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Todd Blanche  
Acting Attorney General  
U.S. Department of Justice

Robert Hinchman  
Senior Counsel  
Office of Legal Policy  
U.S. Department of Justice

**Re: Review of State Bar Complaints and Allegations Against Department of Justice Attorneys, RIN 1105–AB82, Docket No. OAG199, AG Order No. 6653–2026–A**

Dear Acting Attorney General Blanche and Senior Counsel Hinchman:

The National Immigration Project<sup>1</sup> submits the following comment in response to the Department of Justice’s (DOJ) Notice of Proposed Rulemaking (NPRM) published in the Federal Register on March 5, 2026. Through this comment, we express our strong opposition to the NPRM which would transfer much of the responsibility of monitoring DOJ attorneys’ ethics violations from the state bar disciplinary authorities that license these attorneys to DOJ itself. At any time, a rule requiring such self-policing rather than an independent monitor of ethics would have negative consequences. At this moment, with increasing allegations of ethics violations at the highest levels of DOJ, such a rule would damage public confidence in DOJ’s important work. Additionally, this proposed shift in attorney oversight from the states that license attorneys to the federal government employer of attorneys accused of ethical violations would improperly infringe on states’ rights. DOJ should rescind this proposed rule in its entirety.

The National Immigration Project is a national nonprofit membership organization that provides support, referrals, and legal and technical assistance to attorneys, community organizations, families, and advocates seeking to advance the rights of noncitizens. The National Immigration Project fights for fairness and transparency in immigration adjudication systems and believes that all noncitizens should be afforded the right to fair adjudications of their claims to remain in the United States. Our attorneys practice in immigration court, before DOJ-employed immigration

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<sup>1</sup> The author of this comment is National Immigration Project Supervising Attorney, Victoria Neilson with input from National Immigration Project Director of Legal Resources and Training Michelle N. Méndez.

judges, and in federal court with DOJ attorneys as opposing counsel. It is therefore extremely important to both the practice of our own staff, and to the practice of the hundreds of member attorneys whom we mentor, that DOJ attorneys adhere to ethical standards and face appropriate repercussions if they fail to do so. The National Immigration Project strongly strongly opposes this proposed rule.

## **I. The National Immigration Project Objects to DOJ Issuing This Rule with Only a 30-Day Comment Period**

The purpose of notice and comment rulemaking is to allow the public a meaningful opportunity to comment. In general, the Administrative Procedures Act (APA) § 553 requires that the public as “interested persons” have “an opportunity to participate in the rule making.” Therefore, agencies must afford “interested persons a reasonable and meaningful opportunity to participate in the rulemaking process.”<sup>2</sup> Courts have found that to comply with this participation requirement, the agencies must offer a comment period that is “adequate” to provide a “meaningful opportunity.”<sup>3</sup> Given the importance of the public’s participation in the rulemaking process, Executive Order 12866 specifies that rulemaking “in most cases should include a comment period of not less than 60 days.”<sup>4</sup> Likewise, Executive Order 13563 explicitly states, “To the extent feasible and permitted by law, each agency shall afford the public a meaningful opportunity to comment through the Internet on any proposed regulation, with a comment period that should generally be at least 60 days.”<sup>5</sup> Offering this limited opportunity to respond to the NPRM contradicts these Executive Orders and makes it less likely that the agencies will receive informed feedback on the proposed change.

Here, DOJ has only given 30 days for the public to comment on a rule that would significantly change procedures and potential consequences for DOJ attorneys who breach their ethical duties, and significantly limit the authority of state disciplinary bodies. DOJ should have followed the executive orders cited above and given a full 60 day comment period.

