

State of Michigan
Attorney Discipline Board

**Grievance Administrator,
Michigan Attorney Grievance Commission,**

Petitioner,

ADB Case No. _____

v

**Gregory Rohl, P39185
Richard Hagerstrom, P57885,
Stefanie Junttila, P71303,
Julia Haller, DC Bar No. 466921,
Brandon Johnson, DC Bar No. 491370,
Sidney Powell, TX Bar No. 16209700,
Emily Newman, VA Bar No. 84265,
Howard Kleinhendler, NY Bar No. 2657120,
Lin Wood, GA Bar No. 774588**

Respondents.

_____ /

Formal Complaint

(Parties and Jurisdiction)

1. Petitioner, Grievance Administrator, is authorized by MCR 9.109(B)(6) to prosecute this Formal Complaint by the Attorney Grievance Commission, which is the prosecution arm of the Michigan Supreme Court for the discharge of its constitutional responsibility to supervise and discipline Michigan attorneys and attorneys who provide or offer to provide legal services in this jurisdiction.

2. As licensed Michigan attorneys, Respondents Rohl, Hagerstrom and Junttila are subject to the jurisdiction of the Supreme Court and the Attorney Discipline Board as set forth in MCR 9.104.

3. Respondents Haller, Johnson, Powell, Newman, Kleinhendler, and Wood are subject to the jurisdiction of the Attorney Discipline Board pursuant to Michigan Rule of Professional Conduct 8.5(a).¹

4. Respondents Haller, Johnson, Powell, Newman, Kleinhendler, and Wood are further subject to the jurisdiction of the Attorney Discipline Board pursuant to the local rules of the United States District Court for the Eastern District of Michigan, specifically L.R. 83.20(j).²

5. Respondent Rohl is a Michigan attorney who was licensed in 1986 and who resides or has his place of business in the County of Oakland.

6. Respondent Hagerstrom is a Michigan attorney who was licensed in 1998 and who resides or has his place of business in the County of Ingham.

7. Respondent Junttila is a Michigan attorney who was licensed in 2007 and who resides or has her place of business in the County of Wayne.

8. The remaining Respondents are admitted to their respective state bars as follows:

¹ MRPC 8.5(a) states in relevant part that, "A lawyer not admitted in this jurisdiction is also subject to the disciplinary authority of this jurisdiction if the lawyer provides or offers to provide any legal services in this jurisdiction."

² L.R. 83.20(j) states in relevant part that an attorney who practices in the Eastern District, "is subject to the Rules of Professional Conduct adopted by the Michigan Supreme Court, as amended from time to time, and consents to the jurisdiction of this court and the Michigan Attorney Grievance Commission and Michigan Attorney Discipline Board for purposes of disciplinary proceedings."

<u>Respondent Name</u>	<u>Jurisdiction</u>
a. Respondent Haller	District of Columbia
b. Respondent Johnson	District of Columbia
c. Respondent Powell	Texas
d. Respondent Newman	Virginia
e. Respondent Kleinhendler	New York
f. Respondent Wood	Georgia

(Factual Allegations)

9. On November 25, 2020, Respondents filed on behalf of six plaintiffs a Complaint for Declaratory, Emergency, and Permanent Injunctive Relief in the matter captioned *King v Whitmer*, 2:20-cv-13134, United States District Court, Eastern District of Michigan.

10. The complaint alleged three claims pursuant to 42 U.S.C. § 1983: (Count I) violation of the Elections and Electors Clauses; (Count II) violation of the Fourteenth Amendment Equal Protection Clause; and (Count III) violation of the Fourteenth Amendment.

11. The complaint alleged widespread voter fraud and sought to decertify the results of the 2020 presidential election.

12. Defendants included Governor Gretchen Whitmer, Secretary of State Jocelyn Benson, and the Michigan Board of State Canvassers (“State Defendants”).

13. Specifically, the complaint alleged that the State Defendants engaged in “old-fashioned ballot-stuffing,” and “the unlawful counting, or manufacturing, of hundreds of thousands of illegal, illegible, duplicate, or purely fictitious ballots in the State of Michigan, that constitute a multiple of Biden’s purported lead in the State.”

