

Appendix A-2

**Materials Relating to the
Arkansas Supreme Court's Resolution of the
Disbarment Proceedings Against
President William Jefferson Clinton**

IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS

FILED
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CIRCUIT COURT CLERK
PLAINTIFF

3

JAMES A. NEAL, AS EXECUTIVE
DIRECTOR OF THE ARKANSAS
SUPREME COURT COMMITTEE ON
PROFESSIONAL CONDUCT

VS.

NO. CIV 2000 - 5677

WILLIAM JEFFERSON CLINTON

DEFENDANT

COMPLAINT FOR DISBARMENT

Comes the Plaintiff, James A. Neal, as Executive Director of the Arkansas Supreme Court Committee on Professional Conduct, by and through undersigned counsel, and for this Complaint for Disbarment against the Defendant, William Jefferson Clinton, states and alleges that

1. The Plaintiff, at the direction of the Arkansas Supreme Court Committee on Professional Conduct (the "Committee") and under the authority granted the Executive Director by the Procedures of the Arkansas Supreme Court Regulating Professional Conduct of Attorneys at Law, revised on January 15, 1998 (the "Procedures"), initiates this disbarment action against Mr. Clinton.

2. Pursuant to Section 5K of the Procedures, this Court has subject matter jurisdiction over this action, and the Circuit Court of Pulaski County, Arkansas is the proper venue for the adjudication of this matter.

3. The Arkansas Supreme Court granted Mr. Clinton the privilege to practice law on September 7, 1973. Mr. Clinton's Arkansas Bar Identification Number is 73019.

He is the 42nd President of the United States of America. At all times material to this case, Mr. Clinton resided in Washington, D.C., but remained subject to the Model Rules of Professional Conduct for the State of Arkansas. Mr. Clinton, pursuant to his request of June 30, 1990, placed his Arkansas license on inactive status for continuing legal education purposes.

4. On April 12, 1999, Judge Susan Webber Wright, United States District Court for the Eastern District of Arkansas, issued a 32 page Memorandum Opinion and Order (the "Order") in *Jones v. Clinton, et al.*, Case No. LR-C-94-290, a copy of which is attached hereto as Exhibit A and incorporated by reference as if fully set forth herein.

5. In the Order, Judge Wright held Mr. Clinton in contempt of her December 11, 1997 Discovery Orders (the "Discovery Orders"). The Order served as the basis of a judicial referral to the Committee, and serves as the basis for this Complaint for Disbarment.

6. In the Order, Judge Wright found, *inter alia*, the following:

- (a) That Mr. Clinton gave false, misleading and evasive answers that were designed to obstruct the judicial process to Ms. Jones' attorneys during Mr. Clinton's January 17, 1996 deposition.
- (b) That Mr. Clinton gave intentionally false deposition testimony regarding whether he had ever been alone or ever engaged in sexual relations with Ms. Lewinsky.
- (c) That Mr. Clinton, in a televised Address to the Nation on August 17, 1998, acknowledged that he 'misled people' with regard to the questions posed to him by Ms. Jones' attorneys.

(d) That Mr. Clinton's contumacious conduct in the Jones v. Clinton case, coming as it did from a member of the bar and chief law enforcement officer of this Nation, was without justification and undermined the integrity of the judicial system.

7 As a result of these findings, Judge Wright sanctioned Mr. Clinton ordering him to pay Ms. Jones' attorneys any reasonable expenses, including attorneys' fees caused by his willful failure to obey the Court's Discovery Orders, and to pay the sum of \$1,202.00 in expenses incurred by the Court in traveling to Washington, D.C. to preside over Mr. Clinton's deposition.

8 In the Order, Judge Wright offered Mr. Clinton the opportunity to demonstrate why he was not in civil contempt and why sanctions should not be imposed or, alternatively, why the Court was otherwise in error in the manner it was proceeding.

9 Additionally, Judge Wright stayed enforcement of the Order for thirty (30) days to give Mr. Clinton an opportunity to request a hearing or to file an appeal.

10 In the Order, Judge Wright stated that the Court would entertain any legitimate and reasonable requests from Mr. Clinton for extensions of time in which to address the matter.

11 Mr. Clinton neither requested a hearing, nor did he appeal the Order.

12 On or about September 28, 1998, Mr. Clinton paid \$89,484.05 in attorneys' fees to satisfy the Order, along with the \$1,202.00 in costs incurred by the Court.

