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Congress of the United States
House of Representatives
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**COMMITTEE ON
HOMELAND SECURITY**
SUBCOMMITTEES:
CHAIR, SUBCOMMITTEE ON BORDER
SECURITY, FACILITATION, AND OPERATIONS
CYBERSECURITY, INFRASTRUCTURE
PROTECTION, AND INNOVATION

**COMMITTEE ON
VETERANS' AFFAIRS**
SUBCOMMITTEES:
OVERSIGHT AND INVESTIGATIONS
ECONOMIC OPPORTUNITY

October 17, 2019

Attorney Grievance Committee Supreme Court
Appellate Division First Judicial Department
61 Broadway, 2nd Floor
New York, New York 10006

Re: Request for Disciplinary Investigation and Disbarment of Rudolph W. Giuliani

To the Grievance Committee:

Professional conduct by an attorney cannot be overlooked simply because it occurs in a public forum, and I write to request that the Grievance Committee initiate an investigation into clear misconduct by New York-licensed attorney, Rudolph W. Giuliani. Mr. Giuliani's comments in the media alone provide a substantial basis to believe that he has repeatedly and egregiously engaged in conduct that adversely reflects on his honesty, trustworthiness and fitness as a lawyer,¹ and taken actions involving dishonesty, deceit and misrepresentation in violation of the New York State Rules of Professional Conduct ("Rules"),² which I believe warrant disbarment. His brazen obstruction of the pending Congressional impeachment inquiry now requires this investigation as he has not only violated the Rules, but also his oath to support the United States Constitution.

Mr. Giuliani's conduct also necessitates a complete investigation to determine if he advised his client, the President, to engage in conduct that is illegal or fraudulent, including, inter alia, obstruction of justice, campaign finance violations,³ promoting claims and advocating defenses that are frivolous and lack legal basis,⁴ using tactics and means that have no substantial purpose other than to cause delay, including but not limited to baseless refusals to comply with Congressional process,⁵ and making false statements of fact and law to a tribunal, including but not limited to representations in court filings and submissions to Congress.⁶

In addition, there is substantial basis to believe that Mr. Giuliani has failed to take remedial measures to prevent his client, Mr. Trump, from engaging in criminal or fraudulent

¹ Disciplinary Rule 8.4(b)

² Disciplinary Rule 8.4(c)

³ Disciplinary Rule 1.2

⁴ Disciplinary Rule 3.1

⁵ Disciplinary Rule 3.2

⁶ Disciplinary Rule 3.3



conduct, and in fact appears to have taken direct actions in furtherance of that criminal and fraudulent conduct;⁷ suppressing evidence that he or Mr. Trump has a legal obligation to reveal or produce, including his October 15, 2019 refusal to provide documents compelled by a valid Congressional subpoena;⁸ making statements to the media intended to prejudice a pending matter on a near-daily basis,^{9, 10} and in acting as a de facto government lawyer on the claimed authority of the President and State Department, violating the permissible special responsibilities of government lawyers.¹¹

In addition, he failed to respect the rights of third parties using means that have no substantial purpose other than to embarrass or harm the Biden family for the political benefit of his client, the President,¹² and engaged in conduct that is prejudicial to the administration of justice¹³ with a years-long campaign to delegitimize any inquiry by prosecutors into the President of the United States. Mr. Giuliani's use of ethically proscribed obstructive tactics to thwart those investigations is made even more egregious and requires special consideration because he represents the head of the federal Executive Branch.

Mr. Giuliani claims to be the President's "personal attorney," but instead it appears he serves as Mr. Trump's TV spokesman and his campaign's international hatchet man, while hiding behind completely unsupportable claims of attorney-client and executive privilege. In fact, it was recently reported that he told *The Atlantic's* Elaina Plott that he was "not acting as a lawyer" in Ukraine,¹⁴ but then later asserted that his work there was broadly protected from disclosure by the attorney-client privilege.¹⁵

In the context of an impeachment inquiry, the United States House of Representatives is a tribunal, and Mr. Giuliani's baseless refusal to comply with Congressional subpoenas and produce evidence relevant to this Constitutional process violates the Rules of Professional Conduct for New York attorneys. As a Member of Congress, a former District Attorney, a former federal prosecutor, and a fellow New York attorney, I believe that the Grievance Committee for the First Department must investigate. In the event the Committee is already investigating, and Mr. Giuliani is engaging in delay tactics or refusing to cooperate with the

⁷ Disciplinary Rule 3.3(3)(b)

⁸ Disciplinary Rule 3.4(a)(1)

⁹ Disciplinary Rule 3.6(a)

¹⁰ Disciplinary Rule 4.1. Mr. Giuliani has rejected the existence of facts, telling NBC's Meet the Press on August 18, 2018 "Truth isn't truth," "facts...are in the eye of the beholder," and "I don't know how you separate fact from opinion;" in July 2018 he told ABC News that that President Trump asked James Comey to give Michael Flynn "a break," and then in August told CNN's State of the Union that Trump had no such conversation.

¹¹ Disciplinary Rule 3.8

¹² Disciplinary Rule 4.4

¹³ Disciplinary Rule 8.4

¹⁴ Alaina Plott, The Mystery of Rudy Giuliani's Vienna Trip, *THE ATLANTIC*, Oct. 10, 2019

<https://www.theatlantic.com/politics/archive/2019/10/rudy-giuliani-vienna/599833/>

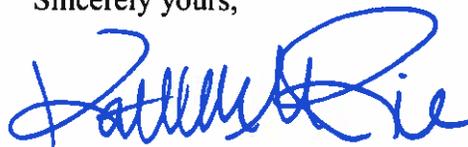
¹⁵ Letter of Giuliani's Attorney, Jon Sale, to Nicolas Mitchell, Counsel to the House Permanent Select Committee on Intelligence, Oct. 15, 2019.

Committee as all attorneys are required to do as a condition of licensure,¹⁶ he must be disbarred promptly.

It is unacceptable for any attorney to use a law license as a sword to cause harm to our democratic system and a shield from accountability for misconduct at the highest levels of our government.

With thanks for your prompt attention in this matter, I am

Sincerely yours,



Kathleen M. Rice
Member of Congress

¹⁶ Disciplinary Rule 8.5