

FORMER TRUMP ATTORNEY JOHN EASTMAN RESPONDS

TO THE CALIFORNIA STATE BAR'S DECISION TO FILE A NOTICE OF DISCIPLINARY CHARGES

Los Angeles: California attorney, Dr. John Eastman, disputes “every aspect” of the action that has been filed against him by the State Bar, which is based entirely on his role as counsel to the former President of the United States following the 2020 election, according to Eastman’s attorney, Randall A. Miller. The complaint filed against Eastman that triggered today’s action by the State Bar is part of a nationwide effort to use the bar discipline process to penalize attorneys who opposed the current administration in the last Presidential election. Americans of both political parties should be troubled by this politicization of our nation’s state bars.

The Bar is challenging Dr. Eastman’s role as advisor and litigation counsel via a Notice of Disciplinary Charges, which asserts that he “misinterpreted” the law. “The Bar’s action has less to do with an attorney’s inviolate and sacred obligation of zealous advocacy owed by every attorney to every client—whether a candidate for office or a plumber—and more to do with the chilling of those duties,” Miller noted.

Dr. Eastman’s representation included his evaluation of alternatives available to President Trump in the fluid and fast-moving aftermath of the 2020 election, which was fraught with illegality and serious allegations of fraud that had been raised by numerous state and federal legislators and others. Dr. Eastman was retained by former President Trump because of his significant expertise on the key constitutional issues at stake, including the Constitution’s assignment of plenary power to state legislatures to direct the manner of choosing presidential electors and the role of the Vice President in presiding over the electoral college certification process in Congress. He determined that, in light of the acknowledged illegality and serious allegations of fraud, one possible option was for the Vice President to accede to requests from numerous state legislators to postpone certification for a brief period of time to allow the claims of fraud and illegality to be assessed by the state legislatures. Dr. Eastman’s assessments were the product of comprehensive research of the law and historical records— including the 12th Amendment and Electoral Count Act, supported by reasonable interpretation of legal and historical precedent, scholarly analysis, and legislative history.

“Any lawyer engaged to provide his or her legal assessment in a dynamic, consequential, and often emotional arena should be deeply troubled by the notion that a licensing authority (bar) can take their license if they do not like the lawyer’s advice, or find the advocacy distasteful. “ Fortunately for Dr. Eastman, that test has yet to come. Miller added, “The foundation of any engagement is that the lawyer shall protect the client’s interests, at every turn. This includes raising *all* viable options. The attorney’s role is as an advisor, the client as the decider.” During the Trump representation, Miller says, Dr. Eastman acted consistent with those ethical obligations. Dr. Eastman was one of dozens advisors to the President; “He was a lawyer, not Rasputin.”

Harvey Silverglate, also part of Dr. Eastman’s overall legal team, added: “As a criminal defense and civil liberties attorney and writer for over a half-century, I have seen many miscarriages of justice caused by stampedes led by politicians, prosecutors and, alas, journalists. These investigations are made more dangerous by the ease with which one can be investigated and even indicted, as I’ve tried to explain in my 2009 book entitled *Three Felonies a Day: How the Feds Target the Innocent*. The California Bar’s decision to seek disciplinary action against an attorney in a case as hotly disputed and nuanced as this one is, both legally and factually, is equally troubling, and should be to all attorneys who recognize the importance of our adversarial system of justice.”

Dr. Eastman looks forward to the opportunity to present the record here, which is contrary to the Bar’s assertions. But in the meantime, we have made publicly available, [here at Subtack](#), the fairly comprehensive response that Dr. Eastman provided to the bar investigators during the course of the investigation, a response which, in our view, demonstrated beyond question that Dr. Eastman’s legal analysis was well supported or at least “tenable” and therefore not something that the law allows to be the subject of discipline.

Dr. Eastman and his attorneys, joined by several other prominent jurists, attorneys and legal scholars (listed below), will hold a press conference via Zoom at 8:00 a.m. Pacific time (11:00 a.m. Eastern) on Friday, January 27. Registration required at

https://us06web.zoom.us/webinar/register/WN_FYzYjnXKT4mju-aZMkIKQ.

Please direct inquiries to Randall Miller, (213) 493-6400, Randy@millerlawapc.com, or Charles Burnham, (202) 386-6920, charles@burnhamgorokhov.com

Anticipated Press Conference Participants:

Dr. John Eastman, former law school Dean and constitutional law professor, attorney for former President Trump

Hon. Edwin Meese III, the 75th Attorney General of the United States

Hon. Janice Rogers Brown, former Associate Justice of the California Supreme Court and Circuit Judge, U.S. Court of Appeals for the District of Columbia Circuit

Hon. Phillip Mautino, Los Angeles Superior Court Judge, Retired

Hon. Michael Gableman, former Justice, Wisconsin Supreme Court

Patrick McSweeney, former Deputy Assistant Attorney General, U.S. Department of Justice

Professor John Yoo, Emanuel Heller Professor of Law at the University of California-Berkeley; former General Counsel to the U.S. Senate Judiciary Committee and Deputy Assistant Attorney General, Office of Legal Counsel, U.S. Department of Justice

Harvey Silverglate, co-founder of Foundation for Individual Rights in Education (FIRE), former member of the board of the Massachusetts American Civil Liberties Union, and author of *Three Felonies a Day: How the Feds Target the Innocent* (September 2009)

Kurt Olsen, one of the many attorneys involved with 2020 election litigation

Andrew Kloster, Attorney and founder of Personnel Policy Operations, an organization devoted to defending attorneys and public services who come under attack because of their work defending constitutional principles and an America First policy agenda

Randall Miller, Partner, Miller Law Associates

Charles Burnham, Partner, Burnham & Gorokhov PLLC