13 The conduct of Mr. Clinton, found and adjudged by Judge Wright in the Order, was motivated by a desire to protect himself from the embarrassment of his own conduct.

14 The conduct of Mr. Clinton found and adjudged by Judge Wright in the Order, collectively and singularly, violated the Arkansas Model Rules of Professional Conduct 8.4(c), (d).


15 Mr. Clinton's conduct found and adjudged by Judge Wright in the Order, constitutes "Serious Misconduct" as defined by Section 7B(3) of the Procedures, which defines "serious misconduct" as conduct involving "dishonesty, deceit, fraud and misrepresentation by the lawyer."

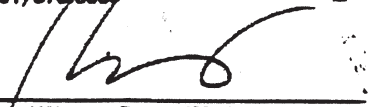
16 Mr. Clinton's conduct found and adjudged by Judge Wright in the Order, damages the legal profession and demonstrates a lack of overall fitness to hold a license to practice law.

WHEREFORE, FOR THE REASONS STATED HEREIN, the Plaintiff prays for a judgment of this Court specifically finding that William Jefferson Clinton, Arkansas Bar ID#73019 has conducted himself in a manner that violates the Model Rules of Professional Conduct as adopted by the Arkansas Supreme Court, that Mr. Clinton's conduct warrants disbarment by the Arkansas Supreme Court, which would result in an Order from the Arkansas Supreme Court removing the name of William Jefferson Clinton from the registry of licensed attorneys maintained by the Clerk of the Arkansas Supreme Court, and for Plaintiff's attorneys' fees and costs and all other relief to which it may be entitled.

Respectfully submitted,

**JAMES A. NEAL, Executive Director of the
Arkansas Supreme Court Committee on
Professional Conduct, PLAINTIFF**

BY: 
Marie-Bernadette Miller, Esq. - #84107
GILL ELROD RAGON OWEN
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425 West Capitol Avenue, Suite 3801
Little Rock, Arkansas 72201
(501) 376-8800

BY: 
Lynn Wilkins, Esq. - #83183
Litigation Counsel
Arkansas Supreme Court Committee
on Professional Conduct
Justice Building, Room 2200
625 Marshall Street
Little Rock, Arkansas 72201
(501) 376-0313

SUPREME COURT OF ARKANSAS
Committee on Professional Conduct

COMMITTEE
KEN REEVES, CHAIRMAN
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DR PATRICIA YOUNGDAHL
LITTLE ROCK

JAMES A. NEAL, EXECUTIVE DIRECTOR
RANDIE CHICK, SENIOR STAFF ATTORNEY
MICHAEL E. HARRISON, STAFF ATTORNEY
LYNN WILLIAMS, STAFF ATTORNEY (F/MAL)
JUSTICE BUILDING, ROOM 2280
625 MARSHALL STREET
LITTLE ROCK, AR 72201
46911374-0313
FAX (501) 374-1853

May 22, 2000

Honorable Leslie Steen
Clerk, Arkansas Supreme Court
Justice Building, 625 Marshall Street
Little Rock, AR 72201

RE: Attorney William Jefferson Clinton, Arkansas Bar ID #73019
CPC Docket Nos. 2000-013 and 2000-018

Dear Mr. Steen:

Pursuant to the Procedures of the Arkansas Supreme Court Regulating Professional Conduct of Attorneys at Law, Section 4B(3) and 4C, you are hereby notified of the decision of the Arkansas Supreme Court Committee on Professional Conduct to initiate disbarment proceedings against attorney William Jefferson Clinton. This action is being taken against the respondent attorney as a result of the formal complaints referenced above and the findings by a majority of the Committee that certain of the attorney's conduct as demonstrated in the complaints constituted serious misconduct in violation of Model Rules 8.4(c) and 8.4(d) of the Arkansas Model Rules of Professional Conduct. Actions for disbarment are conducted in accordance with Section 5K, Procedures of the Arkansas Supreme Court Regulating Professional Conduct of Attorneys at Law.

