



October 28, 2024

Christine T. Greenwood  
Chief Disciplinary Counsel  
Office of Professional Conduct  
645 South 200 East  
Salt Lake City, UT 84111

Dear Ms. Greenwood:

We represent Stefan C. Passantino, Esq., in filing this complaint against Michael J. Teter, Utah Bar No. 16734, admitted on May 4, 2018.<sup>1</sup>

As you know, the legal profession plays a critical role in a free society. Attorneys must be free to be zealous advocates on behalf of their clients, to take on matters or causes that might be unpopular in segments of society, and to do so without fear of meritless attacks on their reputations from those who have different viewpoints. When members of the bar seek to attack other members of the bar simply because of the clients they have, the causes they advance—or worse, because of meritless lies and half-truths advanced in the media—the entire profession suffers.

For the reasons outlined below, Mr. Teter’s conduct towards our client and his conduct towards a substantial number of lawyers across the country falls short of the standards expected of members of the legal profession and warrants your Office initiating an investigation into his activities.

## **I. Factual Background**

Mr. Teter is the Managing Director of the 65 Project, a left-of-center lawfare organization whose leadership includes Melissa Moss, a former Finance Chair of the Democratic National Committee, and prominent liberal political consultant David Brock.<sup>2</sup> The 65 Project was formed for the purpose of “disbarring [ ] Trump-aligned attorneys” and “Trump’s legal allies.”<sup>3</sup> When it was formed, Mr. Teter told CNN that “[c]reating a system of deterrence requires that people know these complaints have

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<sup>1</sup> *Member Directory: Michael Teter*, UTAH STATE BAR, <https://perma.cc/XW55-HS4G>.

<sup>2</sup> *Senior Advisor Melissa Moss*, THE 65 PROJECT, <https://perma.cc/6B5H-ZGSN>; Lachlan Markay & Jonathan Swan, *Scoop: High-Powered Group Targets Trump Lawyers’ Livelihoods*, AXIOS (Mar. 7, 2022), <https://perma.cc/7R3P-L6RD>.

<sup>3</sup> Tierney Sneed, *Inside the Effort to Disbar Attorneys Who Backed Bogus Election Lawsuits*, CNN (Mar. 10, 2022), <https://perma.cc/SHR7-WM2V>.

been filed.”<sup>4</sup> But critics, like Fordham law professor Bruce Green, have called such tactics “problematic” because they are “basically designed to embarrass these lawyers, and that may have the effect of discouraging lawyers from engaging in politically involved work, *even if they’re playing by the rules.*”<sup>5</sup>

In the last several years, the 65 Project, through Mr. Teter, has filed nearly 100 ethics complaints against lawyers it views as being aligned with former President Donald J. Trump.<sup>6</sup> As part of this campaign, on February 15, 2023, Mr. Teter filed a complaint against our client, Stefan Passantino, alleging that Mr. Passantino was deficient in representing Cassidy Hutchinson before the January 6 Committee.<sup>7</sup>

In the complaint, Mr. Teter alleged that Mr. Passantino sought “to obstruct the Select Committee’s inquiry to uncover the full context of the January 6 attack on our nation’s Capital.”<sup>8</sup> Mr. Teter claimed that our client breached confidentiality, advised his client to perjure herself, and sought to undermine the administration of justice. Notably absent from Mr. Teter’s complaint was any indication that he had firsthand knowledge of what he stated. Indeed, much of the language in his complaint against Mr. Passantino was the same boilerplate language used in many of his other complaints.<sup>9</sup> The only allegations that *were* specific to Mr. Passantino relied entirely on allegations from the January 6 Committee, hearing transcripts, and one CNN news article that relied entirely on anonymous “sources.”

Our client represented Ms. Hutchinson in the leadup to her testimony before the House Select Committee on January 6.<sup>10</sup> This month, the House Committee on Administration exposed that—far from being told to lie by Mr. Passantino—Ms. Hutchinson was communicating with and being coached by then-Representative Elizabeth Cheney without our client’s knowledge.<sup>11</sup> This brings into question Ms. Hutchinson’s September 2022 interview with the January 6 Committee, wherein she criticized our client’s representation and which formed a large part of the “factual” basis for Mr. Teter’s complaint. Indeed, new messages appear to indicate that the

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<sup>4</sup> *Id.*

<sup>5</sup> *Id.* (emphasis added).

<sup>6</sup> See, *Ethics Complaints*, THE 65 PROJECT, <https://perma.cc/K6DS-WP5P>.

