



**MSBA Mailing Address & Baltimore Office**  
3700 O'Donnell Street, Suite 200  
Baltimore, MD 21224

**Annapolis Office**  
200 Duke of Gloucester Street  
Annapolis, MD 21401

April 6, 2026

The Honorable Todd W. Blanche, Acting Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, D.C. 20530

*Submitted online at <https://www.regulations.gov>*

Re: U.S. Department of Justice  
Docket No. OAG 199  
Comment to Proposed Rulemaking  
Review of State Bar Complaints and Allegations Against Department of Justice Attorneys

Dear Attorney General Blanche:

The Maryland State Bar Association (MSBA) submits this comment on behalf of over 15,000 members, including lawyers, judges, law students, and legal professionals, in response to the proposed Department of Justice (DOJ) rulemaking for Review of State Bar Complaints and Allegations Against Department of Justice Attorneys (Proposed Rule). The Proposed Rule would prevent current and former DOJ attorneys from being investigated by state bar disciplinary authorities for misconduct or ethical violations. MSBA is committed to the rule of law, administration of justice, and professional accountability, and opposes the Proposed Rule for the reasons stated below.

**I. The Supreme Court of Maryland Possesses Exclusive Authority to Regulate the Maryland Bar.**

The Supreme Court of Maryland has exclusive authority to regulate the practice of law, admit new members, and discipline attorneys who fail to meet the standards of professional conduct for attorneys admitted to practice in Maryland and for attorneys who provide legal services in Maryland, pursuant to Maryland Rule 19-308.5. Through the Attorney Grievance Commission

---

**Marisa A. Trasatti**  
President

**Natasha Dartigue**  
President-Elect

**Randolph S. Sergent**  
Secretary

**Natasha M. Nazareth**  
Treasurer

**Anna S. Sholl**  
Executive Director

and the Office of Bar Counsel, the court preserves oversight and investigation of attorney conduct in accordance with the Maryland Attorneys' Rules of Professional Conduct (MRPC).

The Proposed Rule would directly contradict and interfere with the established authority of state courts to regulate attorneys by directing the Attorney General to review allegations prior to any state disciplinary investigation and to take appropriate action to enforce her authority or prevent interference from bar disciplinary bodies. The U.S. Supreme Court has long held that “the licensing and regulation of lawyers has been left exclusively to the States and the District of Columbia . . . for the discipline of lawyers.” *Leis v. Flynt*, 439 U.S. 438, 442 (1979). Congress later affirmed that federal government attorneys are subject to state ethical rules “to the same extent and in the same manner as other attorneys in that State” in which they practice. 28 U.S.C. § 530B(a). The DOJ should not be permitted to exempt its attorneys from ethical standards that govern all other lawyers in the United States. While the DOJ may maintain internal procedures for ensuring attorney accountability, it has no constitutional or statutory authority to supersede the state’s independent authority.

## **II. The Proposed Rule Creates a Professional Conflict of Interest for DOJ Attorneys.**

The Proposed Rule creates a conflict of interest for DOJ attorneys connected to Maryland by failing to define a clear timeline or scope of internal investigations. The Attorney General’s indefinite control over the investigation would prevent DOJ attorneys from timely fulfillment of their ethical requirements at the state level. Attorneys would have to choose between following internal DOJ policy and their individual ethical obligations under the MRPC. By prohibiting cooperation with Maryland Bar Counsel, the Proposed Rule mandates a violation of Maryland Rule 19-308.1(b), which requires that a lawyer shall not “knowingly fail to respond to a lawful demand for information from . . . [a] disciplinary authority.” In addition, a DOJ attorney may also feel conflicted about their mandatory obligation under Maryland Rule 19-308.3 to report known professional or judicial misconduct to the appropriate state authority. Because Maryland law provides no applicable employer exception for federal attorneys, individuals who fail to comply with state disciplinary matters would face professional discipline and the risk of disbarment from Maryland authorities.

MSBA urges the Department to withdraw the Proposed Rule as it would dilute the integrity and public trust of the judicial system. Admission to the Bar is based on a commitment to the rule of law and a code of ethics, personal to each attorney and independent of one’s employer.

MSBA appreciates the opportunity to comment and remains available for further discussion on this matter.

Respectfully,

Maryland State Bar Association (joined by law firms, organizations, and individuals attorneys listed below)

**Law Firms and Organizations\***

Avery & Upton
Baltimore County Bar Association
Bethesda Law Group
Brett-Major Law
Gallagher LLP
Goodell, DeVries, Leech & Dann, LLP
Herbst Law, LLC
J. Marcus Slowiak, P.A.
Justiniano Law LLC
Law Offices of David Batzer, PA
Mark L. Matulef
Maryland Legal Aid
Myers Law LLC
Nazareth Bonifacino Law
Ross & Ross LLC, Attorneys at Law
Saunders and Schmieler, PC
Steven D. Rinaldi PC
Wase, Wase & Grace, LLC
Watershed Legal Counsel

**Individual Attorneys\***

Richard L.	Adams, III
Shara	Alpert
Stacey E.	Andersen
Ryan L.	Anderson
Kristy K.	Anderson
Christina	Araviakis
Marc H.	Baer
Ann	Baum
Michael J.	Baxter

