



ETHICAL OBLIGATION OF THE PUBLIC OFFICIAL LAWYER WHO FALSELY UNDERMINES THE CRIMINAL JUSTICE SYSTEM AFTER TRUMP'S CONVICTION

Posted on June 3, 2024 by Cyrus Mehta

By Cyrus D. Mehta and Kaitlyn Box

On May 30, 2024, Donald Trump was [convicted of 34 counts](#) of falsifying business records in New York, all in connection with his payment of hush money to adult film actress Stormy Daniels in advance of the 2016 election. Harvard law professor Laurence Tribe eloquently [summarized](#) on X the sense of justice that news of the convictions brought - "Trump's trial for 34 felony violations of NY law — violations w/out which he might well have lost the 2016 presidential election — was a model of fairness that law students and trial judges will study for decades. There's nothing here for any informed person to complain of." Trump and his followers, however, promptly [decried](#) the trial as having been rigged, accusing Justice Juan M. Merchan, who presided over the trial, and the jury of being biased.

Trump quickly found ways to direct blame for the perceived unfairness of the trial at immigrants. In a disjointed monologue that he delivered outside of Trump Tower on the day after the trial, he stated that migrants are "coming in from mental institutions and insane asylums" and "he Congo has just released a lot of people from jail - Congo, Africa - just released a lot of people, a lot of people, from their prisons and jails, and brought them into the United States of America." (see [here](#)). He bafflingly [added](#) that these migrants originated "from places unknown, from languages that we ... haven't even heard of... t's not like Spanish or French or Russian." He then [concluded](#) that New York City, where the trial was held, is corrupt and crime-ridden, stating "you have violent crime all over this city at levels that nobody's ever seen before." Republicans quickly followed suit in drawing parallels between immigrants and the supposed

injustice of Trump's convictions. Tucker Carlson [stated](#) on Twitter on May 30, 2024: "Import the Third World, become the Third World. That's what we just saw. This won't stop Trump. He'll win the election if he's not killed first. But it does mark the end of the fairest justice system in the world. Anyone who defends this verdict is a danger to you and your family."

Other Republican leaders, too, denounced the outcome of the trial and questioned the impartiality of judge and jury. Marco Rubio, U.S. Senator for Florida, [stated](#): "The verdict in New York is a complete travesty that makes a mockery of our system of justice. A political show trial conducted by an openly pro-Biden judge whose daughter makes money off the case, a jury from the most liberal county in America, absurd and ridiculous charges and outrageous jury instructions that guaranteed guilty verdicts. Biden and the Trump deranged left will stop at nothing to remain in power." Senator J.D. Vance of Ohio issued a [statement](#) calling the verdict a "an absolute miscarriage of justice" and criticizing the "partisan slant of this jury pool". Mike Johnson, Speaker of the House, [said](#) of the verdict "I do believe the Supreme Court should step in".

These comments have the troubling potential to undermine confidence in the judicial systems of the United States. Trump and Carlson's misguided criticism of the verdict and demonization of immigrants is, unfortunate though unsurprising. It is disappointing, though, that well-trained lawyers such as Rubio, Vance, and Johnson who are also elected officials would baselessly claim parroting Trump that the trial was biased. Pursuant to the state analogues to ABA Model Rules of Professional Conduct 8.4 (c) and (d), lawyers must not "engage in conduct involving dishonesty, fraud, deceit or misrepresentation" or "conduct that is prejudicial to the administration of justice". Although these are broad provisions it is unlikely that Rubio, Vance or Johnson would be subject to discipline as their baseless accusations against the criminal justice system may be protected under the First Amendment. Still, Rule 8.4 has been used broadly by disciplinary authorities against lawyers especially when their conduct has been prejudicial to the administration of justice. Comment 7 to Rule 8.4 imposes greater obligations on lawyers who are public official, which states that "awyers holding public office assume legal responsibilities going beyond those of other citizens. A lawyer's abuse of public office can suggest an inability to fulfill the professional role of lawyers."

Critics have every right to disagree with the verdict reached against Trump, or

to support his right to an appeal, but it is concerning to see Republican leaders who are also lawyers make blatantly untrue statements that could create the perception that the trial, or American judicial system as a whole, are unjust and undeserving of respect.

It is ironic that Trump, who as president imposed travel bans against people coming from Muslim-majority nations, will now face bans from [37 countries](#) including major allies such as Canada, Australia, and the UK because of his felony convictions, although if he becomes president again, it is likely that these countries will make exceptions while he will continue to act ruthlessly towards immigrants in his own country. And finally, one cannot help but snigger at Trump who falsely accuses undocumented immigrants of being criminals and “poisoning the blood of our country” when he is now a confirmed felon!

*Kaitlyn Box is a Senior Associate at Cyrus D. Mehta & Partners PLLC.