

<p>SUPREME COURT, STATE OF COLORADO</p> <p>ORIGINAL PROCEEDING IN DISCIPLINE BEFORE THE PRESIDING DISCIPLINARY JUDGE 1300 Broadway, Suite 250 Denver, Colorado 80203</p> <hr/> <p>Complainant: THE PEOPLE OF THE STATE OF COLORADO</p> <p>Respondent: JENNA LYNN ELLIS, # 44026</p> <hr/> <p>Jacob M. Vos, #41562 Assistant Regulation Counsel Attorneys for Complainant 1300 Broadway, Suite 500 Denver, Colorado 80203 Telephone: (303) 457-5800x7913 j.vos@csc.state.co.us</p> <p>John Michael Richilano, # 6920 Respondent's Counsel 1800 15th Street Suite 101 Denver, CO 80202 Telephone: 303-893-8000 jmr@richilanoshea.com</p>	<p style="text-align: center;">FILED</p> <p style="text-align: center;">May 23, 2024</p> <p style="text-align: center;">Presiding Disciplinary Judge Colorado Supreme Court</p> <hr/> <p style="text-align: center;">▲ COURT USE ONLY ▲</p> <hr/> <p>Case Number: 24PDJ002</p>
<p>STIPULATION TO DISCIPLINE PURSUANT TO C.R.C.P. 242.19</p>	

On this 23rd day of May, 2024, Jacob M. Vos, Assistant Regulation Counsel and attorney for the Complainant, Jenna Lynn Ellis, the Respondent who is represented by attorney John Michael Richilano in these proceedings, enter into the following Stipulation to Discipline pursuant to C.R.C.P. 242.19 ("Stipulation") and submit the same to the Presiding Disciplinary Judge for his consideration.

RECOMMENDATION: a three-year, fully-served suspension.

1. The Respondent has taken and subscribed to the oath of admission, was admitted to the bar of this Court on October 24, 2011, and is registered as an attorney upon the official records of this Court, registration no. 44026. Respondent is subject to the jurisdiction of this Court and the Presiding Disciplinary Judge in these proceedings.

2. Respondent enters into this Stipulation freely and voluntarily. No promises have been made concerning future consideration, punishment, or lenience in the above-referenced matter. It is Respondent's personal decision, and Respondent affirms there has been no coercion or other intimidating acts by any person or agency concerning this matter.

3. This matter has become public under the operation of C.R.C.P. 242.41 as amended.

4. Respondent is familiar with the rules of the Colorado Supreme Court regarding the procedure for discipline of attorneys and with the rights provided by those rules. Respondent acknowledges the right to a full and complete evidentiary hearing on the above-referenced complaint. At any such hearing, Respondent would have the right to be represented by counsel, present evidence, call witnesses, and cross-examine the witnesses presented by Complainant. At any such formal hearing, Complainant would have the burden of proof and would be required to prove the charges contained in the complaint with clear and convincing evidence. Nonetheless, having full knowledge of the right to such a formal hearing, Respondent waives that right.

5. Respondent and Complainant specifically waive the right to a hearing pursuant to C.R.C.P. 242.30.

6. Respondent has read and studied the complaint, a true and correct copy of which is attached as Exhibit 1, and is familiar with the allegations therein. Respondent affirms under oath that the factual allegations found in Paragraphs 1-10 are true and correct.

7. Through Respondent's conduct described above, Respondent has engaged in conduct constituting grounds for the imposition of discipline pursuant to C.R.C.P. 242.9. Respondent has also violated Georgia RPC 8.4(a)(2)¹ (felony conviction); Georgia RPC 8.4(a)(8) (criminal conduct); Georgia RPC 8.4(a)(4) (dishonesty); Georgia RPC 3.3(a), 3.9, and 8.4(a)(1) (assisting the making of a false statement to a legislative tribunal).

8. Pursuant to C.R.C.P. 242.19(b)(4), Respondent agrees to pay costs in the amount of \$1,725.52 (a copy of the statement of costs is attached as Exhibit 2) incurred in conjunction with this matter within thirty-five (35) days after acceptance of the Stipulation by the Presiding Disciplinary Judge, made payable to Colorado Supreme Court Attorney Regulation Offices. Respondent agrees that statutory interest shall accrue from thirty-five (35) days after the Presiding Disciplinary Judge accepts this Stipulation. Should Respondent fail to make payment of the aforementioned costs within thirty-five (35) days, Respondent specifically agrees to be responsible for all additional costs and expenses, such as reasonable attorney fees and costs of collection incurred by Complainant in collecting the above stated amount. Complainant may amend the amount of the judgment for the additional costs and expenses by providing a motion and bill of costs to the Presiding Disciplinary Judge, which identifies this paragraph of the Stipulation and Respondent's default on the payment.

¹ The Georgia Rules of Professional Conduct apply to Respondent's misconduct pursuant to Colorado Rule of Professional Conduct 8.5(b)(2).

9. This Stipulation represents a settlement and compromise of the specific claims and defenses pled by the parties, and it shall have no meaning or effect in any other lawyer regulation case involving another respondent attorney.

10. This Stipulation is premised and conditioned upon acceptance of the same by the Presiding Disciplinary Judge. If for any reason the Stipulation is not accepted without changes or modification, then the admissions, confessions, and Stipulations made by Respondent will be of no effect. Either party will have the opportunity to accept or reject any modification. If either party rejects the modification, then the parties shall be entitled to a full evidentiary hearing; and no confession, Stipulation, or other statement made by Respondent in conjunction with this offer to accept discipline of a three-year served suspension may be subsequently used. If the Stipulation is rejected, then the matter will be heard and considered pursuant to C.R.C.P. 242.30.

11. The Office of Attorney Regulation Counsel has notified or will notify shortly after the parties sign this agreement, the complaining witnesses in the matters of the proposed disposition.

