



U.S. Department of
JUSTICE

2025 Annual Report



Office of Professional Responsibility

EXECUTIVE SUMMARY



In Fiscal Year 2025 (FY 2025), the Office of Professional Responsibility (OPR) continued to carry out its mission of ensuring that Department of Justice (Department) attorneys perform to the highest ethical standards. OPR reviewed and responded to over one thousand complaints, carefully analyzing the allegations to determine whether further action by OPR was warranted. When appropriate, OPR conducted thorough investigations, which in some cases led to significant findings of professional misconduct through which Department attorneys were held accountable for their actions.

This report provides information and statistical data concerning OPR's activities during FY 2025 (October 1, 2024, through September 30, 2025). It also summarizes OPR's professional misconduct investigations, significant inquiries, and various additional responsibilities and duties, including reviewing complaints of retaliation against Federal Bureau of Investigation (FBI) whistleblowers.

During the fiscal year, OPR completed 10 investigations, involving allegations ranging from lack of candor, misleading the court, failure to report misconduct, conflict of interest, failure to comply with Department rules, and abuse of prosecutorial authority, among others. In its investigations, OPR attorneys conducted thorough, detailed interviews of witnesses and subjects and reviewed pleadings, orders, transcripts, internal communications, and other relevant records. OPR found professional misconduct, that is, that the subject attorney acted intentionally or recklessly, in 90 percent of these matters. When appropriate, attorneys subject to professional misconduct findings were disciplined and, in cases involving violations of the rules of professional conduct, referred to state attorney disciplinary authorities. OPR also completed reviews of 41 inquiries, which enabled OPR to assess and promptly resolve matters without a full investigation.

As described in this report, OPR continued the efforts it initiated in prior years to reduce the number of Department attorneys who fail to maintain an active law license, primarily resulting from the failure to pay bar dues. OPR worked with Department components to ensure that attorneys were advised as to their statutory obligation to maintain an active license and the consequences of a failure to do so.

In FY 2025, OPR saw an increase in new FBI whistleblower retaliation complaints. OPR closed 59 matters without findings of retaliation because, among other reasons, the complainant did not make a protected disclosure or the evidence was insufficient to establish that the agency's action was taken due to retaliation.

Among its ancillary responsibilities, OPR reviewed investigations of Department attorneys undertaken by the Office of the Inspector General and analyzed whether the state rules of professional conduct governing attorneys were implicated by the attorneys' misconduct. OPR also reviewed allegations against non-Department attorneys for potential misconduct in matters related to Department business and referred 60 attorneys to state disciplinary authorities. Many of the referrals resulted from Department prosecutions and convictions of non-Department attorneys.

**U.S. Department of Justice
Office of Professional Responsibility**

Fiscal Year 2025 Annual Report



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INTRODUCTION

A. Overview of OPR

On December 9, 1975, Attorney General Edward H. Levi issued an order establishing the Office of Professional Responsibility (OPR) to ensure that Department of Justice (Department or DOJ) employees perform their duties in accordance with the high professional standards expected of attorneys working in the nation's principal law enforcement agency. Department attorneys are privileged to represent the United States, and they exercise significant authority, but that authority carries with it the obligation to adhere to the highest professional standards. OPR is an independent, nonpartisan internal entity that investigates allegations of professional misconduct against Department attorneys relating to the exercise of their authority to investigate, litigate, or provide legal advice. OPR carefully reviews and thoroughly investigates misconduct allegations against Department attorneys based solely on the facts and applicable standards, without bias or favoritism.



In the decades since it was established, OPR has demonstrated a high level of expertise in investigating professional misconduct allegations against Department attorneys and analyzing and applying the complex legal and ethical standards governing attorney conduct. Through its staff of experienced attorneys, who have decades of prosecutorial and civil litigation experience, OPR consistently ensures that Department attorneys adhere to stringent ethical standards and maintain the trust of the American people. Any instance of professional misconduct is troubling, and most Department attorneys conduct themselves with the utmost integrity and professionalism. However, maintaining trust requires that when they do not, Department attorneys are held accountable.

OPR discloses information regarding its work to the extent allowed by law. The information contained in this public report and on OPR's website is limited by the Privacy Act of 1974, which requires that personnel records be protected. During Fiscal Year 2025 (FY 2025), OPR continued to promptly post summaries of completed professional misconduct investigations on its website. In addition, OPR exceeds the scope of public disclosures made by most other investigative agencies by disclosing information about its review and investigative procedures. Information about those procedures, as well as information relating to OPR's transparency and independence, can be found on OPR's

website (www.justice.gov/opr). Individuals with questions about OPR should visit the website, particularly the Frequently Asked Questions section.

B. Significant Management Challenges

After years of research and extensive analysis of its information technology needs, OPR procured and implemented a solution to replace its obsolete case and document management systems. During this fiscal year, OPR successfully customized and implemented the new software system, which provides robust data searching and records storage capabilities, allowing OPR to more effectively complete its work.

OPR leadership also continued to respond to proposed changes to expand the jurisdiction of the Department's Office of the Inspector General (OIG) into the area of attorney professional misconduct allegations. The proposed jurisdictional changes would alter the Department's long-standing and well-established system for investigating and assessing attorney misconduct by authorizing the OIG, in its discretion, to conduct attorney misconduct investigations. Throughout its 50-year history, OPR has demonstrated its effectiveness in resolving challenging issues concerning attorney ethics without bias or favoritism. Across multiple administrations, the Department has consistently opposed similar jurisdictional changes, which would add an additional layer of bureaucracy, require duplicative resources, and undermine the current system for capably and efficiently investigating attorney professional misconduct allegations.

C. Overview of OPR Procedures in Misconduct Matters

OPR is primarily responsible for reviewing allegations of professional misconduct against current or former Department attorneys that relate to the exercise of their authority to investigate, litigate, or provide legal advice. OPR's jurisdiction also includes reviewing professional misconduct allegations against immigration judges and members of the Board of Immigration Appeals. In addition, OPR has jurisdiction to investigate allegations of misconduct against Department law enforcement personnel that are related to allegations of attorney misconduct within OPR's jurisdiction. OPR may also investigate other matters when requested or authorized to do so by the Attorney General or the Deputy Attorney General.

OPR investigates allegations that Department attorneys have violated constitutional or statutory obligations; Department policies, rules, or regulations; or state rules of attorney professional conduct. Professional misconduct allegations investigated by OPR include criminal and civil discovery violations; lack of candor or misrepresentations to the court, opposing counsel, or others; improper conduct before a grand jury; improper opening statements and closing arguments; failure to competently and diligently

represent the interests of the United States; failure to comply with court orders; unauthorized disclosure of confidential or secret government information; failure to keep supervisors informed of significant developments in a case; improper coercion, intimidation, or questioning of witnesses; improper introduction of evidence; and conflicts of interest. In addition, OPR reviews cases in which courts have awarded attorney's fees to opposing parties based on findings that the government's conduct was frivolous, vexatious, or in bad faith.

OPR receives allegations from a wide variety of sources, including internal Department entities, such as U.S. Attorneys' Offices (USAO) and the Department's litigating components, as well as self-reports from Department attorneys; federal judges; private individuals and attorneys; criminal defendants and civil litigants; other federal agencies; state and local government agencies; Congress; and media reports. OPR also conducts weekly searches of legal databases to identify, review, and analyze Department cases involving judicial criticism and judicial findings of misconduct to determine whether the criticism or findings warrant further inquiry or investigation by OPR. Department employees are required to report all judicial findings of misconduct to OPR. In addition, Department employees are obligated to report non-frivolous allegations of misconduct to their supervisors or directly to OPR. Supervisors must, in turn, report all non-frivolous allegations of serious misconduct to OPR. Supervisors and employees are encouraged to contact OPR for assistance in determining whether a matter should be referred to OPR.

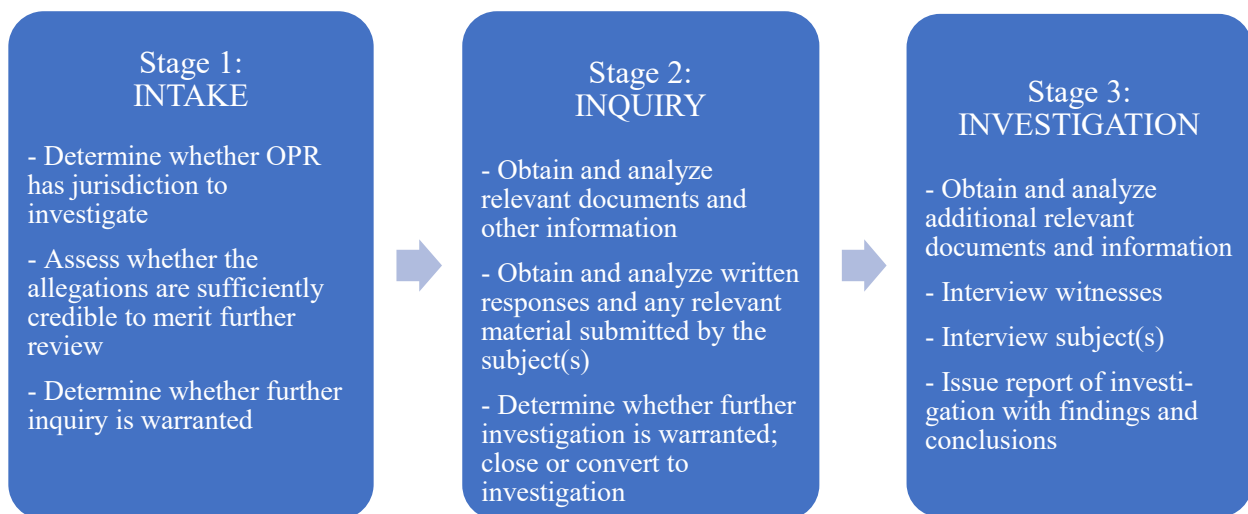
Upon receipt, OPR reviews each allegation and determines whether further inquiry or investigation is warranted. This determination is a matter of investigative judgment and involves consideration of many factors, including the nature of the allegation, its apparent credibility, its specificity, its susceptibility to verification, and its source. Although some matters begin as investigations, OPR typically first initiates an inquiry and assesses the information obtained prior to conducting a full investigation.

Most complaints received by OPR do not warrant further review because, for example, the complaint is outside OPR's jurisdiction, is frivolous on its face, or is vague and unsupported by any credible evidence. In some cases, OPR initiates an inquiry because more information is needed to assess the matter. OPR may request additional information from the complainant or obtain a written response from the attorney against whom the misconduct allegations were made. OPR also may review other relevant materials, such as pleadings and transcripts. Most inquiries are closed based on a determination that the matter lacks merit or that further investigation is not likely to result in a misconduct finding.

