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March 27, 2025

Via Email and FedEx

Attorney Grievance Committee
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007


Re: Emil J. Bove III, Esq.

Dear Attorney Grievance Committee Members:

This firm represents the 65 Project, a bipartisan, nonprofit organization whose mission is to protect democracy from abuse of the legal system by holding accountable lawyers who violate their oath as attorneys to uphold the rule of law and abide by the professional code of conduct.

We write on behalf of the 65 Project to request that the Southern District of New York Attorney Grievance Committee investigate recent actions taken by Emil J. Bove III in his role as Acting United States Deputy Attorney General and in private practice at Blanche Law PLLC, a New York law firm. Specifically, as detailed below, we request that the Grievance Committee investigate Mr. Bove's conduct as Acting Deputy Attorney General with respect to: (1) Mr. Bove's efforts to secure the dismissal of the indictment in *United States v. Eric Adams*, No. 24-

cr-000556 (DEH) (S.D.N.Y.); (2) Mr. Bove's retaliation toward Department of Justice and Federal Bureau of Investigation staff regarding past criminal prosecutions of Mr. Bove's former client in private practice, President Donald Trump; and (3) Mr. Bove's threats of criminal prosecutions against state and local officials for complying with their jurisdictions' laws and refusing to participate in the federal government's immigration enforcement activities. We further request that the Grievance Committee investigate Mr. Bove's conduct in private practice at Blanche Law PLLC during Mr. Bove's representation of Mr. Trump in criminal proceedings.

The following facts and violations of the New York Rules of Professional Conduct ("NY RPCs") adopted by the S.D.N.Y. (*see* Federal Rule of Civil Procedure 8.3(a)(1) and Local Rule 1.5(a) of the S.D.N.Y.), warrant a full, prompt investigation by the S.D.N.Y. Attorney Grievance Committee:

I. Mr. Bove's Misconduct Related to *United States v. Adams*

Based on publicly available information, it is apparent that Mr. Bove violated NY RPC 3.3(a)(1), NY RPC 8.4(d), and NY RPC 8.4(a) in his role as Acting Deputy Attorney General with respect to the *United States v. Adams* case, which is currently pending before the Hon. Dale E. Ho of the Southern District of New York.

a. Brief Summary of Mr. Bove's Conduct in the *Adams* Case

On January 31, 2025, Acting United States Attorney for the Southern District of New York Danielle Sassoon and members of her team met with Mr. Bove, then Acting Deputy Attorney General, and counsel for Mayor and Defendant Eric Adams to discuss the indictment in *United States v. Eric Adams*.¹ According to Ms. Sassoon, at the meeting, Mayor Adams's

¹ Letter from D. Sassoon, Acting U.S. Attorney, SDNY, to AG Pam Bondi (Feb. 12, 2025), *Adams* Dkt. 152-1 ("Sassoon Ltr.").

counsel proposed a quid pro quo in which his indictment would be dismissed and, in exchange, Mayor Adams would “assist with the [DOJ’s] enforcement priorities.”² Ten days later, Mr. Bove sent Ms. Sassoon a letter directing her to dismiss the indictment without prejudice and subject to certain conditions.³

In his letter, Mr. Bove stated two reasons for his directive: (1) the timing of the proceedings and recent public actions of Damian Williams, the former United States Attorney for the Southern District of New York, “threatened the integrity of the proceedings, including by increasing prejudicial pretrial publicity that risks impacting potential witnesses and the jury pool” and improperly interfering with Mayor Adams’s 2025 mayoral election campaign; and (2) the prosecution had “unduly restricted Mayor Adams’s ability to devote full attention and resources to the illegal immigration and violent crime that escalated under the policies of the prior Administration.”⁴

On February 12, 2025, Ms. Sassoon sent a response to Attorney General Pam Bondi, requesting a meeting with the Attorney General to discuss Ms. Sassoon’s concerns with Mr. Bove’s dismissal directive.⁵ Mr. Sassoon’s letter to the Attorney General provided a detailed rebuttal to Mr. Bove’s two grounds for seeking dismissal and suggested that a quid pro quo agreement had been reached between Mr. Bove and Mayor Adams.⁶ Ms. Sassoon further stated that there were no reasonable arguments in support of dismissal of the *Adams* indictment and she

² *Id.* at 3 n.1.

