

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

STATE OF GEORGIA

Case Number: 23SC188947

v.

DONALD JOHN TRUMP *et al.*

Defendants.

**DEFENDANT SHAFER'S MOTION FOR EVIDENTIARY HEARING
REGARDING IMPROPER CONTACT BY SPECIAL PROSECUTOR'S
LAW FIRM**

Defendant David Shafer files this Motion for Evidentiary Hearing Regarding Improper Contact by Special Prosecutor's Law Firm. Mr. Shafer respectfully requests that the Court hold an evidentiary hearing regarding direct, uninvited, and improper communications by Special Prosecutor Nathan Wade's law firm with Defendant David J. Shafer and, on information and belief, to other defendants in this action, and that the Court determine an appropriate sanction for the conduct, ranging from admonishment to disqualification, pursuant to the Court's power "[t]o control, in the furtherance of justice, the conduct of its officers and all other persons connected with a judicial proceeding before it, in every matter appertaining thereto..." O.C.G.A. § 15-1-3(4).

More than a year prior obtaining the Indictment in this action, the District Attorney for Fulton County/the Atlanta Judicial Circuit (District Attorney) appointed Special Prosecutor Wade to lead the District Attorney's Office's "team" responsible for investigating and bringing an indictment in relating to the 2020 general election in Georgia. *See* Michael Isikoff & Daniel Klaidman, "Georgia investigation into Trump's

efforts to overturn 2020 election ramps up,” Yahoo!News (June 3, 2022)¹ (referring to “the Willis team — led by Nathan Wade, a private lawyer and friend of Willis’s who has been hired as a special counsel by her office...”). Special Prosecutor Wade and his law partner, Mr. Campbell, operate the Wade & Campbell Firm, which represents on its website that its attorneys practice in four areas of law, including Criminal Defense.² The firm’s site promises visitors that the firm will be a “zealous advocate” for them, and that “Attorneys Wade & Campbell dedicate their criminal practice to protecting the rights of any and every individual charged with a Misdemeanor, Felony, DUI or Traffic Offense!!”³

On August 14, 2023, the Special Prosecutor and the District Attorney obtained an Indictment from the grand jury, charging the former President of the United States, the former White House Chief of Staff, and 17 other individuals, including Mr. Shafer, with alleged involvement in an purported conspiracy “change the outcome of the November 3, 2020, presidential election.” Indictment, pp. 16-18.

Weeks after the District Attorney’s nationally-televised return of the Indictment and charges against the defendants, Special Prosecutor Wade’s law firm sent a communication, a true copy of which is attached hereto as Exhibit A, by mail to Mr. Shafer, addressed to him personally at his home address, which he received on or about September 6, 2023. Special Prosecutor Wade’s law partner, Mr. Campbell, wrote Mr. Shafer a letter to his attention, with the subject “IMPERSONATING A PUBLIC

¹ See <https://news.yahoo.com/georgia-investigation-into-trumps-effort-to-overturn-2020-election-ramps-up-213735195.html>.

² See <https://wadeandcampbell.com/>.

³ See <https://wadeandcampbell.com/practice-areas/atlanta-criminal-defense-attornies/>.

OFFICER.” *See* Exhibit A, p. 2. Mr. Campbell states that the Wade and Campbell Firm “will walk clients through the process and carefully evaluate all possibilities while keeping your family, career, and reputation under consideration.”⁴ *Id.* In the bottom-left corner of the letter is the word “ADVERTISEMENT.” *Id.*

Mr. Campbell also enclosed a full-color solicitation in his mailing to Mr. Shafer on which had been printed Mr. Shafer’s name and right below Mr. Shafer’s name the charge “IMPERSONATING A PUBLIC OFFICER.” *See* Exhibit A, p. 3. The front of the brochure features a photo of Special Prosecutor Wade and Mr. Campbell smiling, and prominently states “Our Clients Always Come First / Atlanta / Criminal Defense.” *Id.* Inside the document, it states: “Our core purpose is to create partnerships that provide clients with peace of mind. Wade & Campbell provides expert advice and zealous representation.” *Id.* at 4. It directs Mr. Shafer to “Please contact us today to discuss your criminal case.” *Id.*

At the time of the writing of the letter, the public record reflected that the undersigned attorneys and law firm had entered an appearance in this action as counsel for Mr. Shafer on August 22, 2023. *See* Entry of Appearance. Thus, Mr. Shafer was represented by counsel at the time of Mr. Campbell’s unsolicited communication.