When an inquiry indicates that further information is needed to resolve an allegation, the matter is converted to an investigation. Before making a finding of professional misconduct, OPR conducts a thorough investigation, including a review of the subject's written response to OPR addressing the allegations, case files, court and other relevant records, and interviews of witnesses and the subject. Interviews are conducted under oath, and subject interviews are transcribed. When OPR finds professional misconduct, the subject is given an opportunity to review the draft report and to provide comments on the facts and OPR's conclusions. All Department employees have an obligation to cooperate with and to provide complete and candid information to OPR. Employees who fail or refuse to cooperate with OPR, after being given warnings concerning the use of their statements, may be subject to formal discipline, including termination of employment.

OPR may initiate an inquiry or investigation into allegations concerning a subject attorney's work at the Department even if the attorney is no longer employed by the Department at the time of the inquiry or investigation. If a Department attorney resigns or retires during an investigation, OPR may complete its investigation to assess the impact of the alleged misconduct, to consider a referral to the attorney's state bar disciplinary authorities, and to permit Department leadership to consider the need for changes to Department policies or practices.

OPR Workflow Process



OPR reports the results of its investigations to the Office of the Deputy Attorney General and, when appropriate, to other components in the Department, including the litigating divisions, USAOs, and the Executive Office for U.S. Attorneys (EOUSA). OPR may review case files and statistical data relating to matters under investigation to identify noteworthy trends or systemic problems in the programs, policies, and operations of the Department. Trends and systemic problems are brought to the attention of appropriate Department management officials.

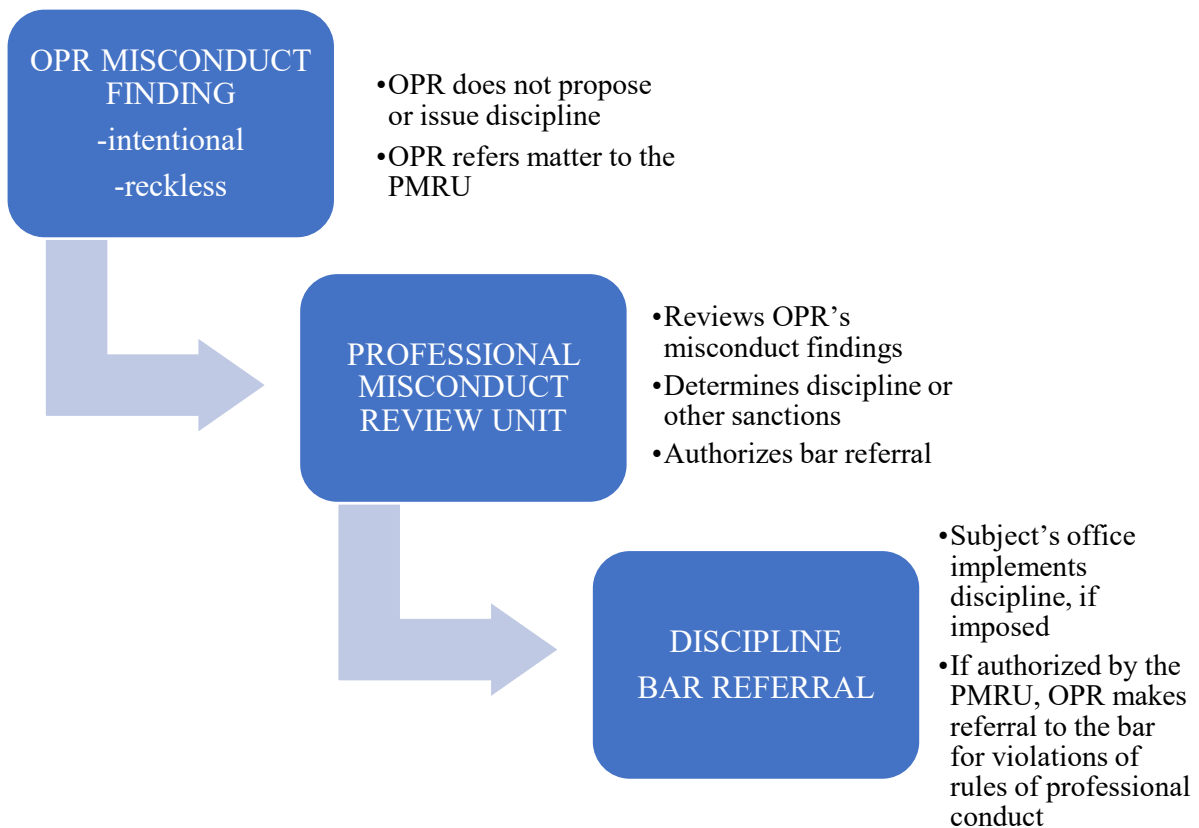
OPR does not propose or impose discipline. In January 2011, the Department established the Professional Misconduct Review Unit (PMRU), which has jurisdiction over most Department attorneys and is responsible for reviewing OPR's findings of professional misconduct against current and former Department attorneys. The PMRU reviews matters in which OPR finds intentional or reckless professional misconduct and determines whether those findings are supported by the evidence and the applicable laws, rules, and regulations.¹ The PMRU also determines the appropriate level of discipline to be imposed and, if a rule of professional conduct is implicated by the attorney's conduct, authorizes OPR to refer matters to appropriate state attorney disciplinary authorities.²

Once a disciplinary action becomes final and after authorization by the PMRU (for matters within its jurisdiction) or the Office of the Deputy Attorney General, OPR notifies the appropriate state attorney disciplinary authorities of conduct that implicates the rules of professional conduct. This process is shown on the following page.

¹ OPR's findings of poor judgment or mistake are referred to Department component heads, EOUSA, and U.S. Attorneys, for appropriate action.

² Subjects have a right to grieve admonishments, reprimands, and disciplinary decisions imposing a suspension of less than 15 days. Suspensions of more than 14 days or removal from the federal service may be appealed to the Merit Systems Protection Board.

Misconduct Findings Review Process



D. OPR’s Ancillary Responsibilities

In addition to reviewing and resolving Department attorney misconduct allegations, other OPR responsibilities include training and educating Department attorneys regarding issues pertaining to professional misconduct; evaluating claims of whistleblower retaliation by Federal Bureau of Investigation (FBI) personnel; reviewing misconduct allegations against non-Department attorneys and members of the judiciary and, when appropriate, making referrals to disciplinary authorities; reviewing OIG investigations of attorney misconduct to determine whether referral to state attorney disciplinary authorities is warranted; representing the Department with external stakeholders on matters relating to attorney professional misconduct; and handling special projects at the request of the Attorney General and Deputy Attorney General. OPR’s work in FY 2025 in these areas is discussed in greater detail later in this report.

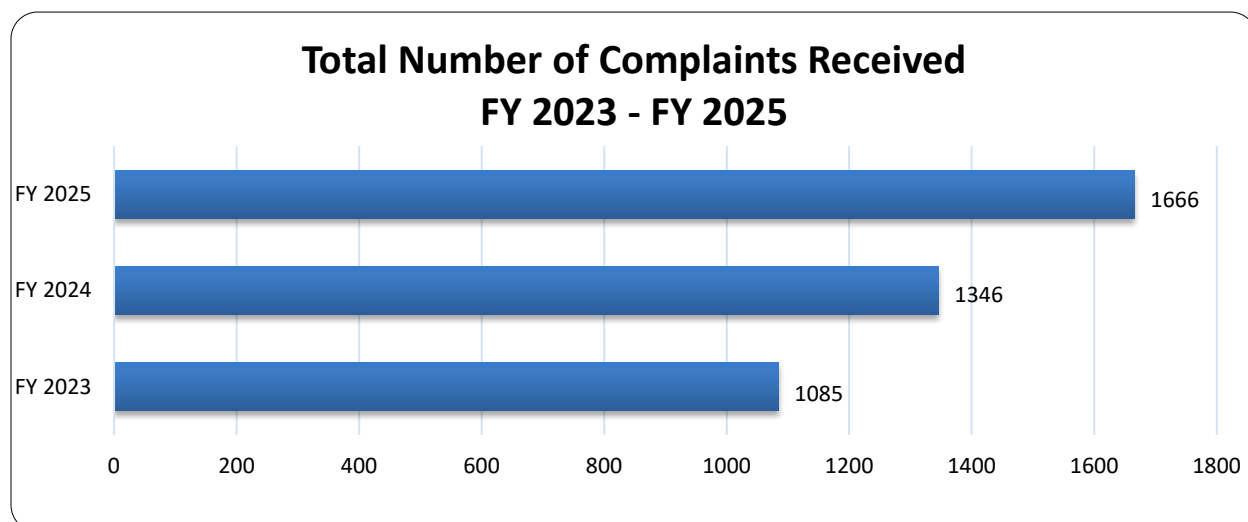
Section I: Statistical Overview of Professional Misconduct Allegations and OPR Actions

This section provides information concerning OPR’s review of allegations of professional misconduct involving Department attorneys, including immigration judges.

A. Intake and Initial Evaluation of Professional Misconduct Complaints

In FY 2025, OPR received 1,666 new complaints, a 24 percent increase from the prior year. Many complaints related to matters that did not fall within OPR’s jurisdiction and, when appropriate, were referred to other government agencies or Department components. Graph 1 compares the number of complaints received for the last three fiscal years.

