October 27, 2026

Alabama State Bar Disciplinary Commission
P. O. Box 671
Montgomery, AL 36101-067

Re: Ethics Complaint against Hugh Raymond Evans

Dear Members of the Commission:

Lawyers Defending American Democracy, together with a group of distinguished lawyers, respectfully request that the Alabama Bar investigate Mr. Hugh Raymond Evans, a member of the Bar, who serves as a special agent of the Federal Bureau of Investigation ("FBI").

This complaint concerns misconduct by Mr. Evans during an investigation by the federal government of purported illegal conduct during the 2020 election in Fulton County, Georgia. Specifically, the complaint arises from an affidavit submitted to a U.S. magistrate judge by Mr. Evans in support of a search warrant application for election records held by Fulton County. The search warrant was approved and executed, but the affidavit by Mr. Evan failed to disclose material information to the court which may have affected the decision to approve the search warrant.

In submitting the affidavit, Mr. Evans was obligated to disclose facts to the court sufficient to show that there was probable cause to believe that the records were relevant to criminal conduct. Fed. R. Crim. P. 41(d). A search warrant is defective if it contains a material false statement made "knowingly and intentionally, or with reckless disregard for the truth," *Franks v. Delaware*, 438 U.S. 154 (1978), and this basic requirement extends to knowing or reckless omissions of material facts. See, e.g., United States v. Stanert, 762 F.2d 775 (9th Cir. 1985) (("By reporting less than the total story, an affiant can manipulate the inferences a magistrate will draw. To allow a magistrate to be misled in such a manner could denude the probable cause requirement of all real meaning."); see also *U.S. v. Martin*, 615 F.2d 318 (5th Cir. 1980). Material omissions of relevant facts in search warrant applications are routinely addressed by the courts under the Fourth Amendment, *id*, but where the affiant is a lawyer who violates his ethical obligations by such conduct, investigation and discipline also are appropriate. That is the case here. Here, Mr. Evans' criminal procedure failures violated Alabama Rules 8.4(c) and (d) because he dishonestly misrepresented the facts and he prejudiced the administration of justice by misleading the magistrate judge.

I. Statement of Facts

The complaint is based on publicly available primary documents, including court filings, news reports, and election authorities' decision documents. The relevant events occurred over a short period of time in January, 2026, summarized as follows:

- January 5, 2026: A referral was made to the FBI Atlanta Office by Kurt Olsen, Presidentially-appointed Director of Election Security and Integrity and well-known election-denier.[1]
- January 6: Hugh Raymond Evans, a member in good standing of the Alabama State Bar, while acting as an FBI agent, was appointed to lead an investigation triggered by the Olsen referral.
- January 14: Mr. Evans opened an investigation.
- January 19: Mr. Evans drafted a summary of his investigation.[2]
- January 28: Mr. Evans filed an Affidavit and Request for Search Warrant with a United States Magistrate Judge based on that investigative summary.[3] Mr. Evans claimed that:

  "[t]he facts set forth in this affidavit are based on my personal observations and knowledge, and may also be based on: (a) my training and experience, (b) information obtained from other individuals participating in the investigation, (c) reports and/or business records, (d) recorded conversations, (e) communications with other individuals who have personal knowledge of the events and circumstances described herein, and (f) investigative files."

The factual material in Mr. Evan's sworn affidavit outlines five claimed "defects" in the 2020 election activities of Georgia officials.[4] These defects are essentially the same as allegations raised previously with the Georgia Secretary of State's Investigative Division. In summary, here are the five defects claimed in Mr. Evans' sworn Affidavit and the review of those defects by Georgia election authorities following the 2020 election:

Defects Claimed in Evans Affidavit p 3	**Previous Georgia resolution of claim**
Fulton County lacks scanned images of all 2020 ballots	*Georgia law did not require retention of ballot images in 2020*, Georgia Election Board 2024
Ballots scanned multiple times during recount	*Unsubstantiated*, Georgia Secretary of State, Investigations Division 2024

[1] Mr. Olsen has been sanctioned by the Arizona Supreme Court for making "unequivocally false statements" in court filings regarding the 2022 gubernatorial election. OLSEN PDJ 2024-9004 non member.pdf
[2] gov.uscourts.gand.355452.101.0.pdf
[3] gov.uscourts.gand.355087.22.2_3.pdf
[4] Affidavit, p. 3.