12. The parties have agreed that Respondent does not owe any restitution as a component of this stipulated resolution.

13. Prior to entering into this Stipulation, Respondent has read and carefully considered the language of C.R.S. §18-1.3-401(3), which provides:

Every person convicted of a felony, whether defined as such within or outside this code, shall be disqualified from ... practicing as an attorney in any courts of this state during the actual time of confinement or commitment to imprisonment or release from actual confinement on conditions of probation....

14. Respondent's counsel hereby authorizes Respondent and the non-lawyer individual in the Office of Attorney Regulation Counsel who is responsible for monitoring the conditions set forth herein to communicate directly concerning scheduling and administrative issues or questions. Respondent's counsel will be contacted concerning any substantive issue which may arise.

PRIOR DISCIPLINE

15. On March 8, 2023, Respondent was publically censured in Case No. 23PDJ004 for making ten misrepresentations in November and December 2020 while serving as senior legal advisor to the then-President of the United States and as counsel for his reelection campaign. She made the misrepresentations on national television and on Twitter regarding the 2020 presidential election. *See* Exhibit 3.

ANALYSIS OF DISCIPLINE

16. Pursuant to American Bar Association *Standards for Imposing Lawyer Sanctions* 1991 and Supp. 1992 ("ABA *Standards*"), §3.0, the Court should consider the following factors generally:

- a. The duty violated: the duty to abide by the law; the duty of candor.
- b. The lawyer's mental state: knowing.
- c. The actual or potential injury caused by the lawyer's misconduct: Respondent's misconduct caused significant actual harm in a variety of different ways. It undermined the American public's confidence in the presidential election process. It harmed the Georgia State Senate by utilizing the legislative body to add legitimacy to the false claims the election results were fraudulent. And Respondent caused actual harm to the legal profession by committing a crime involving dishonesty in the scope of her legal practice before a legislative committee.

17. Pursuant to ABA *Standard* § 5.11, disbarment is generally appropriate when:

(a) a lawyer engages in serious criminal conduct a necessary element of which includes intentional interference with the administration of justice, false swearing, misrepresentation, fraud, extortion, misappropriation, or theft; or the sale, distribution or importation of controlled substances; or the intentional killing of another; or an attempt or conspiracy or solicitation of another to commit any of these offenses; or

(b) a lawyer engages in any other intentional conduct involving dishonesty, fraud, deceit, or misrepresentation that seriously adversely reflects on the lawyer's fitness to practice.

18. This presumption is impacted by the following aggravating and mitigating factors:

Standard § 9.22 aggravating factors include:

(c) **a pattern of misconduct:** this factor should be greater than average weight. The misconduct at-issue here occurred during the same time period and in the same factual context as the misconduct at-issue in Case No. 23PDJ004, where both were committed in the representation of the same client and involve similar dishonesty to the advance the same client objective.

(k) **illegal conduct:** this factor should be afforded little weight, as the Rule violations themselves involve illegal conduct. *See In re Ivy*, 374 P.3d 374, 384 (Alaska 2016) (cautioning against the risk of double counting against a lawyer when an aggravating factor turns on the same facts as the sanction or as other aggravators).

Standard § 9.32 mitigating factors include:

(d) **timely good faith effort to make restitution or to rectify consequences of misconduct:** While Respondent's efforts to rectify the consequences of her misconduct could have been more timely, she made a proffer in her criminal matter soon after charges were filed and has agreed to cooperate in the

investigation and prosecution of related defendants in Georgia. This factor should be afforded moderate weight.

(e) full and free disclosure to disciplinary board or cooperative attitude toward proceedings: Respondent has cooperated in these proceedings; this factor should be afforded moderate weight.

(k) imposition of other penalties or sanctions: Respondent was sentenced to five years of felony probation which included a variety of conditions. This factor should be afforded average weight.

(l) remorse: See Exhibit 4 for Respondent's expression of remorse. This factor should be afforded moderate weight.

19. Attorneys are often disbarred after being convicted of a felony, particularly where the conviction flows from criminal acts committed while acting as an attorney. *See, e.g., In re DeRose*, 55 P.3d 126 (Colo. 2002) (disbarment for aiding and abetting structuring a transaction to avoid federal reporting requirements); *People v. Goldstein*, 887 P.2d 634 (Colo. 1994) (disbarment for felony forgery); *People v. Cantor*, 753 P.2d 238 (Colo. 1988) (disbarment for convictions of conspiracy to import and distribute marijuana and evade tax and customs laws).

20. However, disbarment is not automatic, even for felony convictions. In *In re Cardwell*, 50 P.3d 897 (Colo. 2002), the Colorado Supreme Court approved a stipulation to a three-year suspension, with eighteen months served, in a case where Cardwell pled guilty to attempting to influence a public servant, a Class 4 Felony, and perjury in the second degree, a misdemeanor. The crimes were committed in open court when the lawyer, acting in his professional capacity, represented to a judge repeatedly that his DUI client had no prior alcohol-related driving offenses despite knowing he had pled guilty to such an offense just three months before. *See also People v. Freeman*, 885 P.2d 205 (Colo. 1994) (six-month suspension for a former Deputy District Attorney who pled guilty to Class 5 Felony (accessory to a crime) and a petty offense of second degree official misconduct); *People v. Moore*, 849 P.2d 40 (Colo. 1993) (six-month suspension for lawyer who forged a prescription for a Schedule IV drug, a Class 5 Felony); *cf. People v. Ritland*, 327 P.3d 914 (Colo. O.P.D.J. 2014) (while not a felony conviction, Ritland was suspended for three years for multiple serious misrepresentations to a court); *In re Elinoff*, 23 P.3d 60 (Colo. 2001) (attorney who attempted to bribe a police officer during court proceedings to benefit his client, while not convicted of a felony, suspended for 3 years, with one year stayed).

21. Georgia cases are generally in accord. *See In re Suttle*, 288 Ga. 14, 701 S.E.2d 154 (2002) (two-year suspension for felony mortgage fraud); *In re Youn*, 300 Ga. 134 (2016) (18 month suspension for a federal misdemeanor conviction for counseling a client to fraudulently obtain a Georgia driver's license in an attempt to become a permanent resident); *In re Wyatt*, 275 Ga. 545 (2002) (one-year suspension for two misdemeanor counts of immigration fraud).

