

**DISTRICT OF COLUMBIA COURT OF APPEALS
BOARD ON PROFESSIONAL RESPONSIBILITY**



In the Matter of :
 :
EDWARD R. MARTIN, JR. : **Disciplinary Docket No.: 2025-D047**
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 :
Respondent :
 :
 :
A Member of the Bar of the :
District of Columbia Court of Appeals. :
Bar Number: 481866 :
Date of Admission: June 9, 2003 :
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 :

SPECIFICATION OF CHARGES

The disciplinary proceedings instituted by this petition are based upon conduct that violates the standards governing the practice of law in the District of Columbia as prescribed by D.C. Bar Rule X and D.C. Bar Rule XI, § 2(b).

Jurisdiction for this disciplinary proceeding is prescribed by D.C. Bar Rule XI. Pursuant to D.C. Bar Rule XI, § 1(a), jurisdiction is found because:

1. Respondent Edward R. Martin, Jr. is a member of the Bar of the District of Columbia Court of Appeals, having been admitted on June 9, 2003, and assigned Bar Number 481866.

The conduct and standards that Respondent has violated are as follows:

COUNT I:

2. Following his January 20, 2025 Inauguration, President Trump

appointed Mr. Martin to serve as interim United States Attorney for the District of Columbia.

3. On February 17, 2025, in his capacity as United States Attorney, Mr. Martin wrote a letter to the Dean of Georgetown University Law Center (“Georgetown Law”).

4. Georgetown Law is affiliated with Georgetown University, a private Catholic and Jesuit institution.

5. In his February 17 letter, Mr. Martin stated that a whistleblower had informed him that Georgetown Law was teaching and promoting “DEI.” Mr. Martin did not define “DEI” or specify what ideas Georgetown Law was teaching or promoting that the government deemed unacceptable.

6. Mr. Martin inquired whether Georgetown Law had eliminated all DEI from its school and curriculum and, if DEI was found in the school’s courses or curriculum, would Georgetown Law move swiftly to remove it.

7. Without further explanation, and before even receiving a response, Mr. Martin announced in his February 17 letter that he was imposing sanctions on Georgetown Law, its students, or anyone affiliated with the school:

At this time, I have instructed our staff that no applicant for our prestigious fellows program, our summer internship, or employment in our office who is a student or affiliated with Georgetown law school will be considered until this is resolved.

8. By letter dated March 6, 2025, Georgetown Law Dean William

M. Treanor responded to Mr. Martin's February 17 letter. Dean Treanor stated that the First Amendment to the Constitution of the United States guarantees that the government cannot direct what Georgetown and its faculty teach or how to teach it. He further wrote that denying Georgetown Law students and graduates government employment opportunities until Mr. Martin approved the school's curriculum was a constitutional violation and "an attack on the University's mission as a Jesuit and Catholic institution."

9. Mr. Martin responded to Dean Treanor's letter on March 17, 2025, repeating his questions about whether DEI had been or would soon be eliminated from the school and curriculum. He stated that Georgetown University operates as a "501(c)(3) nonprofit and received nearly \$1 billion of federal tax dollars in recent years." He further wrote, "Until you answer my questions in full, as my initial letter stated, no Georgetown Law student will be considered for our fellows program, our summer internships, or employment in our office."

10. Also on March 17, 2025, Mr. Martin wrote the interim President and the Chairman of the Board of Directors of Georgetown University, complaining that Dean Treanor had not responded to the questions he had asked in the two letters Mr. Martin had sent him. He stated, "Answers to these questions appear to bear directly on Georgetown University's status as a 501(c) nonprofit and its receipt of nearly \$1 billion of federal tax money in recent years."

