
**LAWYERS
DEFENDING
AMERICAN
DEMOCRACY**

April 7, 2026

Office of Disciplinary Counsel
District of Columbia Court of Appeals
515 5th Street, NW
Building A, Suite 117
Washington, DC 20001
odcinfo@dcodc.org

Re: Ethics Complaint against Drew C. Ensign

The undersigned organization and attorneys file this complaint seeking an investigation and appropriate discipline of Drew C. Ensign, a member of the District of Columbia (DC) Bar.¹ Mr. Ensign is serving as Deputy Assistant Attorney General, United States Department of Justice (DOJ), Civil Division, Office of Immigration Litigation – General Litigation and Appeals Section.

This complaint enumerates ethical violations committed by Mr. Ensign based on publicly available information in four high-profile immigration cases in the DC and Maryland federal courts, including two related cases.² Mr. Ensign is handling and acting as a supervisory attorney in each of these cases in his capacity as Deputy Attorney General in DOJ's Office of Immigration Litigation. Mr. Ensign's pattern of misconduct in these cases violates the applicable ethics rules on the duty of candor to the court (DC Rule 3.3(a)(1), (a)(4) and MARPC 3.3(a)(1), (a)(4)), the prohibition of dishonest conduct (DC Rule 8.4(c) and MARPC 8.4(c)), the prohibition of frivolous claims and contentions (DC Rule 3.1 and MARPC 3.1), competence (DC Rule 1.1), fairness to opposing parties and their attorney (DC Rule 3.4(c)-(d) and MARPC 3.4(c)-(d)), the duty to supervise (DC Rule 5.1 and MARPC 5.1), and the prohibition on conduct that is prejudicial to the administration of justice (DC Rule 8.4(d) and MARPC 8.4(d)). The

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² This complaint is based entirely on publicly available primary documents, including sworn statements, and news reports.

violations of the ethics rules constitute professional misconduct subject to the disciplinary authority of the DC Bar.

We urge the DC Bar to investigate the serious and pervasive professional misconduct enumerated in this complaint and appropriately discipline Mr. Ensign.

I. Factual Background

A. Venezuelan Migrants Case³

In this case, Mr. Ensign exhibited a lack of candor when dealing with the court, assisted his client in evading a court order, and engaged in dishonest conduct, supervisory misconduct, and conduct prejudicial to the administration of justice, in violation of DC Rules 3.3, 3.4, 5.1, and 8.4.

This case arises out of the federal government's efforts to deport alleged members of the Venezuelan Tren de Aragua gang under the Alien Enemies Act (AEA).⁴ On March 14, 2025, the President signed a proclamation announcing that the federal government would use the AEA's authorities to apprehend and remove members of the Tren de Aragua gang, a violent transnational gang that had recently been designated a foreign terrorist organization.⁵

Prior to publication of the proclamation, the federal government had begun activities to effect AEA-based removals. Among other things, the government loaded scores of Venezuelans onto buses, drove them to a nearby airport, and loaded them on planes to ready them for transport out of the United States.⁶

On March 14, 2025, also in preparation of the proclamation's publication, DOJ leadership, including Mr. Ensign and Emil Bove, at the time, Principal Assistant Attorney General and Mr. Ensign's supervisor, attended a meeting in which Mr. Bove expressed a clear intent to ignore any court orders that might bar removal under the AEA. The details of the meeting are described in a whistleblower disclosure submitted by Erez Reuveni, at the time the Acting Deputy Director for the Office of Immigration Litigation, who was supervised by Mr. Ensign.⁷

³ The docket for this case, *J.G.G. v. Trump*, No. 1:25-cv-00766-JEB (D.D.C. Mar. 15, 2025), can be found at <https://www.courtlistener.com/docket/69741724/jgg-v-trump/>

⁴ *J.G.G. v. Trump*, No. 1:25-cv-00766-JEB (D.D.C. Mar. 15, 2025) ECF No. 1 at 5-12.

⁵ 90 Fed. Reg. 13033 (Mar. 14, 2025).

⁶ *J.G.G. v. Trump*, No. 1:25-cv-00766-JEB (D.D.C. Mar. 19, 2025) ECF Nos. 44-9, ¶¶ 3-9; 44-10, ¶¶ 3-4; 44-11, ¶¶ 11-13; 44-12, ¶¶ 11, 14. See also *J.G.G. v. Trump*, No. 1:25-cv-00766-JEB (D.D.C. Apr. 3, 2025) ECF No. 76 at 9.

⁷ Protected Whistleblower Disclosure of Erez Reuveni submitted to DOJ's Inspector General, the Acting Special Counsel, Senator Chuck Grassley and Congressman Jim Jordan, June 24, 2025 at 7 [hereinafter "Whistleblower Disclosure"], <https://static01.nyt.com/newsgraphics/documenttools/e285ec96adf8d443/5868d536-full.pdf> [<https://perma.cc/LQ3W-TKHP>]. Mr. Reuveni reiterated the contents of his whistleblower disclosure in a CBS 60 Minutes interview. 60 Minutes, *Fired Justice Department lawyer blows the whistle on what he describes as abuses of power at the DOJ*, (YouTube, Oct. 19, 2025), <https://www.youtube.com/watch?v=veSHMkyM0aE> [<https://perma.cc/D8RE-W5HD>] (on file with the author).

At the March 14 meeting, Mr. Bove stressed the need for the planes to take off over the weekend, on March 15 and 16. Mr. Bove further remarked that if a court order enjoined the removals before they could be effectuated, the planes needed to take off “no matter what.” He further stated that DOJ would need to consider telling the courts “fuck you” if an order enjoining removal was issued.⁸

At 1:12 a.m. on March 15, 2025, the American Civil Liberties Union and Democracy Forward filed a complaint in DC federal district court and shortly thereafter a motion for a temporary restraining order (TRO) on behalf of five Venezuelan men facing imminent deportation under the AEA.⁹ Judge Boasberg issued a TRO halting the deportation pending a hearing on the motion for a TRO later the same day.¹⁰ During the 5:00 p.m. hearing, the planes departed.¹¹ Except for one woman passenger, the Venezuelans on the planes were taken to the notorious prison in El Salvador known for torture and human rights abuses, called the Centro de Confinamiento del Terrorismo (Terrorism Confinement Center or CECOT).¹²

At the hearing, Mr. Ensign argued on behalf of the federal government.¹³ Mr. Reuveni listened on the public line during the hearing.¹⁴ At the hearing, Judge Boasberg asked Mr. Ensign if he knew

⁸ *Id.* It is not clear that Mr. Bove denied at his June 25, 2025, confirmation hearing for his nomination as a federal appeals court judge that he had made this statement. Rather, he testified: “I have no recollection of saying anything of that kind.” When pressed by Senator Adam Schiff, he stated: “I’ve certainly said things encouraging litigators at the Department to fight hard for valid positions that we have to take in defense of our clients.” When pressed further by Senator Schiff, Mr. Bove stated: “I did not suggest that there would be any need to consider ignoring court orders. At the point of that meeting, there were no court orders to discuss.” When asked specifically by Senator Schiff whether he did or did not make the statement, Mr. Bove testified: “I don’t recall.” C-SPAN, *Emil Bove Third Circuit Court Confirmation Hearing*, 2:31:22 through 2:33:16 (C-Span, June 25, 2025), <https://www.c-span.org/program/senate-committee/emil-bove-third-circuit-court-confirmation-hearing/661724> Although his whistleblower disclosure was submitted the day before, Mr. Reuveni was not asked to testify at Mr. Bove’s confirmation hearing.

⁹ *J.G.G. v. Trump*, No. 1:25-cv-00766-JEB (D.D.C. Mar. 15, 2025) ECF Nos. 1, 3, 3-2 at 1-2, 3-3 at ¶¶ 6, 3-4 at ¶¶ 17–20.

¹⁰ *J.G.G. v. Trump*, No. 1:25-cv-00766-JEB (D.D.C. Mar. 15, 2025) ECF No. 7 (granting TRO due to “exigent circumstances”).

¹¹ *J.G.G. v. Trump*, No. 1:25-cv-00766-JEB (D.D.C. Mar. 16, 2025) ECF No. 20, Tr. at 42-43; Cohen, *et al.*, How controversial deportation flights and a judge’s race to stop them unfolded, minute by minute, *CNN Politics*, Mar. 17, 2025, <https://www.cnn.com/2025/03/17/politics/deportation-flights-judge-timeline>.

¹² *J.G.G. v. Trump*, 778 F. Supp. 3d 24, 34-35 (D.D.C. 2025); *J.G.G. v. Trump*, No. 1:25-cv-00766-JEB (D.D.C. Mar. 24, 2025) ECF No. 55-1, ¶¶ 1, 19–21; Joyce Sohyun Lee & Kevin Schaul, *Deportation Flights Landed After Judge Said Planes Should Turn Around*, THE WASHINGTON POST (Mar. 16, 2025). A joint report by Human Rights Watch and Cristosal (a regional human rights organization working across El Salvador, Guatemala, and Honduras) documents that detainees deported to CECOT from the United States were subjected to constant beatings and other forms of ill-treatment, including some cases of sexual violence. *You Have Arrived in Hell*, HUMAN RIGHTS WATCH, Nov. 12, 2025, <https://www.hrw.org/report/2025/11/12/you-have-arrived-in-hell/torture-and-other-abuses-against-venezuelans-in-el> [<https://perma.cc/RDG6-RKDM>]; Clea Skopeliti, *First thing: Venezuelans sent by Trump to El Salvador endured systematic torture, report finds*, THE GUARDIAN, Nov. 12, 2025, https://www.theguardian.com/us-news/2025/nov/12/first-thing-venezuelans-torture-trump-el-salvador-report?CMP=Share_AndroidApp_Other [<https://perma.cc/C2BV-PFKD>].

¹³ *J.G.G. v. Trump*, No. 1:25-cv-00766-JEB (D.D.C. Mar. 16, 2025) ECF No. 20.

¹⁴ Whistleblower Disclosure, *supra* note 7, at 9.

whether any AEA removals were taking place at that moment and in the next 48 hours.¹⁵ Mr. Ensign replied, “I don’t know the answer to that question.”¹⁶ When Judge Boasberg asked how soon he could get that information from his clients, Mr. Ensign responded, “I can certainly talk to them ASAP,” and undertook “as quickly as possible” to “find out that information.”¹⁷

Mr. Ensign’s statement that he did not know whether AEA removals would take place in the next 24 or 48 hours was false. As noted, he had been present at a meeting the previous day at which then Acting Assistant U.S. Attorney General Emil Bove stated that one or more planes containing individuals subject to the AEA would be taking off over the weekend, “no matter what.”

Before the hearing resumed, Mr. Ensign and Mr. Reuveni received an email from plaintiffs’ attorney citing public reporting of flight information and stating that they had reason to believe that people were on planes for imminent deportation.¹⁸

When the hearing resumed, Mr. Ensign reported that he had “talked to the clients,” who let him know “operational details as to what is going on.”¹⁹ Then Mr. Ensign referred to “potential national security issues,” and said “we may be able to provide Your Honor additional details in an in camera hearing.” Judge Boasberg responded, “Fine.” But, with those in camera arrangements in place, Mr. Ensign said he had nothing he could report about removal flights—even though in fact two flights with 252 people on board had by then taken off.²⁰

Plaintiffs’ counsel then stated his understanding “that two flights went to El Salvador this afternoon; one very recently,” and another (he thought but was not “entirely sure”) was scheduled to depart for Honduras at 6:23 p.m., meaning “only in a matter of minutes.”²¹ In fact, one flight had departed at 5:26 p.m., and the other flight had departed at 5:45 p.m.²²

At the March 15 hearing, between approximately 6:45 p.m. and 6:48 p.m.,²³ Judge Boasberg granted a second TRO, instructing Mr. Ensign:

[Y]ou shall inform your clients of this immediately, and that any plane containing these folks that is going to take off or is in the air needs to be returned to the United States, but those people need to be returned to the United States. However that’s accomplished, whether turning around a plane or not embarking anyone on

¹⁵ *J.G.G. v. Trump*, No. 1:25-cv-00766-JEB (D.D.C. Mar. 16, 2025) ECF No. 20, Tr. at 4-5, 11.

¹⁶ *Id.* at 11-13.

¹⁷ *Id.* at 13-14.

¹⁸ Whistleblower Disclosure, *supra* note 7, at 10.

¹⁹ *J.G.G. v. Trump*, No. 1:25-cv-00766-JEB (D.D.C. Mar. 16, 2025) ECF No. 20, Tr. at 15-23.

²⁰ *Id.* at 42-43; *J.G.G. v. Trump*, 778 F. Supp. 3d 24, 32-33 (D.D.C. 2025).

²¹ *Id.*

²² *J.G.G. v. Trump*, No. 1:25-cv-00766-JEB (D.D.C. Mar. 17, 2025) ECF No. 21 at 3.