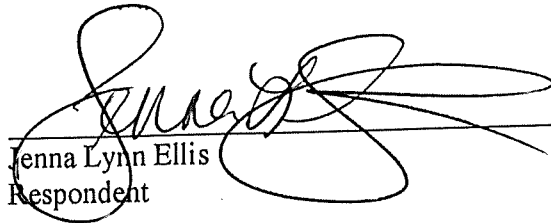
22. Here, while disbarment is the presumptive sanction for Respondent's misconduct, it is significant that her criminal culpability was due to her conduct as an accessory, not as a

principal. The evidence surrounding her plea reflects that she aided and abetted the false statements at issue through her presence at the Georgia Senate Subcommittee meeting, but did not otherwise contribute to drafting or preparing the false statements. She has also expressed remorse and has recognized the harm caused by her misconduct, see Exhibit 4, and has taken significant, concrete steps to mitigate the harm her misconduct has caused. Considering all of the factors described above, as applied to this case, a fully-served three-year suspension is an appropriate sanction.

RECOMMENDATION FOR AND CONSENT TO DISCIPLINE

Based on the foregoing, the parties hereto recommend that a fully-served three-year suspension be imposed upon Respondent. Respondent consents to the imposition of discipline of a fully-served three-year suspension. The parties request that the Presiding Disciplinary Judge order that the effective date of such discipline be thirty-five (35) days after the date of entry of the order.

Jenna Lynn Ellis, Respondent; John Michael Richilano, attorney for Respondent; and Jacob M. Vos, attorney for the Complainant, acknowledge by signing this document that they have read and reviewed the above and request the Presiding Disciplinary Judge to accept the Stipulation as set forth above.


Jenna Lynn Ellis
Respondent

FLORIDA
STATE OF COLORADO)
)ss:
COUNTY OF ORANGE)

Subscribed and sworn to before me this 23RD day of MAY, 2024, by
JENNA ELLIS, the Respondent.


Witness my hand and official seal.

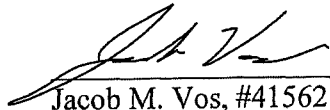
My commission expires:

05/22/2026



Gabriela A Garcia
Notary Public
State of Florida
My Commission Expires 05/22/2026
Commission No. HH 266176


Notary Public



Jacob M. Vos, #41562
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Telephone: (303) 928-7811
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Telephone: 303-893-8000
Attorney for the Respondent

EXHIBIT 1 TO STIPULATION

<p>SUPREME COURT, STATE OF COLORADO</p> <p>ORIGINAL PROCEEDING IN DISCIPLINE BEFORE THE PRESIDING DISCIPLINARY JUDGE 1300 Broadway, Suite 250 Denver, Colorado 80203</p> <hr/> <p>Complainant: THE PEOPLE OF THE STATE OF COLORADO</p> <p>Respondent: JENNA LYNN ELLIS, # 44026</p> <hr/> <p>Jacob M. Vos, #41562 Assistant Regulation Counsel Jessica E. Yates, #38003 Attorney Regulation Counsel Attorneys for Complainant 1300 Broadway, Suite 500 Denver, Colorado 80203 Telephone: (303) 928-7811 Email: j.vos@csc.state.co.us</p>	<p>FILED</p> <p>January 9, 2024</p> <p>Presiding Disciplinary Judge Colorado Supreme Court</p> <p>▲ COURT USE ONLY ▲</p> <hr/> <p>Case Number: 24PDJ002</p>
<p style="text-align: center;">COMPLAINT</p>	

THIS COMPLAINT is filed pursuant to the authority of C.R.C.P. 242.15 and 242.25. It is being directly filed pursuant to C.R.C.P. 242.15(c). The People allege as follows:

Jurisdiction

1. Respondent has taken and subscribed to the oath of admission, was admitted to the bar of this Court on October 24, 2011, and is registered upon the official records of this Court, registration no. 44026. She is subject to the jurisdiction of this Court in these disciplinary proceedings. Respondent's registered business address is 138 W 5th Ave, Denver, CO 80204.

2. Pursuant to C.R.C.P. 242.1, this Court has jurisdiction over Respondent as an attorney admitted in Colorado "regardless of where the lawyer's conduct occurs or where the lawyer resides."

General Allegations

3. On December 3, 2020, Respondent was present for a meeting of the Georgia Senate

EXHIBIT 1 TO STIPULATION

Judiciary Subcommittee meeting.

4. At the time, she was a senior legal advisor to then-President Donald Trump.
5. At the time, she was also counsel to the one or more persons or entities associated with the support of and/or re-election of then-President Donald Trump, which may have included the Trump Campaign, other entities promoting the Trump Campaign, or then-President Trump.
6. Respondent attended the meeting of the Georgia Senate Judiciary Subcommittee in furtherance of her work as an attorney for President Trump, the Trump Campaign, and/or another client supporting the re-election of President Trump.
7. On October 24, 2023, Respondent was charged in Fulton County Superior Court in Fulton County, Georgia, with a single amended count of aiding and abetting false statements and writings in violation of O.C.G.A. § 16-10-20, a felony.
8. The Accusation, attached as Exhibit 1 at page 6¹, provided:

“On behalf of the People of the State of Georgia, the undersigned, Fani T. Willis, District Attorney, as prosecuting attorney for the County and State aforesaid, does charge and accuse JENNA LYNN ELLIS with the offense of AIDING AND ABETTING FALSE STATEMENTS AND WRITINGS, O.C.G.A. § 16-10-20, for the said accused, in the County of Fulton and State of Georgia, on or about the 3rd day of December 2020, intentionally aided and abetted RUDOLPH WILLIAM LOUIS GIULIANI and RAY STALLINGS SMITH II in knowingly, willfully, and unlawfully making the following false statements to members of the Georgia Senate present at a Senate Judiciary Subcommittee meeting:

1. That at least 96,600 mail-in ballots were counted in the November 3, 2020, presidential election in Georgia, despite there being no record of those ballots having been returned to a county elections office;
2. That 2,506 felons voted illegally in the November 3, 2020, presidential election in Georgia;
3. That 66,248 underage people illegally registered to vote before their seventeenth birthday prior to the November 3, 2020, presidential election in Georgia;
4. That at least 2,423 people voted in the November 3, 2020, presidential election in Georgia who were not listed as registered to vote;
5. That 1,043 people voted in the November 3, 2020, presidential election in Georgia who had illegally registered to vote using a post office box;
6. That 10,315 or more dead people voted in the November 3, 2020, presidential election in Georgia;

¹ Page 6 of the document; the headers are off by one page due to the certification page.

