

**Members of the Bar of the Supreme Court of the United States
In Response to Bar Complaint of Michael Teter**

September 7, 2022

Mr. Scott S. Harris
Clerk
Supreme Court of the United States
1 First Street, NE
Washington, D.C. 20543

Re: Bar Complaint Filed by Michael Teter

Dear Mr. Harris:

The undersigned members of the Bar of this Court submit this response to a July 28, 2022, letter from a Mr. Michael Teter that requests this Court to suspend and disbar two members of this Court: Dr. John Eastman and United States Senator Ted Cruz. We respectfully urge the Court to summarily dismiss the Teter complaint.

The 65 Project which Mr. Teter heads admits to being a political advocacy organization that now seeks to enlist the Court into the organization’s campaign of intimidation of lawyers who represent clients opposed by the organization for political reasons. It is the declared mission of Mr. Teter’s organization, The 65 Project, “to deter right-wing legal talent from signing on to any future GOP efforts to challenge elections” and to “shame them and make them toxic in their communities and in their firms.”¹ The political motivation for the submission of the Teter complaint is underscored by his demand that Justice Thomas recuse from its consideration.

As an initial matter, Mr. Teter has no client or other type of connection to Mr. Eastman or Senator Cruz, so he is not in any sense an aggrieved party. Further, Rule 8 of the Rules of the Supreme Court of the United States does not expressly provide for the filing of complaints with the Court. Mr. Teter appears to base his complaint on his status as a member of the bar of this Court who seeks to hold lawyers with different legal and political views “accountable” for conduct that “subvert[s] American democracy.” According to such a nebulous standard, complaints could be filed against any members of the Bar of this Court including Mr. Teter and many of his associates.

Indeed, it appears such complaints have not been filed in the past, and the Court has never established procedures for conducting investigations of such non-client complaints of alleged misconduct. If the Court were to consider seriously Mr. Teter’s effort to convert political opposition into ethical charges, it would inevitably open the floodgates and lead to many other politically motivated complaints masquerading as ethics complaints. Such abuses could undermine the Court’s institutional role as a dispassionate and apolitical adjudicator. The resources and attention of the Court should not be diverted to respond to such complaints.

¹ Lachlan Markay, *Scoop: High-powered group targets Trump lawyers’ livelihoods*, Axios.com (Mar. 7, 2022), <https://www.axios.com/2022/03/07/trump-election-lawyers-disbar>

Additionally, we are concerned that any response other than summary dismissal of Mr. Teter’s complaint would have the effect of chilling members of the Bar from bringing controversial issues to the Court that warrant review. Lawyers should not be dissuaded from serving their clients’ interests by the threat of personally paying the penalty of defending themselves against a politicalized ethics complaint.

Even if complaints by non-clients are accepted, under the second section of Supreme Court Rule 8, disciplinary action requires a showing of “conduct unbecoming a member of the Bar or for failure to comply with these Rules or any Rule or order of the Court,” but the Teter complaint cannot support either type of violation.² First, the record is clear Dr. Eastman did not urge Vice President Pence to declare Donald Trump the victor in the 2020 presidential election, but instead urged the Vice President and the Senate to allow state legislatures additional time to investigate evidence of election fraud. Second, Dr. Eastman did not advance a meritless claim in his filing with the Court in the Wisconsin case identified by Mr. Teter, as explained in Dr. Eastman’s response. Third, Dr. Eastman’s position in his filing in *Texas v. Pennsylvania*, 141 S. Ct. 1230 (2020) did not lack substance, as Mr. Teter charges, because two Justices of this Court agreed with the position of Dr. Eastman that this Court did have original jurisdiction.

For all these reasons, we urge the Court to summarily and publicly dismiss the Teter complaint.

Respectfully,

Patrick M. McSweeney
Phillip L. Jauregui
William J. Olson
Michael Boos
J. Mark Brewer
James N. Clymer
Mark J. Fitzgibbons
Michelle Garcia Gilbert
Gregory J. Glaser
David T. Hardy
Gary G. Kreep
Raymond L. LaJeunesse Jr.
Daniel Leckrone
Joe Miller
Jeremiah L. Morgan
Allan E. Parker Jr.
J. Thomas Smith
Mark L. Wells

² Rule 8(2) provides:

“After reasonable notice and an opportunity to show cause why disciplinary action should not be taken, and after a hearing if material facts are in dispute, the Court may take any appropriate disciplinary action against any attorney who is admitted to practice before it for *conduct unbecoming a member of the Bar or for failure to comply with these Rules or any Rule or order of the Court.*” (Emphasis added.)