Inconsistent tallies reported during Risk Limiting Audit	*Unsubstantiated, misunderstands the purpose of the risk-limiting audit*, Georgia Election Board 2022
Auditors reported counting uncreased/unfolded absentee ballots	*Unsubstantiated, dismissed*, Georgia Election Board 2024
Inconsistent totals at Recount	*Unsubstantiated*, Georgia Secretary of State, Investigations Division 2024

Following the election the Secretary produced lengthy, detailed reports concerning these allegations[5], concluding nearly all of the allegations to be "unsubstantiated." One allegation was found to be "simply incorrect." One allegation was found to be "partially substantiated," however, the error "did not affect the accuracy of the [election] results." One allegation related to a failure to maintain all ballot images. But Georgia law did not require maintenance of ballot images at all until 2021, and therefore there was no legal requirement to maintain ballot images pertaining to the 2020 election.[6]

Subsequently, "[a]final complaint was dismissed unanimously by the State Election Board in 2024 after an investigation found no evidence to support the claim that fraudulent ballots were found and counted in Fulton County — a claim that is included in [Mr. Evans' sworn] FBI affidavit."[7]

Despite the extensive investigation by Georgia authorities and the findings that the allegations had no merit, the Affidavit filed by Mr. Evans does not disclose the existence of the prior investigations, the findings dismissing those allegations, or any information about the authority of the Secretary of State to determine the truth and possible impact of the allegations under Georgia law.

Based on the allegations set forth in Mr. Evans' Affidavit, Magistrate Judge Catherine Salinas issued a search warrant. The records seized as a result of the search warrant included more than 650 boxes of ballots and other 2020 election materials. Despite the FBI assigning "an army of 260 investigative analysts"[8] to examine the seized ballots and records, no further legal action has yet been taken, now seven months after the seizure.

II. Request for Investigation

A. Jurisdiction Over Mr. Evans

[5] Georgia Secretary of State Investigative Reports of March 4, 2022 and April 9, 2024.
[6] The FBI seizure of Georgia ballots relies on debunked claims : NPR; This article includes both the full text of the affidavit and the full text of the various decisions of Georgia election authorities, rejecting the allegations made by Mr. Evans in the sworn Affidavit.
[7] Id.
[8] F.B.I. Assigns Scores of Analysts to Examine Election Records in Georgia - The New York Times

Indeed, the Alabama Rules of Disciplinary Procedure leave no doubt that Mr. Evans is subject to the Alabama disciplinary authority:

"Lawyers admitted to practice law in this state . . . are subject to the exclusive disciplinary jurisdiction of the Disciplinary Commission and the Disciplinary Board of the Alabama State Bar, with review by the Supreme Court of Alabama **. . . Lawyers are subject to jurisdiction under this rule even though the misconduct occurred outside the lawyer-client relationship**." (emphasis added)[9]

B. Violations of Ala. R. 8.4(c) and (d)

Although Mr. Evans was acting as FBI Agent, he holds a license to practice law in Alabama. A member of the Alabama State Bar is responsible for compliance with the Alabama Rules even when acting outside the role of lawyer. Violations of the Alabama Rules of Professional Conduct are grounds for lawyer discipline, "whether or not the violation occurred in the course of the lawyer-client relationship."[10]

Alabama Rule of Professional Conduct 8.4(c) and (d) define acts of professional misconduct to include when a lawyer

"(c) Engage(s) in conduct involving dishonesty, fraud, deceit or misrepresentation;[11]

or

(d) Engage(s) in conduct that is prejudicial to the administration of justice . . .."