EXHIBIT 1 TO STIPULATION

7. That Fulton County election workers at State Farm Arena ordered poll watchers and members of the media to leave the tabulation area on the night of November 3, 2020, and continued to operate after ordering everyone to leave;

said statements being within the jurisdiction of the Office of the Georgia Secretary of State and the Georgia Bureau of Investigation, departments and agencies of state government, and county and city law enforcement agencies, contrary to the laws of said State, the good order, peace and dignity thereof.”

9. The same day, Respondent pled guilty to the single amended count of aiding and abetting false statements and writings, a felony. *See* Ex. 2 (Plea of Guilty)².

10. Respondent was sentenced to a five year probation, which included a variety of conditions. *See* Ex. 1 at p. 1 (Disposition).

Claim I

Georgia³ RPC 8.4(a)(2) (Felony Conviction)

11. Respondent’s entry of a guilty plea to the felony charge of aiding and abetting false statements and writings in violation of O.C.G.A. § 16-10-20 constitutes a felony conviction pursuant to C.R.C.P. 241.

12. Georgia RPC 8.4(a)(2) provides that “It shall be a violation of the Georgia Rules of Professional Conduct for a lawyer to be convicted of a felony.”

13. Respondent has therefore violated Georgia RPC 8.4(a)(2).

² The attached Exhibits 1 and 2 are certified copies of filings and orders showing Respondent has been convicted of aiding and abetting false statements and writings, and therefore conclusively establish the conviction and prove Respondent’s commission of that crime. *See* C.R.C.P. 242.42(d).

³ Colorado Rule of Professional Conduct 8.5(b) provides that “In any exercise of the disciplinary authority of this jurisdiction, the rules of professional conduct to be applied shall be as follows: (1) for conduct in connection with a matter pending before a tribunal, the rules of the jurisdiction in which the tribunal sits, unless the rules of the tribunal provide otherwise; and (2) for any other conduct, the rules of the jurisdiction in which the lawyer's conduct occurred, or, if the predominant effect of the conduct is in a different jurisdiction, the rules of that jurisdiction shall be applied to the conduct. A lawyer shall not be subject to discipline if the lawyer's conduct conforms to the rules of a jurisdiction in which the lawyer reasonably believes the predominant effect of the lawyer's conduct will occur.” If the Senate Judiciary Subcommittee meeting qualifies as a “tribunal,” subsection (b)(1) provides that the Georgia Rules of Professional Conduct apply. If it does not qualify as a tribunal, the Georgia Rules of Professional Conduct still apply through subsection (b)(2).

EXHIBIT 1 TO STIPULATION

Claim II

Georgia RPC 8.4(a)(8) (Criminal Conduct)

14. Georgia RPC 8.4(a)(8) provides that “It shall be a violation of the Georgia Rules of Professional Conduct for a lawyer to commit a criminal act that relates to the lawyer’s fitness to practice law or reflects adversely on the lawyer’s honesty, trustworthiness or fitness as a lawyer, where the lawyer has admitted in judicio, the commission of such act.”

15. Through her guilty plea, Respondent has admitted to the commission of a criminal act that reflects adversely on her honesty, trustworthiness, and fitness as a lawyer.

16. Respondent has therefore violated Georgia RPC 8.4(a)(8).

Claim III

Georgia RPC 8.4(a)(4) (Dishonesty)

17. Georgia RPC 8.4(a)(4) provides that “It shall be a violation of the Georgia Rules of Professional Conduct for a lawyer to engage in professional conduct involving dishonesty, fraud, deceit or misrepresentation.”

18. Through her guilty plea, Respondent has admitted to intentionally aiding and abetting Mr. Giuliani and Mr. Smith in knowingly, willfully, and unlawfully making the false statements detailed above to the members of the Georgia Senate present at a Senate Judiciary Subcommittee meeting.

19. She did so while engaged in her professional capacity as an attorney.

20. Respondent therefore engaged in professional conduct involving dishonesty, fraud, deceit, or misrepresentation.

21. Respondent therefore violated Georgia RPC 8.4(a)(4).

Claim IV

Georgia RPC 3.3(a) and 3.9 (Candor in Nonadjudicative Proceeding)

22. Georgia RPC 3.3(a) provides:

A lawyer shall not knowingly:

- 1) make a false statement of material fact or law to a tribunal;
- 2) fail to disclose a material fact to a tribunal when disclosure is necessary to avoid assisting a criminal or fraudulent act by the client;
- 3) fail to disclose to the tribunal legal authority in the controlling jurisdiction known to the lawyer to be directly adverse to the position of the client and not disclosed by opposing counsel; or
- 4) offer evidence that the lawyer knows to be false. If a lawyer has offered material

EXHIBIT 1 TO STIPULATION

evidence and comes to know of its falsity, the lawyer shall take reasonable remedial measures.

23. Georgia RPC 3.3(a) applies to appearances before the Georgia Senate Judiciary Subcommittee through Georgia RPC 3.9, which provides that “A lawyer representing a client before a legislative or administrative tribunal in a nonadjudicative proceeding shall disclose that the appearance is in a representative capacity and shall conform to the provisions of Rules 3.3 (a) through (c), 3.4 (a) through (c), and 3.5.”

24. Though Respondent did not speak before the Georgia Senate Judiciary Subcommittee on December 3, 2020, she knowingly aided and abetted Mr. Giuliani and Mr. Smith, who knowingly, willfully, and unlawfully made the false statements detailed above to the members of the Georgia Senate present at a Senate Judiciary Subcommittee meeting.