<sup>7</sup> See Letter from Michael Teter, Managing Director, the 65 Project, to the Office of the General Counsel, State Bar of Georgia (Feb. 15, 2023), <https://perma.cc/3GKY-EZJX>; see also Andrew Goudsward, *Group Wants Trump-Aligned Lawyer Investigated Over Capitol Riot Testimony*, REUTERS (Feb. 15, 2023), <https://perma.cc/MB4N-QSNG>.

<sup>8</sup> *Id.* at 1.

<sup>9</sup> See generally, *Ethics Complaints* supra note 6.

<sup>10</sup> Zachary Cohen & Jim Acosta, *Former Meadows Aide May Testify Publicly After Dropping Trump-Linked Lawyer*, CNN (June 9, 2022), <https://perma.cc/AH27-KW9M>.

<sup>11</sup> See Press Release, Rep. Barry Loudermilk, Chairman, H. Comm. on Admin. Subcomm. on Oversight, *New Texts Reveal Liz Cheney Communicated with Cassidy Hutchinson About Her Select Committee Testimony—without Hutchinson’s Attorney’s Knowledge—Despite Cheney Knowing it was Unethical* (Oct. 15, 2024), <https://perma.cc/JB5M-9XHB>.

allegations were not just lacking in personal knowledge, but that they were objectively false.<sup>12</sup>

Not satisfied with unleashing a barrage of nearly 100 ethics complaints against attorneys with whom he had *no* personal knowledge or experience, last month, the 65 Project began running advertisements online and in legal journals in swing states, promoting the message, “Don’t lose your law license because of Trump.”<sup>13</sup> These ads appear to seek to discourage lawyers who might be inclined to represent President Trump in the future from doing so.

## II. Mr. Teter’s conduct appears to violate Rule 8.4 of the Rules of Professional Conduct

Rule 8.4 provides that “[i]t is professional misconduct for a lawyer to: ... (d) engage in conduct that is prejudicial to the administration of justice.”<sup>14</sup> The Supreme Court of Utah recently examined the application of Rule 8.4 and held:

The threshold question is the standard of ‘conduct prejudicial to the administration of justice’ as applied to the lawyer’s role of advising or opining on unresolved questions of law. Lawyers are often called upon to chime in on such questions. As Judge Stone noted, “[a]ttorneys and judges [often] take actions or advise others to take actions based on” the view they take on disputed questions of law...[A]t least one side is generally wrong.’ *And our legal system could not function if the side whose view is rejected is in jeopardy of a professional misconduct charge on that basis alone.*”

*Matter of Discipline of LaJeunesse*, 2018 UT 6, ¶ 39 (emphasis added). Mr. Teter’s numerous misconduct complaints appear based on a simple premise: that attorneys should not represent President Donald J. Trump or anyone associated with him, and that President Trump and his associates are not entitled to legal representation or zealous advocacy. Wherever serious disputes exist, it is a settled matter of legal ethics that it is always preferable for parties to be represented by attorneys. *Id.*; see also *Brotherhood of R.R. Trainmen v. Virginia ex rel. Va. State Bar*, 377 U.S. 1, 7 (1964) (“Laymen cannot be expected to know how to protect their rights when dealing with practiced and carefully counseled adversaries”).

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<sup>12</sup> Oversight Subcommittee (@OversightAdmn), X (Oct. 29, 2024, 10:24 AM), <https://perma.cc/A9W7-GCAL>.

<sup>13</sup> Alan Feuer, *Legal Watchdog Group Warns Pro-Trump Lawyers Against Subverting Democracy in November*, NY TIMES (Sept. 19, 2024), <https://perma.cc/7K49-9C9D>.

<sup>14</sup> Utah Code Jud. Admin. R. 13-8.4.

Mr. Teter’s allegations that our client was deficient in representing Ms. Hutchinson have been proven false.<sup>15</sup> Congress has confirmed that Cassidy Hutchinson, when testifying before the House Select Committee on January 6, was acting on the advice of former Representative Liz Cheney, not our client.<sup>16</sup>

Additionally, the complaint contains a section entitled “BACKGROUND,” which is unrelated to our client and, instead, is a general description of the events surrounding the 2020 election and a condemnation of President Trump’s attempts to contest irregularities.<sup>17</sup> Mr. Teter’s complaint concerned our client’s representation of a party before the January 6 Committee, which was not convened for the first time until months after the 2020 election. Many of the complaints filed by the 65 Project contain identical “BACKGROUND” sections.<sup>18</sup>

This reliance on boilerplate language and the recent ad campaigns currently being run by the 65 Project demonstrate that the motivating principle underlying these complaints is the desire to punish lawyers associated with a single client, not any breach of a Rule of Professional Conduct. The Supreme Court of Utah’s interpretation of Rule 8.4 does not allow lawyers to be penalized for representing or associating with a disfavored client. *LaJeunesse*, 2018 UT 6 at ¶ 43 (“Lawyers and judges are often called upon to opine on open questions of law. When they do so in good faith, they cannot be charged with a violation of rule 8.4(d) just because their interpretation is ultimately rejected.”).