Such acts need not be crimes. Subsection (b) deals with lawyers who commit certain crimes. The dishonest acts under section (c) simply need to be acts that are not insubstantial. Acts violate section (d) when they risk abusing the administration of justice.

Mr. Evans' sworn statements in the Affidavit, in their commission and omissions, violate Alabama Rules 8.4(c) and (d).

1. A person with a law license can be sanctioned for conduct outside the role of lawyer under 8.4(c) and (d).

As demonstrated by the title of a classic, American Bar Association Formal Opinion, for over fifty years, it has been a well-established, accepted proposition that

> A LAWYER, WHETHER ACTING IN HIS PROFESSIONAL CAPACITY OR OTHERWISE, IS BOUND BY APPLICABLE DISCIPLINARY RULES OF THE CODE OF PROFESSIONAL RESPONSIBILITY.[12]

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[9] Alabama R. Disc. Procedure 1(a)(1).
[10] Alabama R. Disc. Proc. 2(b).
[11] Alabama law should apply to Mr. Evans' conduct, but Georgia law is of the same ilk in any event. "Georgia 8.4 (a)(4) engage in professional conduct involving dishonesty, fraud, deceit or misrepresentation; . . .."
[12] ABA Formal Op. 336 (1974).

Specifically, Rules 8.4(c) and (d) are cast in language that applies to conduct in or out of the role of lawyer. As such, they have routinely be applied to conduct outside the role of lawyer.

> "It would be utterly incongruous with the entire tenor of the code to find that its provisions regarding lawyers who engage in fraud, deceit, misrepresentation, or illegal conduct involving moral turpitude do not apply to them when they are acting as individuals or as public servants."[13]
>
> "The importance of RPC 8.4(c) is that it recognizes the paramount importance of honesty for a lawyer not just in the lawyer's professional or 'public' conduct, but also in the lawyer's nonprofessional or 'private' conduct.[14]

2. An FBI or other law enforcement agent who holds a bar license can be sanctioned under 8.4(c) and (d).

Based on conduct outside the role of lawyer, law enforcement agents who hold a law license can be disciplined for violations of Rule 8.4(c) and (d). In this respect, they are the same as anyone else who holds a law license and engages in acts of fraud, deceit, or misrepresentation.

Specifically, a law enforcement agent who "omits material facts from an affidavit in her capacity as a . . . Police Officer should be held to scrutiny under the Rules of Professional Conduct. . . .. [Her status as] a lawyer is not held in abeyance while she is acting as a police officer. Her duty of candor to the court remains with her as does her obligation to abide by the Rules of Professional Conduct. Respondent was required to reveal [salient facts] to the tribunal and failed to do so." (violation of 8.4(c) and (d))[15]

3. A person with a law license can violate Rules 8.4(c) (deceit, misrepresentation) and (d) (prejudicial to the administration of justice) by *omission* or failure to reveal something critical.
An omission can be a deceitful, misleading act under Rule 8.4(c),[16] and "evasive and misleading answers" in a deposition are sufficient to prejudice administration of justice.[17]

A deception as minor as submitting false CLE attendance document violates Rule 8.4(c).[18]

A wide range of deceptions outside the role of lawyer have been held to produce lawyer discipline.

Examples include the following:

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[13] Id. at 1.
[14] Big Brother Is Watching Discipline for "Private" Conduct, Prof. Law., 2000, at 81. See also, DC Ethics Op. 336 (2006).
[15] Bar v. Anonymous, 94 DB 2008 (Pa. Sup. Ct. Disc. Bd. 2008).
[16] Id.
[17] Neal v. Clinton CIV 2000-5677, 2001 WL 34355768 (Ark Cir Ct 2001).
[18] In re Diggs, 544 S.E. 2d 628 (S.C 2001).

