UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT
Application for Admission to the Bar
(Please Type or Print)

Pursuant to FRAP 46(a), to qualify for admission you must be a member in good standing of the bar of the U.S. Supreme Court, another U.S. Court of Appeals, a U.S. District Court, or the highest court of any state. All attorneys must apply for admission and submit attorney admission fees through PACER. In addition to this application, you must upload in PACER: (1) a certificate of good standing issued within the previous six months establishing that you are admitted to practice before one of the courts described above, and (2) a list of all state and federal bars of which you are a member, including state bar numbers, and your status with each bar (e.g., active, inactive, retired, etc.). See 11th Cir. R. 46-7. You must have a member of this Court's bar move for your admission on this application form, unless you certify by checking the appropriate box that you do not know a current member of this Court's bar. Upon approval of your application, you must pay the non-refundable amount of $228.00 (comprised of a $188.00 national fee and a $40.00 Eleventh Circuit fee) via PACER. Failure to pay the fee within 14 days of approval of your application will require that you submit a new application form.

PERSONAL INFORMATION

Name: Larry Klayman

Date of Birth: 7/20/1951

Phone: 561-558-5336

E-Mail: leklayman@gmail.com

ADDRESS INFORMATION

Office Name: Klayman Law Group P.A.

Address 1: 7050 W. Palmetto Park Rd

Address 2:

City: Boca Raton State: FL Zip: 33433

Answer each question. If any answer is yes, you must upload a statement giving details and relevant documentation.

YES	NO		
☐	☑	1.	Have you changed your name or been known by any names or surnames other than the one appearing on this application?
☑	☐	2a.	Have you been disbarred or suspended from practice by any bar or before any court, department, bureau or commission of any State or the United States, or have you been admonished, sanctioned, or reprimanded by any of them pertaining to your conduct or fitness to practice?
☑	☐	2b.	Are any such proceedings or allegations presently pending against you?
☑	☐	3a.	Have you been a party to criminal proceedings?
☐	☑	3b.	Have you been a party to civil proceedings in which allegations of fraud, misrepresentation, or other dishonesty were made against you?
☐	☑	3c.	Are any proceedings or allegations presently pending against you for any matter specified in question 3a or 3b?

MOTION FOR ADMISSION

✓ Check here to certify that you do not know a current member of this Court's bar and are requesting that an attorney in the Clerk's Office act as the movant. Otherwise, you must have a member of this Court's bar complete the below motion.

I, Robert (Bob) Barr, a member of the bar of the United States Court of Appeals for the Eleventh Circuit, hereby move for the admission of the applicant to the bar of the Court.

Signature of Movant

Movant's Address Information

Office Name: Law Office of Bob Barr

Address 1: 2420 Powers Ferry Rd., Ste. 125,

Address 2:

City: Atlanta State: GA Zip: 30339

OATH (OR AFFIRMATION) To be completed by Applicant.

I, Larry Klayman do solemnly swear (or affirm) under penalty of perjury that I will conduct myself as an attorney and counselor of this Court, uprightly and according to law; and that I will support the Constitution of the United States. I do further swear (or affirm) that all of my responses in the foregoing application, including attachments which are incorporated herein by reference, are true and correct to the best of my knowledge, information and belief. I certify that, except as otherwise noted, I am an active member in good standing of each state bar or the bar of the highest court of each state (including the District of Columbia) listed on the attached sheet, and that my license to practice law in the named state is not currently lapsed for any reason, including but not limited to retirement, placement in inactive status, failure to pay bar membership fees or failure to complete continuing education requirements. I understand that I am required to notify the clerk of this Court within 14 days of any changes in the status of my state bar memberships. See 11th Cir. R. 46-7. I acknowledge that I have a continuing obligation to keep this Court informed of any changes to my addresses, phone numbers, fax numbers, and e-mail addresses.

Sworn (or affirmed) and subscribed under penalty of perjury:

Signature of Applicant 3/11/21 Date

Rev.: 12/20

*****Failure to submit a complete application and all necessary documentation may result in your application being rejected.*****

LIST OF ALL BAR MEMBERSHIPS

You must attach a list of all bars of which you are a member, including state bars and state and federal courts to which you are admitted to practice. The list must also include bar numbers (if any), the date of admission, and your status with each bar or court (e.g., active, inactive, retired, etc.). See 11th Cir. R. 46-7. **You may use this page to fulfill this requirement.**

Failure to complete the sections with an * will result in the rejection of your application.

Name of State or Federal Bar or Court*	**Bar Number (if any)**	**Date Admitted***	**Status with Bar or Court*** (active, inactive, retired, etc.)
U.S. Supreme Court		4/25/88	Active
U.S. Court of Appeals for D.C. Circuit		4/22/88	Active
U.S. Court of Appeals for Ninth CIrcuit		1/22/00	Active
U.S. Dist. Ct. N. Dist. of TX		8/9/02	Active
U.S. Dist. Ct. S. Dist of FL		12/29/77	Active
The Florida Bar	246220	12/7/77	Active
District of Columbia Bar	334581	12/22/80	Temp. Suspended
The Pennsylvania Bar	54628	1/6/1989	Suspended

Addendum to Application for Admission

I have been a member continuously in good standing of The Florida Bar since December 7, 1977, when I began the practice of law as an associate with the Miami litigation firm of Blackwell, Walker, Powers, Flick and Hoehl. Attached is an abbreviated biography of my legal career, which also reflects my candidacy for the U.S. Senate in Florida in 2003-2004 in the Republican primary.

During this time period of 44 years, I agreed to a reprimand with The Florida Bar in 2011, and no finding of dishonesty was made by the bar and the Florida Supreme Court. The issue involved a fee dispute with the client, Natalia Humm, which was settled, but when the 2008 recession hit I could not pay the settlement back in the time agreed to, as I faced the possibility of bankruptcy. To avoid further litigation, I agreed with the bar to settle the matter and move on with my life.

Many years later, I was later suspended for 3 months by a very partisan District of Columbia Bar, which like nearly everything else in the nation's capital, is run by individuals who donate heavily to and support the Democratic Party, and I believe resent my founding and leadership of two non-profit conservative foundations Judicial Watch, Inc. and Freedom Watch, Inc., which have sued the Clintons and Barack Obama in a public interest capacity. I have also held Republicans such as George W. Bush and Dick Cheney to account, but the bar has become a partisan enterprise in my opinion and the opinion of many others.[1] Exhibit 1. The suspension occurred from August 12, 2020 to December 10, 2020 and is now concluded. Before this matter concluded, it went on for twelve years, a duration that based on Florida legal precedent would not be acceptable in my home state. The District of Columbia Court of Appeals, which later ratified the 3 month suspension, found that I was fit to continue to practice law. *In the Matter of Larry E. Klayman*, 18-BG-0100 (June 11, 2020 Order). In Pennsylvania, where I had been

[1] Indeed this is the same District of Columbia Office of Disciplinary Counsel ("ODC") that entertained a frivolous bar complaint by leftist law professors, including avowed communist law professor Michael Tiger, filed against Kellyanne Conway for statements made on television, as well as recent frivolous complaints again by four leftist former District of Columbia Bar presidents, as well as former assistant ODC counsel Michael Frisch, against even Attorney General William Barr. https://www.washingtonpost.com/politics/law-professors-file-misconduct-complaint-against-kellyanne-conway/2017/02/23/442b02c8-f9e3-11e6-bf01 d47f8cf9b643_story.html;https://abovethelaw.com/2020/07/bill-barr-racks-up-yet-another-bar-complaint/.

On the other hand, this partisan ODC refused to investigate a complaint filed by attorney Ty Clevenger against David Kendall, Hillary Clinton's attorney that allegedly aided in the destruction of emails and thus an obstruction of justice pertaining to the Benghazi scandal. These are just a few examples of their politically based selective prosecutions. https://personalliberty.com/state-bar-prosecutors-flouting-law-protecting-hillary-clinton-lawyers/.

administrative suspended for choosing not to do by CLE's, I am currently serving a reciprocal 90-day suspension in this matter.

The new very partisan Bar Disciplinary Counsel of the District of Columbia Bar then pursued two other on-going bar proceedings against me, which are in progress. No final decision has been reached in these matters. *In re Larry Klayman*, 20-BG-583 (D.C. Ct. App.); *In re Larry Klayman*, Board Dkt. #18-BD-070. One of them, the Sataki matter, is eleven years old, again a time span that would not be countenanced by The Florida Bar. Importantly, The Florida Bar dismissed the identical complaint filed by the complainant, about 9 years ago, but the Bar Disciplinary Counsel of the District of Columbia, after six years of doing nothing with a complaint that had been abandoned, "resurrected" it for partisan purposes, I have argued. The District of Columbia Court of Appeals has temporarily suspended me in this matter, even though it is ongoing before them, thereby presuming me guilty until proven innocent. This is a temporary suspension that is being challenged in federal court. *Klayman v. Blackburne-Rigsby et al*, 21-cv-409 (D.D.C.)

As a strong litigator, I have been sanctioned by some judges over the course of my 44 year career, but not on the basis of dishonesty. My experience caused me to conceive of and found Judicial Watch, Inc., on July 29, 1994. One such judge, William Keller, of the U.S. District Court for the Central District of California, had made anti-Asian, anti-gay and anti-Semitic remarks during the trial and he sanctioned me after I asked him to disqualify himself.

Finally, many years ago I was a party to a criminal case brought by my estranged ex-wife for alleged on payment of child support which I withheld when she vindictively would not allow me visitation with my minor children. As we were divorced in Virginia, I had withheld child support to try to create and incentive for my ex-wife allowing me to see my children, which she had denied me in violation of the marital settlement agreement. Citing the precedent in Virginia of *Hartman v. Hartman*, 53 S.E.2d 407 (W. Va. 1949), I felt I have a legal right to withhold child support, particularly since I was then paying $7,000 in alimony and my ex-wife's new husband, who lived in a house which was paid for with our divorce proceeds and was free and clear, earned over $100,000 per year. Thus, the children were not denied sustenance. This indictment was dismissed.

In sum, I have had a long legal career and one that many believe has been successful, particularly in my pubic interest capacity and as a private legal practitioner. I am attaching an affidavit which I filed in a case against Roger Stone, who defamed my client, Dr. Jerome Corsi and me, evidencing this success, as well as a few articles about my honesty and integrity. Exhibit 1.

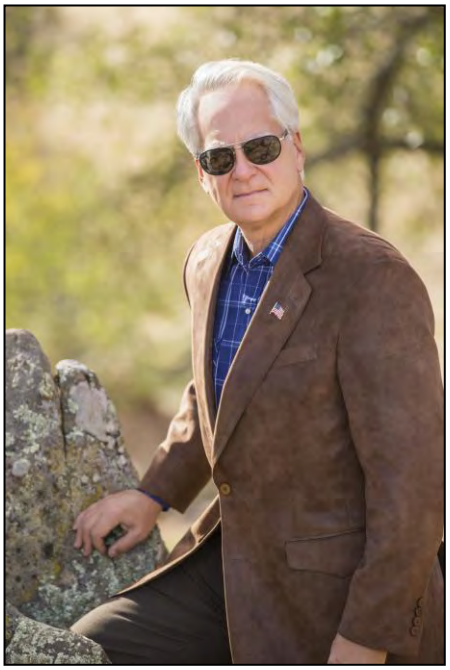
I am representing Dr. Corsi in an appeal before this Court, so I respectfully request that this application be processed, considered and approved expeditiously if possible. *See Corsi v. Newsmax Media Inc., et al*, 21- 10480.

If this honorable Court has any questions, please feel free to contact me before deciding this application. If it is not granted from the written submissions, then I respectfully ask for a hearing.

Finally, my application is being sponsored by the Honorable Bob Barr, a former U.S. Attorney of the Northern District of Georgia as well as a former congressman, now in private practice in Atlanta, as well as the head of the non-profit foundation Liberty Guard which, like Freedom Watch and Judicial Watch both of which I founded, promotes ethics in government and the legal profession. Mr. Barr can attest to my honesty and integrity as we have together have worked on numerous legal and other matters over the years.

About Larry Klayman

Larry Klayman, founder of Judicial Watch and Freedom Watch, is known for his strong public interest advocacy in furtherance of ethics in government and individual freedoms and liberties. During his tenure at Judicial Watch, he obtained a court ruling that Bill Clinton committed a crime, the first lawyer ever to have done so against an American president. Larry became so famous for fighting corruption in the government and the legal profession that the NBC hit drama series "West Wing" created a character after him: Harry Klaypool of Freedom Watch. His character was played by actor John Diehl.



In 2004, Larry ran for the U.S. Senate as a Republican in Florida's primary. After the race ended, he founded Freedom Watch.

Larry graduated from Duke University with honors in political science and French literature. Later, he received a law degree from Emory University. During the administration of President Ronald Reagan, Larry was a Justice Department prosecutor and was on the trial team that succeeded in breaking up the telephone monopoly of AT&T, thereby creating competition in the telecommunications industry.

Between Duke and Emory, Larry worked for U.S. Senator Richard Schweiker (R-Pa.) during the Watergate era. He has also studied abroad and was a stagiaire for the Commission of the European Union in its Competition Directorate in Brussels, Belgium. During law school, Larry also worked for the U.S. International Trade Commission in Washington, D.C.

Larry speaks four languages—English, French, Italian, and Spanish—and is an international lawyer, among his many areas of legal expertise and practice.

The author of two books, *Fatal Neglect* and *Whores: Why and How I Came to Fight the Establishment,* Larry has a third book in the works dealing with the breakdown of our political and legal systems. His current book, *Whores,* is on now sale at WND.com, Amazon.com, BarnesandNoble.com, Borders.com, and all major stores and booksellers.

Larry is a frequent commentator on television and radio, as well as a weekly columnist, on Friday, for WND.com. He also writes a regular blog for Newsmax called "Klayman's Court."

Larry has been credited as being the inspiration for the Tea Party movement. (See "Larry Klayman - The One Man TEA Party," by Dr. Richard Swier, http://fwusa.org/KFA)

Support the work of Freedom Watch at www.FreedomWatchUSA.org

COMMENTARY

Larry Klayman for U.S. Senate

By Joseph Farah
Published August 26, 2004 at 1:00am

People sometimes ask me who my heroes are. After all, I'd be hard-pressed to name any contemporary politicians I trust or look to for leadership and courage.

There is such a man. He's not a politician. But he is running for office – the U.S. Senate – from the state of Florida.

His name is Larry Klayman and he founded the organization known as Judicial Watch.

Larry Klayman is my hero because he has integrity – enough to prevent him from blind loyalty to party or ideology and keep him focused on principle.

Some people have asked me if Larry is crazy, if he's a zealot, or if he has all of his oars in the water. If you don't know Larry personally, it might be easy to confuse him with a loose cannon. That's because he is fearless and relentless in the pursuit of justice. That's a rare commodity today in America. It wasn't always like that. There were other men like Larry early in American history. Their names were Washington, Jefferson, Madison and Henry. They don't make 'em like that any more. At least not many. Larry is an exception.

That's why I am doing something very unusual for me today – I am formally and personally endorsing Larry Klayman in his uphill bid for the U.S. Senate. The primary election is next Tuesday and you still have a chance to send him a contribution or at least hold him up in your prayers in the next few days.

Why do I think it's so important to elect Larry Klayman to the U.S. Senate?

Because Larry Klayman is an anti-establishment candidate. He is in nobody's pocket. He's a man of character and principle. We need men like that in the U.S. Senate and elsewhere in government.

The Senate will be a stronger institution with his admission, and America will be a better nation with him in the Senate.

To be honest with you, I never thought I would see the day that Larry Klayman was actually a serious candidate for the U.S. Senate. We all have an opportunity to make a real difference, a real impact on American government by getting him elected.

Larry Klayman is not running for the U.S. Senate because he wants to participate in a debating society. He's running because he wants to get America back on track with its constitutional form of government. One of the cornerstones of his campaign is a promise to fight to get the United States out of the United Nations.

When was the last time you heard of a Senate campaign built around that promise?

But that's my friend Larry Klayman. He doesn't listen to polls. He listens to his heart and his mind. And he listens to the Constitution and the law of the land.

Larry Klayman is an American hero. I don't make that statement lightly. I don't make that statement frequently. But I make it without any reservations about Larry Klayman.

Don't worry about Larry Klayman backing down in the face of the pressures and temptations of the Beltway. Trust me. They will only serve to embolden him. Larry Klayman will do what is right – no matter who is involved. Klayman is a guy who never shrinks from his standards of ethics and morality. He's a man who looks to no one but God for guidance and direction. He's just the kind of person we need in times like this

That's why I am standing behind Larry Klayman for the U.S. Senate.

