

CAUSE NO. 471-02574-2022

COMMISSION FOR LAWYER  
DISCIPLINE

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IN THE DISTRICT COURT OF

V.

COLLIN COUNTY, TEXAS

WARREN KENNETH PAXTON, JR.  
202006564; 202006566; 202101148;  
202101678; 202104762

\_\_\_\_\_ JUDICIAL DISTRICT

**ORIGINAL DISCIPLINARY PETITION**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW the COMMISSION FOR LAWYER DISCIPLINE, Petitioner, and would respectfully show the following:

**I.**

**DISCOVERY CONTROL PLAN**

Pursuant to Rule 190.1 and 190.3, Texas Rules of Civil Procedure, Petitioner asserts discovery in this case is to be conducted under Discovery Control Plan Level 2-by Rule.

**II.**

**PARTIES**

The Petitioner is the COMMISSION FOR LAWYER DISCIPLINE, a standing committee of the State Bar of Texas.

Respondent, Warren Kenneth Paxton, Jr., State Bar Number 15649200 (Respondent), is an attorney licensed to practice law in the State of Texas and is a member of the State Bar of Texas. Respondent has his principal place of practice in Collin County, Texas, and may be served with citation in McKinney, Collin County, Texas.

### **III.**

#### **JURISDICTION AND VENUE**

The cause of action and the relief sought in this case are within the jurisdictional requirements of this Honorable Court.

Venue of this case is proper in Collin County, Texas, pursuant to Texas Rules of Disciplinary Procedure Rule 3.03, because Collin County is the county of the Respondent's principal place of practice. Petitioner requests an active judge whose district does not include Collin County, Texas, be assigned to preside in this case.

### **IV.**

#### **PROFESSIONAL MISCONDUCT**

Petitioner brings this disciplinary action pursuant to the State Bar Act, Tex. Govt. Code Ann. §81.001 *et seq.*, the Disciplinary Rules of Professional Conduct and the Texas Rules of Disciplinary Procedure. The complaints, which initiated these proceedings, were filed by Kevin Moran on December 11, 2020, Justice David W. Wellington Chew on December 11, 2020, Neil Kay Cohen on February 12, 2021, Brynne VanHettinga on March 11, 2021, and Gershon Gary Ratner on July 27, 2021.

The acts and omissions of Respondent, as hereinafter alleged, constitute professional misconduct.

### **V.**

#### **FACTUAL BACKGROUND**

On or about December 7, 2020, Respondent filed Case No. 220155, styled: *State of Texas v. Commonwealth of Pennsylvania, State of Georgia, State of Michigan, and State of Wisconsin* in the United States Supreme Court. Respondent's pleadings included requests for multiple injunctions against the Defendant States and a finding that the Defendant States violated federal

election laws.

Specifically, these requests asked the United States Supreme Court to enjoin “Defendant States’ use of the 2020 election results for the Office of President to appoint presidential electors to the Electoral College,” and sought to prevent the Defendant States from “meeting for purposes of the electoral college pursuant to 3 U.S.C. §5, 3 U.S.C. §7, or applicable law pending further order...”

Respondent’s pleadings requesting this extraordinary relief misrepresented to the United States Supreme Court that an “outcome-determinative” number of votes in each Defendant State supported Respondent’s pleadings and injunction requests. Respondent made representations in his pleadings that: 1) an outcome determinative number of votes were tied to unregistered voters; 2) votes were switched by a glitch with Dominion voting machines; 3) state actors “unconstitutionally revised their state’s election statutes;” and 4) “illegal votes” had been cast that affected the outcome of the election.

Respondent’s representations were dishonest. His allegations were not supported by any charge, indictment, judicial finding, and/or credible or admissible evidence, and failed to disclose to the Court that some of his representations and allegations had already been adjudicated and/or dismissed in a court of law.

In addition, Respondent misrepresented that the State of Texas had “uncovered substantial evidence... that raises serious doubts as to the integrity of the election process in Defendant States,” and had standing to bring these claims before the United States Supreme Court.

As a result of Respondent’s actions, Defendant States were required to expend time, money, and resources to respond to the misrepresentations and false statements contained in these pleadings and injunction requests even though they had previously certified their presidential electors based on the election results prior to the filing of Respondent’s pleadings.

**VI.**

**DISCIPLINARY RULES OF PROFESSIONAL CONDUCT VIOLATED**

The facts alleged herein constitute a violation of the following Texas Disciplinary

Rules of Professional Conduct:

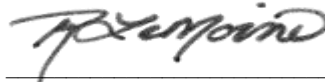
- 8.04(a)(3) A lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation.

**PRAYER**

WHEREFORE, PREMISES CONSIDERED, Petitioner prays that a judgment of professional misconduct be entered against Respondent, and that this Honorable Court determine and impose an appropriate sanction, including an order that Respondent pay reasonable attorneys' fees, costs of court and all expenses associated with this proceeding. Petitioner further prays for such other and additional relief, general or specific, at law or in equity, to which it may show itself entitled.

Respectfully submitted,

**Seana Willing**  
Chief Disciplinary Counsel



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***Commission for Lawyer Discipline v. Warren Kenneth Paxton, Jr.,***

***(SBOT File No. 202006564; 202006566; 202101148; 202101678; 202104762)***


Appointment of a District Judge to Preside  
in a State Bar Disciplinary Action

I hereby appoint the Honorable Casey Blair, Judge of the 86th District Court, Kaufman County, Texas, to preside in the Disciplinary Action styled:

***Commission for Lawyer Discipline v. Warren Kenneth Paxton, Jr., (SBOT File No. 202006564; 202006566; 202101148; 202101678; 202104762)*** to be filed in a District Court of Collin County, Texas.

The Chief Disciplinary Counsel shall promptly forward to the District Clerk of Collin County, Texas, a copy of the Disciplinary Petition and this Order for filing pursuant to Rule 3.03, Texas Rules of Disciplinary Procedure.

As ordered by the Honorable Ray Wheless, in chambers, on this 25th day of May, 2022.

  
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Ray Wheless, Presiding Judge  
First Administrative Judicial Region

### Automated Certificate of eService

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