



FOR IMMEDIATE RELEASE

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Florida Bar Closes Ethics Complaint Against DHS General Counsel Without Addressing Merits

WASHINGTON, D.C. — The Florida Bar has closed the ethics complaint filed against DHS General Counsel James Percival, saying it will not investigate or discipline him while he remains in his current federal position. The complaint, filed by Democracy Defenders Fund and Lawyers Defending American Democracy and supported by 128 former federal and state judges, alleged that Percival, a Florida licensed attorney, violated Florida ethics rules through public attacks on sitting judges. In response, the organizations issued the following joint statement from **Virginia Canter, chief counsel and director of ethics and anti-corruption at Democracy Defenders Fund, and John Montgomery, board member at Lawyers Defending American Democracy:**

“We are disappointed that The Florida Bar failed to consider whether DHS General Counsel James Percival's conduct violated Florida's ethics rules even though Florida's Bar rules prohibit lawyers from making false or reckless statements attacking the integrity of judges. Our [24-page complaint](#), supported by 128 former federal and state judges, details how he used his official position to attack several sitting judges. As outlined in the complaint, this was not mere criticism: his statements mischaracterized the judges' rulings and assailed their character and integrity. The ethics rules exist for a reason: baseless attacks on judges by lawyers and public officials can undermine confidence in the courts and heighten the risk of physical threats against judges.

“As was highlighted by two reports issued this week from the [Brennan Center](#) and [UC Berkeley Law and the NYU Rule of Law Lab](#), threats to the physical safety of judges and the integrity of the judiciary are rising at an alarming rate. Disinformation and intimidation are not normal, and we will continue to utilize all available avenues to protect the independence and integrity of the judiciary.”

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[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.

[Lawyers Defending American Democracy](#) is a coalition of lawyers united in the defense of our democracy and committed to galvanizing the legal profession – and the public – to protect the rule of law.