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Attorney Grievance Committee for the Third Judicial Department
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RE: Ethics Complaint Against Attorney Sanjay H. Patel

To Whom It May Concern,

We are writing to file a complaint against Sanjay H. Patel, a Washington, D.C.-based attorney licensed in New York — one who put his politics above his oath. Patel was a federal prosecutor in the Department of Justice’s (DOJ) Civil Rights Division until his firing this April.¹ His violations stem from his work as Director of the National Task Force on Violence Against Reproductive Health Care Providers (the “Task Force”), as laid out in the DOJ’s recently released report on government weaponization (the “Weaponization Report” or the “Report”).² The House Judiciary Committee has separately investigated Patel’s misconduct, reaching similarly damning conclusions.³ Patel is a hyper-partisan ideologue with a documented track record of selectively targeting his ideological opponents and unevenly enforcing the law against them. Mr. Patel is unfit to hold a law license in New York, let alone any state or the District of Columbia. Democracy Restored demands an immediate investigation into Mr. Patel and the swift consideration of sanctions up to and including the revocation of his law license. The American people deserve nothing less.

Democracy Restored is a nonpartisan watchdog organization that works to expose unaccountable, unelected bureaucrats who influence policy against the will of the American people and their elected representatives. Mr. Patel is precisely the kind of rogue, partisan operative we were built to hold accountable. We are committed to

¹ Sarah N. Lynch and Jacob Rosen, “DOJ Fires at Least 4 Prosecutors Involved in FACE Act Cases During Biden Administration,” *CBS News*, last modified April 13, 2026, <https://www.cbsnews.com/news/doj-fires-4-prosecutors-face-act-biden-administration/>.

² U.S. Department of Justice, *The Biden Administration’s Weaponization of the Freedom of Access to Clinic Entrances Act*, (Washington, D.C.: Office of Public Affairs, April 14, 2026), <https://www.justice.gov/opa/media/1436006/dl>.

³ Jim Jordan to Attorney General Pamela J. Bondi, March 18, 2025, <https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/evo-media-document/2025-03-18-jdj-to-bondi-doj-re-ti-requests.pdf>.



ensuring that decision-making power stays with the American people — where it belongs.

Sanjay H. Patel (NY Bar #4759734) is a New York-licensed attorney currently in good standing with the bar.⁴ He worked for the DOJ Civil Rights Division from 2011 until his firing in early 2026.⁵ Patel was a key player in the federal government’s weaponization of the Freedom of Access to Clinic Entrances (FACE) Act⁶ to prosecute pro-life activists — and he was brazen enough to put his playbook in writing.⁷

The Trump administration created the Weaponization Working Group to uncover and put an end to the political abuse of the federal government at the hands of partisan operatives like Patel, with the Weaponization Report as its first, damning release. The Report is based on a review of roughly 700,000 internal records and details how the FACE Act was enforced (and, in many cases, abused) in the years following the Supreme Court’s 2022 *Dobbs*⁸ decision that curtailed abortion in America. At a high level, the Report concluded that the Biden-era DOJ engaged in a persistent campaign of monitoring anti-abortion activists, often working in tandem with external advocacy groups, and displayed contemptible bias during criminal proceedings.⁹ As the Report highlights, while the FACE Act was supposed to protect both abortion facilities and pro-life facilities, as well as houses of worship. Biden DOJ senior leadership and Task Force members frequently sided with abortion clinics, while ignoring or downplaying vandalism and attacks against pregnancy resource centers or houses of worship.¹⁰

The Report alleges multiple criminal and ethical violations by Patel in his role as Director of the Task Force. The Report highlights several examples of pro-life activists who were aggressively monitored and then prosecuted, but whose convictions were later overturned.¹¹ Beyond that, the Report also alleges that the DOJ aggressively screened the jury pool with an impermissible anti-Christian bias, marring the ability of fair trials

⁴ New York State Unified Court System, “Attorney Details,” *Attorney Online Services*, accessed May 5, 2026, <https://iapps.courts.state.ny.us/attorneyservices/details?3>.

⁵ Bettina di Fiore, “He Devised a Scheme to Get Pro-Lifers Jailed for a Decade. Is He Now Being Called to Account?” *National Right to Life Committee*, May 6, 2025, <https://nrlc.org/nrlnewstoday/2025/05/he-devised-a-scheme-to-get-pro-lifers-jailed-for-a-decade-is-he-now-being-called-to-account/>.

⁶ 18 U.S.C. § 248, Freedom of access to clinic entrances. The FACE Act is a viewpoint neutral law protecting access to religious institutions and certain healthcare facilities, including abortion clinics and pregnancy resource centers.