## **II. The Department of Justice Should Not Infringe on the Role of State Bar Disciplinary Authorities**

Attorneys in the United States are licensed by the state, not by the federal government. Thus, even attorneys whose practice is primarily before Article III federal courts or before federal administrative tribunals must comply with the ethical rules that are enacted by the state or states in which they are licensed to practice. While many states’ ethical rules are modeled after the American Bar Association’s Model Rules of Professional Conduct,<sup>6</sup> different states have slightly different ethical rules. Because of these differences, DOJ is not as well positioned as state

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<sup>2</sup> *Forester v. CPSC*, 559 F.2d 774, 787 (D.C. Cir. 1977).

<sup>3</sup> *N.C. Growers’ Ass’n v. UFW*, 702 F.3d 755, 770 (4th Cir. 2012).

<sup>4</sup> See Exec. Order No. 12866, § 6(a), 58 Fed. Reg. 51735 (October 4, 1993).

<sup>5</sup> Exec. Order No. 13563, 76 Fed. Reg. 3821 Improving Regulation and Regulatory Review (Jan. 18, 2011), <https://obamawhitehouse.archives.gov/the-press-office/2011/01/18/executive-order-13563-improving-regulation-and-regulatory-review>.

<sup>6</sup> ABA, Model Rules of Professional Conduct, (2025) [https://www.americanbar.org/groups/professional\\_responsibility/publications/model\\_rules\\_of\\_professional\\_conduct/model\\_rules\\_of\\_professional\\_conduct\\_table\\_of\\_contents/](https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/model_rules_of_professional_conduct_table_of_contents/).

disciplinary authorities to investigate complaints based on allegations of breaching state ethical codes. Likewise, each state has its own process or processes for investigating alleged violations of its ethical rules. For example, New York has four judicial departments and each one has a separate grievance committee.<sup>7</sup> By contrast, Texas has a single entity that considers attorney complaints.<sup>8</sup> Since states license attorneys, it is only logical that they investigate allegations of misconduct in the first instance.

The preamble to the rule acknowledges that 28 U.S.C. § 530B, a statutory section entitled, “Ethical standards for attorneys for the Government,” says “(a) An attorney for the Government shall be subject to State laws and rules, and local Federal court rules, governing attorneys in each State where such attorney engages in that attorney’s duties, to the same extent and in the same manner as other attorneys in that State.” From this language, it is clear that Congress intended attorneys employed by the government to be regulated by the states where they are licensed. The first section of the preamble describes internal DOJ mechanisms to investigate alleged ethical violations of government attorneys. 91 Federal Register 10780, 10781-82 (March 5, 2026) <https://www.govinfo.gov/content/pkg/FR-2026-03-05/pdf/2026-04390.pdf>. This section of the preamble describes how the current process works, including allowing for parallel investigations by DOJ and by state disciplinary authorities. The preamble makes the contradictory claims that state grievance authorities often do not pursue allegations against DOJ attorneys,<sup>9</sup> and that political activists have “weaponized” the investigation of the ethics complaint process. *Id.* While the preamble claims that complaints against DOJ lawyers have increased in unprecedented ways since the late 1990s, 91 Fed. Reg. 10783, it offers no statistics whatsoever—no number of complaints, no years when complaints have been filed, no information about how many complaints are sustained, and no information about which states it implies are adjudicating complaints unfairly. Nonetheless, through this rule DOJ claims the authority for an unprecedented federal intrusion into an area that is the primary responsibility of state agencies and courts.

In what appears to be an opposite reading of federalism from the text of the Tenth Amendment,<sup>10</sup> the attorney general now claims the authority to regulate activities which have always been reserved to the states. The preamble quotes *Hancock v. Train*, 426 U.S. 167, 178 (1976), supposedly building off *McCulloch v. Maryland* for the proposition that “[a] corollary’ the ‘effect’ of which ‘is “that the activities of the Federal Government are free from regulation by any [S]tate.”’ 91 Fed. Reg. 10783. But state disciplinary authorities do not regulate the activities of the federal government; they ensure that attorneys licensed within their state comply with ethics rules which apply to all attorneys regardless of whom their employer is. While 28 U.S.C. §

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<sup>7</sup> New York Courts, Commission on Statewide Attorney Discipline, <https://ww2.nycourts.gov/ATTORNEYS/DISCIPLINE/resources.shtml>.

