November 10, 2026

The State Bar of California
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Re: Ethics Complaint Against
Harmeet Dhillon, License Number 207873
Robert Keenan, License Number 151094
Eric Neff, License Number 289367

This complaint is based on a string of 27 consecutive losses in the 31 cases brought by the United States Department of Justice (DOJ) to force states and the District of Columbia (DC) to relinquish their highly sensitive, confidential voter records. As stated recently by a federal district court judge, DOJ's actions in these cases "are indicative of a broad, ongoing pattern of attempted election interference by federal officials."[1]

The undersigned organization Lawyers Defending American Democracy (LDAD),[2] retired judges, law professors, and attorneys file this complaint seeking an investigation and appropriate discipline of Harmeet Dhillon, Robert Keenan, and Eric Neff, all of whom are admitted to practice law in the State of California (CA), based on their unprincipled conduct in these 31 cases. Until November 5, when she resigned,[3] Ms. Dhillon was the Assistant Attorney General for DOJ's Civil Rights Division. Mr. Keenan is the Acting Deputy Assistant Attorney General for DOJ's Civil Rights Division. Mr. Neff is the Acting Chief of the Voting Section of DOJ's Civil Rights Division.

This complaint, based solely on publicly available information, identifies ethical violations committed by Ms. Dhillon, Mr. Keenan, and Mr. Neff, in their individual capacity and as managers and supervisors of other DOJ attorneys in these high-profile voting records cases against 30 states and DC.[4] They not only have lost every single case decided so far (their record

[1] *United States v. State of California*, No. 2:26-cv-12025-DOC-ADS (C.D. Cal. Oct. 28, 2026) ECF 149, https://storage.courtlistener.com/recap/gov.uscourts.cacd.1043513/gov.uscourts.cacd.1043513.149.0_1.pdf.
[2] LDAD is a nonprofit, nonpartisan organization devoted to encouraging members of the legal profession to speak out in defense of democracy, the rule of law, and the justice system.This includes seeking accountability for lawyers, including public officials who violate the rules of professional conduct and their oath. LDAD's supporters and volunteers include retired judges, scholars, and lawyers with decades of experience. LDAD's ethics complaints are often joined by former federal and state court judges, as well as legal ethics experts, and legal scholars.
[3] Sam Levine, *Harmeet Dhillon, Controversial Head of DOJ's Civil Rights Division, Steps Down*, The Guardian (Nov. 5, 2026), https://www.theguardian.com/us-news/2026/nov/05/harmeet-dhillon-doj-resignation?CMP=Share_iOSApp_Other.
[4] State Democracy Rsch. Initiative, *Tracker: DOJ Lawsuits Seeking States' Sensitive Voter Data* (last visited Nov. 1, 2026), https://statedemocracy.law.wisc.edu/our-work/tracker-doj-lawsuits-seeking-states-sensitive-voter-data.

in these cases is 27 losses, plus a loss in the Sixth Circuit, and 0 wins);[5] they have continued to raise the same arguments that have been discredited and that have been based on factual misrepresentations. Any question as to whether Ms. Dhillon, Mr. Keenan, and Mr. Neff were acting in good faith evaporated after they continued to lose case after case based on arguments that had been resoundingly rejected by previous courts.[6] These attorneys have thus acted in bad faith.

Their conduct in these cases requires investigation under the applicable ethics rules on meritorious claims and contentions, CA Rule of Professional Conduct (CA Rule) 3.1; candor toward the tribunal, CA Rule 3.3; managerial and supervisory misconduct, CA Rule 5.1; and prejudice to the administration of justice, CA Rule 8.4(d). We also believe that Ms. Dhillon's, Mr. Keenan's, and Mr. Neff's conduct in these cases warrants investigation under CA Business and Professions Code § 6106, which prohibits lawyers from making false or misleading statements to a court. Ms. Dhillon's, Mr. Keenan's, and Mr. Neff's claims in these cases are frivolous, involve legal and factual misrepresentations, and undermine public confidence in our elections and states' constitutional authority to administer elections.

The violations we detail are not technical in nature. They involve breaches of fundamental ethical duties all lawyers share: the duty to utilize the legal process and our courts in good faith and the duty of candor to the tribunal. If there is no accountability for these violations, the foundation of our justice system will be compromised, and public trust in it will be seriously undermined. These dangers are greatest when attorneys breaching these fundamental duties are representing the federal government in the courtroom. Given the ample evidence of serious misconduct presented in this complaint, we urge the State Bar of CA to investigate Ms. Dhillon, Mr. Keenan, and Mr. Neff and render appropriate discipline.

I. Statutory Background

To aid the State Bar of CA in its assessment of conduct in this matter, we believe it is important to provide a brief overview of the legal authorities relevant to the 31 cases brought by DOJ to obtain states' and DC's voting records: the United States Constitution, Title III of the Civil Rights Act of 1960, the National Voter Registration Act, the Help America Vote Act, and the Privacy Act.

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[5] *Id.* Note that the United States Supreme Court's decision in *Department of Homeland Security v. League of Women Voters*, No. 26A308, 2026 WL 2879700 (U.S. Sept. 25, 2026) (per curiam), is not relevant to this complaint. That decision involves modifications to the Systematic Alien Verification for Entitlements (SAVE) database, which federal, state, and local governmental agencies have used since 1986 to verify citizenship for purposes of determining eligibility for benefits. In 2025, the United States Department of Homeland Security (DHS) modified the SAVE database to allow checks against social security numbers maintained by the Social Security Administration and to allow state and local governments to conduct bulk searches of individuals, including voters, to determine their eligibility to vote. The United States Supreme Court decision holds that DHS is likely to succeed on its claim that the Social Security Act, Privacy Act, and Administrative Procedure Act do not preclude states from voluntarily uploading confidential and sensitive voter information to the SAVE database to check voters' eligibility to vote. This complaint, in contrast, involves cases brought by the DOJ to force states to produce confidential and sensitive voter information under Title III of the Civil Rights Act, the National Voter Registration Act, and the Help America Vote Act and the Privacy Act requirements that arise in that context. *See infra* sections I.B through I.D.

[6] *See infra* notes 48-67 and sections IV.A and IV.B.

A. United States Constitution

The United States Constitution gives states and DC the power to administer federal elections, subject to legislation enacted by Congress. The United States Constitution gives the president no role over elections.[7]

B. Title III of the Civil Rights Act of 1960

Title III of the Civil Rights Act of 1960 (CRA)[8] was passed during the Jim Crow era when persistent voter suppression was preventing Black Americans from voting. States were utilizing literacy tests, arbitrary registration tactics, voter identification laws, and poll taxes to keep minorities from voting. Title III of the CRA was enacted directly in response to these concerns by requiring states to retain and preserve all records pertaining to voter registration, voting applications, and payments of poll taxes.[9]

Title III of the CRA requires states to retain and preserve "for a period of twenty-two months from the date of any [federal] election . . . all records and papers which come into [the official's] possession relating to any application, registration, payment of poll tax, or other act requisite to voting in such election."[10] Title III of the CRA authorizes criminal penalties for "[a]ny person . . . who willfully steals, destroys, conceals, mutilates, or alters any record or paper required by section 20701 of this title to be retained and preserved."[11]

Title III of the CRA contains a "public inspection" provision which was intended to provide access to "public records which ought ordinarily to be open to legitimate reasonable inspection."[12] To obtain access to and inspect these documents, the requester must make a "demand in writing" for the requested records, and that demand must include "a statement of the basis and purpose therefore."[13] To meet the purpose and basis requirements in seeking records, DOJ must have both a legitimate purpose within its enforcement ambit for pursuing an investigation and a sufficient factual basis for suspecting a potential violation to which the requested records would be relevant.[14]

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[7] U.S. Const. art. I, § 4, cl. 1. The Elections Clause in the United States Constitution gives states and DC the power to determine the "times, places and manner of holding elections" and gives Congress the power to "make or alter such [r]egulations."

[8] Civil Rights Act of 1960, Pub. L. No. 86-449, Title III, §§ 301–306, 74 Stat. 86, 88 (1960) (codified at 52 U.S.C. §§ 20701–20706).

[9] 52 U.S.C. §§ 20701, 20706.

[10] 52 U.S.C. § 20701.

[11] 52 U.S.C. § 20702.

[12] *United States v. Weber*, 816 F. Supp. 3d 1168, 1183 (C.D. Cal. 2026) (quoting *Kennedy v. Lynd*, 306 F.2d 222, 231 (5th Cir. 1962)).

[13] 52 U.S.C. § 20703.

[14] *See United States v. Powell*, 379 U.S. 48, 57-58 (1964); *see also* Brief of Amici Curiae Former Emps. of the U.S. Dep't of Just., *United States v. Weber*, No. 2:25-cv-09149-DOC-ADS (C.D. Cal. Dec. 22, 2025), ECF No. 121, https://storage.courtlistener.com/recap/gov.uscourts.cacd.988465/gov.uscourts.cacd.988465.121.0_1.pdf [hereinafter Amicus Brief]. This amicus brief was filed by 17 former DOJ employees to explain that "DOJ's request to California for its full unredacted voter file is inconsistent with prior DOJ practice and cannot be justified by any of the authorities it has invoked." Amicus Brief at 8.

C. National Voter Registration Act

The National Voter Registration Act (NVRA)[15] was similarly enacted by Congress in 1993 to combat the effects of discriminatory and unfair state registration laws that undercut the right to vote.[16] The NVRA provided for states to establish procedures for eligible citizens to register to vote when applying for or renewing a driver's license by mail or at a state agency.[17] In enacting the NVRA, Congress's objectives were to establish procedures that would increase and enhance participation of eligible citizens, "protect the integrity of the electoral process," and "ensure that accurate and current voter registration rolls are maintained."[18]

To ensure compliance, the NVRA contains a public disclosure provision requiring states to "maintain for at least 2 years and . . . make available for public inspection . . . all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters."[19] States are required to conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters by reason of death or change in residence.[20]

D. Help America Vote Act

The Help America Vote Act (HAVA)[21] was passed in 2002 to prevent election failures and improve voting accessibility. HAVA sets minimum requirements for voting systems and voter registration lists.[22] It also provides federal funding to states for elections to meet these new standards, replace outdated voting systems, and improve administration of elections.[23] Congress deferred much of the program to the decision of the states.[24]

HAVA shifted the management of voter registration databases up one level from local governments to state governments by requiring that all states create a "computerized statewide voter registration list."[25] HAVA allows voters who are told they are not on a polling place's voter roll to cast a provisional ballot; requires the state to determine whether the voter is eligible to vote; and if so, to count the vote.[26] HAVA also established the United States Election Assistance Commission (EAC), an independent bipartisan commission with the goal of strengthening electoral resilience. HAVA limits the EAC's rulemaking authority and does not

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[15] 52 U.S.C. §§ 20501–20511.
[16] *Weber*, 816 F. Supp. 3d at 1175 (citing *Project Vote/Voting for Am., Inc. v. Long*, 682 F.3d 331, 334 (4th Cir. 2012)).
[17] 52 U.S.C. § 20503.
[18] 52 U.S.C. § 20501(b)(1)-(b)(4).
[19] 52 U.S.C. § 20507(i)(1).
[20] 52 U.S.C. § 20507(a)(4).
[21] 52 U.S.C. §§ 20901–21145.
[22] 52 U.S.C. §§ 21081, 21083.
[23] 52 U.S.C. § 20901.
[24] 52 U.S.C. § 21085.
[25] 52 U.S.C. § 21083(a)(1)(A).
[26] 52 U.S.C. § 21082(a).

enable the EAC to enforce federal requirements.[27] HAVA does not contain any disclosure provisions.[28]