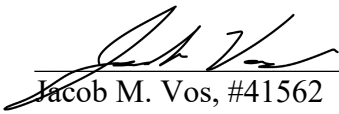
25. Respondent violated Georgia RPC 3.3(a) and Georgia RPC 3.9 through Georgia RPC 8.4(a)(1), which provides that “It shall be a violation of the Georgia Rules of Professional Conduct for a lawyer to violate or knowingly attempt to violate the Georgia Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another.”

26. Respondent therefore violated Georgia RPC 3.3(a) and Georgia RPC 3.9.

WHEREFORE, the people pray that Respondent be found to have engaged in misconduct under C.R.C.P. 242.9 and the Georgia Rules of Professional Conduct as specified above; Respondent be appropriately disciplined for such misconduct; Respondent be required to take any other remedial action appropriate under the circumstances; and Respondent be assessed the costs of this proceeding.

DATED this 9th day of January, 2024.

Respectfully submitted,



Jacob M. Vos, #41562
Assistant Regulation Counsel
Jessica E. Yates, #38003
Attorney Regulation Counsel
Attorneys for Complainant

State of Georgia



COUNTY OF FULTON
OFFICE OF THE CLERK OF SUPERIOR COURT

ELECTRONIC DOCUMENT CERTIFICATION

Certification Date: 11/22/23 Court Case Number: 23SC190514
Authentication Code: R92TN-3HSDF-1SVY Number of Pages: 8

I, Che' Alexander Clerk of Superior Court, or Deputy Clerk specified below, hereby certify that the attached page(s) is/are a true and correct copy of the document(s) enumerated herein, and that said document(s) are on file as a part of the official records of this office, of which I am the official custodian, as authorized by Georgia law. Witness my hand and official seal of this office on the date written.



Official Seal of Clerk

Che' Alexander

Che' Alexander, Clerk

Ashleigh Echols

Prepared by:

INSTRUCTIONS FOR AUTHENTICATING THIS CERTIFICATION

This electronically certified record can be authenticated as having been duly certified by the issuing officer by accessing the link below:

<https://ecert.gsccca.org/document/R92TN-3HSDF-1SVY>

Authentication of a certified document is a multiple step process. Instructions for authenticating a certified document can be found at the link below:

<https://ecert.gsccca.org/authenticationinstructions>



**EXHIBIT 1 TO STIPULATION
IN THE SUPERIOR COURT OF FULTON COUNTY, STATE OF GEORGIA**

STATE OF GEORGIA
vs

JENNA LYNN ELLIS

CRIMINAL ACTION #:
23SC190514

Fulton County Superior Court

FILEDCL

Date: 10/24/2023 12:07 PM

Che Alexander, Clerk

Clerk to complete if incomplete:

OTN(s):
DOB: 11/1/1984;
GA. ID#:

SEPTEMBER - OCTOBER Term of 2023

Final Disposition:
FELONY With PROBATION

First Offender/ Conditional Discharge entered under :

O.C.G.A. § 42-8-60 O.C.G.A. § 16-13-2

Repeat Offender as imposed below

PLEA:

VERDICT:

Repeat Offender Waived

Negotiated

Non-negotiated

Jury

Non-Jury

The Court enters the following judgment:

Count	Charge <small>(as indicted or accused)</small>		Disposition <small>Guilty; Not Guilty; Guilty-Alford Guilty-Lesser Incl; Nol Pros; Nolo Contendere; Dead Docket; 1st Offender; 1st Offender- Alford Order</small>	Sentence	Fine	Concurrent/ Consecutive, Merged, Suspended Commute to Time Served
1	Aiding and Abetting False Statements and Writings	16-10-20	1 ST OFFENDER	FIVE (5) YEARS PROBATION		

The Defendant is sentenced under First Offender/Conditional Discharge for the above-stated offense; the Court sentences the Defendant to confinement in such institution as the Commissioner of the State Department of Corrections may direct, with the period of confinement to be computed as provided by law.

Sentence Summary: The Defendant is sentenced for a total of FIVE (5) YEARS to be served on probation.

1. The above sentence may be served on probation provided the Defendant shall comply with the Conditions of Probation imposed by the Court as part of this sentence.

GENERAL CONDITIONS OF PROBATION

The Defendant is subject to arrest for any violation of probation. If probation is revoked, the Court may order incarceration. The Defendant shall comply with the following General Conditions of Probation: **1)** Do not violate the criminal laws of any governmental unit and be of general good behavior. **2)** Avoid injurious and vicious habits. **3)** Avoid persons or places of disreputable or harmful character. **4)** Report to the Community Supervision Officer as directed and permit the Community Supervision Officer to visit you at home or elsewhere. **5)** Work faithfully at suitable employment insofar as may be possible. **6)** Do not change your place of abode, move outside the jurisdiction of the Court, or leave Georgia without permission of the Community Supervision Officer. If permitted to move or travel to another state, you agree to waive extradition from any

EXHIBIT 1 TO STIPULATION

jurisdiction where you may be found and not contest any effort by any jurisdiction to return you to this State. **7)** Support your legal dependents to the best of your ability. **8)** When directed, in the discretion of the Community Supervision Officer: (a) submit to evaluations and testing relating to rehabilitation and participate in and successfully complete rehabilitative programming; (b) wear a device capable of tracking location by means including electronic surveillance or global positioning satellite systems; (c) complete a residential or nonresidential program for substance abuse or mental health treatment; and/or (d) agree to the imposition of graduated sanctions as defined by law. **9)** Make restitution as ordered by the Court.

FINE SURCHARGES or ADD-ONS: The Court assesses all fine surcharges or add-ons as required by the laws of the State of Georgia and as are applicable to offense(s) for which the Defendant has been convicted.

- 1) The Court orders that the Defendant shall pay the probation supervision fee as required by law.

