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September 1, 2016

Clerk, U.S. District Court for the Eastern District of Arkansas  
Richard Sheppard Arnold United States Courthouse  
500 West Capitol Avenue  
Little Rock, Arkansas 72201

Re: Complaint of Attorney Misconduct

To Whom It May Concern:

I wish to file a misconduct complaint against Hillary Rodham Clinton of 120 West 45th Street, Suite 2700, New York, NY 10036. I have enclosed as Exhibit A an August 15, 2016 letter from the chairmen of the Judiciary Committee and the Government Oversight Committee of the U.S. House of Representatives referring Mrs. Clinton to the U.S. Attorney's Office in Washington, D.C. for criminal prosecution. I incorporate that letter as if fully set forth herein.

According to Rule 8.4(b) of the Arkansas Rules of Professional Conduct, a lawyer shall not "commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects." Likewise, a lawyer shall not "engage in conduct involving dishonesty, fraud, deceit or misrepresentation." Rule 8.4(c), Arkansas Rules of Professional Conduct. It appears that Mrs. Clinton has violated both rules by providing false testimony under oath.

According to Rule 3.3(a)(1), a lawyer shall not knowingly "make a false statement of fact or law to a tribunal; or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer." Rule 3.9 extends that prohibition to legislative proceedings, so it appears that Mrs. Clinton has violated Rule 3.3(a)(1) as well.

In addition to the letter to the U.S. Attorney's Office, I have enclosed an August 31, 2016 misconduct complaint (Exhibit B) that I filed with the District of Columbia Bar against lawyers David Kendall, Cheryl Mills, and Heather Samuelson. I incorporate that letter as if fully set forth herein. As the letter explains, Mr. Kendall, Ms. Mills, and Ms. Samuelson represented Mrs. Clinton in various Congressional and Executive Branch investigations related to her private email server.

The foregoing lawyers were also present on October 22, 2015 when Mrs. Clinton testified before the House Select Committee on Benghazi, ergo they were present when she falsely testified that they had reviewed each individual email on her private server before deleting some of them. If she had any misconceptions about whether they reviewed each individual email, they almost certainly would have told her during or

immediately after her testimony. Yet Mrs. Clinton never corrected her false testimony as required by Rule 3.3(a)(1) and Rule 3.9. If the requisite intent for acts of dishonesty is recklessness, then Mrs. Clinton has certainly exceeded that standard.

In my letter to the D.C. bar, I noted that Mr. Kendall and Ms. Mills worked for large law firms, and no competent lawyer at such a firm would think it is acceptable to conduct a document review without reviewing each individual document. Accordingly, there is no excuse for haphazardly deleting emails without reviewing each one. Likewise, Mrs. Clinton was a partner at the Rose Law Firm, and no lawyer with her experience would think it acceptable to delete emails haphazardly.

Ms. Samuelson is a political operative who has no substantive legal experience but instead is known for her loyalty to Mrs. Clinton. The assignment of email review duties to someone so ill-qualified is evidence of prior intent to destroy evidence, namely emails that were politically damaging to Mrs. Clinton. Likewise, the use of specialized software to render the deleted emails unrecoverable belies Mrs. Clinton's claim that the emails only covered personal subjects such as yoga sessions and wedding plans.

It appears that Arkansas, like the District of Columbia, recognizes a crime-fraud exception to attorney-client privilege. *See, generally, Lewis v. State*, 265 Ark. 132, 134, 577 S.W.2d 415, 416 (1979). For that reason, Mrs. Clinton should be ordered to testify about and produce all communications with her attorneys (or anyone else) related to the destruction of emails from her server (assuming that she and her cronies have not already destroyed those communications).

I am informed that Mrs. Clinton has been suspended from the bar for failure to comply with continuing legal education requirements, but that she could be reinstated at any time by simply taking the required courses. If Mrs. Clinton has perjured herself and destroyed evidence, then she should not have the option of reinstatement. For that reason, I request that you initiate an investigation to determine whether she should be permanently disbarred.

Respectfully,

A handwritten signature in black ink, appearing to read 'Ty Clevenger', with a long horizontal flourish extending to the right.

Ty Clevenger