²³ *Id.* at 1.

the plane or those people covered by this on the plane, I leave to you. *But this is something that you need to make sure is complied with immediately.*²⁴

At 7:26 p.m. on March 15, Judge Boasberg memorialized the second TRO in a written order prohibiting the federal government “from removing members of such class (not otherwise subject to removal) pursuant to the Proclamation for 14 days or until further Order of the Court.”²⁵

On March 17, Judge Boasberg held a hearing to determine whether the federal government had complied with his TROs.²⁶ Prior to that hearing, Mr. Ensign informed Mr. Reuveni that Mr. Ensign would not be handling that hearing given concerns that Judge Boasberg would likely interrogate Mr. Ensign concerning what happened with the planes deporting the Venezuelans.²⁷

On March 17, after the hearing, Judge Boasberg issued an order directing the federal government, among other things, to state “whether, and in what form, it would provide answers to the court’s questions regarding the particulars of the flights.”²⁸ Following issuance of this order, Mr. Ensign told Mr. Reuveni that DOJ leadership were reporting “down the chain” that the federal government was not going to answer Judge Boasberg’s questions about anything that happened before 7:26 p.m. on March 15, 2025, and so not to provide information about when the flights took off.²⁹

On April 16, 2025, Judge Boasberg issued a memorandum opinion and order finding probable cause to hold the federal government in criminal contempt for willfully violating his first and second TROs by not returning the Venezuelan migrants to the United States.³⁰

On April 18, 2025, the federal government filed an appeal and a petition for a writ of mandamus with the DC Circuit challenging Judge Boasberg’s order finding of probable cause for criminal contempt.³¹ Two of the three judges on the panel granted the mandamus petition and vacated Judge Boasberg’s order finding probable cause for criminal contempt. However, only one judge on the panel ruled that Judge Boasberg did not have authority to conduct criminal contempt proceedings.³²

Plaintiffs’ petition for rehearing en banc was denied. Three judges on the DC Circuit dissented from the denial. In a statement included with the denial, three other judges on the DC Circuit

²⁴ *J.G.G. v. Trump*, No. 1:25-cv-00766-JEB (D.D.C. Mar. 16, 2025) ECF No. 20, Tr. at 42-43 (emphasis added).

²⁵ *J.G.G. v. Trump*, No. 1:25-cv-00766-JEB (D.D.C. Mar. 15, 2025) ECF No. 16; *J.G.G. v. Trump*, No. 1:25-cv-00766-JEB (D.D.C. Mar. 17, 2025) ECF No. 21 at 1.

²⁶ *J.G.G. v. Trump*, No. 1:25-cv-00766-JEB (D.D.C. Mar. 17, 2025) ECF No. 24.

²⁷ Whistleblower Disclosure, *supra* note 7, at 15.

²⁸ *J.G.G. v. Trump*, No. 1:25-cv-00766-JEB (D.D.C. Mar. 17, 2025) ECF No. 32.

²⁹ Whistleblower Disclosure, *supra* note 7, at 15.

³⁰ *J.G.G. v. Trump*, No. 1:25-cv-00766-JEB (D.D.C. Apr. 16, 2025) ECF No. 80, 81.

³¹ *J.G.G. v. Trump*, No. 25-5124 (D.C. Cir. Apr. 18, 2025) ECF No. 1208731409.

³² *J.G.G. v. Trump*, No. 25-5124 (D.C. Cir. Aug. 8, 2025) ECF No. 1208764800.

stated unequivocally that Judge Boasberg had the right to conduct criminal contempt proceedings because only one of the three judges on the panel held otherwise.³³

Judge Boasberg reinitiated contempt proceedings after a mandate was issued in the appeal on November 24, 2025.³⁴ On November 28, 2025, Judge Boasberg ordered the federal government to submit declarations by December 5, 2025, from all individuals involved in the decision not to halt the removal of the Venezuelan migrants from the United States on March 15 and 16, 2025.³⁵ On December 8, 2025, Judge Boasberg issued an order finding that the declarations submitted by the federal government were insufficient and ordering Mr. Reuveni and Mr. Ensign to testify at hearings the following week about their involvement in the removal of the Venezuelan migrants.³⁶

On December 12, 2025, the federal government filed a second mandamus petition with the DC Circuit to preclude Mr. Reuveni's and Mr. Ensign's testimony. That same day, the DC Circuit stayed the hearings pending resolution of the second mandamus petition.³⁷ The DC Circuit has requested briefing on the second mandamus petition.³⁸

On December 22, 2025, Judge Boasberg issued a memorandum opinion finding that the federal government "had denied due process to a class of Venezuelans it deported to El Salvador last March in defiance of this Court's order."³⁹ The December 22 memorandum opinion gave the federal government the opportunity to propose steps that would facilitate hearings for the class members on their habeas corpus claims so that they could challenge their deportation.⁴⁰ In a memorandum opinion and order issued February 12, 2026, Judge Boasberg stated: "Apparently not interested in participating in this process, the Government's responses essentially told the Court to pound sand."⁴¹ Consistent with the United States Supreme Court's requirements outlined in *Noem v. Ábrege García*, 145 S. Ct. 1017, 604 U.S. ____ (2025), Judge Boasberg's February 12 memorandum opinion and order directed the federal government to facilitate the return from third countries of those plaintiffs who so desire and to permit other plaintiffs to file habeas corpus supplements from abroad.⁴²

³³ *J.G.G. v. Trump*, No. 25-5124 (D.C. Cir. Nov. 14, 2025) ECF No. 1208795750.

³⁴ *J.G.G. v. Trump*, No. 1:25-cv-00766-JEB (D.D.C. Nov. 24, 2025) ECF No. 191, 192.

³⁵ *J.G.G. v. Trump*, No. 1:25-cv-00766-JEB (D.D.C. Nov. 28, 2025) ECF No. 196.

³⁶ *J.G.G. v. Trump*, No. 1:25-cv-00766-JEB (D.D.C. Dec. 8, 2025) ECF No. 200.

³⁷ *In re Trump*, No. 25-5452 (D.C. Cir. Dec. 12, 2025), <https://dockets.justia.com/docket/circuit-courts/cadc/25-5452>.

³⁸ *In re Trump*, No. 25-5452 (D.C. Cir. Dec. 12, 2025), [https://www.westlaw.com/Document/Icfca11a0da0a11f09852b65afcd266b/View/FullText.html?transitionType=Default&contextData=\(sc.Default\)&VR=3.0&RS=cblt1.0](https://www.westlaw.com/Document/Icfca11a0da0a11f09852b65afcd266b/View/FullText.html?transitionType=Default&contextData=(sc.Default)&VR=3.0&RS=cblt1.0)

³⁹ *J.G.G. v. Trump*, No. 1:25-cv-00766-JEB (D.D.C. Feb. 12, 2026) ECF No. 247 at 1 (citing *J.G.G. v. Trump*, 2025 WL 3706685, at *19 (D.D.C. Dec. 22, 2025)).

⁴⁰ *Id.*

⁴¹ *J.G.G. v. Trump*, No. 1:25-cv-00766-JEB (D.D.C. Feb. 12, 2026) ECF No. 247 at 1 (citing ECF Nos. 229 (Gov. Resp.), 239 (Gov. Reply)).

⁴² *J.G.G. v. Trump*, No. 1:25-cv-00766-JEB (D.D.C. Feb. 12, 2026) ECF No. 247 at 1-2.

B. Kilmar Armando Ábrego García Cases⁴³

This matter arose after the federal government unlawfully and mistakenly sent Kilmar Armando Ábrego García to El Salvador despite an immigration court order prohibiting his removal to that country. For the next three months, the federal government refused to return Mr. Ábrego García to the United States, notwithstanding court orders to do so. The federal government then embarked on a vindictive campaign to smear his reputation, harass him, prosecute him for a crime, and deport him to an African country. Mr. Ensign represented, or supervised DOJ attorneys representing, the federal government in the civil litigation involving Mr. Ábrego García in the Maryland District Court. His conduct violated DC Rules 3.1, 3.3, 3.4, 5.1, and 8.4 and MARCP 3.3, 3.4, 5.1, and 8.4.

Mr. Ábrego García is an El Salvadoran citizen.⁴⁴ He entered the United States around 2011 without permission at the age of 16 to escape gang violence in El Salvador. In 2019, United States Immigration and Customs Enforcement (ICE) instituted removal proceedings against him. In response, Mr. Ábrego García sought a withholding of removal order preventing the United States from deporting him to El Salvador. That order was issued in October 2019 after the immigration judge agreed it was more likely than not that Mr. Ábrego García would be persecuted by gangs if he were forced to return to his home country. Mr. Ábrego García subsequently married an American citizen, and they had a child.⁴⁵ Over the next six years, he became a full-time sheet metal apprentice and checked in with ICE annually as required by his court order.

In March 2025, Mr. Ábrego García was detained by ICE while driving his child home from school. Without an opportunity to challenge his deportation in court and in direct violation of the withholding of removal order, he was deported to El Salvador and placed in CECOT.⁴⁶ On March 24, 2025, his family filed suit in federal district court in Maryland against several federal defendants, including the Secretary of Homeland Security and the United States Attorney General. They also sought a TRO requiring the federal defendants to request the government of El Salvador to return Mr. Ábrego García to the United States.

On March 31, 2025, the day the federal government's brief in opposition to the motion for a TRO was due, a senior lawyer at the United States Department of Homeland Security (DHS) asked whether the brief could include a factual allegation that Mr. Ábrego García was an MS-13

⁴³ The dockets for these cases, *Ábrego García v. Noem*, No. 8:25-cv-00951-PX (D. Md. Mar. 24, 2025), and *Ábrego García v. Noem*, No. 8:25-cv-02780-PX (D. Md. Aug. 25, 2025), may be found at <https://www.courtlistener.com/docket/69777799/abrego-garcia-v-noem/?page=1> [<https://perma.cc/2TZN-WX4K>] and <https://www.courtlistener.com/docket/71191591/abrego-garcia-v-noem/> [<https://perma.cc/SH83-UE37>], respectively.

⁴⁴ All the factual statements in this and the following paragraph are drawn from the complaint in *Ábrego García v. Noem*, No. 8:25-cv-00951-PX (D. Md. Mar. 24, 2025) ECF No. 1.

⁴⁵ *Id.* at 3.

⁴⁶ *Ábrego García v. Noem*, No. 8:25-cv-00951-PX (D. Md. Apr. 6, 2025) ECF No. 31 at 1.

leader.⁴⁷ Mr. Reuveni, whose name was to appear on the brief, noted that any such factual allegations would need to be supported by evidence such as a declaration on behalf of DHS.⁴⁸

In his March 31, 2025, declaration for the court, Robert Cerna, acting field office director for Enforcement and Removal Operations at ICE, conceded that when Mr. Ábrego García was placed on a plane to El Salvador, “ICE was aware of this grant of withholding of removal at the time [sic] Ábrego García’s removal from the United States,” but “[t]hrough administrative error, Ábrego García was removed from the United States to El Salvador.” Cerna’s declaration stated, however, that Mr. Ábrego García was arrested due to his “prominent role in MS-13.” He also stated, somewhat inconsistently, that Mr. Ábrego García was removed on March 15 based on his “purported membership in MS-13.” Mr. Cerna was relying on hearsay within hearsay from bond hearings in 2019. Mr. Ábrego García has consistently denied those claims.⁴⁹

After the federal government’s brief was filed, and because DHS had not presented direct evidence justifying Mr. Ábrego García’s deportation, Mr. Reuveni repeatedly requested updates from his federal agency clients on efforts to secure Mr. Ábrego García’s return to the United States and assurances of his safety in CECOT. On April 2 and 3, through both telephone calls and email, Mr. Reuveni was directed by the Counselor to the Deputy Attorney General, through Mr. Ensign, to cease asking his federal agency clients for facts supporting any possible defense of the case, to stop making any sort of requests for assistance to El Salvador, and to rest on threshold jurisdictional arguments at the hearing on the motion for the TRO.⁵⁰

Mr. Reuveni represented the federal government at the April 4, 2025, hearing on the TRO motion before Judge Paula Xinis. At the outset of the hearing, Mr. Reuveni stated: “We concede the facts. This person should—the plaintiff, Ábrego García, should not have been removed.”⁵¹ During the hearing, Judge Xinis made it clear that Mr. Ábrego García should be returned to the United States, and that same day, the court entered an order requiring the federal government to take all available steps to facilitate and effectuate Mr. Ábrego García’s return to the United States.⁵²

⁴⁷ Mara Salvatrucha or “Salvadoran Gang,” commonly known as MS-13, is an international criminal gang that originated in Los Angeles, California, in the 1980s. <https://en.wikipedia.org/wiki/MS-13>.

⁴⁸ Whistleblower Disclosure, *supra* note 7 at 22.

⁴⁹ *Ábrego García v. Noem*, No. 8:25-cv-00951-PX (D. Md. Mar. 31, 2025) ECF 11-2, 11-3. The evidence considered by immigration adjudicators in 2019 was a Form I-213, Record of Deportable/Inadmissible Alien, and the Prince George’s County Police Department Gang Field Interview Sheet. [Kilmer Abrego Garcia Documents](#). The Form I-213 indicated that a confidential informant had stated that Mr. Ábrego García was an active member of MS-13, but Mr. Ábrego García was not allowed to cross-examine the agent who prepared the document or the confidential informant. The Gang Field Interview Sheet stated that Mr. Ábrego García was picked up outside a Home Depot allegedly in the presence of other MS-13 members. Mr. Ábrego García explained that he had been there because he was seeking day labor. [The Story of the Maryland Father Sent to El Salvador Prison 'By Mistake' Isn't So Simple - Newsweek](#). He has long denied any gang affiliations. [Trump administration admits 'error' in deporting Maryland resident to El Salvador - POLITICO](#).

⁵⁰ Whistleblower Disclosure, *supra* note 7 at 23.

⁵¹ *Ábrego García v. Noem*, No. 8:25-cv-00951-PX (D. Md. Apr. 4, 2025) ECF No. 33 at 19.