E. Privacy Act

The Privacy Act[29] protects Americans against the disclosure of information collected by the federal government.[30] The Privacy Act was passed in 1974 amidst concerns about the federal government accumulating and centralizing Americans' personal information after the Watergate and Counterintelligence Program scandals, which were seen as threats to American democracy.[31] Congress passed the Privacy Act to prevent the creation of "formal or de facto national data banks" or "centralized Federal information systems" because of the risks posed to the privacy of individual Americans.[32] Congress wanted to prevent "interagency computer data banks" so it made it "legally impossible for the Federal Government in the future to put together anything resembling a '1984' personal dossier on a citizen" and required the federal government to ensure "proper regard for individual privacy, the confidentiality of data, and the security of the system."[33]

The Privacy Act creates "certain safeguards for an individual against an invasion of personal privacy."[34] Unless narrow exceptions apply,[35] federal agencies like DOJ cannot collect or maintain records regarding Americans' First Amendment activities (including voting records),[36] and federal agencies are required to follow specific procedures prior to maintaining, collecting, using, or disseminating records containing personally identifiable information.[37]

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[27] 52 U.S.C. §§ 20929, 20508(a).
[28] 52 U.S.C. §§ 20901–21145.
[29] 5 U.S.C. § 552a.
[30] *Weber*, 816 F. Supp. 3d at 1192 (citing *Ritter v. United States*, 177 Fed. Cl. 84, 87 (2025)).
[31] *Id*. at 1194 (citing *U.S. Dep't of Just., Overview of the Privacy Act: 2020 Edition*), https://www.justice.gov/opcl/overview-privacy-act-1974-2020-edition/introduction#LegHistory.
[32] S. Comm. on Gov't Operations & H. Comm. on Gov't Operations, 94th Cong., *Legislative History of the Privacy Act of 1974: Source Book on Privacy* 168 (Comm. Print 1976), https://www.justice.gov/d9/privacy_source_book.pdf.
[33] *Id.* at 884, 1354-55.
[34] Privacy Act of 1974, Pub. L. No. 93–579, § 2(b), 88 Stat. 1896 (1974).
[35] Exceptions include express authorization by statute, the agency is given permission by the subject of the record, or retention is pertinent to and within the scope of an authorized law enforcement activity. 5 U.S.C. § 552a(e)(7); *see also* 28 C.F.R. § 16.54(g) (2026) (imposing the same as a regulatory standard of conduct for all employees and contractors of the Department of Justice).
[36] Voter registration, participation in elections, and party affiliation are all types of political expression protected by the First Amendment. *Weber*, 816 F. Supp. 3d at 1193 (citing *Buckley v. Am. Const. L. Found., Inc*., 525 U.S. 182, 195 (1999); *Rutan v. Republican Party of Ill.*, 497 U.S. 62, 69, 75-76 (1990)). If a records request is exempt from the First Amendment bar of the Privacy Act, DOJ must identify a relevant system of records notice (SORN) published in the *Federal Register* to notify millions of Americans that their private information is to be collected by the federal government. 5 U.S.C. § 552a(e)(4)(D).
[37] 5 U.S.C. § 552a(a)(3), (a)(5), (e)(4), (e)(7), (f).

II. Factual Background

At the beginning of President Trump's second term, DOJ's Voting Section lost many of its attorneys[38] and shifted its focus from fighting voter suppression to fighting alleged voter fraud, including alleged noncitizen voting.[39] On March 25, 2025, President Trump issued an executive order addressing a purported widespread failure within the United States to prevent noncitizens from voting in federal elections.[40] The executive order directed the United States Attorney General to take action against states that fail to comply with the NVRA's and HAVA's list maintenance requirements.[41] The executive order also directed DOJ to enter into information-sharing agreements with state election officials and, if a state refuses, to "prioritize enforcement of Federal election integrity laws" in those states.[42] The executive order directed the United States Department of Homeland Security (DHS) and the Department of Government Efficiency to review each state's "publicly available voter registration list and available records concerning voter list maintenance activities as required by [HAVA], alongside Federal immigration databases . . . ."[43] President Trump issued another executive order directing federal agencies to maximize inter- and intra-agency data sharing, including any data the federal government obtains from states.[44]

In response, beginning in May 2025, the DOJ Voting Section, as directed by Ms. Dhillon,[45] under the leadership of Mr. Keenan,[46] and with the direct involvement of Mr. Neff,[47] sent letters to all 50 states and DC demanding unredacted voter records. In those letters, DOJ claimed that it had authority under the NVRA, HAVA and Title III of the Civil Rights Act to make its demands.[48] In compliance with the NVRA, the states allowed DOJ to inspect publicly available statewide voter registration lists.

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[38] Matt Cohen, *DOJ Voting Section Has Just Three Lawyers Left, Watchdog Estimates*, Democracy Docket (May 12, 2025), https://www.democracydocket.com/news-alerts/doj-voting-section-has-just-three-lawyers-left-watchdog-estimates/.

[39] Matt Cohen, *Trump's DOJ to Focus on Voter Fraud, Not Voting Rights*, Democracy Docket (Apr. 30, 2025), https://www.democracydocket.com/news-alerts/trumps-doj-to-focus-on-voter-fraud-not-voting-rights/.

[40] Exec. Order No. 14,248, 90 Fed. Reg. 14,005 (Mar. 28, 2025).

[41] *Id*. at 14,007.

[42] *Id*. at 14,008.

[43] *Id*. at 14,006-07.

[44] Exec. Order No. 14,243, 90 Fed. Reg. 13,681 (Mar. 25, 2025).

[45] Geoff Harris, *Exclusive: DOJ's Harmeet Dhillon on Election Integrity, Fair System Heading Into Midterms*, The National News Desk (June 9, 2026), https://thenationaldesk.com/news/americas-news-now/exclusive-dojs-harmeet-dhillon-on-election-integrity-fair-system-heading-into-midterms-voter-rolls.

[46] Joe Palazzolo, *This Prosecutor Was Floundering. Now He's a Go-To Guy at Trump's DOJ*, The Wall St. J. (Apr. 6, 2026), https://www.wsj.com/us-news/law/prosecutor-justice-department-trump-79bc6772?st=Dc5Teg&reflink=desktopwebshare_permalink.

[47] Benjamin J. Hulac, *Trump Attorneys in NJ Voting Probe Have Ties to Election Deniers*, NJ Spotlight News, July 28, 2026, https://www.njspotlightnews.org/2026/07/trump-attorneys-in-nj-voting-probe-have-ties-to-election-deniers/; *see also infra* notes 55, 65, 97, 102.

[48] Decl. Brudigam in Supp. Defs.' Mot. Dismiss, *Weber*, No. 2:25-cv-09149-DOC-ADS (C.D. Cal. Nov. 7, 2025), ECF No. 37-2, Ex. 17, https://storage.courtlistener.com/recap/gov.uscourts.cacd.988465/gov.uscourts.cacd.988465.37.2.pdf (attaching DOJ letters to 30 states).

DOJ's Voting Section then sued 30 states and DC when they refused to provide their unredacted voter records.[49] As noted in *United States v. Weber* decided January 15, 2026, in the Central District of California and the first case to address the legality of DOJ's demands, these unredacted voter records contain highly sensitive, confidential information, including millions of voters' social security numbers, addresses, telephone numbers, method of voter registration, voter participation history, political party registration, driver's license numbers, language preference for ballots, identification numbers, emails, and current voter registration status.[50]

In support of its unprecedented demands, DOJ:

- claimed that (1) Title III of the Civil Rights Act imposes "sweeping" obligations on election officials to preserve and produce election records; (2) there is nothing in the text that limits Title III of the Civil Rights Act to investigations of civil rights violations; and (3) simply citing Title III of the Civil Rights Act as DOJ's authority and stating that DOJ's investigation of possible violations of a federal statute, the NVRA, is sufficient to satisfy the purpose and basis requirement of Title III of the CRA.[51]

- claimed it is entitled to unredacted voter information under the NVRA's public inspection provision based on the unsupported assertion that while the NVRA entitles states to redact sensitive voting information, that limitation does not apply to the federal government.[52] Although this position conflicted with DOJ's longstanding position that

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[49] "At least 16 states have either provided or said they will provide their full statewide voter registration lists, including driver's license and Social Security numbers: Alabama, Alaska, Arkansas, Florida, Indiana, Iowa, Louisiana, Mississippi, Nebraska, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, and Wyoming." Kaylie Martinez-Ochoa et al., *Tracker of Justice Department Requests for Voter Information*, Brennan Ctr. for Just. (Oct. 26, 2026), https://www.brennancenter.org/our-work/research-reports/tracker-justice-department-requests-voter-information/.

[50] *Weber*, 816 F. Supp. 3d at 1183.

[51] United States' Opp'n and Mem. Law Supp. Opp'n Defs.' Mot. Dismiss at 7-9, *United States v. Bellows,* No. 1:25-cv-00468-LEW (D. Me. Jan. 2, 2026), ECF No. 75, https://storage.courtlistener.com/recap/gov.uscourts.med.68935/gov.uscourts.med.68935.75.0.pdf; United States' Mem. Law and Opp'n Defs.' Mot. Dismiss at 7-9, *United States v. Benson*, No. 1:25-cv-01148-HYJ-PJG (W.D. Mich. Dec. 26, 2025), ECF No. 53, https://storage.courtlistener.com/recap/gov.uscourts.miwd.116977/gov.uscourts.miwd.116977.53.0_1.pdf; Mem. Law Opp'n Defs.' Mot. Dismiss at 9-11, *Weber*, No. 2:25-cv-09149-DOC-ADS (C.D. Cal. Nov. 18, 2025), ECF No. 63, https://storage.courtlistener.com/recap/gov.uscourts.cacd.988465/gov.uscourts.cacd.988465.63.0.pdf; Mem. Law Opp'n Intervenors' Mots. Dismiss at 9-10, *Weber*, No. 2:25-cv-09149-DOC-ADS (C.D. Cal. Nov. 26, 2025), ECF No. 81, https://storage.courtlistener.com/recap/gov.uscourts.cacd.988465/gov.uscourts.cacd.988465.81.0.pdf; Mem. United States Opp'n Mots. Dismiss at 8-11, 14-15, *United States v. Simon*, No. 0:25-cv-03761-KMM-EMB (D. Minn. Jan. 21, 2026), ECF No. 102, https://storage.courtlistener.com/recap/gov.uscourts.mnd.227974/gov.uscourts.mnd.227974.102.0.pdf; Mem. Law Opp'n Defs.' Mot. Dismiss at 7-8, *United States v. Oregon*, No. 6:25-cv-01666-MTK (D. Or. Dec. 8, 2025), ECF No. 57, https://storage.courtlistener.com/recap/gov.uscourts.ord.188997/gov.uscourts.ord.188997.57.0.pdf.