11. Mr. Martin knew or should have known that, as a government official, his conduct violated the First and Fifth Amendments to the Constitution of the United States in that:

a. He demanded that Georgetown Law change what it teaches students and how it teaches them;

b. He stated that a particular viewpoint, undefined “DEI,” is unacceptable and threatened to and did take adverse action against Georgetown Law to penalize it for teaching and promoting that viewpoint;

c. Acting in his official capacity and speaking on behalf of the government, he used coercion to punish or suppress a disfavored viewpoint, the teaching and promotion of “DEI”;

d. He demanded that Georgetown Law relinquish its free speech and religious rights in order to continue to obtain a benefit, employment opportunities for its students;

e. His demand did not provide Georgetown Law fair notice of what is allegedly prohibited because he did not define “DEI,” cited no authority for his demand, and did not describe what actions, and what timetable, might satisfy his demand; and;

f. He failed to follow any procedure that would have given Georgetown Law an opportunity to defend itself before he imposed a penalty on the

school.

12. Mr. Martin's conduct as set forth in Count I violated his oath of office as an attorney admitted to the Bar of the District of Columbia Court of Appeals, in which he swore to "support the Constitution of the United States of America," and therefore is grounds for discipline pursuant to Rule XI, § 2(b).

COUNT II:

13. By letter dated March 10, 2025, retired Judge Phillip Argento wrote Disciplinary Counsel complaining about Mr. Martin's February 17, 2025 letter to Dean Treanor.

14. On March 28, 2025, Disciplinary Counsel docketed Judge Argento's complaint for further investigation and forwarded it to Mr. Martin for a response by April 14, 2025.

15. Instead of responding to Disciplinary Counsel's letter, on March 31, 2025, Mr. Martin sent, *ex parte*, a letter to the Chief Judge and the Senior Judges of the District of Columbia Court of Appeals. In that letter, he stated that he would not be responding to Disciplinary Counsel's inquiry, complained about Disciplinary Counsel's "uneven behavior," and requested a "face-to-face meeting with all of you to discuss this matter and find a way forward." He copied the White House Counsel "for informational purposes because of the importance of getting this issue addressed."

16. On April 8, 2025, the Chief Judge responded to Mr. Martin's March 31 letter. She informed him that the court could not permissively meet with him *ex parte* and that any concerns should be raised through the regular procedures established by the court to govern the disciplinary process.

17. Mr. Martin did not copy Disciplinary Counsel on this correspondence with the Chief Judge, so on April 15, 2025, Disciplinary Counsel sent a follow-up letter to Mr. Martin, attaching the March 28 communication, and sought a response by April 25.

18. Mr. Martin responded with an email that same day, in which he explained that he had communicated with the Chief Judge, but that he and she had not yet met. He copied the Chief Judge on this email, even though she had told him in her April 8 letter that he should follow the regular procedures and that it would be inappropriate to meet with him *ex parte* about this matter.

19. On the same day, the Chief Judge responded to Mr. Martin's April 15 email, copying Disciplinary Counsel. She repeated that neither she nor other members of the court could meet with him *ex parte* and that he should follow the written procedures, which "do not include referral of correspondence from the Office of Disciplinary Counsel directly to a judge of the Court of Appeals."

20. On April 21, 2025, Disciplinary Counsel requested from Mr. Martin a copy of the letter he had sent to the Chief Judge and Senior Judges on March 31.

21. Mr. Martin did not reply to the April 21 letter or to the second inquiry Disciplinary Counsel had sent him on April 15. On April 28, 2025, Disciplinary Counsel filed a Motion to Compel Response to Written Inquires with the Board on Professional Responsibility.

22. Mr. Martin sought an extension of time from the Board on May 2, 2025, to retain counsel before responding.

23. On May 13, 2025, Mr. Martin sent another letter to the Chief Judge, copying Disciplinary Counsel, complaining about the manner in which the April 15 follow-up inquiry had been served on him. He asked, “that you not only suspend Mr. Fox immediately to investigate his conduct, but also to dismiss the case against me because of his prejudicial conduct.”

24. The Chief Judge responded the next day, May 14, reiterating her statements in her April 8 letter and April 15 email that Mr. Martin should raise any concerns by following the court’s procedures.