Submit a Correction

Joseph Farah

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Joseph Farah is founder, editor and chief executive officer of WND. He is the author or co-author of 13 books that have sold more than 5 million copies, including his latest, "The Gospel in Every Book of the Old Testament." Before launching WND as the first independent online news outlet in 1997, he served as editor in chief of major market dailies including the legendary Sacramento Union.

@JosephFarah

COMMENTARY

THE LEFT

'Free speech' advocate works to silence Larry Klayman

Exclusive: Jack Cashill exposes radical ideology of lawyer pushing punishment

By Jack Cashill
Published January 1, 2020 at 5:38pm

In July of 2019, a hearing committee of the District of Columbia Bar Board of Professional Responsibility made a recommendation that Judicial Watch founder Larry Klayman be suspended, a recommendation now under appeal, from the practice of law in the district for 33 months.

The three-person committee strangely and inexplicably included only two attorneys, both of whom are of the left, and one of whom, Michael Tigar, is proudly far left.

How far left? Consider the following review on the jacket of Tigar's most recent book: "'An incisive, unsparing, creative, brilliant critique of capitalist law and its dire human consequences.' – BERNARDINE DOHRN, co-editor with Bill Ayers, Race Discourse: Against White Supremacy."

In the book, "Mythologies of State and Monopoly Power," Tigar emphasizes the Marxist notion that "the law is not what is says but what it does." Not liking the "dire human consequences" of the law as it exists, Tigar is not above twisting the law to his own ends.

Klayman suspects that Tigar, something of a superstar in Marxist circles, was recruited by the committee chairman, Anthony Fitch to sit on the committee with him. The two appeared chummy throughout the proceeding, and Fitch seemed downright deferential.

Throughout the proceeding, Tigar could barely conceal his disdain for the conservative, pro-capitalist, pro-Israel, pro-Trump activist Klayman.

In testifying as to why he founded Judicial Watch, Klayman explained his objections to the fact that federal judges were often chosen on the basis of political contributions by their law firms, labor unions or corporations.

As a result, said Klayman, "the best and the brightest" do not always make their way onto the bench. At this, Tigar grew visibly angry and shot back that his son, Jon Tigar, also a graduate of Berkeley Law School, was a federal judge.

President Barack Obama had appointed young Tigar to the federal bench in San Francisco. Klayman said he did not mean to impugn Tigar's son, but Judge Tigar deserved impugning. Tigar is the same federal judge who willy-nilly enjoined President Trump's asylum policy for illegal immigrants.

In its article on Klayman's recommended suspension, the Washington Post observed, that the "conservative" Klayman "is a notably combative litigant whose no-holds-barred tactics and robust use of the Freedom of Information Act have made him a dreaded – and sometimes loathed – inquisitor."

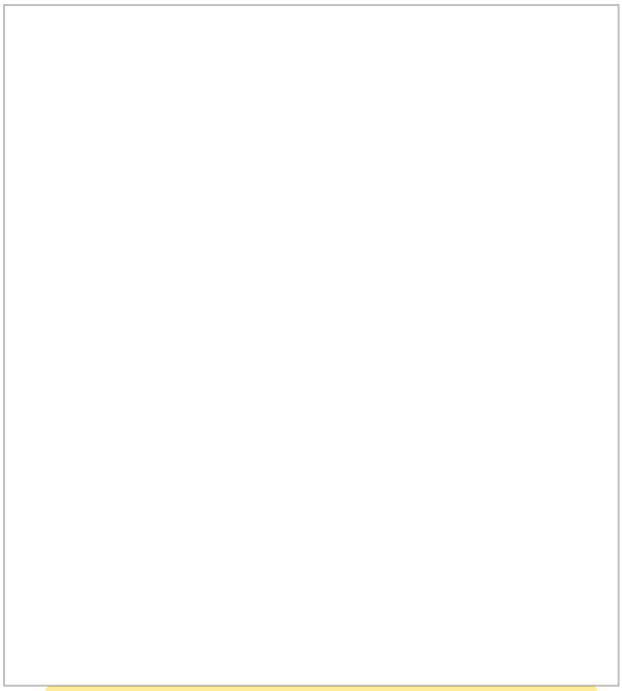
The Post also noted that Klayman writes for "WorldNetDaily, a right-wing news aggregator site." As to the left-wing politics of Fitch and Tigar, the Post predictably made no mention at all and failed to take seriously Klayman's claim that "It was a very politicized hearing committee."

The case itself has little to do with politics. It involves Klayman's pro-bono defense of a female Persian broadcaster at Voice of America. When she did not get the result she wanted, she turned on Klayman.

Both the Florida and Pennsylvania Bars dismissed identical complaints six years earlier. Following Trump's election, the head of the D.C. Bar Disciplinary Counsel resurrected the complaint six years after the woman had abandoned it.

Klayman believes that it was his high-profile legal advocacy on Trump's behalf that awakened legal radicals to the political potential of what is now a 10-year-old case.

"For Tigar, I am a conservative scalp," says Klayman, who is still able to practice law in D.C. during the appeal, "and one that he obviously harbors an animus toward, particularly given my support of Trump."



Michael Tigar with Ramon Castro, the oldest of the Castro brothers, in 1978.

The 78-year-old Tigar has been an unapologetic disciple of the hard left from his student days. In his memoir, he boasts of his fond feelings for the brothers Castro and his attendance at the notorious Soviet-sponsored World Festival of Youth and Students in Helsinki in 1962.

Tigar's radicalism alarmed even liberal Supreme Court Chief Justice Earl Warren. According to Tigar, in 1965 Warren ordered Justice William Brennan to fire Tigar, then clerking for Brennan, and Brennan did just that.

Tigar has not mellowed as he has grown older. In fact, he has turned as the larger progressive movement has from defending free speech to suppressing it.

"Of all the remarkable developments of the past decade," argues British author Frank Furedi, "none has been more sinister than the West's gradual surrender of mankind's most important values: the twin ideals of freedom of speech and expression."

In Washington, that "surrender" has been imposed almost exclusively on the political right. Enforcing it are attorneys like Tigar and Fitch, the Democrats in Congress, federal judges of the Jon Tigar mold, and the intel agencies, all with the indispensable support of an increasingly leftist media.

The same Michael Tigar who supported the free speech movement while a law student at Berkeley in the 1960s is now working actively to silence Larry Klayman. It is hard to interpret Tigar's behavior otherwise.

Jack Cashill

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Jack Cashill has a Ph.D. from Purdue University in American studies. His lastest book is "Unmasking Obama."

LARRY KLAYMAN - THE ONE MAN TEA PARTY

By Dr. Richard Swier (Scribe)
RedCounty.com
July 31, 2010

Long before there was a TEA Party, Glenn Beck 912 movement, 13 Patriots and thousands of others, there was Larry Klayman. Larry believes it is more important to be virtuous than be liked.

Larry believes there is an ultimate right and wrong.

Some of you may not know Larry Klayman but you should. If you believe in the Constitution of the United States and that the Executive, Legislative and Judicial branches of our federal government are corrupt to the core then you need to read Larry's book, *WHORES: Why and How I Came to Fight the Establishment.*

If you see our courts legislating from the bench rather than enforcing the law as in Arizona then you will love Larry Klayman. If you love politics and want to understand what really happens behind the scenes get his book. I just finished reading WHORES and could not put it down. It is a mosaic of both the man and his struggles against an out of control government bent on aggrandizing itself at the expense of the people and the law. It is about corruption on the part of both parties writ large. I found it particularly interesting because of Larry's insights into Florida politics. You see Larry ran for the very same U.S. Senate seat Marco Rubio is seeking. Larry ran against, among others, Bill McCollum and Mel Martinez. If you want to learn more about Florida politics and political insiders, read this book.

Larry is the founder of Judicial Watch and Freedom Watch USA. Freedom Watch USA "is the only group that speaks through actions, rather than just words." When reading his book I found it a fascinating personal and professional journey that reflects the work of a real patriot. Larry has won my patriot award for being a thorn in the side of Iran, Hugo Chavez, Bill and Hillary Clinton, Dick Cheney, George W. Bush and Barack Obama. Not a bad record if I say so myself.

I really felt a symbiotic relationship with Larry as I read his story. When you speak truth to power you are always attacked. The progressive model is identify the target, marginalize it and then demonize it. That is the cross that Larry, TEA Party members and others who are like minded bear today.

Larry was fighting the establishment since the early 1990s and he continues to do so even today with the filing of a lawsuit against Elena Kagan, President Obama's nominee for the U.S. Supreme Court.

According to the WorldNetDaily.com column, *Papers prepped to disbar Elena Kagan*:

> One of Washington, D.C.'s most feared and fearless corruption watchers has told WND he intends to file an ethics complaint to have Supreme Court nominee Elena Kagan disbarred from practicing before the court she aspires to join – and possibly subjected to criminal prosecution – for her role in an escalating controversy over partial-birth abortion.
>
> As WND reported, dozens of pro-life organizations are already asking the Senate to investigate Kagan's 1997 amendment to an American College of Obstetricians and Gynecologists report, which was then used by the Supreme Court as justification for overturning Nebraska's partial-birth abortion ban in 2000.
>
> In her confirmation hearings, Kagan defended the amendment, saying, "My only dealings with (the College) were about talking with them about how to ensure that their statement expressed their views."
>
> Several analyses have concluded, however, that Kagan's amendment dramatically changed the meaning of the organization statement, and court records show the statement was passed off on the Supreme Court as official scientific opinion, even though the organization's panel of scientists never approved Kagan's wording.
>
> Klayman told WND he believes Kagan's behind-the-scenes work constitutes "conspiracy to defraud the Supreme Court," and he intends to take the evidence that has been compiled by the pro-life groups to file a complaint before the clerk's office of the U.S. Supreme Court, seeking to have Kagan disbarred as a practicing lawyer infront of the Supreme Court.

So the battle goes on for Larry, you and me. I hope you will read Larry's book and make it a point to learn more about the great work he is doing to stop corruption in our courts, at the White House and in Congress. Larry has been a one man TEA Party, now it is time for us to join with him as we together fight in the same cause – a grass roots revolution to save the Republic.

http://www.redcounty.com/content/larry-klayman-one-man-tea-party

LARRY KLAYMAN

Larry Klayman, Esq., founder and former chairman of the successful non-profit foundation Judicial Watch, has dedicated his career to fighting against injustice and restoring ethics to the legal profession and government. He was born and raised in Philadelphia, graduated with honors in political science and French literature from Duke University, and later received a law degree from Emory University. He is the only lawyer ever to have obtained a court ruling that a U.S. president committed a crime, which occurred during his tenure at Judicial Watch. He became so well known that NBC's hit drama series "The West Wing" created a character inspired by him, named Harry Klaypool of Freedom Watch. In 2003, Mr. Klayman left Judicial Watch to run for the U.S. Senate. After his Senate race, he established Freedom Watch. As head of that organization, he now divides his time between Miami, Los Angeles and Washington, D.C.

...his idea of fun is trying to kick down a door some public official has marked secret...Larry Klayman is himself a conservative, but there's nothing partisan about his indignation.
—BILL MOYERS, "NOW" PBS

Larry…I appreciate your own maverick—if we can still use that word!—thinking and stands.
—FRANK RICH, COLUMNIST FOR *THE NEW YORK TIMES*

That Time *magazine has yet to name Larry Klayman "Man of the Year" is a failure of* Time, *not Klayman's. The work he and Judicial Watch did on the Brown case is stunning.*
—JACK CASHILL, AUTHOR OF *RON BROWN'S BODY*

Larry Klayman is my hero because he has integrity—enough to prevent him from blind loyalty to party or ideology...That's because he is fearless and relentless in the pursuit of justice…There were other men like Larry early in American history. Their names were Washington, Jefferson, Madison and Henry.
—JOSEPH FARAH, WORLDNETDAILY.COM

…through his challenge of secrecy rules, Larry Klayman has become a force in Washington.
—LOUIS JACOBSON, *NATIONAL JOURNAL*

Nobody ever accused Larry Klayman of thinking small, but his latest suit may be outsized by even his standards. The former head of conservative watchdog Judicial Watch who now runs Freedom Watch has filed a $10 trillion class action against Iran at the U.S. District Court for the District of Columbia.
—*THE NATIONAL LAW JOURNAL*

$26.95

ISBN: 978-0-9792012-2-6
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KLAYMAN

WHORES

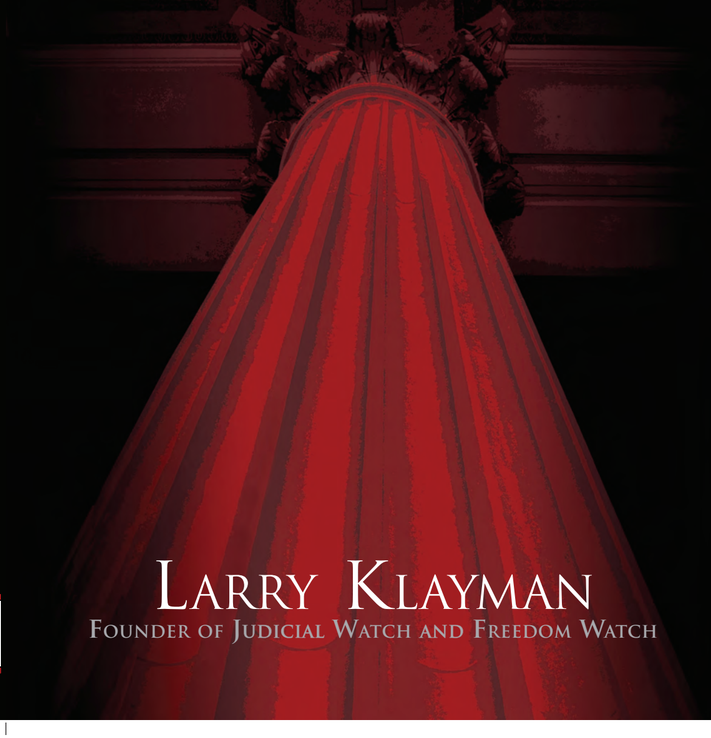
WHY AND HOW I CAME TO FIGHT THE ESTABLISHMENT

New Chapter Publisher

Larry Klayman is a prickly troublemaker uncongenial to party and ideological establishment.
Robert Novak, columnist

WHORES

WHY AND HOW I CAME TO FIGHT THE ESTABLISHMENT



LARRY KLAYMAN

FOUNDER OF JUDICIAL WATCH AND FREEDOM WATCH

Larry Klayman believes in always standing up to the bullies. As founder of Judicial Watch and Freedom Watch, he has been a thorn in the side of the abusers of power and privilege in government and the media. To some he's an unwavering champion of justice. To others he's a rabid watchdog who barks at Democrats and Republicans alike if they make one false move. Now in **WHORES** he tells of his time in the judicial trenches. With edgy prose and biting wit, he describes his legal battles with President Clinton and Hillary Clinton (over Chinagate and Filegate), with Vice President Cheney (over his secret energy task force), and with the Bush administration over illegal wiretapping of American citizens.

His portraits of the likes of Janet Reno, Fred Thompson, Senators John McCain and Arlen Specter, Federal Judge Denny Chin (who recently presided over the Madoff trial) and Clinton insiders who have come back to power in the Obama administration reveal not always flattering sides of their well-cultivated images. Klayman also has choice words to say about media figures such as Bill O'Reilly, Sean Hannity, Newt Gingrich and Karl Rove, and he accuses media mogul Rupert Murdoch of sandbagging the original publication of **WHORES** by HarperCollins because of the book's negative portrait of Roger Ailes and Fox News.

Above all, **WHORES** is an impassioned plea for reform of our judicial system (with provocative suggestions on how to do it), so that the vision of our founding fathers, as enshrined in the Constitution—of a government *by* the people *for* the people—can become a reality once again.

Advance Praise for *It Takes a Revolution*

"Larry Klayman is a fearless advocate who defeated special counsel Mueller's 'deep state' attempt to have me testify against President Trump by threatening me with prosecution if I did not lie under oath. I am eternally grateful to him! He is a true champion of justice!"

—Dr. Jerome Corsi, *New York Times* Bestselling Author

"I have known Larry Klayman for many years as a friend and as my lawyer. He's a straight shooter and a patriot. We need more people like Larry in the legal profession."

—Sheriff Joe Arpaio

"Larry Klayman is a uniquely public-spirited lawyer. He has never lost sight of the fact that the responsible activity of individual citizens, seriously seeking to exercise their God-endowed rights, is the indispensable energy source for all our institutions of self-government."

—Ambassador Alan L. Keyes, Former UN Ambassador and Presidential Candidate

"Larry Klayman is my hero because he has integrity—enough to prevent him from blind loyalty to party or ideology…That's because he is fearless and relentless in the pursuit of justice… There were other men like Larry early in American history. Their names were Washington, Jefferson, Madison, and Henry."