- lying during voir dire as a potential juror,[19]
- lying during your own divorce,[20]
- falsely promising to buy baseball season tickets and instead converting others' contributions for his own use,[21]
- lying to law enforcement,[22]
- misappropriation of bar association funds,[23]
- dishonestly converting funds of a family member,[24]
- false statements to bar investigators,[25]
- misleading statements in a lawyer's own bankruptcy,[26]
- personal tax fraud,[27] and
- lying on your resume and forging transcript documents.[28]

Mr. Evans' statements were of serious consequence. They far exceeded the private consequences of several of the listed examples. Instead, they misled a magistrate judge and led to the highly unusual and controversial federal government seizure of state voting materials.

Mr. Evans swore to the truth of the allegations in the warrant application without any indication that those same allegations had been found unsubstantiated after thorough investigation by state authorities charged with the responsibility of reviewing and determining the truth or falsity of those allegations. This was relevant and material information that should have been disclosed to the Magistrate Judge considering whether to authorize a sensitive search of state election records. It is likely that any judge would pause over disclosure that the allegations made by the FBI in its application had been thoroughly investigated and rejected in a series of investigations and proceedings. At the very least, Mr. Evans' should have qualified the allegations with the indication that they had failed under state scrutiny after thorough investigation. Anything less was a serious act of "dishonesty, . . . deceit, and misrepresentation" designed to and likely effective in creating the appearance that the warrant application was based on credible and substantiated information that fully supported a decision to authorize the search warrant. That was not the case, and Mr. Evans deprived the judge of the opportunity to evaluate the questionable and unsubstantiated nature of the allegations made in his Affidavit.

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[19] In re Warpeha, 802 N.W.2d 361 (Minn. 2011).
[20] Fla. Bar v. Koepke, 327 So. 3d 788 (Fla. 2021); Iowa Supreme Ct. Att'y Disciplinary Bd. v. Rhinehart, 827 N.W.2d 169 (Iowa 2013).
[21] People v. Rishel, 50 P.3d 938 (Colo. O.P.D.J. 2002).
[22] In re Wesley Scott, 8 N.W.3d 236 (Minn. 2024).
[23] People v. Motsenbocker, 926 P.2d 576, 577 (Colo.1996).
[24] In re Trombley, 916 N.W.2d 362 (Minn. 2018).
[25] In re Agron, 701 S.W.3d 623 (Mo. 2024).
[26] In re Crabtree, 916 N.W.2d 869 (Minn. 2018).
[27] Attorney Grievance v. Atkinson (Md. 2000),
[28] In re Ballard, 976 N.W.2d 720 (Minn. 2022).

4. Mr. Evans' conduct prejudiced the administration of justice by subverting the normal legal processes with his deceptive conduct in violation of Rule 8.4(d)

The administration of justice may be prejudiced by conduct that is careless or negligent. *Intent to deceive* is not required to establish a violation of 8.4(d).[29] Mr. Evans knew and should reasonably have expected that the statements of fact he asserted in his sworn affidavit would be relied upon by the magistrate judge. After all, the very purpose of an FBI Agent's sworn Affidavit is to be relied upon by a judge. It also is reasonable to infer that Mr. Evans knew or should have known after he conducted his reported investigation that the same allegations of fact had previously been examined by the Georgia Secretary of State and had been found to be "unsubstantiated" or "simply incorrect" in all but one minor respect. Yet, Mr. Evans presented the allegations in his sworn affidavit without any reference to the investigation and findings of the Georgia Secretary of State.[30] As a result, he presented the allegations to the Magistrate Judge as if his investigation had substantiated the allegations when state authorities had found just the opposite. That failure to disclose the State of Georgia's conclusions about the allegations was highly "misleading, . . ." and risked serious harm to the administration of justice. A magistrate judge would have been far less likely to grant the request for a search warrant if the judge had been informed that Georgia authorities had intensively investigated the same allegations and found them wanting.