³ Memorandum from E. Bove, Acting Deputy AG, to D. Sassoon, Acting U.S. Attorney, SDNY (Feb. 10, 2025) at 1 (“Bove Memo”), *Adams* Dkt. 152-2.

⁴ *Id.* at 1-2.

⁵ Sassoon Ltr. at 1-2.

⁶ *Id.* at 2-6.

could not make any such arguments consistent with her duty of candor.⁷ Ms. Sassoon then offered to resign if the Attorney General declined to meet with her.⁸ Mr. Bove then responded to Ms. Sassoon's letter by "accept[ing]" her resignation and placing Ms. Sassoon's prosecution team on administrative leave.⁹

After Ms. Sassoon's resignation, the *Adams* case was transferred from the S.D.N.Y. United States Attorney's Office to the DOJ's Public Integrity Section in Washington, D.C., which caused five Public Integrity Section Assistant United States Attorneys ("AUSAs") to resign.¹⁰

Just hours after Ms. Sassoon resigned, Mayor Adams stated he would issue an executive order allowing federal immigration authorities into Rikers Island, which reflected a 180-degree shift in the City's policies with respect to federal immigration enforcement and followed a meeting earlier in the day between Mayor Adams and Tom Homan, President Trump's "Border Czar."¹¹

The following morning, on February 14, 2025, the lead Southern District of New York AUSA assigned to the *Adams* case, Hagan Scotten, resigned.¹²

That same morning, Mayor Adams appeared for an interview on the Fox News show "Fox and Friends" alongside Border Czar Tom Homan.¹³ During the interview, Mr. Homan

⁷ *Id.* at 8.

⁸ *Id.*

⁹ Letter from E. Bove to D. Sassoon (Feb. 13, 2025), *Adams* Dkt. 152-3.

¹⁰ W.K. Rashbaum et al., *Order to Drop Adams Case Prompts Resignations in New York and Washington*, *N.Y. Times* (Feb. 13, 2025), <https://www.nytimes.com/2025/02/13/nyregion/danielle-sassoonquit-eric-adams.html>.

¹¹ Luis Ferre-Sadurni, *After Meeting With Trump's Border Czar, Adams Opens Rikers to ICE Agents*, *N.Y. Times* (Feb. 13, 2025), <https://www.nytimes.com/2025/02/13/nyregion/adams-ice-rikers-homan.html>.

¹² Letter from H. Scotten, AUSA SDNY, to E. Bove, Acting Deputy AG (Feb. 14, 2025), *Adams* Dkt. 152-4.

¹³ Fox and Friends, 'Game changer': Goman and Adams Collaborate on NYC Immigration Enforcement, Fox News

acknowledged the existence of a quid pro quo agreement between the federal government and Mayor Adams when he stated: “If [Adams] doesn’t come through, I’ll be back in New York City and we won’t be sitting on a couch, I’ll be in his office, up his butt saying ‘Where the hell is the *agreement* we came to?’”¹⁴ Mayor Adams reacted to Mr. Homan’s statement with nervous laughter.¹⁵

Later that same day, Mr. Bove summoned the staff of the DOJ Public Integrity Section to participate in a videoconference call to discuss the motion to dismiss the *Adams* case.¹⁶ During that call, Mr. Bove gave the Public Integrity Section AUSAs who had been assigned to the *Adams* case an hour to decide whether to follow his directive to move to dismiss the case.¹⁷ During a discussion among the AUSAs, Ed Sullivan, a longtime prosecutor, said he would sign the motion to “protect the other lawyers.” He was joined by Antoinette Bacon, the head of the DOJ Criminal Division.¹⁸ Mr. Bove also signed the motion.¹⁹ The motion papers provided the same reasons for dismissal that Mr. Bove had included in his February 10, 2025 letter to Ms. Sassoon.²⁰ Mr. Bove then provided these same reasons again during a hearing in the *Adams* case on February 19, 2025 before Judge Ho.²¹ At that hearing, Mr. Bove emphatically denied that

(Feb. 14, 2025), <https://www.foxnews.com/video/6368821459112>.