14. The complaint further alleged that the fraud was accomplished by the use of election machines manufactured by Dominion Voting Systems Corporation, which the plaintiffs stated was “founded by foreign oligarchs and dictators to ensure computerized ballot-stuffing.”

15. Finally, the complaint alleged illegal conduct, harassment, intimidation, and discrimination by election workers, government employees, poll watchers, and activists.

16. Respondents attached to the complaint several affidavits in which the affiants stated they witnessed first-hand instances of voter fraud and misconduct by poll workers.

17. The complaint was signed by Respondents Powell, Hagerstrom, and Rohl. Respondents Newman, Wood and Kleinhendler were listed as “Of Counsel” on the complaint.

18. On November 27, 2020, the City of Detroit (“Detroit”) filed a motion to intervene as a defendant in the matter.

19. On November 29, 2020, Respondents filed on behalf of the plaintiffs a First Amended Complaint.

20. The amended complaint contained the same signature blocks and “of counsel” designations as the original complaint and added Respondent Johnson as “of counsel.”

21. Respondents also filed a Motion for Temporary Restraining Order requesting that the court enjoin the certification of the November 3, 2020 election results and order an independent audit of the election.

22. Respondents argued that relief needed to be granted by December 8, 2020, the date on which the states were required to submit their slates of electors pursuant to 3 U.S.C. Section 5, in order to be effective.

23. The Motion for Temporary Restraining Order also requested the impounding of voting machines and “other available relief.”

24. On November 30, 2020, motions to intervene were filed by Robert Davis, a Detroit resident, as well as the Democratic National Committee. An amicus curiae brief was filed by the Michigan NAACP.

25. On December 2, 2020, the court granted the various motions to intervene.

26. Defendants subsequently filed responses to the motion for injunction.

27. On December 7, 2020, the District Court issued an opinion and order denying the injunctive relief requested by plaintiffs.

28. The District Court concluded that: 1) the State Defendants were entitled to governmental immunity under the Eleventh Amendment; 2) plaintiffs’ claims were moot because all 83 Michigan counties had already canvassed their election results and reported the results to the Secretary of State and the State Board of Canvassers,

and the results had already been certified; 3) plaintiffs' claims were barred by laches because they had waited until November 25, 2020, several weeks after the election, to file the lawsuit; 4) the doctrine of abstention required the federal court to abstain from deciding an issue under state election law where there were parallel state proceedings underway; and, 5) plaintiffs lacked standing because they had not suffered a concrete and particularized injury.

29. Despite the fact that plaintiffs originally argued that the relief sought must be granted by December 8, 2020, in order to be effective, plaintiffs did not dismiss their complaint on that date.

30. Instead, on December 8, 2020, Respondent Junttila filed an appearance and Notice of Appeal in the Sixth Circuit.

31. On December 11, 2020, Respondent Junttila filed a petition for writ of certiorari in the United States Supreme Court.

32. On December 22, 2020, all Defendants filed motions to dismiss the amended complaint. Detroit included a request for sanctions.

33. On January 5, 2021, Detroit filed a Motion for Sanctions, Disciplinary Action, for Disbarment Referral, and for Referral to State Bar Disciplinary Bodies.

34. Defendants Whitmer and Benson joined Detroit's motion on January 13, 2021.

35. On January 14, 2021, Respondent Junttila filed motions for voluntary dismissal as to all defendants.

36. On January 19, 2021, Respondent Junttila filed a response to the motions for sanctions.

37. On January 26, 2021, the Sixth Circuit ordered the appeal voluntarily dismissed. On February 22, 2021, the United States Supreme Court denied certiorari.

38. On July 12, 2021, the District Court held a hearing on the sanctions motions.

39. Following the hearing, several parties filed supplemental briefs.

40. On August 25, 2021, the District Court issued a 110-page opinion and order granting sanctions.

41. In its opinion, the District Court identified eight separate areas of plaintiffs' claims that Detroit contended were frivolous or false:

- Allegations that Republican challengers were not given meaningful access to review ballots at TCF Center;
- Allegations that Republican challengers were exclusively barred from TCF Center;
- Allegations that some absentee ballots were "pre-dated";
- Allegations that some ballots were counted more than once;
- Allegations that "software weaknesses" in Dominion voting machines up-ended Michigan election results, where only two instances of software problems were recorded (Antrim County and Rochester Hills);
- Filing a partially redacted affidavit which misidentified the credentials of the affiant (affiant was falsely identified as an "intelligence analyst");
- Filing an affidavit which falsely stated that there had been a manual recount in Antrim County when there had not, and falsely indicating voter turnout in certain counties (e.g., 765% in Muskegon and 460% in Detroit); and,
- Filing an affidavit which relied on survey results with inconsistent numbers.