[52] Mem. Law Opp'n Defs.' Mot. Dismiss at 22, *Weber*, No. 2:25-cv-09149-DOC-ADS (C.D. Cal. Nov. 18, 2025), ECF No. 63, https://storage.courtlistener.com/recap/gov.uscourts.cacd.988465/gov.uscourts.cacd.988465.63.0.pdf; United States' Opp'n and Mem. Law Supp. Opp'n Defs.' Mot. Dismiss at 14-15, *Bellows*, No. 1:25-cv-00468-LEW (D. Me. Jan. 2, 2026), ECF No. 75, https://storage.courtlistener.com/recap/gov.uscourts.med.68935/gov.uscourts.med.68935.75.0.pdf; Intervenor-Defs. Schneck and Chann's Reply Supp. Mot. Dismiss at 10-15, *Bellows*, No. 1:25-cv-00468-LEW (D. Me. Jan. 16, 2026), ECF No. 81,

the NVRA allows for redaction of voting records[53] and was a "reversal of its longstanding view of federal law,"[54] DOJ, represented in the courtroom by Mr. Neff, contended that the earlier cases did not apply and that "just because it's the first time the United States is coming in and doing it, doesn't mean that it's not clearly what the statute says."[55]

- conceded that HAVA has no disclosure provision, but asserted—again without support—that this was because the United States Attorney General has exclusive authority to enforce HAVA, unlike the NVRA which allows public enforcement, and that HAVA allows DOJ to seek voting records through discovery to determine if DOJ has a viable suit.[56]

DOJ has lost every voter record case decided since *Weber*, 27 in total as of November 2026, as well as the first appellate court decision to address DOJ's demands.[57] While different courts have

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https://storage.courtlistener.com/recap/gov.uscourts.med.68935/gov.uscourts.med.68935.81.0.pdf; United States' Mem. Law and Opp'n Defs.' Mot. Dismiss at 16, *Benson*, No. 1:25-cv-01148-HYJ-PJG (W.D. Mich. Dec. 26, 2025), ECF No. 53, https://storage.courtlistener.com/recap/gov.uscourts.miwd.116977/gov.uscourts.miwd.116977.53.0_1.pdf; Mem. Law Opp'n Defs.' Mot. Dismiss at 14, *Oregon*, No. 6:25-cv-01666-MTK (D. Or. Dec. 8, 2025), ECF No. 57, https://storage.courtlistener.com/recap/gov.uscourts.ord.188997/gov.uscourts.ord.188997.57.0.pdf.

[53] Notice Amicus Br. Filed U.S. Dep't Just., *Weber*, No. 2:25-cv-09149-DOC-ADS (C.D. Cal. Dec. 5, 2025), ECF No. 96, https://storage.courtlistener.com/recap/gov.uscourts.cacd.988465/gov.uscourts.cacd.988465.96.0.pdf (attaching amicus briefs historically filed by DOJ reflecting its previous longstanding position that the NVRA does not prohibit redaction of highly sensitive voter information disclosed under the NVRA's public inspection provision, 52 U.S.C. § 20507(i)).

[54] *Weber*, 816 F. Supp. 3d at 1187-88; Def.-Intervenors' Mot. Dismiss and Mem. Supp. at 16-18, *Oregon,* No. 6:25-cv-01666-MTK (D. Or. Nov. 17, 2025), ECF No. 31, https://storage.courtlistener.com/recap/gov.uscourts.ord.188997/gov.uscourts.ord.188997.31.0.pdf; Mot. Dismiss Proposed Def.-Intervenors at 19-20, *Benson*, No. 1:25-cv-01148-HYJ-PJG (W.D. Mich. Nov. 12, 2025), ECF No. 23, https://storage.courtlistener.com/recap/gov.uscourts.miwd.116977/gov.uscourts.miwd.116977.23.0.pdf.

[55] Hr'g re: Mot. Dismiss and Pl.'s Req. Order Produc. Rs. at 81-82, *Weber*, No. 2:25-cv-09149-DOC-ADS (C.D. Cal. Dec. 8, 2025), ECF No. 100, https://storage.courtlistener.com/recap/gov.uscourts.cacd.988465/gov.uscourts.cacd.988465.100.0_1.pdf.

[56] Mem. Law Opp'n Defs.' Mot. Dismiss at 20-22, *Weber*, No. 2:25-cv-09149-DOC-ADS (C.D. Cal. Nov. 18, 2025), ECF No. 63, https://storage.courtlistener.com/recap/gov.uscourts.cacd.988465/gov.uscourts.cacd.988465.63.0.pdf; United States' Opp'n and Mem. Law Supp. Opp'n Defs.' Mot. Dismiss at 15-17, *Bellows*, No. 1:25-cv-00468-LEW (D. Me. Jan. 2, 2026), ECF No. 75, https://storage.courtlistener.com/recap/gov.uscourts.med.68935/gov.uscourts.med.68935.75.0.pdf; United States' Mem. Law and Opp'n Defs.' Mot. Dismiss at 14-16, *Benson*, No. 1:25-cv-01148-HYJ-PJG (W.D. Mich. Dec. 26, 2025), ECF No. 53, https://storage.courtlistener.com/recap/gov.uscourts.miwd.116977/gov.uscourts.miwd.116977.53.0_1.pdf; Mem. Law Opp'n Defs.' Mot. Dismiss at 15-17, *Oregon*, No. 6:25-cv-01666-MTK (D. Or. Dec. 8, 2025), ECF No. 57, https://storage.courtlistener.com/recap/gov.uscourts.ord.188997/gov.uscourts.ord.188997.57.0.pdf. In the first batch of cases DOJ filed, against Maine, Oregon, California, Michigan, New York, and Pennsylvania in September 2025, DOJ alleged violations of Title III of the CRA, the NVRA, and HAVA. In the cases against New Hampshire and Minnesota, which are exempt from the NVRA, DOJ asserted causes of action under Title III of the CRA and HAVA. In cases filed on or after December 1, 2025, the only cause of action DOJ pled was violation of Title III of the CRA. However, DOJ continued to assert and vigorously defend its NVRA and HAVA claims in some of the district courts in the cases filed in September 2025.

[57] *United States v. Benson*, 819 F. Supp. 3d 753 (W.D. Mich.) (*Benson I*), *aff'd*, 179 F.4th 470 (6th Cir. 2026) (*Benson II*); *United States v. Wis. Elections Comm'n*, 833 F. Supp. 3d 949 (W.D. Wis. 2026); *United States v. Oregon*, 828 F. Supp. 3d 1092 (D. Or. 2026); *United States v. Weber*, 816 F. Supp. 3d 1168 (C.D. Cal. 2026); *United States v.*

chosen to focus on different deficiencies in the arguments proferred by DOJ, each one has reached the same conclusion: DOJ's arguments are entirely without merit and must be dismissed. Specifically:

- With respect to DOJ's reliance on Title III of the Civil Rights Act, courts have found that DOJ's claims must be dismissed because DOJ's proffered statement of the purpose and/or basis for its demands, as required under the statute, is entirely lacking.[58] Moreover, courts have ruled that determining compliance with the NVRA, designed to promote voter registration, is not a valid purpose for collecting voter records under Title III of the CRA because DOJ has enforcement authority under Title III of the CRA to address potential race-based intrusions on the right to vote, not to determine whether states' voter list maintenance programs comply with the NVRA.[59]

- As an alternate basis for dismissing DOJ's claim under Title III of the CRA, courts have held (1) they do not need to reach the question of whether there is a proper purpose and basis for DOJ's demands because the voter records are not subject to the retention and

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Warner, 840 F. Supp. 3d 446 (S.D.W. Va. 2026); *United States v. Scanlan*, 838 F. Supp. 3d 150 (D.N.H. 2026); *United States v. Schmidt*, 835 F. Supp. 3d 697 (W.D. Pa. 2026); *United States v. Bellows*, 834 F. Supp. 3d 113 (D. Me. 2026); *United States v. Fontes*, 832 F. Supp. 3d 944 (D. Ariz. 2026); *United States v. Amore*, 831 F. Supp. 3d 149 (D.R.I. 2026); *United States v. Galvin*, 830 F. Supp. 3d 122 (D. Mass. 2026); *United States v. Adams*, 837 F. Supp. 3d 881 (E.D. Ky. 2026); *United States v. Hanzas*, No. 2:25-cv-00903, 2026 WL 2754349 (D. Vt. Sept. 17, 2026); *United States v. Simon*, No. 25-cv-3761-KMM-EMB, 2026 WL 2389778 (D. Minn. Aug. 17, 2026); *United States v. Aguilar*, No. 3:25-cv-00728-ART-CLB, 2026 WL 2364502 (D. Nev. Aug. 14, 2026); *United States v. Evans*, No. 25-4403-RDM, 2026 WL 2267774 (D.D.C. Aug. 6, 2026); *United States v. Griswold*, No. 25-cv-03967-PAB-TPO, 2026 WL 2235374 (D. Colo. Aug. 3, 2026); *United States v. Matthews*, No. 25-cv-3398, 2026 WL 2212877 (C.D. Ill. July 31, 2026); *United States v. Caldwell*, No. 26-2025-ZNQ-JTQ, 2026 WL 2186515 (D.N.J. July 29, 2026); *United States v. Thomas*, No. 3:26-cv-00021-KAD, 2026 WL 2070437 (D. Conn. July 17, 2026); *United States v. Oliver*, No. 1:25-cv-01193-JCH-JFR, 2026 WL 2031479 (D.N.M. July 14, 2026); *United States v. Koski*, No. 3:26CV42-RCY, 2026 WL 2032532 (E.D. Va. July 14, 2026); *United States v. Bd. of Elections of the State of N.Y.*, No. 1:25-CV-1338-MAD-PJE, 2026 WL 1999921 (N.D.N.Y. July 10, 2026); *United States v. DeMarinis*, No. SAG-25-3934, 2026 WL 1780586 (D. Md. June 18, 2026); *United States v. Hobbs*, No. C25-6078-KKE, 2026 WL 2833713 (W.D. Wash. Sept. 22, 2026); *United States v. Raffensperger*, No. 1:26-cv-00485-VMC, 2026 WL 3002013 (N.D. Ga. Sept. 30, 2026); *United States v. Henderson*, No. 2:26-cv-00166-DBB-DAO, 2026 WL 3181405 (D. Utah Oct. 23, 2026). In addition, DOJ lost a case brought by Common Cause—a nationwide, nonpartisan voting rights organization—and four individual plaintiffs objecting to DOJ's policy of demanding highly sensitive, confidential voter records from states. *Common Cause v. U.S. Dep't of Just.*, No. 1:26-cv-01352-SLS (D.D.C. Oct. 9, 2026), ECF No. 51, https://storage.courtlistener.com/recap/gov.uscourts.dcd.291580/gov.uscourts.dcd.291580.51.0_1.pdf. *See generally* Quinta Jurecic, *0 for 26: The Trump Administration's Astonishing Losing Record*, Atlantic (Oct. 15, 2026) (summary of DOJ's numerous and unbroken defeats in the voter record cases, starting with Judge Carter's January 2026 decision in the California case through Judge Sooknanan's October 2026 decision in the Common Cause case), https://www.theatlantic.com/ideas/2026/10/doj-lawsuits-voter-rolls-losing/689003/?gift=s7D1vkuZhHBklfCJxdODgOCliJkJEkT9jtad_HCUjDM.

[58] *See, e.g., Oregon*, 828 F. Supp. 3d at 1104-05; *Bellows,* 834 F. Supp. 3d at 123-27; *Scanlan*, 838 F. Supp. 3d at 159-62; *Amore*, 831 F. Supp. 3d at 156-58; *Galvin*, 830 F. Supp. 3d at 129; *Oliver*, 2026 WL 2031479, at *8-10; *Bd. of Elections of the State of N.Y.*, 2026 WL 1999921, at *8-11.