¹⁴ *Id.*

¹⁵ *See id.*

¹⁶ D. Barrett al., *In Moving to Stop Adams Case, Career Lawyer Sought to Stave Off Deeper Crisis*, N.Y. Times (Feb. 16, 2025), <https://www.nytimes.com/2025/02/16/us/politics/justice-department-trump-eric-adams.htm>.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *See Nolle Prosequi, United States v. Adams*, 240cv000556 (S.D.N.Y. Feb. 14, 2025), *Adams* Dkt. 152-5.

²⁰ *See id.*

²¹ Tr. of Feb. 19, 2025 Hearing, *Adams* Dkt. 152-7 at 23-34.

there was a quid pro quo agreement between the federal government and Mayor Adams.²²

b. Mr. Bove's Conduct in the *Adams* Case Repeatedly Violated the NY RPC

NY RPC 3.3(a)(1) – Conduct Before a Tribunal. NY RPC 3.3(a)(1) prohibits a lawyer from “knowingly[] mak[ing] a false statement of fact or law to a tribunal or fail[ing] to correct a false statement of material fact or law previously made to the tribunal by the lawyer.” Mr. Bove violated NY RPC 3.3(a)(1) during the February 19, 2025 hearing before Judge Ho, where Mr. Bove repeatedly denied that there was a *quid pro quo* agreement between Mayor Adams and the federal government. Mr. Bove told the court: “[Y]ou have a record undisputed that there is no quid pro quo [A] quid pro quo . . . doesn’t exist.”²³

Mr. Bove’s own February 10, 2025 directive to Ms. Sassoon directly contradicted his February 19 statement to Judge Ho, and demonstrates that there was indeed a *quid pro quo* agreement between the federal government and Mayor Adams. In his February 10 memo, Mr. Bove explicitly proposed dismissing the charges against Mayor Adams in exchange for Adams assisting federal immigration enforcement. He wrote: “We are particularly concerned about the impact of the prosecution on Mayor Adams’ ability to support critical, ongoing federal efforts ‘to protect the American people from the disastrous effects of unlawful mass migration and resettlement.’”²⁴ He then stressed that dismissal of the prosecution *without prejudice* was “necessary at this time” to “[a]ccomplish[] the immigration objectives established by President

²² *Id.* at 48-49.

²³ *Id.*

²⁴ Bove Memo at 2 (quoting Exec. Order 14165).

Trump.”²⁵ In other words—the federal government expected to receive Mayor Adams’s help with immigration enforcement in exchange for dismissal of the pending charges.

This conclusion is further bolstered by Mayor Adams’s February 13 announcement that he would issue an executive order granting federal immigration authorities access to New York City jails, and by Border Czar Tom Homan’s subsequent statement on “Fox and Friends,” that the Trump administration had an “agreement” with Mayor Adams and expected him to “come through” and assist federal immigration enforcement.

NY RPC 8.4(d) – Conduct Prejudicial to the Administration of Justice. NY RPC 8.4(d) prohibits a lawyer from “engag[ing] in conduct that is prejudicial to the administration of justice.” This rule applies “if the conduct in question is likely to cause substantial individual or systemic harm to the administration of justice, regardless of the motivation of the party.” NYSBA Ethics Op. 1098 (June 10, 2016).

Here, Mr. Bove engaged in conduct that is prejudicial to the administration of justice when he failed to follow DOJ policies and procedures by moving to dismiss an indictment duly returned by a federal grand jury, not based on the merits of the case, but to advance ancillary political goals. Then, after the prosecution team expressed concerns with Mr. Bove’s directives, Mr. Bove retaliated by placing the prosecutors on administrative leave and initiated retaliatory personnel investigations. Most critically, as discussed above, Mr. Bove’s decision to seek dismissal of the charges pending against Mayor Adams was not motivated by the administration of justice or by any evidence of Mayor Adams’s lack of criminal culpability. Instead, Mr. Bove

²⁵ *Id.*

sought to dismiss the indictment pursuant to the federal government's *quid pro quo* agreement with Mayor Adams to support federal immigration enforcement in exchange for dismissal.