⁵² *Ábrego García v. Noem*, No. 8:25-cv-00951-PX (D. Md. Apr. 4, 2025) ECF No. 21.

Shortly after the April 4 hearing, Mr. Ensign spoke twice with Mr. Reuveni on the telephone. Both times, Mr. Ensign asked Mr. Reuveni why he had not argued at the hearing that Mr. Ábrego García was a member of a terrorist organization or that being a member of a terrorist organization meant Mr. Ábrego García's protection from removal to El Salvador was nullified. Mr. Reuveni told Mr. Ensign he did not make those arguments because (1) they were not in the federal government's briefs, which Mr. Ensign had reviewed; (2) there was no evidence in the record to support those arguments; and (3) the laws governing withholding of removal do not support a theory that declaring someone a member of a terrorist organization retroactively nullifies a grant of withholding of removal.⁵³

The very next day, April 5, 2025, Deputy Attorney General Todd Blanche placed Mr. Reuveni on administrative leave in part for failing to "follow a directive from your supervisors."⁵⁴ Ten days later, Mr. Reuveni was fired by Mr. Bove.⁵⁵

Mr. Ensign then started handling and supervising Mr. Ábrego García's deportation case.⁵⁶

The federal government appealed Judge Xinis's April 4 order to the United States Court of Appeals for the Fourth Circuit,⁵⁷ which upheld the federal district court, and then appealed to the United States Supreme Court. In an emergency order, the United States Supreme Court ruled that Judge Xinis's order:

properly requires the Government to "facilitate" Ábrego García's release from custody in El Salvador and to ensure that his case is handled as it would have been had he not been improperly sent to El Salvador.⁵⁸

The United States Supreme Court directed Judge Xinis to clarify the intended scope of the term "effectuate."⁵⁹ On April 10, 2025, Judge Xinis amended her order to require the federal government to take all available steps to facilitate Mr. Ábrego García's return to the United States. The amended order further directed the federal government to file, by no later than 9:30 a.m. eastern standard time on Friday, April 11, 2025, a supplemental declaration from an individual with personal knowledge addressing the following: (1) the current location and custodial status of Mr. Ábrego García; (2) what steps, if any, the federal government has taken to facilitate Mr. Ábrego García's immediate return to the United States; and (3) what additional steps the federal government will take, and when, to facilitate his return.⁶⁰

⁵³ Whistleblower Disclosure, *supra* note 7, at 24.

⁵⁴ Glenn Thrush, *Justice Dept. Accuses Top Immigration Lawyer of Failing to Follow Orders*, NEW YORK TIMES (Apr. 5, 2025), <https://www.nytimes.com/2025/04/05/us/politics/justice-dept-immigration-lawyer-leave.html?searchResultPosition=7>.

⁵⁵ See Glenn Thrush, *As White House Steers Justice Dept., Bondi Embraces Role of TV Messenger*, N.Y. TIMES (May 12, 2025), <https://www.nytimes.com/2025/05/12/us/politics/pam-bondi-trump-justice-dept.html?smid=url-share>.

⁵⁶ *Ábrego García v. Noem*, No. 8:25-cv-00951-PX (D. Md. Apr. 11, 2025) ECF No. 52.

⁵⁷ *Id.* at 22.

⁵⁸ *Noem v. Ábrego García*, 145 S. Ct. 1017, 604 U.S. ___ (2025).

⁵⁹ *Id.*

⁶⁰ *Ábrego García v. Noem*, No. 8:25-cv-00951-PX (D. Md. Apr. 10, 2025) ECF No. 51.

On April 11, Judge Xinis issued an order finding that the federal government’s counsel was unable to answer straightforward questions about the location of Mr. Ábrego García and the steps the federal government had taken to facilitate his return and failed to offer any evidence that it had done anything to facilitate his return, despite the Supreme Court’s expressly affirming Judge Xinis’s authority to require the federal government to “facilitate” his return.⁶¹

On April 13, 2025, the federal government submitted a filing signed by Mr. Ensign arguing, without any support, that taking “all available steps to facilitate” the return of Mr. Ábrego García is “best read as taking all available steps to remove any domestic obstacles that would otherwise impede the alien’s ability to return here.”⁶²

On April 17, the Fourth Circuit denied the federal government’s request for an emergency stay and mandamus, stressing that “‘facilitate’ is an active verb” and that its “plain and active meaning ... cannot be diluted” as the federal government urged.⁶³

In a discovery order issued April 22, 2025, Judge Xinis strongly criticized Mr. Ensign’s failure to answer plaintiff’s interrogatories, as well as Mr. Ensign’s continued mischaracterization of the United States Supreme Court’s order in the case, including misquoting what the United States Supreme Court said. In the same order, Judge Xinis rejected Mr. Ensign’s assertion of privilege, which the Court characterized as specious. In ruling on another discovery issue in that order, Judge Xinis stated that the federal government’s failure to respond in good faith constituted willful and intentional noncompliance.⁶⁴

For three months after Judge Xinis ordered the federal government to take all available steps to facilitate Mr. Ábrego García’s return to the United States, the federal government disclaimed any authority to do so and disregarded court orders.⁶⁵ According to plaintiffs’ amended and supplemental complaint, during his confinement in CECOT, Mr. Ábrego García was subjected to severe beatings, severe sleep deprivation, inadequate nutrition, and psychological torture.⁶⁶

The federal government finally returned Mr. Ábrego García to the United States in secret and with no advance notice on June 6, 2025.⁶⁷ That same day, the federal government announced that he had been returned so that he could be criminally charged in a federal district court in Tennessee with trafficking undocumented immigrants based on a traffic stop that had occurred years earlier and that had resulted in neither a ticket nor a warning.⁶⁸ The federal government

⁶¹ *Ábrego García v. Noem*, No. 8:25-cv-00951-PX (D. Md. Apr. 11, 2025) ECF No. 61 at 1-2 (emphasis in original).

⁶² *Ábrego García v. Noem*, No. 8:25-cv-00951-PX (D Md. Apr. 13, 2025) ECF No. 65 at 3.

⁶³ *Ábrego García v. Noem*, No. 25-1404 (4th Cir. Apr. 17, 2025) at 3. [251404order.pdf](#).

⁶⁴ *Ábrego García v. Noem*, No. 8:25-cv-00951-PX (D Md. Apr. 22, 2025) ECF No. 100.

⁶⁵ *Ábrego García v. Noem*, No. 8:25-cv-00951-PX (D. Md. July 23, 2025) ECF No. 238 at 3. Plaintiffs have filed a motion for sanctions based on the federal government’s disregard of court orders. *Ábrego García v. Noem*, No. 8:25-cv-00951-PX (D. Md. June 11, 2025) ECF No. 195.

⁶⁶ *Ábrego García v. Noem*, No. 8:25-cv-00951-PX (D. Md. July 2, 2025) ECF No. 211.

⁶⁷ *Id.* at 3. Judge Xinis still does not know who brought Mr. Ábrego García back to the United States. *Id.* at n.5.

⁶⁸ *United States v. Ábrego García*, No. 3:25-00115 (D. Tenn. May 21, 2025); *Ábrego García v. Noem*,

detained him and subsequently sought to deport him to Uganda, where Mr. Ábrego García feared being subjected to persecution and torture.⁶⁹

In a July 23, 2025, memorandum opinion granting a motion for a TRO directing Mr. Ábrego García's return to the District of Maryland, Judge Xinis stated that the federal government's persistent lack of transparency with the court justified further injunctive relief.⁷⁰

On August 25, 2025, Mr. Ábrego García filed a habeas corpus petition in federal district court in Maryland challenging his detention and re-deportation.⁷¹ Mr. Ensign entered an appearance in that case.⁷² During the course of that litigation, his name appeared on filings.

In September, the federal government announced that it would deport Mr. Ábrego García to Eswatini instead of Uganda. In October, the federal government announced that it would deport Mr. Ábrego García to Ghana instead. Then the federal government said it would deport him to Liberia. None of these three African countries agreed to accept him. Throughout this period, Mr. Ábrego García stated that he was willing to be deported to Costa Rica, which was willing to accept him.⁷³

At a teleconference in the habeas corpus case on November 17, 2025, Judge Xinis admonished the two DOJ attorneys who entered an appearance on behalf of the federal government for defying an earlier order and putting witnesses on the stand who have no direct knowledge of the subject of their testimony.⁷⁴ That same day, Judge Xinis issued an order directing an ICE official to testify about his earlier declaration.⁷⁵ At the hearing on November 20, 2025, the ICE official admitted he had no knowledge of the content of his declaration.⁷⁶

On December 11, 2025, Judge Xinis issued a memorandum opinion and order granting Mr. Ábrego García's petition for habeas corpus, directing the federal government to release him

No. 8:25-cv-02780-PX (D. Md. Aug. 25, 2025) ECF No. 1. On August 19, 2025, Mr. Ábrego García filed a motion to dismiss his criminal case based on alleged vindictive and selective prosecution. *United States v. Ábrego García*, No. 3:25-00115 (D. Tenn. Aug. 19, 2025) ECF No. 104. On October 3, 2025, the district court ruled that Mr. Ábrego García has made a *prima facie* showing of vindictiveness, entitling him to discovery and an evidentiary hearing on why the federal government is prosecuting him. *United States v. Ábrego García*, No. 3:25-00115 (D. Tenn. Oct. 3, 2025) ECF No. 138 at 15. On December 23, 2025, the district court issued an order canceling the trial scheduled for January 27, 2026, and scheduling an evidentiary hearing on whether the federal government can rebut Mr. Ábrego García's *prima facie* showing of vindictiveness. *United States v. Ábrego García*, No. 3:25-00115 (D. Tenn. Dec. 23, 2025) ECF No. 281.

⁶⁹ *Ábrego García v. Noem*, No. 8:25-cv-02780-PX (D. Md. Aug. 25, 2025) ECF No. 1.

⁷⁰ *Ábrego García v. Noem*, No. 8:25-cv-00951-PX (D. Md. July 23, 2025) ECF No. 238.

⁷¹ *Ábrego García v. Noem*, No. 8:25-cv-02780-PX (D. Md. Aug. 25, 2025) ECF No. 1.

⁷² *Ábrego García v. Noem*, No. 8:25-cv-02780-PX (D. Md. Oct. 27, 2025) ECF No. 59.

⁷³ *Ábrego García v. Noem*, No. 8:25-cv-02780-PX (D. Md., Dec. 11, 2025) ECF No. 110 at 6-12.

⁷⁴ *Ábrego García v. Noem*, No. 8:25-cv-02780-PX (D. Md. Nov. 17, 2025) ECF No. 89 at 6, 11-12.

⁷⁵ *Ábrego García v. Noem*, No. 8:25-cv-02780-PX (D. Md. Nov. 17, 2025) ECF No. 90.

⁷⁶ *Ábrego García v. Noem*, No. 8:25-cv-02780-PX (D. Md. Nov. 20, 2025) ECF No. 107.

from ICE custody immediately, and observing that the federal government had affirmatively “misled” the court.⁷⁷

On December 12, 2025, Judge Xinis issued an order granting Mr. Ábrego García’s motion for a TRO to enjoin the federal government from re-detaining him in ICE custody. Judge Xinis’s order documents that there is no order of removal supporting Mr. Ábrego García’s deportation and that the federal government attempted to create such a record retroactively by rushing to obtain an order from an immigration judge purporting “sua sponte” to fix a “scrivener’s error” “nunc pro tunc” in Mr. Ábrego García’s October 2019 withholding of removal order.⁷⁸

On February 17, 2026, Judge Xinis converted the TRO into an order for injunctive relief precluding the federal government from taking Mr. Ábrego García into ICE custody. Judge Xinis ruled that the nunc pro tunc order merely corrected an error in the 2019 withholding of removal order without changing its effective date for purposes of determining whether the federal government has made an effort to remove him or whether his removal is reasonably foreseeable under principles of applicable case law. Judge Xinis further held that the federal government’s attempts to deport him to countries that would not accept him and refusal to deport him to the country that would accept him and to which he was willing to be deported demonstrated that there was no significant likelihood of removal under principles of applicable case law. As a result, Judge Xinis concluded that the federal government had done nothing to show that Mr. Ábrego García’s continued detention in ICE custody is consistent with due process.⁷⁹

C. Guatemalan Children Case⁸⁰

This case arose from efforts to enjoin the federal government from unlawfully deporting 600 unaccompanied minors to Guatemala over a holiday weekend. In representing the federal government in this case, Mr. Ensign violated DC Rules 3.1, as well as 3.3 and 8.4 or 1.1.

In 2002, the U.S. Department of Health and Human Services’ Office of Refugee Resettlement (ORR) became responsible for ensuring that decisions about unaccompanied alien children’s “care and custody” account for their “interests.”⁸¹ ORR also became responsible for “reuniting unaccompanied alien children with a parent abroad in appropriate cases.”⁸²

In 2008, Congress addressed serious concerns about unaccompanied alien children in the William Wilberforce Trafficking Victims Protection Reauthorization Act (TVPRA). The TVPRA includes measures to promote the “safe repatriation” of unaccompanied alien children.⁸³ When the United States Department of Homeland Security seeks to remove from the United

⁷⁷ *Ábrego García v. Noem*, No. 8:25-cv-02780-PX (D. Md. Dec. 12, 2025) ECF No. 110, 111.

⁷⁸ *Ábrego García v. Noem*, No. 8:25-cv-02780-PX (D. Md. Dec. 12, 2025) ECF No. 114.