[59] *See, e.g., Weber*, 816 F. Supp. 3d at 1183-84; *Oregon*, 828 F. Supp. 3d at 1104-05; *Galvin*, 830 F. Supp. 3d at 129-30; *Amore*, 831 F. Supp. 3d at 157-58; *Bellows*, 834 F. Supp. 3d at 123-27; *Warner*, 840 F. Supp. 3d at 454-55; *Adams*, 837 F. Supp. 3d at 886-88; *Oliver*, 2026 WL 2031479, at *4-10; *Matthews*, 2026 WL 2212877, at *5-6; *Griswold*, 2026 WL 2235374, at *4-5; *Aguilar*, 2026 WL 2364502, at *5-6; *Hanzas*, 2026 WL 2754349, at *5-6; *United States v. Henderson*, No. 2:26-cv-00166-DBB-DAO, 2026 WL 3181405 (D. Utah Oct. 23, 2026) at 12-20.

preservation requirements of Title III of the CRA since they are generated by and therefore do not come into the possession of election officials for purposes of 52 U.S.C. § 20701[60] and (2) even if determining compliance with the NVRA were a valid purpose for DOJ to collect voter records under Title III of the CRA, DOJ has not provided any articulable facts pointing to violations of the NVRA as a basis for its investigation.[61] Courts also have found that nothing in the text of the NVRA prohibits the appropriate redaction of sensitive personal voter information and that there is no separate disclosure provision applicable to the federal government.[62]

- With respect to HAVA, courts have found that it does not contain any disclosure provisions and therefore cannot serve as a legal basis for demanding states' voter records and that DOJ has not alleged any violation of HAVA.[63]

In addition, courts have found that DOJ violated the requirements in the Privacy Act and other privacy laws in demanding that states and DC relinquish sensitive, confidential voter information to the federal government.[64]

Finally, in addition to, and perhaps anticipating, these failed attempts to invoke statutory authority for its unprecedented voter record demands, DOJ has argued that it was entitled under Title III of the CRA to a special summary statutory proceeding or abbreviated procedure comparable to an order to show cause for assessment of DOJ's voter record demands and that the Federal Rules of Civil Procedure (FRCP) do not apply to that assessment.[65] Like all of DOJ's other arguments, this argument was flatly rejected by every court that considered it. These courts have found that the FRCP apply and that courts have the authority to determine that the requirements of Title III of the CRA are satisfied.[66]

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[60] *See, e.g., Benson I*, 819 F. Supp. 3d at 768-70; *Fontes*, 832 F. Supp. 3d at 952-54; *Bellows*, 834 F. Supp. 3d at 122-23; *Wis. Elections Comm'n*, 833 F. Supp. 3d at 953-55; *Scanlan*, 838 F. Supp. 3d at 156-59; *Schmidt*, 835 F. Supp. 3d at 699-700; *Adams*, 837 F. Supp. 3d at 886-87; *Koski*, 2026 WL 2032532, at *4-6; *DeMarinis,* 2026 WL 1780586, at *4-5; *Bd. of Elections of the State of N.Y.*, 2026 WL 1999921, at *8-11; *Thomas*, 2026 WL 2070437, at *5-7; *Caldwell*, 2026 WL 2186515, at *7-8; *Matthews*, 2026 WL 2212877, at *3-4; *Griswold*, 2026 WL 2235374, at *4-5; *Evans*, 2026 WL 2267774, at *5-10; *Aguilar*, 2026 WL 2364502, at *4-5; *Simon*, 2026 WL 2389778, at *8-11; *Hanzas*, 2026 WL 2754349, at *4-5; *Hobbs*, 2026 WL 2833713, at *3-6.

[61] *See, e.g., Weber,* 816 F. Supp. 3d at 1184; *Griswold*, 2026 WL 2235374, at *4.

[62] *Orego*n, 828 F. Supp. 3d at 1100-01; *Benso*n I, 819 F. Supp. 3d at 760-65 and *Benson II*, 179 F.4th at 483; *Bellow*s, 834 F. Supp. 3d at 127; *Schmid*t, 835 F. Supp. 3d at 699; *Bd. of Elections of the State of N.Y.*, 2026 WL 1999921, at *11-13.

[63] *See, e.g., Weber,* 816 F. Supp. 3d at 1190-92; *Benson I*, 819 F. Supp. 3d at 759-60; *Scanlan*, 838 F. Supp. 3d at 163-165; *Oregon*, 828 F. Supp. 3d at 1101; *Schmidt*, 835 F. Supp. 3d at 699-700; *Simon,* 2026 WL 2389778, at *12; *Bd. of Elections of the State of N.Y.*, 2026 WL 1999921, at *14.

[64] *See, e.g., Weber,* 816 F. Supp. 3d at 1192-95; *Raffensperger*, 2026 WL 3002013, at *8.

[65] During the hearing on the motion to dismiss in the Rhode Island case, Mr. Neff had the temerity to tell the Court it was improper for the Court to review DOJ's compliance with the requirements in Title III of the CRA: "COURT: Is there a factual basis? MR. NEFF: As I've explained with the EAVS data there is, your Honor. However, we're not required to state it and it's not appropriate for this Court to review it." Tr. Mot. Compel at 68, *Amore*, No. 25-cv-00639-MSM-PAS (D.R.I. Mar. 30, 2026), ECF No. 47, https://storage.courtlistener.com/recap/gov.uscourts.rid.60988/gov.uscourts.rid.60988.47.0.pdf.

[66] *See supra* note 57.

Despite these numerous repeated losses, DOJ's Voting Section under the direction of Ms. Dhillon, Mr. Keenan, and Mr. Neff has again and again and again returned to courthouses across the country and has relied on the same discredited arguments.[67] They continue to do so today.

III. State Bar Rules Unequivocally Apply to Former or Existing DOJ Attorneys Like Ms. Dhillon, Mr. Keenan, and Mr. Neff

The CA Rules apply to this complaint because Ms. Dhillon, Mr. Keenan, and Mr. Neff are licensed to practice law in CA.[68] The CA Rules also apply to this complaint because Ms. Dhillon, Mr. Keenan, and Mr. Neff are obligated under federal regulations to conform their conduct and activities to the ethics rules, including the CA Rules, in each state, including CA, where they have engaged in substantial and continuous supervisory duties,[69] and because they are prohibited by federal regulations from directing their subordinate attorneys to engage in conduct that violates the CA Rules.[70] Nowhere in the CA Rules or comments is there an exemption for lawyers who were or are federal public officials. To the contrary, the CA Rules and comments expressly apply to former or existing federal attorneys like Ms. Dhillon, Mr. Keenan, and Mr. Neff who are licensed in CA.[71]

The McDade Amendment also makes clear that the CA Rules apply because, as a matter of federal law, DOJ attorneys are subject to the ethics rules of the state in which they are licensed to practice law and the state in which they are litigating cases.[72] 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

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[67] *See* Attachment A, which enumerates the cases in which Ms. Dhillon, Mr. Keenan, and Mr. Neff were listed as counsel for the United States in the complaint or the memorandum filed in opposition to the state's motion to dismiss.

[68] CA Rule 8.5(a) ("A lawyer admitted to practice in California is subject to the disciplinary authority of California, regardless of where the lawyer's conduct occurs.").

[69] Ms. Dhillon directed that the 31 cases be filed, *supra* note 45. Mr. Keenan is playing a leadership role in connection with these cases, *supra* note 46. Mr. Neff is directly involved in several of these cases and argued some district court cases, *supra* notes 47, 55, 65 and *infra* notes 97, 102. All three are named in the filings in the cases that have been decided. *See supra* note 57.

[70] Under federal regulations implementing the McDade Amendment, the ethics rules of the court before which each case is pending apply to their subordinate attorneys' handling of the cases in this complaint. 28 C.F.R. § 77.4(a) ("A government attorney shall, in all cases, comply with the rules of ethical conduct of the court before which a particular case is pending."); *see also* 28 C.F.R. § 77.2(j) (2026) (DOJ attorney engages in that attorney's duties in any states where that attorney's conduct is substantial and continuous). Further, each DOJ attorney, including supervisory attorneys, must assess his or her ethical obligations with respect to particular conduct. DOJ supervisory attorneys may not direct any attorney to engage in conduct that violates the McDade Amendment. 28 C.F.R. § 77.4(e) (2026).

[71] CA Rule 1.0.1(c) ("'Firm' or 'law firm' means a law partnership; a professional law corporation; a lawyer acting as a sole proprietorship; an association authorized to practice law; or lawyers employed in a legal services organization or *in the legal department, division or office* of a corporation, *of a government organization* or of another organization.") (emphasis added).

[72] 28 U.S.C. § 530B.

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.[73]

Congress passed this law 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.[74]

Federal regulations implementing the McDade Amendment 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:

> In…all civil investigations and litigation (affirmative and defensive), and in all civil law enforcement investigations and proceedings, 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….[75]
>
> A government attorney shall, in all cases, comply with the rules of ethical conduct of the court before which a particular case is pending.[76]

IV. There is Abundant Evidence that Ms. Dhillon, Mr. Keenan, and Mr. Neff Have Violated CA Ethics Rules as well as CA Business and Professions Code § 6106 in 31 Cases and Should be Investigated and Disciplined Appropriately by the CA Bar

A. Meritorious Claims and Contentions: CA Rule 3.1(a)(2)

CA Rule 3.1(a)(2) states:

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[73] *Id.* (emphasis added). The implementing regulations for this provision define "attorney" for purposes of the provision to include "the Assistant Attorney[] General for, and any attorney employed in, the…Civil Rights Division," 28 C.F.R. § 77.2(a) (2026), which included or includes Ms. Dhillon, Mr. Keenan, and Mr. Neff.
[74] *See* Nina Marino & Richard Kaplan, *Moving Towards a Meaningful Limitation on Wrongful Prosecutorial Contact with Represented Parties*, 4 PUB. INT. L. REV. 36 (1999).
[75] 28 C.F.R. § 77.3 (2026).
[76] 28 C.F.R. § 77.4(a) (2026). DOJ's efforts to shield its attorneys from state disciplinary authority are improper and legally baseless. *See, e.g.,* Review of State Bar Complaints and Allegations Against Department of Justice Attorneys, 91 Fed. Reg. 10780 (Mar. 5, 2026). CA joined 22 other states in opposing this proposed rule. *See Attorney General Bonta Opposes U.S. DOJ Exclusive Authority that Shields Federal Attorneys from Accountability* (Apr. 7, 2026), https://oag.ca.gov/news/press-releases/attorney-general-bonta-opposes-us-doj-exclusive-authority-shields-federal.

(a) A lawyer shall not:

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(2) present a claim or defense in litigation that is not warranted under existing law, unless it can be supported by a good faith argument for an extension, modification, or reversal of the existing law.[77]

CA Rule 3.1(a)(2) substantially tracks ABA Model Rule 3.1. The drafters of the Model Rules maintain that Rule 3.1 is "an objective test," which is considered "a more stringent standard."[78] The Model Rule requirement that an argument must be "reasonable" to comply with Rule 3.1(a) is consistent with the CA State Bar Court's interpretation of Rule 3-200(B), Rule 3.1(a)(2)'s predecessor:

> as officers of the court, attorneys also have a duty to the judicial system to assert only legal claims or defenses that are warranted by the law or supported by a good faith belief in their correctness. (Rules of Prof. Conduct, rule 3-200(b).) "In order to establish good faith as a mitigating circumstance, an attorney must prove that his or her beliefs were both honestly held *and reasonable*. To conclude otherwise would *reward an attorney for his unreasonable beliefs* and "for his ignorance of his ethical responsibilities."[79]

The Restatement of the Law Third, The Law Governing Lawyers, demonstrates why the arguments repeatedly made by DOJ lawyers in the 27 voter record cases DOJ has litigated unsuccessfully to date cannot be deemed to have been made in good faith:

> Whether good faith exists depends on such factors as whether the lawyer in question or another lawyer established a precedent adverse to the position being argued (and, if so, whether the lawyer disclosed that precedent), whether new legal grounds of plausible weight can be advanced, whether new or additional authority supports the lawyer's position, or whether for other reasons, such as a change in the composition of a multi-member court, arguments can be advanced that have a substantially greater chance of success.[80]

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[77] CA Rule 3.1(a).

[78] Ronald D. Rotunda, Legal Ethics: The Lawyer's Deskbook on Professional Responsibility 801 (American Bar Association, 2026-27 ed.).

[79] *In re Maloney*, Nos. 00-O-14000 and 00-O-14001, 2005 WL 103063, at *11 (Rev. Dep't State Bar Ct. Cal. Jan. 14, 2005) (emphasis added) (citations omitted). In "New Rule of Professional Conduct 3.1 (Former Rule 3-200) Meritorious Claims and Contentions," the State Bar of California's Commission for the Revision of the Rules of Professional Conduct stated: "In general, proposed Rule 3.1 carries forward the substance of current rule 3-200." The State Bar of California, https://www.calbar.ca.gov/sites/default/files/portals/0/documents/rules/Rule_3.1-Exec_Summary-Redline.pdf (last visited Oct. 24, 2026). Accordingly, the California State Bar Court's statement that former Rule 3-200 requires that an attorney "must prove that his or her beliefs were both honestly held and reasonable" applies to Rule 3.1(a)(2). The California Rules of Professional Conduct became effective November 1, 2018, pursuant to California Supreme Court En Banc Administrative Order 2018-05-09.