SPECIAL CONDITIONS OF PROBATION

The Defendant is advised that violation of any Special Condition of Probation may subject the Defendant to a revocation of probation and the Court may require the Defendant to serve up to the balance of the sentence in confinement. The Defendant shall comply with all Special Conditions of Probation as follows:

DEFENDANT SHALL PAY \$5000 IN RESTITUTION TO GEORGIA SECRETARY OF STATE. PAYMENT SHALL BE SENT TO FULTON COUNTY DISTRICT ATTORNEY'S OFFICE WITHIN 30 DAYS.

DEFENDANT SHALL PERFORM 100 HOURS OF COMMUNITY SERVICE.

DEFENDANT SHALL WRITE AN APOLOGY LETTER TO THE CITIZENS OF THE STATE OF GEORGIA

DEFENDANT SHALL TESTIFY TRUTHFULLY AT ALL HEARINGS OR TRIALS INVOLVING CO-DEFENDANTS IN THIS MATTER.

DEFENDANT SHALL HAVE NO COMMUNICATION WITH CO-DEFENDANTS, WITNESSES OR MEDIA UNTIL ALL CASES HAVE BEEN CLOSED.

DEFENDANT MUST CONTINUE TO PROVIDE ADDITIONAL STATEMENTS AND AFFIDAVITS TO THE STATE AS REQUESTED.

DEFENDANT MUST CONTINUE TO PROVIDE ANY REQUESTED DOCUMENTS OR EVIDENCE SUBJECT TO ANY LAWFUL PRIVILEGES ASSERTED IN GOOD FAITH.

DEFENDANT SHALL HAVE NO POSTINGS ON SOCIAL MEDIA (INCLUDING THROUGH ANY AGENTS) ABOUT THIS CASE UNTIL THE CONCLUSION OF ALL TRIALS AND APPEALS.

DEFENDANT MUST CONTINUE TO FULLY COOPERATE WITH PROSECUTORS INCLUDED BUT NOT LIMITED TO PARTICIPATING IN INTERVIEWS WITH PROSECUTORS, APPEARING FOR EVIDENTIARY HEARINGS, AND ASSISTING IN PRE-TRIAL MATTERS.

THE DEFENDANT AND THE STATE CONTEND THIS IS NOT A CRIME OF MORAL TURPITUDE.

DEFENDANT MAY REPORT TO PROBATION VIA TELEPHONE FOR THE FIRST 30 DAYS OF PROBATION OR UNTIL HER PROBATION HAS BEEN ACCEPTED AND TRANSFERRED TO FLORIDA.

EXHIBIT 1 TO STIPULATION**FIRST OFFENDER OR CONDITIONAL DISCHARGE**

The Defendant consenting hereto, it is the judgment of the Court that no judgment of guilt be imposed at this time but that further proceedings are deferred and the Defendant is hereby sentenced to confinement at such institution as the Commissioner of the State Department of Corrections or the Court may direct, with the period of confinement to be computed as provided by law.

Upon violation of the terms of probation, upon conviction for another crime during the period of probation, or upon the Court's determination that the Defendant is or was not eligible for sentencing under the First Offender Act or for Conditional Discharge, the Court may enter an adjudication of guilt and proceed to sentence the Defendant to the maximum sentence as provided by law.

Upon fulfillment of the terms of this sentence, or upon release of the Defendant by the Court prior to the termination of this sentence, the Defendant shall stand discharged of said offense without court adjudication of guilt and shall be completely exonerated of guilt of said offense charged.

DEFENDANT HAS A BEHAVIORAL INCENTIVE DATE OF THREE (3) YEARS.

For Court's Use:

CASE TO BE SEALED PURSUANT TO 42-8-62.1.


The Clerk of Court shall mark the disposition of all FTA cases associated with this case (as of this date) as NO FURTHER ACTION ANTICIPATED.

The Hon. Franklin James Hogue and Laura Diane Hogue, Attorneys at Law, represented the Defendant by employment.

KIMESHA SMITH

Court Reporter

SO ORDERED this **24th day of October, 2023**



Honorable SCOTT MCAFEE
Judge of Superior Court
Atlanta Judicial Circuit

EXHIBIT 1 TO STIPULATION

FIREARMS – If you are convicted of a crime punishable by imprisonment for a term exceeding one year, or of a misdemeanor crime of domestic violence where you are or were a spouse, intimate partner, parent, or guardian of the victim, or are or were involved in another similar relationship with the victim, it is unlawful for you to possess or purchase a firearm including a rifle, pistol, or revolver, or ammunition, pursuant to federal law under 18 U.S.C. § 922(g)(9) and/or applicable state law.

Acknowledgment: I have read the terms of this sentence or had them read and explained to me. If all or any part of this sentence is probated I certify that I understand the meaning of the order of probation and the conditions of probation. I understand that violation of a special condition of probation could result in revocation of all time remaining on the period of probation.

Defendant

EXHIBIT 1 TO STIPULATION

23SC188947

GC

ACCUSATION

EJ15 McAge

Clerk No. 23SC190514

FULTON SUPERIOR COURT

THE STATE OF GEORGIA

1 AIDING AND ABETTING

FALSE STATEMENTS AND WRITINGS

O.C.G.A. §16-10-20

V.

JENNA LYNN ELLIS

DA #: 23DA07670

Fulton County Superior Court

FILED NY

Date: 10/24/2023

Che Alexander, Clerk of Court

PERSONID: 8852853

Jani T. Willis
JANI T. WILLIS, District Attorney

The Defendant waives copy of indictment, list of witnesses, formal arraignment and pleads Guilty.

The Defendant waives copy of indictment, list of witnesses, formal arraignment and pleads _____ Guilty.

The Defendant waives copy of indictment, list of witnesses, formal arraignment and pleads _____ Guilty.

