

State Bar of Georgia
Office of the General Counsel
104 Marietta St. NW
Suite 100
Atlanta, GA 30303

Dear Ms. Frederick:

We are writing today to request you immediately open disciplinary proceedings against Nathan J. Wade for violations of the Georgia Rules of Professional Conduct. Specifically, Ms. Willis has violated Rule 8(a)(4) which prohibits “engag[ing] in professional conduct involving dishonesty, fraud, deceit or misrepresentation,” Section 15-19-4 of the Code imposing a duty of truthfulness on attorneys, Section 16-10-70 prohibiting perjury, and Rule 8(a)(8) which prohibits a lawyer from “commit[ing] a criminal act that relates to the lawyer’s fitness to practice law or reflects adversely on the lawyer’s honesty, trustworthiness or fitness as a lawyer, where the lawyer has admitted in judicio, the commission of such act.” As the Rules note, “The maximum penalty for a violation of Rule 8.4 (a) (2) through (c) is disbarment.”

LYING UNDER OATH

The Rules of Professional Conduct and the Georgia Code are replete with prohibitions against lying to or misleading courts. Section 15-19-4 on the Code details an attorney’s duty as:

To employ, for the purpose of maintaining the causes confided to them, **such means only as are consistent with truth and never to seek to mislead the judges or juries by any artifice or false statement of the law;**

Section 16-10-70 prohibiting perjury is equally clear:

A person to whom a lawful oath or affirmation has been administered commits the offense of perjury when, in a judicial proceeding, he knowingly and willfully makes a false statement material to the issue or point in question.

The legislature took this violation very seriously stating violation “shall be punished by a fine of not more than \$1,000.00 or by imprisonment for not less than one nor more than ten years, or both.”

And Rule 8(a)(4) clearly prohibits “engag[ing] in professional conduct involving **dishonesty, fraud, deceit or misrepresentation.**”



Mr. Wade's testimony in the ongoing case involving the recusal of Mr. Fani Willis is clearly violative of all these provisions. As the interrogatories and his testimony discussed below detail Mr. Wade provided false evidence under oath when filing the interrogatories, and cell phone evidence that has recently come to light indicates that he also provided material false evidence during his testimony last week.

Interrogatories

In interrogatories propounded to Mr. Wade during his divorce proceedings he was asked,

Describe each instance in which you have had sexual relations with a person other than your spouse during the course of the marriage, including the period of separation, by providing the complete contact information for each and every such person and a complete description of the sexual; relation(s), including, but not limited to the date, time of day, persons present, location where the sexual relations took place, the location of your spouse during the sexual relation(s), if known, etc. Such sexual relations to include without limitation sexual intercourse, oral and/or anal sex (passive or active partner), kissing, and/or fondling of the penis, vagina or other genitalia, breasts and/or buttocks of any person(s) other than your spouse.

Answer: None

This question was neither complicated nor ambiguous, sex acts were described in detail and marriage is not a difficult concept to understand for a barred attorney; in fact, family law would have been a subject of Mr. Wade's examination when he sat for the bar.

Under questioning during the recent case regarding the recusal of Ms. Fani Willis, Mr. Wade was questioned by Attorney Ashleigh Merchant regarding his answer to this interrogatories in his divorce case:

[MERCHANT]: In 2022 um in this affidavit you swore that you and Willis developed a personal relationship

[WADE]: Yes ma'am.

[MERCHANT]: And you said that that didn't that didn't develop until 2022 correct ?

[WADE]: That's correct.

[MERCHANT]: And that's different from what you said in your pleading in May 2023 in the divorce correct?

[WADE]: No ma'am.

[MERCHANT]: In May 2023 when you were asked if you had a um if you'd had any affairs essentially and you said none.

[WADE] : That's correct .



[MERCHANT]: Okay so in May you said you had not in May 2023 in the divorce case you said you had not had a personal relationship an affair a romantic relationship with anyone.

[WADE]: That's correct.

[MERCHANT]: But you told this court in the affidavit that you did have one that started in 2022 so that would have been ongoing at 2023.

[WADE]: So here I think there's a distinction if you'd allow me to explain um the interrogatory um asked the question during the course of your marriage um or

[MERCHANT]: or to date it actually says

[COURT]: I'm going to request that the witness be permitted .. Mr Wade

[WADE]: So my marriage was irretrievably broken in 2015 ma'am um by agreement um my wife and I agreed that uh once she had the affair in 2015 we'd get a divorce um we didn't get a divorce immediately because my children were still in school and I refused to allow them to grow up without their father at the time so we waited we waited until the youngest graduated and we dropped her off at college and didn't file for the divorce so if you're asking me about the interrogatory as it relates to having uh the 2022 relationship with District Attorney Willis I'm going to say because my marriage was irretrievably broken I was free to have a relationship.

[MERCHANT]: So the question though was if you had had a relationship and in 2023 you said you did not and that is different than what you said in this affidavit correct.

[WADE]: No ma'am I said during the course of my marriage.

[MERCHANT]: So in you believe.

[COURT]: Let him finish Ms. Merchant

[WADE]: So in 2015 my marriage was irretrievably broken so I did not have a relationship with anyone during the course of my marriage.

Mr. Wade's testimony implicates both 8(a)(4) honesty provisions and the 8(a)(8) fitness sections of the Rules.

First it is simply not credible that Mr. Wade did not know that he had sexual relations with Ms. Willis when he replied to the interrogatories above in his divorce case. Put simply, it is clear Mr. Wade knew that he had had sex with Ms. Willis, and he knew that at the time he was still married, and he simply lied in the interrogatories. Whether he was married was not a complicated question, in fact, he was the plaintiff in a divorce case, a case that cannot proceed without the parties being married. As an officer of the court this is simply unacceptable. It is challenging to think of a more clear-cut example of "dishonesty, fraud, deceit or misrepresentation."

