



April 26, 2021

Dear Fellow Member of the State Bar of Georgia:

I am writing this to my fellow members of the State Bar of Georgia. We are under attack as a profession and as lawyers. I encourage you to read this letter and get involved – even if you disagree with me politically, the issues are too important to be left unaddressed. As Americans, and as lawyers, we have always believed in the rights of the individual, the limited nature of government at all levels, and in our liberties. The State Bar wants to condition our license to practice law in Georgia on giving up our God-given rights protected by the Constitution.

The issues involving me are complicated and what you read in the news may not be accurate. I am happy to detail the blow-by-blow with the State Bar, and if you are interested, please write me and we will respond. The issues involving me that affect each of you – and our rights as lawyers – is concerning.

We all went to law school, and we went to law school for different reasons. Some of us are from outside the United States – some of us are native. But we all became American lawyers – and members of the Georgia Bar – because we believed in the rights of individuals. We recognize that, when we are in the courtroom, or representing a client, we are officers of the court and we must discharge that duty faithfully.

But being a lawyer does not mean avoiding difficult topics or declining to represent unpopular ideas or clients. When we went to law school, the lawyers who stood up for those ideas – whether they were the German lawyers who fought the Nazi takeover of the Berlin Bar, the Soviet lawyers who were forced to endure stints in mental institutions for the crimes of believing in capitalist notions of “human rights,” or the giants of the Civil Rights era, who faced jail and even death in order to promote unpopular ideas.

When we were law students, we all agreed that we were taking on an obligation to put facts in the public domain, no matter what the cost. We agreed to uphold the law, but when the law worked an injustice, we recognized a concomitant obligation to speak up. Injustice in any form affects us all.

We also felt that we had an obligation to defend the Constitution of the United States and the Constitution of Georgia, both of which protect the right of free speech. Our rights as citizens do not end because we become lawyers.

But now I am under attack by the State Bar – essentially for public statements. The State Bar has issued a 1,677 page complaint that includes public statements, grievances from out-of-state activists (New Jersey, Oregon, Ohio, and Illinois) with no known association with me or any of my activities as a lawyer, four lengthy complaints filed in cases (only one of which was in Georgia or had anything to do with the practice of law in Georgia), and a single complaint filed against me in a civil action involving money.

But we all know what this is – this is a politically motivated “hit job” filed by persons motivated by their own political ideologies, seeking to threaten any lawyer who speaks up to advertise unpopular facts, or to represent unpopular causes. This must stop.

I have made as much of this public as possible, while the Bar is trying to hide behind a veil of secrecy, to hide the phony arguments they are making. Like Justice Brandeis, I believe that sunshine is the best disinfectant, which is why I have been outspoken, and will continue to be outspoken. I will address the key points below:

1. **PUBLIC STATEMENTS.** The State Bar would have you believe that my public statements are out of the norm or even crazy – as you may know, the State Bar has made a “request” that I “voluntarily” submit to a medical examination that includes a psychological examination. More on that later.

I have presented the State Bar with affidavits that have supported the statements I have made. The persons who gave those affidavits have offered to come and testify directly to the accuracy of the statements made. Yes, these claims are difficult to stomach – but they are not my claims.

The State Bar has also taken quotes out of context to allege that I have promoted insurrection or violence or treason. They use shorthand words like this to avoid the focus on the veracity of the underlying statements – of which I have supporting evidence that has been shared with the Bar – and is now publicly available.

Anyone who knows me knows that I do not condone violent behavior. We did not become lawyers or dedicate ourselves to the practice of law in order to fight in the streets. But we do recognize that ideas have consequences – and the State Bar, acting under color of State law, is willing to use the government’s monopoly on force to attack me and my clients. If anything, I have been doing my best to make sure that legal arguments get a fair hearing to ensure that we remain a government of laws, and not of either individuals or street mobs – or conspiracies of bureaucrats hiding behind government regulation.

2. **FILED CASES.** The State Bar would have you believe that they are attacking me for cases I have filed – when in fact, I was not counsel of record on any of the cases they attached to their grievance against me. I was asked to be available as trial counsel and agreed to do so in some cases. It is not clear why the State Bar attached all those cases; they could have just cited the complaints. But they wanted a voluminous filing, I suppose.

But the State Bar doesn't like the politics of the cases with which I was associated. The State Bar sees an opportunity to defend a corrupt Republican administration in Georgia – neither the Administration nor the State Bar like the fact that we challenged the constitutionality of the elections in various states, including Georgia.

In fact, in the one case I did bring as a plaintiff, which made it to the Supreme Court, three U.S. Supreme Court justices would have heard the arguments I brought under Article I, Section 4 of the U.S. Constitution. The other six were apparently unwilling to uphold the precedent established in *McPherson v. Blacker*, 146 U.S. 1 (1892); *Smiley v. Holm*, 285 U.S. 355 (1932) and *Bush v. Gore*, 531 U.S. 98 (2000) – all of which stand for the proposition that the November 3 “election” – and the subsequent January 3 “runoff” were unconstitutional Federal elections. It's not even close. Read the cases yourself.