<sup>8</sup> State Bar of Texas, File a Grievance, [https://www.texasbar.com/Content/NavigationMenu/ForThePublic/ProblemwithanAttorney/GrievanceEthicsInfo1/File\\_a\\_Grievance.htm](https://www.texasbar.com/Content/NavigationMenu/ForThePublic/ProblemwithanAttorney/GrievanceEthicsInfo1/File_a_Grievance.htm).

<sup>9</sup> 91 Fed. Reg. 10782 (“Based on OPR’s [the Office of Professional Responsibility] experience interacting with State bar disciplinary authorities over several decades, most State bars do not take additional action after referrals are made concerning current or former Department attorneys. State bars have limited resources to oversee all the attorneys licensed in their respective jurisdictions, and they may determine that the Department attorney’s conduct does not warrant the use of their resources.”).

<sup>10</sup> U.S. Constitution, 10<sup>th</sup> Amendment (“The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”).

530B could not be clearer that federally employed attorneys “shall be subject to State laws and rules . . . to the same extent and in the same manner as other attorneys in that State,” DOJ here claims a supervening enforcement authority that would allow the federal government to supplant the state’s role.

The preamble’s required Executive Order 13132 analysis claims that the “proposed rule will not have substantial direct effects on the States, [or] on the relationship between the National Government and the State” and therefore does not require “the preparation of a federalism summary impact statement.” 91 Fed. Reg. 10786. However, as discussed herein, requiring states to suspend their own investigation into attorneys barred under states’ licensing requirements, until DOJ conducts its own investigation, would be an extraordinary intrusion on state enforcement of its own rules. As a result of this significant shift in power between the federal and state governments, this rule should have included a federalism impact statement.

While, as the preamble lays out, DOJ already has internal investigative authorities, this rule would fundamentally change how DOJ ethical matters are handled because if the “Department decides to review the State bar complaint and allegations, OPR will request the State bar disciplinary authorities to suspend their investigations or disciplinary proceedings, and direct Department personnel not to provide any non-public information to any parallel investigations or disciplinary proceedings until the completion of OPR’s review.” The preamble acknowledges that the results of departmental investigations are “limited to reprimanding, suspending, or terminating the [attorney’s] employment.” 91 Fed. Reg. 10784. Of course, there is nothing about a state disciplinary authority’s independent investigation which would prevent DOJ from taking these steps independently if it determines a DOJ employee violated an ethical rule. Instead, the preamble suggests that the goal of the rule is to impede state authorities from conducting their own investigations.<sup>11</sup>

The preamble suggests that the true purpose of the proposed rule is to shield DOJ attorneys from at least some state ethics investigations, claiming that the proposed rule “also deters bad actors from turning the State bar disciplinary process itself into a tool to punish department lawyers and impede an unpopular initiative.” 91 Fed. Reg. 10785. The preamble then asserts that “political activists have filed bar complaints against senior Department officials, including the Deputy Attorney General, the former Acting Deputy Attorney General, the Deputy Assistant Attorney General for the Federal Programs Branch of the Civil Division, and the former interim United States Attorney for the District of Columbia, as well as career Department of Justice attorneys.” 91 Fed. Reg. 10782. While these filings are offered as evidence of the “weaponization” of bar complaints, the preamble contains no details of the filings or of whether the complaints were founded. One of the purposes of NPRMs is for the agency to create an evidentiary record of the need for the proposed rule and share that record with the public, yet, here, DOJ has used inflammatory language (“weaponization” “abuse” “bad actors”) with no actual data or facts to support this claim. This proposed regulation is not adequately supported by any evidentiary record.