Mr. Wade's follow-up response to these interrogatories further underscores his deception. He amended the interrogatories with the following qualification:



“Updated Response: The Plaintiff declines to respond to this interrogatory and asserts his privilege pursuant to O.C.G.A. Sec. 24-5-505.” Sec. 24-5-505 is the defense against self-incrimination. The underlying matter, a divorce proceeding, places Mr. Wade in no criminal jeopardy and would therefore require no invocation of 24-5-505, leading one to the inescapable conclusion that he had lied on a prior interrogatory and that placed him in jeopardy of having committed perjury, thereby requiring the invocation of Sec. 24-5-505 in the updated response.

Untruthful Testimony

Recently, filings with the court indicate that Mr. Wade was not truthful with the court regarding the frequency and dates of his contacts with Ms. Willis. Again, this is material because the nature of the relationship between Ms. Willis and Mr. Wade goes to the propriety of his appointment. Specifically, whether the relationship began before his appointment by Ms. Willis. Again, the content of Mr. Wade’s testimony is important.

[MERCHANT]: Okay, so let's not talk about when you spend the night. When did your romantic relationship with Miss Willis begin?

[WADE]: 2022.

[MERCHANT]: When In 2022?

[WADE]: Early 2022.

[MERCHANT]: So you were appointed in November of 2021?

[WADE]: Yes, ma'am.

[MERCHANT]: And your relationship started early. What's early? January? February?

[WADE]: Around March.

Additional questioning from attorney Steve Sadow raises further questions about untruthful statements to the court.

[SADOW]: Would you say that was frequent - when I say frequent do you think prior to November 1st of 2021 you were at the condo more than 10 times?

[WADE]: No sir

[SADOW]: So if phone records were to reflect that you were making phone calls from the same location as the condo before November 1st of 2021 and it was on multiple occasions the phone records would be wrong if phone records reflected that?

[WADE]: Yes sir they'd be wrong.

These statements from Mr. Wade are problematic because attorney’s working for President Trump have produced phone records to the court that directly and significantly contradict Mr. Wade’s testimony. The phone records provided by President Trump’s attorney indicate that Mr. Wade visited Ms. Willis’ condo at least 35 times between January and November



2021 and that they exchanged over 2,000 phone calls and over 12,000 text messages over that eleven-month period. The timing is material and central to this controversy because if accurate, the cell phone records show that Mr. Wade and Ms. Willis' relationship began before she retained him to work on the case related to President Trump.

The question of Mr. Wade's presence at Ms. Willis currently remains a question of fact, but the cell phone records presented by President Trump's team are highly compelling. This evidence is so compelling that it requires the Bar to open an investigation to address these issues of fact and determine if Mr. Wade lied to the court regarding the frequency and timing of his relationship with Ms. Willis.

WADE'S INCOMPETENCE POSES A THREAT TO FUTURE CLIENTS

While we do not believe or accept Mr. Wade's excuse for lying under oath in his interrogatories, and believe it a clear violation of Rule 8(a)(4) and Sections 15-19-4 and 16-10-70, nonetheless his defense of his untruthful testimony raises the question as to his competence to practice law.

A reading of Mr. Wade's testimony and his interrogatories make it clear that first, he perjured himself in his response to the interrogatories, but additionally his rationale for not answering the interrogatories truthfully under questioning shows a wholesale lack of understanding of the law that makes him unfit to practice law in the State. The analysis of the law that Mr. Wade provided the court was so shockingly ignorant or distorted as to shock the conscience. We are deeply troubled by the possibility that a vulnerable member of the public would rely upon similar advice from Mr. Wade.

Mr. Wade makes an argument that because he and his wife's marriage was "irrevocably broken" after she had an affair that he was no longer married to her. A reasonable reader of Mr. Wade's argument is led to ask, if you were not married, why did Mr. Wade have to file for divorce? Further if Mr. Wade believed that he was not married for the purposes of those interrogatories, then he could not have run afoul of any criminal statutes regarding his response, so why did he need to invoke the protection of Sec. 24-5-505? Further under what authority did Mr. Wade have to end his marriage? As any lawyer knows, a competent civil tribunal is required to end a marriage. How and when did Mr. Wade become this tribunal.

If we believe Mr. Wade is sincere in his rationale for not admitting to having sexual relations with Ms. Willis, that he was not "married", then the Bar must move *post haste* to ensure that Mr. Wade is prohibited from giving similar advice to a client in the future. Mr. Wade's professed understanding of the legal meaning of marriage is so far divorced from any



competent practitioner's understanding that it's application in future cases where Mr. Wade is not the party places his clients in grave legal jeopardy should they heed his advice.

The Bar owes the profession and the public a duty to guard the practice from charlatans and incompetents. Any simple reading of Mr. Wade's testimony quickly reveals that he is so grossly unfamiliar with the simple understanding of a legal concept like marriage that the risk he and his incompetence poses to vulnerable members of the public requires his exclusion from the profession. Further, the just administration of justice requires a belief by the public that the law is fair and that its practitioners cannot just make things up when the situation suits them. To not send a clear message to the public that everyone is treated fairly and held to a high standard and that they can trust the men and women who practice law to be competent and trustworthy, the Bar needs to draw a bright line and exclude Mr. Wade from the profession.

To ensure that the citizens of the State of Georgia understand that the Bar will not countenance any violation of its ethics or the Laws of Georgia by those charged with upholding them, we urge you to revoke Ms. Wade's license to practice law and permanently bar him from practicing law.

Thank you,

Thomas Jones
President