Defendant

Defendant

Defendant

Attorney for Defendant

Attorney for Defendant

Attorney for Defendant

Assistant District Attorney

Assistant District Attorney

Assistant District Attorney

This 24th day of Oct, 2023

This _____ day of _____, _____

This _____ day of _____, _____

EXHIBIT 1 TO STIPULATION**STATE OF GEORGIA, COUNTY OF FULTON****IN THE SUPERIOR COURT OF SAID COUNTY**

On behalf of the People of the State of Georgia, the undersigned, **Fani T. Willis**, District Attorney, as prosecuting attorney for the County and State aforesaid, does charge and accuse **JENNA LYNN ELLIS** with the offense of **AIDING AND ABETTING FALSE STATEMENTS AND WRITINGS, O.C.G.A. § 16-10-20**, for the said accused, in the County of Fulton and State of Georgia, on or about the 3rd day of December 2020, intentionally aided and abetted **RUDOLPH WILLIAM LOUIS GIULIANI** and **RAY STALLINGS SMITH III** in knowingly, willfully, and unlawfully making the following false statements to members of the Georgia Senate present at a Senate Judiciary Subcommittee meeting:

1. That at least 96,600 mail-in ballots were counted in the November 3, 2020, presidential election in Georgia, despite there being no record of those ballots having been returned to a county elections office;
2. That 2,506 felons voted illegally in the November 3, 2020, presidential election in Georgia;
3. That 66,248 underage people illegally registered to vote before their seventeenth birthday prior to the November 3, 2020, presidential election in Georgia;
4. That at least 2,423 people voted in the November 3, 2020, presidential election in Georgia who were not listed as registered to vote;
5. That 1,043 people voted in the November 3, 2020, presidential election in Georgia who had illegally registered to vote using a post office box;
6. That 10,315 or more dead people voted in the November 3, 2020, presidential election in Georgia;
7. That Fulton County election workers at State Farm Arena ordered poll watchers and members of the media to leave the tabulation area on the night of November 3, 2020, and continued to operate after ordering everyone to leave;

said statements being within the jurisdiction of the Office of the Georgia Secretary of State and the Georgia Bureau of Investigation, departments and agencies of state government, and county and city law enforcement agencies, contrary to the laws of said State, the good order, peace and dignity thereof;

FANI T. WILLIS
District Attorney

EXHIBIT 1 TO STIPULATION

Related Clerk No:

Complaint #:

Defendant	DA #	Booking	Race	Sex	Birthdate	OTN	Agency
ELLIS, JENNA	23DA07670		White	Female	11/01/1984		

EXHIBIT 1 TO STIPULATION

**FULTON COUNTY SUPERIOR COURT
REQUEST FOR RELATED ASSIGNMENT
UNDER LOCAL RULE 3 (c)**

Page ____ of ____

The case listed below is related under Local Rule 3 (a) to other cases pending or previously heard in this Court:

I. INDICTMENT # _____ DATE _____

DEFENDANTS: Jenna Lynn Ellis

OFFENSE(S): Aiding and Abetting False Statements - OCGA 16-10-20

(PENDING) RELATED CASES - INDICTMENT SAME DATE

#1 INDICTMENT # _____ DATE _____

DEFENDANT: _____

OFFENSE: _____

#2 INDICTMENT# _____

DEFENDANT: _____

OFFENSE: _____

LIST THE PREVIOUSLY ASSIGNED CASE THAT REQUIRES THIS CASE BE ASSIGNED UNDER THE RELATED CASE RULE: (See instructions and priorities on back of this form.)

INDICTMENT # 235C188947 DATE 08/14/23

DEFENDANT: Jenna Lynn Ellis

REASON: IDENTICAL ACCUSED PENDING CASE

CASE RISING FROM SAME CRIMINAL TRANSACTION

JUDGE McAfee

OPEN (UNTRIED)

UNDER SENTENCE/PROBATION

DATE 10/24/23 REQUESTED BY: Mr Rood

State of Georgia



COUNTY OF FULTON
OFFICE OF THE CLERK OF SUPERIOR COURT

ELECTRONIC DOCUMENT CERTIFICATION

Certification Date: 11/22/23 Court Case Number: 23SC190514
Authentication Code: CD6UR-ATBDU-CQD3 Number of Pages: 2

I, Che' Alexander Clerk of Superior Court, or Deputy Clerk specified below, hereby certify that the attached page(s) is/are a true and correct copy of the document(s) enumerated herein, and that said document(s) are on file as a part of the official records of this office, of which I am the official custodian, as authorized by Georgia law. Witness my hand and official seal of this office on the date written.



Official Seal of Clerk

Che' Alexander

Che' Alexander, Clerk

Ashleigh Echols

Prepared by:

INSTRUCTIONS FOR AUTHENTICATING THIS CERTIFICATION

This electronically certified record can be authenticated as having been duly certified by the issuing officer by accessing the link below:

<https://ecert.gscca.org/document/CD6UR-ATBDU-CQD3>

Authentication of a certified document is a multiple step process. Instructions for authenticating a certified document can be found at the link below:

<https://ecert.gscca.org/authenticationinstructions>



EXHIBIT 1 TO STIPULATION

**IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA**

STATE OF GEORGIA

*
*
*
*
*
*
*

INDICTMENT NO: 23 SC 190574

vs.