3. **OUT-OF-STATE GRIEVANCES.** The State Bar would have you believe that they are attacking me because of “grievances” by out-of-state persons affected by my practice of law.

Every Georgia lawyer should want to pay attention to this point – the State Bar is taking jurisdiction over complaints brought against a member of the Georgia Bar by “any person” – without regard to whether the complaining party was a client or whether the complaint has anything to do with the practice of law. If I made botched a recipe, it would be grounds for a grievance, under the State Bar's new interpretation of their rules. (Note that the Board of Governors – your Board of Governors – amended these rules on January 9 – after receiving earlier complaints – in order to strengthen their jurisdiction over those complaints.)

None of these complaints were made by a judge in a case in which I was involved. None were from a client, a former client, or a prospective client. None were from anyone I had ever met. They were all from busybodies who did not like my politics. And now the State Bar has decided to fashion a grievance out of those complaints.

This has nothing – nothing – to do with the practice of law. The State Bar is an organization which has jurisdiction only over the practice of law – and then only in Georgia; their own rules cede jurisdiction in cases in other states to the rules of those states. The State Bar was formed for the purposes of regulating the practice of law, not for making new laws for lawyer behavior in expressing political, religious, or ideological beliefs.

But for some reason, the State Bar has decided that they want to waste resources investigating complaints about statements that have nothing to do with any case or court or the practice of law. These are just public statements which concern “politics, nationalism, religion, or other matters of opinion” – the type of statement that the Supreme Court has long considered to be at the very core of the First Amendment. *W. Va. State Bd. of Educ. v. Barnette*, 319 U.S. 624, 642 (1943).

4. **CIVIL ACTION**. Finally, the State Bar included a complaint filed by persons suing me for money as a basis for the proposed grievance. I don't know about you, but I do not regard allegations in a complaint as true or even provable until they have been through the litigation process. These allegations are not true and were placed on the public record as a litigation tactic. I will continue to fight that case, but allegations in a lawsuit should not form the basis of any action. I do not think that should even be open for debate. But again, as a lawyer in Georgia, you need to decide whether things said about you – by an ex-spouse, a business associate, or a political adversary – should be able to form the basis of a Bar grievance.

I have filed a lawsuit challenging the authority of the State Bar to suppress my rights to free speech. I expect that will be heard before we have to address the silliness of the State Bar's positions. But the State Bar continues to violate its own rules with an Ahab-like obsession against me, wasting my time and resources, and spending your Bar dues in a political witch hunt not seen since the Salem Witch Trials.

The State Bar's own rules require a disciplinary body to make a "determination" before requesting a medical examination. That is appropriate, because our bodies and our personal lives should not be subject to invasion by the State Bar without a determination and a chance to discuss and debate why such an action is being considered. In my mind as a lawyer, that means that there be a hearing, evidence, and due process.

But the State Bar will have none of it – it has now argued to the Georgia Supreme Court that its actions are merely a "request" and "consensual" – "so there is no due process opportunity to be heard before the request is made." This is a quote from a filing the State Bar made this week. Do you get that? As a lawyer, the State Bar believes – and has now argued to the Supreme Court of Georgia – that you have no right to due process before a request is made to force a medical or mental evaluation. The State Bar has made it clear that the refusal – even if there is no due process hearing – can be used for suspension or disbarment.

The State Bar cannot use the Code of Professional Responsibility to investigate political speech or to investigate conduct that is not related to the practice of law. There is no precedent in this State – or in any other State that we can find – where a disciplinary proceeding was used in such a politically ham-fisted manner. Such processes have been used in totalitarian regimes, or in party-controlled states. But this is not American law.

Further, all the persons behind this action all have conflicts of interest. We have pointed out the conflicts of interest – political affiliations, including some opposing counsel, as well as social and business and non-profit associations. The State Bar has suggested that they may look into the conflicts of interest in the future. This is unacceptable – the persons behind these outrageous charges should be identified, and any investigation must be commenced – if at all – by dispassionate, disinterested members of the Board of Governors and staff.

If the State Bar succeeds in this effort, a complaint from any person about a lawyer in any capacity can be a valid grievance. That could include a complaint from, as noted above, ex-

spouses, business associates, or political adversaries. Everything is fair game now. In addition, a complaint can be lodged against a lawyer for matters that no longer relate to the lawyer's practice of law. That could include such things as business dealings, political statements, political affiliations, or other factors come that have never been subject to bar review in any State.

Finally, there are principles that are even more important than the Constitution at play in protecting your rights. The Constitution and laws of the United States do not exist without the Rule of Law that underpins all that we believe in. By "Rule of Law," I mean that sense of law that has developed from ancient times through the common law and protects us by making sure that we all abide by the same laws, that they are written down, and that they are applied equally to all, regardless of ethnicity, gender, race, religious or political ideologies. In this case, the State Bar is not following its own rules, it is changing the rules as it goes, and it is acting to suppress viewpoints with which the "good old boys" don't agree. We should all be concerned.

Please contact the State Bar and ask them to stop this insanity.

Feel free to reach out to me at linwood@fightback.law. We will respond to any inquiry with data and more information.

Sincerely,



L. Lin Wood