



SENT VIA EMAIL TO AD1-AGC-newcomplaints@nycourts.gov

October 30, 2025

Attorney Grievance Committee
Supreme Court, Appellate Division
First Judicial Department
180 Maiden Lane
New York, NY 10038

RE: Complaint regarding Attorney John (“Jack”) Luman Smith’s potential violation of the New York Rules of Professional Conduct

To Whom it May Concern,

This complaint addresses potential violations of the New York Rules of Professional Conduct by Attorney John (“Jack”) Luman Smith, a former employee at the United States Department of Justice. We ask that you initiate an investigation into Smith due to a potential Hatch Act violation and his failure to disclose evidence to the defense attorneys for President Donald J. Trump.

I. Who We Are

The Center to Advance Security in America (CASA) is a nonpartisan organization dedicated to improving the safety and security of the American people. CASA educates and informs the American people about the actions of their government and its officials that impact their safety; peace and security; democracy, civil rights, and civil liberties; and privacy.

II. Background

Based upon information and belief, John (“Jack”) Luman Smith is a licensed attorney in the State of New York and, as of this submission, is in good standing with the New York Bar.¹ He is formerly, among other things, Special Counsel with the United States Department of Justice.

¹ New York State Unified Court System, “Attorney Detail Report as of 10/15/2025-John Luman Smith,” iapps.courts.state.ny.us, accessed October 15, 2025, <https://iapps.courts.state.ny.us/attorneyservices/wicket/page/DetailsPage?5>.



On October 14, 2025, Representative Jim Jordan, Chair of the House Judiciary Committee, requested Jack Smith, former Special Counsel with the Department of Justice, to appear in front of the Judiciary Committee.² This comes after a year of revelations about how Smith abused his authority in his politically motivated lawfare against President Donald J. Trump between his two terms.

On November 18, 2022, Smith was appointed as Special Counsel “to oversee two ongoing criminal investigations.”³ The press release itself acknowledges the purpose. “Based on recent developments, including the former President’s announcement that he is a candidate for president in the next election, and the sitting President’s stated intention to be a candidate as well, I have concluded that it is in the public interest to appoint a special counsel.”⁴

The appointment was to oversee “whether any person or entity unlawfully interfered with the transfer of power following the 2020 presidential election or the certification of the Electoral College vote held on or about January 6, 2021.” The second involved “classified documents and other presidential records, as well as the possible obstruction of that investigation.”⁵

Under Smith, the DOJ obtained indictments under both investigations against President Trump. The presidential records indictment was obtained on June 8, 2023,⁶ followed by a “Superseding Indictment” on July 27, 2023, both in the Southern District of Florida.⁷ The election related events investigation led to an indictment on August 1, 2023, in the District Court for the District of Columbia.⁸

In theory, a special counsel is appointed to maintain independence and impartiality. Then Attorney General Merrick Garland—a political appointee himself—would be too impartial to conduct such an investigation. But, as it turns out, his selection was cherry picked to be political, in that, each of the steps he took was designed to hinder President Trump’s candidacy and, where possible, other Republicans too.

² Hailey Fuchs, “Jack Smith Asked to Testify Before House Judiciary Committee,” Politico, October 14, 2025, <https://www.politico.com/live-updates/2025/10/14/congress/jordan-wants-jack-smith-testimony-00607878>.

³ United States Attorney General, “Appointment of Special Counsel,” Press Release, November 18, 2022, <https://www.justice.gov/archives/opa/pr/appointment-special-counsel-0>.

⁴ Ibid.

⁵ Ibid.

⁶ Indictment, United States v. Trump, 23-80101-CR-Cannon/Reinhart, (S.D.Fl., June 8, 2023), https://www.justice.gov/storage/US_v_Trap-Nauta_23-80101.pdf.

⁷ Superseding Indictment, United States v. Trump, 9:23-CR-80101-AMC (S.D.Fl. July 27, 2023), <https://www.justice.gov/storage/US-v-Trump-Nauta-De-Oliveira-23-80101.pdf>.

⁸ Indictment, United States v. Trump, 1:23-CR-00257-TSC (D.D.C. Aug. 1, 2023), https://www.justice.gov/storage/US_v_Trap_23_cr_257.pdf.