### **III. Mr. Teter’s conduct appears to violate Rule 301 of the Rules Governing the Utah State Bar**

Rule 301 of the Supreme Court of Utah’s Rules Governing the Utah State Bar is entitled “Standards of Professionalism and Civility.”<sup>19</sup> The preamble to the rule states that “[c]onduct that may be characterized as uncivil, abrasive, abusive, hostile, or obstructive impedes the fundamental goal of resolving disputes rationally, peacefully, and efficiently. Such conduct tends to delay and often to deny justice.”<sup>20</sup> “The following standards are designed to encourage lawyers to meet their obligations to each other, ... and thereby achieve the twin goals of civility and professionalism, both of which are hallmarks of a learned profession dedicated to public service.”<sup>21</sup>

Standard 3 states that: “Lawyers shall not, *without an adequate factual basis*, attribute to other counsel or the court improper motives, purpose, or conduct.”<sup>22</sup> It

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<sup>15</sup> Teter, *supra* note 6.

<sup>16</sup> Rep. Loudermilk, *supra* note 7.

<sup>17</sup> Teter, *supra* note 6, at 1–2.

<sup>18</sup> *See generally*, *Ethics Complaints* *supra* note 6.

<sup>19</sup> Utah Code Jud. Admin. R. 14-301.

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

<sup>22</sup> *Id.* at § 3 (emphasis added.).

continues, “Lawyers should avoid hostile, demeaning, or humiliating words in written and oral communications with adversaries. Neither written submissions nor oral presentations should disparage the integrity, intelligence, morals, ethics, or personal behavior of an adversary unless such matters are directly relevant under controlling substantive law.”<sup>23</sup>

Mr. Teter’s complaints were not based on personal knowledge or any adequate factual basis; instead, they repackaged news reports and hearing transcripts, which have, in many cases, been proven false.<sup>24</sup> Mr. Teter’s complaint does not indicate that he spoke with Ms. Hutchinson or was in any way able to provide insight into the representation she received from our client beyond what was available from either the highly partisan January 6 Committee or a single CNN report citing “sources.” Without any direct knowledge of the facts, Mr. Teter lacked an adequate factual basis to file his complaint.

For instance, he describes our client’s reminder that it is acceptable not to recall every detail of an event in the past as “advis[ing] his client against speaking truthfully to the Select Committee.”<sup>25</sup> Mr. Teter also made uncited statements attributing improper motives, purpose, and conduct to Mr. Passantino. Purporting to give insights into our client’s motives and purposes, which he could not possibly know, Mr. Teter alleged “[h]is other tactic was to prepare his client as little as possible, in the hopes she would be less able to answer basic questions during her testimony ... He wanted Ms. Hutchinson to stonewall the investigation and provided counsel in order to obstruct the Select Committee.”<sup>26</sup> He further disparaged our client’s morals and ethics, writing, “Mr. Passantino was apparently serving some other interest in advising his client in this way.”<sup>27</sup> Here, Mr. Teter suggested, without evidence or factual support, that Mr. Passantino used his client (Hutchinson) to further the interests of a previous client (Trump). If that were not enough, he concluded his letter with an allegation presented as fact, saying, “Mr. Passantino engaged in a dishonest effort to obstruct” justice.<sup>28</sup>

Next, Standard 4 provides, “Lawyers shall never knowingly attribute to other counsel a position or claim that counsel has not taken or seek to create such an unjustified inference or otherwise seek to create a “record” that has not occurred.”<sup>29</sup> Standard 5 instructs, “Lawyers shall not lightly seek sanctions and will never seek sanctions against or disqualification of another lawyer for any improper purpose.”<sup>30</sup>

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<sup>23</sup> *Id.* at § 3.

<sup>24</sup> *See generally* Teter, *supra* note 4.

<sup>25</sup> *Id.* at 3.

<sup>26</sup> *Id.*

<sup>27</sup> *Id.* at 4.

<sup>28</sup> *Id.* at 7.

<sup>29</sup> Utah Code Jud. Admin. R. 14-301, § 4.

<sup>30</sup> *Id.* at § 5.