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<sup>11</sup> The rule indicates that under the proposed rule, if the state disciplinary authorities do not allow DOJ to that DOJ will often not share information with the state authority that it may need to conduct its investigation, but “it does allow the Department, which has access to information unavailable to any State bar due to various statutory and constitutional privileges, to determine whether such a rule was violated in the first instance.” 91 Fed. Reg. 10785

### III. Concerns about Recent DOJ Ethical Breaches, Combined with a Reduction in DOJ Watchdog Mechanisms, Make This Proposed Rule Especially Concerning

Since the start of the second Trump administration, there have been significant changes to established norms within the federal government. One of the most serious concerns of many commentators is the apparent reshaping of DOJ from political independence to an agency which now demands loyalty to the president's agenda. Indeed, one of now-fired Attorney General Pamela Bondi's first actions in office was to issue a memorandum to all DOJ employees stating that the agency would "take immediate and overdue steps . . . to ensure that the Department's personnel are ready and willing to faithfully implement the policy agenda of the duly elected President of the United States."<sup>12</sup> Press releases issued by DOJ have included the title "President Trump's Justice Department."<sup>13</sup> And President Trump appears to have inserted himself directly into DOJ litigation, recently forcing DOJ to withdraw motions to dismiss litigation against law firms who would not take on government pro bono work.<sup>14</sup>

There have been ethical concerns raised by the conduct of DOJ attorneys at the highest level of the agency. For example, in myriad cases, DOJ has sought to bring federal criminal charges against defendants based on President Trump's political motivations.<sup>15</sup> In some high-profile cases, experienced assistant U.S. attorneys (AUSAs) have quit rather than engage in conduct they believe to be unethical.<sup>16</sup> A high profile whistleblower reported that DOJ officials directed him "to misrepresent facts in one of these cases in violation of [his] legal and ethical duties as an officer of the court."<sup>17</sup> Since the start of the second Trump administration, DOJ has lost thousands of experienced DOJ attorneys, with the American Bar Association (ABA) estimating that DOJ has lost roughly half of its workforce.<sup>18</sup>

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<sup>12</sup> Attorney General, Restoring the Integrity and Credibility of the Department of Justice (Feb. 5, 2026) <https://www.justice.gov/ag/media/1388506/dl?inline>.

<sup>13</sup> Office of Public Affairs, President Trump's Justice Department & Transportation Department Sue to Stop California's Illegal EV Mandate (March 12, 2026) <https://www.justice.gov/opa/pr/president-trumps-justice-department-transportation-department-sue-stop-californias-illegal>.

<sup>14</sup> Justin Henry, Trump Dropping Law Firm Case 'Inadvertent,' Official Says, BLOOMBERG LAW, March 11, 2026, <https://news.bloomberglaw.com/business-and-practice/trump-move-to-drop-law-firm-fight-inadvertent-official-says> ("The Wall Street Journal reported Wednesday that DOJ changed course after Trump railed against the move, expressing anger at department leadership for backing down.").

<sup>15</sup> Ella Lee and Zach Schonfeld, Trump targets 'vindictive' prosecution playbook, THE HILL, Oct. 22, 2025, <https://thehill.com/newsletters/the-gavel/5566166-doj-targets-trump-defendants/>.

<sup>16</sup> Jonah E. Bromwich and William K. Rashbaum, 3 Adams Case Prosecutors Resign Rather Than Express Regret to Justice Dept., THE NEW YORK TIMES, April 22, 2025, <https://www.nytimes.com/2025/04/22/nyregion/eric-adams-prosecutors-resign.html> (describing resignations after prosecutors were forced to drop criminal charges against New York City Mayor Eric Adams.)