—Joseph Farah, CEO, www.wnd.com

"That *Time* magazine has yet to name Larry Klayman 'Man of the Year' is a failure of *Time*, not Klayman's."

—Jack Cashill, Bestselling Author of Ron Brown's Body

"Larry Klayman stood in the stead for my family and me under very trying circumstances. He is persistent, loyal, and a great believer in the Constitution, as my sons and I are as well. I respect his wisdom and strength and cherish his friendship."

—Cliven Bundy, Nevada Rancher

"While others talk of corruption and injustice in our federal courts, Larry Klayman is a man who has done something about it. As founder of Judicial Watch and Freedom Watch, Larry Klayman became a household name to those of us who want to stop the runaway power of federal judges and restore honesty and integrity to our federal court system. Echoing the sentiments of our Founding Fathers like Thomas Jefferson and James Madison, Larry Klayman has fought for a return to the principles and foundation of our Constitutional Republic wherein people are the source of all power. With over forty years of experience in the practice of law, Larry Klayman has represented defendants across America in defense of their right to 'life, liberty, and the pursuit of happiness.' Larry is a valiant warrior for truth and justice, and a man I am proud to call my friend. I hope that you will enjoy his noble work, *It Takes a Revolution: Forget the Scandal Industry!*"

—Chief Justice Roy Moore

"Klayman's work *It Takes a Revolution: Forget the Scandal Industry!* is brilliant, however unorthodox. But Larry is always right!"

—Ben Stein, Lawyer, Actor, Writer

"As the father of Navy SEAL Ty Woods, who was killed at Benghazi, I highly recommend this book. Just as Ty was a warrior as a Navy SEAL, as a fellow lawyer and as his friend I can attest to Larry being a warrior in the courtroom."

—Charles Woods, Father of Navy SEAL Ty Woods

"I admire Larry, because he is first and foremost a patriot. He not only believes in the words of the Constitution, he practices those words in all of his endeavors. He was there when I needed him."

—Laura Luhn, Sexual Abuse Victim of Roger Ailes

"Larry Klayman is one of the most principled and intellectual minds in the world of litigation. He believes in fighting for justice at all costs to protect our constitutional freedoms! I am honored to be able to call him a friend and mentor. God brings people into your life for different reasons. I believe that God connected us because he wanted me to have a big brother to encourage me to maximize my potential and guide me in the right direction. Thank you, Larry!"

—Sergeant Demetrick Pennie, President of the Dallas Fallen Officer Foundation

"Larry Klayman was the only attorney who had the guts to stand beside us and go against the government to get answers when our son, Michael, was killed in Afghanistan aboard Extortion 17 on 08/06/2011. Larry is a bulldog in the courtroom! He helped us win against the NSA, the first time in American history!"

—Charles Strange, Gold Star Father of PO1 Michael Strange (DEVGRU)

United States District Court
for the District of Columbia
Washington, D C 20001

Chambers of
Royce C. Lamberth
United States District Judge

April 12, 2018

Chief Judge Lee Rosenthal
United States District Court for the Southern District of Texas
United States Courthouse
515 Rusk Avenue
Houston, TX 77002

Dear Chief Judge Rosenthal:

As you know, I am a 1967 graduate of the University of Texas School of Law and a former member of the State Bar of Texas before my appointment to this court in 1987.

I have been asked by Larry Klayman to write this letter on his behalf to attest to his legal competence and character and fitness for admission to the bar of your court *pro hac vice*, and I am glad to do so.

He has had a number of cases before me over my 30 years as a judge, almost from the beginning. Many were quite controversial as well as newsworthy, and some extended for lengthy periods of discovery and motions. There is no question that Mr. Klayman is a zealous advocate for his client and his cause, but I also have no question regarding his fitness to practice law. I recommend his admission to your bar.

Thank you for the opportunity to provide my views.

Sincerely,

Royce C. Lamberth

Cc: Mr. Klayman

United States Court of Appeals

Eleventh Circuit
56 Forsyth Street, N.W.
Atlanta, Georgia 30303
404-335-6203

David J. Smith
Clerk of Court

www.ca11.uscourts.gov

Amy C. Nerenberg
Chief Deputy Clerk

March 15, 2021

VIA EMAIL

Larry Klayman
7050 W. Palmetto Park Rd.
Boca Raton, FL 33433
Email: leklayman@gmail.com

Re: Application for Admission to the Eleventh Circuit Bar

Dear Mr. Klayman:

With respect to the affirmative responses in your Application for Admission to the Eleventh Circuit Bar, please provide the following material within **fourteen (14) days** of the date of this letter:

- a copy of the 2011 reprimand issued by the Florida Bar;
- a copy of the 2020 suspension issued by the District of Columbia Bar;
- information and/or documentation pertaining to the two matters against you pending with the District of Columbia Bar.

You may email the information to me at christian_kennerly@ca11.uscourts.gov. Upon receipt of this information, the Court will consider your application.

Sincerely,

DAVID J. SMITH, Clerk of Court

By: /s/ Christian Kennerly
Deputy Clerk

United States Court of Appeals

Eleventh Circuit
56 Forsyth Street, N.W.
Atlanta, Georgia 30303
404-335-6100

David J. Smith
Clerk of Court

www.ca11.uscourts.gov

Amy C. Nerenberg
Chief Deputy Clerk

March 18, 2021

VIA EMAIL

CONFIDENTIAL

Larry Klayman
7050 W. Palmetto Park Rd.
Boca Raton, FL 33433
Email: leklayman@gmail.com

Re: Application for Admission to the Eleventh Circuit Bar

Dear Mr. Klayman:

The Court has instructed me to inform you that your application for admission to the bar has been denied because you checked boxes 2a, 2b, and 3a "yes" on the application form, and under the circumstances, the Court determined that you should not be admitted to the bar at this time. You may reapply for admission after all the pending disciplinary matters have concluded and you are in good standing with all courts and bars of which you are a member.

Please note that the Court has no procedures for appeal or reconsideration of the denial of an application for admission, and the Court will not accept for filing or review any additional materials seeking reconsideration.

Sincerely,

/s/ David J. Smith

Clerk of Court

IN THE DISTRICT OF COLUMBIA COURT OF APPEALS

In the Matter of:

LARRY E. KLAYMAN, ESQ.

Respondent.

A Member of the Bar of the District of Columbia Court of Appeals (Bar Registration No. 334581)

No. 20-BG-583
Board Docket No: 17-BD-063
BDN: 2011-D028

INITIAL BRIEF OF RESPONDENT LARRY KLAYMAN

Dated: February 8, 2021

Respectfully submitted,

/s/ Melissa Isaak_____
Melissa Isaak, Esq.
2815-B Zelda Road
Montgomery, AL 36106
Tel: 334-262-8200
Melissa@protectingmen.com

Counsel for Respondent

/s/ Larry Klayman_____
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Co-Counsel Pro Se

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STATEMENT OF ISSUES

1. Should the District of Columbia Court of Appeals ("DCCA") not impose discipline on Respondent Larry Klayman ("Mr. Klayman") in this disciplinary proceeding?

2. Should the DCCA withdraw interim suspension on Mr. Klayman while this matter is decided, as it is in contravention of Mr. Klayman's due process, equal protection, Sixth Amendment right to counsel and other rights?

STATEMENT OF THE CASE

From the very outset of this proceeding coming before the DCCA, it more than appears that this Court has prejudged this matter, which has severely prejudiced and harmed not just Mr. Klayman but also his clients. This prejudgment is manifested by prima facie violations of many of Mr. Klayman's rights, including equal protection, due process, and Sixth Amendment right to counsel of choice during the temporary suspension phase of this proceeding.

First, even before this proceeding reached this Court, Mr. Klayman's due process, equal protection and other rights were ignored and violated. This is a very old – eleven (11) years to be exact -- disciplinary proceeding with a very voluminous record, which the Board on Professional Responsibility (the "Board") clearly never reviewed, given the numerous material errors contained in its Report and Recommendation (the "Board Report"). These material errors simply could not

have been possibly made had the record even been somewhat reviewed. This forced Mr. Klayman to file an "Emergency Motion for Reconsideration of Order of the Chair of the Board on Professional Responsibility and Motion to Stay Implementation of the Report and Recommendation of the Board of Professional Responsibility of October 2, 2020, Until the Board Conduct a Thorough and Bona Fide Review of the Entire Record in This Proceeding and Request for Internal Reviews" (the "Emergency Motion") as well as related supplements and motions. The Chairman of the Board, Matthew Kaiser ("Kaiser"), refused to address this, and simply sidestepped taking responsibility and then passed his responsibility on for this Court to deal with. With any real substantial discussion, and just a cursory denial, Kaiser stated:

> In any case before the Board, it is duty bound to 'review the findings and recommendations of Hearing Committees submitted to the Board, and to prepare and forward its own findings and recommendations, together with the record of proceedings before the Hearing Committee and the Board, to the Court.' D.C. Bar. R. XI, section 4(e)(7). As Respondent's Motion plainly seeks to petition to the Board to do that which it is mandated to do – and has done in the Board's report – it is denied as moot. App. 0123.

Furthermore, in the Emergency Motion, Mr. Klayman asked Kaiser if he and the Board had had *ex parte* communications with ODC and this Court on numerous occasions, which Kaiser refused to address. This creates the strong inference that ex parte communications have occurred, particularly over the temporary suspension order of January 7, 2021, as discussed below. How hard would it have

been, for instance, to simply say "no," if indeed there were to such ex parte communications?

Then, once this matter reached this Court, on October 19, 2020 the DCCA *sua sponte* issued an order to show cause as to why Mr. Klayman should not serve an interim suspension while this matter was being decided, which could take a considerable amount of additional time if a complete and thorough review of the record should ever take place, which it must. Thus, temporary interim discipline, particularly under these egregious and extraordinary circumstances, runs counter to perhaps the most fundamental and basic tenet of our judicial system – that an individual is to be provided due process and equal protection under the law, and thus presumed innocent until proven guilty. However, to the contrary, this Court has flipped fundamental constitutional rights on their head, finding Mr. Klayman guilty until he can prove himself innocent.

This is especially outrageous given the underlying facts of this disciplinary action, which, if indeed a thorough review of the record is ever undertaken, Mr. Klayman is confident would logically result in a final order of no suspension. The failure to undertake this review of the record severely prejudices not just Mr. Klayman, but also his clients. As just one example, his client, Laura Luhn has been severely prejudiced. App. 0037 – 0038. Other clients have terminated Mr. Klayman even on matters that are not before District of Columbia courts, as a

result of reading or hearing stories about the temporary discipline on the internet and elsewhere. In short, the temporary suspension has been used strategically to harm Mr. Klayman's reputation, good will and standing with the courts before which he practices, as adversaries, "smelling blood," are using it to prejudice not just Mr. Klayman but also his clients' important interests.

In sum, the issuance of an order to show cause on January 7, 2021, shows that this Court has already prejudged this matter and essentially made up its mind about Mr. Klayman, regardless of what the underlying facts and law are.

Because of this, Mr. Klayman filed an extremely detailed response citing in great detail, with backup citations, substantial evidence to the order to show cause, as well as a supplement, both of which showed why interim discipline was not warranted. *See November 30, 2020 Response to Order to Show Cause and December 7, 2020 Supplement to Response to Order to Show Cause*. However, the Court appears to have ignored Mr. Klayman's submissions and chose instead to impose an interim suspension on January 7, 2021, while providing absolutely no legal or factual analysis as to how it came to this decision. This prevents Mr. Klayman from effectively challenging this order during the final phase of this appeal, as he has no idea why the Court chose to impose interim discipline.

Indeed, for this fundamental reason, Mr. Klayman filed on January 11, 2021 a Emergency Motion to Vacate Order and Issue Ruing with Factual and Legal

Analysis with Established and Mandated Judicial Practice Based on Due Process and Other Constitutional Rights, but this was again summarily denied without any legal or factual analysis. An order temporarily suspending Mr. Klayman is akin to a preliminary injunction, which means that Mr. Klayman should have been entitled to factual findings and conclusions of law so that he knows what he needs to address in his actual briefs. *As set forth by analogy in* District of Columbia Rule of Civil Procedure 52 (a)(1):

> Unless expressly waived by all parties, in an action tried on the facts without a jury or with an advisory jury, the court must find the facts specially and state its conclusions of law separately. The findings and conclusions may be stated on the record or may appear in an opinion or a memorandum of decision filed by the court and are sufficient if they state the controlling factual and legal grounds of decision.

Part (a)(2) of this Rule with regard to analogous interlocutory injunctions mandates "In granting or refusing an interlocutory injunction, the court must similarly state the findings and conclusions that support its action. Similarly, the Federal Rules of Civil Procedure are substantively the same as the District of Columbia Rules of Civil Procedure See Fed. R. Civ. P. 52(a)(1) – (2):

> (1) In General. In an action tried on the facts without a jury or with an advisory jury, the court must find the facts specially and state its conclusions of law separately. The findings and conclusions may be stated on the record after the close of the evidence or may appear in an opinion or a memorandum of decision filed by the court. Judgment must be entered under Rule 58 (2)
> For an Interlocutory Injunction. In granting or refusing an interlocutory injunction, the court must similarly state the findings and conclusions that support its action.

Mr. Klayman then attempted to file, pursuant to DCCA Rule 35, a Petition for Rehearing En Banc. However, Mr. Klayman was not even allowed to file this Petition, as it was rejected, apparently by the chief judge, this three judge panel and all of the judges of this Court, on January 25, 2021 as "invalid material" on the basis that the January 7, 2021 order was an interim suspension pending final disposition. App. 0039. However, nothing in DCCA Rule 35 prohibits the filing of a Petition for Rehearing En Banc to challenge an interim order. *See* DCCA Rule 35.

Thus, Respondent Larry Klayman's Resubmitted Emergency Petition for Rehearing En Banc to Vacate Three Judge Panel Per Curiam Order of January 7, 2021 and Reissue Order with Factual and Legal Analysis in Accordance with established and Mandated Judicial Practice Based on Due Process and Other Constitutional Rights was refiled to point out that Rule 35 did not prohibit en banc review, but it was apparently summarily rejected again. It appears, once again, that the Court was simply looking for a reason to continue to deny Mr. Klayman his due process and equal protection rights by not providing him with any required factual findings and conclusions of law, from which he could logically base his arguments against discipline during this final phase of the proceeding.

To make matters even worse, Mr. Klayman has, until recently, been denied his right to counsel under the Sixth Amendment to the Constitution. From the very

outset of this case in this Court, Mr. Klayman made it very clear that he wished to be represented by Melissa Isaak, Esq. pro hac vice. In this regard, Ms. Isaak first filed an application for *pro hac vice* admission on November 11, 2020 and it was not until January 21, 2021 that the Court finally directed the clerk to enter Ms. Isaak's appearance. *See Order of January 21, 2021 directing Clerk to enter the appearance of Melissa Isaak, Esq*. This is an egregious and unconscionable over three-month delay, that is over nine (9) weeks, during which time Mr. Klayman was denied his right to counsel of choice until after the Court had already imposed an interim suspension on him. *See Order of January 7, 2021*.

Lastly, Mr. Klayman has informed the Court on numerous occasions that he was not being served timely with orders from the Court, which has caused him prejudice. App. 0040 – 0044. As set forth in his Motion for Extension of Time of January 3, 2021, he did not learn of the briefing schedule order until sixteen (16) days after it had been issued. This is significant as he lost time to prepare for such a voluminous brief. Tellingly, the Court has even refused to address this simple matter, which can be easily fixed.

Regrettably, the numerosity and scope of these violations of Mr. Klayman's constitutional and other rights can only be seen as willful, given their frequency and magnitude.

All of this creates much more than a strong inference that the Court has prejudged the issues, notwithstanding the underlying facts of this disciplinary matter which are discussed further in detail below. This total breakdown of the disciplinary process requires this Court to remedy this clear wrong. Mr. Klayman thus respectfully requests that the Court immediately lift the temporary suspension and thoroughly review the record to prevent a further and at this point compounded miscarriage of justice.

STATEMENT OF UNDERLYING FACTS OF THE CASE IN CHIEF

Mr. Klayman is a conservative legal activist and the founder of both Judicial Watch and Freedom Watch, as well as a former federal prosecutor and, as such, he gravitated to the Iranian freedom movement and its mission to effect regime change in the Islamic Republic of Iran. PFF 45. Mr. Klayman attended a freedom rally on the front lawn of the U.S. Capital during the late fall of 2010, when it appeared that dissidents in Iran appeared to be on the verge of overthrowing of the radical Supreme Leader and thus bringing freedom to the nation. PFF 45.