⁷ Sanjay H. Patel, “FACE Off with Anti-Abortion Extremism—Criminal Enforcement of 18 U.S.C. § 248 (FACE Act),” *Journal of Federal Law and Practice* 70, no. 2 (March 2022): 277, <https://www.justice.gov/usao/page/file/1492851/dl?inline>.

⁸ *Dobbs v. Jackson Women’s Health Organization*, 597 U.S. 215 (2022).

⁹ Kaelan Deese, “Biden DOJ Worked with Abortion-Rights Groups to Track Conservative Activists and Withheld Evidence in FACE Act Trials,” *Washington Examiner*, April 14, 2026, <https://www.washingtonexaminer.com/news/justice/4527588/biden-doj-worked-abortion-groups-track-conservative-activists/>.

¹⁰ Department of Justice, “Weaponization of FACE Act Against Pro-Life Americans,” 1.

¹¹ *Ibid*, 29.



to be conducted and First Amendment rights protected.¹² It documents numerous proverbial smoking guns, including emails from Patel to his colleagues detailing prohibited behavior and bias. Both individually and taken as a whole, Patel’s track record clearly demonstrates a deep bias against pro-life Americans and Christians.

In a notable incident, a Georgia abortion clinic representative emailed a request for help to Patel at the Clinic Violence email account, copying the FBI and numerous abortion NGOs and providers. Patel addressed the concerns on a phone call and remained in contact with the clinic representative, who thanked Patel for obtaining convictions in a matter.¹³ Additionally, the Report notes that – in a picturesque illustration of bias – “internally, CRT attorneys questioned whether to provide pregnancy resource centers with the same resources as abortion clinics.”¹⁴ In a similar example of the uneven application of the law, the DOJ was found to have pursued significantly harsher sentences for peaceful pro-life defendants than violent pro-abortion defendants.¹⁵

There are allegations of violations of DOJ ethics as well. Patel served as a reference on NAF’s application for a large, private grant – by virtue of which a DOJ attorney would be taking an interest in the financial outcome of a party having business before it. Patel stated in an email that he needed permission from Principal Deputy Chief Fitzgerald “to write a statement for you (which you know I am otherwise happy to do for you).”¹⁶ The Report found no further correspondence on this matter or any record of ethics approval, and questions whether it would be even permissible given the blatant conflict of interest.¹⁷

Under the New York Professional Conduct (RPC),¹⁸ Rule 8.4 prohibits misconduct, including conduct that “violate the Rules of Professional Conduct”¹⁹ or to “engage in illegal conduct that adversely reflects on the lawyer’s honesty, trustworthiness or fitness as a lawyer.”²⁰ Misconduct also includes engaging in “unlawful discrimination”²¹ that “violates federal, state, or local law.”²² Rule 8.4 includes

¹² Ibid, 22.

¹³ Ibid, 16.

¹⁴ Ibid, 2.

¹⁵ Ibid, 3.

¹⁶ Ibid, 19.(citing E-mail from Patel, to Davidson, Oct. 25, 2023, Exhibit 107).

¹⁷ Ibid, (citing U.S. Dep’t of Justice, *Ethics Handbook for On and Off-Duty Conduct* (November 2024), <https://perma.cc/53NY>).

¹⁸ Rule 8.4.

¹⁹ Rule 8.4(a).

²⁰ Rule 8.4(b).

²¹ Rule 8.4(g)(1).

²² Rule 8.4, Comment 5B.



a catchall provision prohibiting “any other conduct that adversely reflects on the lawyer’s fitness as a lawyer.”²³

Rule 8.4(b) makes “illegal conduct” a basis for discipline. That includes 18 U.S.C. § 242 — the Deprivation of Rights Under Color of Law — states as follows:

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both[.]²⁴

Rule 8.5 requires attorneys to follow the ethical rules of whichever jurisdiction they are practicing in. This means that, depending on the individual locations of each alleged violation, the New York Bar Rules may not be the governing rules.²⁵

Rule 3.8 requires prosecutors to promptly disclose “evidence or information known to the prosecutor or other government lawyer that tends to negate the guilt of the accused, mitigate the degree of the offense, or reduce the sentence.”²⁶ As Rule 3.8 makes clear, “prosecutors are subject to Rule 5.1 and Rule 5.3, which relate to responsibilities regarding lawyers and nonlawyers who work for or are associated with the lawyer’s office.”²⁷ Accordingly, as Director of the Task Force, Patel bears responsibility for the actions of the attorneys and staff under his supervision.

