

DC-22-02562

CAUSE NO. _____

COMMISSION FOR LAWYER
DISCIPLINE

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IN THE DISTRICT COURT OF

V.

DALLAS COUNTY, TEXAS

SIDNEY POWELL

(File Nos. 202006349, 202006347, 202006393,
202006599, 202100006, 202100652,
202101297, 202101300, 202101301,
202103520)

116th

_____ JUDICIAL DISTRICT

ORIGINAL DISCIPLINARY PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW the COMMISSION FOR LAWYER DISCIPLINE, Petitioner, and would respectfully show the following:

I.

DISCOVERY CONTROL PLAN

Pursuant to Rules 190.1 and 190.3, Texas Rules of Civil Procedure, Petitioner asserts discovery in this case is to be conducted under the Discovery Control Plan Level 2 – By Rule.

II.

PARTIES

The Petitioner is the COMMISSION FOR LAWYER DISCIPLINE, a standing committee of the State Bar of Texas.

The Respondent, Sidney Powell, State Bar Number 16209700 (Respondent), is an attorney licensed to practice law in the State of Texas and is a member of the State Bar of Texas Respondent may be served with citation at 2911 Turtle Creek Blvd Ste 300, Dallas, Texas 75219-6243 or

wherever she may be found.

III.

JURISDICTION AND VENUE

The cause of action and the relief sought in this case are within the jurisdictional requirements of this Honorable Court.

Venue of this case is proper in Dallas County, Texas, pursuant to Texas Rules of Disciplinary Procedure Rule 3.03, because Dallas County is the county of the Respondent's principal place of practice.

Pursuant to Texas Rules of Disciplinary Procedure 3.01 and 3.02, Petitioner requests an active judge whose district does not include Dallas County, Texas, be assigned to preside in this case.

IV.

PROFESSIONAL MISCONDUCT

Petitioner brings this disciplinary action pursuant to the State Bar Act, Tex. Govt. Code Ann. §81.001 *et seq.*, the Disciplinary Rules of Professional Conduct and the Texas Rules of Disciplinary Procedure. The complaint, which initiated these proceedings, was filed by Paula Kerry Goldman on December 2, 2022, Adam Charles Reddick on December 2, 2022, Eric Young on December 4, 2020, Janet Louise Lachman on December 14, 2022, Robert McWhirter on December 23, 2022, David M. Rubenstein on January 19, 2021, Dana Nessel on February 5, 2021, Gretchen Whitmer on February 5, 2021, Jocelyn Benson on February 5, 2021, and Paul Steven Zoltan on June 18, 2021.

The acts and omissions of Respondent, as hereinafter alleged, constitute professional misconduct.

V.

FACTUAL BACKGROUND

Beginning in or about November of 2020 Respondent filed multiple federal lawsuits in different jurisdictions (including the District Court of Arizona, the Northern District of Georgia, the Eastern District of Michigan, and the Eastern District of Wisconsin) alleging, *inter alia*, election fraud had occurred in the national presidential election in 2020. Respondent had no reasonable basis to believe the lawsuits she filed were not frivolous. Further, the filing of these lawsuits violated Federal Rule of Civil Procedure 11.

During the course of the lawsuits, Respondent took positions that unreasonably increased the costs or other burdens of the cases and unreasonably delayed the resolution of the matters, including, but not limited to, Respondent's failure to dismiss the lawsuit filed in the Eastern District of Michigan when her requested relief was moot.

In the lawsuit styled Pearson v. Kemp, Case No. 1:20-CV-4809 filed by Respondent in the Northern District of Georgia, Respondent attached a certificate from the Secretary of State that she purported to the Court was "undated." The certificate was altered to remove the date, and Respondent's statement that the certificate was undated was false.

Respondent was sanctioned by the Eastern District of Michigan for her misconduct.

VI.

DISCIPLINARY RULES OF PROFESSIONAL CONDUCT VIOLATED

The facts alleged herein constitute a violation of the following Texas Disciplinary Rules of Professional Conduct:

3.01 - A lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless the lawyer reasonably believes that there is a basis for doing so that is not frivolous.

3.02 - In the course of litigation, a lawyer shall not take a position that unreasonably increases the costs or other burdens of the case or that unreasonably delays resolution of the matter.

3.03(a)(1) - A lawyer shall not knowingly: make a false statement of material fact or law to a tribunal.

3.03(a)(5) - A lawyer shall not knowingly: offer or use evidence that the lawyer knows to be false.

8.04(a)(3) - A lawyer shall not engage in conduct involving dishonesty, fraud, deceit or misrepresentation.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Petitioner prays that a judgment of professional misconduct be entered against Respondent, and that this Honorable Court determine and impose an appropriate sanction, including an order that Respondent pay reasonable attorneys' fees, costs of court and all expenses associated with this proceeding. Petitioner further prays for such other and additional relief, general or specific, at law or in equity, to which it may show itself entitled.

Respectfully submitted,

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Chief Disciplinary Counsel

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Brittany Paynton on behalf of Kristin Brady
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Status as of 3/8/2022 9:49 AM CST

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