It was at this rally that Mr. Klayman encountered and briefly spoke with the complainant, Elham Sataki ("Ms. Sataki"), who was covering the event for the Persian News Network Division ("PNN") of Voice of America ("VOA"), whose headquarters was in Washington, D.C. PFF 45. After Mr. Klayman introduced himself to Ms. Sataki, who had concluded an interview, and told her about his pro-

freedom efforts, he left and descended the Capitol steps with one of his clients. PFF 45. Eventually, Mr. Klayman asked Ms. Sataki out in a personal capacity. PFF 46. On their dinner date at Clydes restaurant in Georgetown, Ms. Sataki broke down in tears sobbing, grabbing Mr. Klayman's hand from across the table. She claimed to have been sexually harassed by a co-host at VOA's PNN and then retaliated against by mostly Iranian managers who had different views about Iran's leaders, as they were pro-regime. PFF 47. Sobbing and evoking sympathy from Mr. Klayman, Ms. Sataki explained that she was destitute. PFF 106. Mr. Klayman offered to help her out of friendship as she continued to sob. PFF 47. They met again and Ms. Sataki told Mr. Klayman how her union president and representative at VOA, Mr. Tim Shamble ("Mr. Shamble") had also been trying to resolve the situation. PFF 2, 50.

Mr. Klayman had had prior experience in bringing sexual harassment and workplace retaliation cases over his long then 32 legal career in which he had continuously been a member in good standing of the District of Columbia Bar. PFF 40, 41. In addition, he had considerable experience in administrative law and litigating against the government. PFF 40. But the agreed goal, when he met with Ms. Sataki and Mr. Shamble, was to try to settle matters amicably with VOA, and to achieve Ms. Sataki's expressly stated desire to be detailed out of the DC headquarters to Ms. Sataki's home in Los Angeles, where her friends and family

were. PFF 20, 48. This would take her away from the alleged harasser, Mehdi Falahati ("Mr. Falahati"), and her managers, who had been very critical of her work performance quite apart from her sexual harassment and retaliation claims. PFF 52, 115. Mr. Shamble warned that based on his considerable experience, VOA was very difficult to deal with and was anti-employee rights. PFF 15, 50. Indeed, he stressed that VOA had been rated as the worst agency in government by the General Accounting Office ("GAO"). PFF 16.

Nonetheless, Mr. Klayman, Ms. Sataki and Mr. Shamble began efforts to settle with VOA, but they were predictably met with a hostile reception, as Mr. Shamble had predicted based on his experience as union president. As a result of this hostile reception, Mr. Klayman, Ms. Sataki, and Mr. Shamble collectively decided to use -- as is routine and acceptable strategic practice in matters such as this where the is a political and intransigent government component -- public relations and lobbying with influential Senators and Congressmen to have them intervene and coax a settlement. PFF 128, 166. Ms. Sataki agreed to this publicity, with Mr. Klayman writing positive and complimentary articles and arranging for interviews with major publications, such as the Los Angeles Times. PFF 11, 166. Indeed, a crucial piece of evidence in this proceeding is an email which Mr. Klayman sent to the LA Times, copying both Ms. Sataki and Mr. Shamble, attempting to arrange such an interview. PFF 11.

This was consistent with Ms. Sataki being provided contemporaneously with all the articles and publicity that Mr. Klayman, who along with Mr. Shamble, he had generated for her. At no time did Ms. Sataki object, and there is no contemporaneous written record of any objection. PFF 167. To the contrary, at the hearing before the Ad Hoc Hearing Committee ("AHC") she was forced to admit on several occasions that she approved of this publicity. PFF 170. In addition, several key material witnesses also corroborated this. PFF 91, 182. In fact, Ms. Sataki personally engaged in the publicizing of her case by personally handing out copies of one the articles written by Mr. Klayman on Capitol Hill! PFF 24. Extensive efforts to lobby politicians were made, often with Ms. Sataki present, but always with her informed consent. PFF 27. However, this strategy was not successful as VOA and its Board of Governors ("BBG") dug in their heels. PFF 53.

When these efforts proved unsuccessful, it was decided by Ms. Sataki, Mr. Klayman and Mr. Shamble that hard-hitting legal action would be required, PFF 53, with the aim of "convincing" VOA and its decision-maker governors at the BBG to settle. PFF 54. Accordingly, not only was an Office of Civil Rights ("OCR") complaint filed, so was a *Bivens* action against all the individual governors on the BBG. It was agreed on by all three that holding the governors

personally responsible and at risk might strategically convince them to be reasonable and settle. PFF 54.

Named in the *Bivens* action, which was based on a violation of constitutional rights over sex discrimination among other grounds, was necessarily the titular head of BBG, Mrs. Hillary Clinton, who as secretary of state presided over BBG. PFF 26, 54. Putting friendship aside for the benefit of Ms. Sataki, Mr. Klayman's friend, Ms. Blanquita Collum, a prominent conservative radio talk show host and also a BBG governor, was also named, along with all of the other governors, both Democrat and Republican appointees. PFF 25. Mrs. Clinton was neither singled out nor admittedly did the *Bivens* complaint make any politically motivated attacks on her. PFF 26, 209. She was simply named as a matter of course along with the other governors. Importantly, Mr. Sataki, who knew that Mr. Klayman was conservative and an activist like herself when he offered and then agreed to legally represent her *pro bono,* expressly approved of this strategy. PFF 26.

There was considerable evidence adduced at the hearing that the singular goal was always to get Ms. Sataki transferred to Persian New Network ("PNN") Bureau at VOA in Los Angeles and not to recoup damages. PFF 54, 76, 107, For this fundamental reason, while Ms. Sataki gratuitously offered later that Mr. Klayman could take a percentage of any damage award, this was neither a consideration nor an offer important to him. PFF 54. Instead, it was out of what he

thought at the time was a deep friendship with and caring for Ms. Sataki, that he went to an enormous legal effort to get her back home to LA where she would feel secure, and not to make money. PFF 76. Indeed, Mr. Shamble testified that he never experienced any lawyer work as hard for a VOA employee than Mr. Klayman that he even recommended him to other broadcasters at VOA who had been allegedly discriminated against. PFF 6.

This was why when Ms. Sataki, having taken some leave to travel to LA for vacation, had an emotional breakdown when she was told by VOA that she would not be transferred to LA, and was instead being offered a post at the Central News Division ("Central News") in Washington. PFF 56, 109, she told Mr. Klayman in an unhinged state that she would commit suicide if she had to go back to DC – a constant theme of Ms. Sataki, who Mr. Klayman learned much later likes to use to induce and lure people into helping her by playing the victim - even before she met Mr. Klayman. PFF 109. Ms. Sataki thus instructed Mr. Klayman to continue to do all he could to get her to LA. PFF 109.

Mr. Klayman did not seek a romantic relationship as ODC falsely and conveniently claims, but had come to deeply care for and love Ms. Sataki and sympathized with her, as he himself had been going through hard personal time and understood and related to her claimed plight. PFF 49, 79. Even though Mr. Klayman was not in good financial shape himself, he put the interests of his friend

and client before his own. PFF 73. To this day, Mr. Klayman has never asked or brought any legal action to be paid back, even after Ms. Sataki vindictively filed a bar complaint against him when she did not get what she wanted at VOA's Office of Civil Rights ("OCR") or in court. PFF 77. Importantly, there is no allegation of sexual harassment in the Specification of Charges and Ms. Sataki has never filed suit on this basis. PFF 105. Nor has there been any malpractice claim filed by her or her surrogates, who prepared a supplemental bar complaint for her. PFF 136. Importantly, and of seminal importance, this identical bar complaint was also sent simultaneously to The Florida Bar and the Pennsylvania Bar, both which found no violation of their rules of ethics, which are similar if not identical to this bar, and summarily dismissed the complaints long ago. PFF 43; Tr. 969-971, RX23, RX 30. This crucial and uncontested fact cannot and must not be overlooked!

Mr. Klayman, with Ms. Sataki's consent and knowledge - as he not only communicated orally with her and Mr. Shamble, but also routinely sent her pleadings - had also filed a motion for temporary restraining order and preliminary injunction, arguing under a landmark case styled *Wagner v. Taylor*, that the status quo should be preserved by ordering that Ms. Sataki be put back to work in the LA PNN Bureau while her administrative employment claims and the *Bivens* suit proceeded. PFF 68.

This *Bivens* case had unfortunately come to be assigned to a judge who Mr. Klayman had had great difficulty with in the past for other clients, the Honorable Colleen Kollar-Kotelly ("Judge Kotelly"), who is known to be highly partisan and to the far left. PFF 55. For this reason, with Ms. Sataki's informed knowledge, Mr. Klayman moved to have the case transferred to another judge in the DC federal court, but this was not granted.

At the time, a retired federal judge who had sat on the federal court with Judge Kotelly, The Honorable Stanley Sporkin ("Judge Sporkin"), who Mr. Klayman had appeared before and who after the jurist's retirement he had come to know out of the courtroom, was consulted by Mr. Klayman, who told him at the time that it was a "chip shot" to have put Ms. Sataki back to work in LA. PFF 58.

However, as Mr. Klayman had feared, Judge Kotelly callously ruled against Ms. Sataki and her order showed serious factual and legal errors – indeed, about 14 pages of which he later included in a motion to disqualify the judge. PFF 65. Later, Mr. Klayman would give his public opinion, to which he is entitled – and which is common for lawyers to do - that there was no factual or legal basis for Judge Kotelly's rulings. PFF 59. He would also seek to disqualify Judge Kotelly on the basis of apparent bias and thus have her orders vacated so he would proceed for Ms. Sataki before another unbiased judge. PFF 65, 66.

But when learning of Judge Kotelly's decision, Ms. Sataki, perhaps showing more of her true "self-centered self," became very abusive of Mr. Klayman, despite all he had done to help her. Mr. Klayman had seen this self-centered demeanor before as the legal and personal friendship relationships had gone forward. And because he cared deeply about and came to love Ms. Sataki, he took her abuse and disrespect to heart and wrote, as a human being, sad emails to her to try to get her to understand how much he cared about her. But this notwithstanding, Mr. Klayman also zealously and diligently continued to try to get Ms. Sataki a good broadcasting job in LA, with the use of his friendship and contacts with his close friend Ted Baehr, the head of Movieguide. PFF 63.

Seeing the difficulty in his legal relationship and friendship with Ms. Sataki, Mr. Klayman recommended that she seek other legal counsel, including Gloria Allred, the famed women's rights advocate, Mr. Klayman's friend and someone who Mr. Shamble has also recommended, attorney Tim Shea, who had had many cases before VOA. PFF 145.

It also got to this point when Ms. Sataki, taking advantage of Mr. Klayman's affection for her, asked Mr. Klayman, as she had throughout, for personal favors. Ms. Sataki, who had no credit, even asked Mr. Klayman to buy her a car, as hers had been repossessed due to her non-payment of monthly fees, and she claimed to want a cheaper one, albeit and incredibly a new Mercedes convertible, to lower

monthly payments. PFF 62. Thus, it became apparent to Mr. Klayman that the time had come to part ways with Ms. Sataki, but he still did not want to hurt her or her legal interests. In addition to the over $30,000.00 in expenses and the approximately $250,000 dollars in time -- if he had not been representing Ms. Sataki *pro bono* – Mr. Klayman went the extra mile and used his own monies to compensate her for the loss of her former salary at VOA, and assured her that 6 months tenancy at the apartment he had rented for her was pre-paid. PFF 118, 157.

In this period, after Judge Kotelly's ruling against Ms. Sataki, Mr. Klayman and Mr. Shamble tried repeatedly to communicate with Ms. Sataki, to advise her that only the first round of her case was lost – to put her back to work in LA at VOA—but that she could now move forward not just to seek a permanent injunction in the *Bivens* case, but also file a Title VII complaint in federal court once as the OCR of VOA had ruled against her with regard to her employment claims of sexual harassment and workplace retaliation by her managers, now that administrative remedies had been exhausted. PFF 5, 32, 132. In this regard, Mr. Shamble sent communications to Ms. Sataki asking that she contact Mr. Klayman or himself, assuring her that none of her rights had been forfeited or lost. PFF 33. However, Ms. Sataki did not respond, but instead, apparently with the aid of non-lawyers who were giving her bad advice, incredulously communicated with VOA that she wanted to drop all of her civil cases. PFF 35. The letters which Ms. Sataki

claims to have sent, were either not sent to Mr. Klayman or were sent to wrong addresses and thus he did not receive them from her. PFF 69, 71,

Diligently and responsibly not wanting to see Ms. Sataki's legal rights lost while matters got sorted out, Mr. Klayman, again at his expense, filed a notice of appeal. PFF 72. And while Ms. Sataki has testified falsely that she wanted to drop the *Bivens* case, among other misleading and false testimony at the hearing, she herself, likely with the aid of her felon cousin Sam Razavi ("Mr. Razavi"), sent a notice of appeal to Judge Kotelly, which the judge placed in the case file and mailed to Mr. Klayman. PFF 67. This underscores that, as Mr. Klayman had suspected, Ms. Sataki did not want the dismissal of her cases and was getting bad advice from non-lawyers. He and Mr. Shamble had an ethical and legal duty to try to communicate directly with her and not rely on nonsensical letters obviously not written by Ms. Sataki, as they were in perfect English. PFF 70, 161.

Indeed, by way of comparison, in an email which Ms. Sataki later sent to Mr. Klayman, which falsely accused him of taking bribes to lose her case and disparaged his Judeo-Christian religious beliefs, among other outrageous and vicious insults and untruths, her lack of written English literacy comes through, as well as the other cruel and self-centered side of Ms. Sataki, which had been hidden from Mr. Klayman at the outset, but which emerged later on. BCSX 38. PFF 163.

All of this notwithstanding, the Office of Bar Disciplinary Counsel ("ODC") belatedly, and egregiously six years after Ms. Sataki had filed and abandoned her complaint, PFF 203, sought to resurrect it for its own biased strategic reasons, to incredibly argue that Mr. Klayman should be disbarred. The thrust of ODC's case is that Mr. Klayman should never have deeply cared for Ms. Sataki and that he never should have included Mrs. Clinton in the *Bivens* action. The fact that Mrs. Clinton was made an issue in private lawsuit that did not single her out, but who Mr. Klayman had sued on several occasions in his public interest capacity at Judicial Watch and Freedom Watch, underscores the political nature of ODC's actions. It is no secret that ODC and the Board are managed by leftist pro-Clinton Democrats. A simple review of Federal Election Commission records of those at ODC, and the donations and writings of Chairman Kaiser, bear this out.

The highly partisan nature of this entire proceeding is thus no basis upon which to recommend the "death sentence" of disbarment, much less any suspension, for an attorney – regardless of his public interest advocacy and political beliefs -- who has continuously been a member in good standing for almost 37 years.

Indeed, ultimately, Ms. Sataki admits that is still seeing a doctor to this day and is still on anxiety medication, eight years after Mr. Klayman's representation. This shows that her mental and other alleged problems are not the result of Mr.

Klayman, but of her own. PFF 171. As for Mr. Klayman, sadly the old adage applies that "no good deed goes unpunished," notwithstanding that it's not good to be a conservative pro-Trump white male in today's environment in the nation's capital in particular.

SUMMARY OF THE ARGUMENT

There were no legal or factual bases to find that Mr. Klayman had committed any ethical violations, and the Board's Report, which is full of egregious errors, shows that the Board did not even review the record before issuing its Report, but instead literally "rubber-stamped" a biased Hearing Committee recommendation. Furthermore, interim discipline as set forth above is entirely unwarranted and contrary to the fundamental tenets of our judicial system.

THE LAW

Mr. Klayman's compelling case for no discipline is three-fold. First, the temporary suspension order must be revoked immediately, as it has severely prejudiced Mr. Klayman and his clients already as it is being used against them, App. 0037 - 0038, and it contravenes the fundamental tenet that an individual is presumed "innocent until proven guilty. Second, this matter is so old that it should be dismissed on the basis of laches alone notwithstanding that was no basis for the Board to find in its Report that Mr. Klayman had committed any ethical violation.

Third, there was simply no requisite clear and convincing evidence of any misconduct period, and as such this proceed should be dismissed.[1]

Furthermore, Mr. Klayman respectfully requests again that the Court thoroughly review and digest his Proposed Findings of Fact, as well as his Counter-Findings of Fact, which were filed with the Board, but apparently never reviewed along with the record prior to issuing its Report. App. 0045 – 0077.