Rule 3.8 also requires prosecutors to ensure defendants get a fair process.²⁸ In New York, procedural justice refers to the fairness and legitimacy of interactions between legal authorities and the public; the first pillar is neutrality, wherein decisions are unbiased, transparent, and consistent.²⁹

Rule 3.4 requires fairness to opposing parties and counsel, including a ban on obstructing access to evidence. It applies to any conduct — criminal, tortious, or

²³ Rule 8.4(h).

²⁴ 18 U.S.C. § 242

²⁵ New York State Bar Association, *New York Rules of Professional Conduct* (Albany, NY: New York State Bar Association, 2025), Rule 8.5, <https://nysba.org/wp-content/uploads/2025/03/NYSBA-NY-Rules-of-Professional-Conduct-2025-web-1.pdf>.

²⁶ Rule 3.8(b).

²⁷ *Ibid.*

²⁸ *Ibid.*

²⁹ New York State Division of Criminal Justice Services, *What Is Procedural Justice?* (Albany, NY, April 5, 2023), <https://www.criminaljustice.ny.gov/crimnet/ojsa/initiatives/reentry-docs/What%20is%20Procedural%20Justice-FINAL.pdf>.



otherwise prohibited — that falls within its general terms, such as conduct that is a crime, an intentional tort or prohibited by rules or a ruling of a tribunal.”³⁰

The evidence is clear: through his actions as Director of the Task Force, Mr. Patel violated numerous rules of professional conduct as well as federal law. The Rules require only illegal conduct — not a conviction — to justify discipline.³¹ Mr. Patel’s conduct represents not a momentary lapse but a persistent, deliberate campaign of uneven application of the law against Americans exercising their constitutional rights. His position of authority and the strategy paper he authored place him squarely at the center of the DOJ’s weaponization of the FACE Act against the Biden administration’s ideological opponents. The Weaponization Report — based on a review of roughly 700,000 internal records — identified multiple examples of misconduct by both Mr. Patel and those under his direct supervision.

The unequal enforcement of the FACE Act — and the stark difference in how Patel’s team treated abortion activists versus pro-life groups — makes the bias and viewpoint discrimination impossible to ignore. Mr. Patel and his team systematically denied pro-life advocates their First Amendment rights to constitutionally protected political speech and expression.

To illustrate Patel’s bias, the Report found that he “was on texting terms with the National Abortion Federation’s (NAF) Security Team and regularly communicated with Planned Parenthood and the Feminist Majority Foundation (FMF). The Task Force viewed NAF’s Security Team as an ‘MVP’ at flagging pro-life protests for DOJ’s ‘attention, often in real-time, which usually result[ed] in an investigation/prosecution.’”³² Mr. Patel provided significant amounts of information to NAF, possibly without the knowledge of his supervisors.³³ By contrast, “Task Force attorneys did not communicate with any pregnancy resource center groups or representatives until September 2022, well after the increase in violence after the Supreme Court’s decision in *Dobbs*.”³⁴

Every attorney involved in the Task Force participated in depriving their targets of First Amendment rights to free speech and association. 18 U.S.C. § 242 is the “criminal civil rights act counterpart.”³⁵ The elements are 1) willfully acting, 2) under color of law, 3) to deprive a person of rights protected by the Constitution or laws of the United States.³⁶

³⁰ New York State Bar Association, *New York Rules of Professional Conduct*, Rule 3.4.

³¹ Rule 8.4(b).

³² Department of Justice, “Weaponization of FACE Act Against Pro-Life Americans,” 1.

³³ *Ibid*, 16.

³⁴ *Ibid*, 2.

³⁵ *Berry v. City of Muskogee*, 900 F.2d 1489, 1501 n.17 (10th Cir. 1990).

³⁶ *U.S. v. LaValle*, 439 F.3d 670, 687 (10th Cir. 2006).



Government action that chills constitutionally protected speech or expression does not merely contravene the First Amendment — it is both illegal and morally abhorrent. It is the hallmark of a partisan regime, not a justice system.³⁷ In the context of government prosecution, a decision to prosecute which is motivated by a desire to discourage protected speech or expression violates the First Amendment.³⁸ That decision turns prosecution into persecution, and any hint of the latter being in play amid criminal proceedings from the highest level not only disintegrates Americans’ trust in our federal government but also similarly irreparably erodes trust in our state bars if action is not taken. It does not matter if the prosecution was ultimately successful; the effort itself violates the First Amendment in spirit and in law.³⁹ Likewise, criminal prosecution due to affiliation with a political party or movement violates the First Amendment’s right to freedom of association.⁴⁰ There is no disputing that both pro-abortion and pro-life activists engage in protected First Amendment behavior at the core of their activities.