[80] Restatement (Third) of Law Governing Lawyers § 110 cmt. d (Am. L. Inst. 2000).

As demonstrated in this complaint, the arguments made by DOJ lawyers in opposition to the states' and DC's motions to dismiss and in oral argument fail to meet this standard: they are unreasonable, rely on pretextual justifications, offer no legal grounds that had not already been rejected, and present no new legal authority that plausibly could produce a different result. Thus, Ms. Dhillon, Mr. Keenan, and Mr. Neff, as well as their subordinates, violated CA Rule 3.1(a)(2) in bringing 31 cases that are not warranted under existing law and that fail to make a good faith argument for extension, modification, or reversal of existing law. This point is abundantly supported by the dismissal of all 27 cases decided to date for failure to state a claim upon which relief can be granted.

The *Weber* decision in the Central District of California, which, as noted above, was the first case decided in DOJ's 27 consecutive losses over the next nine months and argued in court by Mr. Neff, is illustrative because it laid bare the glaring defects of DOJ's arguments in support of its voter record demands. In his January 15, 2026, opinion, Federal District Court Judge David O. Carter provided a thorough and pointed analysis of why DOJ's demands for CA's unredacted voter rolls were "unprecedented and illegal," how these demands were issued by DOJ for an improper purpose and in bad faith, and why DOJ's arguments in defense of these demands were pretextual and entirely unsupported by the statutes (Title III of the CRA, the NVRA, and HAVA) it relied upon in court to justify its actions.

Judge Carter first rejected DOJ's claim—unsupported by any binding authority—that a demand by the Attorney General for federal election records under Title III of the CRA requires a special summary statutory proceeding prohibiting review of the sufficiency of the records demand:

> Title III cannot transform an election records request by the federal government from an ordinary civil action into an action comparable to an order to show cause. Nothing in the text of Title III requires a special statutory proceeding or any abbreviated procedures. The Supreme Court has also affirmed that the federal government's demands for documents are governed by the Federal Rules of Civil Procedure (FRCP).[81]

With respect to DOJ's claims that its records demand was supported by Title III of the CRA, Judge Carter found that DOJ's claims must be dismissed because DOJ's statement of the purpose and basis of its demand, required under the statute, was "both lacking in depth and is contrived."[82] Responding to DOJ's claims that the purpose and basis of its demand was to assist in its determination of whether California's voter list maintenance program complied with the NVRA, Judge Carter concluded:

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[81] *Weber*, 816 F. Supp. 3d 1168, 1182 (C.D. Cal. 2026) (citations and footnotes omitted). Likewise, in *United States v. Oregon*, decided February 5, 2026, Judge Kasubhai rejected DOJ's extraordinary claim that *Kennedy v. Lynd*, 306 F.2d 222, 225 (5th Cir. 1962), a Fifth Circuit decision from 1962, establishes that a written demand under Title III of the CRA requires only a superficial statement that it is being made for the purpose of investigating a violation of a federal statute and that the court is precluded from evaluating the legal sufficiency of the purpose and basis statement. In repudiating that baseless claim, Judge Kasubhai stated that DOJ has "cited no binding authority for its proposition, nor even any cases which apply *Lynd* and the other Fifth Circuit decisions within the last sixty years," and "the Supreme Court's holding in *Powell* [379 U.S. 48] squarely rejects Plaintiff's contention and reliance on *Lynd*." 828 F. Supp. 3d at 1102.

[82] 816 F. Supp. 3d at 1182.

> Under the plain meaning of the word, the DOJ may have stated a purpose for its request to California. However, in no circumstances has the DOJ established the basis for its request. The purpose of a records request is the rationale for the request—in the present case compliance with the NVRA. The basis is the reasoning provided by the DOJ regarding the evidence behind its investigation of a particular state and specific, articulable facts pointing to the violation of federal law. Here, the DOJ failed to provide an explanation for why it believed the NVRA was violated in its letter to the Secretary. And there was no explanation for why unredacted voter files for millions of Californians, an unprecedented request, was necessary for the DOJ's investigation. The requirement that the Attorney General state their purpose and basis is not merely perfunctory—it is a critical safeguard that ensures the request is legitimately related to the purpose of the statute. Without these requirements, the DOJ could embark on a fishing expedition of voter records in any state looking for concerns, without identifying a single issue with the state's policies beforehand.[83]

In dismissing DOJ's case based on DOJ's failure to state a claim under Title III of the CRA, Judge Carter also explained why DOJ's claims fail under the NVRA, which "does not allow for the unjustified, wholesale disclosure of voters' sensitive information," which is protected by California privacy laws not preempted by the NVRA. Likewise, the Court concluded that DOJ's claims fail under HAVA because HAVA does not contain any disclosure provisions and because DOJ "simply failed to allege any violations of HAVA."[84] As stated by Judge Carter:

> Even the federal government is not permitted to sue first, obtain discovery, and finalize allegations later. This appears to be a telltale "fishing expedition." District courts do not "condone the use of discovery to engage in 'fishing expeditions'" when the Plaintiff has no basis other than "gross speculation" to support their claims.[85]

Additionally, the Court found that "DOJ's request for California's unredacted voter rolls violates a plethora of federal privacy laws including the Privacy Act, E-Government Act, and Driver's Privacy Protections Act, by failing to meet the requirements under each statute."[86]

In conclusion, Judge Carter starkly laid out the damage that would be inflicted upon the citizens of California and our democracy if DOJ's unprecedented, unlawful demands and its disingenuous, inverted invocation of civil rights laws to subvert the right to vote and impede access to the ballot box—were allowed to stand:

> The Department of Justice seeks to use civil rights legislation which was enacted for an entirely different purpose to amass and retain an unprecedented amount of confidential voter data. This effort goes far beyond what Congress intended when it passed the underlying legislation. The centralization of this information by the

[83] *Id.* at 1184 (footnotes omitted).
[84] *Id.* at 1191.
[85] *Id.* (citations omitted).
[86] *Id.* at 1192.

> federal government would have a chilling effect on voter registration which would inevitably lead to decreasing voter turnout as voters fear that their information is being used for some inappropriate or unlawful purpose. This risk threatens the right to vote which is the cornerstone of American democracy.[87]

One month later, in *United States v. Oregon,* Federal District Court Judge Mustafa Kasubhai issued the second decision rejecting DOJ's arguments and dismissing its case for failure to state a claim. Judge Kasubhai's opinion largely echoed Judge Carter's frustration with DOJ's arguments. Judge Kasubhai found that support for DOJ's voter record demands could not be found in Title III of the CRA, the NVRA, or HAVA and expressed similar concerns about DOJ's pretextual justifications for its demands for states' voter records.[88]

During the months that followed these two initial decisions, DOJ continued to rely on the same discredited legal theories and pretextual justification to federal district courts in Michigan, Massachusetts, Rhode Island, Arizona, Maine, Wisconsin, Maryland, Pennsylvania, New Hampshire, New York, West Virginia, Virginia, New Mexico, Connecticut, Kentucky, New Jersey, Illinois, Colorado, Nevada, Minnesota, Vermont, Washington, Georgia, and Utah. In each case, judges appointed by both Democratic and Republican presidents, including President Trump, reached the same conclusion: DOJ's arguments had no merit whatsoever and its cases demanding states' voter records must be dismissed.[89] The Sixth Circuit, in *Benson II,* joined the chorus of federal district courts rejecting DOJ's claims in an appeal of the federal district court of Michigan's dismissal.[90]

Having no plausible arguments to make based on authorities, DOJ disingenuously tried to bolster its legal position by submitting a memorandum opinion issued by its own Office of Legal Counsel (OLC)[91] as "supplemental authority" to the Sixth Circuit the night before the oral argument in *Benson II*.[92] Seeing through this bad faith attempt to represent DOJ's own legal analysis as legal authority in support of its claims, one of the judges on the panel asked during oral argument: "What is the purpose of an OLC opinion? Why would there be an OLC opinion, after all the lawsuits have been filed, and we're at the point where the Court of Appeals, why would there be an opinion at that point in time, as opposed to before everything takes place?"[93]

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[87] *Id.* at 1195-96.
[88] *Oregon*, 828 F. Supp. 3d at 1100-07.
[89] Of the 27 consecutive cases lost by DOJ to date, 13 decisions were authored by judges appointed by Republican presidents, including nine appointed by President Trump, and 14 were authored by judges appointed by Democratic presidents.
[90] *United States v. Benson,* 179 F.4th 470 (6th Cir.), *reh'g en banc denied*, No. 26-1225 (6th Cir. Aug. 26, 2026).
[91] Authority to Obtain and Share Statewide Voter Roll Data, 50 Op. O.L.C. (May 12, 2026) (slip op. at 1).
[92] Appellant United States' Rule 28(j) Letter, *Benson II*, No. 26-1225 (6th Cir. May 12, 2026), ECF No. 100-1, https://www.democracydocket.com/wp-content/uploads/2026/05/6th-Cir.-26-01225-dckt-_000-filed-2026-05-12.pdf; James Saksa & Maya Bodinson, *DOJ Voter Roll Grab: Court Sounds Skeptical of Trump Bid for Michigan Data*, Democracy Docket (May 13, 2026), https://www.democracydocket.com/news-alerts/doj-voter-roll-grab-court-sounds-skeptical-of-trump-bid-for-michigan-data/.
[93] Oral Arg. at 13:35-13:50, *Benson II*, No. 26-1225 (6th Cir. May 13, 2026), https://www.courtlistener.com/audio/104886/united-states-v-jocelyn-benson/. Over the following months, the Sixth Circuit in its *Benson II* decision and Judge Lucy Koh in oral arguments before the Ninth Circuit were highly critical of DOJ's reliance on the OLC memorandum opinion. *Benson II,* 179 F.4th at 482; Oral Argument, *Weber*,

DOJ's own admission under oath further demonstrates that its repeatedly rejected arguments in these cases were unreasonable and were not made in good faith in violation of CA Rule 3.1(a)(2). During a hearing in the 25th case lost by DOJ, *United States v. Hobbs*, District Judge Kymberly K. Evanson pressed DOJ to explain why it was continuing to assert claims that had been repeatedly rejected by other federal district courts. "By my count, this is the 20th court to address this exact issue," Judge Evanson said. "Is there any meaningful basis on which to distinguish this case from the many other district courts and the Sixth Circuit Court of Appeals across the country that have dismissed the government's complaints or denied their motion to compel?" "No, your Honor," DOJ attorney Raymond Yang responded. "Relevant facts are similar to all the other cases." Mr. Yang instead baselessly argued that federal district court judges around the country had "misconstrued the text, context, structure, history, and original understanding of Title III [of the CRA]."[94]

Ms. Dhillon, Mr. Keenan, Mr. Neff, and the DOJ team of attorneys they supervised or supervise in the 31 cases have completely disregarded the requirement in CA Rule 3.1(a)(2) that claims presented by a lawyer in litigation be supported by a good faith argument. To argue otherwise would directly contradict the unanimous conclusion of the 27 courts to date that have carefully reviewed the legal and factual claims repeatedly proffered by DOJ to support its demands for unredacted voter records and that have concluded that they are completely without merit and must be dismissed.