Lastly, at a bare minimum, if the charges against Mr. Klayman are not summarily dismissed by the Court, which they should be, this matter must be remanded to another unbiased Hearing Committee so that Mr. Klayman has a chance to receive a fair adjudication. Separately, an internal review must be conducted to determine how the Hearing Committee members were chosen and

[1] With regard to the fee agreement, the record is clear that Mr. Klayman and Ms. Sataki never agreed to any type of fee agreement, where Mr. Klayman would be entitled to a certain percentage of any recovery. Indeed as set forth above the goal was to have her relocated Los Angeles, where she could do broadcasting there for VOA in its offices in the federal building on Wilshire Boulevard, where she could be away from the alleged harasser and allegedly hostile management at VOA, an also have access to her doctors and psychologists. The only agreement that was made between Ms. Sataki and Mr. Klayman was that Mr. Klayman's representations was pro bono. This is shown in the record. "And, I said, well I will try to help you, and you know, I'll do it out of friendship. We're now friends." Mr. Klayman told Ms. Sataki he would legally represent her pro bono. Tr. 326-27, 976-977. Mr. Klayman has never received any money from Ms. Sataki, and has never asked her to pay him a single dollar. PFF 75. Tr. 1057. BCX 29. Mr. Klayman testified, "So I never asked to paid back, and to this day I wish her well. I pray to God that she has a good life, but I'm not the cause of her problems." Tr. 1066.

whether there were any improper *ex parte* communications with this Court, which Kaiser refused to address. App. 0123 - 0124.

I. The Temporary Suspension Order Must Be Vacated Immediately

The Court's October 19, 2020 order to show cause asks Mr. Klayman to show why the "court should not enter an order of suspension pending final action on the Board on Professional Responsibility's recommendation." Mr. Klayman filed an extremely detailed response and supplement, which showed conclusively that the Board's Report was rife with material errors and misstatements of material facts. Based on this, as it is clear that no discipline at all was warranted as there is simply no clear and convincing evidence of any ethics violation much less an even an interim order of temporary suspension.

The interim suspension order is clearly improper and unwarranted. Not only would this potentially lead to a longer suspension than recommended by the Board, should the Court adopt the Board's recommendation, it flies in the face of one of the basic tenets of the American legal system – that persons are entitled to a presumption of innocence and are therefore innocent until proven guilty. This is well-settled by the Supreme Court as early as 1895. *Coffin v. United States*, 156 U.S. 432 (1895). Mr. Klayman is unaware of any case or other authority that grants this Court authority to order him to show cause and impose interim discipline before the matter is even fully adjudicated with full constitutional due

process and equal protection rights, based on a simple non-final recommendation of the Board, which piggybacked on a biased, manifestly unjust and fatally flawed Hearing Committee recommendation.

To suspend Mr. Klayman now has resulted in the misuse of state action to deny him his due process, equal protection and other constitutional rights, including right to counsel. Mr. Klayman has been now been severely prejudiced by an inability to practice law in the District of Columbia before any final finding of misconduct. Not only has this already severely harmed Mr. Klayman, but worse the rights of his clients – both present and potential -- as well as his public interest, non-profit work, which requires the filing cases in the District of Columbia where public officials and government agencies reside and do business.

The Court must therefore adhere to the fundamental tenet that Mr. Klayman is innocent until proven guilty and allow this matter to run its fill course before any action, even temporary, is imposed.

Lastly, and equally important, in a recent opinion dated June 11, 2020 from this Court in disciplinary proceeding 18-BG-100, this Court recently made the finding that, "**we are not left with "[s]erious doubt" or "real skepticism" that Mr. Klayman can practice ethically…. Accordingly, we decline to impose a fitness requirement**." Nothing can change this recent finding, especially where the Board has only issued a Report and Recommendation, and it is clear that the

Board did not even take the time to review the record, much more adhere to the legal standard of clear and convincing evidence to consider and if appropriate find violations of ethics rules. Under these extraordinary circumstances as well – especially in a matter which has going for nearly eleven (11) years -- it is clear that interim discipline is simply not warranted or just.

And, importantly, since this Court's June 11, 2020 order which found that that " we are not left with 'serious doubt' or "real skepticism' that Mr. Klayman can practice ethically -- just a few months ago -- nothing has changed. The interim temporary suspension order of January 7, 2021, must therefore be vacated immediately.

II. Numerous Due Process Violations, Including Laches, Mandate Immediate Dismissal of the Charges Against Mr. Klayman

This matter is now going on eleven (11) years, that is over complete decade, and during this time period material witnesses like Professor Ronald Rotunda sadly died. Another important material witness, Ms. Sataki's psychologist Dr. Arlene Aviera, contracted serious if not terminable cancer, preventing her from testifying at the hearing. Ms. Aviera, if she had testified, would have been sympathetic to Mr. Klayman's difficulty in representing Ms. Sataki, notwithstanding her other related testimony. Moreover, her internal notes about her treatment of Ms. Sataki, if discovery had been allowed, would have been more than crucial. Indeed, as reflected on the record, it was Mr. Klayman who found and took Ms. Sataki to Dr.

Aviera, not just because she became his client, but because he cared for her. PFF # 110.

As evidence of how important Dr. Aviera's testimony would have been at the hearing, Ms. Sataki testified that she is still seeing a doctor to this day and is still on anxiety mediation – eight (8) years after Mr. Klayman's representation ended. This shows that her mental and other problems were not the result of Mr. Klayman, but her own. Tr. 201, PFF 171. Ms. Aviera's testimony would have been crucial in this regard, as she was the psychologist who treated Ms. Sataki at the time the events unfolded and would have been able to provide the Hearing Committee with the proper medical diagnosis and records to back it up. Instead, Ms. Sataki was free to simply vindictively blame all of her problems on Mr. Klayman because she did not get what she wanted, a job in the coveted LA PNN Bureau of VOA.

Early on in the case, given the extraordinary delay where memories had faded, documents been misplaced or lost and as Respondent, given the enormous delay, believed that Ms. Sataki's complaint had been dismissed by ODC as identical complaints had been dismissed by his other state bars in Florida and Pennsylvania, and where witnesses memories were likely to have faded, Mr. Klayman moved for discovery of both Ms. Sataki and Aviera based on the consequences and inherent prejudice caused by of this inordinate delay. The

motion was incredibly denied, with the Chair Mr. Fitch and Mr. Tigar, the two lawyer members of the Hearing Committee, disingenuously ruling that the issue of discovery could be raised again at the later hearing. Indeed, Mr. Klayman did so move again, after ODC, without proper notice, sandbagged Mr. Klayman by presenting on the first day of the hearing scores of new exhibits which had not been made available in the previous eight years, mostly consisting of Ms. Sataki's previously non-disclosed emails and other documents. Tr. 18. The Hearing Committee and Mr. Klayman were also informed for the first time by ODC that Dr. Aviera, who ODC had been listed as a witness, would not be present at the hearing to testify due to the terminal cancer she had contracted during the interminable intervening years. For these two compelling and extraordinary reasons, Respondent renewed his request for discovery of both Ms. Sataki and Aviera, the latter of which could have been taken by video conference. This renewed motion was quickly and tersely denied. Tr. 133-137.

In the Board's Report, the Chairman and his Board seriously errored, again evidencing that a thorough, complete and full review of the record had not taken place before issuance of the Board Report on October 2, 2020. The Board found wrongly at page 28, for instance, "(with) respect to Dr. Aviera Respondent could have sought permission to depose her on grounds that he needed to preserve her testimony due to her illness. He did not." But this is exactly what Respondent had

done, not once but twice. This error is so glaring that it impeaches the accuracy and integrity of the entire Board Report.

In addition, most jurisdictions would have thrown this proceeding out on the basis of such an enormous delay alone. As Professor Rotunda observed:

> In *Florida Bar v. Rubin*, 362 So.2d 12 (Fla. Sup. Ct. 1 1978) (per curiam), the Florida supreme court threw out charges because the prosecutor because of the Bar's delay in violation of the Florida rules… One can summarize this case as the Bar delaying finalization of two cases (where the Bar was disappointed with the recommended discipline) because it was confident it would secure a conviction in a third case still in the pipeline in the hope of securing greater overall disc line. The Court said, 'Whatever other objects the rule may seek to achieve, it obviously contemplates that *the Bar should not be free to withhold a referee 's report which it finds loo lenient until additional cases can be developed* against the affected attorney, in an effort to justify the more severe discipline which might be warranted by cumulative misconduct. The Bar's violation of the prompt filing requirement in this case, to allow a second grievance proceeding against Rubin to mature, is directly antithetical to the spirit and intent of the rule. In addition, it has inflicted upon Rubin the 'agonizing ordeal' of having to live under a cloud of uncertainties, suspicions, and accusations for a period in excess of that which the rules were designed to tolerate. RX 5.

Professional ethics expert Rotunda in the opinion he wrote before he died during the intervening years also convincingly cited numerous other cases that held that ODC should be subject to the principle of laches. App. 0127 - 0133. They include *The Florida Bar v. Walter*, 784 So.2d 1085 (Fla. Sup. Ct. 2001); *In re Grigsby*, 815 N.W.2d 836 (Minn. 2012); *In Matter of Joseph*, 60 V.I. 540, 558- 59 (V.I. Feb. 11, 2014); *Hayes v. Alabama State Bar*; 719 So 2d 787, 791 (Ala. 1998). RX 5. As just

a few examples, Mr. Rotunda found that in Indiana Bar expressly limits the time to complete a disciplinary investigation in its own rules: Limitation on time to complete investigation. Unless the Supreme Court permits additional time, any investigation into a grievance shall be completed and action on the grievance shall be taken within twelve (12) months from the date the grievance is received…. If the Disciplinary Commission does not file a Disciplinary Complaint within this time, the grievance shall be deemed dismissed."

Indeed, the record is clear that Florida and Pennsylvania dismissed identical complaints very early on. PFF 43; Tr. 969-971, RX23, RX 30. The Board glaringly made no mention of this in its Report, showing that the record was definitely not reviewed and that. Mr. Kaiser and the rest of the Board just "rubber stamped" a biased and fatally flawed Hearing Committee recommendation.

III. There Was No Basis, Much Less Clear and Convincing Evidence, for the Finding that Mr. Klayman Had Committed Any Ethical Violations

Under Board Rule 11.5, charges against Mr. Klayman must be proved by "clear and convincing" evidence. *In re Vohra*, 68 A. 3d 766, 784 (D.C. 2013). As set forth below, charges against Mr. Klayman must be dismissed because there is nothing even remotely close to "clear and convincing" evidence that Mr. Klayman had engaged in ethical misconduct.

1. "Emotional Interest" is Not an Ethical Violation

The Board has come up with and manufactured out of "thin air" a novel if not bizarre non-existent ethical violation for Mr. Klayman dubbed "emotional interest." This is not an ethical violation. If it was a violation, lawyers would be prohibited from representing friends, family members, or even spouses who they care about and love – or basically anyone that is not a complete stranger. It is clear that no such prohibition exists. Attorneys are people who have feelings and emotions. There is no ethical prohibition against this.

To the extent that the Board strangely and disingenuously couches this as a conflict of interest violation, it is clear that Mr. Klayman had informed consent. This is admitted by the Board in its Report, where Mr. Klayman "repeatedly communicated his feelings to [Ms. Sataki]" and "she asked him to continue with the representation." App. 0010. The Board then incredulously tries to find that Mr. Klayman did not believe that he could provide adequate representation to Ms. Sataki – a claim which is belied by the actual record in this matter. Indeed, testimony shows that Mr. Klayman throughout did everything he could to diligently represent Ms. Sataki. Likewise, he did everything possible to ensure that her legal rights were protected. The Board strained and stretched to find a violation where none existed, finding that Mr. Klayman's "emotional interest" somehow led to a lack of communication with Ms. Sataki. However, as set forth in *infra* section

II(A)(3), this is blatantly incorrect and Mr. Klayman kept Ms. Sataki apprised of everything going on in her case. Tr. 1011." PFF 60.

For instance, Tim Shamble ('Mr. Shamble"), Ms. Sataki's union representative and president of the union at VOA declared under oath that Mr. Klayman was "very diligent in attempting to represent Ms. Sataki, putting in many hours, and Mr. Klayman did not, to his knowledge, compromise any of Ms. Sataki's rights." PFF 3, RX 1, RX 5. Indeed, Mr. Shamble felt so strongly about Mr. Klayman's representation of Ms. Sataki that he referred Mr. Klayman to other VOA employees. PFF 6, RX 1, RX 5, Tr. 902. Mr. Shamble testified:

> I've had several employees that have hired attorneys, and they have asked for the union to cooperate with them and to, you know, help them with their cases. But, in all honesty, I've never seen one go as far and as dedicated as Mr. Klayman was towards Ms. Sataki. I felt like he went above and beyond." Tr. 903-04.

Thus, the facts and the record show that despite any "emotional interest," Mr. Klayman was undeniably able to diligently and competently represent Ms. Sataki. In fact, he worked harder for Ms. Sataki because he cared about her.

Mr. Klayman also spent a huge amount of his personal time and expense to help Ms. Sataki, including paying for her moving expenses to Los Angeles as well as medical care, over $30,000 dollars in sum, and in fact this is to be commended. PFF 62, PFF 110, Tr. 348, Tr. 350. There is nothing wrong and unethical with doing this to try to help someone that he considered a close friend that he came to

care about at the time. Indeed, if anything it was Ms. Sataki who acted improperly due to "emotional interest," when she tried to have Mr. Klayman buy her a car, (which was a new Mercedes convertible no less), as she admitted at the hearing. Tr. 429, 432-35. PFF 62. At that point Mr. Klayman realized that Ms. Sataki was simply trying to take advantage of their friendship, and he therefore recommended to Ms. Sataki to have another attorney step in to represent Ms. Sataki, including his friend, Gloria Allred, who testified on Mr. Klayman's behalf at the hearing. PFF 78, Tr. 1079-1080. Mr. Klayman and Mr. Shamble also recommended attorney Tim Shea, who had worked cases against VOA before. PFF 145, Tr. 549-550. It is not Mr. Klayman's fault that Ms. Sataki did not hire the other attorneys who Mr. Klayman had found and Mr. Shamble recommended for her. Mr. Klayman had no power over her choices.

When ultimately Ms. Sataki did not, for whatever reason, get the result she wanted, angry and unhinged, she struck back at Mr. Klayman, sending him the below offensive email which mocked and disparaged his religion and falsely accused him of taking bribes, which was entered into evidence but conspicuously never even mentioned in the Board's Report, much like the dismissals years earlier by The Florida Bar and the Pennsylvania Bar. This email underscores the verbal and other abuse Mr. Klayman had experienced with Ms. Sataki throughout, as the victim she saw herself as she apparently caused her to believe that she had all

things coming to her, including a car, and explains the basis for many of his communications with her, since as a human being with feelings for her, he felt hurt. Ms. Sataki savagely wrote:

> I do not know if you are Christian or Jewish, because whichever suits you best, you become one. But I believe in karma and what you have done with my case and losing it.´ Ms. Sataki also wrote: And what you have done with my case and losing it and not stopping working on it when I ordered you, one day you'll answer to God, even if you throw your life and play with people life. I am nobody, just a little girl who was retaliated and harassment by some VOA employee and you seed (sic) that you can help me. Not only did you not help me, but destroyed my life to nothing….
>
> Mr. Klayman are you happy now that you've complete destroyed and lost my case? A case with so many evidence and witnesses. Only a very bad and clueless attorney could lose it, or lost it on purps (sic) because you made a dill (sic), with the other party. PFF #163, BCSX 38.

This shows that Mr. Klayman was simply stuck in a "heads I win, tails you lose situation" with Ms. Sataki. While he did everything he could to help her, Ms. Sataki would alternate between trying to use him to buy her a new car and to take other advantage or abusing him. Mr. Klayman still did everything he could, however, to protect Ms. Sataki's legal rights because it was the ethical thing to do. Mr. Klayman's sister, Joshua Ashley Klayman, Esq., who had interacted with Ms. Sataki socially with her boyfriend, testified that she thought Ms. Sataki was using Mr. Klayman. "I mean, I vacillated between kind of liking her and being suspicious of her, quite frankly, as your sister…she was very forward in terms of requesting different things for her personally." Tr. 1527-28.

2. Mr. Klayman Did Not Fail to Abide By Ms. Sataki's Decisions Concerning the Objectives of Representation

The Board's finding that Mr. Klayman had violated Rule 1.2 by failing to abide by Ms. Sataki's decisions concerning the objectives of the representation is flatly unsupported by the record.

The Board makes the unsupported finding that Ms. Sataki "intended to pursue her case with minimal publicity." This flies in the face of a litany of compelling record evidence submitted by Respondent, including testimony of Ms. Sataki herself! *See* PFF 170:

Importantly, even on questioning from ODC, Ms. Sataki admits that she agreed to the use of publicity to coax a settlement so she could be detailed to the LA bureau of VOA.

> Q: **Did you ultimately agree with Mr. Klayman about the publicity?**
>
> A**: I did.** Tr. 775.

