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September 14, 2016

The Hon. Brian S. Miller, Chief Judge
U.S. District Court for the Eastern District of Arkansas
500 West Capitol Avenue, Room D258
Little Rock, Arkansas 72201

Re: Complaint of Attorney Misconduct

Chief Judge Miller:

As you know, I wrote to you yesterday because the clerk's office returned my bar grievance against Hillary Rodham Clinton. Shortly after emailing yesterday's letter to one of your law clerks, Lucy Holified, she replied by email that I should direct my grievance to the Committee on Professional Conduct of the Arkansas Supreme Court. I do not believe that response complies with the local rules of the U.S. District Court for the Eastern District of Arkansas.

According to Local Rule 83.5(e), "all persons enrolled as attorneys in either of these courts or appearing pro hac vice under the provisions of Rule 83.5(d), shall be subject to the Uniform Federal Rules of Disciplinary Enforcement, which are hereby adopted and included in the Appendix to these rules." Rule V(A) of the disciplinary rules states as follows: "When misconduct or allegations of misconduct which, if substantiated, would warrant discipline on the part of an attorney admitted to practice before this Court shall come to the attention of a Judge of this Court, whether by complaint or otherwise, and the applicable procedure is not otherwise mandated by these Rules, the Judge shall refer the matter to counsel for investigation and the prosecution of a formal disciplinary proceeding or the formulation of such other recommendation as may be appropriate."

The foregoing rule is imperative, *i.e.*, a judge "shall" refer the matter to counsel for investigation and prosecution. Furthermore, local rules adopted by federal district courts have "the force of law," *see Hollingsworth v. Perry*, 558 U.S. 183, 191, 130 S.Ct. 705, 710 (2010), quoting *Weil v. Neary*, 278 U.S. 160, 169, 49 S.Ct. 144, 73 L.Ed. 243 (1929), therefore non-compliance with a mandatory provision would be grounds for mandamus relief. Accordingly, I do not believe that any judge of the Eastern District has the discretion to punt a disciplinary case by telling a complainant to take his grievance elsewhere. On the contrary, each judge of the district is obligated by Rule V(A) to act if a disciplinary violation comes to his or her attention, and that is why I am copying this letter to all members of the court. My original grievance can be found at <http://lawflog.com/wp-content/uploads/2016/09/2016.08.30-Letter-to-ED-Ark-bar.pdf>, and my follow-up to that grievance can be found at <http://lawflog.com/wp-content/uploads/2016/09/2016.09.09-Update-to-ED-Ark..pdf>. I incorporate them both by reference.

I realize there are significant political ramifications if the rule is followed in this case, namely because Mrs. Clinton is the Democratic nominee for President of the United States, and I understand why the Court might not want to handle such a political hot potato. The grievance against Mrs. Clinton is, however, an important test for the rule of law. Will the rules be swept aside for the sake of political expediency, or will they be applied fully and fairly to someone as prominent as Mrs. Clinton?

As noted in my letter yesterday, it should not matter that Mrs. Clinton is an inactive member of this Court's bar. If she completes her continuing legal education requirements, then she will be eligible for reactivation. But if she violated federal criminal statutes and the rules of professional conduct as the evidence seems to suggest, then she should not have the option of reactivation. I therefore ask that you or another member of the Court refer my grievance to a special counsel pursuant to Rule V(A) to determine whether Mrs. Clinton should be permanently disbarred.

Thank you for your consideration.

Respectfully,

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

Ty Clevenger

cc: Chief Judge William Jay Riley,
U.S. Court of Appeals for the Eighth Circuit
Judges, U.S. District Court
Eastern District of Arkansas