<sup>17</sup> Government Accountability Project, Protected Whistleblower Disclosure of Erez Reuveni Regarding Violation of Laws, Rules & Regulations, Abuse of Authority, and Substantial and Specific Danger to Health and Safety at the Department of Justice (June 24, 2025) [https://www.judiciary.senate.gov/imo/media/doc/06-24-2025\\_-\\_Protected\\_Whistleblower\\_Disclosure\\_of\\_Erez\\_Reuveni\\_Redacted.pdf](https://www.judiciary.senate.gov/imo/media/doc/06-24-2025_-_Protected_Whistleblower_Disclosure_of_Erez_Reuveni_Redacted.pdf)

<sup>18</sup> Justice Department struggles as thousands exit—and few are replaced, American Bar Association, Nov. 19, 2025, [https://www.americanbar.org/advocacy/governmental\\_legislative\\_work/publications/washingtonletter/november-25-wl/outside-the-gao-1125wl/](https://www.americanbar.org/advocacy/governmental_legislative_work/publications/washingtonletter/november-25-wl/outside-the-gao-1125wl/).

At the same time attorneys are leaving the government, DOJ leadership has largely dismantled its own internal ethics systems.<sup>19</sup> Shortly after taking office, the Trump administration fired “the head of the Office of Professional Responsibility, who had been appointed to his position in Trump’s first term and had served at the DOJ for nearly 38 years.”<sup>20</sup> It also effectively dismantled the Office of the Inspector General.<sup>21</sup> Given DOJ’s reduced capacity to self-regulate, it is difficult to imagine how DOJ could take on much greater disciplinary responsibilities contemplated by the NPRM.

Additionally, there have been specific ethical issues raised in DOJ’s handling of immigration issues. For example, when Immigration and Customs Enforcement (ICE) officers fatally shot Renee Good in Minnesota, DOJ did not open a civil rights investigation, although it had done so in the past in the high profile shooting of George Floyd.<sup>22</sup> This selective investigation wherein ICE is not held accountable for the same acts that previously led to a DOJ investigation suggests that political bias is at play.

The conduct of DOJ attorneys appearing before Article III courts have also raised concerns. Recently, an assistant U.S. attorney had a widely publicized outburst in federal court, stating “The system sucks. This job sucks.” This outburst came after a federal judge “was grilling her about why she and other prosecutors had ignored his orders in five separate cases to free immigrants he had determined were illegally detained by federal agents.”<sup>23</sup> This type of admonishment of DOJ attorneys by federal judges has become more frequent over the past several months as DOJ attorneys increasingly miss deadlines and fail to comply with court orders.<sup>24</sup> Even where regulations direct the court that there is a “a presumption of regularity in the conduct of governmental affairs,”<sup>25</sup> increasingly federal courts have been questioning whether this presumption should continue to apply.<sup>26</sup>

Although the preamble explains a primary purpose of the proposed rule as “[to] deter political activists from abusing the State bar disciplinary process,” 91 Fed. Reg. 10784, and uses the term

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<sup>19</sup> Christine Berger, The Department of Justice’s Broken Accountability System, Brennan Center for Justice (Oct. 20, 2025) <https://www.brennancenter.org/our-work/research-reports/departments-justices-broken-accountability-system>.

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

<sup>22</sup> Justice department ‘not investigating’ Renee Good killing in contrast to 2020 inquiry on George Floyd death, THE GUARDIAN, Jan. 18, 2026, <https://www.theguardian.com/us-news/2026/jan/18/justice-department-ice-renee-good-george-floyd-minneapolis>.

<sup>23</sup> Alan Feuer, et al, Prosecutor Fired After Voicing Frustration With Immigration Caseload, THE NEW YORK TIMES, Feb. 4, 2026, <https://www.nytimes.com/2026/02/04/us/politics/prosecutor-immigration-outburst.html>.

<sup>24</sup> Kyle Cheney, et al., Judges fume at ICE and DOJ leadership, POLITICO, March 10, 2026, <https://www.politico.com/newsletters/west-wing-playbook-remaking-government/2026/03/10/judges-fume-at-ice-and-doj-leadership-00821422>; Suzanne Monyak, Federal Judges Scold DOJ Lawyers Over Courtroom Conduct in 2025, BLOOMBERG LAW, Dec. 29. 2025, <https://news.bloomberglaw.com/us-law-week/federal-judges-scold-doj-lawyers-over-courtroom-conduct-in-2025>. (One magistrate judge found that DOJ’s “‘irregularities’ during the grand jury process ‘may rise to the level of government misconduct.’”).