Sincerely,

James A. Neal
James A. Neal
Executive Director

JAN/mm

FILED
MAY 22 2000
LESLIE W. STEEN
CLERK

IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS

2000 AUG 29 PM 4:05

CAROLYN STALE PLAINIFF
CIRCUIT COUNTY CLERK

JAMES A. NEAL, AS EXECUTIVE
DIRECTOR OF THE ARKANSAS
SUPREME COURT COMMITTEE ON
PROFESSIONAL CONDUCT

VS. NO. CIV 2000-5677

WILLIAM JEFFERSON CLINTON

DEFENDANT

ANSWER

Comes the Defendant, William Jefferson Clinton, by and through undersigned counsel,
and for his Answer to the allegations set forth in Plaintiff's Complaint for Disbarment, states
as follows:

1 Admitted.

2 Admitted.

3 Admitted.

4 Admitted.

5 Denied except to admit that Judge Wright issued the Order attached as Exhibit A
to the Complaint and to aver that the Order speaks for itself and is the best evidence of its
content.

6 Denied except to admit that Judge Wright issued the Order attached as Exhibit A
to the Complaint and to aver that the Order speaks for itself and is the best evidence of its
content.

7 Denied except to admit that, for the reasons stated in the Order attached as Exhibit A to the Complaint, which Order speaks for itself and is the best evidence of its content, Judge Wright sanctioned Defendant as alleged in Paragraph 7.

8 Denied except to admit that Judge Wright issued the Order attached as Exhibit A to the Complaint and to aver that the Order speaks for itself and is the best evidence of its content.

9 Admitted.

10 Denied except to admit that Judge Wright issued the Order attached as Exhibit A to the Complaint and to aver that the Order speaks for itself and is the best evidence of its content.

11 Defendant admits that he did not request a hearing or appeal the Order and avers that his counsel sent a letter dated May 7, 1999, informing the Court that "For reasons unnecessary to detail here, the President's time is almost wholly preoccupied with the duties of his office, both now and for the foreseeable future The President and his counsel have in other fora addressed the factual issues analyzed in the [Order], and on those occasions have disputed allegations that he knowingly and intentionally gave false testimony under oath. This position remains unchanged."

12 Admitted.

13 Denied except to admit that Defendant took actions motivated in part by a desire to protect himself and others from embarrassment and to aver

- (a) that this conduct arose in the context of a law suit that was dismissed with prejudice prior to trial because it was wholly “lacking in merit” (Order at 21),
- (b) that Judge Wright ruled that testimony concerning Ms. Lewinsky “was not essential to the core issues in this case and, in fact, that some of this evidence might even be inadmissible”, Jones v. Clinton, 993 F Supp 1217, 1219 (E.D. Ark. 1998);
- (c) that plaintiff Paula Jones’ lawyers had already obtained information from Ms. Linda Tripp prior to the deposition and so were not deprived of significant information by the defendant’s deposition answers;
- (d) that the matters at issue here, as Judge Wright repeatedly found in her Order, (see, e.g., Order at 11 (three times), 13 (two times), 30 n.22) involved defendant’s “unofficial conduct”, his “private actions” (id. at 11), and “his role as a litigant in a civil case . . . [which] did not relate to his duties as President” (ibid.); and
- (e) that the case in which the conduct occurred was one “in which the plaintiff [Ms. Paula Jones] was made whole, having agreed to a settlement in excess of that prayed for in her complaint” (Order, at 13).

14 Denied.

15 Denied.

16 Denied.


17 Denied that plaintiff is entitled to the relief sought.

18 Any allegation not specifically admitted herein is denied.

First Defense On the basis of the relevant facts, the governing law, and the applicable decisions of the Arkansas courts and the Arkansas Supreme Court Committee on Professional Conduct, a sanction of disbarment would be excessively harsh, impermissibly punitive, and unprecedented in the circumstances of this case.

Second Defense: In Arkansas bar disciplinary cases which do not involve the practice of law or a felony conviction, the sanction of disbarment has historically been regarded as disproportionately severe and has not been imposed.

Wilson, Engstrom, Corum & Coulter
Post Office Box 71
Little Rock, AR 72203
(501) 375-6453

By: 
Stephen Engstrom
Arkansas Bar # 74047

David E. Kendall
Nicole K. Seligman
Williams & Connolly LLP
725 Twelfth St., N.W.
Washington, DC 20005-5901
(202) 434-5000

Attorneys for Defendant
William Jefferson Clinton

FILED

IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS
FIFTH DIVISION

2001 JAN 19 PM 1:58

CARDLYN STALEY
CIRCUIT COUNTY CLERK
PLAINTIFF

JAMES A. NEAL, AS EXECUTIVE
DIRECTOR OF THE ARKANSAS
SUPREME COURT COMMITTEE ON
PROFESSIONAL CONDUCT

VS.