Graph 1



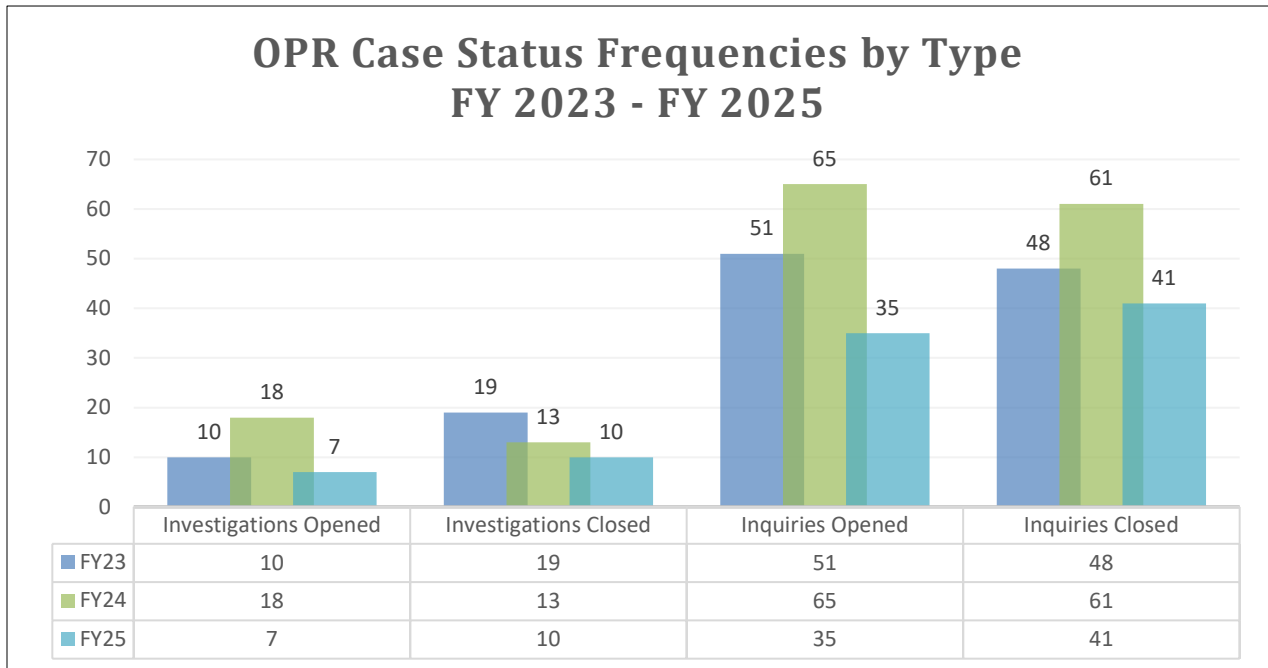
OPR determined that 35 complaints warranted further review and opened inquiries in those matters.³ The remaining matters did not warrant an inquiry or investigation by OPR because, for example, they were frivolous, vague, or unsupported by the evidence or were matters better handled by the subject’s office as performance issues. Those matters were reviewed and resolved by OPR’s experienced intake team led by a senior OPR attorney.

³ Some of the complaints that were opened as inquiries may have been received by OPR prior to FY 2025.

B. Professional Misconduct Investigations and Inquiries by Fiscal Year

Graph 2 compares the number of investigations and inquiries OPR opened and closed for the last three fiscal years. As reflected in the graph, in FY 2025, OPR opened 35 inquiries and closed 41 and opened 7 investigations and closed 10.

Graph 2



C. Professional Misconduct Inquiries Opened and Closed in FY 2025

When OPR has determined that an allegation warrants further review, OPR will initiate an inquiry. Most complaints leading to further action by OPR arise from judicial findings of misconduct against a Department attorney, from self-reports by Department employees, or from referrals by their offices. The sources of the complaints for the 35 inquiries opened in FY 2025 are set forth in Table 1.⁴

⁴ OPR also evaluates misconduct allegations made by Department employees against non-Department attorneys to determine whether the Department should make a referral to a state attorney disciplinary authority. The 35 matters referenced above do not include matters involving proposed bar notifications related to non-Department attorneys.

Table 1

Sources of Professional Misconduct Complaints against Department Attorneys in Inquiries Opened in FY 2025		
Source	Complaints Leading to Inquiries	Percentage of All Inquiries
Department components, including self-reports (unrelated to judicial findings of misconduct)	27	77.0%
Judicial opinions and referrals, including self-reports and referrals by Department employees of judicial criticism and findings of misconduct	5	14.3%
Other agencies	1	2.9%
Private parties	1	2.9%
Inmates	1	2.9%
Total	35	100%

The types of allegations in the opened inquiries are set forth in Table 2 on the following page. Because some inquiries included more than one allegation, the total number of allegations exceeds 35. Allegations concerning failure to maintain an active bar membership and discovery violations together comprised nearly 50 percent of the total allegations of misconduct opened as inquiries.

In FY 2025, OPR resolved and closed 41 inquiries concerning allegations against Department attorneys. These matters involved 103 separate allegations of professional misconduct. OPR may designate more than one Department attorney as the subject of an inquiry, and many matters involved multiple allegations. OPR closes an inquiry when it determines that further investigation is not likely to lead to a finding of professional misconduct or it otherwise lacks merit.⁵

⁵ In FY 2025, 16 inquiries were converted to investigations. When an inquiry is converted to an investigation, the matter thereafter is reported in the investigation statistics rather than the inquiry statistics section of OPR's annual report.

Table 2

Types of Professional Misconduct Allegations in Inquiries Opened in FY 2025		
Type of Misconduct Allegations	Number of Allegations	Percentage of Allegations
Failure to comply with discovery obligations	23	26.4%
Failure to maintain an active bar membership	18	20.7%
Misrepresentation/Lack of candor	11	12.6%
Failure to keep the client informed	6	6.9%
Failure to comply with Department rules and regulations	4	4.6%
Failure to comply with federal law	4	4.6%
Interference with defendant's rights	4	4.6%
Abuse of authority, including abuse of prosecutorial discretion	4	4.6%
Immigration Judges: Failure to follow proper procedures, including bias and appearance of impartiality	4	4.6%
Failure to competently or diligently represent the client's interests	2	2.3%
Failure to comply with court orders and federal rules	2	2.3%
Improper remarks to a grand jury, during trial, or in pleadings	2	2.3%
Unauthorized disclosure	2	2.3%
Conflict of interest	1	1.1%
Total	87	100%

D. Professional Misconduct Investigations Opened in FY 2025

The most serious allegations may be opened as investigations, but generally investigations are converted from inquiries after records have been obtained and reviewed and a response to the allegations obtained from the subject. All 7 investigations OPR opened in FY 2025 were referred to OPR by Department attorneys and components. Some of these investigations involved multiple subjects. In addition, because many investigations involved multiple professional misconduct allegations, OPR examined 13 separate allegations of misconduct. The types of allegations investigated are set forth in Table 3.

Table 3

Types of Professional Misconduct Allegations in Investigations Opened in FY 2025		
Types of Misconduct Allegations	Number of Allegations	Percentage of Allegations in Investigations
Abuse of authority, including abuse of prosecutorial discretion	5	38.5%
Misrepresentation/Misleading the court	3	23.1%
Improper remarks to a grand jury, during trial, or in pleadings	2	15.4%
Failure to comply with Department rules and regulations	1	7.7%
Misrepresentation/Lack of candor (other than to court)	1	7.7%
Unauthorized disclosure (Non-Media)	1	7.7%
Total	13	100%

E. Professional Misconduct Investigations Closed in FY 2025

OPR completed 10 investigations in FY 2025, some of which involved more than one attorney. OPR found professional misconduct in 9, or 90 percent, of the 10 investigations it closed. OPR finds that a subject attorney committed professional misconduct when the subject (1) intentionally violated a clear and unambiguous obligation or standard imposed by law, applicable rule of professional conduct, or Department regulation or policy;⁶ or (2) recklessly disregarded his or her obligation to comply with that obligation or standard.⁷ Six of the 10 investigations involved at least one finding of intentional professional misconduct by a Department attorney. OPR found that a Department attorney acted in reckless disregard of a clear and unambiguous obligation or standard in 3 of the 10 investigations.

The 9 investigations closed with professional misconduct findings included 23 sustained allegations of misconduct. Table 4 identifies the types of allegations sustained in those investigations. Conflict of interest and the failure to keep the client informed comprised an unusually high percentage of the allegations in the FY 2025 closed investigations primarily due to four investigations concerning undisclosed intimate relationships between prosecutors and individuals in certain designated categories.

⁶ OPR finds intentional professional misconduct when a subject violated an obligation or standard by (1) engaging in conduct with the purpose of obtaining a result that the obligation unambiguously prohibits; or (2) engaging in conduct knowing its natural or probable consequence and knowing that the consequence is a result that the obligation or standard unambiguously prohibits. When several misconduct allegations have been made against a subject, each allegation is resolved separately. Therefore, OPR may conclude that the subject engaged in intentional misconduct with respect to one allegation but find that the subject acted recklessly, exercised poor judgment, or acted appropriately with respect to another allegation.

⁷ OPR finds that an attorney acted in reckless disregard of a professional obligation or standard when it concludes that the attorney (1) knew, or should have known, based on his or her experience and the unambiguous nature of the obligation, about the obligation; (2) knew, or should have known, based on his or her experience and the unambiguous applicability of the obligation, that the attorney's conduct involved a substantial likelihood that he or she would violate or cause a violation of the obligation; and (3) nevertheless engaged in the conduct, which was objectively unreasonable under all of the circumstances.

Table 4

Types of Professional Misconduct Allegations in Closed Investigations with Findings of Misconduct in FY 2025	Number of Misconduct Allegations	Percentage of Misconduct Allegations
Failure to keep the client informed	5	21.7%
Conflict of interest	5	21.7%
Failure to comply with Department rules and regulations	3	13.0%
Misrepresentation/Lack of candor	3	13.0%
Misrepresentation to the court or opposing counsel	2	8.7%
Failure to competently or diligently represent the client's interests	1	4.3%
Failure to report misconduct	1	4.3%
Other (assisting judge in misconduct)	1	4.3%
Abuse of authority (failure to honor plea agreement)	1	4.3%
Unauthorized disclosure (non-media)	1	4.3%
Total	23	100%

In the 9 investigations closed in FY 2025 with professional misconduct findings, OPR made misconduct findings against 9 Department attorneys. By the end of FY 2025, the PMRU had issued a final decision in two matters, sustaining OPR's findings of professional misconduct and authorizing referrals to the appropriate state attorney disciplinary authorities.

In the one investigation closed without a finding of professional misconduct, OPR found that the subject attorney exercised poor judgment. Thus, of the 10 investigations OPR closed in FY 2025, OPR made a finding of professional misconduct or poor judgment in 10 cases, or 100 percent, of the investigations it closed. OPR refers its poor judgment findings to the Department attorney's component, which may take disciplinary action or other remedial measures.

Section II: Professional Misconduct Investigations Closed in Fiscal Year 2025

The following professional misconduct investigations were closed during FY 2025. This report includes actions taken by the PMRU when such action occurred during the fiscal year.

As required by the Privacy Act, to protect the privacy interests of the Department attorneys and other individuals involved in the investigations and inquiries summarized in this report, OPR has omitted the names and identifying details from the summaries. Moreover, in certain cases, information and evidence obtained by OPR is protected from disclosure by court orders, evidentiary privileges, and grand jury secrecy rules. OPR alternates the use of sex pronouns each year, regardless of the actual sex of the individual involved; female pronouns are used for this report.



[Investigation of Alleged Failure to Keep Supervisors Reasonably Informed, Conflict of Interest, Lack of Candor, Failure to Report Judicial Misconduct to Supervisors, and Assisting in Judicial Misconduct](#)

A USAO notified OPR about the conduct of an Assistant U.S. Attorney (AUSA) regarding her allegedly unprofessional interactions with a federal judge before whom the AUSA handled cases. OPR opened an inquiry and sent the AUSA a request for a written response, asking that she detail the nature of her relationship with the judge. In her response, the AUSA denied any improper interactions with the judge. Because OPR's inquiry did not reveal any witness with first-hand knowledge that the AUSA's interactions with the judge were improper and the AUSA denied that her

interactions with the judge were improper, OPR closed its inquiry.