By his own admission, Mr. Teter sought misconduct sanctions against our client and many others for an improper purpose. He abused the grievance process to treat these attorneys uniformly, as a class, to create a “culture of deterrence” and impact an unrelated set of attorneys who might hypothetically represent President Trump someday.<sup>31</sup> His many misconduct complaints violated Standard 4 by seeking to create an inference in the mind of the public, namely that an organized cabal of Republican lawyers had attempted a coup against the United States in furtherance of a political narrative.

Mr. Teter’s organized campaign of boilerplate misconduct complaints across numerous jurisdictions violates Standard 5’s prohibition on lightly seeking sanctions. Our client was swept up in Mr. Teter’s vendetta against President Trump and his well-funded attempts to prevent others from representing the President in the future. Considering the 65 Project’s ongoing ad campaign, Mr. Teter’s own stated desire to create a “system of deterrence,” and his systematic attempts to sanction any lawyer even tangentially associated with the President, the only possible conclusion is that these sanctions were sought for an improper purpose, contrary to Standard 5.

Lawyers must “meet their obligations to each other,” and Mr. Teter’s conduct betrays a fundamental lack of professionalism towards his fellow lawyers, based solely upon their representation of a disfavored client and advancement of arguments which, in his judgment, were spurious.<sup>32</sup> These obligations are transgressed when one lawyer treats the law license of another as a means to an end.

#### **IV. Mr. Teter’s conduct appears to be contrary to the standards of professionalism and civility envisioned by the Code of Judicial Administration and Rules of Professional Conduct.**

The preambles to the Utah Rules of Professional Conduct and the Utah Code of Judicial Administration’s Standards of Professionalism and Civility describe the spirit in which the rules should be interpreted and applied. That system is one where the lawyers within the jurisdiction are expected to comport themselves to the highest standard, at all times.

The preamble to Rule 301 of the Standards of Professionalism and Civility states, “A lawyer’s conduct should be characterized at all times by personal courtesy and professional integrity *in the fullest sense* of those terms.”<sup>33</sup> It discusses how lawyers play an integral role in the “administration of justice, which is a *truth-seeking process* designed to resolve human and societal problems in a rational, peaceful, and efficient manner.”<sup>34</sup>

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<sup>31</sup> Sneed, *supra* note 2.

<sup>32</sup> Utah Code Jud. Admin. R. 14-301.

<sup>33</sup> Utah Code Jud. Admin. R. 14-301.

<sup>34</sup> *Id.*

Similarly, the preamble to the Rules of Professional Conduct notes that “[a] lawyer’s representation of a client ... does not constitute an endorsement of the client’s political, economic, social or moral views or activities.”<sup>35</sup> It further commands that “[a] lawyer should use the law’s procedures only for *legitimate purposes and not to harass or intimidate others*” and that “when an opposing party is well represented, a lawyer can be a zealous advocate on behalf of a client and at the same time assume that justice is being done.”<sup>36</sup>

Mr. Teter’s many ethics complaints against lawyers, including the complaint against our client, who represented President Trump, transgress the spirit of the conduct by which Utah practitioners should abide. Far from exhibiting “personal courtesy,” “professional integrity,” respect for a “truth-seeking” process, or a willingness to “resolve human and societal problems in a rational ... manner,” Mr. Teter’s boilerplate complaints reflect the attitude in his statements: that people should be punished for representing, and in the future be afraid to represent, certain political leaders.

“The history of the legal profession is filled with accounts of lawyers who risked careers by asserting their independent status in opposition to popular and governmental attitudes, as John Adams did in Boston to defend the soldiers accused in what we know in our folklore as the ‘Boston Massacre.’”<sup>37</sup> Mr. Passantino and the other attorneys attacked by Mr. Teter were seeking to represent their clients in the face of widespread condemnation both inside and outside of the legal profession. They were embodying the highest ideals of the legal profession: that, in our system, everyone is entitled to legal representation. Mr. Teter improperly and unethically sought to punish them through his organization’s terror campaign of ethics complaints.

## V. Conclusion

For the reasons above, we respectfully request that the Office of Professional Conduct open a misconduct investigation into Michael Teter.

Thank you for your consideration.

Sincerely,

/s/ Gene P. Hamilton  
America First Legal Foundation

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<sup>35</sup> Utah Code Jud. Admin. R. 13 Preamble, § 2.

<sup>36</sup> *Id.* at §§ 5, 8 (emphasis added).

<sup>37</sup> *Application of Griffiths*, 413 U.S. 717, 732 (1973) (Burger, C.J., dissenting).