⁷⁹ *Ábrego García v. Noem*, No. 8:25-cv-02780-PX (D. Md. Feb. 17, 2026) ECF No. 141.

⁸⁰ The docket for this case, *L.G.M.L. v. Noem*, No. 1:25-cv-02942-TJK (D.D.C. Aug. 31, 2025), may be found at <https://www.courtlistener.com/docket/71240524/lgml-v-kristi-noem/> [<https://perma.cc/6TD6-QXXG>].

⁸¹ 6 U.S.C. § 279(b)(1)(B).

⁸² *Id.* § 279(b)(1)(H).

⁸³ 8 U.S.C. § 1232(a)(5).

States any unaccompanied alien child originally from a non-contiguous country, three requirements must be met: (1) the child must be placed in removal proceedings; (2) the child is eligible for voluntary departure at no cost to the child; and (3) the child must receive access to counsel to the greatest extent practicable.⁸⁴ The TVPRA's implementing regulations require unaccompanied alien children to "be treated with dignity, respect, and special concern for their particular vulnerability."⁸⁵ Unaccompanied alien children from non-contiguous countries cannot be presented with a form for voluntary departure before they "in fact communicate" with "a parent, adult relative, friend," or with a "free legal services" organization.⁸⁶

Just before midnight on the Saturday of Labor Day weekend, several federal agencies began to implement a plan to expel from the United States certain unaccompanied alien children in the custody of ORR and send them back to their home country of Guatemala without removal proceedings or voluntary departure and access to counsel, in violation of the TVPRA. Those agencies told the children's caretakers, who were hearing about the plan for the first time, to have them ready for pickup in as little as two hours. The children were woken up in the middle of the night and driven to an airport, where some were loaded onto planes.⁸⁷

Lawyers filed suit in the United States District Court for DC seeking emergency relief the next day at 1:00 a.m. The judge on emergency duty entered a TRO barring the agencies and their officials from removing or otherwise transporting the children from the United States. At a hearing later that day, Mr. Ensign, counsel for the federal government, stated that the federal agencies were not removing the children under the TVPRA, but rather repatriating or reuniting them with their parents or guardians because the children's parents or guardians in Guatemala had requested their return.⁸⁸ Plaintiffs' counsel disputed this characterization, noting that some of the children had a fear of returning. The Court noted that plaintiffs had submitted numerous declarations supporting this statement.⁸⁹

Shortly before the hearing on the preliminary injunction, a report from the Guatemalan Attorney General surfaced. The report documents that ORR had been coordinating with the Guatemalan Attorney General's Office on whether unaccompanied alien children from Guatemala in ORR custody could be repatriated. The report, the contents of which are uncontested by the federal government, also documents that none of the children could be repatriated. Contact information for many of children's parents was missing, and none of those parents who could be contacted

⁸⁴ 8 U.S.C. § 1232(a)(5)(D)(i)-(iii).

⁸⁵ 45 C.F.R. § 410.1003(a); *see also* 8 C.F.R. § 236.3(a)(1) (imposing similar obligation on DHS).

⁸⁶ 8 C.F.R. § 1236.3(g). ORR also has specific responsibilities for providing legal services for unaccompanied alien children, including offering information about their right to a removal hearing before an immigration judge, their ability to apply for asylum, and their right to request voluntary departure in lieu of removal. 45 C.F.R. § 410.1309(a)(1), (a)(2)(iv).

⁸⁷ *L.G.M.L. v. Noem*, No. 1:25-cv-02942-TJK (D.D.C. Sept. 18, 2025) ECF No. 49 at 1, 7-8.

⁸⁸ *L.G.M.L. v. Noem*, No. 1:25-cv-02942-SLS (D.D.C. Aug. 31, 2025) ECF No. 12 at 8-9; *L.G.M.L. v. Noem*, No. 1:25-cv-02942-TJK (D.D.C. Sept. 18, 2025) ECF No. 49 at 1-2, 8, 10; Kyle Cheney and Josh Gerstein, *Judge blocks flights sending hundreds of children back to Guatemala*, POLITICO, Aug. 31, 2025, <https://www.politico.com/news/2025/08/31/judge-blocks-deportation-guatemalan-children-00538395>.

⁸⁹ *L.G.M.L. v. Noem*, No. 1:25-cv-02942-SLS (D.D.C. Aug. 31, 2025) ECF No. 12 at 12-13, 20-22.

requested their children's return. They feared for their children's safety if they returned to Guatemala.⁹⁰

Nevertheless, Mr. Ensign made no effort to correct his material misstatement to the Court and did not appear at a subsequent hearing. Instead, other counsel for the federal government withdrew Mr. Ensign's assertion that the parents or guardians for the unaccompanied alien children had requested their return.⁹¹

II. State Bar Rules Unequivocally Apply to DOJ Attorneys Like Mr. Ensign

The so-called McDade Amendment provides, as a matter of federal law, that DOJ attorneys are subject to the ethics rules of the state in which they are licensed to practice law and in which they are litigating cases.⁹² The statute states:

- (a) *An attorney for the Government shall be subject to State laws and rules, and local Federal court rules, governing attorneys in each State where such attorney engages in that attorney's duties, to the same extent and in the same manner as other attorneys in that State.*
- (b) The Attorney General shall make and amend rules of the Department of Justice to assure compliance with this section.
- (c) As used in this section, the term "attorney for the Government" includes any attorney described in section 77.2(a) of part 77 of title 28 of the Code of Federal Regulations and also includes any independent counsel, or employee of such a counsel, appointed under chapter 40.⁹³

Congress passed this provision in 1998 in response to DOJ's claim that federal government lawyers were not bound by state ethics rules regarding contacting witnesses represented by counsel.⁹⁴

Federal regulations reiterate that DOJ attorneys are subject to the ethics rules of the state in which they are licensed to practice law and in which they are litigating cases:

⁹⁰ *L.G.M.L. v. Noem*, No. 1:25-cv-02942-TJK (D.D.C. Sept. 18, 2025) ECF No. 49 at 10-11.

⁹¹ *L.G.M.L. v. Noem*, No. 1:25-cv-02942-SLS (D.D.C. Aug. 31, 2025) ECF No. 12 at 23; *L.G.M.L. v. Noem*, No. 1:25-cv-02942-TJK (D.D.C. Sept. 18, 2025) ECF No. 49 at 34; Kyle Cheney and Josh Gerstein, *DOJ backs off claims about Guatemalan children it sought to deport*, POLITICO, Sept. 10, 2025, https://www.politico.com/news/2025/09/10/guatemalan-children-deport-parents-doj-00556933?utm_content=user/politico&utm_source=flipboard.

⁹² 28 U.S.C. § 530B.

⁹³ *Id.* (emphasis added). The implementing regulations for this provision define "attorney" for purposes of the provision to include "any attorney employed by DOJ's Civil Division," 28 C.F.R. § 77.2(a), which includes Mr. Ensign.

⁹⁴ See Nina Marino and Richard Kaplan, *Moving Towards a Meaningful Limitation on Wrongful Prosecutorial Contact with Represented Parties*, 4 PUB. INT. L. REV. 36 (1999).

In all civil investigations and litigation (affirmative and defensive) . . . , attorneys for the government shall conform their conduct and activities to the state rules and laws, and federal local court rules, governing attorneys in each State where such attorney engages in that attorney's duties, to the same extent and in the same manner as other attorneys in that State.⁹⁵

A government attorney shall, in all cases, comply with the rules of ethical conduct of the court before which a particular case is pending.⁹⁶

The DC ethics rules apply to this complaint because Mr. Ensign is licensed to practice law in DC.⁹⁷ Under DC Rule 8.5(b)(1) governing choice of law, the DC ethics rules apply to the cases in this complaint filed in DC, and the Maryland ethics rules apply to the two cases in this complaint filed in Maryland.⁹⁸

Nowhere in the DC and Maryland ethics rules or comments is there an exemption for lawyers who are federal public officials. To the contrary, the DC and Maryland ethics rules and comments expressly apply to federal attorneys like Mr. Ensign.⁹⁹

III. Mr. Ensign Has Violated Seven Ethics Rules in Four Cases and Should be Investigated and Disciplined Appropriately by the DC Bar

A. Ethics Rules Violated

⁹⁵ 28 C.F.R. § 77.3.

⁹⁶ 28 C.F.R. § 77.4(a).

⁹⁷ DC Rule 8.5(a) (“A lawyer admitted to practice in this jurisdiction is subject to the disciplinary authority of this jurisdiction, regardless of where the lawyer’s conduct occurs.”). The Bars of California, Arizona, and Texas have concurrent jurisdiction to discipline Mr. Ensign because he is licensed to practice law in those States. DC Rule 8.5(a) (“A lawyer may be subject to the disciplinary authority of both this jurisdiction and another jurisdiction where the lawyer is admitted for the same conduct.”); California and Arizona Rule 8.5(a); Texas Rule 8.05(a) (same). The Maryland Bar has jurisdiction to discipline Mr. Ensign because he is providing legal services in Maryland. MARPC 8.5(a)(2)(A) (Md. Rule 19-308.5(a)(2)(A)) (“An attorney not admitted to practice in this State is also subject to the disciplinary authority of this State if the attorney: (A) provides or offers to provide any legal services in this State . . .”).

⁹⁸ DC Rule 8.5(b)(1) (In any exercise of the disciplinary authority of this jurisdiction, the Rules of Professional Conduct to be applied shall be as follows: (1) For conduct in connection with a matter pending before a tribunal, the rules to be applied shall be the rules of the jurisdiction in which the tribunal sits, unless the rules of the tribunal provide otherwise . . .”). The DC and Maryland ethics rules are generally the same. The footnotes to the complaint indicate where they differ.

⁹⁹ DC Rule 1.6(k) (“The client of the government lawyer is the agency that employs the lawyer unless expressly provided to the contrary by appropriate law, regulation, or order.”) and comments 37-40 (“Subparagraph (e)(2) was revised, and paragraph (k) was added, to address the unique circumstances raised by attorney-client relationships within the government.”); MARPC 1.0(e) (Md. Rule 19-301.0(e) (“Firm” or “law firm” denotes: (1) an association of an attorney or attorneys in a law partnership, professional corporation, sole proprietorship or other association formed for the practice of law; or (2) a legal services organization or the legal department of a corporation, government, or other organization.”); MARPC 5.1 (Md. Rule 19-305.1), Comment 1 (“Section (a) of this Rule applies to attorneys who have managerial authority over the professional work of a firm. See Rule 19-301.0(e) (1.0). This includes . . . attorneys having comparable managerial authority in a legal services organization or a law department of an enterprise or government agency. . .”).

Mr. Ensign has violated the following seven ethics rules:

1. Duty of Candor to the Court, DC Rule 3.3(a)(1), (a)(4) and MARPC 3.3(a)(1), (a)(4) (Md. Rule 19-303.3(a)(1), (a)(4)), which provide that an attorney shall not knowingly make a false statement of fact or law to a court or offer evidence that the attorney knows to be false.
2. Prohibition of Dishonest Conduct, DC Rule 8.4(c) and MARPC 8.4(c) (Md. Rule 19-308.4(c)). Because a violation of DC Rule 3.3(a)(1) necessarily constitutes “dishonest conduct,” where an attorney violates DC Rule 3.3(a)(1), the attorney also violates DC Rule 8.4(c).¹⁰⁰ Similarly, knowingly making a false statement of fact or law to a court also violates MARPC 8.4(c).¹⁰¹
3. Prohibition of Frivolous Claims and Contentions, DC Rule 3.1 and MARPC 3.1 (Md. Rule 19-303.1), which provide that an attorney shall not assert an issue in a legal proceeding unless there is a basis in law and fact for doing so that is not frivolous.
4. Competence, DC Rule 1.1, which provides that an attorney must provide competent representation to a client, which requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.
5. Fairness to Opposing Parties and Their Attorney, DC 3.4(c)-(d) and MARPC 3.4(c)-(d) (Md. Rule 19-303.4(c)-(d)), which provide that a lawyer must not knowingly disobey an obligation under the rules of a court and that a lawyer must not make a frivolous discovery request or fail to make reasonably diligent efforts to comply with a legally proper discovery request by an opposing party.
6. Supervisory Misconduct, DC Rule 5.1 and MARPC 5.1 (Md. Rule 19-305.1), which provide that a lawyer:
 - a. Must be responsible for another lawyer’s violation of the applicable ethics rules if the lawyer has direct supervisory authority over the other lawyer or has managerial authority in the federal agency in which the other lawyer practices, and knows (the DC Rule adds “or reasonably should know”) of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action.

¹⁰⁰ *In re Carter*, 333 A.3d 558, 564-65 (D.C. App. 2025) (citing *In re Tun*, 195 A.3d 65 (D.C. App. 2018) and *In re Evans*, 902 A.2d 56 (D.C. App. 2006)); DC Rule 8.4 (prohibiting attorneys from “[engaging] in conduct involving dishonesty, fraud, deceit, or misrepresentation.” In *Carter*, the court distinguished between the general prohibition against deceit (DC Rule 8.4) and the specific requirement of honesty toward a tribunal (DC Rule 3.3).

¹⁰¹ *Atty. Grievance Comm’n of Maryland v. Collins*, 270 A.3d 917, 931 (Md. 2022) (holding that Collins, in making false statement of fact regarding pending disciplinary complaints, had violated MARPC 3.3(a)(1) and 8.4(c)).