<sup>25</sup> 32 CFR § 724.211.

<sup>26</sup> Monyak, *supra* note 24, (“Government lawyers have been scolded for making misrepresentations in court, making legally flawed arguments, and sidestepping typical procedures. Their actions have prompted current and former judges to question if the government should still be entitled to the so-called ‘presumption of regularity,’ the judicial doctrine that assumes the government is acting properly in court.”)

“weaponization” six times, DOJ itself has increasingly been accused of breaking norms and engaging in unethical behavior. The Department is short-staffed and has ousted its internal ethics watchdogs. Thus, for reasons both practical and substantive, it would be imprudent for DOJ to take over reviewing its own attorneys’ ethical violations.

#### **IV. Immigration Practitioners Are Particularly Affected by Unethical Conduct of DOJ Attorneys and Must Have the Ability to Report Such Conduct to Impartial Disciplinary Authorities**

While immigration court adjudicators are called “judges” they are actually attorneys employed by DOJ.<sup>27</sup> Immigration court practitioners can file complaints against immigration judges,<sup>28</sup> however, it is unlikely that doing so under this administration will result in fair resolution of such complaints. Under the first Trump administration, two immigration judges who faced complaints from practitioners were promoted to the Board of Immigration Appeals.<sup>29</sup> One of DOJ’s early moves under the second Trump administration was to rehire and promote to the position of Assistant Chief Immigration Judge an immigration judge who had been removed in the Biden administration after disciplinary complaints had been filed against him.<sup>30</sup> These personnel moves by DOJ—rewarding DOJ-employed immigration judges who have been accused of misconduct or lack of partiality—serves as a strong disincentive to practitioners to use DOJ’s own internal disciplinary mechanisms. When practitioners fear using the internal oversight mechanisms such as judicial complaints, because making complaints may lead to the *promotion* of immigration judges who engage in inappropriate behavior, the continuing ability to file state disciplinary complaints is more important than ever. If DOJ intends to review state bar complaints before the state does so, many immigration practitioners may believe that filing complaints will be futile, or worse, may result in career advancement for the immigration judge whose behavior is being reported.

Immigration attorneys also frequently litigate in federal court with DOJ defending the government’s actions there. Increasingly DOJ’s actions in immigration-related proceedings have been called into question by federal court judges. Clashes between DOJ attorneys and federal judges began early in this administration, notably with the high profile case of Kilmar Abrego-Garcia, when DOJ refused to share information with the court about removals of noncitizens to El Salvador.<sup>31</sup> Since then, as challenges to unlawful detention have risen, counsel for noncitizens

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<sup>27</sup> DOJ, Jeff Sessions, Attorney General Sessions Delivers Remarks to the Largest Class of Immigration Judges in History for the Executive Office for Immigration Review (EOIR) (Sep. 10, 2018) <https://www.justice.gov/archives/opa/speech/attorney-general-sessions-delivers-remarks-largest-class-immigration-judges-history> (“And, as the statute states, Immigration Judges conduct designated proceedings ‘subject to such supervision and shall perform such duties as the Attorney General shall prescribe.’”)

<sup>28</sup> DOJ, Summary of OCIJ Procedure for Handling Complaints Concerning Immigration Judges, <https://www.justice.gov/eoir/page/file/1039481/dl?inline>.

<sup>29</sup> Attorney General Barr promotes immigration judges with high asylum denial rates, Hacking Immigration Law, <https://hackinglawpractice.com/attorney-general-barr-promotes-immigration-judges-with-high-asylum-denial-rates/>.

<sup>30</sup> Complaints on file with the author. *See also* Ximena Bustillo, He was fired under Biden. Under Trump, he's now leading an immigration court, NPR, June 6, 2025, <https://www.npr.org/2025/06/06/nx-s1-5409057/trump-immigration-judge-rehiring>.