NY RPC 8.4(a) – Inducing Others to Commit Conduct Prejudicial to the Administration of Justice. Under NY RPC 8.4(a), a lawyer shall not “violate or attempt to violate the [NY RPC], knowingly assist or induce another to do so, or do so through the acts of another.” By pressuring Ms. Sassoon and the Public Integrity Section AUSAs to move for dismissal of the charges against Mayor Adams in support of the federal government's *quid pro quo* agreement with Adams, Mr. Bove “attempted to . . . induce another” lawyer to “violate or attempt to violate the [NY RPC]” sections listed above.

II. Mr. Bove's Misconduct Related to His Retaliatory Acts Toward DOJ and FBI Personnel Regarding Past Criminal Prosecutions of Donald Trump

a. Background: Mr. Bove's Service as Donald Trump's Criminal Defense Counsel in Private Practice

After President Donald Trump lost his bid for reelection in 2020, Mr. Bove, then an attorney in private practice associated with the law firm Blanche Law PLLC, represented President Trump as his criminal defense attorney in various criminal proceedings, including *People v. Trump*, IND-71543-23 (N.Y. Sup., N.Y. Cnty.) (the “Hush Money Payment Case”), *United States v. Trump*, No. 23 Cr. 80101 (S.D. Fla.) (the “Classified Documents Case”), and *United States v. Trump*, No. 23 Cr. 257 (D.D.C.) (the “Election Obstruction Case”).

Mr. Bove was personally and substantially involved in and appeared in court as President Trump's counsel in the Hush Money Payments case, where he served as trial counsel through pretrial proceedings and an entire criminal trial up through verdict²⁶; in the Classified

²⁶ See Ben Feuerherd & Erica Orden, *Cross-examination gets Heated as Trump's Lawyer Suggests Davidson was Engaged in Extortion*, *Politico* (May 2, 2024), <https://www.politico.com/live-updates/2024/05/02/trump-hush->

Documents Case, where he represented President Trump in extensive pretrial practice in the United States District Court for the Southern District of Florida²⁷; and in the Election Obstruction Case, where he likewise represented President Trump in extensive pretrial proceedings in the United States District Court for the District of Columbia regarding President Trump's alleged efforts to overturn the results of the 2020 presidential election.²⁸

b. Mr. Bove's Retaliation Toward DOJ Staff Who Worked on the Trump Prosecutions Violated the NY RPC

NY RPC 1.11(d)(1) – Special Conflicts of Interests for Current Government Officers with Respect to Former Private Practice Clients. NY RPC 1.11(d)(1) states, in relevant part:

Except as law may otherwise expressly provide, a lawyer currently serving as a public officer or employee shall not: (1) participate in a matter in which the lawyer participated personally and substantially while in private practice or nongovernmental employment, unless under applicable law no one is, or by lawful delegation may be, authorized to act in the lawyer's stead in the matter

After President Trump took office again in 2025, Mr. Bove switched sides from the Trump's defense table to the prosecutor's office. His recent conduct as Acting Deputy Attorney General has repeatedly violated NY RPC 1.11(d)(1). Mr. Bove first violated this conflict provision by participating in the retaliatory termination of DOJ prosecutors who worked on the January 6 prosecutions, which resulted in the convictions of individuals who rioted at the United

[money-criminal-trial/cross-examination-gets-testy-00155750](https://www.pbs.org/newshour/politics/court-hears-longshot-challenge-by-trump-attorneys-to-prosecutors-appointment-in-classified-documents-case).

²⁷ See Erin Tucker & Adriana Gomez Licon, *Court Hears Longshot Challenge by Trump Attorneys to Prosecutor's Appointment in Classified Documents Case*, PBS News (June 21, 2024), <https://www.pbs.org/newshour/politics/court-hears-longshot-challenge-by-trump-attorneys-to-prosecutors-appointment-in-classified-documents-case> (“U.S. District Judge Aileen Cannon heard several hours of arguments Friday from lawyers for both sides, with Trump attorney Emil Bove at one point asserting that the Justice Department could create a ‘shadow government’ through the appointment of special counsels.”).