When a *lawyer* represents a client before a judge in an *ex parte* setting, that lawyer is obligated to make a balanced fact presentation.[31] And when a lawyer represents a client before a judge in an adversarial setting, naturally, the duty to represent that client with zeal must be balanced with the duty of candor to a court. But as an FBI Agent, Mr. Evans had no duty to a client to balance with the duty to avoid misleading the court. His combined assertions and omissions in the sworn Affidavit were highly deceptive. He made assertions that he must have known, having conducted an investigation, had been rejected by Georgia state election officials in 2022 and 2024. Failing to reveal to the magistrate judge that his assertions had been intensely investigated by state officials and determined to be "unsubstantiated" was a grave misrepresentation. Under the circumstance, it is reasonable to infer that the disclosure was made in order to mislead the magistrate judge in the performance of his official duties, thereby prejudicing the administration of justice.

C. The Public Interest in an Investigation

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[29] Florida Bar v. Schwartz, 284 So. 3d 393 (Fla. 2019); In re Alexander, 300 P.3d 536 (Az. 2013); In re Kennedy, 864 N.W.2d (Minn. 2015).

[30] He did make a general statement in the Affidavit that "there were many allegations of electoral impropriety relating to the voting process and ballot counting in Fulton County, Georgia. Some of those allegations have been disproven while some of those allegations have been substantiated, including through admissions by Fulton County." This statement refers in a general way to 2020 election allegations and does not specifically refer to the allegations made in the Affidavit.

[31] Alabama Rules of Professional Conduct 3.3(d). While not applicable to Mr. Evans because he was not representing a client at the time, 3.3(d) illustrates the increased candor owed to judges in *ex parte* settings such as Mr. Evans' submission of the search warrant affidavit.

In Alabama:

> It is well established that the purpose of attorney discipline is "to maintain appropriate standards of professional conduct to protect the public and the administration of justice ...." Preamble, Ala. R. Disc. P. A further goal of attorney discipline is to deter similar, future misconduct and to preserve the public trust in the legal profession. See *In re Abrams*, 227 Ariz. 248, 250-51, 257 P.3d 167, 169-70 (2011) (noting that " '[t]he purpose of professional discipline is ... (1) to protect the public, the legal profession, and the justice system, and (2) to deter others from engaging in misconduct' " with the aim " 'to instill public confidence in the Bar's integrity.' " (citations omitted)).(Shaw, Dissenting)[32]

Unlike the case of *Alabama State Bar v. Kaminski,*[33] this is a situation where a lawyer's violation "causes serious or potentially serious injury to… the public…."[34]

Mr. Evans engaged in election denialism by ignoring the findings of the Georgia Secretary of State, which inflicts serious harm to the public. The public became acutely aware of the consequences of Mr. Evans's affidavit when the FBI seized nearly 700 boxes of ballots and other election-related materials from Fulton, County, Georgia, Election Hub and Operations Center on January 28, 2026,[35] especially after Director of National Intelligence Tulsi Gabbard and President Donald Trump were prominently involved in the matter.[36]

