

February 26, 2024

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 Fani Taifa Willis, Fulton County District Attorney, 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.” As the Rules note, “The maximum penalty for a violation of Rule 8.4 (a) (2) through (c) is disbarment.”

On February 15, 2024 Ms. Willis testified before Fulton County Superior Court Judge Scott McAfee in a hearing regarding her relationship with Special Prosecutor Nathan Wade. Ms. Willis was questioned regarding her reimbursement of Mr. Wade and her use of cash, rather than checks or other means of payment, Ms. Willis was asked “So my question was where did that cash originally come from if it didn’t come out of the bank.”

“Cash is fungible. I’ve had cash for years in my house. So for me to tell you the source of where it comes from ... when you go to Publix and you buy something and you get fifty dollars and you throw it in there. It’s been my whole life. **When I took out a large amount of money during my first campaign, I kept some of the cash of that.**” {emphasis added}¹

Ms. Willis’ admission, under oath, of “during my campaign ke[eping] some of the cash” represents the admission of a clear violation of Georgia Campaign Finance law. Specifically Georgia Code 21-5-33 (2)(A) states very clearly that:

(2) Nothing in this Code section shall permit or authorize a candidate to utilize campaign funds for the purpose of making gifts, loans, or investments directly to:
(A) The candidate;

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<https://www.dropbox.com/scl/fi/zw8mimpzm938tgir9ifwi/Williascampaigntestify.mp4?rlkey=xw0jtcn5ofm12mmc24k0qpn1i&dl=0>



The statute is unambiguous – and the facts are not in dispute – as Ms. Willis described in her testimony, she placed the money that was intended for her campaign into a “fungible” slush fund with other moneys that she would use for various other purposes, including reimbursing her boyfriend for leisure travel. Ms. Willis clearly violated Section 21-5-33(2)(A) by converting campaign funds to personal use.

Also for the purposes of the Rules of Conduct, she did so fraudulently. Black’s law dictionary states “Fraud consists of some deceitful practice or willful device, resorted to with intent to deprive another of his right, or in some manner to do him an injury.” Ms. Willis’s act of placing unknown sums of cash somewhere in her home comingled with funds from grocery shopping excursions can only be construed as an effort to undermine the public’s ability to have a clear understanding of the expenditures of her campaign. Her “keeping some of the cash” was a willful intentional act and denied the citizens of Georgia the ability to exercise effective oversight over her campaign. It is unreasonable to believe that a barred attorney running for public office would not have been aware that the strict reporting guidelines of Georgia campaign finance law existed to protect the public’s right to oversee elections and that she had an obligation to scrupulously abide by them.

Further as an elected District Attorney Ms. Willis should be held to an even higher standard than other attorneys. The district attorney should be an exemplar of ethical conduct inspiring confidence in the community that the administration of justice entrusted to them is delivered without self-interest and only in the best interests of the community. When the confidence in the individual in the office is eroded, confidence in the office and the just administration of the laws is eroded. The duty to protect that confidence, is therefore greater and the standard to which one should be held higher. We also argue that the punishment for violating it should be higher as well.

To ensure that the citizens of Fulton County and the State of Georgia understand that the Bar will not countenance any violation of its ethics by those charged with upholding it, we urge you to revoke Ms. Willis’ license to practice law and permanently bar her from practicing law.

Thank you,
Thomas Jones
President