42. The District Court concluded as follows:

The attorneys who filed the instant lawsuit abused the well-established rules applicable to the litigation process by proffering claims not backed by law; proffering claims not backed by evidence (but instead, speculation, conjecture, and unwarranted suspicion); proffering factual allegations and claims without engaging in the required prefiling inquiry; and dragging out these proceedings even after they acknowledged that it was too late to attain the relief sought.

43. The District Court further concluded:

Plaintiffs' attorneys did not provide a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law to render their claims ripe or timely, to grant them standing, or to avoid Eleventh Amendment immunity.

44. The District Court noted that many of the claims advanced in the complaint had been rejected by other courts in similar lawsuits, and that the previous rejections should have put Respondents on notice that the claims lacked merit.

45. On December 2, 2021, the District Court entered an order as to sanctions as follows:

IT IS ORDERED that Plaintiffs' counsel, jointly and severally, shall pay attorneys' fees in the amount of \$21,964.75 to Defendants Gretchen Whitmer and Jocelyn Benson; IT IS FURTHER ORDERED that Plaintiffs' counsel, jointly and severally, shall pay attorneys' fees in the amount of \$153,285.62 to Intervenor Defendant City of Detroit.

46. The District Court further ordered Respondents to participate in at least twelve hours of continuing legal education offered by a non-partisan organization on the subjects of pleading standards and election law and that that all Respondents be referred for disciplinary investigations in their respective states.

47. Respondents sought stays of all sanctions; however, the District Court stayed the monetary sanctions only.

48. All Respondents have filed appeals of the sanctions to the Sixth Circuit, which appeals remain pending.

(Grounds for Discipline)

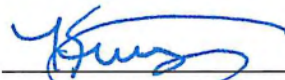
49. By reason of the conduct described above in this Formal Complaint, Respondents have committed the following misconduct and are subject to discipline under MCR 9.104 as follows:

- a) bringing or defending a proceeding, or asserting or controverting an issue therein, where the basis for doing so is frivolous, in violation of MRPC 3.1;
- b) engaging in conduct that is prejudicial to the administration of justice, in violation of MRPC 8.4(c) and MCR 9.104(1);
- c) engaging in conduct that exposes the legal profession or the court to obloquy, contempt, censure, or reproach, in violation of MCR 9.104(2);
and,
- d) engaging in conduct that is contrary to justice, ethics, honesty, or good morals, in violation of MCR 9.104(3);

WHEREFORE, Respondents should be subjected to such discipline as may be warranted by the facts or circumstances of such misconduct.

Dated: May 1, 2023

**MICHIGAN ATTORNEY
GRIEVANCE COMMISSION**



**KIMBERLY L. UHURU, P61966
Deputy Administrator**

**MICHAEL V. GOETZ, P41139
Grievance Administrator
755 W. Big Beaver Rd., Suite 2100
Troy, MI 48084
(313) 961-6585**

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Discovery Demand

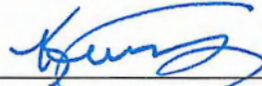
As permitted by MCR 9.115(F)(4), Petitioner makes the following demand for discovery:

- 1) Copies of all documentary evidence to be introduced at the hearing, or access to such documentary evidence so that it can be inspected and copied, in accordance with MCR 9.115(F)(4)(a); and,
- 2) The names and addresses of any persons to be called as witnesses at the hearing, in accordance with MCR 9.115(F)(4)(a)(i).

Under MCR 9.115(F)(4)(c), your failure to comply timely with the above demands may subject you to one or more of the sanctions set forth in MCR 2.313(B)(2)(a)-(c).

Dated: May 1, 2023

**MICHIGAN ATTORNEY
GRIEVANCE COMMISSION**



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