B. Candor to the Tribunal: CA Rule 3.3(a)(1)

CA Rule 3.3(a)(1) states:

> (a) A lawyer shall not:
>
> (1) knowingly make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer….[95]

The fundamental importance of the duty of candor protected by CA Rule 3.3(a)(1) cannot be overestimated. Judges rely on lawyers because they cannot independently verify everything that comes before them. When candor erodes and advocacy becomes performance, the courtroom becomes less efficient and less fair and the foundation of our justice system is irrevocably

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No. 26-1232 (9th Cir., May 19, 2026), summarized by Maya Bodinson & Matt Cohen, *Court Bashes Internal DOJ Legal Memo that Trump Admin Used to Justify Voter Roll Grab*, Democracy Docket (May 19, 2026), https://www.democracydocket.com/news-alerts/court-bashes-internal-doj-legal-memo-that-trump-admin-used-to-justify-voter-roll-grab/. Federal district courts in Maryland, *DeMarinis*, 2026 WL 1780586, and New York, *Bd. of Elections of the State of N.Y.*, 2026 WL 1999921, followed suit, with New York Federal District Court Judge Mae D'Agostino stating: "OLC opinions 'are not binding [on the courts],' and '[t]his Court will not interpret the CRA contrary to its text simply because an office of the party advancing that interpretation has adopted it.'" 2026 WL 1999921, at *10 (citations omitted).

[94] Yunior Rivas, *After 20 straight losses, Trump DOJ struggles to defend demand for Washington state voter rolls,* Democracy Docket (Aug. 4, 2026), https://www.democracydocket.com/news-alerts/trump-doj-struggles-to-defend-demand-for-washington-voter-rolls/.

[95] CA Rule 3.3(a)(1). A person's knowledge may be inferred from the circumstances. CA Rule 1.0.1(f).

compromised. As the California Court of Appeal for the Fourth Appellate District explained:

> "An attorney is an officer of the court and owes the court a duty of candor."…. "A lawyer shall not: knowingly make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer…." (State Bar Rules Prof. Conduct, rule 3-3(a)(1) (asterisks omitted).) "Honesty in dealing with the courts is of paramount importance, and misleading a judge is, regardless of motives, a serious offense." "Counsel should not forget that they are officers of the court, and while it is their duty to protect and defend the interests of their clients, the obligation is equally imperative to aid the court in avoiding error and in determining the cause in accordance with justice and the established rules of practice."[96]

At a minimum, it can be inferred from the circumstances of the 31 cases that Ms. Dhillon's, Mr. Keenan's, and Mr. Neff's subordinates in the Voting Section and Mr. Neff himself knowingly made false statements of fact to the court in connection with DOJ's statement of its purpose and basis for demanding states' and DC's voter records.[97] In filing the 31 cases, DOJ maintained that its purpose was to collect voter records to determine whether the states' list maintenance programs comply with the NVRA.[98] But this claim was pretextual: DOJ's own representations show that its requests to states for voter records were to create a federal voter database to raise unsubstantiated claims of election fraud in the form of noncitizen voting.[99]

Judge Carter's views in *Weber* once again illustrate the frustration expressed by federal judges across the country at DOJ's disingenuous attempts to justify its demands by repeatedly proffering a statement of purpose contrived to conceal the administration's broader policy objectives:

> While the DOJ has told this Court that its purpose for demanding the sensitive voter information of Californians is "voter roll maintenance enforcement and compliance," representations made by the DOJ elsewhere paint a starkly different picture that this Court cannot ignore. Dec. 4, 2025 Hr'g Tr. (Dkt. 100) at 82:19-21. It appears that the DOJ is on a nationwide quest to gather the sensitive, private information of millions of Americans for use in a centralized federal database.
>
> A core principle of the United States is the separation of powers between branches to sustain the necessary checks and balances. This Court and the American people deserve to know what exactly the sensitive information of millions of Americans is going to be used for. *The Court is not required to accept*

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[96] *Perry v. Kia Motors Am., Inc*., 91 Cal. App. 5th 1088, 1095-96 (2023) (citations omitted).

[97] When pressed on this issue during oral argument in *Weber,* Mr. Neff stated: "Now, our purpose is free and fair elections. Our purpose is to seek to make sure that voter rolls are clean and that every vote is represented and our purpose was clearly stated. And to understand our purpose the Court is going to need to read the three Election statutes at play here in their entirety and in totality." Dec. 4, 2025 Hr'g Tr. (Dkt. 100) at 70:6-11. Later in the same oral argument, Mr. Neff stated: "The purpose is for, ... voter roll maintenance enforcement and compliance." *Id.* at 82:19-21.

[98] *See, e.g.*, *Weber*, 816 F. Supp. 3d at 1183.

[99] *See infra* pp. 18-20.

> *pretextual, formalistic explanations untethered to the reality of what the government has said outside of the courtroom*.[100]

Judge Carter's opinion describes in detail how DOJ's representations outside the courtroom, including statements by Ms. Dhillon, "show that their requests to states for voter roll data go beyond their purported compliance check with the NVRA and into the territory of comprehensive data collection."[101] Judge Carter also cites additional evidence that "behind this screening there appears to be a different purpose," including using the collected personal data for broader immigration enforcement purposes and an "alarming…centralization of Americans' information within the Executive Branch—without approval of Congress or Americans themselves."[102] His frustration with DOJ's bad faith misrepresentations was clear:

> *The Court does not take lightly DOJ's obfuscation of its true motives in the present matter*. Congress passed the NVRA, Civil Rights Act, and HAVA to protect voting rights. If the DOJ wants to instead use these statutes for more than their stated purpose, circumventing the authority granted to them by Congress, it cannot do so under the guise of a pretextual investigative purpose.[103]

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[100] *Weber*, 816 F. Supp. 3d at 1184-85 (emphasis added).

[101] *Id.* at 1185. Judge Carter also stated: "Former Deputy Assistant Attorney General of DOJ's Civil Rights Division Michael Gates said in September 2025 that the goal was for all fifty states to receive similar requests for voter rolls so that the federal government could get the last four digits of every voter's Social Security number. In a statement, the DOJ also stated that the state voter roll data provided to the Civil Rights Division is being 'screened for ineligible voter entries' and Assistant Attorney General for Civil Rights Harmeet Dhillon further confirmed that the DOJ had 'checked 47.5 million voter records.'" *Id.* (citations omitted).

[102] *Id.* at 1185-86. DOJ's factual misrepresentations regarding its purpose and basis for demanding states' voter records are further supported by the statements of a DOJ Voting Section attorney tasked with obtaining states' voter rolls, who was concerned that "the data would be used not for purging voter rolls of people who aren't eligible to vote, but for broader immigration enforcement." The DOJ Voting Section attorney further stated: "I had never before told an opposing party, Hey, I want this information and I'm saying I want it for this reason, but I actually know it's going to be used for these other reasons. That was dishonest. It felt like a perversion of the role of the Civil Rights Division." *Id*. at 1185 & n.23 (quoting Emily Bazelon & Rachel Poser, *The Unraveling of the Justice Department: Sixty Attorneys Describe a Year of Chaos and Suspicion*, N.Y. Times Mag. (Nov. 16, 2025), https://www.nytimes.com/interactive/2025/11/16/magazine/trump-justice-department-staff-attorneys.html). And in a March 2026 hearing in DOJ's case demanding Rhode Island's voter records, Mr. Neff stated that DOJ planned to run the voter records it collects "against DHS's SAVE [Systematic Alien Verification for Entitlements] database." Tr. Mot. Compel, *Amore*, No. 1:25-cv-00639-MSM-PAS (D.R.I. Mar. 30, 2026), ECF No. 47 at 50, 64-65, https://storage.courtlistener.com/recap/gov.uscourts.rid.60988/gov.uscourts.rid.60988.47.0.pdf. When asked if the records would be used for Immigration and Customs Enforcement to go to people's homes and arrest them, Mr. Neff replied that "the Civil Rights Division cannot promise what any other agency will or will not do." *Id*. at 66. When asked "if the Court determines that the stated purpose is pretextual, shouldn't the Court dismiss the case," Mr. Neff said, "no," and stated: "It would be inappropriate for your Honor to analyze whether it was a pretextual motive or not." *Id*. at 84. Further, DOJ's Civil Rights Division has a memorandum of understanding with DHS to use SAVE for voter registration and voter list maintenance. *Id*. at 107-08; *see also* Brennan Ctr. for Just., *Tracker of Justice Department Requests for Voter Information* (Oct. 26, 2026), https://www.brennancenter.org/our-work/research-reports/tracker-justice-department-requests-voter-information.

[103] *Weber*, 816 F. Supp. 3d at 1186 (emphasis added); *see also Oregon,* 828 F. Supp. 3d at 1107 ("The context of this demand [from then-Attorney General Pamela Bondi to Governor Tim Walz for Minnesota's voter records] within a letter about immigration enforcement casts serious doubt as to the true purposes for which Plaintiff is seeking voter registration lists in this and other cases, and what it intends to do with that data."); *Schmidt*, 835 F. Supp. 3d at

Judge Kasubhai's decision in Oregon iterated the same concerns with the veracity of DOJ's claims and found the issues raised by the scope of DOJ's demand for unredacted voter records "deeply troubling."[104] Referencing a January 24, 2026, letter from then-Attorney General Pamela Bondi to Minnesota Governor Tim Walz sent during the federal immigration enforcement surge in Minneapolis and demanding that Minnesota relinquish its voter rolls to DOJ,[105] Judge Kasubhai stated that DOJ "has continued to engage in conduct raising suspicion about the purposes for which it seeks statewide unredacted voter registration lists" and what it will do with those data.[106] Consistent with DOJ's lack of candor to the tribunal, Judge Kasubhai found that DOJ is no longer entitled to a presumption of truthfulness:

> The presumption of regularity that has been previously extended to Plaintiff that it could be taken at its word—with little doubt about its intentions and stated purposes—no longer holds. When Plaintiff, in this case, conveys assurances that any private and sensitive data will remain private and used only for a declared and limited purpose, it must be thoroughly scrutinized and squared with its open and public statements to the contrary.[107]

C. Managerial Misconduct: CA Rule 5.1

1. Manager's Responsibility for Subordinates' Misconduct: CA Rule 5.1(c)

CA Rule 5.1(c) provides:

699-700 ("Public statements from government officials reveal its intentions: to create a nationwide voter-database, for potential weaponization in future elections; as a 'fishing expedition,' hoped to advance unsubstantiated claims of non-citizen voting; and as a tool for immigration enforcement.").

[104] *Oregon*, 828 F. Supp. 3d at 1106 n.5.

[105] This letter, sent the day Alex Pretti was killed, details the then-Attorney General's views about the state of "lawlessness" regarding immigration enforcement in Minnesota and concludes with a list of demands to "restore the rule of law" through "common sense solutions," including turning over Minnesota's voter rolls. Kyler Alvord, *Pam Bondi Tells Tim Walz That Handing Over Minnesota's Voter Rolls Can Help Prevent Another 'National Tragedy': Read Her Full Letter*, People (Jan. 25, 2026), https://people.com/pam-bondi-full-letter-tim-walz-after-alex-pretti-shooting-11892085.

[106] *Oregon*, 828 F. Supp. 3d at 1106.

[107] *Id.* at 1107. Other federal district courts have noted DOJ's disingenuousness. *See, e.g., Schmidt*, 835 F. Supp. 3d at 699-700 ("The quiet parts do not help. Public statements from government officials reveal its intentions: to create a nationwide voter-database, for potential weaponization in future elections; as a 'fishing expedition,' hope to advance unsubstantiated claims of non-citizen voting; and as a tool for immigration enforcement."); *Bellows*, 834 F. Supp. 3d at 119 n.6 ("Fortunately for the United States, this matter is before me on motions to dismiss, and under the applicable standard, the only facts that I consider are those contained in the United States' Complaint and its attachments, which I take as true."); *Oliver*, 2026 WL 2031479, at *1 n.3 (stating that like other judges in these cases, judge was aware of various events indicating "DOJ's potential ulterior motives," but did not consider those arguments, associated documents, or events on a motion to dismiss); *Warner*, 840 F. Supp. 3d at 456 n.9 ("Given the lack of an adequate basis or purpose, one is left to wonder what the real purpose was for the Justice Department to go to the trouble of filing civil actions like this one all around the nation. Troubling though this question is, it is not before the Court at this time."); *Evans*, 2026 WL 2267774, at *5 n.4 ("Although the Department of Justice's Office of Legal Counsel has indicated that it has 'continued to monitor the evolving litigation landscape' to meet its 'ongoing obligation to provide [its] best view of the law to the Executive Branch,' Dkt. 65-1 at 10 n.12, it does not appear that this overwhelming weight of authority has swayed the Department's views.").

