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LDAD, DDF, and 128 Former Judges Call for Investigation into DHS General Counsel for Attacks on Sitting Judges

James Percival's actions violate professional ethics and invite dangerous intimidation against federal judges

WASHINGTON, D.C.—In defense of judicial independence, 128 bipartisan former state and federal judges, led by former Florida Supreme Court Chief Justice Peggy Quince, joined Lawyers Defending American Democracy and Democracy Defenders Fund to file an ethics complaint with The Florida Bar calling for an investigation of Department of Homeland Security General Counsel James Percival. The complaint alleges Percival violated professional conduct rules by naming and disparaging sitting judges on social media, actions that endanger the justice system on which the public relies for fair and impartial decision-making.

The complaint argues that Percival's "Worst of the Worst" social media posts contain unfounded and derogatory characterizations of four sitting judges and recklessly endangered the personal safety of the judiciary. As the complaint explains, Florida attorneys are prohibited from making unfounded attacks against the integrity of judges under The Florida Bar's Rules of Professional Conduct.

"As general counsel, James Percival has a duty to uphold the rule of law and conduct himself with ethical integrity," said Virginia Canter, chief counsel and director of ethics and anti-corruption at Democracy Defenders Fund. "By targeting sitting judges, Percival's intimidation tactics could be used to incite violence that threatens the safety of these hard-working judges. This is a severe violation of professional conduct that warrants immediate investigation from The Florida Bar."

LDAD chair and co-founder Scott Harshbarger, a former two-term Attorney General in Massachusetts, stated, "The demonization of judges is a classic autocratic response to fair and impartial court decisions. It imperils judges while, at the same time, undermines public trust and confidence in the court system, chipping away at a critical pillar of our democracy. Lawyers who represent the federal government have the same obligation as every other lawyer in this country to uphold their oath and defend basic constitutional principles and rules of conduct. Mr. Percival's actions do neither, endangering judges and the courts in the process."

The brief documents the elevated risk of threats of violence sitting judges encounter, stating:

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“According to the United States Marshals Service, there have been over 402 threats made against individual Federal judges in fiscal year 2026 alone. In total, 299 out of approximately 2,500 judges, or nearly 12% of all active judges, received a threat during that period. Threats against judges have greatly increased over the last decade, driven mostly by political disagreement. As Supreme Court Justice Amy Coney Barrett testified just last month “[t]he threat level is really high” and that she had been subject to a swatting incident earlier this year. Supreme Court Justice Elena Kagan similarly testified that criticism of a court’s opinions is appropriate, “but intimidation is a different thing entirely.”

The complainants urge The Florida Bar to fulfill its responsibility to protect judges from unfounded statements that impugn their integrity and hold government officials accountable, regardless of their position, with an investigation and appropriate disciplinary action.

Read the full complaint [here](#).

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Lawyers Defending American Democracy (LDAD) is a nonpartisan 501(c)(3) organization composed of attorneys, law professors, former judges, and former government officials dedicated to preserving the rule of law, constitutional democracy, and the independence of the legal profession. LDAD's work includes filing amicus briefs, authoring Calls to Action, presenting public education programs, and encouraging lawyers and the public to speak out against threats to the rule of law and our democratic institutions. LDAD's nationwide Meeting the Moment initiative mobilizes lawyers across the country to engage with their communities in defense of constitutional democracy. For more information, visit www.ldad.org

[Democracy Defenders Fund](#) brings together a nonpartisan team to work with national, state and local allies across the country to defend in real-time the foundations of our democracy.