Mr. Klayman also provided testimony from numerous witnesses that shows that Ms. Sataki's belated claim was false. This included Keya Dash - *see* PFF 91 ("Mr. Dash declared under oath that he was present when the use of publicity to coax the BBG into settlement was discussed with Ms. Sataki, and that Ms. Sataki approved of its use."); This also included Joshua Ashley Klayman, Mr. Klayman's sister and herself a distinguished Wall Street lawyer - PFF 180 ("Ms. Sataki openly

discussed the VOA case with Ms. Klayman many times. [Ms. Joshua Ashley Klayman testified] “Yes, quite openly. And I met her multiple times. It wasn't that I just met her one time. Yes, she was quite open with what the circumstances of her challenges were…. an, she was very, very open, which -- I'm not a litigator. I don't really know anything about litigations, but I was surprised that she was so open.” Tr. 1524.). Furthermore, and again, she testified that she thought Ms. Sataki was using Mr. Klayman. “I mean, I vacillated between kind of liking her and being suspicious of her, quite frankly, as your sister…she was very forward in terms of requesting different things for her personally.” Tr. 1527-28.

Even further buttressing Mr. Klayman’s strong argument is the compelling testimony of Mr. Shamble, who was Ms. Sataki’s union representative and importantly the president of her union, as Mr. Shamble was representing Ms. Sataki along with Mr. Klayman. Mr. Shamble testified that publicity was a helpful tool in dealing with an agency as notoriously difficult and anti-labor as VOA. PFF 23. Specifically, he testified “[w]e've done it. It's something that you can use to pressure managers, if they're intractable, you know, to try to get them to come to some sort of agreement. We have our own website, so we use it, too.” Tr. 892-893, RX 5. The reason that publicity was often used, according to Mr. Shamble, was that BBG, of which VOA is a subcomponent, has been ranked the worst agency in

government, and is very difficult to negotiate any settlement with because of its management's attitude and approach to employees. RX 1, RX 5. PFF 7.

Perhaps as the final "nail in the coffin" for the Board's blatant error is the fact that Ms. Sataki personally participated in publicizing her case:

> Mr. Shamble and Ms. Sataki went together on one occasion to publicize her situation. "I remember one time. The VOA was on the mall here in Washington, some kind of public -- it might have been a recruitment fair or something. But we had an article and both her and I were distributing it to people in the vicinity, tried to let people know and to let the agency know that, you know, we were going to publicize this." Tr. 893. The article that both Mr. Shamble and Ms. Sataki distributed was called ""Government War on a Freedom Loving Beauty. Exclusive, Larry Klayman Goes to Bat for Harassed Broadcaster Fighting for a Free Iran." Tr. 894. RX 1. PFF 24.

Furthermore, Mr. Klayman incredibly learned during the Board briefing process that Ms. Sataki had participated in making a documentary about her case against Voice of America ("VOA"), which further undercuts any possible false claim that Ms. Sataki did not agree to publicize her case.[2] The video, which is in Ms. Sataki's native language Farsi, was translated by one of Mr. Klayman's witnesses, Keya Dash, as well as a respected Farsi certified translator who used to work for VOA. App. 0119 – 0122. To be certain of and confirm the content, Mr. Klayman also had the documentary translated by Mohammad Moslehi, a certified translator who did translations for VOA. App. 0122. Mr. Moslehi translates this "smoking gun" as follows:

[2] https://www.youtube.com/watch?v=e3g5f61muZ4

Whenever I am at my desk and I am not paying attention, he allows himself, to touch me under variety of pretexts.
(displaying Elham [Sataki]'s photo) former broadcaster of VOA.
Mr. Falahati, Asal has written this for us, Well: let us answer the first caller (by the name of - Translator) Hossain from Kerman. Hello, go ahead please.
(displaying photo of Mehdi Falahati) broadcaster for the VOA network
VOA: Voice of America
Voice of America has been recognized as the worst entity of American government. Therefore, lots of such coteries and issues exist there. Everybody says that the atmosphere is of a security one. Nobody can talk with anybody. Everybody makes insinuations against one another. The environment is very dirty.
This week is second evening of being online with the subject of presidential elections in Iran and it's outcome, with your phone calls, emails and online weblogs and websites that Elham [Sataki] will introduce to you.
Regarding Mr. Falahati: He repeatedly asked me to go out with him. I didn't want to do it. Mr. Falahati and I started the ONLINE show together and we were performing it together. Aside from other aspects, it was very unprofessional.
When two individuals appear on camera and conduct a show, going out on a date, since it can directly affect the show is not right. They may fight with each other and that will affect the show, and vice-versa. He was not the type of person that I would accept his offer, and say that, all right let's go on a date.
The problem was, he did not know how to take a no. After a while I reached to the point that I was always calling sick and did not go to work. Since I wanted to start working, and Mr. Falahati wanted to come to my desk and again ask me let's go have a coffee or have dinner. And this no, and saying no to him repeatedly had become exhausting for me, had made me very tired. I went to Suzanne who was our executive producer and told her the situation, that he (Mr. Falahati) does so. and I (Elham [Sataki]) don't know what to do at this point. Personally, I am not able to handle it.
The situation will go over the board of the status of going out for dinner, and he will come to my desk and while I am not paying attention, under various excuses touch me. Since I was afraid, I told her (Suzanne) that, can you handle it without anybody to know?? That day she told me that "Legally I cannot do it and you must formally file a complaint."

> Mr. Falahati wanted to take revenge, since I complained and stated that the situation was so. As I was behind my desk, twice he came to my desk (audio censored) the dress that I had on and my bra-cord. I hollered at him (audio censored) he laughed and said "don't tell anybody." I was not feeling well. I was seeing psychiatrist. I was seeing psychologist. I was not feeling well. All the documents are available. Everything related (to this matter) exists. I was seeing doctor and the doctor was prescribing relaxing pills for me to take.
> At this point, I am just saying, Mr. Falahati is a sick person that has not done so just with me, but the system of VOA has problem. Jamshid Chalangi testified for me. Look what happened? Mahmonir, another lady testified for me. She suffered a lot. Mr. Ali Sajjadi and Mr. Falahati were friends. At that time Mr. Sajjadi was very powerful there. They all got together. And even Suzanne who was my executive producer and was mad from this incident, she teamed up with them. And this caused the problem to be difficult for me, and no attorney was taking my case, because this case had become very big. And when the case became so big, then the Board of Governors had to defend itself, and defending itself caused the case to become against me. And they say that Elham left, Falahati stayed. When they fired me, I was not the only girl. There are a number of others.
> Caption dispalying Falahati and [Sataki] with written scripts.
> The law suit against Mehdi Falahati due to the VOA influence did not get to anywhere, and El ham Sattaki was fired from this network .. After a short period of time Jamshid Chalangi and Ms. Mahmonir Rahimi were fired from this network.
> Display of Mehdi Falahati laughing loud.

This video can and should be viewed on YouTube at https://www.youtube.com/watch?v=e3g5f61muZ4.

Chairman Kaiser and his Board disingenuously and egregiously refused to consider this critical evidence in its order of October 2, 2020, found by a paralegal to Mr. Klayman's former counsel, Barbara Nichols. during the briefing process, and refused to allow it to be supplemented onto the record, despite its compelling

and extraordinary character and circumstances, which Kaiser admitted is the test to supplement the record. *See* Order of October 2, 2020. Nor would Kaiser and his Board even consider it. This extraordinary evidence definitively shows that Ms. Sataki perjured herself when she testified, having obviously been coached prior to the hearing to do so. In short, this was consistent with her admissions on cross examination, and contradicted her belated, contrived and false testimony that she did not want to use publicity in her case against VOA. This is another example of the Board's fundamentally flawed lack of due process, which severely prejudiced Mr. Klayman.

Thus, it was, frankly, impossible for the Board to make the finding that "Ms. Sataki intended to pursue her case with minimal publicity" in good faith if it had actually reviewed the record and the hearing testimony of Mr. Shamble, Mr. Dash, Ms. Klayman, Mr. Klayman and even Ms. Sataki's own admissions, as well as taken note of this extraordinary duly discovered evidence. Such a blatant and egregious material error shows why Mr. Klayman was forced to file his Motion for Reconsideration and Notice of Record Material with the Board on Professional Responsibility.

Similarly, the Board's finding that Mr. Klayman had failed to abide by Ms. Sataki's wishes to dismiss the case in a July 30, 2010 email is unsupported by the record, much less the requisite clear and convincing evidence. Indeed, Mr.

Klayman, on July 28, 2010, filed a notice of voluntary dismissal dismissing all but two of Ms. Sataki's claims PFF 68. The only two remaining claims at that point were for a Privacy Act claim, and for *Wagner* injunctive relief. PFF 68. Consistent with what was purported to be Ms. Sataki's wishes, Mr. Klayman filed no opposition to the pending motion for summary judgment as to the Privacy Act Claim, and Judge Kotelly had at that point already ruled against Ms. Sataki with regards to the *Wagner* injunctive relief. PFF 68. Thus, the only actions that were taken in the BBG case after July 30, 2010 were to preserve Ms. Sataki's rights on appeal, whether they be exercised by Ms. Sataki herself or with the assistance of other counsel. PFF 78. In any event, Judge Kotelly ultimately dismissed the action. PFF 68.

And importantly but also overlooked was that Mr. Klayman further convincingly and credibly testified that it was highly unlikely that any correspondence that purportedly came from as Ms. Sataki actually did originate from her, given the literate English that was used. PFF 70, 161, 163. Mr. Klayman was familiar with Ms. Sataki's admittedly poor written English, which is exemplified in BCSX 38, the August 4, 2010 letter. The letter which was written to Danforth Austin and not Mr. Klayman, was tellingly and revealingly written in perfect English. Poor written English was one of the difficulties she had experienced with VOA supervisors. PFF 70, Tr. 1041, RX 21. Thus, where it was

clear that Ms. Sataki was not the one who wrote the August 4, 2010 letter, Mr. Klayman had, at a minimum, an ethical duty to speak with Ms. Sataki personally to confirm her wishes before taking actions to forego all of her legal rights, include appellate rights. In fact, as strong evidence that Ms. Sataki did not actually wish to terminate her litigation, she herself filed a notice of appeal, purportedly *pro se*, later that year. PFF 67, RSX 4, Tr. 1031.

Indeed, Mr. Shamble, who was working as Mr. Klayman's partner on behalf of Ms. Sataki, testified as well that he also tried on numerous occasions to communicate with Ms. Sataki, but was rebuffed as well:

> Mr. Shamble declared under oath that communication became very difficult and nearly non-existent with Ms. Sataki. When he and Mr. Klayman would try to contact Ms. Sataki, we usually got no response, even for months. PFF 4; RX 1, RX 5.

These uncontroverted facts render the Board's finding that Mr. Klayman had failed to abide by Ms. Sataki's "wishes" to dismiss her cases blatantly incorrect and entirely unsupported by the record. Mr. Klayman simply did what any ethical lawyer would do in that situation, which is to ensure that his client did not lose her legal rights. Ms. Sataki could have still filed a civil rights complaint when the VOA Office of Civil Rights denied her administrative claims, finding in effect that she had not been truth to it. And, as set forth above, as conclusive evidence that Mr. Klayman did act pursuant to Ms. Sataki's wishes, Ms. Sataki herself filed a notice of appeal, purportedly *pro se*, later that year, which would not have been

possible without Mr. Klayman acting to protect her legal rights. PFF 67 RSX 4, Tr. 1031.

Indeed, if there was anyone who failed to abide by Ms. Sataki's wishes, it is actually ODC, who, for its own motives, literally hunted down Ms. Sataki years after she had abandoned her complaint against Mr. Klayman, contrary to ODC's own rules and policies that would render her complaint void, to get her to participate. RX 27. As shown in PFF 169:

> Ms. Sataki had abandoned her complaint, but it was resurrected by ODC, despite two other bars having dismissed it many years earlier. In fact, internal correspondence of ODC reveals that it had to use private investigator Kevin O'Connell to try to hunt down Ms. Sataki. RX 27. The internal correspondence of ODC admits: I am trying to locate a complainant that has dropped off the map. Ms. Elham Sataki…. She filed a complaint vs. Larry Klayman in 2011. Her only correspondence with us was the ethical complaint that she filed. My letter to her dated 7/7/11 was not responded to, but was not returned by the USPS either. I recently tried to contact her by telephone, but her number is not in service. I'll appreciate your efforts to locate her and to provide some reliable contact information.

In sum, it was very difficult for Mr. Klayman to determine what communications were coming from Ms. Sataki or those genuinely acting on her behalf, as neither he nor Mr. Shamble could not get in contact with Ms. Sataki to confirm her real wishes. Any attorney placed in this position is simply between "a rock and a hard place," and Mr. Klayman simply thought it better to err on the side of caution to ensure that Ms. Sataki's legal rights were ultimately protected, which is any ethical lawyer's ultimate duty. In this situation, Mr. Klayman could also

have been later accused of malpractice and sued if he dismissed the actions based on a third party's communications. And, even seven (7) years later, when ODC resurrected Ms. Sataki's abandoned complaint, she still wanted to pursue her claims for alleged sexual harassment and workplace retaliation, claims which had been proven false by the Office of Civil Rights ("OCR"). PFF 155.

ODC has documents in is possession that show that when they contacted Ms. Sataki to revive her complaint against Mr. Klayman, she stated that she wanted to do so in order to have a reason to provide persons who asked why she was no longer working at VOA. Further, she implored ODC to pursue her sexual harassment claims against VOA, which further shows that she had no desire to dismiss her claims. At the hearing, Ms. Sataki confirmed and thus conclusively admitted this: "Q: That you wanted Bar Counsel to file a sexual harassment case for you. You asked them that within the last year, against VOA. A: I asked if it's doable." Tr. 489. That this was tellingly omitted in the Hearing Committee recommendation that was "rubber stamped" by the Board is shocking!

3. Mr. Klayman Did Not Fail to Communicate with Ms. Sataki

The Board makes an incredibly unsupported finding, particularly by clear and convincing evidence, that Mr. Klayman had violated Rule 1.4(b), which mandates that an attorney "shall explain a matter to the extent reasonably

necessary to permit the client to make informed decisions regarding the representation."

What makes the Board's finding incredibly bizarre is that there is no allegation in its Report that Mr. Klayman failed to keep Ms. Sataki informed of how her cases were going. Importantly, this claim is not in the controlling Specification of Charges, and as set forth above, in any event, Mr. Klayman kept Ms. Sataki informed of her case every step of the way.

And again, there is also no mention of this supposed violation in the controlling Specification of Charges which also simply alleges that Mr. Klayman "failed to reasonably explain a matter to his client to permit her to make an informed decision regarding the representation." As set forth above, this itself is blatantly incorrect, but in any event, nothing in the Specification of Charges even mentions the novel "violation" that the Board created – speaking with a client outside of the scope of the professional representation as an attorney.

It is truly regrettable to say the least that Chairman Kaiser and the Board would strain to try to create an ethical violation here when one clearly does not exist. Indeed, what the record and evidence does show is that Ms. Sataki was "….kept informed of Mr. Klayman's strategy and actions on her behalf every step of the way. Tr. 1011." PFF 60. The Board's finding here was in clear error, much

less even coming close to establishing the clear and convincing evidentiary factual and legal threshold for an ethics violation.

4. Mr. Klayman Did Not Disclose Any Client Secrets

Hand in hand with the Board's incredibly strange and unsupported if not inexplicable finding without clear and convincing evidence that Mr. Klayman had failed to communicate with Ms. Sataki, is its finding that Ms. Sataki did not give informed consent for disclosure of certain "secrets" contained in articles that Mr. Klayman had written on Ms. Sataki's behalf. This is conclusively rebutted by Mr. Klayman's irrefutable and accurate Proposed Finding of Fact 24:

> Mr. Shamble and Ms. Sataki went together on one occasion to publicize her situation. "I remember one time. The VOA was on the mall here in Washington, some kind of public – it might have been a recruitment fair or something. But we had an article and both her and I were distributing it to people in the vicinity, tried to let people know and to let the agency know that, you know, we were going to publicize this." Tr. 893. The article that both Mr. Shamble and Ms. Sataki distributed was called ""Government War on a Freedom Loving Beauty. Exclusive, Larry Klayman Goes to Bat for Harassed Broadcaster Fighting for a Free Iran." Tr. 894. RX 1.

How is it even remotely possible to come to the conclusion that Ms. Sataki did not consent to disclosure of these purported "secrets" when she herself was handing out the articles in question on Capitol Hill?! The only possible explanation, tongue in cheek, is that perhaps Ms. Sataki was blind or illiterate at the time and therefore unable to comprehend what she was handing out? There is nothing that supports

this in the record, much less rises to the high level of clear and convincing evidence.