Special Prosecutor Wade’s law firm’s communication with Mr. Shafer regarding a subject in relation to which Mr. Shafer was represented by counsel is in violation of the anti-contact provisions of Rule 4.2. However, the improper communication is far more egregious than a typical violation of the Rule, given the fact that it constitutes a

⁴ The problematic nature of Mr. Campbell’s involvement in the communication is made apparent by the fact that information obtained by the defense through the Georgia Open Records Act, O.C.G.A. §§ 50-18-70 *et seq.*, shows that the District Attorney’s Office has made approximately \$548,977 in payments to Special Prosecutor Wade; approximately \$116,670 in payments to Mr. Campbell; and approximately \$74,480 in payments to Special Prosecutor Wade’s former law partner, Mr. Terrance Bradley.

communication with a criminal defendant by the lead prosecuting attorney's law firm regarding charges which the attorney has been responsible for bringing.

Furthermore, the harassing, or mocking and intimidating nature of the firm's communication with Mr. Shafer causes grave injury to the appearance of fairness and propriety of this proceeding. Special Prosecutor Wade is shown smiling on the cover of the proposal on which the firm has printed Mr. Shafer's name and one of the charges which the Special Prosecutor has brought against him. *See Exhibit A, p. 3.* The materials praise the firm's "zealous" representation of clients in criminal cases, stating their purpose to provide clients with "peace of mind," and urge Mr. Shafer to contact the firm to protect his "family, career and reputation." *Id.* at 4. Surely Messrs. Campbell and Wade do not believe that Wade & Campbell could represent Mr. Shafer against the very criminal charges brought by Mr. Wade, its first named partner, and lead counsel in the prosecution.

Pursuant to its power to control the conduct of the officers before it, the Court should hold an evidentiary hearing on this Motion to inquire regarding the communication with Mr. Shafer by Special Prosecutor Wade's law firm and determine the appropriate sanction for the conduct.

Based upon the grounds and authorities set forth herein, Defendant David Shafer respectfully requests that the Court grant Defendant Shafer's Motion for Evidentiary Hearing Regarding Improper Contact by Special Prosecutor's Law Firm, and hold an evidentiary hearing to inquire regarding the communication to Defendant by the Special Prosecutor's law firm, and to determine the appropriate sanction for the conduct.

Respectfully submitted, this 7th day of September, 2023.

/s/ Craig A. Gillen

Craig A. Gillen

Georgia Bar No. 294838

Anthony C. Lake

Georgia Bar No. 431149

GILLEN & LAKE LLC

[REDACTED]

Atlanta, Georgia 30339

[REDACTED]

Counsel for David J. Shafer

CERTIFICATE OF SERVICE

Counsel for Mr. David J. Shafer shows that the foregoing document was this 7th day of September, 2023, served on the following individuals by depositing the document in the United States mail, postage prepaid; by statutory electronic service via Odyssey eFile Georgia and/or electronic mail to:

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District Attorney for Fulton County
Alex M. Bernick
Adam S. Ney
Grant H. Rood
Daysha D. Young
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Counsel for David J. Shafer

EXHIBIT A



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DAVID SHAFER

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Re: IMPERSONATING A PUBLIC OFFICER

Dear DAVID SHAFER:

Attorneys Wade & Campbell dedicate their criminal practice to protecting the rights of any and every individual charged with a Misdemeanor, Felony, DUI or Traffic Offense!! We will walk clients through the process and carefully evaluate all possibilities while keeping your family, career, and reputation under consideration.