NO. CIV 2000-5677

WILLIAM JEFFERSON CLINTON

DEFENDANT

AGREED ORDER OF DISCIPLINE

Come now the parties hereto and agree to the following Order of this Court in settlement of the pending action:

The formal charges of misconduct upon which this Order is based arose out of information referred to the Committee on Professional Conduct ("the Committee") by the Honorable Susan Wabber Wright, Chief United States District Judge for the Eastern District of Arkansas. The information pertained to William Jefferson Clinton's deposition testimony in a civil case brought by Ms. Paula Jones in which he was a defendant, Jones v. Clinton, No. LR-C-94-290 (E.D. Ark.).

Mr. Clinton was admitted to the Arkansas bar on September 7, 1973. On June 30, 1990, he requested that his Arkansas license be placed on inactive status for continuing legal education purposes, and this request was granted. The conduct at issue here does not arise out of Mr. Clinton's practice of law. At all times material to this case, Mr. Clinton resided in Washington, D.C., but he remained subject to the Model Rules of Professional Conduct for the State of Arkansas.

On April 1, 1998, Judge Wright granted summary judgment to Mr. Clinton, but she subsequently found him in Civil contempt in a 32-page Memorandum Opinion and Order (the

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"Order") issued on April 12, 1999, ruling that he had "deliberately violated this Court's discovery orders and thereby undermined the integrity of the judicial system." Order, at 31. Judge Wright found that Mr. Clinton had "responded to plaintiff's questions by giving false, misleading and evasive answers that were designed to obstruct the judicial process [concerning] whether he and Ms. [Monica] Lewinsky had ever been alone together and whether he had ever engaged in sexual relations with Ms. Lewinsky." Order, at 16 (footnote omitted). Judge Wright offered Mr. Clinton a hearing, which he declined by a letter from his counsel, dated May 7, 1999. Mr. Clinton was subsequently ordered to pay, and did pay, over \$90,000, pursuant to the Court's contempt findings. Judge Wright also referred the matter to the Committee "for review and any action it deems appropriate." Order, at 32.

Mr. Clinton's actions which are the subject of this Agreed Order have subjected him to a great deal of public criticism. Twice elected President of the United States, he became only the second President ever impeached and tried by the Senate, where he was acquitted. After Ms. Jones took an appeal of the dismissal of her case, Mr. Clinton settled with her for \$850,000, a sum greater than her initial ad damnum in her complaint. As already indicated, Mr. Clinton was held in civil contempt and fined over \$90,000.

Prior to Judge Wright's referral, Mr. Clinton had no prior disciplinary record with the Committee, including any private warnings. He had been a member in good standing of the Arkansas Bar for over twenty-five years. He has cooperated fully with the Committee in its investigation of this matter and has furnished information to the Committee in a timely fashion.

Mr. Clinton's conduct, as described in the Order, caused the court and counsel for the parties to expend unnecessary time, effort, and resources. It set a poor example for other litigants, and this

damaging effect was magnified by the fact that at the time of his deposition testimony, Mr. Clinton was serving as President of the United States.

Judge Wright ruled that the testimony concerning Ms. Lewinsky "was not essential to the core issues in this case and, in fact, that some of this evidence might even be inadmissible" Jones v. Clinton, 993 F. Supp. 1217, 1219 (E.D. Ark. 1998). Judge Wright dismissed the case on the merits by granting Mr. Clinton summary judgment, declaring that the case was "lacking in merit – a decision that would not have changed even had the President been truthful with respect to his relationship with Ms. Lewinsky." Order, at 24-25 (footnote omitted). As Judge Wright also observed, as a result of Mr. Clinton's paying \$850,000 in settlement, "plaintiff was made whole, having agreed to a settlement in excess of that prayed for in the complaint." Order, at 13. Mr. Clinton also paid to plaintiff \$89,484 as the "reasonable expenses, including attorney's fees, caused by his willful failure to obey the Court's discovery orders." Order, at 31; Jones v. Clinton, 57 F. Supp.2d 719, 729 (E.D. Ark. 1999).