Perhaps even more off base and frankly absurd is the fact that the Board expressly recognizes that Ms. Sataki was personally handing out these "secrets" on Capitol Hill, yet simply blithely and indifferently writes "[b]ecause we conclude that Respondent here violated Rule 1.4 and did not communicate appropriately with his client, we conclude that he did not and could not have obtained her informed consent to disclose her secrets." To put it mildly, this contrived "heads we win tails you lose" "Alice in Wonderland-like" construct, made without clear and convincing evidence, is nonsensical. Even, hypothetically, if Mr. Klayman had generally failed to communicate with Ms. Sataki (which is blatantly false and unsupported by the record), the Board has no rational basis to use this as a blanket and contrived excuse to manufacture ethical violations. In other words, it must specifically analyze whether Mr. Klayman has communicated with Ms. Sataki in this particular instance. And, the Board would be hard pressed to make the finding that Mr. Klayman had failed to do so, when Ms. Sataki was personally handing out copies of her "secrets" to strangers on Capitol Hill. This egregious error by the Board was compounded by its turning a blind eye to and making a decision to not allow onto the record the newly discovered video documentary uncovered in 2019 of Ms. Sataki herself publicizing her own case and related and underlying so called

confidential "secrets." It is abundantly clear that if Ms. Sataki is personally making videos about her "secrets" and posting them online that they are not "secrets" at all! Importantly, that the Board would not even grant Mr. Klayman's request to review the newly discovered video on a Persian television station which she made explaining in detail own plight in order to decide whether to supplement the record with extraordinary, compelling exculpatory newly discovered evidence puts the nail in the coffin of the phony claim that Respondent himself revealed confidences.

Lastly, it is important to point out that ODC alleged a violation of Rule 8.4 for conduct involving dishonesty and/or misrepresentation under this claim, but neither the Hearing Committee nor the Board found that Mr. Klayman had acted dishonestly.

5. Mr. Klayman Did Not Fail to Withdraw From Representation

The finding by the Board that Mr. Klayman improperly failed to withdraw from representation is, once again, completely unsupported by the record, much less clear and convincing evidence. What the record does show, as set forth previously, is Mr. Klayman did not take steps to litigate the BBG case further after July 30, 2010 and only acted to preserve Ms. Sataki's appellate rights. PFF 68. And it was good that Mr. Klayman did so, because Ms. Sataki filed a notice of appeal *pro se* later on down the road. PFF 67. The Board simply states that Mr. Klayman "continued to file motions" without actually taking the time to look at the

substance of what was filed. And, then years later Ms. Sataki – after she was literally hunted down by ODC for ulterior reasons -- then asked ODC to prosecute her sexual harassment claims! Tr. 489. Again, case closed!

Furthermore, letters purportedly terminating Mr. Klayman's representation were admittedly sent to the incorrect addresses, which Mr. Klayman never received from her. PFF 71. Mr. Klayman also had a duty to confirm Ms. Sataki's purported "desires" in the August 4, 2010 letter, as it was clearly not written by her, PFF 70, Tr. 1041, RX 21, before terminating all of Ms. Sataki's rights on appeal.

Thus, the record does show that Mr. Klayman did not substantively litigate any of Ms. Sataki's cases after he was terminated, and acted only to preserve her rights on appeal. This is competent, zealous representation, not ethical misconduct.

6. Ms. Sataki's Lack of Credibility Must Be Addressed

Glaringly absent from the Board's Report is any discussion of Ms. Sataki's - ODC's one material witness's - credibility, or obvious lack thereof, as she was definitively impeached numerous times at the hearing and on other occasions, not the least of which is her blatantly false testimony that she did not want publicity for her case, which is conclusively rebutted in the previous sections.

Mr. Klayman did not want to appear to be attacking Ms. Sataki personally, and even addressed this with the Hearing Committee at the hearing, who assured Mr. Klayman that he was entitled to vigorously defend himself:

> Mr. Klayman: So, you know, that's where I stand. I appreciate you're going to allow me to give an aggressive defense, but I don't want to look like the bad guy. I never have. And that's the quandary I'm in as being Respondent, and my lawyer, and the witness, and I want to keep a good demeanor, but -- and stay calm, but, you know, I'm outraged by some of the things I heard and what has been done by Bar Counsel…..
>
> Mr. Tigar: Well, I assume, Mr. Klayman, up here, the reason they have lawyers decide these cases, as well as the hearing officers is, this is not our first rodeo, and we have all been in cases in which public opinion has been against us and in which we have faced this terrible problem of cross-examining people who come on as sympathetic, such as in the capital case, victim impact witnesses. So, we understand the situation and I adopt the Chair's position. Nobody up here is opposed to the idea of a vigorous, effective cross-examination in your exercising your rights, and I think everybody up here can be trusted to disregard whatever public attitudes may be circulating around out there, that may have led to some perceptions. Tr. 231-233.

It appears, however, that he was sandbagged by Mr. Tigar and his very deferential colleague, Hearing Committee Chairman Anthony Fitch. However, now more than ever, given the extremely high stakes, Mr. Klayman must also bring to the Court's attention Ms. Sataki's lack of credibility.

The record shows a history of making false allegations, as set forth in PFF 147-150:

> Ms. Sataki filed a complaint in Los Angeles Superior Court against the manager of the apartment, Dean Proper, and accused him of sexual harassment of her friend Jessica who was staying in the apartment in the second bedroom, as well as stealing Ms. Sataki's diamond ring. Tr. 506-512. RX 12. The Court ruled against her. Tr. 519.
>
> Ms. Sataki falsely tries to justify the court's judgment against her by untruthfully claiming that the complaint was only meant to escape the payment of rent for the apartment. Tr. 520.

> In fact, the truth is that the court documents show "Judgment was entered, as stated below, on Day: 8/23/2011. Defendant does not owe plaintiff any money on plaintiffs' claim. And below it says contested. Tr. 521. RX 12.

Indeed, her claims of sexual harassment and workplace retaliation were also found by the OCR to be outright false. *See* PFF 155 ("The final determination finds that Ms. Sataki's factual claims of sexual harassment and workplace retaliation were not meritorious and thus false, as OCR had interviewed a number of witnesses. Tr. 635-640. RX 18.").

Ms. Sataki's claim that Mr. Klayman had "followed" her into the women's bathroom at the Luxe Hotel was also false. The record shows the following testimony:

> Q. The sentence here, "By the way, the Luxe Hotel, Hotel Luxe, renamed the women's restroom in my honor. It's now called the Klayman Room. I could now use it for client meetings." Is that a joke?
>
> A. That was a joke, yes.
>
> Q. Is that a joke because you had chased Ms. Sataki into the women's room?
>
> A. No, it's because she had ran into the women's room. I never went into the women's room. I was trying to see that she was alright. And you know, she was very emotional. She's been emotional before, and she's been emotional here, and she was emotional with others. And I was concerned about her. But I didn't go into the women's room. That was just a joke. Tr. 1467-1468.

Unsurprisingly, the Hearing Committee and Board failed to mention much less lend credence to Mr. Klayman's testimony and simply again adopted Ms. Sataki's

false statements. This is an egregious error that shows, once again, at a minimum, the record was not reviewed. Perhaps even more egregious is the possibility that the record here was reviewed but simply ignored in order to strain to find ethical violations, when no clear and convincing evidence was apparent and thus forthcoming.

Ultimately, it would appear that Ms. Sataki had become influenced by her felon cousin, Sam Razavi, who was convicted or gambling fraud in Las Vegas, Nevada, BCSX 36, 37; Tr. 737-39. PFF 162, and was pressured into making a non-meritorious complaint against Ms. Klayman. As set forth in Respondent's PFF 136:

> The idea of the supplemental complaint, BCX 23, came from Ms. Staunton and her cousin Sam Razavi ("Mr. Razavi"). Tr. 468-469. Neither of them are lawyers. Ms. Sataki admits that Ms. Staunton and Mr. Razavi prepared the supplemental complaint. Tr. 469. Tr. 301, 307, 317, 468-72, 474-75, 544.
>
> Mr. Razavi was the person who threatened Mr. Klayman and it was discovered that he had pled guilty to and was convicted by the 2nd District Court of the State of Nevada, Washoe County, for conspiracy to commit fraudulent acts involving gaming. BCSX 36, 37; Tr. 737-39. PFF 162.

Further instances of Ms. Sataki making false statements on the record include, but are not limited to:

> (1) Lying about the involvement of Kathleen Staunton in the preparation of the bar complaint against Mr. Klayman. At the hearing, she claimed under oath that Ms. Staunton helped her prepare the complaint, along with Mr. Razavi. Tr. 469. Tr. 301, 307, 317, 468-72,

474-75, 544. However, after the hearing, Mr. Klayman contacted Congressman Dana Rohrabacher's office, where Ms. Staunton worked, and was told by the congressman's chief of staff, Rick Dykema that Ms. Staunton had no involvement in the preparation of the bar complaint, and did not have any knowledge of it. App. 0125 - 0126.

(2) Lying about having her life ruined by Mr. Klayman, and everything being "on hold" due to Mr. Klayman, when in fact, she has been gainfully employed as a Persian broadcaster in Los Angeles making $62,000 per year at Andisheh Television. Tr.565-589.

(3) Dishonesty and infidelity with and toward one of Ms. Sataki's four ex-husbands, who had filed a sworn affidavit in his divorce case for having caught her having sex with another man in their apartment just weeks after they were married. Tr. 377-382, PFF 123.

(4) Ms. Sataki also filed a complaint in Los Angeles Superior Court against the wife of Zia Atabay, Attaby's wife having accused Ms. Sataki of having an affair with her husband who is the head of a prominent Persian television network where Ms. Sataki then worked. As a result, Mrs. Atabay was alleged to have keyed Ms. Sataki's car. However, Ms. Sataki also falsely testified that the court ruling proved she was not having an affair with Zia Atabay, the owner of NITV. Tr. 525-526. The Chair, Mr. Fitch, acknowledged that Mr. Klayman's elicited testimony goes to Ms. Sataki's overall credibility. Tr. 527-528. PFF 150. Mr. Keya Dash testified under oath that there was such an affair and it was widely known in the close knit Iranian community. PFF 96-97. Tr.1342.

These examples all go strongly toward a finding that Ms. Sataki lacked credibility, was prone to filing retaliatory and meritless complaints – including the bar complaint against Mr. Klayman -- and was receiving bad advice from her felon cousin, who had even threatened Mr. Klayman. PFF 162, Tr. 737-39. These should have been considered by the Board in its Report, and its failure to do so was an egregious error.

Lastly, Mr. Klayman reiterates that he was always hesitant, as an accused white male, about aggressively questioning Ms. Sataki, but was reassured by Mr. Tigar and Mr. Fitch that it would not be held against him. However, as shown in the Hearing Committee's Report, Mr. Klayman was sandbagged by Messrs. Tigar and Fitch over his strong cross examination of Ms. Sataki which destroyed her credibility.

7. The Hearing Committee and Board Exhibited Extreme Bias and Prejudice Towards Mr. Klayman, Which Must Be Remedied

Incredibly, one of the members of the Hearing Committee was Michael Tigar, an avowed and proud communist, and someone who is the ideological foe of Mr. Klayman, a staunch conservative and supporter of former President Trump. App. 0078 - 0104. To make matters worse, the Chair Anthony Fitch, while leftist but perhaps not a communist, appeared to be highly collegial with if not in awe of Mr. Tiger and acted in a manner that was overly deferential to him throughout the disciplinary process, looking to him repeatedly for "guidance." To be perfectly clear, Mr. Klayman's Proposed Findings of Fact and Counter Findings of Fact, App. 0045 - 0077, underscore the fact that the Board and the Hearing Committee never thoroughly reviewed the record, although Mr. Klayman literally begged them to do so.

As set forth in detail below, the Board's Report contained numerous egregious errors that evidence a lack of attention and review of the record. To try to set the record straight and prevent a manifest injustice, Mr. Klayman was forced to file a Notice and Motion to Review Record Material Which Will Aid Disposition, which was summarily denied – and a Motion for Reconsideration of the Order of the Chair of the Board on Professional Responsibility and Motion to Stay (the "Motion for Reconsideration") with the Board, which included a rational and legitimate request that the Board thoroughly conduct a bona fide review of the entire record, which they tellingly refused to do. The Chairman Kaiser was notably disingenuous in denying the motions with no real analysis, finding only "after the fact" that Mr. Klayman's motion was "moot" because he had filed his Notice of Exceptions. Mr. Klayman had previously filed his Motion for Reconsideration under an emergency basis and has asked the Board to stay proceedings until the Motion for Reconsideration had been decided, but then Chairman Kaiser and the Board did not act—and when it did passed the ball to this honorable Court, shirking and ignoring its duties and responsibilities to correct a multitude of material errors by undertaking a bona fide review process. Notably, Chairman Kaiser waited until after the deadline for Mr. Klayman to file his Notice of Exceptions to deny Respondent's legitimate request, rather than issuing a stay as would have been just.

Given this refusal and failure to address the obvious clear errors, much less lack of clear and convincing evidence, in the Board Report, Mr. Klayman is forced to wonder if Chairman Kaiser and his Board, in addition to the Hearing Committee, was biased against him due to their conflicting political beliefs and advocacy.[3] Regrettably, this type of prejudice is not unusual and is frequently reality in today's world of Washington, D.C., where extreme political polarization has reached a critical mass. Mr. Klayman is a prominent conservative activist, a pro-Trump supporter and public interest attorney, whereas, for instance, a prominent member of the Hearing Committee Michael Tigar, and the Chair Anthony Fitch to a slightly lesser extent, are the polar opposites who obviously detest all that Mr. Klayman stands for and advocates in his public interest and private legal capacity as founder of both Judicial Watch, Inc. and Freedom Watch, Inc.

[3] There is also a very apparent sentiment and approach of the D.C. Bar disciplinary apparatus that the mere act of a Respondent defending himself and not throwing him or herself on the "mercy of the Court" subjects the attorney to a greater likelihood of being found "guilty" with heightened sanctions. This flies in the face of the basic tenets of the American judicial system, and the Board's own rules which state that it is ODC's duty to prove a violation by clear and convincing evidence. The mere filing of a specification of charges by ODC is not in any way evidence of ethical misconduct and a respondent who believes he did not act unethically should not be punished for defending himself to the fullest extent of the law. In short, if a respondent feels and can support with facts and the law, as is true here, that he has done nothing unethical, he should not feel compelled to admit guilt and in effect throw himself on the mercy of the Court.

As for Mr. Tigar -- who a review of various transcripts during this proceeding will show that he was held in awe and accorded great deference by Hearing Committee Chair Anthony Fitch -- he remains a proud communist to this day, as he recently penned renewed allegiance to Karl Marx in his latest book "Mythologies of State and Monopoly Power, which is endorsed by none other fellow renowned communist Angela Davis and convicted domestic terrorist Bernadine Dorhn, to name just a few radical leftists. App. 0078 - 0104. As a young lawyer, it is not in dispute that he was fired by former Justice William Brennan as his clerk over this, as reported in the landmark book by famed Washington Post investigative reporter and editor Bob Woodward. App. 0078 - 0104.

As for Chairman Kaiser, he is also an ideological foe[4] of Mr. Klayman, himself having written and had published articles in defense of Hillary Clinton's "honesty," but to the contrary vilified President Donald Trump,[5] who Mr. Klayman has strongly supported. App. 0105 - 0118. Mr. Klayman's associate also uncovered numerous political contributions on the Federal Election Commission website by

[4] The Hearing Committee exhibited great vitriol towards Mr. Klayman based simply on the fact that he had sued the Clintons in the past, but then disingenuously reduced the 36 recommended suspension based on Mr. Klayman's public interest advocacy, which shows their incredible bias and attempt to make themselves look "fair" when they were not. One at best can call this shameless "chutzpah" of the highest magnitude.

[5] https://abovethelaw.com/2016/08/hillary-clinton-truthfulness-and-bias-in-white-collar-cases/; https://abovethelaw.com/2016/07/trump-and-tyranny/

Chairman Kaiser to Hillary Clinton and Barack Obama – who Mr. Klayman had sued in his public interest capacity at Judicial Watch and now Freedom Watch -- and most recently presidential candidate Joe Biden who Chairman Kaiser also contributed to, and a host of other leftist politicians.

While political contributions do not in and of themselves demonstrate bias, they can be cumulative circumstantial evidence of it, along with other indicia. It is clear that political beliefs should never influence Hearing Committee and Board in matters of attorney discipline, but here it appears that they likely did -- given that a deluge irrefutable facts on the record favor the "acquittal" of Mr. Klayman, but were simply ignored and not even mentioned in the Hearing Committee recommendation and Board Report. Interestingly, the highly leftist publication that Chairman Kaiser writes for, in which he vilified President Trump but ran interference for Hillary Clinton, "Above the Law,' recently wrote and published another article about Mr. Klayman, referring to him as a "nutbag" and suggested that he be disbarred.[6] The article asks and strongly suggest incredibly, "can we quarantine [Mr. Klayman's] law license?", suggesting that Mr. Klayman be

[6] Elizabeth Dye, *Nutbag Lawyer Larry Klayman Files $20 Trillion Suit Against China For Coronavirus 'Bioweapon'*, Above the Law, Mar. 19, 2020, available at: https://abovethelaw.com/2020/03/nutbag-lawyer-larry-klayman-files-20-trillion-suit-against-china-for-coronavirus-bioweapon/

removed from the practice of law, as has been the mission of ODC and apparently Mr. Tigar and the Hearing Committee.