> (c) A lawyer shall be responsible for another lawyer's violation of these rules and the State Bar Act if:
> (1) the lawyer orders or, with knowledge of the relevant facts and of the specific conduct, ratifies the conduct involved; or
> (2) the lawyer, individually or together with other lawyers, possesses managerial authority in the law firm in which the other lawyer practices, or has direct supervisory authority over the other lawyer, whether or not a member or employee of the same law firm, and knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action.[108]

The United States District Court for the Northern District of California has summarized the duties of managerial lawyers as follows:

> [M]anagerial and senior lawyers have professional and ethical duties to the Court, their clients, and their employees to appropriately supervise the work performed. *See* Cal. Rules of Pro. Conduct r. 5.1. At minimum, a supervising lawyer should read and understand the content of all pleadings and check citations to ensure their accuracy. Managers in law firms have an obligation to take reasonable steps to ensure that all lawyers in the firm make ethical representations to the Court.[109]

Ms. Dhillon, Mr. Keenan, and Mr. Neff are responsible for any violations of applicable ethics rules by their subordinate attorneys in the cases included in this complaint. As the former Assistant Attorney General for DOJ's Civil Rights Division, the Acting Deputy Assistant Attorney General for DOJ's Civil Rights Division, and the Acting Chief of DOJ's Voting Section, respectively, Ms. Dhillon had and Mr. Keenan and Mr. Neff have managerial and supervisory authority for their subordinate attorneys in DOJ's Voting Section. As such, Ms. Dhillon was and Mr. Keenan and Mr. Neff are responsible for supervising their subordinate attorneys' decisions to bring and litigate cases and ensuring they are based on meritorious claims and contentions.

In each of the cases in this complaint, Ms. Dhillon's, Mr. Keenan's, and Mr. Neff's subordinate attorneys were required to comply with the ethics rules of the jurisdiction in which each of the 31 cases was filed.[110] Yet they appear to have failed to do so. The misconduct of Ms. Dhillon's, Mr. Keenan's, and Mr. Neff's subordinate attorneys should be attributed to Ms. Dhillon, Mr. Keenan, and Mr. Neff under CA Rule 5.1(c) because they knew or reasonably should have known of their subordinate attorneys' misconduct at a time when its consequences could have been avoided or mitigated but failed to take reasonable remedial action.

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[108] CA Rule 5.1(b). The CA Rules define "firm" and "law firm" to include "lawyers employed…in the legal department, division or office of…a government organization…." CA Rule 1.0.1(c).
[109] *Hill v. Workday, Inc*., No. 23-cv-06558-PHK, 2026 WL 1146289, at *1 (N.D. Cal. Apr. 28, 2026).
[110] 28 C.F.R. § 77.4(a) (2026).

2. Manager's Responsibility to Ensure Other Lawyers Conform to Applicable Ethics Rules and Lawyer's Obligation Not to Violate Those Rules Through the Acts of Another: CA Rules 5.1(b) and 8.4(a)

CA Rule 5.1(b) provides that a lawyer with management responsibility in a law firm or other legal office shall make reasonable efforts to ensure that other lawyers in the law firm or other legal office conform to the applicable ethics rules.[111]

CA Rule 5.1, Comment 7, provides that a lawyer with management responsibility may violate the requirement under CA Rule 5.1(b) to ensure that other lawyers in the law firm or other legal office conform to the applicable ethics rules even if the lawyer is not responsible for the lawyer's subordinates' misconduct under CA Rule 5.1(c).[112]

Thus, even if an investigation does not show that Ms. Dhillon, Mr. Keenan, and Mr. Neff knew, inferentially or directly, of their subordinate attorneys' misconduct, the evidence supports the conclusion that they have violated CA Rule 5.1(b) by failing to make reasonable efforts to ensure that other lawyers in their legal office conform to the applicable ethics rules. Ms. Dhillon, Mr. Keenan, and Mr. Neff made no effort to correct their subordinate attorneys' misconduct.[113] To the contrary, they continued to litigate cases that were frivolous.[114] Their conduct in these cases also violated CA Rule 8.4(a), which provides that it is professional misconduct for a lawyer to violate the applicable ethics rules through the acts of another.[115]

3. Law Firm's Responsibility to Ensure Conformance to Applicable Ethics Rules: CA Rule 5.1(a)

CA Rule 5.1(a) provides that a law firm, which is defined to include a government law office, shall make reasonable efforts to ensure that the law office or government law office has in effect measures giving reasonable assurance that all lawyers in the firm or government office comply with the applicable ethics rules.[116]

Ms. Dhillon until recently served as Assistant Attorney General for DOJ's Civil Rights Division; Mr. Keenan serves as the Acting Deputy Assistant Attorney General for DOJ's Civil Rights

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[111] CA Rule 5.1(b).

[112] CA Rule 5.1 cmt. 7 ("A supervisory lawyer violates paragraph (b) by failing to make the efforts required under that paragraph, even if the lawyer does not violate paragraph (c) by knowingly directing or ratifying the conduct, or where feasible, failing to take reasonable remedial action.").

[113] *See supra* sections II and IV.A.

[114] *See supra* sections II and IV.A; *see also Hill*, 2026 WL 1146289, at *5 ("The State Bar states in comments for Rule 5.1(c) that '[a] supervisory lawyer violates paragraph (b) by failing to make the efforts required under that paragraph, even if the lawyer does not violate paragraph (c) by knowingly[] directing or ratifying the conduct, or where feasible, failing to take reasonable[] remedial action.'" (citing CA Rule 5.1 cmt. 7)).

[115] CA Rule 8.4(a).

[116] CA Rule 5.1(a) ("A lawyer who individually or together with other lawyers possesses managerial authority in a law firm, shall make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that all lawyers in the firm comply with these rules and the State Bar Act."); CA Rule 1.0.1(c) (defining the terms "firm" and "law firm" to include a lawyer or lawyers employed in a government law office); CA Rule 5.1, cmt. 4 ("Paragraph (a) also requires managerial lawyers to make reasonable efforts to assure that other lawyers in an agency or department comply with these rules and the State Bar Act.").

Division; and Mr. Neff serves as the Acting Chief of DOJ's Voting Section. The misconduct described in this complaint demonstrates that DOJ's Voting Section under their management and supervision has failed to make reasonable efforts to ensure that DOJ's Voting Section has in effect measures giving reasonable assurance that all attorneys in that office, including themselves, comply with the applicable ethics rules.

D. Conduct That is Prejudicial to the Administration of Justice: CA Rule 8.4(d)

CA Rule 8.4(d) states that it is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.[117] CA Rule 8.4, Comment 1, states:

> Conduct that violates this rule undermines confidence in the legal profession and our legal system and is contrary to the fundamental principle that all people are created equal.[118]

Several CA cases and the CA State Bar have stressed the importance of preserving public trust in the administration of justice and the courts' role in ensuring attorneys do not engage in conduct that is prejudicial to the administration of justice.[119] For this reason, the ethical misconduct committed by Ms. Dhillon, Mr. Keenan, and Mr. Neff in pursuing baseless claims in these 31 cases demanding voters' highly sensitive, confidential information is prejudicial to the administration of justice in violation of CA Rule 8.4(d).

Beyond undermining our legal system, DOJ's 31 lawsuits demanding states' and DC's highly sensitive, confidential voter records threaten broader societal harm by amplifying election denialism and undermining public confidence in elections.[120] The ethical violations committed by Ms. Dhillon, Mr. Keenan, and Mr. Neff not only reduce the public's trust and confidence in DOJ and the courts,[121] they also reduce trust and confidence in our elections.

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[117] CA Rule 8.4(d).

[118] CA Rule 8.4 cmt. 1.

[119] *See, e.g.*, *Spikes v. Arabo*, No. 19-CV-1594-W-MDD, 2020 WL 12762597, at *2 (S.D. Cal. Apr. 28, 2020) ("It is the duty of the Court to supervise the conduct of members of its bar to ensure the preservation of public trust in the scrupulous administration of justice and in the integrity of the bar.... The important right to counsel of one's choice must yield to ethical considerations that affect the fundamental principles of our judicial process." (citation omitted)); *People ex rel. Dep't of Corporations v. SpeeDee Oil Change Sys., Inc.*, 20 Cal. 4th 1135, 1145 (Cal. 1999) (same); *In re Eastman*, No. SBC-23-O-30029-YDR, slip op. at 124 (Cal. St. Bar Ct. Mar. 27, 2024), *rev. denied*, No. S292011 (Apr. 15, 2026) (it is paramount for attorneys to act "within bounds of ethical and legal constraints," and when these ethical and legal obligations are breached, discipline is appropriate "to protect the public, the courts, and the legal profession; to preserve public confidence in the profession; and to maintain high standards for attorneys.") (citation omitted). CA Rule 8.5(a) ("A lawyer admitted to practice in California is subject to the disciplinary authority of California, regardless of where the lawyer's conduct occurs.").

[120] *See generally* Scott L. Cummings, *Lawyers in Backsliding Democracy*, 112 Calif. L. Rev. 513, 612-13 (2024) (encouraging state bars to focus more on sanctioning attorney behavior that undermines democratic values, the justice system, and rule of law and to ensure that attorneys adhere to their obligation to enhance public trust and confidence in the law).

[121] *See, e.g., In re Eastman*, No. SBC-23-O-30029-YDR, slip op. at 124 (Cal. St. Bar Ct. Mar. 27, 2024), *rev. denied*, No. S292011 (Apr. 15, 2026) ("most severe available professional sanction [of disbarment] is warranted to protect the public and preserve the public confidence in the legal system"); *see also Coppock v. State Bar*, 244 Cal. Rptr. 462, 749 P.2d 1317, 44 Cal. 3d 665, 684 (Cal. 1988) ("in imposing discipline, we… seek to protect the public, to

Instances of voter fraud are exceedingly rare and occur in such small numbers that they likely do not influence election results and have been shown not to be a concern over the past several decades.[122] DOJ's actual purpose in demanding states' highly sensitive, confidential voter records is to create a national database to pursue unsubstantiated claims of election fraud in the form of noncitizen voting. Litigating these voter record cases perpetuates and exacerbates disinformation about the accuracy of elections in the United States, thereby undermining confidence in those elections. Diminution in trust and confidence is one of several harms to the public from election denialism that have been documented by a rich history of scientific research. Other major harms include exacerbation of polarization and potential reduction in voter turnout.[123] Ms. Dhillon's, Mr. Keenan's, and Mr. Neff's repeated ethics offenses in these

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preserve public confidence in the legal profession, and to maintain and enforce the highest possible professional standards for members of the bar") (quoting *Jackson v. State Bar*, 23 Cal. 3d 509, 514 (1979)).