²⁸ See *Recap: Chutkan Quarrels with Trump Attorneys in Charting Course for Jan. 6 Case*, The Hill (Sept. 5, 2024), <https://thehill.com/regulation/court-battles/4862290-jack-smith-donald-trump-tanya-chutkan-jan-6/> (“Attorneys John Lauro, Todd Blanche and Emil Bove are in court for Trump.”).

States Capitol in an effort to stop the certification of the 2020 presidential election.²⁹ Mr. Bove again violated NY RPC 1.11(d)(1) by participating in Attorney General Bondi's "Weaponization Working Group," which is tasked with "identify[ing] instances where a department's or agency's conduct appears to have been designed to achieve political objectives or other improper aims rather than pursuing justice or legitimate governmental objections," including the Hush Money Payment Case, the Classified Documents Case, and the Election Obstruction Case—in all of which Mr. Bove represented Trump.³⁰ Mr. Bove has therefore worked on both sides of these matters—first as Trump's private defense counsel and now as one of the top prosecutors in the Trump Justice Department. Thus, he has participated "personally and substantially" in the same or a substantially related matter as a private practitioner and now as a government lawyer.

III. Mr. Bove's Threatening Criminal Prosecutions Against State and Local Government Officials Violates the NY RPC

On January 21, 2025, Mr. Bove issued a memorandum in his capacity as Acting Deputy Attorney General. In the memo, which is titled "Interim Policy Changes Regarding Charging, Sentencing, And Immigration Enforcement," Mr. Bove instructed DOJ that "[t]he Supremacy Clause and other authorities require state and local actors to comply with the Executive Branch's immigration enforcement initiatives."³¹ Mr. Bove then directed DOJ staff to start investigating

²⁹ Kyle Cheney & Josh Gerstein, *DOJ Fires Dozens of Prosecutors who Handled Jan. 6 Cases*, Politico (Jan. 31, 2025), <https://www.politico.com/news/2025/01/31/doj-purges-prosecutors-january-6-cases-00201904>.

³⁰ "Memorandum for All Department Employees from Attorney General Pam Bondi – Restoring the Integrity and Credibility of the Department of Justice" (Feb. 5, 2025), <https://www.justice.gov/ag/media/1388506/dl?inline>.

³¹ Memorandum for All Department Employees from Acting Deputy Attorney General Emil Bove – Interim Policy Changes Regarding Charging, Sentencing, and Immigration Enforcement (Jan. 21, 2025), <https://immpolicytracking.org/policies/doj-memo-creates-new-prosecutorial-discretion-guidelines-and-directs-the-fbis-joint-terrorism-task-force-to-redeploy-doj-resources-and-personnel-for-immigration-enforcement/#/tab-policy-documents>.

state and local actors “resisting, obstructing, and otherwise failing to comply with lawful immigration-related commands” for “potential [criminal] prosecution.”³²

NY RPC 8.4(a) and (d). By threatening to criminally prosecute state and local officials who refuse to participate in the federal government’s immigration enforcement activities, Mr. Bove violated NY RPC 8.4(d), which, as detailed in Section I.b, *supra*, prohibits a lawyer from “engag[ing] in conduct that is prejudicial to the administration of justice,” and also violated NY RPC 8.4(a) by “induc[ing]” DOJ staff to do the same.

Mr. Bove has no basis in law to threaten to criminally prosecute state and local actors who refuse to “comply with the Executive Branch’s immigration enforcement initiatives,” as the memo states. Federal courts have repeatedly held that state and local laws limiting state and local law enforcement coordination with federal immigration enforcement activities “do[] not directly conflict with any obligations that the [Immigration and Nationality Act] or other federal [immigration] statutes impose on state or local governments.” *United States v. California*, 921 F.3d 865, 887 (9th Cir. 2019), *cert. denied*, 141 S.Ct. 124 (2020); *see McHenry Cnty. v. Kwame Raoul*, 44 F.4th 581, 592 (7th Cir. 2022) (“In drafting [provisions of the Immigration and Nationality Act], Congress may have hoped or expected that States would cooperate with any requests from the Attorney General to house detainees in their facilities. But Illinois and the other States are not bound by that hope or expectation.”); *City and Cnty. of San Francisco v. Barr*, 965 F.3d 753, 757 (9th Cir. 2020) (holding that DOJ’s attempts to withhold a grant based on city and county’s refusal to participate in federal immigration enforcement efforts were unlawful); *City of El Cenizo v. Texas*, 890 F.3d 164, 178 (5th Cir. 2018) (“Federal law does not

³² *Id.*

suggest the intent—the alone a ‘clear and manifest one’—to prevent states from regulating *whether* their localities cooperate in immigration enforcement.”). In short, state and local actors “ha[ve] the right, pursuant to the [Tenth Amendment’s] anticommandeering rule, to refrain from assisting with federal [immigration enforcement] efforts.” *United States v. California*, 921 F.3d at 891.