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[32] Alabama State Bar v. Kaminski, 376 So. 3d 485 (Ala. 2022). The *Kaminski* facts are far removed from the instant facts, but the Court relied on its view that the public was not likely harmed by the Kaminski wrongdoing.
[33] Id., quoting Alabama Standards for Imposing Lawyer Discipline.
[34] Standard 7.19
[35] *E.g.*, Luke Barr et al., FBI Seizes 2020 Ballots in Georgia in Apparently Unprecedented Action, Alarming Local Officials. ABC News, Jan. 28, 2026, available at https://abcnews.com/Politics/fbi-conducting-court-ordered-activity-georgia-election-site/story?id=129644345; Greg Bluestein, FBI Raid in Fulton Sends Shockwaves Across Georgia's Political Landscape. Atlantic-Journal Constitution, Jan. 30, 2026, available at https://www.ajc.com/politics/2026/01/fbi-raid-in-fulton-sends-shockwaves-across-georgias-political-landscape/; Greg Bluestein et al., FBI Raids Fulton County Election Office Seeking Ballots from Trump's 2020 Loss. Atlantic-Journal Constitution, Jan. 29, 2026, available at https://www.ajc.com/politics/2026/01/fbi-raids-fulton-county-election-office/; Josh Dawsey et al., Spy Chief Tulsi Gabbard Is Hunting for 2020 Election Fraud. Wall St. J., Jan. 29., 2026, available at https://www.wsj.com/politics/elections/spy-chief-tulsi-gabbard-is-hunting-for-2020-election-fraud-07ea2383; Sean Moran, Exclusive: Spy Chief Tulsi Gabbard Visited Fulton County Election Site to Ensure 'Integrity of Our Elections'. Breitbart, Jan. 30, 2026, available at https://www.breitbart.com/politics/2026/01/30/exclusive-tulsi-gabbard-visited-fulton-county-georgia-election-site-election-integrity/; Nicholas Riccardi, FBI Raid in Georgia Highlights Trump's 2020 Election Obsession and Hints at Possible Future Actions, Associated Press, Jan. 29, 2026, available at https://apnews.com/article/trump-2020-election-false-claims-fraud-georgia-55786848ca20c02cbcf749ede2db8852.
[36] Luke Barr et al., Tulsi Gabbard Arranged Trump Call with FBI Agents After Georgia Election Raid: Sources. ABC News, Feb. 2, 2026, available at https://abcnews.com/US/dni-director-arranged-fbi-agents-searched-georgia-election/story?id=129794862; Dawsey et al., *supra* note 31; Moran, *supra* note 31. President Trump also posted about the seizures on Truth Social the day after the FBI raid. E.g., Jonathan Karl, Trump Posts Discredited

The harms to the public are documented by a rich history of social science research. Examples of such harm include reduction of trust and confidence in the election system and its outcomes; exacerbation of polarization; and potential non-voting due to election denialism.[37]

Conspiracy Theories Following Seizure of 2020 Ballots in Georgia. ABC News, Jan. 29, 2026, available at https://abcnews.com/US/trump-posts-discredited-conspiracy-theories-seizure-2020-ballots/story?id=129669660.

[37] R. Michael Alvarez et al., Voting Experiences, Perceptions of Fraud, and Voter Confidence. 102 Soc. Sci.Q. 1225 (2021). DOI: 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. Exper. Poli. Sci. 34 (2021). DOI: 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. e2024125118, at 5 (2021). DOI: 10.1073/pnas.2024125118. (Panel experiment demonstrates political attacks on election legitimacy reduces "trust and confidence in elections and increases beliefs that elections are rigged."); Joseph A. Coll et al., Electoral Race Card: Voter Fraud, Racial Affective Polarization, and White American Election Confidence. 14 Polit. & Govern. 11587, at 2 (2026). DOI. 10.17645/pag.11587. (White Americans who believed "Black, Latino, and immigrant communities as the culprits of voter fraud" were more likely to have decreased confidence in 2020 election's integrity.); Bernard L. Fraga et al., Can Elite Allegations of Election Fraud Demobilize Supporters?. 47 Poli. Behav. 309, 326, 329 (2025). DOI: 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," the researchers 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). DOI: 10.1073/pnas.2311005120. (Experimental study of 804 citizens, using 20 actual 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, Poli., & Pol'y 1 (2025). DOI: 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). DOI: 10.1093/poq/nfae047. (Research supporting the 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."); Mitchell Linegar & R. Michael Alvarez, Americans Views About Election Fraud, 6 Front. Polit. Sci. 1493897 (2024). DOI: 10.3389/fpos.2024.1493897. (Study of over 2,000 registered voters' perceptions about election fraud found "widespread" beliefs in fraud, with significant differences based on party affiliation (Republicans greater than Democrats), voter location (urban Republicans greater than rural Republicans), political engagement (engaged voters greater than not engaged), and preexisting beliefs in (non-election) conspiracies).; Anita Manion et al., Ballots and Beliefs: Diverging Views on Election Integrity from the Public and Officials.14 Poli. & Gov. 10, 17-18 (2026). DOI:10.17645/pag.11818. ("Partisanship is the most powerful predictor of voter and [voter] list confidence… [and partisans are] influenced by incendiary narratives about voter fraud and voter suppression," with the consequence being that partisans are especially vulnerable to mistrusting elections.); Philippe Mongrain, Suspicious Minds: Unexpected Election Outcomes, Perceived Electoral Integrity and Satisfaction with Democracy in American Presidential Elections. 76 Poli. Res. Q. 1589 (2023). DOI: 10.1177/10659129231166679. (There are adverse consequences on public confidence stemming from election fraud claims and conspiracy theories by candidates and elected officials.); Kevin T. Morris & Ian Shapiro, On Fertile Ground: How Racial Resentment Primes White Americans to Believe Fraud Accusations. Polit. Behav. (Online Open Access, Version of Record, Aug. 26, 2025). DOI: 0.1007/s11109-025-10065-z. (Data support race-related receptivity to fraud narratives, with anti-Black Whites more likely to embrace such concerns); Nathaniel Persily & Charles Stewart III, The Mircale and Tragedy of the 2020 U.S. Election. 32 J. Democracy 159, 173 (2021). DOI: 10.1353/jod.2021.0026. (Showing that for "Republicans, simply living in a state that Trump barely won is worth approximately 40 points in confidence regarding whether state votes were counted properly, compared to living in a state that Trump barely lost."); Julia Stachofsky et al., Measuring the Effect of Political Alignment, Platforms, and