The Weaponization Report documents multiple instances of Mr. Patel’s Task Force displaying a clear bias against anti-abortion activists, noting that they “engaged in inappropriate conduct and comments directed toward pro-life defendants. Prosecutors disparaged defendants’ religious beliefs, Catholic judges, and defense counsel. Prosecutors sought to exclude religious jurors. They declined to allow some defendants to self-surrender, instead authorizing aggressive arrest tactics.”⁴¹ Notably, “in cases involving non-violent conduct under the FACE Act, DOJ pursued significantly higher sentences against pro-life defendants than pro-choice defendants: on average, 26.8 months for the former versus 12.3 months for the latter.”⁴²

In one particularly egregious example, the Report highlights how Patel and his colleagues’ behavior changed after the landmark *Dobbs* decision leaked. On August 27, 2020 multiple defendants prayed and protested in front of an abortion clinic, with some blocking the entrance and refusing to move, leading to their arrest and local misdemeanor charges. At that time, the US Attorney’s Office declined to bring federal charges. The Report notes that after the *Dobbs* leak, in May of 2022, “Deputy Chief Bobbi Bernstein contacted Patel about the status of this matter. Shortly thereafter, Patel, Laura-Kate Bernstein, Principal Deputy Chief Fitzgerald, and Deputy Chief Bernstein sought authorization from Deputy Assistant Attorney General Moossy to charge misdemeanor FACE Act violations for both demonstrations.”⁴³

³⁷ *Riley v. National Federation of the Blind of North Carolina*, 487 U.S. 781 (1988).

³⁸ *Wolford v. Lasater*, 78 F.3d 484, 488 (10th Cir. 1996).

³⁹ *See Sheridan v. Garrison*, 415 F.2d 699 (5th Cir. 1969).

⁴⁰ *See Scales v. U.S.*, 367 U.S. 203, 229 (1961).

⁴¹ Department of Justice, “Weaponization of FACE Act Against Pro-Life Americans,” 20.

⁴² *Ibid*, 31.

⁴³ *Ibid*, 24. (citing E-mail from Deputy Chief Bernstein, to Patel, May 6, 2022, Exhibit 118).



This selective enforcement violates both the First Amendment and 18 U.S.C. §241-242, making it “illegal” conduct under Rule 8.4(b).

The Weaponization Report alleges that Mr. Patel’s Task Force violated prosecutorial ethics by withholding evidence in its possession, which violates Rule 3.4:

[the Task Force] knowingly withheld evidence that defense counsel requested to prepare an affirmative defense. The Biden DOJ prosecutors falsely claimed to not have such information available. In *United States v. Gallagher* (Middle District of Tennessee), defense counsel contacted federal prosecutors, requesting historical data on FACE Act prosecutions to prepare their selective prosecution defense. The Task Force Director declined, stating that he did not “keep the[se] kind of records” and did not believe that the Department “will provide them.” Notably, he had this information readily available and decided not to share it with the defendants, despite sharing substantially identical information with NAF.⁴⁴

Expanding on this, the Report later noted that the “First Assistant United States Attorney was inclined to provide the data, but Mr. Patel decided ‘we should not provide her with anything,’ reasoning that “[p]roviding her with the requested information may open gates we will struggle to close later.”⁴⁵ Patel’s pattern of skirting his ethical duties warrants investigation for potential violations of both Rule 3.4 and Rule 8.4(a).

The Attorney Grievance Committee is charged with ensuring the integrity of the legal profession. When DOJ attorneys move from prosecution to persecution, the public can no longer trust that Lady Justice is blind — and when state bars fail to respond, they become complicit in that betrayal. When justice is applied unevenly, it is not justice at all. Mr. Patel’s selective prosecutions — documented in exhaustive detail by both the Weaponization Report and the House Judiciary Committee — undermine the very spirit of the law, disqualifying him from its practice in New York or anywhere else. Mr. Patel placed his politics above his oath. If allowed to continue practicing law, he will do it again.

Democracy Restored calls on the Attorney Grievance Committee to review Mr. Patel’s conduct and impose the full range of permissible sanctions, up to and including disbarment. Federal prosecutors wield the awesome power and resources of the United States government — that power demands the highest ethical standards, not partisan abuse in service of one’s own ideological agenda. Every American — regardless of their views on abortion, faith, or politics — deserves to know that a federal prosecutor will not turn the machinery of justice against them for exercising their constitutional rights. Failing to act sends a clear and dangerous message: that those with the right political

⁴⁴ Ibid.

⁴⁵ Ibid, 21. (citing E-mail from Patel to Klopf, Feb. 2, 2023, Exhibit 112).



connections can abuse the law without consequence. The Attorney Grievance Committee must not allow that message to stand.

Thank you and please let us know the outcome of your investigation.

Houston Keene
Director
Democracy Restored