<sup>31</sup> Alan Feuer and Charlie Savage, Justice Dept. Refuses to Give Judge Flight Data, Citing State Secrets, THE NEW YORK TIMES, March 24, 2025, <https://www.nytimes.com/2025/03/24/us/politics/judge-ruling-trump-deportations-alien-enemies-act.html>.


have filed over 24,000 habeas petitions in federal court.<sup>32</sup> With this extraordinary rise in federal litigation, at the same time that record numbers of DOJ attorneys have been fired or have left the agency, it is unsurprising that the quality of work of its attorneys has suffered. In February 2026, a federal court judge held an Special Assistant United States Attorney in contempt for failing to comply with a court order requiring the government to release an unlawfully detained immigrant and return his documents.<sup>33</sup> DOJ itself identified that its attorneys had violated more than 50 court orders in New Jersey alone since December 2025,<sup>34</sup> while a Minnesota District Court judge identified 210 orders in 143 cases with which the government had failed to comply.<sup>35</sup> Attorneys representing noncitizens are on the frontlines of fighting for due process. As DOJ attorneys break norms, immigration attorneys must consider filing complaints against unethical behavior by their adversaries.<sup>36</sup> Immigration attorneys will likely feel less inclined to file such complaints, if the complaints will first be funneled to the very agency that has been violating ethical standards.

## Conclusion

In closing, the National Immigration Project strongly opposes this NPRM which would have DOJ—the attorney’s employer—investigate allegations of ethical misconduct rather than leaving that important role to state bar associations in the first instance. This is a blatant example of the fox guarding the hen house.

Please do not hesitate to contact Michelle N. Méndez at [michelle@nipnlg.org](mailto:michelle@nipnlg.org) if you have any questions or need any further information. Thank you for your consideration.

Respectfully,



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<sup>32</sup> Abel Fernández, A flood of habeas corpus petitions challenges Trump’s mass detention of immigrants, EL PAIS, March 11, 2026, <https://english.elpais.com/usa/2026-03-11/a-flood-of-habeas-corpus-petitions-challenges-trumps-mass-detention-of-immigrants.html>.

<sup>33</sup> Devan Cole and Tierney Sneed, Minnesota judge holds federal attorney in civil contempt, a first in Trump’s second term, CNN, Feb. 19, 2026, <https://www.cnn.com/2026/02/19/politics/trump-attorney-contempt-minnesota-immigration>.

<sup>34</sup> *Id.*

<sup>35</sup> Katherine Pompilio and Benjamin Wittes Three Hundred Habeas Cases in Which the Government Has Defied Court Orders, LAWFARE, Apr. 3, 2026, [https://www.lawfaremedia.org/article/three-hundred-habeas-cases-in-which-the-government-has-defied-court-orders?fbclid=IwZXh0bgNhZW0CMTEAc3J0YwZhcHBfaWQKNjYyODU2ODM3OQABHtH9R1h-oY8tor3DeaPWjUr8nmFwQYq1WRphjaJYgKaNUUpesvMAGhysgYQV\\_aem\\_hOA\\_jbgmJ1MBrhXCStqetA](https://www.lawfaremedia.org/article/three-hundred-habeas-cases-in-which-the-government-has-defied-court-orders?fbclid=IwZXh0bgNhZW0CMTEAc3J0YwZhcHBfaWQKNjYyODU2ODM3OQABHtH9R1h-oY8tor3DeaPWjUr8nmFwQYq1WRphjaJYgKaNUUpesvMAGhysgYQV_aem_hOA_jbgmJ1MBrhXCStqetA).

<sup>36</sup> The preamble to the rule itself acknowledges the ABA Model Rules’s “Model Rule 8.3, which requires lawyers to report professional misconduct committed by other lawyers to the appropriate bar disciplinary authorities.” 91 Fed. Reg. 10785.