At the time of OPR's inquiry, the Judicial Council of a federal Court of Appeals (Judicial Council) was investigating allegations related to the judge's interactions with law clerks. In 2024, the Judicial Council released an order regarding the judge. Although the gravamen of the order concerned other conduct by the judge, the order noted that after initially lying about the issue, the judge ultimately admitted having had unprofessional interactions with an AUSA. OPR reopened its inquiry and sent the AUSA a supplemental request for a written response. The AUSA's response differed materially from her initial response to OPR. She did not dispute that she was the AUSA referenced in the order and admitted that she had sent

nude photographs of herself to the judge and that they had exchanged unprofessional texts.

Based on its investigation, OPR found that the AUSA committed intentional professional misconduct in violation of the applicable rules of professional conduct by (1) concealing her unprofessional interactions with the judge, thereby purposefully failing to keep her supervisors reasonably informed about her cases before the judge and about her conflict of interest; (2) intentionally continuing to represent the United States despite a conflict of interest and without obtaining her client's informed consent; (3) intentionally misrepresenting to OPR and the Judicial Council investigators the actual nature of her interactions and the full scope of her relationship with the judge; (4) knowingly failing to report to her supervisors the judge's violation of the Code of Conduct for United States Judges; and (5) knowingly assisting the judge in violating the Code of Conduct for United States Judges. OPR referred its findings to the PMRU.

[Investigation of Alleged Failure to Comply with Policy on Notification of Romantic or Intimate Relationships and Alleged Lack of Candor](#)

OPR learned of allegations that a supervisory AUSA engaged in an undisclosed romantic or intimate relationship with a subordinate AUSA. When questioned by the USAO's senior managers, the supervisory AUSA denied being involved in a romantic or intimate relationship with the subordinate AUSA; similarly, when interviewed by OPR as part of its investigation, the by then former supervisory AUSA denied having a romantic or intimate relationship with the subordinate AUSA during the time she was a supervisor.

Based on its investigation, OPR determined that preponderant evidence supported a finding that the supervisory AUSA engaged in a romantic or intimate relationship with the subordinate AUSA during the time that she was a supervisor and failed to disclose the relationship to managers. Accordingly, OPR concluded that the supervisory AUSA committed intentional professional misconduct in violation of EOUSA policy requiring disclosure to USAO management of romantic or intimate relationships between supervisors and subordinates and in violation of the applicable rule of professional conduct by engaging in conduct involving dishonesty or misrepresentation that reflects adversely on the lawyer's fitness to practice law. OPR referred its findings to the PMRU.

[Investigation of Alleged Conflict of Interest, Failure to Advise the Client, Disclosure of Confidential Information, and Misrepresentations](#)

A USAO received a complaint alleging that an AUSA had been in a close personal relationship with defense counsel while they were adversaries in litigation. The AUSA admitted to having a close personal relationship with the defense counsel. During its investigation, OPR identified cases in which the AUSA and the defense counsel participated while the relationship was ongoing and after it ended. OPR also investigated allegations that the AUSA improperly disclosed confidential information to the defense counsel and engaged in other conduct that improperly benefitted the defense counsel.

Based on its investigation, OPR concluded that the AUSA violated her obligations under the rules of professional conduct when she (1) knowingly failed to keep her client reasonably informed by not disclosing to her USAO supervisors that she was in a close personal relationship with defense counsel who was an adversary in litigation; (2) knowingly continued to represent the government despite a conflict of interest arising from her close personal relationship with opposing counsel and without obtaining her client's consent to her continued representation of the government; (3) knowingly disclosed confidential information to the defense counsel

without obtaining consent from her USAO supervisors; and (4) knowingly made misrepresentations to a third party in order to obtain a benefit for defense counsel. OPR referred its findings to the PMRU.

[Investigation of Alleged Conflict of Interest and Failure to Advise the Client](#)

During OPR's review of evidence in a separate investigation, OPR discovered information suggesting that an AUSA had been in a close personal relationship with defense counsel while they were adversaries in litigation. The AUSA acknowledged a relationship with defense counsel, and OPR identified eight cases in which the AUSA represented the government during the relationship and defense counsel was or had previously appeared as opposing counsel. The AUSA did not disclose the relationship to her supervisors until after OPR notified USAO management of the issue and sought information from the AUSA.

Based on its investigation, OPR concluded that the AUSA violated her obligations under the rules of professional conduct when she knowingly failed to keep her client reasonably informed by not disclosing to her USAO supervisors that she was in a close personal relationship with defense counsel who was or had previously been an adversary in litigation. OPR also concluded that the AUSA violated her obligations under the rules of

professional conduct when she knowingly continued to represent the government despite a conflict of interest arising from her close personal relationship with opposing counsel and without obtaining her client's consent to her continued representation of the government. OPR further concluded that the AUSA exercised poor judgment when she failed to keep her client reasonably informed and to disclose the nature of her relationship with defense counsel before a trial. Finally, OPR concluded that the AUSA exercised poor judgment when she provided information about her relationship with defense counsel to a defendant's appellate counsel without consulting her supervisors. OPR referred its findings to the PMRU.

[Investigation of Alleged Failure to Comply with Department and USAO Policies](#)

A USAO reported to OPR that an AUSA submitted plea agreements, stipulations, or motions seeking downward sentencing departures under § 5K1.1 of the U.S. Sentencing Commission Guidelines Manual (5K motions) without obtaining the necessary supervisory approval. Based on its investigation, OPR concluded that the AUSA knowingly and intentionally violated Department and USAO policies by entering into plea agreements and filing 5K motions without supervisory approval. OPR also concluded that the AUSA knowingly and intentionally violated Department and USAO policies

by stipulating to facts in plea agreements that did not accurately represent defendants' full conduct. Finally, OPR concluded that the AUSA engaged in knowing and intentional professional misconduct by failing to abide by her client's directives and failing to consult with her supervisors in violation of the rules of professional conduct. OPR referred its findings to the PMRU, which affirmed OPR's findings and issued a disciplinary sanction. The AUSA resigned before the conclusion of the disciplinary process.

[Investigation of Alleged Lack of Candor, Failure to Advise the Client, and Failure to Supervise](#)

A Department trial attorney self-reported numerous allegations of misconduct concerning a civil matter that she handled as the lead attorney. Among the allegations OPR investigated was a claim that at a status hearing, the trial attorney made false representations about the circumstances surrounding the execution of search warrants at the homes of opposing parties. Additionally, in a status report requesting to continue the court's stay in the civil matter, the trial attorney allegedly made a false statement regarding the status of a related criminal investigation. The trial attorney also received three separate settlement offers from the opposing party but allegedly did not communicate those offers to her management for consideration. During its investigation,

OPR added the trial attorney's supervisor as a subject because she was aware of the trial attorney's statements in the status report concerning the criminal matter.

Based on its investigation, OPR concluded that the trial attorney violated her obligations under the rules of professional conduct and her general duty of candor when she knowingly and intentionally made misrepresentations to the court at the status hearing and when she knowingly and intentionally filed the status report that contained a false and misleading statement. OPR further concluded that the trial attorney violated the rules of professional conduct when she intentionally failed to inform her management of three offers of settlement proposed by opposing counsel. OPR concluded that the supervisor exercised poor judgment in her review and oversight of the status report. OPR referred its findings to the PMRU.



[Investigation of Alleged Violation of Department and USAO Policies; Failure to Act with Diligence and to Communicate with the Client; and Violation of Duty of Candor](#)

A USAO reported allegations that an AUSA entered into or altered plea agreements without supervisory approval, failed to incorporate a supervisor's edits to plea agreements, lacked candor in communications with the AUSA's supervisor about plea negotiations and the basis for dismissal in a specific case, and, in a different case, failed to comply with statutory requirements to support a recidivist enhancement and offered during trial a certified conviction for an individual who had the same name as the defendant but was not the defendant.

Based on its investigation, OPR concluded with respect to the conduct concerning plea agreements that the AUSA recklessly violated USAO and Department policies, the duty of diligence, and the duty to communicate with the client, the United States. OPR further concluded that the AUSA recklessly violated statutory and USAO and Department policies, the duty of diligence, and the duty to refrain from conduct prejudicial to the administration of justice when the AUSA failed to file a statutorily required notice of prior conviction to support a recidivist enhancement and presented a conviction

for the wrong defendant to the court. OPR concluded that in one matter the AUSA exercised poor judgment by providing inaccurate facts to the AUSA's supervisor regarding venue. OPR referred its findings to the PMRU.

Investigation of Alleged Improper Closing Argument

EOUSA referred to OPR the judicial criticism of an AUSA for making improper comments during closing argument. In her argument, the AUSA insinuated that defense counsel had coached a witness to testify inconsistently with the witness's prior statements so that the witness's testimony would conform to the defense theory at trial. In addition, the AUSA argued that in drafting the witness's affidavit, defense counsel had substituted her preferred choice of words for the actual words of the witness, was not interested in the truth, and was only trying to avoid a conviction. The trial court criticized the AUSA for her remarks and issued a curative instruction. On appeal following the defendant's conviction, the government conceded that the AUSA's remarks about defense counsel were improper.

Based on its investigation, OPR concluded that the AUSA's conduct, while improper, did not rise to the level of professional misconduct. The evidence presented at trial was sufficient to support a good faith belief by the

AUSA that defense counsel had made her own conduct an issue in the case and that the conduct in question had some bearing on the jury's assessment of the credibility and reliability of the defense witness's testimony. Nonetheless, OPR concluded that the AUSA exercised poor judgment in her closing argument by placing unnecessary emphasis on defense counsel's conduct, rather than on the evidence that was more directly relevant to the assessment required of the jury. In doing so, the AUSA chose a course of action in marked contrast to the action that the Department may reasonably expect an attorney exercising good judgment to take. OPR referred its finding to the USAO.

Investigation of Alleged Failure to Honor a Plea Agreement

An AUSA self-reported to OPR that an appellate court issued an opinion finding that the government breached its plea agreement with a defendant. Specifically, the AUSA entered into a written plea agreement with the defendant that stipulated that the government would recommend a downward adjustment for acceptance of responsibility when calculating the applicable guidelines sentence. Before sentencing, the probation officer determined that the defendant was not eligible for an acceptance of responsibility reduction because he did not comply with his pretrial release conditions. At sentencing, the AUSA urged the court to follow the probation

officer's conclusion and not award the defendant the reduction, despite the terms of the plea agreement. The court did not give the defendant an acceptance of responsibility reduction. On appeal, the government acknowledged that it committed clear error by breaching the plea agreement.

Based on its investigation, OPR concluded that the AUSA recklessly failed to honor the plea agreement. OPR's investigation showed that the acceptance of responsibility reduction was a standard part of the USAO's written plea agreements, the AUSA was aware of the pretrial release violations at the time the government entered the plea agreement with the defendant, and the AUSA failed to review the plea agreement before the defendant's sentencing hearing. OPR referred its finding to the PMRU, which affirmed OPR's conclusion and issued a disciplinary sanction.

[Investigation of Alleged Lack of Candor and Failure to Follow Office Procedures](#)

An AUSA notified OPR that a district court judge had questioned the AUSA's candor based on statements the AUSA made to the court concerning the cause for delay in producing the government's expert disclosures. Based on its investigation, OPR concluded that the AUSA misled the court about the timing of the government's requests for expert analysis and the reasons for the delay in producing its expert reports and thereby committed professional misconduct in violation of the AUSA's general duty of candor to the court. OPR also determined that the AUSA exercised poor judgment in failing to follow her office's expert disclosure protocol. OPR referred its findings to the PMRU.



Section III: Examples of Professional Misconduct Inquiries Closed in Fiscal Year 2025

The following summaries are a representative sample of the professional misconduct inquiries closed by OPR in FY 2025.

[Allegations of Failure to Comply with Discovery Obligations and Lack of Candor to the Court and Opposing Counsel](#)

After a district court criticized the government midtrial for failing to timely disclose to the defense that a civilian witness who testified at trial had a history of drug abuse and was a confidential informant, the government moved to dismiss the charges. In a subsequent ruling, the court concluded that the government had committed professional misconduct by failing to uncover and disclose the witness's drug addiction, confidential informant status, and payments for undercover drug deals and grand jury testimony. OPR conducted an extensive review of court filings and transcripts, grand jury testimony, internal USAO documents, investigative reports and notes from state and federal agencies, interviews of the case agent, and information submitted by the AUSAs and others, and concluded that while greater diligence by the lead AUSA might have led to discovery of the impeachment information, the underlying disclosure deficiency involved a communication failure between the two investigating law enforcement agencies. Accordingly, OPR concluded

that further investigation was unlikely to lead to a finding of professional misconduct by the prosecutors and closed its inquiry.

[Allegation of Failure to Comply with the Speedy Trial Act](#)

OPR learned that a court dismissed a case with prejudice after it found that the government violated the Speedy Trial Act (STA) because the defendants' second trial did not begin within the time required by the statute. When the first trial ended in a mistrial, a new 70-day period began within which the retrial had to commence. Days after that period elapsed, the government moved to exclude time from the STA computation on "ends of justice" grounds, which the court granted even though case law prohibits such retroactive exclusions. At the end of the exclusion period, the retrial was postponed to enable the defendants to obtain additional pretrial discovery, and defense counsel—with the government's assent—filed a notice stating that the defendants and the government concurred in a six-month STA exclusion on "ends of justice" grounds. The government did not file a motion, however, and the court did not enter an order excluding STA time. After a

months-long impasse in the discovery process, the defendants moved to dismiss the case with prejudice based on violations of the STA. The court granted the motion, finding that the notice filed by the defense was not a motion to exclude STA time and thus the 70-day period had expired. The court determined that dismissal with prejudice was warranted due to the government's delay in providing discovery, which was caused by the government's pattern of neglect of its speedy trial obligations and because the government acted for the purpose of obtaining a tactical advantage.

OPR initiated an inquiry, reviewed the record, and received additional information from the USAO. OPR's inquiry revealed that although the lead prosecutor assigned to the case at the time of dismissal had failed to accurately track STA time and was responsible for the STA violation, the lead prosecutor had followed a then prevailing but incorrect USAO practice in seeking retroactive exclusions of time—in which defense counsel and the court acquiesced and which the USAO subsequently corrected. OPR also accepted the court's acknowledgement that the prosecutors held a sincere, though erroneous, belief that the defense notice had operated to stop the STA clock. OPR concluded that further investigation was unlikely to lead to a finding that the prosecutors engaged in professional misconduct and closed its inquiry.



[Allegations of Failure to Comply with Discovery Obligations, Failure to Keep the Client Informed, and Failure to Supervise](#)

A USAO reported to OPR a judicial finding that the government had not satisfied its discovery obligations because it failed to timely provide pretrial discovery. As a result of the discovery violations, the court granted the government's mid-trial motion to dismiss the case. In granting the government's motion, the court expressed its concerns about discovery violations and the failure of USAO management to adequately supervise the AUSA.

OPR opened an inquiry, requested and reviewed written responses from the two involved AUSAs, and reviewed court

filings and transcripts. Additionally, OPR interviewed a member of the USAO management team. OPR determined that the AUSA responsible for discovery had an obligation to timely disclose the information at issue. OPR's inquiry revealed that the late discovery production was caused by law enforcement's failure to provide the discovery to the AUSA, the lead investigator's belief that the discovery did not exist, the AUSA's inexperience in handling complex multi-district investigations and trials, and her mistaken belief that law enforcement had gathered all discoverable information. Because the AUSA lacked any experience in handling complex, multi-jurisdictional discovery, her failure to learn of the discovery until mid-trial was not intentional or reckless under the circumstances and was a performance issue better addressed by USAO management.

OPR also considered whether the AUSA committed professional misconduct by failing to keep her client informed when she delayed notifying USAO management of the discovery violation. After the AUSA learned mid-trial that discovery material had not been disclosed, she delayed informing her supervisor of the issue until the next morning. OPR's inquiry determined that although the AUSA should have immediately informed her supervisor of the discovery violation when she spoke to her supervisor that same day, her delay in disclosing the matter until early the

next morning still allowed her supervisor time to provide her guidance on how to address the discovery issue. Thus, OPR concluded that the AUSA's conduct in delaying her report of the discovery failures to her supervisor was best addressed by USAO management.

[Allegation of Failure to Timely Notify the Court of a Conflict](#)

A USAO reported to OPR that the defendants in a criminal case alleged that an AUSA engaged in professional misconduct by not timely informing the court about a defense attorney's conflict of interest arising from representation of a defendant and cooperator in the same matter. The USAO later reported to OPR that the magistrate judge found that the AUSA's failure to timely report the conflict to the court constituted professional misconduct and recommended that she be disqualified from the case. Subsequently the district judge upheld the magistrate judge's finding that the AUSA engaged in misconduct but rejected the magistrate judge's recommendation that she be disqualified from the case because the defense had failed to establish prejudice.

OPR initiated an inquiry, reviewed the record, and received additional information from the USAO. In assessing the AUSA's conduct, OPR considered that the AUSA did not have information confirming the existence of the conflict for several months after the government began engaging with the cooperator;

once the AUSA recognized the potential conflict, she repeatedly raised the issue with defense counsel, who delayed recusing herself from both matters; the AUSA's supervisors did not instruct her to report the conflict to the court at an earlier date; and the AUSA reasonably feared that reporting the conflict to the court prior to the cooperating witness's sentencing and release from jail would endanger the witness. Additionally, OPR concluded that the AUSA did not have a clear and unambiguous obligation to report the conflict to the court at an earlier date. Therefore, OPR determined that although the AUSA should have made more timely notification to the court, further investigation was unlikely to lead to a finding that the AUSA engaged in professional misconduct and closed its inquiry.

[Allegation of Failure to Comply with Discovery Obligations](#)

A USAO reported to OPR a judicial finding that the government had not satisfied its discovery obligations because a former AUSA failed to provide favorable information to the defense about a verbal plea agreement with a cooperating co-defendant that changed the terms of the written plea agreement that had been disclosed. As a result, the court ordered a new trial and ordered the government to notify the appropriate state disciplinary authority of the AUSA's conduct, which OPR effectuated. OPR also opened an inquiry to determine whether any of the other three AUSAs on

the trial team were aware of the undisclosed plea agreement entered into by the AUSA. OPR requested and reviewed a written response from one of the involved AUSAs, motions, court orders, hearing and trial transcripts, and extensive internal communications and law enforcement reports, spanning the multi-year life of the case.

Following its review, OPR determined that the former AUSA who was aware of the impeachment evidence concealed it from the other trial team members, who were unaware of the evidence and unable to disclose it to opposing counsel before the cooperating co-defendant testified.

OPR also considered whether USAO personnel engaged in misconduct when they failed to promptly review the cooperating co-defendant's attorney's post-trial correspondence relating to sentencing that included information about the undisclosed verbal supplemental plea agreement, thereby delaying revelation of the discovery issue for over a year. OPR's investigation revealed that even if the trial team had timely reviewed the post-trial letter, they would not have avoided the errors that infected the trial. OPR concluded that the prosecutors' and supervisors' explanations for their failure to timely review the letter were not unreasonable under the circumstances, and it was not apparent from the transmitting email that the attached correspondence included information about an undisclosed plea

agreement. Accordingly, OPR concluded that further investigation was unlikely to lead to a finding of professional misconduct and closed its inquiry.

[Allegations of Misrepresentations to the Court and Opposing Counsel and Failure to Keep the Client Informed](#)

OPR opened an inquiry after a district court concluded that the government sought dismissal of an indictment without prejudice in bad faith to obtain an improper tactical advantage, and the court questioned the veracity of statements made by the prosecutor. OPR reviewed court filings, transcripts of court proceedings, internal Department documents, and a written response from the trial prosecutor. OPR concluded that the evidence did not support a finding that the government sought to dismiss the indictment to obtain an improper tactical advantage. OPR evaluated each of the statements questioned by the court and concluded that some were accurate at the time they were made and those that were inaccurate stemmed from the prosecutor's confusion regarding the admissibility of certain evidence. Accordingly, OPR concluded that further investigation was unlikely to lead to a finding of professional misconduct and closed its inquiry. OPR referred the prosecutor's belated recognition of the significant evidentiary deficiencies that ultimately caused the government to dismiss the case to the component to address as a performance matter.

[Allegations of Failure to Comply with Discovery Obligations and Lack of Candor to the Court and Opposing Counsel](#)

OPR initiated an inquiry after a district court granted the defendant a new trial due to the government's failure to timely disclose to the defense impeachment evidence of a trial witness in the possession of a third party. OPR conducted an extensive review of court filings, transcripts, and information submitted by the AUSAs, and concluded that the prosecutors' view that they were not obligated to search records of the third party was not unreasonable under applicable caselaw. Moreover, the court's statements reflected its belief that discovery errors in the case and incorrect representations prosecutors made about the status of discovery were inadvertent and made in good faith. Accordingly, OPR concluded that further investigation was unlikely to lead to a finding of professional misconduct and closed its inquiry.

[Allegation of Improper Interference with Defendant's Rights](#)

OPR learned that a defendant alleged that before his trial on contempt charges, the government interfered with his rights to counsel when it obtained from third-party service providers non-content records of communications between the defendant and his attorney. The defendant additionally alleged that prosecutors had failed to comply with a

Department rule requiring authorization to issue a grand jury subpoena to an attorney, even though the subpoenas at issue were to third-party providers. The district court denied the defendant's requests for relief based on the allegations but expressed concern about the government's efforts to obtain information about the attorney's communications and stated the matter should be addressed after trial. After conviction, the defendant raised the issue with the district court again, but the court did not further address the issue.

OPR reviewed all relevant filings related to the misconduct allegations. OPR's review revealed that no content of the defendant's communications with his attorney had been sought or obtained, that the non-content records were never used at trial, and that the cited Department rule was inapplicable because no subpoena was issued to an attorney. OPR considered the prosecutors' justification for the subpoena and concluded that they acted reasonably in seeking to obtain the non-content records. Accordingly, OPR concluded that further investigation was unlikely to lead to a finding of professional misconduct and closed its inquiry.

[Allegation of Lack of Candor and Misuse of Authority](#)

A USAO reported that during a court-ordered mediation with plaintiffs' attorneys, an AUSA made a settlement offer well above the amount that she had

authority to offer, which the plaintiffs accepted. In a subsequent discussion with a USAO supervisor and a Civil Division attorney to obtain settlement authority higher than would be typical for the type of case, the AUSA failed to inform them that she had made the offer and that it had been accepted. However, within a few hours, the AUSA notified the magistrate conducting the negotiations and the supervisor that she had erroneously offered an amount above her authority. Eventually, the matter settled for an amount within the USAO's settlement authority for the type of case. The AUSA retired during OPR's inquiry.

Following its review, OPR concluded that although the AUSA erroneously made an offer that she did not have authority to make and failed to promptly inform her supervisor of the situation, she corrected her misstatement and omission the same day. Furthermore, the plaintiffs had been informed during the mediation and in written communications of the actual limits of her settlement authority. The experienced federal magistrate also understood that any settlement, regardless of the amount, was tentative and subject to final approvals, as the AUSA had stated in a mediation letter. Accordingly, OPR determined that further investigation was unlikely to lead to a finding of professional misconduct and closed its inquiry.

[Allegations of Failing to Competently and Diligently Represent the Interest of the Client and Misrepresentations to the Court and Opposing Counsel](#)

A USAO informed OPR that it had moved to dismiss an indictment with prejudice after it determined that numerous search and seizure warrant affidavits contained a series of errors, unreasonable inferences, and misrepresentations. The USAO also concluded that AUSAs unknowingly repeated the same inaccuracies in pleadings and in representations to the court. The court granted the government's motion and dismissed the case with prejudice.

OPR initiated an inquiry and carefully reviewed relevant court filings, information obtained from the USAO, detailed written responses from the AUSAs, and other relevant information developed by OPR. OPR found that most of the repeated factual errors, unreasonable inferences, and misrepresentations derived from a warrant affidavit drafted early in the investigation. Although the errors were introduced by both the law enforcement agent and the AUSA responsible for that search warrant, the agent drafted the original warrant affidavit and signed the warrant affidavit without correcting the errors. OPR also concluded the AUSA did not engage in professional misconduct when she failed to correct prior representations to the defense about information in the warrant and allowed the government to file a

pleading containing errors because OPR concluded she did not act knowingly or recklessly. In addition, other AUSAs who repeated the same inaccuracies had limited involvement in preparing or reviewing the original warrant affidavit or the underlying investigation and reasonably believed the information was accurate. Because further investigation was unlikely to lead to a finding of professional misconduct, OPR closed its inquiry.

[Allegation of Unauthorized Disclosure \(Non-Media\)](#)

A Department trial attorney self-reported to OPR that she made unauthorized disclosures regarding prior and ongoing civil litigation in which she represented the government to an individual who, unbeknownst to her, was associated with an advocacy organization and whom she had recently met through an internet dating site. Following the two social encounters in which she made the disclosures, the organization published two articles online, each accompanied by short video reports containing excerpts of surreptitious recordings in which the trial attorney appeared to be critical of the government's litigation positions and related enforcement actions.

OPR reviewed the content of the recordings, the underlying litigation records, and extensive public-domain information regarding the cases and related policy issues. Based on its review, OPR concluded that although the

attorney's statements were ill-advised, in the published recordings the trial attorney did not disclose privileged or confidential client information and did not otherwise discuss non-public information related to the two cases. As the attorney belatedly recognized, discussing Department matters outside of work runs the risk that statements can be manipulated to the detriment of the

client and the Department. OPR further noted that the trial attorney informed her manager as soon as she initially became aware of the incident, and her supervisors took prompt management action in the matter. OPR concluded that further investigation was unlikely to lead to a finding of professional misconduct and closed its inquiry.

Section IV: Non-Department Attorney and Judicial Misconduct Allegations



Most state bars obligate attorneys to report to the jurisdiction's attorney disciplinary authority violations of the rules of professional conduct that raise a substantial question as to a lawyer's honesty, trustworthiness, or fitness as an attorney. OPR assists Department attorneys in fulfilling their state bar obligations to report rule violations by non-Department attorneys that come to their attention in the course of their professional duties. OPR is responsible for determining whether the Department should refer allegations of possible professional misconduct by non-Department attorneys and members of the judiciary to state attorney and judicial disciplinary authorities. In fulfilling this role, OPR consults with Department attorneys regarding the non-Department attorney conduct at issue, reviews pertinent records, and conducts legal research as necessary to determine whether a bar referral is required or appropriate.

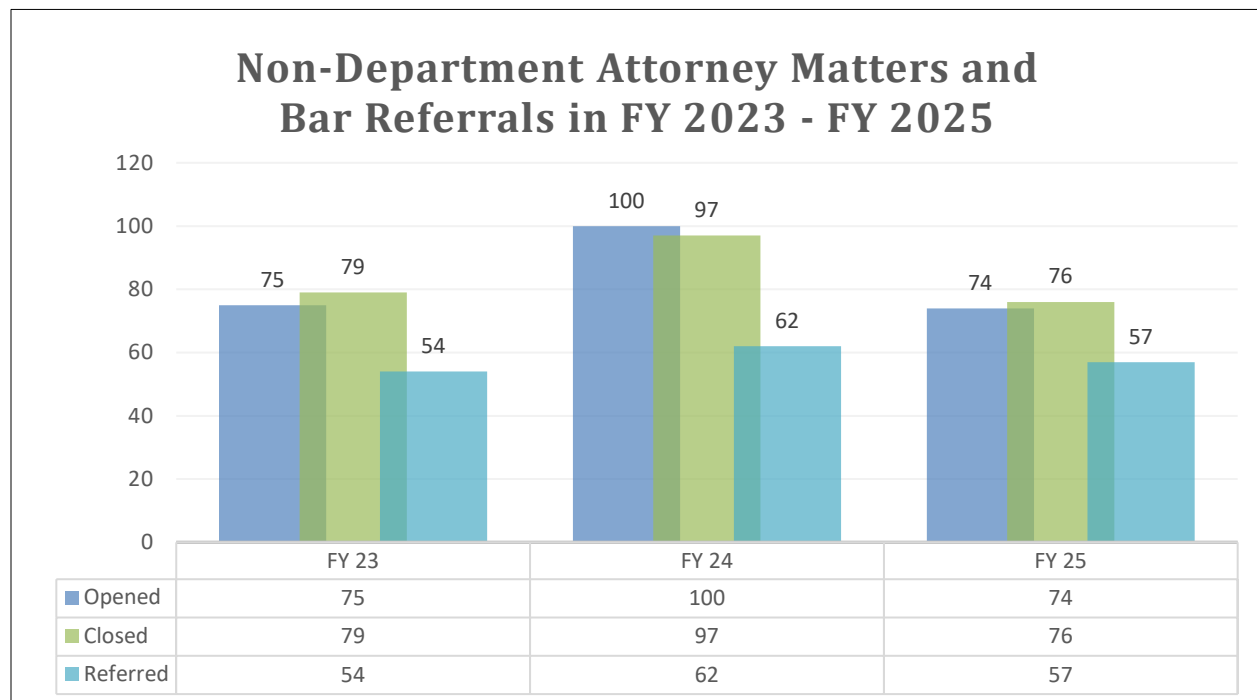
During FY 2025, OPR received 74 submissions from Department components concerning possible professional misconduct by non-Department attorneys. OPR evaluated and closed 76 submissions and referred 57 matters, encompassing 60 attorneys, to state attorney disciplinary authorities.⁸ OPR did not refer allegations it determined to be uncorroborated or based on mere suspicion, did not constitute a violation of a rule of professional conduct, or were already under investigation by state or judicial disciplinary authorities. OPR continued to track media reports concerning federal indictments and convictions of attorneys and to proactively contact Department

⁸ Some of the complaints that were closed included allegations received by OPR prior to FY 2025.

components to ensure timely reporting of such matters. Many of the referrals OPR sent to state disciplinary authorities concerned an indictment, complaint, guilty plea, or conviction of a non-Department attorney for a federal criminal offense. Graph 3 depicts the number of non-Department attorney complaints received and resolved during the previous three fiscal years.

In FY 2025, OPR referred to disciplinary authorities a variety of criminal conduct by non-Department attorneys, such as bribery, wire fraud, extortion, tax evasion, and possession of child pornography. In some cases, OPR referred evidence of uncharged criminal conduct by non-Department attorneys that came to light incidentally during a government investigation or litigation. For example, during an investigation of a stolen check scheme, the Department learned that non-Department attorneys negotiated the stolen checks through their client trust accounts. Regarding non-criminal conduct, OPR referred to disciplinary authorities allegations concerning false statements, misrepresentations, and other instances of serious misconduct by non-Department attorneys. Among its referrals, OPR notified disciplinary authorities of matters in which evidence revealed that attorneys improperly operated a document mill for immigration cases, practiced law with a suspended license, ignored conflicts of interest, harassed government attorneys, and made a filing with case “hallucinations” drafted by artificial intelligence.

Graph 3



During FY 2025, OPR received two submissions from Department components concerning possible professional misconduct by members of the judiciary. OPR closed one of the matters without referral, involving allegations of child pornography, because the matter was already under investigation by state judicial authorities and the magistrate had been suspended. OPR referred the other matter as it involved a retired judge who was indicted for his actions while on the bench, namely sexually assaulting two judicial assistants, lying about it to federal authorities, and attempting to falsify records to create an alibi. Table 5 depicts the number of complaints against members of the judiciary received and resolved during the previous three fiscal years.

Table 5

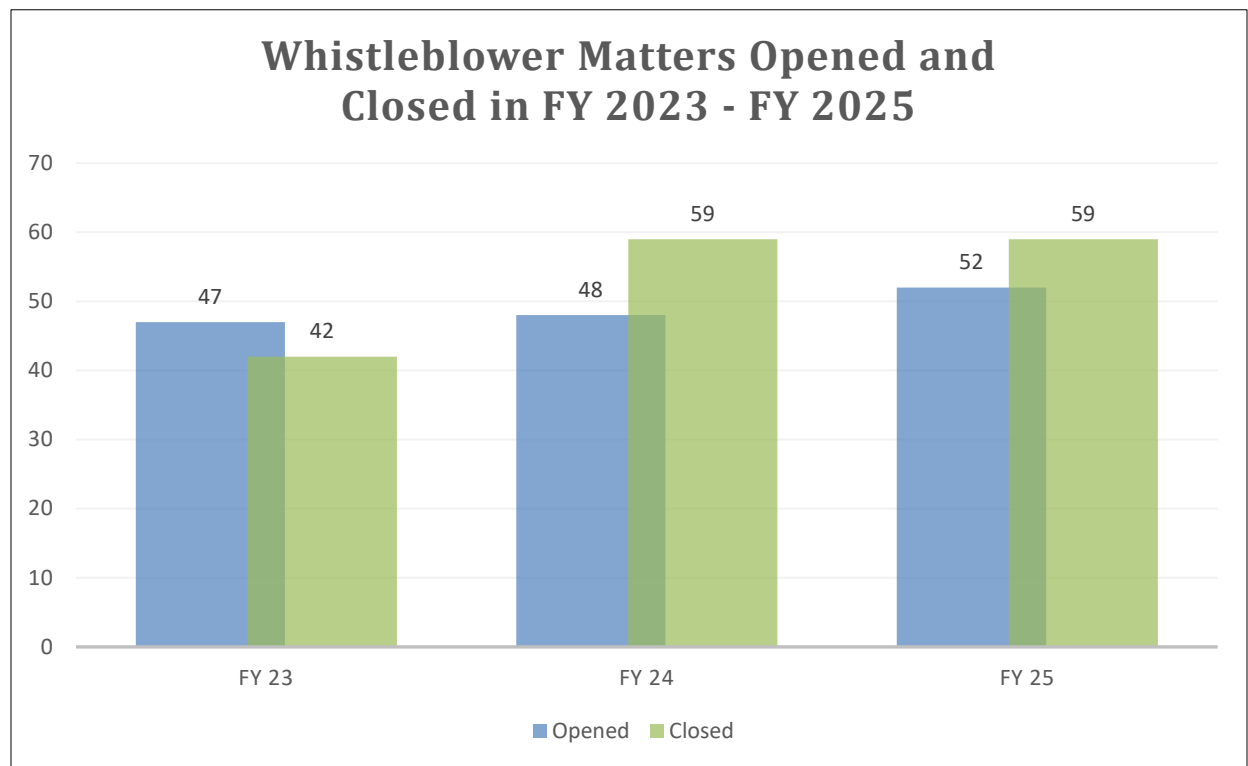
Complaints against Members of the Judiciary FY 2023 – FY 2025		
	Complaints	Referrals
FY 23	3	1
FY 24	3	0
FY 25	2	1

Section V: FBI Whistleblower Retaliation Claims

The FBI, like certain other federal agencies with intelligence-related duties, is expressly excluded from the statutory whistleblower protection scheme that covers most federal employees. Instead, FBI personnel and applicants for FBI employment are governed by the requirements set forth in 5 U.S.C. § 2303 and 28 C.F.R. Part 27, which generally prohibit Department personnel from taking retaliatory action against whistleblowers. Pursuant to the regulation, OPR and the OIG share responsibility for reviewing and investigating whistleblower retaliation complaints made by FBI personnel and applicants for FBI employment. OPR evaluates complaints based on the statutory and regulatory provisions, which require evidence that the complainant made a protected disclosure to one of the designated officials or offices; the complainant reasonably believed the disclosure evidenced certain identified types of wrongdoing; and a Department employee took or failed to take, or threatened to take or fail to take, a personnel action with respect to the complainant. In some instances, OPR determines that a full investigation into the allegations made by the complainant is necessary. In other cases, OPR closes the matter for a variety of reasons, including the failure to meet the jurisdictional elements of the regulation, lack of sufficient evidence to support a finding that agency action was taken due to retaliation, or a decision by the complainant to withdraw the complaint.

OPR continues to see an increase in FBI whistleblower retaliation claims. During FY 2025, OPR received 52 complaints and closed 59, some of which were received in preceding fiscal years. At the end of the fiscal year, OPR had 7 pending whistleblower retaliation matters, a significant decrease in its backlog. Graph 4 depicts the number of complaints received and resolved during the previous three fiscal years.

Graph 4



The following are examples of whistleblower retaliation allegations closed by OPR this fiscal year.

[Allegation of Whistleblower Retaliation](#)

An FBI probationary employee alleged that after she reported allegations of gross mismanagement by her first-level supervisor, that supervisor and the employee’s second-level supervisor verbally threatened her with termination before the completion of her probationary period. Following a thorough investigation, which included

interviewing the employee, the supervisors, and witnesses, and reviewing relevant documentary records, OPR concluded that although the employee made a protected disclosure, there was insufficient evidence to conclude that her supervisors threatened her with removal as a reprisal for that disclosure. Accordingly, OPR concluded that the employee’s whistleblower reprisal complaint was not cognizable under the

FBI whistleblower regulations and terminated its investigation.

[Allegation of Whistleblower Retaliation](#)

An FBI employee alleged that, after she reported health and safety concerns during two search warrant executions that occurred approximately two years apart, she was retaliated against in various ways after each disclosure, such as receiving a lowered year-end performance rating after the first execution and a negative check-in comment after the second execution. Following a thorough investigation, which included interviewing the employee and reviewing relevant documentary records, OPR concluded that the employee did not make a protected disclosure after the first warrant execution and did not experience a personnel action after the second execution. Accordingly, OPR concluded that the employee's whistleblower reprisal complaint was not cognizable under the FBI whistleblower regulations and terminated its investigation.

[Allegation of Whistleblower Retaliation](#)

An FBI employee alleged that the FBI requested her to resubmit to a polygraph examination in retaliation for her intended disclosures to Congress and the Department. The FBI employee claimed that soon after an adjudicatory body ordered removal of an ethics violation charge against her and she notified FBI OPR that she intended to

report matters related to her case, an FBI polygraph examiner contacted her to schedule a polygraph. The examiner informed her that she did not pass her previous polygraph and that the FBI required another one. The FBI employee alleged that she was unaware of the failed polygraph, it was administered a year prior, and it had no effect on her security clearance. Based on the timing of the polygraph request, the FBI employee assumed that the FBI was attempting to obtain an inconclusive polygraph to revoke her security clearance and terminate her employment. As a result, the FBI employee immediately applied for retirement.

OPR concluded that it lacked jurisdiction to investigate the complaint because the alleged retaliation did not qualify as a personnel action under the FBI whistleblower regulations. Administering a polygraph examination to an FBI employee is not a personnel action. Additionally, the whistleblower protection laws do not authorize review of security clearance determinations, even if the revocation disqualifies the employee from continued employment. Furthermore, the contention that the FBI threatened her employment by requiring her to submit to another polygraph was based upon the assumption that she would fail the requested polygraph and that as a result the FBI would revoke her security clearance. Because she decided to retire without taking the polygraph, whether the FBI would have used the

polygraph as a pretext to terminate her employment was unknown. For these reasons, OPR concluded that it lacked jurisdiction to investigate her whistleblower complaint.

[Allegation of Whistleblower Retaliation](#)

An FBI employee alleged retaliation for complaining to supervisors about harassment by an FBI special agent who was responsible for security at the employee's FBI office building. The employee appeared to have obtained entry into the building for a companion by claiming the two were married. When questioned by the special agent, the employee admitted that the companion was the employee's spouse by virtue of an "unofficial" marriage not recognized by any state. The employee disclosed to supervisors that the special agent used a raised voice during the conversation and acted hostile and antagonistic toward the employee in a subsequent conversation about the matter. OPR concluded that it lacked jurisdiction to investigate the complaint because it involved a minor workplace conflict the disclosure of which is not protected under the FBI whistleblower regulations.

[Allegation of Whistleblower Retaliation](#)

An FBI employee alleged that after she reported allegations of gross mismanagement and gender discrimination by a supervisor on her squad to her chain of command, she was transferred to a different squad, she

received negative feedback in his personnel file, and her year-end performance rating was lowered. Following a thorough investigation, which included interviewing the employee, her supervisors in both squads, and reviewing relevant documentary records, OPR concluded that, although the employee made a protected disclosure, the personnel file entries and squad change were not personnel actions. OPR further concluded that the FBI would be able to show that it would have lowered her performance rating even in the absence of her protected disclosure. Accordingly, OPR concluded that the employee's whistleblower reprisal complaint was not cognizable under the FBI whistleblower regulations and terminated its investigation.

[Allegation of Whistleblower Retaliation](#)

An FBI employee complained that she received an adverse annual performance rating after she told supervisors that a co-worker assigned to revise and edit a surveillance log drafted by the employee recommended a revision that would have changed the log to falsely record an event that the employee did not observe. When the employee disclosed to her supervisors the recommended false revision to the surveillance log, they agreed with the employee that the revision should not be made, and the employee was not forced to create an inaccurate log.

After an initial review, OPR determined that it lacked jurisdiction to investigate the complaint because the employee's disclosure of a co-worker's allegedly improper request, which was not carried out, was not a protected disclosure. In addition, although the employee claimed that her adverse performance rating was based on the interaction with her supervisors during which she objected to revising the surveillance log, the adverse rating was based on the employee's objection to any revisions of her draft logs, including appropriate revisions such as correcting misspellings. The complaint thus did not establish that any disclosure the employee made was a contributing factor to her adverse annual performance rating.

[Allegation of Whistleblower Retaliation](#)

An FBI employee alleged that after accusing her immediate supervisor of sharing classified information with an individual who lacked the requisite clearance, she received negative comments in her annual performance appraisal, and she was transferred to a new squad. After an initial review, OPR determined that it lacked jurisdiction to investigate the complaint because it did not allege facts to show that the employee had experienced a personnel action. Although a lowered annual performance rating qualifies as a personnel action, the employee's overall annual rating—consistent performer—was the same annual rating she had

received in the preceding year. Including negative or critical comments about an employee's performance in an annual performance appraisal does not qualify as a personnel action if the overall rating remains the same. In addition, being reassigned from one squad to another within the same field office does not qualify as a personnel action.

[Allegation of Whistleblower Retaliation](#)

An FBI employee alleged that her supervisors and coworkers treated her in a hostile manner, excluded her from duties, and gave her an adverse annual performance review after she raised concerns about her coworkers' highly unprofessional behavior and comments regarding personnel in the FBI and USAO. OPR opened an inquiry and, after carefully reviewing the allegations in the complaint and obtaining additional records, concluded that the allegations had been addressed through the equal employment opportunity (EEO) process after the FBI employee had filed an EEO complaint regarding the same adverse personnel actions that formed the basis of her complaint to OPR. In addition, OPR concluded that the conduct described in the complaint and the FBI employee's exclusion from collateral duties were not personnel actions. Furthermore, the FBI employee received redress for her adverse annual performance review through the EEO process. Accordingly, OPR closed its inquiry.

Section VI: OPR Review of OIG Investigations into Attorney Misconduct



The OIG investigates allegations concerning waste, fraud, abuse, and misconduct in Department programs and by Department personnel, including allegations relating to the conduct of Department attorneys, when the allegations are outside of OPR's jurisdiction. OPR reviews OIG reports of investigations into Department attorney misconduct to determine whether the subject's conduct implicates the rules of attorney professional conduct and should be referred to the appropriate state attorney disciplinary authority.

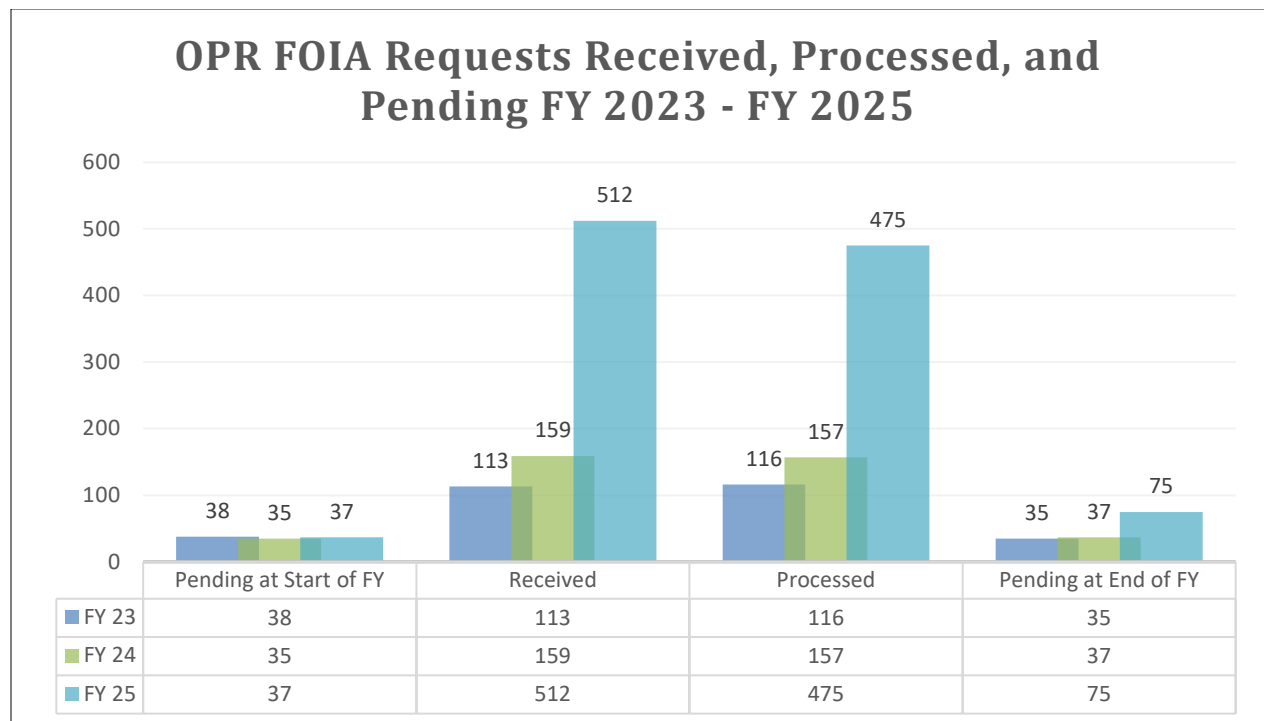
In FY 2025, OPR reviewed seven OIG reports concerning eight Department attorneys found by the OIG to have violated regulations or Department policies and provided to the PMRU its analyses as to whether the subjects' conduct implicated the rules of professional conduct. In the separate cases, OPR reviewed OIG findings concerning unauthorized disclosures of confidential information, the misuse of government property, non-violent assault, a relationship with a subordinate, and lack of candor to the OIG during an investigation. The PMRU resolved five matters; OPR made a referral to a state disciplinary authority in one matter after authorization by the PMRU.

Section VII: OPR Activities in Response to FOIA Requests and Litigation

The Freedom of Information Act (FOIA) gives persons the right to request access to government records. Under the FOIA, federal agencies are required to disclose requested information unless the information falls under one of nine exemptions that protect certain sensitive interests, such as personal privacy, national security, and law enforcement. The FOIA works in tandem with the Privacy Act, which gives persons the right to request access to government records about themselves. Agencies respond to individuals' requests for access to their own records by processing those requests under both statutes. Each year, OPR devotes significant resources to the processing of and timely response to FOIA and Privacy Act requests, while also defending its actions in FOIA and Privacy Act lawsuits.

During FY 2025, OPR made substantial progress in processing FOIA requests and responding to litigation and did so despite a 222 percent increase in the number of FOIA requests received over the prior year. OPR’s FOIA team processed and responded to simple FOIA requests in a median of 10 days, under the statutory requirement to process and respond to requesters within 20 days. In addition, OPR’s FOIA team closed 92 percent of all FOIA requests and 55 percent of all Privacy Act requests received in FY 2025. Graph 5 depicts the number of requests pending, received, and processed during the previous three fiscal years.⁹

Graph 5



The following are summaries of notable FOIA and Privacy Act litigation to which OPR was a party during the fiscal year.

In *Bain v. Office of the Attorney General, et al.*, the plaintiff, a former Department immigration judge, sought all information that OPR received, gathered, or compiled during its inquiry into and subsequent investigation of allegations of her misconduct. A search for records potentially responsive to plaintiff’s request yielded thousands of pages and by processing at least 500 pages per month, OPR’s small FOIA team completed the

⁹ The 2025 end of year matters include a matter reported as closed during FY 2024, which was reopened during FY 2025.

processing of more than 16,000 pages within a two-year period. OPR has compiled a comprehensive *Vaughn* index in advance of briefing on motions for summary judgment.

OPR is currently defending two lawsuits brought by Citizens for Responsibility and Ethics in Washington (CREW), a non-profit, non-partisan organization. In the first, the plaintiff seeks records relating to possible professional misconduct by federal appeals, district, and bankruptcy court judges, and federal magistrates, including records relating to referrals to disciplinary authorities. A search for records potentially responsive to the plaintiff yielded thousands of pages. OPR has completed processing records related to two referred judges and is currently processing records related to the non-referred judges. Regarding the non-referred judges, OPR sent two interim responses to the plaintiff and referred records or sent consultations to other DOJ components. OPR continues to process records related to non-referred judges.

In the second CREW lawsuit, the plaintiff seeks records relating to a former AUSA's misconduct at the USAO for the District of Kansas or as a prosecutor for the State of Kansas. The district court ruled that given public decisions by district courts criticizing the AUSA's conduct, a standard response neither denying nor confirming the existence of records was not available, and OPR is now processing responsive records.

In *Miller v. U.S. Department of Justice*, the plaintiff sought all documents relating to an OPR investigation of a former Associate Deputy Attorney General. OPR has reviewed several hundred pages of responsive records and sent documents to other components for consultation. OPR will complete processing and production of all responsive records upon receipt of the outstanding consultation responses.

Section VIII: Training and Outreach

Suspensions of Attorney Licenses

By statute, the Department is prohibited from paying compensation to an attorney who is not "duly licensed and authorized to practice in a State, [a] territory, or the District of Columbia." Consistent with the statutory requirements, all individuals employed as Department attorneys, individuals who provide legal advice regardless of position title, or individuals who are otherwise engaged in the practice of law, must maintain an active bar license through which they are authorized to practice law. Attorneys must complete an annual certification confirming that at all times during the year, they maintained an active license and acknowledging their obligation to immediately report to OPR any lapse in active bar membership during Department employment.

As part of OPR's continuing efforts to reduce the number of Department attorneys experiencing license suspensions resulting primarily from attorneys' failure to pay their bar dues, OPR worked with the Office of Attorney Recruitment and Management (OARM) to revise a memorandum to all Department attorneys reminding them of the Department's active membership policy, their personal responsibility to comply with bar licensing requirements, and the requirement to provide current contact information to their licensing authorities. The memorandum required attorneys to acknowledge electronically that they had received and reviewed the policy reminder, and OPR tracked attorney responses under processes implemented the previous fiscal year. OPR also worked with OARM to revise the annual bar certification form to ensure that Department attorneys report lapses of active bar membership even if they received a retroactive reinstatement of active membership, a circumstance that arises in certain jurisdictions.

OPR learned that the D.C. Bar instituted a new policy that allows for retroactive reinstatement if a dues payment is made within 30 days of the suspension date, which is separate from the retroactive reinstatement available for good cause under its bylaws. The retroactive reinstatement process has decreased the number of professional misconduct findings against Department attorneys with D.C. Bar license suspensions in recent years, and OPR will be engaging with the D.C. Bar to better understand the relationship between the two types of retroactive reinstatements.

In several bar lapse matters, OPR noted failures to report to OPR as required by the Justice Manual, including reporting failures by component management, and provided appropriate guidance. OPR advised Department attorneys regarding whether their membership status complied with the Department's active bar membership requirement and whether continuing legal education requirements must be satisfied for attorneys practicing outside their licensing jurisdiction.

External Outreach

OPR routinely engages with state attorney disciplinary authorities through referrals of misconduct findings, by assisting disciplinary authorities in gaining access to Department records, and through various other liaison efforts. OPR notified state attorney disciplinary authorities of findings that current or former Department attorneys engaged in misconduct that violated or implicated rules of professional conduct and responded to the bars' requests for additional information concerning those matters. OPR also advised disciplinary authorities of conduct by non-Department attorneys that implicated the rules of professional conduct when that conduct came to the attention of Department personnel in the course of their professional duties. Through its liaison efforts, OPR builds relationships that are useful to both bar counsel and the Department.

CONCLUSION

OPR's activities in FY 2025 increased awareness of professional standards and responsibilities throughout the Department and helped Department attorneys meet the challenge of enforcing the laws and defending the interests of the United States while maintaining the highest ethical standards. OPR reviewed and resolved over a thousand complaints and fully investigated allegations when appropriate. OPR resolved FBI whistleblower retaliation complaints, referred non-Department attorneys to state attorney disciplinary authorities, and continued to serve as the Department's liaison with state disciplinary counsel.