

FULTON COUNTY SUPERIOR COURT
STATE OF GEORGIA

STATE OF GEORGIA,

V.

KENNETH CHESEBRO *ET AL.*,

DEFENDANTS.

CASE No. 23SC188947

JUDGE McAFEE

**SCOTT GRUBMAN'S RESPONSE TO STATE'S "NOTICE OF POTENTIAL
CONFLICTS"**

After indicting multiple lawyers (undersigned's client, Ken Chesebro, included) for providing legal advice to a client, the Fulton County District Attorney's Office now seeks to raise potential conflicts for approximately half of the defense lawyers who were hired to defend their clients' rights in this case.¹

Mr. Grubman did, as the District Attorney has known for longer than a year (as evidenced by the text messages that the DA attached to their Notice), briefly represent Secretary of State Brad Raffensperger and his wife, Mrs. Tricia Raffensperger, in their personal capacities.²

The purpose of this response is to assure the District Attorney and, more importantly, the Court, that Mr. Grubman is aware of his ethical and professional

¹ This appears to be a pattern for the Fulton County District Attorney's Office, as this current Notice follows an earlier battle before Judge McBurney where the District Attorney attempted to conflict out multiple other defense lawyers for various witnesses and targets in relation to the Special Purpose Grand Jury ("SPGJ") proceedings.

² Given the length of time the District Attorney has had this information (based on the text messages they published, since at least July 2022), it certainly raises the distinct possibility that the State improperly held on to this information until just under 30 days before trial in order to gain some sort of tactical advantage.

obligations and does not believe he has a conflict in this matter. That being said, Mr. Grubman has signed, written waivers from Secretary and Mrs. Raffensperger, as well as Mr. Chesebro, that he can submit to the Court *in camera* upon the Court's request, so the Court can assure itself that there is no remaining conflict, if one ever existed. See Georgia Rule of Professional Conduct 1.9 (permitting written waiver of conflict regarding former client).

Mr. Grubman would have informed the District Attorney's Office of such informed consent had they reached out before filing their Notice. The State did not extend that typical professional courtesy.

Respectfully submitted, this the 20th day of September, 2023.

/s/ Scott R. Grubman
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CERTIFICATE OF SERVICE

I hereby certify that I have this day served, via electronic mail, a copy of the within and foregoing Response to State's Notice of Potential Conflicts, which was filed via the e-filing system.

This the 20 day of September, 2023.

/s/ Scott R. Grubman
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