25. Through counsel, on June 10, 2025, Mr. Martin finally responded to the inquiry initially sent to him on March 28, 2025,

26. Mr. Martin’s conduct as set forth in Count II violated the following District of Columbia Rules of Professional Conduct:

a. Rule 3.5(b), communicating *ex parte* with a judge during a proceeding unless authorized to do so by law or court order; and

b. Rule 8.4(d), engaging in conduct that seriously interferes with the administration of justice.

Respectfully submitted,

/s/ *Hamilton P. Fox, III*

Hamilton P. Fox, III
Disciplinary Counsel

s/ Jerri U. Dunston

Jerri U. Dunston
Assistant Disciplinary Counsel

OFFICE OF DISCIPLINARY COUNSEL
515 Fifth Street, N.W.
Building A, Room 117
Washington, D.C. 20001

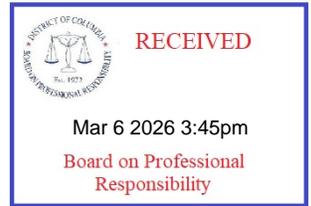
VERIFICATION

I declare under penalty of perjury under the laws of the United States of America, that I verily believe the facts stated in the Specification of Charges to be true and correct. Executed on the 6th day of March 2026.

/s/ *Hamilton P. Fox, III*

Hamilton P. Fox, III
Disciplinary Counsel

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PETITION INSTITUTING FORMAL DISCIPLINARY PROCEEDINGS

A. This Petition (including the attached Specification of Charges which is made part of this Petition) notifies Respondent that disciplinary proceedings are hereby instituted pursuant to Rule XI, § 8(c), of the District of Columbia Court of Appeals’ Rules Governing the Bar (D.C. Bar R.).

B. Respondent is an attorney admitted to practice before the District of Columbia Court of Appeals on the date stated in the caption of the Specification of Charges.

C. A lawyer member of a Hearing Committee assigned by the Board on Professional Responsibility (Board) pursuant to D.C. Bar R. XI, § 4(e)(5), has approved the institution of these disciplinary proceedings.

D. Procedures

(1) **Referral to Hearing Committee** -- When the Board receives the Petition Instituting Formal Disciplinary Proceedings, the Board shall refer it to a Hearing Committee.

(2) **Filing Answer** -- Respondent must respond to the Specification of Charges by filing an answer with the Board and by serving a copy on the Office of Disciplinary Counsel within 20 days of the date of service of this Petition, unless the time is extended by the Chair of the Hearing Committee. Permission to file an answer after the 20-day period may be granted by the Chair of the Hearing Committee if the failure to file an answer was attributable to mistake, inadvertence, surprise, or excusable neglect. If a limiting date occurs on a Saturday, Sunday, or official holiday in the District of Columbia, the time for submission will be extended to the next business day. Any motion to extend the time to file an answer, and/or any other motion filed with the Board or Hearing Committee Chair, must be served on the Office of Disciplinary Counsel at the address shown on the last page of this petition.

(3) **Content of Answer** -- The answer may be a denial, a statement in exculpation, or a statement in mitigation of the alleged misconduct. Any charges not answered by Respondent may be deemed established as provided in Board Rule 7.7.

(4) **Mitigation** -- Respondent has the right to present evidence in mitigation to the Hearing Committee regardless of whether the substantive allegations of the Specification of Charges are admitted or denied.

(5) **Process** -- Respondent is entitled to fifteen days' notice of the time and place of hearing, to be represented by counsel, to cross-examine witnesses, and to present evidence.

E. In addition to the procedures contained in D.C. Bar R. XI, the Board has promulgated Board Rules relating to procedures and the admission of evidence which are applicable to these procedures. A copy of these rules is being provided to Respondent with a copy of this Petition.

WHEREFORE, the Office of Disciplinary Counsel requests that the Board consider whether the conduct of Respondent violated the District of Columbia Rules of Professional Conduct, and, if so, that it impose/recommend appropriate discipline.

Hamilton P. Fox, III

Hamilton P. Fox, III
Disciplinary Counsel

OFFICE OF DISCIPLINARY COUNSEL
515 Fifth Street, N.W.
Building A, Room 117
Washington, D.C. 20001
Telephone: (202) 638-1501
Fax: (202) 638-0862