- b. Having direct supervisory authority over another lawyer must make reasonable efforts to ensure that the other lawyer conforms to the applicable ethics rules.
 - c. Who individually or together with other lawyers has managerial authority in a federal agency must make reasonable efforts to ensure that the federal agency has in effect measures giving reasonable assurance that all lawyers in the federal agency conform to the applicable ethics rules.
7. Conduct That is Prejudicial to the Administration of Justice, DC Rule 8.4(d) and MARPC 8.4(d) (Md. Rule 19-308.4(d)), which provide that it is professional misconduct for an attorney to engage in conduct that is prejudicial to the administration of justice.

Violation of the DC and Maryland ethics rules constitutes professional misconduct per DC Rule 8.4(a) and MARPC 8.4(a) (Md. Rule 19-308.4(a)).¹⁰²

B. Meaning of “Knowingly” and “Know”: DC Rule 1.0(f) and MARPC 1.0(h)

Three of the seven applicable ethics rules use the word “knowingly” or “know.” The DC and Maryland ethics rules define those terms as “actual knowledge of the fact in question,” and state that a “person’s knowledge may be inferred from circumstances.”¹⁰³

C. Duty of Candor to the Court: DC Rule 3.3(a)(1), (a)(4) and 8.4(c) and MARPC 3.3(a)(1), (a)(4) and 8.4(c)

The DC and Maryland ethics rule on duty of candor to the court provides that an attorney “shall not knowingly make a false statement of fact or law to a tribunal,” “shall not knowingly offer evidence that the attorney knows to be false,” or “knowingly fail to correct a false statement of material fact or law previously made to the tribunal,” and “shall take reasonable remedial measures” to correct material evidence the attorney knows to be false.¹⁰⁴

Legal argument based on a knowingly false representation of law constitutes dishonesty toward the tribunal.¹⁰⁵ “[A]n assertion purporting to be on the attorney’s own knowledge, as in an affidavit by the attorney or in a statement in open court, may properly be made only when the attorney knows the assertion is true or believes it to be true on the basis of a reasonably diligent

¹⁰² See also DC Bar Rule XI, § 2(b) (“Acts or omissions by an attorney . . . which violate . . . the rules or code of professional conduct currently in effect in the District of Columbia shall constitute misconduct and shall be grounds for discipline. . . .”).

¹⁰³ DC Rule 1.0(f); MARPC 1.0(h) (Md. Rule 19-301.0(h)).

¹⁰⁴ DC Rule 3.3(a)(1), (a)(4); MARPC 3.3(a)(1), (a)(4) (Md. Rule 19-303(a)(1), (a)(4)).

¹⁰⁵ DC Rule 3.3, Comment 3; MARPC 3.3(a), Comment 4 (Md. Rule 19-303, Comment 4).

inquiry. There may be circumstances where failure to make a disclosure is the equivalent of an affirmative misrepresentation.”¹⁰⁶

A single instance of violation of DC Rule 3.3(a)(1) qualifies as a violation of DC Rule 8.4(c).¹⁰⁷ Even a credible or honest belief may be a violation of DC Rule 3.3(a)(1) where that belief is a “post-hoc rationalization” or a “tortured interpretation” of the facts.¹⁰⁸

An attorney violates MARPC 8.4(c) when the attorney knowingly makes a false statement of fact or law to a court.¹⁰⁹

An attorney also violates DC Rule 8.4(c) and MARPC 8.4(c) when the attorney offers evidence that the attorney knows to be false, knowingly fails to correct a false statement of material fact or law previously made to the tribunal, or fails to take reasonable remedial measures to correct material evidence the attorney knows to be false.

1. Venezuelan Migrants Case

Mr. Ensign violated DC Rule 3.3(a)(1) and (a)(4) regarding the duty of candor to the court, which provides that an attorney shall not knowingly make a false statement of fact or law to a court or offer evidence that the attorney knows to be false, shall not knowingly fail to correct a false statement of material fact or law previously made to the tribunal, and shall not fail to take reasonable remedial measures to correct material evidence the attorney knows to be false. Because a violation of DC Rule 3.3 necessarily constitutes “dishonest conduct,” where an attorney violates DC Rule 3.3, the attorney violates DC Rule 8.4(c) as well.

Mr. Ensign knowingly made two false statements of material fact to the Court: (1) that he did not know whether any removal flights would take off in the next 48 hours; and (2) that he did not have any details to share about those flights.¹¹⁰ Mr. Ensign failed to correct these false statements.

With respect to the first statement, Mr. Reuveni’s Whistleblower Disclosure reveals that Mr. Ensign knew from the March 14 meeting that Mr. Bove had said that removal flights would depart that weekend, on March 15 and 16, “no matter what.” Also according to Mr. Reuveni’s Whistleblower Disclosure, Mr. Bove further stated that DOJ would need to consider telling the courts “fuck you” if an order enjoining removal was issued.¹¹¹

Turning to the second statement, Mr. Ensign’s professed lack of knowledge about the two removal flights is undercut not only by the information provided by Mr. Bove at the March 14

¹⁰⁶ DC Rule 3.3, Comment 2; MARPC 3.3(a), Comment 3 (Md. Rule 19-303, Comment 3).

¹⁰⁷ See *Tun*, 195 A.3d at 74.

¹⁰⁸ See *Carter*, 333 A.3d at 564-67.

¹⁰⁹ *Atty. Grievance Comm’n of Maryland v. Parris*, 289 A.3d 703, 716 (Md. 2023).

¹¹⁰ *J.G.G. v. Trump*, No. 1:25-cv-00766-JEB (D.D.C. Mar. 16, 2025) ECF No. 20, Tr. at 11-13, 42-43; *J.G.G. v. Trump*, 778 F. Supp. 3d 24, 32-33 (D.D.C. 2025).

¹¹¹ Whistleblower Disclosure, *supra* note 7, at 7.

meeting, but also by the flight information provided to Mr. Ensign and Mr. Reuveni via email by plaintiffs' counsel before the March 15 hearing resumed after the recess. This email cited public reporting of flight information and stated that plaintiffs' counsel had reason to believe that people were on planes for imminent deportation.¹¹²

Mr. Ensign had a duty, at a minimum, to tell the Court that the federal government intended to remove the Venezuelan migrants within the next 48 hours and that he had been informed by plaintiffs' counsel that their deportation was imminent based on public reporting. Instead, Mr. Ensign falsely told the Court he knew nothing about these things and he failed to correct these material misstatements of fact, in violation of DC Rules 3.3(a)(1) and (a)(4) and 8.4(c).

2. Discovery Order in *Ábrego García* Deportation Case

Mr. Ensign violated MARPC 3.1 and DC Rule 3.1, which preclude an attorney from making a frivolous claim or contention in a legal proceeding, and MARPC 3.3(a)(1) and 8.4(c) and DC Rule 3.3(a)(1) and 8.4(c), which preclude an attorney from knowingly making a false statement of law to the court or knowingly failing to correct a false statement of material law previously made to the tribunal, in the *Ábrego García* deportation case.

The April 13 filing signed by Mr. Ensign made the following frivolous argument:

Defendants understand “facilitate” to mean what that term has long meant in the immigration context, namely actions allowing an alien to enter the United States. Taking “all available steps to facilitate” the return of *Abrego Garcia* is thus best read as taking all available steps to remove any domestic obstacles that would otherwise impede the alien’s ability to return here. Indeed, no other reading of “facilitate” is tenable—or constitutional—here.¹¹³

Mr. Ensign offered no legal authority for this frivolous argument. He was well aware that the Court’s intent was that the federal government act to remove any obstacles to Mr. *Ábrego García*’s return to the United States. The Fourth Circuit’s April 17 ruling underscores the frivolousness of the argument, stressing that “‘facilitate’ is an active verb” and that its “plain and active meaning ... cannot be diluted” as the federal government urged.¹¹⁴

In her April 22, 2025, discovery order in that case, Judge Xinis underscored Mr. Ensign’s “continued mischaracterization of the Supreme Court’s Order” in the case,¹¹⁵ including misquoting what the United States Supreme Court said.

¹¹² *Id.* at 10.

¹¹³ *Ábrego García v. Noem*, No. 8:25-cv-00951-PX (D Md. Apr. 13, 2025) ECF No. 65 at 3.

¹¹⁴ *Ábrego García v. Noem*, No. 25-1404 (4th Cir. Apr. 17, 2025) at 3. [251404order.pdf](#)

¹¹⁵ *Ábrego García v. Noem*, No. 8:25-cv-00951-PX (D. Md. Apr. 22, 2025) ECF No. 100 at 2.

Regarding mischaracterization of the United States Supreme Court’s order, Mr. Ensign’s discovery filing¹¹⁶ stated:

Defendants object to Interrogatory No. 3 as based on the false premise that the United States can or has been ordered to facilitate *Ábrego García’s release from custody* in El Salvador. *See* *Ábrego García*, 604 U.S. —, slip op. at 2 (holding Defendants should “take all available steps to facilitate the *return of Ábrego García to the United State* [sic]”).¹¹⁷

In fact, the United States Supreme Court stated:

The order properly requires the Government to “facilitate” *Ábrego García’s* release from custody in El Salvador and to ensure that his case is handled as it would have been had he not been improperly sent to El Salvador.¹¹⁸

In expressly calling out Mr. Ensign’s misconduct, Judge Xinis stated:

*Defendants—and their counsel—well know that the falsehood lies not in any supposed “premise,” but in their continued mischaracterization of the Supreme Court’s Order. That Order made clear that this Court “properly required the Government to ‘facilitate’ Ábrego García’s release from custody in El Salvador and to ensure that his case is handled as it would have been had he not been improperly sent to El Salvador.” [citations omitted] Defendants’ objection reflects a willful and bad faith refusal to comply with discovery obligations.*¹¹⁹

Thus, Mr. Ensign’s statement in his court filing that the United States Supreme Court cannot order and has not ordered the federal government to facilitate Mr. *Ábrego García’s* release from custody in El Salvador is both frivolous and a patently false statement of a directly applicable and binding United States Supreme Court order.

It is reasonable to infer from the circumstances that Mr. Ensign knew his statements of law were false per MARPC 1.0(h) and DC Rule 1.0(f). Mr. Ensign’s misstatement of law directly contradicts the express wording of the United States Supreme Court’s order, which is binding on Mr. *Ábrego García* deportation case and which had a direct and immediate effect on future proceedings in that case, including Mr. Ensign’s filings. He was obligated to read the Supreme Court’s order, which is short and clear. It upheld Judge Xinis’s order, other than asking her to clarify the word “effectuate.” Judge Xinis revised her order to remove that word.

In his filing, Mr. Ensign added words—“take all available steps”—that did not appear in either the Supreme Court’s order or Judge Xinis’s order. Mr. Ensign also omitted words that were

¹¹⁶ Mr. Ensign himself signed the filing. *Ábrego García v. Noem*, No. 8:25-cv-00951-PX (D. Md. Apr. 22, 2025) ECF No. 98-1.

¹¹⁷ *Ábrego García v. Noem*, No. 8:25-cv-00951-PX (D. Md. Apr. 22, 2025) ECF No. 98-1 at 3 (emphasis in original).

¹¹⁸ *Noem v. Ábrego García*, No. 24A949 (Apr. 10, 2025), 604 U. S. ____ (2025).

¹¹⁹ *Ábrego García v. Noem*, No. 8:25-cv-00951-PX (D. Md. Apr. 22, 2025) ECF No. 100 at 2 (emphasis added).

crucial to both orders: “to ensure that his case is handled as it would have been had he not been improperly sent to El Salvador.”¹²⁰

Judge Xinis’s ruling expressly stated that Mr. Ensign knowingly made a misstatement of law to the Court:

*Defendants—and their counsel—well know that the falsehood lies not in any supposed “premise,” but in their continued mischaracterization of the Supreme Court’s Order.”*¹²¹

3. Guatemalan Children Case

In the Guatemalan children case, Mr. Ensign violated DC Rule 3.1, which preclude an attorney from making a frivolous claim or contention in a legal proceeding; DC Rule 3.3(a)(1), which precludes an attorney from knowingly making a false statement of fact to a court, knowingly failing to correct a false statement of material fact or law previously made to the tribunal, and failing to take reasonable remedial measures to correct material evidence the attorney knows to be false; and DC Rule 8.4(c), which prohibits dishonest conduct.

At the August 31, 2025, TRO hearing, Mr. Ensign explained why it was “fairly outrageous” for plaintiffs to have sued: all the federal government wanted to do was to reunify the children with parents who had requested their return.¹²² When the Court asked why his federal agency clients believed they could send the unaccompanied children to Guatemala on short notice despite the TVPRA’s provisions, Mr. Ensign responded that his clients’ actions were “not removals under the statute,” but rather “repatriations and reunifications of children with their parents or guardians.”¹²³

Because ORR had not met the TVPRA’s requirements for removal,¹²⁴ Mr. Ensign made the frivolous argument that ORR was not removing the Guatemalan children, but rather “repatriating” them and “reunifying” them with their parents. As Judge Xinis did with his argument regarding the word “facilitate” in the *Ábrege García* deportation case, the Court in the Guatemalan children case rejected Mr. Ensign’s argument regarding the words “remove” and “reunify” as inconsistent with their ordinary meaning. According to the Court, dictionaries tend to define “remove” as “‘connot[ing] *physical* displacement from one location to another,’” which was what the federal government was trying to do in transporting the Guatemalan children from the United States to Guatemala, and “reunify” as “bring[ing]” people “together again after a

¹²⁰ *Noem v. Ábrege García*, 145 S. Ct. 1017, 604 U.S. ____ (2025).