On May 22, 2000, after receiving complaints from Judge Wright and the Southeastern Legal Foundation, the Committee voted to initiate disbarment proceedings against Mr. Clinton. On June 30, 2000, counsel for the Committee filed a complaint seeking disbarment in Pulaski County Circuit Court, Neal v. Clinton, Civ. No.2000-5677. Mr. Clinton filed an answer on August 29, 2000, and the case is in the early stages of discovery .

In this Agreed Order Mr. Clinton admits and acknowledges, and the Court, therefore, finds that:

A. That he knowingly gave evasive and misleading answers, in violation of Judge Wright's discovery orders, concerning his relationship with Ms. Lewinsky, in an attempt to conceal from plaintiff Jones' lawyers the true facts about his improper relationship with Ms. Lewinsky, which had

ended almost a year earlier.

B. That by knowingly giving evasive and misleading answers, in violation of Judge Wright's discovery orders, he engaged in conduct that is prejudicial to the administration of justice in that his discovery responses interfered with the conduct of the Jones case by causing the court and counsel for the parties to expend unnecessary time, effort, and resources, setting a poor example for other litigants, and causing the court to issue a thirty-two page Order civilly sanctioning Mr. Clinton.

Upon consideration of the proposed Agreed Order, the entire record before the Court, the advice of counsel, and the Arkansas Model Rules of Professional Conduct (the "Model Rules"), the Court finds:

1. That Mr. Clinton's conduct, heretofore set forth, in the Jones case violated Model Rule 8.4(d), when he gave knowingly evasive and misleading discovery responses concerning his relationship with Ms. Lewinsky, in violation of Judge Wright's discovery orders. Model Rule 8.4(d) states that it is professional misconduct for a lawyer to "engage in conduct that is prejudicial to the administration of justice."

WHEREFORE, it is the decision and order of this Court that William Jefferson Clinton, Arkansas Bar ID #73019, be, and hereby is, SUSPENDED for FIVE YEARS for his conduct in this matter, and the payment of fine in the amount of \$ 25,000. The suspension shall become effective as of the date of January 19, 2001.

IT IS SO ORDERED.

William Proehl
CIRCUIT COURT JUDGE
January 19, 2001
DATE

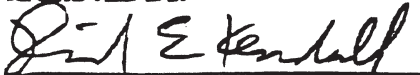

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ACCEPTED AND ACKNOWLEDGED:



William Jefferson Clinton
Arkansas Bar ID #73019
Date: Jan. 19, 2001

APPROVED BY:


DAVID E. KENDALL
Attorney for Defendant
STEPHEN ENGSTROM
Attorney for Defendant
MARIE BERNAUDE MILLER
Attorney for Plaintiff
LYNN WILLIAMS
Attorney for Plaintiff

Received

MAR 20 2001

Arkansas Supreme Court
Committee on Professional Conduct

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+ ALSO ADMITTED TO
PRACTICE IN ALASKA

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gary@wecc-law.com
nate@wecc-law.com

ROXANNE T. WILSON (1947-1992)
STEPHEN ENGSTROM +
GARY D. CORUM
NATE COULTER

March 20, 2001

Re: William Jefferson Clinton
Arkansas Bar No. 73019

Lynn Williams, Esq.
Justice Building, Room 2200
625 Marshall Street
Little Rock, Arkansas 72201

BY MESSENGER

Dear Lynn:

I enclose check number 2306 for \$25,000 dated March 16, 2001, drawn by Bill Clinton on Citibank, N.A. of New York payable to the Arkansas Supreme Court Committee on Professional Conduct in satisfaction of the fine for which provision was made in the Agreed Order of Discipline.

Cordially,



Stephen Engstrom

SE/mk
Enclosure

cc: David Kendall, Esq.
Marie-B. Miller, Esq.

*3/20/2001
check received from Hank Legor
in name
3-20-01
CPC.*

HILLARY RODHAM CLINTON
WILLIAM JEFFERSON CLINTON

1-834
IN
REDACTED 2306
DATE March 16, 2001

PAY TO THE ORDER OF Arkansas Supreme Court Committee on Professional Conduct \$ 25,000.00
Twenty Five Thousand Dollars DOLLARS

citibank
CITIBANK, N.A. BR. 0214
143 EAST 60TH STREET
NEW YORK, NY 10022

MEMO REDACTED Bar Clinton