[122] *See, e.g.*, U.S. Gov't Accountability Off., GAO-14-634, *Elections: Issues Related to State Voter Identification Law*s 62-74 (Sept. 2014, updated Feb. 27, 2015), https://www.gao.gov/assets/gao-14-634.pdf; Lorraine C. Minnite, *The Myth of Voter Frau*d (2010); John S. Ahlquist et al., *Alien Abduction and Voter Impersonation in the 2012 U.S. General Election: Evidence from a Survey List Experimen*t, 13 Election L. J.: Rules, Pol., & Pol'y 460 (2014), [https://doi.org/10.1089/elj.2013.0231]; Stephen Ansolabehere et al., *Learning from Recount*s, 17 Election L. J.: Rules, Pol., & Pol'y 100 (2018), [https://doi.org/10.1089/elj.2017.0440]; Stephen Ansolabehere & Nathaniel Persily, *Vote Fraud in the Eye of the Beholder: The Role of Public Opinion in the Challenge to Voter Identification Requirement*s, 121 Harv. L. Rev. 1737 (2008); Jonathan Auerbach & Steve Pierson, *Does Voting by Mail Increase Fraud? Estimating the Change in Reported Voter Fraud When States Switch to Elections by Mai*l, 8 Stat. & Pub. Pol'y 18 (2021), [https://doi.org/10.1080/2330443X.2021.1906806]; Andrew C. Eggers et al., *No Evidence for Systematic Voter Fraud: A Guide to Statistical Claims About the 2020 Electio*n, 118 Proc. Nat'l Acad. Sci. 45 (2021), [https://doi.org/10.1073/pnas.2103619118]; Sharad Goel et al., *One Person, One Vote: Estimating the Prevalence of Double Voting in U.S. Presidential Elections*, 114 Am. Pol. Sci. Rev. 456 (2020), [https://doi.org/10.1017/S000305541900087X]; Mark Hoekstra & Vijetha Koppa, *(Almost) No One Votes Without ID, Even When They Can*, 205 Econ. Letters 1 (2021), [https://doi.org/10.1016/j.econlet.2021.109944]; Jennifer Wu et al., *Are Dead People Voting by Mail: Evidence from Washington State Administrative Data*, 24 Election L. J.: Rules, Pol., & Pol'y 277 (2025), [https://doi.org/10.1089/elj.2023.0047]; Jesse Yoder et al., *How Did Absentee Voting Affect the 2020 U.S. Election?*, 7 Sci. Adv. eabk1755 (2021), [https://doi.org/10.1126/sciadv.abk1755].

[123] *See, e.g.,* R. Michael Alvarez et al., *Voting Experiences, Perceptions of Fraud, and Voter Confidence*, 102 Soc. Sci. Q. 1225 (2021), [https://doi.org/10.1111/ssqu.12940] (county-level election study of over 6,000 voters found that those concerned about election fraud are more likely to express less confidence in the election); Nicolas Berlinski et al., *The Effects of Unsubstantiated Claims of Voter Fraud on Confidence in Elections*, 10 J. Experimental Pol. Sci. 34 (2021), [https://doi.org/10.1017/xps.2021.18] (experiment showing that false claims of voter fraud adversely impact confidence in elections); Katherine Clayton et al., *Elite Rhetoric Can Undermine Democratic Norms*, 118 Proc. Nat'l Acad. Sci. 2024125118 at 5 (2021), [https://doi.org/10.1073/pnas.2024125118] (political attacks on election legitimacy reduce "trust and confidence in elections and increase[] beliefs that elections are rigged"); Bernard L. Fraga et al., *Can Elite Allegations of Election Fraud Demobilize Supporters?*, 47 Pol. Behav. 309, 326, 329 (2025), [https://doi.org/10.1007/s11109-024-09952-8] (study examining a Georgia sample of "registrants who turned out to vote in the 2014, 2016, 2018, and 2020 general elections" found that "this population of high-propensity voters" were impacted by the "unsubstantiated claims of electoral fraud induc[ing] a small but electorally critical share of [voters] to stay home[,] illustrat[ing] the potential for exposure to conspiracy theories and misinformation to erode not only attitudes toward the electoral system, but also participation in democratic politics"); Matthew K. Hall & James N. Druckman, *Norm-Violating Rhetoric Undermines Support for Participatory Inclusiveness and Political Equality Among Trump Supporters*, 120 Proc. Nat'l Acad. Sci. e2311005120 at 2 (2023), [https://doi.org/10.1073/pnas.2311005120] (experimental study of 804 citizens, using 20 tweets from President Trump, found that those exposed to election denialism tweets resulted in "polarized democratic attitudes, with his approvers becoming less supportive of inclusiveness and political equality…."); Derek E. Holliday et al., *Who Are the Election Skeptics? Evidence from the 2022 Midterm Elections*, 24 Election L. J.: Rules, Pol., & Pol'y 1 (2025), [https://doi.org/10.1089/elj.2024.0010] (among other impacts, false claims of problems in elections instill a skepticism in elections); Matthew Levendusky et al., *The Long Shadow of the Big Lie: How Beliefs about the Legitimacy of the 2020 Election Spill Over onto Future Elections*, 88 Pub. Opin. Q. 933, 958 (2024),

31 voter record cases undermine confidence in our elections, which are a cornerstone of our democracy, as well as confidence in the legal profession and our legal system in violation of CA Rule 8.4(d).

E. Dishonesty and Moral Turpitude: CA Business and Professions Code § 6106

The repeated misrepresentations made by the DOJ to courts in these cases, as detailed in section IV.B describing violations of CA Rule 3.3(a)(1), constitute prohibited acts of moral turpitude under CA Business and Professions Code § 6106, which should likewise be investigated by the CA State Bar.

As the CA State Bar Court has previously concluded:

> "It is well established that acts of moral turpitude include an attorney's false or misleading statements to a court or tribunal. (Bach v. State Bar (1987) 43 Cal.3d 848, 855; Chefsky v. State Bar (1984) 36 Cal.3d 116, 124.) The actual intent to deceive is not necessary; a finding of gross negligence in creating a false impression is sufficient for violation of section 6106 (In the Matter of Moriarty (Review Dept. 1999) 4 Cal. State Bar Ct. Rptr. 9, 15; In the Matter of Wyrick (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 83, 90-91.) Acts of moral turpitude include concealment as well as affirmative misrepresentations. (Grove v. State Bar (1965) 63 Cal.2d 312, 315.) Indeed, "no distinction can…be drawn among concealment, half-truth, and false statement of fact. [Citation.]' [Citation.]"…. Also, it is not necessary that respondents actually succeeded in perpetrating a fraud on the court. (See, e.g., Bach v. State Bar, supra, 43 Cal.3d 848, 852-853, 855 [attorney violated section 6106 even though he did not succeed in committing fraud on the court due to intervention of opposing counsel].)"[124]

More recently, in its June 13, 2025, decision upholding the disbarment of John Eastman for conduct surrounding Mr. Eastman's representation of President Trump and his campaign during the 2020 presidential election, the CA State Bar Court discussed the applicability of § 6106 to lawyers who have engaged in dishonest conduct:

> Misconduct reflecting dishonesty, particularly when committed in the practice of law, is conduct involving moral turpitude. (Read v. State Bar (1991) 53 Cal.3d 394, 412.) A fundamental rule of attorney ethics is common honesty. (Baker v. State Bar (1989) 49 Cal.3d 804, 815.) Moral turpitude "includes creating a false impression by concealment as well as affirmative misrepresentations. [Citations.]" (In the Matter of Wells (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 896, 910.)….

[https://doi.org/10.1093/poq/nfae047] (research supports hypothesis that misinformation about election fairness fosters skepticism in many voters about elections and leads to "undercut[ting] electoral legitimacy both ex ante and ex post"); Philippe Mongrain, *Suspicious Minds: Unexpected Election Outcomes, Perceived Electoral Integrity and Satisfaction with Democracy in American Presidential Elections*, 76 Poli. Res. Q. 1589 (2023), [https://doi.org/10.1177/10659129231166679] (adverse consequences on public confidence in elections stem from election fraud claims and conspiracy theories by candidates and elected officials).

[124] *Maloney*, 2005 WL 103063, at *9.

> Section 6106 is violated by an attorney's material omissions or misrepresentations of material facts. (Cf. Grove v. State Bar (1965) 63 Cal.2d 312, 315 [§ 6068, subd. (d), violation involving concealment as well as affirmative misrepresentations with "no distinction . . . drawn among concealment, half-truth, and false statement of fact"].) A moral turpitude violation can be either intentional or grossly negligent. To discern between intentional or grossly negligent moral turpitude, we may examine intent, which can be established by direct or circumstantial evidence. (Zitny v. State Bar (1966) 64 Cal.2d 787, 792.) Willful blindness can also provide evidence of specific intent. (In the Matter of Carver, supra, 5 Cal. State Bar Ct. Rptr. at pp. 432-433.)[125]

Ms. Dhillon, Mr. Keenan, and Mr. Neff, either directly or in their managerial capacity, have engaged in moral turpitude in making false and misleading factual and legal statements to courts in demanding states' voter records in these cases.

V. Conclusion

The rule of law requires lawyers to conduct themselves ethically. Lawyers like Ms. Dhillon, Mr. Keenan, and Mr. Neff who held or hold public office assume legal responsibilities going beyond those of other citizens.[126] Since the publicly available evidence so strongly demonstrates that Ms. Dhillon, Mr. Keenan, and Mr. Neff likely have violated numerous CA Rules along with CA Business and Professions Code § 6106 and have engaged in conduct deeply prejudicial to the rule of law and the administration of justice, we urge the State Bar of CA to investigate the allegations in this complaint and appropriately discipline Ms. Dhillon, Mr. Keenan, and Mr. Neff.

Respectfully submitted,

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By: _____/s/_____
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[125] *In re Eastman,* No. SBC-23-O-30029, 2025 WL 4735186, at *15 (Rev. Dep't State Bar Ct Cal. June 13, 2025).
[126] CA Rule 8.4 cmt. 5 ("A lawyer's abuse of public office can suggest an inability to fulfill the professional role of lawyers.").

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ATTACHMENT A

RESPONDENTS' ENGAGEMENT IN VOTER RECORD CASES

The chart below enumerates the cases in which Respondents Harmeet K. Dhillon (HKD), Robert J. Keenan (RJK), and Eric V. Neff (EVN) were listed as counsel for the United States in the complaint or the memorandum filed in opposition to the state's motion to dismiss.

State	Complaint	Memorandum
AZ	HKD, EVN	HKD, RJK, EVN
CA	HKD	HKD
CO	HKD	HKD, RJK, EVN
CT	HKD, EVN	HKD, RJK, EVN
DC	HKD	HKD, RJK, EVN
DE	HKD, EVN	HKD, RJK, EVN
GA	HKD, RJK, EVN	HKD, RJK, EVN
HI	HKD, EVN	HKD, RJK, EVN
ID	HKD, RJK, EVN	N/A[127]
IL	HKD	HKD, RJK, EVN
KY	HKD, RJK, EVN	HKD, RJK, EVN
MA	HKD, EVN	HKD, RJK, EVN
ME	HKD, RJK, EVN	HKD, EVN
MD	HKD	HKD, RJK, EVN
MI	HKD, EVN	HKD, EVN
MN	HKD	HKD, RJK, EVN
NV	HKD, EVN	HKD, EVN
NH	HKD	HKD
NJ	HKD, RJK, EVN	HKD, EVN
NM	HKD	HKD, EVN
NY	HKD, EVN	HKD, EVN

State	Complaint	Memorandum

[127] This case has been stayed pending the Ninth Circuit's decision in the California and Oregon cases.

OK	HKD, RJK, EVN	N/A[128]
OR	HKD	HKD
PA	HKD	HKD, EVN
RI	HKD	HKD
UT	HKD, RJK, EVN	HKD, EVN
VA	HKD, RJK, EVN	HKD, EVN
VT	HKD	HKD, RJK, EVN
WA	HKD, EVN	HKD, EVN
WV	HKD, RJK, EVN	HKD, EVN
WI	HKD	HKD, RJK, EVN

[128] After the lawsuit was filed, Oklahoma agreed to give its voter registration database to DOJ, and the lawsuit was dismissed.