Our lawyers have an abundance of experience handling cases in the state and local courts of Metro Atlanta.

Sincerely,

Christopher Campbell

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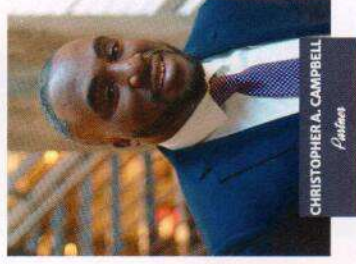
DAVID SHAFER
IMPERSONATING A PUBLIC OFFICER



Christopher A. Campbell
Attorney at Law



NATHAN J. WADE
Partner



CHRISTOPHER A. CAMPBELL
Partner

Our core purpose is to create partnerships that provide clients with peace of mind. Wade & Campbell provides expert advice and zealous representation. In all of our transactions, one variable remains the same: a commitment to respecting and understanding our client's best interest and bottom line. We approach each client with the same care and diligence in which we handle our own business needs.

Please contact us today to discuss your criminal case.

Christopher Campbell is a partner at the WC Firm. Attorney Campbell has been recognized by The National Trial Lawyers as one of the top 40 under 40 attorneys in the country. Christopher is a skilled trial attorney and has successfully tried numerous criminal and civil cases. Christopher has an abundance of experience handling cases in the state and local courts of Metro Atlanta.

If you've been recently arrested or in need of representation after a car accident; or if you're going through a change in your personal life that requires representation, Christopher will be a zealous advocate for you.

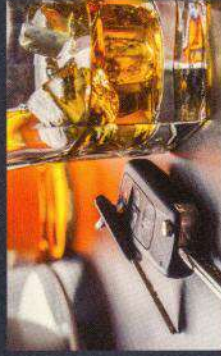
Christopher is a native of Metro Atlanta (DeKalb/Cobb) and is a member of Trinity Chapel in Powder Springs, Georgia. Christopher is invested in the Georgia community and committed to serving the clients of Georgia with quality legal representation.

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Wade & Campbell are skilled trial attorneys that have successfully tried numerous criminal and civil cases. Our lawyers have an abundance of experience handling cases in the state and local courts of Metro Atlanta.

If you've been recently arrested or in need of representation after a car accident; or if you're going through a change in your personal life that requires representation, Wade & Campbell will be a zealous advocate for you. Our team is invested in the Georgia community and committed to serving the clients of Georgia with quality legal representation.

Attorneys Wade & Campbell dedicate their criminal practice to protecting the rights of any and every individual charged with a Misdemeanor, Felony, DUI or Traffic Offense!! We will walk clients through the process and carefully evaluate all possibilities while keeping your family, career, and reputation under consideration.

"Words cannot explain how grateful I am to have Wade & Campbell as my lawyers. They were very professional as well as getting the job done. I recommend them if you want state of the art lawyers. Thank you again for getting all charges stopped."

Erica D.

"Two court dates and I didn't have to be concerned because he assured me he had it in the bag! Record remains untarnished and I have this awesomeness to thank!! Thank you Chris!"

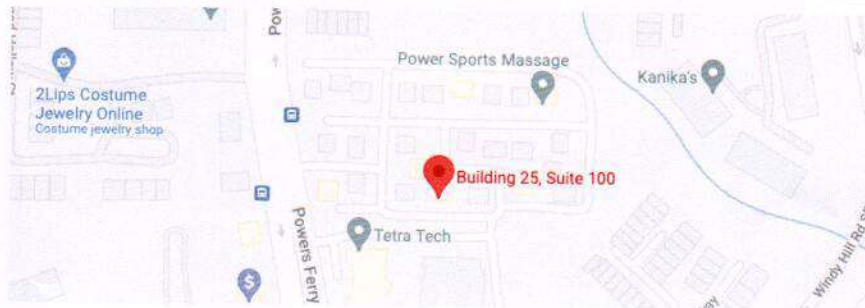
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