



January 16, 2024

The State Bar of California – Intake Unit
ATTN: Office of Chief Trial Counsel
845 S. Figuera Street
Los Angeles, CA 90017

Re: Misconduct Referral of Attorney Kevin Morris

To Whom It May Concern:

We write out of concern that State Bar of California member Patrick Kevin Morris (Bar No. 137129) is in violation of California’s Rules of Professional Conduct.

Until recently, it appears that Kevin Morris may not have had an attorney-client relationship with Hunter Biden. Or at least one would hope not. Just last year, Mr. Morris was publicly photographed appearing to use marijuana, while Biden, a recovering drug addict, was visiting his home.¹ The year before that, it was reported that Mr. Morris had “been funding the 52-year-old’s lifestyle in Los Angeles – including his rent and living expenses.”² Mr. Morris had allegedly paid \$2 million in back taxes owed by Biden.³

However, if Mr. Morris has provided personal funds to an individual who has now been confirmed to be a client⁴ – or who would reasonably believe himself to be Mr. Morris’s client – Mr. Morris would have violated both the text of the Rules of Professional Conduct and the well-established norms of the legal profession. Recent reporting by the *Los Angeles Times* reflects that Mr. Morris has served “foremost as [Biden’s] lawyer, but also [as] his friend, confidant, and bankroller. [Mr. Morris] has

¹ Victor Nava, *Hunter Biden’s Lawyer Kevin Morris Rips Bong as First Son Visits LA Home*, NEW YORK POST (July 23, 2023), <http://tinyurl.com/56fms34k>.

² Miranda Devine et al., *Hollywood Lawyer Paid Off Over \$2M of Hunter Biden’s Delinquent Taxes*, NEW YORK POST (May 9, 2022), <http://tinyurl.com/mambjh2h>.

³ *Id.*

⁴ Catherine Herridge et al., *Hollywood Attorney Kevin Morris, Who Financially Backed Hunter Biden, Moves Closer to the Spotlight*, CBS NEWS (Jan. 11, 2024), <http://tinyurl.com/y755946p>; see also Katelyn Polantz & Paula Reid, *Hunter Biden’s Visit to Capitol Hill is Part of a More Aggressive, Forward-Leaning Legal Strategy*, CNN (Jan. 10, 2024), <http://tinyurl.com/yyenkwur>.

lent millions of dollars to Biden to cover his tax debts, housing and legal fees.”⁵ If Hunter Biden or a similarly situated person would reasonably anticipate that Mr. Morris was obligated to provide legal services, the alleged funding of the lifestyle of a client or potential client justifies the immediate opening of a misconduct investigation under Rule 1.8.5.

Providing funds to clients is expressly prohibited by State Bar of California Rule 1.8.5(a), which states in no uncertain terms that: “[a] lawyer shall not directly or indirectly pay or agree to pay, guarantee, or represent that the lawyer or lawyer’s law firm will pay the personal or business expenses of a prospective or existing client.”⁶ This rule is patterned on Rule 1.8(e) of the ABA’s Model Rules of Professional Conduct, which was intended to prevent the abuses which were criminalized under the principles of champerty and maintenance.⁷

Yet Mr. Morris now appears to be representing Hunter Biden, thus risking violation of the attorney-client relationship prescribed by the Rules: “Morris strode shoulder to shoulder with the president’s son as they made a surprise appearance at a congressional contempt hearing on Capitol Hill. On Thursday, he is expected to be seated behind him in a downtown Los Angeles courtroom as Hunter Biden is scheduled to be arraigned Thursday on criminal tax charges, much as he did in a Delaware courtroom.”⁸ Ongoing funding of Biden by Mr. Morris now that such a relationship has been established would constitute a violation of Rule 1.8.5 especially when third parties state that Mr. Morris has been serving “foremost as [Hunter Biden’s] lawyer.”⁹

Biden’s defense counsel described Mr. Morris’s representation as *sui generis*: “I have never in any of my representations of any other client — other than someone who is an immediate family member of one of my clients — known anyone who is like [Mr. Morris].”¹⁰ Rather than an attorney-client relationship governed by the norms of the profession which exists within the well-considered formal parameters governed by the Rules, the professional and personal have blurred for Mr. Morris as it “impacts Kevin more than it impacts Hunter — impacts [Kevin Morris] emotionally.”¹¹

⁵ Matt Hamilton & Stacy Perman, *The Hollywood Lawyer Funding Hunter Biden’s Defense*, LOS ANGELES TIMES (Jan. 4, 2024), <http://tinyurl.com/47udv3t8>.

⁶ Cal. Rules of Professional Conduct, rule 1.8.5.

⁷ ROY D. SIMON, JR., SIMON’S NY RULES OF PROF. CONDUCT ANN. § 1.8:47 (July 2023 Update).

⁸ Herridge et al. *supra* note 4.

⁹ Hamilton & Perman, *supra* note 5.

¹⁰ *Id.*

¹¹ *Id.*

The crimes of champerty and maintenance were intended to prevent disinterested third parties from obtaining for themselves stakes in the outcome of litigation. As applied to legal ethics, the rule is that to provide adequate representation to a client, an attorney must be a neutral and uninterested advisor. Open and notorious misconduct by attorneys harm not only their clients' interests but risks the integrity of the self-regulating legal profession. Attorneys have always "prefer[red] a large measure of self-regulation to regulation conducted by a government body which has little or no connection with the profession." *Keller v. State Bar of California*, 496 U.S. 1, 12 (1990).

A proceeding against an attorney for misconduct "is not for the purpose of punishment, but for the purpose of preserving the courts of justice from the official ministrations of persons unfit to practise in them... [b]ut when such a case is shown to exist, the courts ought not to hesitate, from sympathy for the individual, to protect themselves from scandal and contempt, and the public from prejudice, by removing grossly improper persons from participation in the administration of the laws." *In re Herron*, 298 P. 474, 476 (Cal. 1931) (quoting *Ex parte Wall*, 107 U.S. 265, 288 (1883)); see also *In re Collins*, 206 P. 990, 992 (Cal. 1922) (quoting the same language from *Wall*).

Mr. Morris's provision of funds to his client patently violates Rule 1.8.5 and an investigation into this matter is warranted. Therefore, we request that you open an investigation into Kevin Morris to adjudicate whether the California Rules of Professional Conduct were violated.

Sincerely,

/s/ Daniel Z. Epstein

America First Legal Foundation