JUDGE SCOTT F. MCAFEE

JENNA LYNN ELLIS

PLEA OF GUILTY

1. What is your legal name? JENNA LYNN ELLIS
2. At this time are you under the influence of any alcohol, drugs or medication? No
3. How old are you? 38
4. How far did you go in school? J. D.
5. Are you able to read and write English? YES
6. Have you ever received psychiatric treatment or been in a mental hospital? If so, when and where? No
7. Do you wish to plead guilty to the offense(s) in this case? YES
8. Do you understand you have the right to plead either "guilty" or "not guilty" to the charges? YES
9. Do you understand that by pleading "guilty" you:
 - Y (a) agree that you understand the nature of the charges.
 - Y (b) waive the right to trial by jury.
 - Y (c) waive the right to the presumption of innocence.
 - Y (d) waive the right to confront witnesses called to testify against you.
 - Y (e) waive the right to subpoena witnesses.
 - Y (f) waive the right to testify and to offer other evidence on your behalf.
 - Y (g) waive the right to assistance of counsel during trial.
 - Y (h) waive the right not to testify against yourself and that by pleading not guilty or remaining silent and not entering a plea you could obtain a jury trial.
10. Do you understand that you may obtain a jury trial should you elect to plead "not guilty" or remain silent? YES
11. Do you acknowledge that you have entered this plea freely, voluntarily and with a full understanding of all the rights you are giving up? YES
12. Do you acknowledge that no one has made any promises or threats to influence your decision to plead guilty? YES
13. Do you understand the prosecutor is recommending the following sentence:
5yrs. probation, BID 3yrs., 100CS, Cooperation, testify truthfully?
14. Do you understand that although this a negotiated plea, the Judge is not bound to accept the prosecutor's recommendation? YES If the Judge does not accept the recommendation, you will have the right to withdraw your plea of guilty. **(If the plea is non-negotiated, counsel should strike through this provision as it does not apply.)**
15. Do you acknowledge you have been advised the maximum sentence you can receive is 5yrs and the minimum sentence you can receive is 1 ?

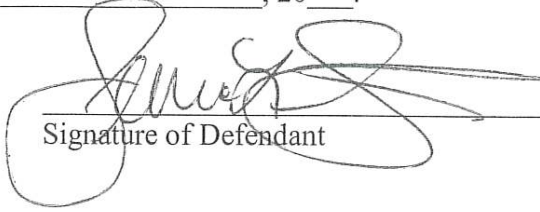
EXHIBIT 1 TO STIPULATION

16. Do you acknowledge you have been advised if you are not a citizen of the United States a plea of guilty may impact your immigration status and could result in deportation? NA
17. Do you acknowledge you have been advised a plea of guilty could be used to aggravate the punishment you could receive in any subsequent criminal prosecution? YES
18. Do you acknowledge you have had sufficient time to discuss this case with your attorney and you are satisfied with your attorney's services? YES
19. Do you acknowledge if you plead guilty, there will be no trial and the Court will impose such sentence as it finds appropriate under the law? YES
20. Do you acknowledge you understand if you wish to seek relief from this sentence through a Writ of Habeas Corpus you will have four (4) years from today's date to file your petition as to any felony sentence and one (1) year from today's date to file your petition as to any misdemeanor sentence? YES
21. How do you plead to the charges: "Guilty" or "Not Guilty"? G

Respectfully submitted this 24 day of OCTOBER, 2023.

JENNA LYNN ELVIS

Printed Name of Defendant


Signature of Defendant

CERTIFICATION OF COUNSEL

I, as attorney for the Defendant, hereby certify the following:

- I have read and fully explained to the Defendant all of the charges contained in the Indictment/Accusation in this case.
- I have explained and discussed with the Defendant the facts and elements of the case which the Prosecution must prove and the defense(s) that may be available to the charge(s).
- I have explained to the Defendant the maximum penalty provided by law for the offense(s) charged in the Indictment/Accusation to which the Defendant offers a plea of guilty and the possible consequences of a guilty plea.
- The defendant DOES/~~DOES NOT QUALIFY~~ for First Offender Treatment and IS/IS NOT asking for disposition under the First Offender Statue. **(Circle options that apply.)**
- The plea of guilty offered by the Defendant is, in my opinion, knowingly, freely and voluntarily made, and is consistent with my advice to the Defendant.
- To the best of my knowledge and belief, the statements, representations and declarations made by the Defendant in the foregoing Plea of Guilty are in all respects true and accurate.
- I have read and reviewed this plea sheet with the Defendant and answered any questions the Defendant may have concerning this plea sheet.
- I do not know of any reason why the Court should not accept the Defendant's plea of guilty.

Respectfully submitted this 24 day of OCTOBER, 2023.

FRANKLIN J. HOGUE

Printed Name of Attorney for Defendant

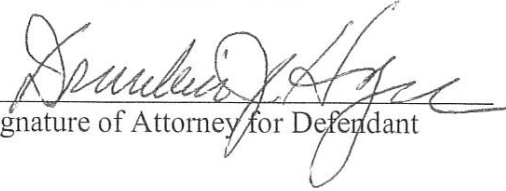

Signature of Attorney for Defendant

EXHIBIT 2 TO STIPULATION

Statement of Costs

Jenna L. Ellis
24PDJ002

5/7/2024	Javenick & Stenstrom, LLC - Deposition	\$	1,501.52
5/13/2024	Administrative Fee	\$	<u>224.00</u>
	AMOUNT DUE	\$	1,725.52

EXHIBIT 2 TO STIPULATION



**J A V E R N I C K
& S T E N S T R O M, L L C**
certified shorthand reporters

3131 South Vaughn Way, Suite 224
Aurora, Colorado 80014
(720) 449-0329 FEIN 84-1566167

INVOICE

DATE	INVOICE #
5/7/2024	24109

BILL TO:
JACOB M. VOS, ESQ. Office of Attorney Regulation Counsel 1300 Broadway Suite 500 Denver, Colorado 80203

RE:
People v. Jenna Lynn Ellis, #44026 Supreme Court, State of Colorado Original Proceeding in Discipline Before the PDJ Case No. 24PDJ002

DUE DATE	REPORTER	SHIP DATE	SHIP VIA
6/7/2024	LH	5/6/2024	UPS

QUANTITY	ITEM	DESCRIPTION	RATE	AMOUNT
124	2Depo ARC	Deposition of JENNA ELLIS Original Transcript Preparation 2-Day Expedite - ARC May 3, 2024	8.73	1,082.52
1	e-Transcript	e-Transcript	25.00	25.00
1	Admin Fee		100.00	100.00
119	Exhibits Sca...	Exhibits Scanned	1.00	119.00
1	AF - Half Day	Appearance Fee - Half Day	150.00	150.00
1	0+1 Delivery	Shipping and Handling (Original)	25.00	25.00

x 
Approved by Jessica E. Yates

Interest will be charged at the rate of 1.5% per month on any amount not paid within 30 days.	Total	\$1,501.52
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*Approved: Guy Hoff, Deputy Reg. Counsel
Re: People v. