
3. The separation of powers;
4. The independence, integrity, and critical role of mainstream media;
5. The independence, integrity, competence, and non-partisanship of the judiciary;
6. Truthfulness of public officials;
7. The independence, integrity, competence and non-partisanship of federal criminal justice and intelligence agencies, including the Department of Justice and FBI; and
8. Civil discourse and fair treatment including respect for rights and the dignity of all individuals, regardless of race, ethnicity, national origin, religion, gender, disability, sexual orientation, or gender identity.

These principles are embodied in LDAD's [Democracy Commitment](#) to which so many lawyers have signed on. We continue to highlight these principles, and to take action to hold people accountable for violating them.

Taking Action

LDAD's approach is to be nimble and responsive to current events, while at the same time working to pursue systemically problematic threats, and to pursue actions by lawyers. In these efforts, we have pursued a broad range of activities, including:

Open Letters / Calls to Action on a variety of critical topics, signed by thousands of lawyers across the country and around the world;

Statements, prepared by LDAD's Board of Directors, where we speak out in response to actions that weaken our democratic institutions;

Ethics complaints against attorneys where available information reveals professional misconduct that can undermine our democracy and the rule of law;

Amicus briefs in federal and state court cases involving serious threats to democracy, the rule of law, and/or the criminal justice system;

Reports on emerging threats to democracy, including a compendium of anti-democracy actions in states across the country;

Updates, analyses, and requests for action, including regular newsletters to our thousands of supporters, as well as blogs on the LDAD website and LinkedIn postings;

Press releases and other outreach in support of our statements, open letters/calls to action, amicus briefs, ethics complaints and other news;

AS FEATURED IN

The New York Times

LAW.COM



CNN politics

The Boston Globe

The Washington Post

The Guardian

Newsweek

Forbes

VANITY FAIR

Taking Action

Collaborating with other organizations and prominent individuals on matters of common interest;

Op-Eds, letters, and other public statements in support of our mission by Board members, friends and supporters.

Our work, including underlying documents, is easily accessible on www.LDAD.org.

Here are highlights of some of our key accomplishments over the past year.

Ethics Complaints

LDAD has prepared and filed ethics complaints with state bar disciplinary authorities that seek to hold accountable attorneys who, based on information in the public record, played an instrumental role in undermining democracy.

LDAD has taken great care to file these complaints with the support and help of renowned ethics practitioners, including in the states in which we file. Our focus is always to analyze the record and seek accountability where the record – legally and factually – supports the case that discipline is merited.

We are committed to the principle that the ethics and disciplinary process must never be politicized and we have sought to act in a deliberate and rigorous manner in preparing and filing each complaint.

All of the complaints LDAD has filed are available [here](#). Our 2024 complaints include:

Letter to the Colorado Supreme Court (December 15, 2023). LDAD, in partnership with States United Democracy Center, sent a letter to the Supreme Court of Colorado urging the Office of Attorney Regulation Counsel to seek Jenna Ellis' disbarment through a new disciplinary proceeding in light of her felony guilty plea in the Fulton County, Georgia election interference case. The letter was signed by more than a dozen bipartisan signatories, including former Republican officials, leading law professors, and the Bush and Obama White House ethics advisors. On January 9,

2024, disciplinary proceedings were announced against Ms. Ellis, and on May 23, 2024, Ms. Ellis' law license was suspended for 3 years. LDAD commented that "Practicing law is a privilege that requires adherence to an oath and a code of conduct. LDAD will continue to seek accountability for those lawyers who disregard both and, in the process, undermine the rule of law."

Professional Responsibility Investigation of Warren Kenneth Paxton, Jr., Attorney General of Texas (filed with the Chief Disciplinary Counsel of the State Bar of Texas, July 2021). More than 3 years ago, LDAD, joined by former State Bar of Texas presidents, Texas legal ethics experts, and other distinguished Texas lawyers, filed a 31-page complaint against Texas Attorney General Kenneth Paxton, Jr., a Texas-licensed lawyer. The complaint asserted a pattern of serious ethical misconduct arising out of his involvement in efforts to overturn 2020 election results. The Texas State Bar, responding to several complaints, investigated and then filed a professional disciplinary petition against Mr. Paxton. As part of his defense, Mr. Paxton moved to dismiss the petition in the Texas trial court, essentially arguing that doctrines of separation of powers and sovereign immunity immunized him from State Bar disciplinary proceedings for alleged violations of Texas' ethics rules. The trial court denied Mr. Paxton's motion and he appealed.

On April 18, 2024, the Dallas Court of Appeals dismissed Mr. Paxton's pre-trial appeal, holding that because the petition was filed against Mr. Paxton in his capacity as a Texas-licensed lawyer, and not in his official role, the court lacked jurisdiction. Importantly, the majority explicitly rejected Mr. Paxton's claims of separation of powers and sovereign immunity.

LDAD is proud to have been joined in filing amicus briefs in the trial and appellate courts by sixteen distinguished Texas lawyers. LDAD Co-Founder, Gershon (Gary) Ratner, who worked on the briefs, stated: "Texas statutes mandate that every Texas-licensed lawyer is subject to State Bar disciplinary proceedings for alleged violation of Texas'

Ethics Complaints

Ethics Complaints (cont'd.)

ethical rules. Mr. Paxton made his misrepresentations as a Texas-licensed lawyer. It's essential that the state disciplinary bodies and the courts ensure that 'no person is above the law.'"

Mr. Paxton petitioned the Texas Supreme Court to review the decision of the Court of Appeals. The Supreme Court's decision on whether to review is pending.

Professional Responsibility Investigation of Stefanie Lambert (filed with the Michigan Supreme Court, Attorney Grievance Commission, July 10, 2024). LDAD filed a complaint calling for the immediate investigation of Michigan attorney Stefanie Lambert. The complaint urges the Attorney Grievance Commission to conduct an investigation into a pattern of unethical and illegal efforts by Lambert to undermine confidence in critical election infrastructure and to impose discipline for those violations.

LDAD Chair Scott Harshbarger commented that "Stefanie Lambert's many false representations and repeated violations of court orders demonstrate a complete disregard for the rule of law and the ethics code of conduct that she swore to uphold. She has knowingly, willfully, and continuously violated her oath to uphold the law in multiple jurisdictions over the last few years—and shows no signs of stopping."

The complaint, signed by 24 legal and ethics experts, meticulously lays out Lambert's conduct.

"Attorneys are officers of the court, bound by an oath to uphold the rule of law and the professional and ethical standards that are the foundation of our judicial system," said Bruce Kuhlik, a former Assistant to the U.S. Solicitor General and an author of the LDAD complaint.

"Anyone actively and intentionally seeking to destabilize that bedrock must be held accountable."



Professional Responsibility Investigation of Kurt Olsen (filed with the Maryland Attorney Grievance Commission and the District of Columbia Office of Disciplinary Counsel, July 12, 2024). Together with States United Democracy Center, LDAD filed ethics complaints against Kurt Olsen, who spread election lies while representing election deniers, including Kari Lake, in frivolous election lawsuits. The complaints garnered support from more than a dozen legal experts, ethics experts, and former government officials representing both major parties. The group includes numerous lawyers licensed to practice in Maryland and DC, where the complaints were filed.

The complaints call for a swift investigation into Olsen's misconduct as well as immediate interim discipline due to the risk of harm to the public from his ongoing pattern of unethical behavior. The complaints also highlight sanctions and discipline that Olsen already faces in Arizona for related conduct. Supplements to the complaints were filed in Maryland and DC in October arising from possible involvement by Olsen in unauthorized access to voting equipment in Colorado in the 2020 election.

"Accountability for serious ethical violations by lawyers is essential to the integrity of the legal profession and the rule of law," said John Montgomery, LDAD Board Member and former managing partner of Ropes & Gray. "The complaints provide a road map to guide prompt investigations and the imposition of appropriate sanctions."

Amicus Briefs

Amicus Briefs

LDAD files amicus briefs in cases where LDAD's core principles are implicated and as its resources allow.

Each of the amicus briefs LDAD has filed may be found on the LDAD website [here](#). Our 2024 amicus brief was filed in an important lawyer disciplinary matter:

Brent Edward Webster v. Commission for Lawyer Discipline (Brief of Amici Curiae Texas Lawyers and Lawyers Defending American Democracy, No. 23-0694, Supreme Court of Texas (August 27, 2024)). This brief was filed in the Supreme Court appeal by First Assistant Texas Attorney General Brent Webster in which he seeks to dismiss the Commission's ethics petition against him for certain litigation conduct related to the 2020 presidential election. LDAD had previously filed an amicus brief in the Court of Appeals, which decided against Webster, leading to this appeal to the Supreme Court. In this brief, LDAD argued that under Texas law, separation of powers is no bar to judicial branch disciplinary proceedings for professional misconduct against a Texas-licensed attorney serving as Attorney General or one of his Assistants because an Attorney General has no "constitutionally assigned power" to violate Texas ethics rules. Further, such disciplinary proceedings are not within sovereign immunity's purpose of protecting the public treasury and preventing judicial interference with the effective exercise of executive duties. *Status: Awaiting decision by the Texas Supreme Court.*

LDAD Co-Founder Gershon (Gary) Ratner, who co-authored the briefs, stated that "as a Texas-licensed lawyer, Webster



is statutorily subject to disciplinary proceedings for professional misconduct, just like all other Texas-licensed lawyers. As Webster concedes, an Attorney General and his Assistants have no legal authority to violate Texas' ethics rules. The Texas Supreme Court needs to avoid creating a two-tier system of justice- one for Attorney General's office lawyers and one for all others."

Open Letters / Calls to Action

Call to Action for Justice Thomas to recuse himself in Trump v. United States.

On April 23, 2024, LDAD issued a call to action in the form of a letter to Chief Justice John Roberts. The letter, signed by more than 11,000 signers, requested that Roberts ask Justice Thomas to recuse himself in the Trump v. United States case. The letter noted that the Court's own recently issued Code of Conduct included a statement that the purpose of its Code was to dispel any "misunderstanding" that members of the Supreme Court are not subject to ethics rules.

The letter underscored the significance of the Trump v. United States case, which centers on whether former President Donald Trump can be tried for conspiring to overturn the results of the 2020 election, as well as for conspiring to obstruct and actually obstructing the certification of the electoral vote. The conflict for Justice Thomas was stunningly straightforward. Thomas' wife had extensive – and well-documented – involvement in efforts to overturn the election results and obstruct certification

Open Letters

of the electoral vote—efforts at the heart of the charges against Mr. Trump.

Section 3.B.(2) of the Court's Code of Conduct states that a Justice must disqualify himself or herself in a proceeding in which an "unbiased and reasonable person who is aware of all relevant circumstances would doubt that the Justice could fairly discharge his or her duties." The Code provides examples, including situations in which a Justice's spouse has a financial interest that could be affected materially by the outcome of the proceeding, or where the Justice's spouse is likely a material witness in the proceeding.

Thomas did not ultimately recuse himself from the case.

Call to Action to Sign the "Statement of Principles to Preserve, Protect, and Defend the Constitution, the Rule of Law, and American Democracy." On September 25, 2024, LDAD released a call to action to encourage signing in support of a Statement issued by the Society for the Rule of Law. The Statement addresses the importance of defending our legal institutions during this period of unprecedented threats and asks concerned citizens to reaffirm a commitment to America's fundamental principles, including that "no person is above, beneath, or beyond the law."

Critical Educational Resources

Project 2025 – Talking Points to Protect our Democratic Institutions

Project 2025 embodies an agenda that is expected to guide the incoming Presidential administration. Its goal is to revise, reorganize, and eliminate vast portions of the statutes, rules, and norms that were built over decades and that have guided our democracy and preserved our freedoms during Democratic and Republican administrations. Embodied in a 900-page document, and developed in collaboration with more than 100 organizations, Project 2025 would dramatically alter government, often in ways that undermine core principles of democracy and the rule of law.

LDAD is committed to the proposition that all citizens, and especially lawyers, have a role to play in being aware of and discussing the nature of the Project 2025 program. To facilitate those discussions, LDAD's "Talking Points" series highlights changes proposed in Project 2025 and their impact. Each Talking Point quotes directly from Project 2025, and explains its impact on democracy, freedom, and the rule of law.

The Talking Points series can be found in full on the LDAD website [here](#).

Marching Towards Autocracy: How States Are Failing Democracy – and What We Can Do About It

Starting in 2023, LDAD created a compendium detailing lawmaking in several states that undermines core principles of democracy. These laws include disregarding the will of the majority, ignoring principles of accountability and open government, and removing or undermining the fundamental rights of individuals.

With these developments happening quickly – and often with little public awareness – LDAD set out to identify, catalogue, analyze, and publicize these efforts. LDAD's [compendium](#) is an ongoing project that has been updated throughout 2024 consistent with new developments and now includes eight states: Alabama, Arizona, Florida, Iowa, Louisiana, Ohio, Tennessee, and Texas.



Critical Education

The compendium, identifies 8 key norms and principles which are core to the way in which our country develops an educated citizenry, promotes tolerance and justice in a complex and diverse society, and ensures compliance with state and federal constitutions and laws. These principles are:

- Ballot access;
- Fair treatment of all members of society;
- Respect for individual autonomy;
- An accessible, free, uniform, and high-quality education;
- Fact-based decision-making;
- Appropriate restraints on the exercise of state power;
- Support for and confidence in public and private institutions, businesses, and associations; and
- Government respect for systemic checks and balances.

Following these principles, the compendium details what happened in each state, and why it matters. The full report, *Marching Towards Autocracy: How States Are Failing Democracy – and What We Can Do About It* can be found on the LDAD website [here](#).

Curriculum for Legal Ethics Classes on the Duties of Lawyers Involved in Challenges to Elections

The ethical duties of lawyers who engage in activities related to legal challenges to presidential elections is a subject of growing importance, and a topic worthy of inclusion in a legal ethics syllabus. The proposed Curriculum focuses on four lawyers who participated in efforts to overturn the 2020 election – Rudolph Giuliani, Jeffrey Clark, Kenneth Chesebro, and John Eastman. Each of these lawyers were the subject of legal ethics complaints filed by LDAD.

The Curriculum anticipates two to four hours of class time devoted to this subject and include:

- Recommended reading assignments;
- Questions for students addressing whether these lawyers violated their ethical duties and suggested answers;

- Separate chronologies for each lawyer with links to relevant documents for individual autonomy;
- Readings related to the actions of lawyers who refused to accede to pressure to overturn the results of the election; and
- Selected ABA Model Rules pertinent to the ethical duties of lawyers in the context of elections.

LDAD is grateful to volunteer Stephen H. Marcus, Esq. for his dedicated work in preparing this Curriculum.



Students Defending American Democracy

LDAD is working to create future generations of citizen activists through its student-led initiative, Students Defending American Democracy. This effort seeks to engage students in colleges across the country to sign a pledge in which they commit to vote in local, state, and federal elections, and to volunteer or intern for a pro-democracy organization. More information about this effort can be found [here](#).

We will continue to implement SSAD throughout 2025 and encourage students, faculty, and college administrators who can assist in implementing this effort to reach out to us at students@ldad.org.

Statements

Statements, Media Coverage & Collaborations

Supreme Extremism (July 1, 2024).

Following the Supreme Court's decision in Trump v. United States, in which the Court decreed that the President has a high degree of immunity from criminal prosecution, LDAD released a statement that included quotes from Justice Sotomayor. In particular, the statement noted that the Trump decision "makes a mockery of the proposition, foundational to our Constitution and system of Government, that no man is above the law. ... The Court effectively creates a law-free zone around the President, upsetting the status quo that has existed since the Founding."

Judicial Overreach and the Threat to the Rule of Law (July 16, 2024).

Based on the Supreme Court's decision in Trump, Judge Aileen Cannon dismissed the classified documents case against former President Trump. LDAD issued a statement noting that while the Trump decision violated "centuries of constitutional principles," lawyers should play a role in educating the public about threats to the rule of law, to call elected officials, and to "engage in civil discourse at every opportunity."

Media Coverage

In 2024, LDAD was featured in many news articles in major publications across the United States. These articles and interviews can be found [here](#).

Collaborations

LDAD is proud to work with other organizations that share the same concerns about threats to the rule of law and

democracy in America. In collaboration, LDAD and partner organizations leverage each other's capabilities and reach, and demonstrate that there are many lawyers – across the political spectrum – who are honorable, decent people of integrity, fighting to protect our democratic institutions.

Financing Our Work

LDAD is a 501(c)(3) organization, and all donations are tax deductible.

LDAD is disciplined about limiting its expenses, and relies substantially on the work of its dedicated volunteers.

We ask for your continued support of our efforts. Please send your tax-deductible donation via [this link](#).



Looking Ahead: 2025 and Beyond

The urgency to preserve, protect, defend – and fight for – our system of government is greater than ever.

Among our commitments for the future:

1. LDAD will continue to speak out and galvanize both the profession and the public, including mobilizing and engaging the legal profession to protect democracy and the rule of law, doing this work focused on our relentless approach:

Our Actions

Looking Ahead (cont'd.)

- a. Nimble responding to events that fit within our [core principles and fundamental values](#);
 - b. Continue to hold accountable lawyers who engage in ethical misconduct while violating their oath to protect the Constitution;
 - c. Develop special projects where we can leverage pro bono and other volunteer involvement to increase our influence and promote change;
 - d. Catalogue, highlight, and publicize ongoing State and national policy initiatives that undermine democracy, the rule of law, and fundamental principles of democracy;
 - e. Continue to call on and work with law firms, law school deans, and bar associations to speak out against these anti-democracy measures, and to take action.
2. LDAD will continue and expand our focus on protecting the independence, integrity, competence, and nonpartisanship of the judiciary. As part of that focus, it is important to address the Supreme Court's decisions eroding personal liberties and civil rights. Initial – and insufficient – moves to implement an ethics code at the Supreme Court mean LDAD will continue to be at the forefront of advocating, in all channels, for ethics reform at the Court.
 3. We will continue to call for independence, integrity, and the role of the media as a cornerstone of democracy. The press continues to focus on the “horserace” and engage in meaningless speculation when it should be focused on explaining the *stakes* of specific actions that undermine democracy and the rule of law.
 4. LDAD will lead in helping lawyers who care about democracy and the rule of law – across the political spectrum – to know that they are not alone. We will continue to build coalitions of lawyers who recognize that **protecting the rule of law is not a partisan issue.**
 5. We will work to organize and galvanize younger Americans, on college campuses and in law schools, to stand up for core democracy principles.
 6. We will continue to encourage bar associations to join us in this important work. In doing so, we will maintain and update a critical resource: How State Bars Can Defend Democracy and the Rule of Law Consistent with *Keller v. State Bar of California*. That resource can be found [here](#), and we are grateful to LDAD volunteer James W. Conrad, Jr. for writing this article and for his continued dedication to keeping it up to date.

We ask for your continued support of our efforts.

Please send your tax-deductible donation via [this link](#).

We are always happy to hear from our supporters and friends. You may reach out to us at Hello@ldad.org