In short, to ignore these indicia of bias and prejudice is simply not reality in today's world.

II. The Board's Report Evidences the Fact that it Did Not Take the Time to Review the Record

Upon reading the Board's Report, it was immediately evident to Mr. Klayman that the Board had failed to review and digest the record before issuing its Report, and accordingly Mr. Klayman respectfully requests that this Court now do so. In response, Kaiser disingenuously wrote:

> In any case before the Board, it is duty bound to 'review the findings and recommendations of Hearing Committees submitted to the Board, and to prepare and forward its own findings and recommendations, together with the record of proceedings before the Hearing Committee and the Board, to the Court.' D.C. Bar. R. XI, section 4(e)(7). As Respondent's Motion plainly seeks to petition to the Board to do that which it is mandated to do – and has done in the Board's Report – it is denied as moot. App. 0123 - 0124.

This statement by Kaiser evades a direct response to Mr. Klayman's legitimate request in two respects. First, he simply states that the Board did what "it is mandated to do," and then second says that this is reflected in the Board's Report. However, the problem with this non-response is that it the Board Report itself ignores Respondent's post hearing briefs and proposed findings which cite the actual record, and thus crucial and material uncontroverted facts, and reflects

that it simply adopted wholesale what was contained in the politically tainted and biased Committee recommendation. In short, the Board Report shows no evidence that the Board did as "it is mandated to do."

Conspicuously, the Board Report does not refer to a single witness's hearing testimony and related exhibits, seven (7) of whom testified for Mr. Klayman, refuting Ms. Sataki's allegations. Nor does it reflect her many admissions and impeached testimony.

To be absolutely clear, the hearing testimony of Ms. Sataki herself, if it had been reviewed, shows that she made many admissions in Mr. Klayman's favor and was impeached on numerous occasions on the truthfulness of her testimony, as set forth above. This too is detailed with great specificity in Respondent's proposed findings, all backed up with record cites to hearing testimony and supporting exhibits. App. 0045 – 0066. To be frank, it is as if the Board's Report was written with a "do no evil, hear no evil and see no evil" predetermined mindset.

For example, at page 2 of the Board's Report which it appears was penned in whole or in large part by Chairman Kaiser since it dovetails and comports with his denial of Respondent's motions - which he gave short shrift and punted to this Court - he states:

> The Hearing Committee issued a lengthy, detailed and thoughtful report that determined that Respondent had violated a number of Rules of Professional Conduct by failing to effectively communicate with his client and to follow her instructions about the objectives of

> the representation, representing her under a conflict of interest, and breaching his duties of confidentiality to her, among other Rule violations. But consent requires effective communication; here because Respondent was unable to effectively communicate with his client, he was unable to effectively obtain her consent.
>
> For that reason, and as set out below, we agree that Respondent violated Rules 1.2(a), 1.4(b), 1.5(c), 1.6(a)(1), 1.6 (a)(3), 1.7(b)(4), and 1.16 (a)(3). We recommend a sanction of an 18-month suspension with a requirement that he demonstrate a fitness to practice law before he is reinstated.

In adopting the virtually the entire Committee recommendation, with effusive and gushing praise for their "thoughtfulness," save for a brief mention of Professor Ronald Rotunda, a respected and renowned legal ethics expert, who had found that Mr. Klayman had not violated any of the above listed ethical rules but could not testify at the hearing since he had died during the unconscionable eight (8) year interim period after Ms. Sataki had filed her bar complaint, the Board's Report makes no mention of any of Mr. Klayman's material witnesses. App 0001 - 0034. These witnesses who refute Ms. Sataki's testimony and show her to be untruthful as a result of likely being coached by a hostile ODC whose admitted mission is to remove Mr. Klayman, no holds barred, from the practice of law, include Timothy Shamble, Keya Dash, Gloria Allred, the Honorable Stanley Sporkin (who also gave Mr. Klayman a strong character reference, Ashley Klayman and importantly, Mr. Klayman himself.

The testimony and documentary exhibits that relate to Timothy Shamble, Ms. Sataki's union president, who was intimately involved as in effect Mr. Klayman's partner in representing her, are particularly material and probative of the fact that there was full disclosure and informed consent for Mr. Klayman's and Mr. Shamble's recommended course of action in first attempting to settle Ms. Sataki's sexual harassment and workplace retaliation claims with Voice of America ("VOA") and then Mr. Klayman undertaking litigation on her behalf. PFF #20, Tr. 890. Mr. Shamble's testimony and related documentary evidence is set forth in detail in Respondent's proposed findings as identified above, yet no mention at all is made of him in the Board's Report, underscoring that the Board took the Committee's recommendation, which hinged solely on Ms. Sataki's contrived, false and vindictive testimony, hook, line and sinker, without doing a thorough and complete review of the record. It is this incorrectly claimed lack of communication and consent by Ms. Sataki, which Mr. Shamble and other witness testimony and related exhibits convincingly refute, upon which the Board's Report primarily hinges, itself misleadingly results in the Board "finding" a cavalcade of alleged rule violations by Mr. Klayman.

Mr. Shamble, as his testimony and documentary exhibits also establish and prove, was privy to the inability of even he, Ms. Sataki's union representative as head of the union at VOA, being able to communicate with Ms. Sataki over her

erratic and incomprehensible communications, made by persons who appeared not to be her, to no longer purse her claims versus VOA. PFF #4, RX 1, RX 5. Like Mr. Klayman Mr. Shamble sought to keep Ms. Sataki's claims alive until he and Mr. Klayman could personally communicate with her and confirm what she desired to do.

In addition, as just one other example of the obvious fact that a thorough and complete review of the record was not conducted, was the testimony of Gloria Allred, the premier litigator of sexual harassment claims by abused women. The testimony of Ms. Allred, supporting Mr. Klayman's testimony, showed that when Mr. Klayman saw that there was a potential conflict of interest over his feelings for Ms. Sataki and her manipulative "diva request" that he buy her a car, as she was attempting to take advantage of these feelings, that he sought to refer her to Ms. Allred. But Ms. Sataki herself wanted Mr. Klayman to remain as her counsel. PFF# 172 – 177.

When ultimately Ms. Sataki did not, for whatever reason, get the result she wanted, she struck back at Mr. Klayman, sending him the below email, which was entered into evidence but never even mentioned in the Board's Report. This email underscores the verbal and other abuse Mr. Klayman had experienced with Ms. Sataki throughout and explains the basis for many of his communications with her, since as a human being with feelings for her, he felt hurt. Ms. Sataki wrote:

> I do not know if you are Christian or Jewish, because whichever suits you best, you become one. But I believe in karma and what you have done with my case and losing it." Ms. Sataki also wrote: "And what you have done with my case and losing it and not stopping working on it when I ordered you, one day you'll answer to God, even if you throw your life and play with people life. I am nobody, just a little girl who was retaliated and harassment by some VOA employee and you seed (sic) that you can help me. Not only did you not help me, but destroyed my life to nothing….
>
> Mr. Klayman are you happy now that you've completely destroyed and lost my case? A case with so many evidence and witnesses. Only a very bad and clueless attorney could lose it, or lost it on purps (sic) because you made a dill (sic), with the other party. PFF #163, BCSX 38.

If the Board had conducted a thorough and complete review of the record, with the aid of Respondent's proposed findings of fact and post-hearing brief – which in great detail provided records cites for verification -- they would have seen that the alleged communication problems were not his primary doing. But in any event, when he saw that continued representation had become virtually impossible, he referred Ms. Sataki to Ms. Allred and another lawyer who handles VOA cases, Mr. Tim Shea. PFF # 36.

Despite this, it is Mr. Klayman who is vilified by both the Committee and now the Board's Report, with a career ending recommended sanction, since Mr. Klayman is now almost 70 years old, as the Board has recommended a reinstatement requirement which is tantamount to disbarment given the time it takes to litigate this.

Under these extraordinary circumstances, Chairman Kaiser and his Board were required, as is inherent and part and parcel to their own "professional responsibility," to undertake a thorough and complete review of the record, particularly given the inherent bias and prejudice of the Hearing Committee.

CONCLUSION

As shown conclusively above, the bias and prejudice against Mr. Klayman, the due process, equal protection and Sixth Amendment violations, and the simple lack of clear and convincing evidence of any misconduct can support only one course of action by this Court – dismissal of this complaint in its entirety against Mr. Klayman. However, in the alternative, at a minimum, this matter must be remanded to a hearing before another Ad Hoc Hearing Committee not led by Messrs. Fitch and Tigar, Esq., so that Mr. Klayman will have a chance at a fair and unbiased proceeding. Furthermore, the Court must order an internal review to determine why and how a communist and another deferential ultra-leftist came to sit on the Hearing Committee charged with judging Mr. Klayman, a conservative public interest and pro-Trump advocate, as well as why the Board did not take any time to digest and review the record before issuing its Report, which it is mandated to do as part of its duties and professional responsibility. The Board cannot simply be allowed to ignore the record in order to create whatever finding and sanction which, for whatever reason, it desires.

Mr. Klayman had been a member continuously in good standing for several decades, and the hard work which gave rise to his undergraduate and juris doctor degrees and later law license, as well as subsequently his distinguished and successful legal career for now almost forty-four (44) years as a public interest advocate and private practitioner, should not and cannot be cavalierly taken away for political reasons, with regard to a bogus bar complaint and proceeding that are now about eleven (11) years old, and counting, App. 0677 (Klayman Biography). This is most particularly so when identical complaints had already been dismissed by two respected state bars, Florida and Pennsylvania, about nine (9) years ago.

Dated: February 8, 2021

Respectfully submitted,

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Cliven Bundy, who thankfully no one else will represent unless someone like Larry Klayman comes in.

There are other lawyers who have done this in the past, with different political stripes -- Ralph Nader, who actually I know, counselor, others, you need lawyers like that. You don't want to remove them from the practice of law because then you leave criminal Defendants and civil litigants at the mercy of the big powers, the rich and the powerful who want to and will use their power to try to destroy them, thank you.

CHAIRPERSON MIMS: Any response, Miss Porter?

MS. PORTER: No.

CHAIRPERSON MIMS: Alright, why don't we take a break. I would say come back and wait for us in 20 minutes. I don't know that we'll be done in 20 minutes. It may be longer. If you want to take a longer break, we can say a half an hour, a half an hour? Let's reconvene at a half an hour, and if we're not back in a half an hour it means that we're

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not ready yet, so just try and hang around closely to the courtroom.

We're off the record at 3:57, thank you.

(Off the record 3:57.)

(On the record 5:22.)

CHAIRMAN MIMS: Alright, we're back on the record at 5:22. So, the Hearing Committee has been unable to reach a non-binding determination. So, at this point we're going to have to set a briefing schedule.

Before we do that, I do want to talk a little bit about what we'd like to see in the briefs in some of the areas that -- of why we're unable to come to an agreement and find a violation.

It's a clear and convincing case, so for the statements and let's start with the pro hac motion. For the statements, for the omissions or the misleading things that you found in there where you believe that there were violations, we would like you to be very specific about those.

I know that in your closings you did go through a number of examples. I mean we've gone

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through the misrepresentation of Mr. Whipple's experience. Mr. Klayman's misrepresentation or misleading of his own criminal experience. The issue of not disclosing the Hearing Committee report, and addressing his arguments that it wasn't final, that it was an ongoing matter and also that the affidavits, the sworn testimony that he had violated a rule, that that had been withdrawn.

Accusing Judge Navarro of being malicious and corrupt. For each of these items -- we need you to specifically spell out how that rises to the level of clear and convincing. And on the same token, Mr. Klayman, we need -- what I'd like you to do is for your statement of facts, listed out in paragraph form, so that Mr. Klayman can either admit it or deny it.

And Mr. Klayman, we need you to respond specifically to the statements in the brief. I understand that you may think that there is a big issue with 6th Amendment in here, we don't really see that. There may be a very limited case in which you might bring that up, but I doubt it's going to be

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much.

And bar counsel's brief, the extent that it's in your response I think can be pretty limited. I mean you've made your points on the 6th Amendment issue and the constitutionality issues. We've heard them. I think the relevance is probably limited in terms of your advocacy of the issue, and so I really need you to respond so that the Committee can sift through all of this.

Respond to her points in the brief. You admit it, or you deny it. And if you deny whatever fact it is, give us a specific reason of why you deny it. Okay. So, the timing is generally 10 days after the transcript comes in, and as I understand it the transcript comes in in two weeks.

MR. KLAYMAN: Your Honor, may I address you on that?

CHAIRPERSON MIMS: Yes.

MR. KLAYMAN: If we may have additional time, my wife is pregnant and will be giving birth around this time period.

CHAIRPERSON MIMS: Okay, when is --

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ask the court to sanction him, and it's very rare for a court to do it sua sponte, but that does not mean that the statements that he made to the court were not false as the court found, including the 9th Circuit, or that these claims that he made against Judge Navarro, Judge Bybee and others had any merit -- they didn't.

No reasonable lawyer could think that the claims that he made against Judge Navarro and later Judge Bybee had any merit or any chance of success. You know, and again legally they were without basis -- judges are absolutely immune, so are Presidents.

The allegations of this vast conspiracy between Judge Navarro and others -- as Judge Navarro found, displayed a lack of respect for the judiciary and a complete lack of ignorance of the independent jury. And as the 9th Circuit found, they were for intimidation and retaliation because she had denied his pro hac vice.

And I'll get finally to the last issue and that is kind of the repetitive nature of the claims. Yes, in some of the petitions Mr. Klayman said they

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were changed circumstances, but if you go back and look at the second 9th Circuit decision denying his second petition, which I believe is 79, you'll see that those changed circumstances -- the IG's report, or alleged government misconduct.

They had nothing to do with whether or not the pro hac vice application should have been granted or that Judge Navarro had a basis to deny it. And indeed, these claims have changed circumstances for procedural, completely inappropriate because they were being raised for the first time on appeal. But it was the -- it wasn't just these changed circumstances, but a lot of the allegations that I've already gone over -- that Mr. Whipple was threatened with contempt, that Mr. Bundy was ordered in solitary confinement.

That Mr. Klayman had been completely honest on his pro hac vice, that Judge Bybee lacked appreciation and sensitivity because his prior rulings or involvement in the drafting of a memo. These were repeated, sometimes verbatim, over and over and over again.

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And even his claim, which disciplinary counsel doesn't claim was illegitimate or wasn't made in good faith, that Mr. Bundy should have been given, you know, his right to counsel of choice notwithstanding the disciplinary matters. That's a legitimate argument, but it's not okay to raise it in at least 15 -- at least 15 separate pleadings, over and over and over again, which he did, and I can cite to all of them in our post-hearing brief.

So, I think the evidence shows both clearly and convincingly that Mr. Klayman engaged in misconduct. And I confirmed that the record of the pre-hearing motions and -- which include the disciplinary complaints that Mr. Klayman filed against disciplinary counsel, are already part of the record.

And I'd say his conduct in this proceeding confirms that he should not continue to have the privilege of being a lawyer because he cannot conform himself to the ethical rules.

CHAIRPERSON MIMS: Before you step down, I don't know if anyone else has any questions. I do

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have one question and maybe you've answered it, but I want to be sure I'm clear. Under Rule 8.1, which is one, it's in the specification of charges and you've discussed a little bit. Rule 8.1 is, you say, "In his application and supplemental application for admission to the District Court, Respondent knowingly made false statements of fact or material fact, and he failed to disclose a fact necessary to correct a misapprehension known by the applicant."

I just want to be clear on what that misapprehension is that you're referring to?

A Well, and I think I've kind of gone over it with Judge Navarro understanding what was going on with respect to the disciplinary proceedings and also with respect to the two judges who had banned him and kind of the basis for that decision, and everything else.

CHAIRPERSON MIMS: Alright, alright, thank you.

MR. KLAYMAN: May I take two minutes and go to the restroom?

CHAIRPERSON MIMS: Yes, sure. Let's go

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I CERTIFY THE FOLLOWING:

I am the custodian of membership records of The Florida Bar.

Membership records of The Florida Bar indicate that The Florida Bar member listed above was admitted to practice law in the state of Florida on **December 7, 1977**.

The Florida Bar member above is an active member in good standing of The Florida Bar who is eligible to practice law in the state of Florida.

Dated this 15th day of **June**, **2021**.

Cynthia B. Jackson, CFO
Administration Division
The Florida Bar

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