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Congress of the United States  
House of Representatives  
Washington, DC 20515

January 11, 2024

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

Ms. Frederick,

I write to you regarding Fulton County, Georgia, District Attorney Fani Willis, and Special Prosecutor Nathan Wade. Specifically, in relation to the news reports of their potential violations of rules of professional conduct and potential criminal acts.

As you are aware, district attorneys are officers of the court who wield significant authority and influence. Their day-to-day duties can include managing a generous staff of prosecutors, selecting special prosecutors to handle certain cases, overseeing a budget of more than tens of millions of taxpayer dollars, and most importantly, deciding what cases under the validity of law should be prosecuted. In fact, Fulton County is home to the largest district attorney's office in the state of Georgia, meaning Willis and her office possess an uncanny amount of influence over the justice system in Fulton County.

All attorneys, including government-employed attorneys, are held to the highest professional and ethical standards, including the American Bar Association Criminal Justice Standards and the Georgia Rules of Professional Conduct. In fact, the standards are so high that even the appearance of impropriety and bias in performing their duties can constitute a violation.

**Background**

Reports of an ongoing affair and improper sexual relationship between District Attorney Willis and Special Prosecutor Wade have been widely reported by public media. If true, not only would this be extremely inappropriate for a supervisor and subordinate to have such an intimate relationship, but it would also give rise to possible violations of bias, conflict of interest, and potential kickbacks.

Beyond the serious questions raised by the alleged relationship between Willis and Wade, Wade does not meet the criteria to prosecute a felony case. Despite this, he was appointed by his

alleged mistress, District Attorney Willis, to lead the effort on an extremely high-profile and politically charged case.

Additionally, the payments received by Wade from the Fulton County District Attorney's Office, earmarked for backlogged cases during COVID, have been reportedly used on extravagant trips for the couple, directly benefitting Willis.

Last, but certainly not least, there have been reports of meetings at the White House where Special Prosecutor Wade attended and billed the White House for his travel. I am hard-pressed to view this as anything but a direct conflict of interest and politically charged interference, potentially colluding with the Biden White House, with an ongoing investigation against Biden's leading political opponent for the Oval Office.

### **The Relationship**

As you know, district attorneys are obligated to ensure that personal relationships and political pressures do not taint their judgments or obligations.<sup>1</sup> However, reportedly having a prior sexual relationship with Wade seems to be a textbook example of what these rules are in place to prevent. To wit, if the allegations are proven to be accurate: a district attorney appointing her married gallant as a special prosecutor to a position, for which he is grossly underqualified, and to which he never would have otherwise been appointed.

In fact, I have yet to be made aware of any demonstrated evidence that the relationship has stopped. The court was never notified of the relationship prior to Wade's appointment and to our knowledge still has not been notified. Once again, under the procedural rules to which Willis is responsible to adhere to, the prosecutor must inform relevant supervisory staff of any interests that not only create potential conflicts but could possibly create the appearance of impropriety.

Since Willis is Wade's direct supervisor, both Willis and Wade should have provided transparency to the court and the American people who voted Willis into power if there had at any point been an intimate relationship between them. This would have allowed the court to make a determination whether Wade's appointment was appropriate, which would have also mitigated any potential appearance of bias or conflict of interest.<sup>2</sup>

Instead, Willis and Wade attempted to conceal the alleged affair from the Court.<sup>3</sup> This appears to violate another rule that Willis is bound to uphold: attorneys are prohibited from purposefully hiding potential issues from the court. Perhaps this would explain why Wade never filed his oath of office with the Court, which would have drawn more attention to this matter.

### **Wade's Lack of Qualification**

These apparent violations stemming from their reported relationship illuminate other issues with Willis' conduct, such as appointing Wade as special prosecutor, not on his merits in the

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<sup>1</sup> [https://www.americanbar.org/groups/criminal\\_justice/standards/ProsecutionFunctionFourthEdition/](https://www.americanbar.org/groups/criminal_justice/standards/ProsecutionFunctionFourthEdition/)

<sup>2</sup> [https://www.americanbar.org/groups/criminal\\_justice/standards/ProsecutionFunctionFourthEdition/](https://www.americanbar.org/groups/criminal_justice/standards/ProsecutionFunctionFourthEdition/)

<sup>3</sup> <https://www.gabar.org/Handbook/index.cfm#handbook/rule160>

courtroom, but because of their potential prior and ongoing sexual relationship. Wade's qualifications and relevant experience for being appointed to this position are questionable, at best.