¹²¹ *Id.* (emphasis added).

¹²² *L.G.M.L. v. Noem*, No. 1:25-cv-02942-SLS (D.D.C. Aug. 31, 2025) ECF No. 12 at 8-9; *L.G.M.L. v. Noem*, No. 1:25-cv-02942-TJK (D.D.C. Sept. 18, 2025) ECF No. 49 at 1-2, 8, 10; *See also* Cheney, *supra* note 86.

¹²³ *L.G.M.L. v. Noem*, No. 1:25-cv-02942-SLS (D.D.C. Sept. 1, 2025) ECF No. 12 at 8-9; *L.G.M.L. v. Noem*, No. 1:25-cv-02942-TJK (D.D.C. Sept. 18, 2025) ECF No. 49 at 10.

¹²⁴ *L.G.M.L. v. Noem*, No. 1:25-cv-02942-TJK (D.D.C. Sept. 18, 2025) ECF No. 49 at 27.

period of division or separation,” which happens after the Guatemalan children are removed from the United States.¹²⁵

Moreover, Mr. Ensign knowingly falsely asserted that “all of these children have their parents or guardians in Guatemala who are requesting their return.”¹²⁶ Mr. Ensign made this categorical statement without any evidence.¹²⁷

According to the Court ruling on the preliminary injunction:

that explanation crumbled like a house of cards about a week later. There is no evidence before the Court that the parents of these children sought their return. To the contrary, the Guatemalan Attorney General reports that officials could not even track down parents for most of the children whom Defendants found eligible for their “reunification” plan. And none of those that were located had asked for their children to come back to Guatemala.¹²⁸

It is reasonable to infer from the circumstances of this case that Mr. Ensign knew his statement of fact was false. Because Mr. Ensign could not argue that his clients had complied with the TVPRA’s requirements for removal, his primary argument was that the children were not being removed under the TVPRA, but rather repatriated and reunited with their parents. He had to establish a factual basis for this argument through consultation with ORR, his client, and review of ORR’s pertinent documents.

The Guatemalan Attorney General’s report was reported by the news media by September 3, 2025,¹²⁹ and is uncontested by the federal government.¹³⁰ The report shows unequivocally that since July 2025 ORR was working with the Guatemalan Attorney General per two ORR legal memoranda on locating parents or guardians of the unaccompanied Guatemalan children; that many of the parents or guardians could not be located; and that none of the parents or guardians were requesting their child’s return.¹³¹ A quick review of the report would have made it clear that

¹²⁵ *Id.* at 26-27 (internal citations omitted).

¹²⁶ *L.G.M.L. v. Noem*, No. 1:25-cv-02942-SLS (D.D.C. Sept. 1, 2025) ECF No. 12 at 9; *L.G.M.L. v. Noem*, No. 1:25-cv-02942-TJK (D.D.C. Sept. 18, 2025) ECF No. 49 at 10.

¹²⁷ *L.G.M.L. v. Noem*, No. 1:25-cv-02942-TJK (D.D.C. Sept. 18, 2025) ECF No. 49 at 34 (“On this record, that representation about requests made by these children’s parents and guardians has no support.”).

¹²⁸ *L.G.M.L. v. Noem*, No. 1:25-cv-02942-TJK (D.D.C. Sept. 18, 2025) ECF No. 49 at 1-2. One child stated that he “experienced neglect and abandonment from” his father in Guatemala and that his mother “didn’t think she could protect” him “from the violent drug dealers.” *Id.* at 10 (citing *L.G.M.L. v. Noem*, No. 1:25-cv-02942-TJK (D.D.C. Sept. 8, 2025) ECF No. 20-17 ¶ 7). Another child fears returning to Guatemala because his sister was recently murdered there and because his family members either cannot care for him or are unwilling to do so. *Id.* (citing ECF No. 20-18 ¶¶ 5–6). And a third said that the conditions she would return to in Guatemala would cause her to kill herself. *Id.* (citing ECF No. 20-19 ¶ 5). The parents of another child stated their daughter “had received death threats and therefore could not live in” Guatemala, so they would “do everything possible to get her out of the country again” if the United States sent her back. *Id.* at 11 (citing *L.G.M.L. v. Noem*, No. 1:25-cv-02942-TJK (D.D.C. Sept. 8, 2025) ECF No. 40-2 at 4).

¹²⁹ [Exclusive: Guatemalan document undercuts US claims on child deportations | Reuters.](#)

¹³⁰ *L.G.M.L. v. Noem*, No. 1:25-cv-02942-TJK (D.D.C. Sept. 18, 2025) ECF No. 49 at 10-11.

¹³¹ *Id.* at 11.

Mr. Ensign could not truthfully say that the parents or guardians of the unaccompanied Guatemalan children were requesting their children's return. Further inquiry in the investigation we are recommending could strengthen the inference that Mr. Ensign knew his factual statements were false or could establish directly that he knew they were false.

At a minimum, Mr. Ensign had an obligation to correct the material misstatement to the court under DC Rule 3.3(a)(1). A review of the transcript from the August 31 hearing reveals the materiality of his representation. He failed to do so and declined to appear in court on September 8, 2025, when another DOJ attorney stated that Mr. Ensign's statement was incorrect.

If an investigation determines that Mr. Ensign did not know, either inferentially or directly, that his factual statements were false, they raise a serious concern regarding his violation of the DC ethics rule requiring competent representation. *See* section IV.D.

D. Competence: DC Rule 1.1

If the DC Bar's investigation determines that Mr. Ensign did not know, either inferentially or directly, that his factual statements in the Guatemalan children case were false, they raise a serious question concerning his competence under DC Rule 1.1. This ethics rule states:

An attorney shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.¹³²

The comments on this ethics rule state:

Competent handling of a particular matter includes inquiry into and analysis of the factual and legal elements of the problem, and use of methods and procedures meeting the standards of competent practitioners. It also includes adequate preparation and continuing attention to the needs of the representation to assure that there is no neglect of such needs. The required attention and preparation are determined in part by what is at stake; major litigation and complex transactions ordinarily require more extensive treatment than matters of lesser complexity.¹³³

In making the false factual statements to the Court regarding the parents of the unaccompanied Guatemalan children requesting their return, Mr. Ensign demonstrated a lack of legal knowledge, skill, thoroughness and preparation reasonably necessary for representation of ORR, his client, in the case. As stated above, Mr. Ensign could not argue that ORR had complied with the TVPRA's requirements for removal.¹³⁴ Therefore, his primary argument was that the children were being repatriated and reunited with their parents. He was obligated to establish a factual basis for this argument through consultation with ORR and review of ORR's pertinent documents.

¹³² DC Rule 1.1(a)-(b).

¹³³ DC Rule 1.1, Comment 5.

¹³⁴ *L.G.M.L. v. Noem*, No. 1:25-cv-02942-SLS (D.D.C. Sept. 18, 2025) ECF No. 49 at 27.

The Guatemalan Attorney General’s report shows that since July 2025 ORR was working with the Guatemalan Attorney General per two ORR legal memoranda on locating parents or guardians of the unaccompanied Guatemalan children; that many of the parents or guardians could not be located; and that none of the parents or guardians were requesting their child’s return.¹³⁵ The Guatemalan Attorney General’s report should have been readily accessible to and reviewed by Mr. Ensign since it involves legal memoranda prepared for his client and an ongoing relationship between his client and the Guatemalan Attorney General that was directly relevant to the litigation involving the unaccompanied Guatemalan children. If he had reviewed that report, he would have known that he could not argue that ORR was repatriating the unaccompanied Guatemalan children and reuniting them with their parents.

Mr. Ensign’s lack of competence is underscored by his vehemence in asserting the factual misstatements. He stated that it was “fairly outrageous” for plaintiffs to have sued because all the federal government wanted to do was to reunify the unaccompanied Guatemalan children with parents who had requested their return.¹³⁶

E. Fairness to Opposing Parties and Their Attorney: MARPC 3.4(c)-(d) and DC Rule 3.4(c)-(d)

Mr. Ensign violated MARPC 3.4(c) and (d) and DC Rule 3.4(c) and (d) in Mr. Ábrego García’s deportation case by repeatedly and knowingly disobeying the Court’s direction and failing to make reasonably diligent efforts to comply with the opposing party’s discovery requests.

In her April 11 order, Judge Xinis found that the federal government’s counsel was unable to answer:

straightforward questions, including: Where is Ábrego García right now? What steps had Defendants taken to facilitate his return while the Court’s initial order on injunctive relief was in effect. . . . Defendants’ counsel responded that he could not answer these questions, and at times suggested that Defendants had withheld such information from him. As a result, counsel could not confirm, and thus did not advance *any* evidence, that Defendants had done anything to facilitate Ábrego García’s return. This remained Defendants’ position even after this Court reminded them that the Supreme Court of the United States expressly affirmed this Court’s authority to require the Government “facilitate” Abrego Garcia’s return.¹³⁷

In her April 22, 2025, discovery order, Judge Xinis called out Mr. Ensign’s misconduct specifically in failing to answer plaintiff’s interrogatories:

¹³⁵ *Id.* at 11.

¹³⁶ *L.G.M.L. v. Noem*, No. 1:25-cv-02942-SLS (D.D.C. Aug. 31, 2025) ECF No. 12 at 8-9; *L.G.M.L. v. Noem*, No. 1:25-cv-02942-TJK (D.D.C. Sept. 18, 2025) ECF No. 49 at 1-2, 8, 10; Cheney, *supra* note 86.

¹³⁷ *Ábrego García v. Noem*, No. 8:25-cv-00951-PX (D. Md. Apr. 11, 2025) ECF No. 61 at 1-2 (emphasis in original).

Defendants and counsel stubbornly refuse to provide any basis for the same. Given that this Court expressly warned Defendants and their counsel to adhere strictly to their discovery obligations, see Hr'g Tr. 11:24–12:2, Apr. 16, 2025 (“*Because in fairness, Mr. Ensign, [if] you’re not going to answer the questions that the plaintiffs put within the scope of my order, then you’ll justify why. You’ll cite privilege, you’ll follow the rules, I’ll make a determination.*”), their boilerplate, non-particularized objections are presumptively invalid and reflect a willful refusal to comply with this Court’s Discovery Order and governing rules. ECF No. 79. Although Defendants state now that they are willing to “meet and confer” with counsel about the production of such a log, ECF No. 98-1 at 23, their repeated refusals to meet and confer about much of anything else undermine the reliability of this assertion. ECF No. 98 at 2. *The Court thus finds this offer was not made in good faith.*¹³⁸

In the same order, Judge Xinis rejected Mr. Ensign’s assertion of privilege, which the Court characterized as “specious.”¹³⁹

In ruling on another discovery issue in that order, Judge Xinis stated:

*Given the context of this case, Defendants have failed to respond in good faith, and their refusal to do so can only be viewed as willful and intentional noncompliance.*¹⁴⁰

The Court’s order makes clear that Mr. Ensign knowingly disobeyed the Court’s direction and failed to make reasonably diligent efforts to comply with plaintiff’s discovery requests. The order states unequivocally that Mr. Ensign deliberately disregarded the Court’s direction and engaged in willful and intentional noncompliance with discovery requirements.

F. Supervisory Misconduct: MARPC 5.1 and DC Rule 5.1

1. Supervisor’s Responsibility for Subordinates’ Misconduct: MARPC 5.1(c)(2) and DC Rule 5.1(c)(2)

MARPC 5.1(c)(2) and DC Rule 5.1(c)(2) provide that a lawyer shall be responsible for another lawyer’s violation of the applicable ethics rules if (1) the lawyer has direct supervisory authority over the other lawyer or has managerial authority in the federal agency in which the other lawyer practices, and (2) knows (the DC Rule adds “or reasonably should know”) of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action.¹⁴¹

¹³⁸ *Ábrego García v. Noem*, No. 8:25-cv-00951-PX (D. Md. Apr. 22, 2025) ECF No. 100 (emphasis added).

¹³⁹ *Ábrego García v. Noem*, No. 8:25-cv-00951-PX (D. Md. Apr. 22, 2025) ECF No. 100.

¹⁴⁰ *Ábrego García v. Noem*, No. 8:25-cv-00951-PX (D. Md. Apr. 22, 2025) ECF No. 100 (emphasis added).

¹⁴¹ MARPC 5.1(c)(2) (Md. Rule 19-305.1(c)(2)); MARPC 1.0(e) (Md. Rule 19-301.0(e) (the term “firm” or “law firm” includes the legal department of a federal agency)); DC Rule 5.1(c)(2); DC Rule 5.1(c)(2), Comments 1 and 4 (“Paragraph (a) applies to lawyers who have managerial authority over the professional work of a . . . government

Mr. Ensign is responsible for his subordinates' violation of applicable ethics rules in Mr. Ábrego García's deportation and habeas corpus cases. Given the inherently coercive nature of a supervisory relationship in DOJ's Office of Immigration Litigation – General Litigation and Appeals Section, where a prominent attorney—Mr. Reuveni—was fired for speaking the truth in Mr. Ábrego García's deportation case, and Mr. Ensign's responsibility to oversee his subordinates' work in that case and the related habeas corpus case, he either was fully aware of their misrepresentations or negligent in supervising their work and rectifying their professional misconduct.

a. Order Directing Mr. Ábrego García's Return to the District of Maryland in His Deportation Case

Mr. Ensign is responsible in his supervisory capacity under MARPC 5.1 and DC Rule 5.1 for false statements of fact knowingly made to the court by his subordinates, DOJ lawyers Jonathan Guynn and Sarmad Khojasteh, in the Ábrego García deportation case if he ordered them, ratified them, or failed to correct them.