To the extent that Mr. Bove takes issue with these holdings, he can seek to overturn them through civil litigation and appeals. But NY RPC 8.4(d) does not permit Mr. Bove to instead use the threat of baseless criminal prosecution to accomplish what existing court rulings explicitly prevent: federal commandeering of state and local officials’ participation in federal immigration enforcement.

Relatedly, if Mr. Bove threatens or directs other DOJ attorneys to threaten a state or local official with criminal prosecution in an attempt to gain an advantage in civil litigation brought by the United States regarding federal immigration enforcement, such conduct would further violate NY RPC 3.4(e), which prohibits a lawyer from “threat[ening] to present criminal charges solely to obtain advantage in a civil matter.”

IV. Mr. Bove’s Conduct as President Trump’s Criminal Defense Counsel Repeatedly Violated the NY RPC

In his role as President Trump’s criminal defense attorney, Mr. Bove violated the NY RPC by engaging in a pattern of making frivolous arguments.

NY RPC 3.1 – Non-Meritorious Claims and Contentions. Under NY RPC 3.1, a lawyer “shall not . . . defend a proceeding, or assert or controvert an issue therein, unless there is a basis in law and fact for doing so that is not frivolous.” As President Trump’s defense counsel, Mr.

Bove violated NY RPC 3.1 by—and was reprimanded by courts for—repeatedly making defense filings that focused on frivolous, non-responsive arguments, including political rhetoric.

For example, in the Election Obstruction Case, District Judge Tanya Chutkan of the United States District Court for the District of Columbia chastised Bove and his colleague, Todd Blanche, for “a pattern of defense filings focusing on political rhetoric rather than addressing the legal issues at hand,” calling it “unbefitting of experienced defense counsel and undermining of the judicial proceedings.”³³ Specifically, Judge Chutkan noted that Mr. Bove had filed a brief that “repeatedly accuse[d] the Government of bad-faith partisan bias” without providing any support for that argument and had recently made the same accusation in two other filings.³⁴

Likewise, in the Hush Money Payment Case, Justice Juan Merchan of the New York Supreme Court, New York County, stated, in a January 3, 2025 Order, that Mr. Bove had “resorted to language, indeed rhetoric, that has no place in legal proceedings” and had “come dangerously close to crossing the line of zealous representation and the professional advocacy one would expect from members of the bar and officers of the court.”³⁵ Justice Merchan further noted that, “countless times” in their motion papers, Mr. Bove and his co-counsel “accuse[d] the prosecution and th[e] Court of engaging in ‘unlawful’ and ‘unconstitutional’ conduct,” and such arguments “have the potential to create a chilling effect on the Third Branch of government.”³⁶

³³ Order, Oct. 2, 2024, *United States v. Trump*, No. 23 Cr. 257 (D.D.C.), Dkt 251 at 7.

³⁴ *Id.*

³⁵ Order, Jan. 3, 2025, *People v. Trump*, Ind. No. 71543-23 (N.Y. Sup., N.Y. Cnty.) at 2 n.2.

³⁶ *Id.*

Mr. Bove's repeated baseless accusations and political arguments in the Election Obstruction Case and Hush Money Payment Case amounted to willful, non-meritorious contentions, in violation of NY RPC 3.1.

* * *

For the foregoing reasons, we respectfully request that the Attorney Grievance Committee investigate Mr. Bove's conduct and pursue appropriate discipline.

Thank you for your attention to this matter. Please do not hesitate to contact us should you have any questions, require clarification, or additional information,

Sincerely,



Hal R. Lieberman
Nick Bourland

Attorneys for the 65 Project