It has been brought to our attention that Wade has never tried a federal RICO case, yet he was appointed by Willis to be a special prosecutor for such a case. Under Fulton County's standard, Wade appears to not be qualified to defend anyone with RICO charges because he fails to meet the criteria of having experience trying at least two prior RICO cases.<sup>4</sup> As such, upon what special qualifications did Willis base her appointment of Wade – along with the full power and resources to which a special prosecutor is granted – that warranted making an exception to the eligibility criteria? To us, the only apparent conclusion is simple: Wade's alleged sexual relationship with District Attorney Willis provided him with preferential treatment. Specifically, Willis appears to have violated attorney ethics rules, by which she is bound, to appoint her inamorato to the government payroll.

### **Follow the Money**

In court filings, it is alleged that Willis requested additional funding to assist with a backlog of cases in Fulton County resulting from COVID. However, upon receipt of the funds, instead of using the money to clear the backlog, she is accused of hiring a private practice lawyer to lead a special prosecution unrelated to the pending COVID cases. As stated before, this is the same lawyer – Nathan Wade – who is married, with whom she reportedly was and remains in a sexual relationship.

It seems that Willis not only used taxpayer dollars earmarked for another purpose but also disbursed to Wade 78.57% more than other attorneys appointed to cases. That represents an exorbitant salary for someone who apparently has no experience litigating RICO cases. Once again, there is a clear and compelling conclusion that can be drawn from this, if proven to be true: Wade was paid more because of his sexual relationship with the DA.

Court filings claim that Wade has been paid more than \$1,000,000 in taxpayer money for working on the case to which he was appointed. These filings also document evidence that Wade paid for lavish vacations he took with Willis. Because of this, we are forced to ask whether Willis was comfortable paying Wade so much money – to fill a role for which he does not appear qualified – so she could benefit from luxurious trips and dates sponsored by Wade's inflated taxpayer-funded salary.

For a salary as high as Wade's and the hours he has supposedly worked, I presume he was not working on any other cases. Therefore, it seems that his taxpayer salary may have been used to benefit Willis. Especially, if he commingled his salary into an account with other funds, I strongly question Wade's ability to deny with absolute certainty that Willis benefited from Wade's winning and dining using taxpayer coattails.

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<sup>4</sup> <https://www.ajc.com/politics/breaking-filing-alleges-improper-relationship-between-fulton-da-top-trump-prosecutor/A2N2OWCM7FFWJBQH2ORAK2BKMQ/>



Additionally, Members of Congress have a constitutional duty to conduct proper oversight to ensure federal funds are not wasted, used fraudulently, or abused. If Willis used funds that trickled down from the federal government for COVID relief for her paramour's salary, Congress would expect there to be a full investigation into the litany of questions of criminal and ethical behaviors that would necessarily follow from that conclusion.

### *Analysis*

Our Nation was founded on the steadfast tenets that liberty and justice – including the fair and equal application of the law – are crucial to ensuring the preservation of our democratic republic. Should any government official allow their thirst for power and personal gain to compromise the *essence* of the law, it jeopardizes the *rule* of the law.

The reports of misconduct coming out of the Fulton County District Attorney's Office are grotesque. No one with that much power should even give off a scent that they are misusing it. There are checks and balances put in place to prevent situations like this.

For these reasons, I ask: does the board plan to open a comprehensive review of these reports of violations by District Attorney Wills and Special Prosecutor Wade?

Honorably,

A handwritten signature in blue ink, appearing to read 'Cory Mills', with a stylized, cursive script.

Cory Mills  
Member of Congress

Cc: United States Attorney General Merrick Garland  
American Bar Association  
Georgia Attorney General Christopher Carr