MARPC 3.3(a)(1) and DC Rule 3.3(a)(1) preclude an attorney from knowingly making a false statement of fact to the court. Per MARPC 3.3, Comment 3, "an assertion purporting to be on the attorney's own knowledge, as . . . in a statement in open court, may properly be made only when the attorney knows the assertion is true or believes it to be true on the basis of a reasonably diligent inquiry." *See also* DC Rule 3.3, Comment 2.

In a July 23, 2025, memorandum opinion granting a motion for a TRO to return Mr. Ábrego García to the District of Maryland after release in the Tennessee criminal proceedings, Judge Xinis stated:

Defendants' persistent lack of transparency with the tribunal adds to why further injunctive relief is warranted.¹⁴²

The memorandum opinion states that, at an evidentiary hearing, "when pressed for detail on the removal proceedings, counsel merely articulated what Defendants *could* do. Not what they would do," and "Defendants insisted they would not decide which removal proceedings to initiate until Mr. Ábrego García was in ICE custody in Tennessee." Given the history of the case, and with Mr. Ábrego García's likely release from criminal custody only days away, the Court found the federal government's position "untenable."¹⁴³ The memorandum opinion continues:

So, the Court pressed further. Counsel acknowledged that Defendants' "present intent" is to commence third-country removal once Ábrego García is in ICE custody in Tennessee. [footnote and citation omitted] The Court, in turn, asked the obvious next question: "What third country?" [citation omitted] To which

agency"; "Paragraph (b) applies to lawyers who have supervisory authority over the work of other lawyers"; "Paragraph (c) sets forth general principles of imputed responsibility for the misconduct of others").

¹⁴² *Ábrego García v. Noem*, No. 8:25-cv-00951-PX (D. Md. July 23, 2025) ECF No. 238 at 3.

¹⁴³ *Ábrego García v. Noem*, No. 8:25-cv-00951-PX (D. Md. July 23, 2025) ECF No. 238 at 6 (emphasis in original).

counsel replied that Defendants have not identified a third country and have not even started looking for one. [citation omitted] Counsel further represented that the third-country removal process cannot even begin until Ábrego García is physically in ICE custody because they need to obtain “additional information” from him. [citation omitted] Defendants maintained this position despite having spent months investigating nearly every aspect of Ábrego García’s life. *Now, counsel’s proffers seem patently incredible.*¹⁴⁴

With witness testimony offering only “minimal insight on the [removal] process, or what process Abrego Garcia would be afforded, if any,” Judge Xinis stated that the Court was “left with no meaningful information regarding Defendants’ next steps upon Ábrego García’s release from criminal detention” and ordered production of the ICE detainer—which “raised more questions than it answered.”¹⁴⁵ Judge Xinis cited the detainer’s claim of “ongoing removal proceedings” despite the federal government’s admission there were none, calling the detainer “thin cover” for taking Mr. Ábrego García into custody in Tennessee and transferring him elsewhere, and concluding the detainer confirmed the government had no intention of returning him to supervision in Maryland to commence lawful proceedings.¹⁴⁶

Judge Xinis concluded:

*Defendants not only “screwed up” once by unlawfully expelling Ábrego García [citations omitted], but also refused to make “what was wrong, right” [citations omitted].*¹⁴⁷

These judicial findings demonstrate a pattern on the part of Mr. Ensign’s subordinate trial counsel of record of knowingly making false statements to the Court. His subordinate trial counsel of record consistently and deliberately misled the Court by failing to answer basic questions or by answering with a complete lack of transparency. Mr. Ensign failed to take remedial action by ensuring that his subordinate trial counsel of record corrected their misstatements of fact.

The misstatements of fact knowingly made by Mr. Ensign’s subordinate trial counsel of record should be imputed to him under MARPC 5.1(c)(2) and DC Rule 5.1(c)(2). Mr. Ensign has direct supervisory authority over Mr. Guynn and Mr. Khojasteh for purposes of Mr. Ábrego García’s deportation case under MARPC 5.1(c)(2) and DC Rule 5.1(c)(2) because Mr. Ensign is the Deputy Assistant Attorney General for DOJ’s Office of Immigration Litigation – General Litigation and Appeals Section and is listed in the docket for the case under Parties and Attorneys as lead attorney. Both Mr. Guynn and Mr. Khojasteh are listed in the docket as

¹⁴⁴ *Ábrego García v. Noem*, No. 8:25-cv-00951-PX (D. Md. July 23, 2025) ECF No. 238 at 6 (emphasis added).

¹⁴⁵ *Ábrego García v. Noem*, No. 8:25-cv-00951-PX (D. Md. July 23, 2025) ECF No. 238 at 10.

¹⁴⁶ *Ábrego García v. Noem*, No. 8:25-cv-00951-PX (D. Md. July 23, 2025) ECF No. 238 at 10-11.

¹⁴⁷ *Ábrego García v. Noem*, No. 8:25-cv-00951-PX (D. Md. July 23, 2025) ECF No. 238 at 16 (emphasis added).

attorneys.¹⁴⁸ As such, Mr. Ensign is responsible for supervising his subordinates' work on the case.¹⁴⁹

Mr. Ensign's knowledge of his subordinates' knowing misstatements of fact may be inferred, per MARPC 1.0(h) and DC Rule 1.0(f), from the circumstances of Mr. Ensign's handling of Mr. Ábrego García's deportation case. In particular, Mr. Ensign has played a major role in the case since its inception when he was supervising Mr. Reuveni, including personally handling discovery. Further, the case is high-profile, protracted, and complex and has attracted significant media attention. It is therefore reasonable to conclude that Mr. Ensign continued to be actively involved in the case and conferred with his subordinates regarding their legal position and the supporting facts. The standard under DC Rule 5.1(c)(2) of "reasonably should know of the conduct" is met on these facts.¹⁵⁰ Further inquiry in the investigation we are recommending could strengthen the inference that Mr. Ensign knew or reasonably should have known of his subordinates' misstatements of fact or could establish directly that he knew of them.

The pervasiveness of the misstatements of fact and the Court's conclusion that the federal government "refused to make 'what was wrong, right'" show that the misconduct occurred at a time when its consequences could have been avoided or mitigated and that Mr. Ensign failed to take reasonable remedial action by ensuring that his subordinates corrected the misstatements of fact.

b. False Declarations in Ábrego García Habeas Corpus Case

Mr. Ensign is also responsible for his subordinates' violation of MARPC 3.3(a)(4) and DC Rule 3.3(a)(4), which preclude an attorney from knowingly offering evidence that the attorney knows to be false, and MARPC 3.4(c) and DC Rule 3.4(c), which preclude an attorney from knowingly disobeying a court's order, in Mr. Ábrego García's habeas corpus case.

At a teleconference on November 17, 2025, Judge Xinis admonished the DOJ attorneys who entered an appearance on behalf of the federal government, Jonathan Guynn and Ernesto Molina, Jr., for defying an earlier order by putting on testimony from witnesses with no direct knowledge

¹⁴⁸ *Ábrego García v. Noem*, No. 8:25-cv-02780-PX (D. Md. Aug. 25, 2025), <https://www.courtlistener.com/docket/69777799/parties/abrego-garcia-v-noem/> [<https://perma.cc/44MF-PM4U>].

¹⁴⁹ MARPC 5.1(c)(2), Comment 5 (Md. Rule 19-305.1(c)(2), Comment 5) ("Partners and attorneys with comparable authority have at least indirect responsibility for all work being done by the firm, while a partner or manager in charge of a particular matter ordinarily also has supervisory responsibility for the work of other firm attorneys engaged in the matter."). *See also* DC Rule 5.1(c)(2), Comment 4 ("Subparagraph (c)(2) extends that responsibility to any lawyer who is a partner or person in comparable managerial authority in the firm in which the misconduct takes place, or who has direct supervisory authority over the lawyer who engages in misconduct. . . . A lawyer with direct supervisory authority is a lawyer who has an actual supervisory role with respect to directing the conduct of other lawyers in a particular representation.").

¹⁵⁰ *See* DC Rule 5.1(c)(2), Comment 5 ("whether a lawyer should reasonably have known of misconduct by another lawyer in the same firm is an objective standard based on evaluation of all the facts, including the size and organizational structure of the firm, the lawyer's position and responsibilities within the firm, the type and frequency of contacts between the various lawyers involved, the nature of the misconduct at issue, and the nature of the supervision or other direct responsibility (if any) actually exercised.").

of the subject of their testimony.¹⁵¹ That same day, Judge Xinis issued an order directing those witnesses to testify at a hearing.¹⁵²

At the November 20, 2025, hearing, again in violation of the Court’s order, three witnesses for the federal government testified they knew nothing about the subject of their declarations previously filed with the Court. One of those witnesses, John Cantú, a senior official at Enforcement and Removal Operations at ICE, admitted he had no knowledge of the content of his declaration. Regarding Mr. Cantú’s testimony, Judge Xinis stated: “This witness knew nothing. He didn’t know the meaning of the words in his own affidavit. That’s extremely troubling.” She concluded: “Today was a zero in my view.”¹⁵³

Mr. Cantú’s admission and Judge Xinis’s statements regarding the federal government’s witnesses make clear that his declaration and any declaration submitted by the other two federal government witnesses were false because they were signed without direct knowledge of their contents. The testimony by the federal government witnesses at the hearing was also false to the extent the witnesses were offered by counsel as having knowledge of the subject matter about which they were testifying.

Per MARPC 3.3, Comment 3, an attorney “is usually not required to have personal knowledge of matters asserted [in litigation documents], for litigation documents ordinarily present assertions by the client, or by someone on the client’s behalf, and not assertions by the attorney.” The false declarations and testimony of Mr. Cantú and the other federal government witnesses are an exception to the rule. The transcript from the November 17 teleconference makes clear that the false declarations and testimony may be attributed to Mr. Ensign’s subordinate trial counsel of record. During the November 17 teleconference, Judge Xinis stated:

at the last hearing, I specifically ordered the government to bring a person with knowledge about this very issue, and that was in October, October 10, and despite my very clear directive, you [DOJ counsel] put a witness on who had no knowledge, which is, you know — I don’t think there’s any other way to sugarcoat it. It was in defiance of my order.¹⁵⁴

Judge Xinis further established culpability of Mr. Ensign’s subordinate trial counsel at the teleconference:

¹⁵¹ *Ábrego García v. Noem*, No. 8:25-cv-02780-PX (D. Md. Nov. 17, 2025) ECF No. 89 at 6, 11-12; David Kurtz, Trump DOJ Defies Another Court Order in Abrego Garcia Case, TALKING POINTS MEMO, Nov. 20, 2025, <https://talkingpointsmemo.com/edblog/trump-doj-defies-another-court-order-in-abrego-garcia-case> [<https://perma.cc/GAT5-GHKT>].

¹⁵² *Ábrego García v. Noem*, No. 8:25-cv-02780-PX (D. Md. Nov. 17, 2025) ECF No. 90.

¹⁵³ *Ábrego García v. Noem*, No. 8:25-cv-02780-PX (D. Md. Nov. 20, 2025) ECF No. 107; Jacob Rosen, Judge says Trump official’s testimony on removing *Ábrego García* is “a zero,” CBS NEWS, Nov. 20, 2025, <https://www.msn.com/en-us/news/us/judge-says-trump-officials-testimony-on-removing-abrego-garcia-is-a-zero/ar-AA1QO8YJ> [<https://perma.cc/V654-7ZA3>]. See also *Ábrego García v. Noem*, No. 8:25-cv-02780-PX (D. Md. Dec. 11, 2025) ECF No. 110 at 13.

¹⁵⁴ *Ábrego García v. Noem*, No. 8:25-cv-02780-PX (D. Md. Nov. 17, 2025) ECF No. 89 at 6.

I'm not unhappy with what the witnesses testified to. *What I'm unhappy with is the attorneys not being able to follow my order and bring a witness who is prepared. And there is no dispute in that regard.* Go back and read my prior order. Did you have a witness prepared to talk about Costa Rica? Absolutely not. Did you make any argument that it was somehow legally barred or prohibited? You didn't. You just chose to bring a witness who got on the stand and said Costa Rica, where? Had nothing for me. *So I'm not going to engage with you as to whether it is the witness's fault, because . . . I see it as a strategy on your part, on behalf of your client, that has been present since day one, and it is a problem.*¹⁵⁵

Judge Xinis's memorandum opinion granting Mr. Ábrego García's habeas corpus petition also establishes Mr. Ensign's subordinates' responsibility for the false declarations and witness testimony:

At the hearing on November 20, it became evident that once again, Respondents defied this Court's orders. They simply refused to prepare and produce a witness with knowledge to testify in any meaningful way. *Cantú candidly admitted, for example, that he had no prior involvement in Ábrego García's case and spent approximately five minutes preparing to testify. See ECF No. 107 at 33:3–4, 39:5–9. Cantú also shared that none of Respondents' attorneys had discussed this Court's order with him or showed him its contents. See id. at 42:1–24. Nor did Cantú understand the purpose of his testimony. Id.*¹⁵⁶

This record makes clear that Mr. Ensign's subordinate trial counsel of record submitted false declarations and witness testimony in violation of the Court's order and as part of a strategy from the inception of the case. The false declarations and witness testimony submitted by Mr. Ensign's subordinate trial counsel of record should be imputed to him under MARPC 5.1(c)(2) and DC Rule 5.1(c)(2).