In July 2025, Senator Tom Cotton summarized these events well, when asking for the Office of Special Counsel to investigate Jack Smith’s activities as a violation of the Hatch Act.⁹ The letter noted a handful of events that could only be seen as politically motivated:

- “After filing the indictment against President Trump on August 10, 2023, Smith demanded the trial start January 2, 2024, with jury selection beginning as early as December 11, 2023. Defendants in these types of cases typically have more than two years to prepare for trial, but President Trump’s defense team had fewer than six months to review 13 million pages of evidence and thousands of hours of video footage provided by prosecutors. Notably, jury selection was to begin just two weeks before the Iowa caucuses.
- On December 11, 2023, after President Trump filed his defense with the District of Columbia District Court, Smith pressed for a trial before the election by moving for an expedited review by the appeals court. On the same day, however, Smith further escalated this push and filed a petition with the Supreme Court to bypass the district court. Smith skirted normal appellate process but failed to articulate a legitimate reason the court should grant this abnormal request.
- Following the Supreme Court’s decision recognizing presidential immunity, Smith’s prosecution team filed an initial brief on September 5, 2024, although here was no defense motion pending. The judge granted Smith permission to file the brief on September 26, 2024, but pointed out this was ‘procedurally irregular.’ This timeline is highly unusual considering complex litigation matters normally take place over several months, rather than a mere three weeks. This action also appears to violate the Justice Department’s 60-day rule, which prohibits timing any action, for the purpose of affecting any election or giving advantage or disadvantage to a candidate, within 60 days of the election.
- Smith’s brief on Trump’s immunity from prosecution was 165 pages, which required special permission to exceed the normal maximum page limit by four times. In fact, Smith also incorporated grand jury testimony typically kept secret at this point in other proceedings. This action appears to be a deliberate and

⁹ Sen. Tom Cotton to Acting Special Counsel Jamieson Greer, July 30, 2025, https://www.cotton.senate.gov/imo/media/doc/jameison_greer_jack_smith_letter.pdf.



underhanded effort to disclose unsubstantiated and extensive allegations timed to maximize electoral impact.”

Additionally, Smith and his team took steps to impede President Trump’s defense. For example, during a House Judiciary Committee hearing, it was revealed that Smith’s team withheld impeachment evidence to President Trump’s defense counsel.¹⁰

As it turns out, the lawfare efforts of Smith were not solely aimed at President Trump, however. Most recently, the House Judiciary Committee released documents showing that Smith and his team targeted over 160 different Republicans, including Steve Bannon, U.S. Representative Scott Perry, Rudy Giuliani, and more.¹¹ This is after it came to light that in 2023, Smith’s team obtained the phone records of eight United States Senators and one United States House member.¹² All of them were, of course, Republicans.

III. Ethics Standards and Hatch Act

In New York, a lawyer may be disciplined for “illegal conduct that adversely reflects on the lawyer’s honesty, trustworthiness or fitness as a lawyer.”¹³ Similarly, a lawyer may be disciplined for “conduct involving dishonesty, fraud, deceit or misrepresentation.”¹⁴

Rule 3.8(c) requires a prosecutor to “make timely disclosure to counsel for the defendant or to a defendant...the existence of evidence or information known to the prosecutor or other government lawyer that tends to negate guilt of the accused, mitigate the degree of the offense, or reduce the sentence, except when relieved of this responsibility by a protective order of a tribunal.”

The Hatch Act prohibits federal executive branch employees from using their “official authority or influence to interfere with or affect the result of an election.”¹⁵ It applies to any individual, other than the President or Vice President, “employed or holding office in...an Executive agency other than the Government Accountability Office.”¹⁶

¹⁰ United States Senate-Committee on the Judiciary, “ICYMI: Jack Smith Withheld Impeachment Records from Trump’s Defense Team,” Media Release, February 12, 2025, <https://www.judiciary.senate.gov/press/rep/releases/icymi-jack-smith-withheld-impeachment-records-from-trumps-defense-team>.