Election denialism itself may even undermine public trust and confidence in the courts, but the relationship between them has not been the focus of sufficient empirical research in the U.S. to confirm or refute that proposition. The impact of this loss of faith in our electoral process is incalculable (and continuing), and Mr. Evans is one of too many lawyers who have played an essential role in damaging public trust.

D. The Appropriate Sanction

The appropriate sanction for misconduct by Mr. Evans should be determined only after a thorough investigation. On the basis of the publicly available information, we suggest a few initial thoughts.

Under Alabama Standards for Imposing Lawyer Discipline 5.22 or 6.12 , absent any aggravating or mitigating factors under Standards 9.2 or 9.3, it appears that the proper sanction for Mr. Evans' misconduct should be suspension.

Standard 5.22 applies to "cases involving public officials who engage in conduct that is prejudicial to the administration of justice." An FBI Agent is a public official, and as set forth in this complaint, Mr. Evans's conduct was prejudicial to the administration of justice. Where that standard is met, suspension is appropriate where a lawyer holding a government position "knowingly fails to follow proper procedures or rules, and causes injury or potential injury to a party or to the integrity of the legal process."

In a similar vein, Standard 6.12 advises that "Suspension is generally appropriate when a lawyer knows that false statements or documents are being submitted to the court or that material information is improperly being withheld, and takes no remedial action, and . . . causes an adverse or potentially adverse effect on the legal proceeding."[38]

III. Conclusion

Fake News Consumption on Voter Concern for the Electoral Process. 40 Govern. Info.Q. 101810, at 10 (2023). DOI: 10.1016/j.giq.2023.101810. (Data from the study "indicate that fake news consumption shapes perceived reality in the political context, leading to citizens having higher concern about election processes."); Kenneth E. Vail III et al., Motivated Reasoning: Election Integrity Beliefs, Outcome Acceptance, and Polarization Before, During, and After the 2020 U.S. Presidential Election. 47 Motiv. & Emot. 177 (2022). DOI: 10.1007/s11031-022-09983-w (Study of 2020 presidential contest with longitudinal data collected from college students with results showing the partisan impact of adverse election outcome led to the diminution of trust in the election's integrity whereas for those who were pleased with the election outcome affirmed the election's integrity).

[38] It is possible, however, that the Commission's investigation may support the application of Standard 6.1 if the record shows that Mr. Evans actually engaged in "dishonesty, fraud, deceit, or misrepresentation" to the magistrate judge.

For the foregoing reasons, the undersigned respectfully request that the Attorney Disciplinary Commission promptly complete its investigation into Evans's conduct and impose appropriate professional discipline to deter further election misconduct and protect the public.

Respectfully submitted,

LAWYERS DEFENDING AMERICAN DEMOCRACY

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