Mr. Ensign has direct supervisory authority over Mr. Guynn and Mr. Molina for purposes of Mr. Ábrego García's habeas corpus case under MARPC 5.1(c)(2) and DC Rule 5.1(c)(2) because Mr. Ensign is the Deputy Assistant Attorney General for DOJ's Office of Immigration Litigation – General Litigation and Appeals Section and because he entered an appearance in the case on October 27, 2025.¹⁵⁷ Both Mr. Guynn and Mr. Molina are listed in the docket as attorneys.¹⁵⁸ As such, Mr. Ensign is responsible for supervising Mr. Guynn's and Mr. Molina's work on the case.¹⁵⁹

¹⁵⁵ *Id.* at 11-12 (emphasis added).

¹⁵⁶ *Ábrego García v. Noem*, No. 8:25-cv-02780-PX (D. Md. Dec. 11, 2025) ECF No. 110 at 13 (emphasis added).

¹⁵⁷ *Ábrego García v. Noem*, No. 8:25-cv-02780-PX (D. Md. Oct. 27, 2025) ECF No. 59.

¹⁵⁸ *Ábrego García v. Noem*, No. 8:25-cv-02780-PX (D. Md. Aug. 25, 2025),

<https://www.courtlistener.com/docket/71191591/parties/abrego-garcia-v-noem> [<https://perma.cc/PT2D-R9Y4>].

¹⁵⁹ MARPC 5.1(c)(2), Comment 5 (Md. Rule 19-305.1(c)(2), Comment 5) (“Partners and attorneys with comparable authority have at least indirect responsibility for all work being done by the firm, while a partner or manager in charge of a particular matter ordinarily also has supervisory responsibility for the work of other firm attorneys engaged in the matter.”). *See also* DC Rule 5.1(c)(2), Comment 4 (“Subparagraph (c)(2) extends that responsibility to any lawyer who is a partner or person in comparable managerial authority in the firm in which the misconduct

Mr. Ensign’s knowledge of his subordinates’ submission of false declarations and witness testimony may be inferred, per MARPC 1.0(h) and DC Rule 1.0(f), from the circumstances of his handling of Mr. Ábrego García’s cases. Mr. Ensign has played a major role in Mr. Ábrego García’s deportation case since its inception when he was supervising Mr. Reuveni, including personally handling discovery. Both Mr. Ábrego García’s deportation case and related habeas corpus case are high-profile, protracted, and complex and have attracted significant media attention. It is therefore reasonable to conclude that Mr. Ensign has been actively involved in the habeas corpus case, including overseeing the strategy criticized by the Court, just as he has been actively involved in the related deportation case. This conclusion is supported by the Court’s asking if Mr. Ensign was present at the November 17 teleconference in the habeas corpus case.¹⁶⁰ The standard under DC Rule 5.1(c)(2) of “reasonably should know of the conduct” is met on these facts.¹⁶¹ Further inquiry in the investigation we are recommending could strengthen the inference that Mr. Ensign knew or reasonably should have known of his subordinates’ false declarations and witness testimony or could establish directly that he knew of them.

DOJ trial counsel’s repeated submission of false declarations and testimony involving multiple witnesses in violation of the Court’s orders show that the misconduct occurred at a time when its consequences could have been avoided or mitigated and that Mr. Ensign failed to take reasonable remedial action by ensuring that his subordinates submitted accurate declarations and witness testimony.

2. Supervisor’s Responsibility to Ensure Subordinates Conform to Applicable Ethics Rules and Lawyer’s Obligation Not to Knowingly Induce Another Lawyer to Violate Those Rules: MARPC 5.1(b) and 8.4(a) and DC Rule 5.1(b) and 8.4(a)

MARPC 5.1(b) and DC Rule 5.1(b) provide that a lawyer having direct supervisory authority over another lawyer shall make reasonable efforts to ensure that the other lawyer conform to the applicable ethics rules.¹⁶²

MARPC 5.1, Comment 6, and DC Rule 5.1, Comment 7, state that a lawyer may violate the requirement under MARPC 5.1(b) and DC Rule 5.1(b) to ensure that the lawyer’s subordinates conform to the applicable ethics rules even if the lawyer is not responsible for the lawyer’s subordinates’ misconduct under MARPC 5.1(c)(2) and DC Rule 5.1(c)(2).¹⁶³

takes place, or who has direct supervisory authority over the lawyer who engages in misconduct. . . . A lawyer with direct supervisory authority is a lawyer who has an actual supervisory role with respect to directing the conduct of other lawyers in a particular representation.”).

¹⁶⁰ *Ábrego García v. Noem*, No. 8:25-cv-02780-PX (D. Md. Nov. 17, 2025) ECF No. 89 at 4.

¹⁶¹ See DC Rule 5.1(c)(2), Comment 5 (“whether a lawyer should reasonably have known of misconduct by another lawyer in the same firm is an objective standard based on evaluation of all the facts, including the size and organizational structure of the firm, the lawyer’s position and responsibilities within the firm, the type and frequency of contacts between the various lawyers involved, the nature of the misconduct at issue, and the nature of the supervision or other direct responsibility (if any) actually exercised.”).

¹⁶² MARPC 5.1(b) (Md. Rule 19-305.1(b)); DC Rule 5.1(b).

¹⁶³ MARPC 5.1, Comment 6 (Md. Rule 19-305.1, Comment 6); DC Rule 5.1, Comment 7.

Thus, even if an investigation does not show that Mr. Ensign knew, inferentially or directly, of his subordinates' misconduct in the *Ábrego García* deportation and habeas corpus cases, he has violated MARPC 5.1(b) and DC Rule 5.1(b) by failing to make reasonable efforts to ensure that his subordinates conform to the applicable ethics rules. There is no indication at any point in these protracted cases that Mr. Ensign has corrected his subordinates' misconduct.

Mr. Ensign's supervision of Mr. Reuveni in the *Ábrego García* deportation case and the Venezuelan migrants case further demonstrates a failure to fulfill Mr. Ensign's supervisory responsibility under MARPC 5.1(b) and DC Rule 5.1(b) to ensure his subordinates conform to applicable ethics rules and his obligation under MARPC 8.4(a) and DC Rule 8.4(a) not to knowingly induce another lawyer to violate those rules. Rather than ensuring conformance with the Maryland and DC ethics rules, Mr. Ensign urged Mr. Reuveni to violate MARPC 3.3(a)(1) and DC Rule 3.3(a)(1) prohibiting a lawyer from knowingly making false statements of fact or law to a court.

In the *Ábrego García* deportation case, Mr. Ensign pushed Mr. Reuveni to argue that Mr. *Ábrego García* was a member of a terrorist organization and that being a member of that terrorist organization meant Mr. *Ábrego García*'s protection from removal to El Salvador was nullified. Mr. Reuveni told Mr. Ensign that he could not make those arguments because there was no evidence in the record to support them and because the laws governing withholding of removal do not support a theory that declaring someone a member of a terrorist organization retroactively nullifies a grant of withholding of removal. In a subsequent conversation, Mr. Ensign again pushed Mr. Reuveni to make these arguments when there was no doubt that they had no factual or legal basis and that, if made by Mr. Reuveni, would constitute false statements of fact and law to the court in violation of MARPC 3.3(a)(1) and DC Rule 3.3(a)(1).¹⁶⁴

In the Venezuelan migrants case, before the March 17 hearing to determine whether the federal government had complied with the Court's TROs, Mr. Ensign informed Mr. Reuveni that Mr. Ensign would not be handling that hearing given concerns that Judge Boasberg would likely interrogate Mr. Ensign concerning what happened with the planes deporting the Venezuelans.¹⁶⁵ After the March 17 hearing, Mr. Ensign told Mr. Reuveni that DOJ leadership were reporting "down the chain" that the federal government was not going to answer Judge Boasberg's questions about anything that happened before 7:26 p.m. on March 15, 2025, and so not to provide information about when the flights took off.¹⁶⁶ Mr. Ensign's statements sent a clear message to Mr. Reuveni that he was not to provide correct factual information to the Court in violation of MARPC 3.3(a)(1) and DC Rule 3.3(a)(1).

Mr. Ensign's conduct in these cases violated his obligation under MARPC 5.1(b) and DC Rule 5.1(b) to ensure that Mr. Reuveni conform to the applicable ethics rules and his obligation under MARPC 8.4(a) and DC Rule 8.4(a) not to knowingly induce Mr. Reuveni to violate those rules.

¹⁶⁴ Whistleblower Disclosure, *supra* note 7, at 24.

¹⁶⁵ *Id.* at 15.

¹⁶⁶ *Id.*

3. Responsibility to Ensure DOJ Has Measures Giving Reasonable Assurance of Conformance to Applicable Ethics Rules: MARPC 5.1(a) and DC Rule 5.1(a)

MARPC 5.1(a) and DC Rule 5.1(a) provide that a lawyer who individually or together with other lawyers possesses comparable managerial authority in a federal agency shall make reasonable efforts to ensure that the federal agency has in effect measures giving reasonable assurance that all lawyers in the federal agency conform to the applicable ethics rules.¹⁶⁷

Mr. Ensign serves as Deputy Assistant Attorney General in DOJ's Office of Immigration Litigation. The misconduct in the four cases in this complaint makes clear that Mr. Ensign has failed to make reasonable efforts to ensure that his office has in effect measures giving reasonable assurance that all lawyers in that office, including himself, conform to applicable ethics rules.

G. Conduct That is Prejudicial to the Administration of Justice: DC Rule 8.4(d) and MARPC 8.4(d)

The DC Bar rules state:

The license to practice law in the District of Columbia is a continuing proclamation by this Court that the holder is fit to be entrusted with professional and judicial matters, and to aid in the administration of justice as an attorney and an officer of the Court. It is the duty of every recipient of that privilege at all times and in all conduct, both professional and personal, to conform to the standards imposed upon members of the Bar as conditions for the privilege to practice law.¹⁶⁸

Similarly, the Maryland ethics rules provide that “[a]n attorney, as a member of the legal profession, is a representative of clients, an officer of the legal system and a public citizen having special responsibility for the quality of justice.”¹⁶⁹ “As a public citizen, an attorney should seek improvement of the law, access to the legal system, the administration of justice and the quality of service rendered by the legal profession.” “In addition, an attorney should further the public’s understanding of and confidence in the rule of law and the justice system because legal institutions in a constitutional democracy depend on popular participation and support to maintain their authority.”¹⁷⁰

Mr. Ensign has not fulfilled these professional obligations. To the contrary, he has engaged in serious and pervasive professional misconduct that threatens the rule of law and the administration of justice. Under both the DC and Maryland ethics rules, “[a] pattern of repeated

¹⁶⁷ DC Rule 5.1(a); MARPC 1.0(e), 5.1(a) (Md. Rules 19-301.0(e), 19-305.1(a)).

¹⁶⁸ DC Bar Rule XI, § 2(a).

¹⁶⁹ MARPC 0.1, ¶ 1 (Md. Rule 300.1, ¶ 1).

¹⁷⁰ *Id.* at ¶ 6. *See also The Contrarian*, Words & Phrases We Can Do Without, Nov. 4, 2025 (“Since judges cannot do all the heavy-lifting, lawyers themselves must stand up for the rule of law, lest the latter becomes an empty vessel subject to the urges of a dictator.”).

offenses, even ones of minor significance when considered separately, can indicate indifference to legal obligation.”¹⁷¹ Mr. Ensign’s repeated offenses involving violations of seven ethics rules are not minor and constitute conduct that is prejudicial to the administration of justice in violation of DC Rule 8.4(d) and MARPC 8.4(d).

H. Mr. Ensign Should Be Disciplined for His Misconduct

Violation of the DC and Maryland ethics rules constitutes professional misconduct.¹⁷² Since Mr. Ensign has violated seven ethics rules in DC and Maryland, he should be investigated and disciplined appropriately by the DC Bar. The California, Arizona, Texas, and Maryland Bars should discipline Mr. Ensign appropriately based on the outcome of the investigation conducted by the DC Bar.¹⁷³

IV. Conclusion

We count on lawyers to conduct themselves ethically at all times. DOJ lawyers have a higher obligation.¹⁷⁴ Mr. Ensign’s conduct is deeply prejudicial to the rule of law, as well as a violation of his ethical obligations. Accordingly, we urge the DC Bar to investigate the allegations in this complaint and appropriately discipline Mr. Ensign.

Respectfully submitted,

LAWYERS DEFENDING AMERICAN DEMOCRACY

By: _____ /s/
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¹⁷¹ DC Rule 8.4, Comment 1; MARPC 8.4, Comment 2 (Md. Rule 19-308.4, Comment 2).

¹⁷² DC Rule 8.4(a); MARPC 8.4(a) (Md. Rule 19-308.4(a)); DC Rule XI, § 2(b).

¹⁷³ DC, California, and Arizona Rule 8.5(a); Texas Rule 8.05(a); MARPC 8.5(a) (Md. Rule 19-308.5(a)(2)(A)).

¹⁷⁴ See MARPC 8.4, Comment 6 (Md. Rule 19-308.4, Comment 6) (“Lawyers holding public office assume legal responsibilities going beyond those of other citizens. A lawyer’s abuse of public office can suggest an inability to fulfill the professional role of attorney.”).

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