¹¹ Jerry Duneavy, “More than 160 Republicans Potentially Investigated in FBI’s Arctic Frost Probe, House Panel Says,” Just the News, October 28, 2025, <https://justthenews.com/government/courts-law/160-republicans-potentially-investigated-fbis-arctic-frost-inquiry-house-gop>.

¹² Federal Bureau of Investigation, Washington Field to Redacted, “CAST Assistance,” September 27, 2023, https://www.grassley.senate.gov/imo/media/doc/arctic_frost_toll_analysis_of_us_senators.pdf.

¹³ New York Rules of Professional Conduct Rule 8.4(b).

¹⁴ Ibid. at Rule 8.4(c).

¹⁵ 5 U.S.C. § 7323(a)(1).

¹⁶ 5 U.S.C. § 7322(1)(A).



The Hatch Act prohibits federal employees from engaging in political activity while on duty or in a federal room or building.¹⁷ Employees cannot use their official authority to influence or affect an election, including political activity while acting in one's official capacity.¹⁸ Political activity is anything directed at the success or failure of a political party, partisan political group, or candidate for partisan political office.¹⁹

IV. Analysis

While it appears that the details of the extent of Smith's potentially illegal activity while prosecuting President Trump are still unwinding, what is already known is plenty sufficient to violate Rule 8.4.

With regard to Rule 8.4(b), New York's rule does not require the conduct to be "criminal," but rather "illegal." Accordingly, violations of the Hatch Act are "illegal" because Smith's actions are contrary to federal law. Smith's primary motivation for pursuing Trump's prosecution was likely to prevent President Trump from being reelected. The context was written out in the DOJ's press release announcing Smith as Special Counsel.²⁰ It is convenient that the efforts to prosecute President Trump did not begin until after he had announced for reelection.

At every turn, Smith's strategic decisions were to attempt to obtain a conviction before President Trump was reelected. Even when it became clear that would not happen prior to the 2024 election, Smith's team filed a substantially long document in court that detailed things like grand jury testimony, which are not supposed to be public prior to a trial. This was designed to malign President Trump in the days leading up to the election. Cumulatively, this effort was likely designed to "interfer[e] with or affect[] the result of an election." And, at each step of the criminal process, Smith pushed for dates that conveniently aligned with important election events.

Abusing one's government position to help reelect one's candidate of choice or, alternatively, defeating a candidate that one dislikes, is directly related to the lawyer's honesty, trustworthiness, or fitness as a lawyer. In effect, Smith aided in the weaponization of the judicial process to create a public perception of criminality of a presidential candidate. If Smith were willing to do this in such a high-profile manner, who knows the lengths he would go to do the same in future, less noticeable, cases.

Even if this Committee were to not find a Hatch Act violation, Smith's actions still include "conduct" that involves "dishonesty...deceit or misrepresentation." Smith was likely

¹⁷ 5 U.S.C. § 7324(a).

¹⁸ 5 U.S.C. § 7323(a)(1).

¹⁹ 5 C.F.R. § 734.101.

²⁰ "Appointment of a Special Counsel." U.S. Department of Justice, Office of Public Affairs, 18 Nov. 2022, www.justice.gov/archives/opa/pr/appointment-special-counsel-0



dishonest to both the courts and the American people. These attempted prosecutions were always about preventing President Trump from being reelected. Smith used grand jury testimony—which cannot be impeached—to gain an indictment for the purpose of leading the American people to believe that crimes had occurred. He used this unimpeached testimony in public filings that had no purpose, other than to injure President Trump’s public image. Smith’s actions were dishonest, deceitful, and were to misrepresent reality during an election.

Finally, Smith violated the Rules of Professional Conduct by failing to disclose evidence that could be used by Trump’s defense team to impeach the evidence put forth against Trump. Not only is this further evidence of his attempts to achieve a politically motivated conviction, but it also independently violates Rule 3.8(b).

V. Conclusion

Smith should be investigated by the Attorney Disciplinary/Grievance Committee. The Committee already has enough actionable information to prepare a bar complaint, even before the Judiciary Committee’s investigation is complete. Smith should not be permitted to continue the practice of law while also delaying the House Judiciary Committee’s process, especially when sufficient facts are available now.

Thank you for your attention to this matter.

James Fitzpatrick
Director
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