R. Aron	Benjamin
Donna M.	Berdych
Judge Charles G.	Bernstein, I
Denise A.	Blake, Esq.
Ginny	Bonifacino
Kathleen	Brannan
David L.	Cahn
Paul	Caiola
Michael	Campbell
Ron	Canter
Bradford G.Y.	Carney
Françoise M.	Carrier
Meghan K.	Casey
Ward	Coe
Edward A.	Cole
Liset	Collazo
Andrew C.	Cooper
Harriet E.	Cooperman
Linda	Couch
Linda	Cox
Thomas C.	Dame
Michael W.	Davis
Elmer A.	Davis, III
David S.	DeJong
Gerardine	Delambo
Phil	Diamond
Sean G.	Dixon, Esq.
Daniel H.	Doherty, III
Tricia	Dring
Joe	Dugan
Roger L.	Elliott
Lon	Engel
Elizabeth	Entwisle
Todd R.	Eskelsen
Suellen M.	Ferguson, Esq.
Joanne M.	Finegan
Jerry D.	Focas
Adamandia	Frantzis

Charles Rixey	Gamper
Heather	Gange
April Hope	Gassler
Giovanna C.	Genoese, Esq.
Shawn A.	Goldfaden, Esq.
Timothy Michael	Gunning
Ronald B.	Harris
Donald D.	Hecht, Esq.
Joanne	Hepworth
Denise	Hicks Brown
Ann Marie	Holder
Eric	Holey
Michael Paul	Hollander
Heidi Kohler	Hotz, Esq.
John P.	Hotz, Esq.
Katherine Kelly	Howard, Esq.
William C.	Hudson
Sean P.	Hughes
Natalie J.	Johnson, Esq.
Ian T.	Jones
Brian A.	Kane
Brian A.	Kane
Mary Elizabeth	Kaslick
Sean	Keene
Peter E.	Keith
William F.	Kelley
Michael James	Kelly
Virginia A.S.	Kling
Connie	Kratovil-Lavelle
Marcella	Labellarte
Sarah F.	Lacey, Esq.
Renée S.	Lane-Kunz
Teri Kaufman	Leonovich
William R.	Levasseur, Jr.
Andrew	Lin
Stanley L.	Lipshultz
Thomas E.	Lynch, III
Lisa	Mahoney

Christine	Malanga
Carla	Mamana
Michele A.	Manculich
Michelle	Martin
Lorie	Mayorga
Tyler	Mazur
Cynthia	McCann
Michael B.	McCarthy
Robert	McCray
Peter T.	McDowell
Eileen	McInerney
Cynthia G.	McKnight
M. Natalie	McSherry
Joseph M.	Moeller
Vida	Mokhtari
William F.	Monaghan, II
Christine A.	Monta
Delegate Gabriel Maximilian	Moreno, Esq.
M. Lucinda	Motsko
Jeffrey H.	Myers
Matthew	Neubauer
Laura S.	Newman, Esq.
Lori A.	Nicolle
Roy I.	Niedermayer
R. A.	O'Neill
Ira L.	Oring
Thomas P.	Ott
Morenike Olaore Euba	Oyenusi
Jonathan E.	Pasterick
Jacqueline	Patt
Samantha N.	Pearl, Esq.
Matthew L.	Pimot
Lacey	Poff, Esq.
Matthew T.	Powell
Heather	Pruger
Bryan Thomas	Pugh
Wendy	Pullano
Ann	Ramsey

Diane Boyd	Rauber
Erica H.	Reed, Esq.
Jack	Reynolds
Jeanne M.	Ripley
Sharon J.	Ritter Beall
John M.	Robinson
Cynthia E.	Rodgers-Waire
Jennifer	Rohr
Kathryn M.	Rowe
Leah	Rowell, Esq.
Edward A.	Russell
Doug	Sachse
Shaoli	Sarkar, Esq.
Mark S.	Saudek
Eric N.	Schloss
Emily P.	Shank, Esq.
Stephen P.	Shepard, Esq.
Richard E.	Shermanski, Jr., Esq.
Anna S.	Sholl, Esq.
Martin R.	Siegel
Brian Peter	Siegel
Sarah	Simmons, Esq.
William	Sinclair
Sandra G.	Small
Anatoly	Smolkin
Harry Franklin	Snoots, V, Esq.
Andrea	Solan
Adam M.	Spence
Dayna D.	Staggs
Sally Fite	Stanfield
Ryan	Steinberg
John B.	Stolarz
Aimee	Sullivan
Robert A.	Suls
Charles E.	Sydnor, III
Bud Stephen	Tayman
Andrea	Terry
Joseph B.	Tetrault

Brian	Thompson
M.	Treger
James P.	Ulwick
Irving E.	Walker
Patricia	Weaver
Makia	Weaver
Delegate Nicole	Williams, Esq.
Christian	Wilson
Rose	Woolson
Jean M.	Zachariasiewicz

*\*The attorneys, firms, and organizations listed here have attested to being members of the Maryland Bar.*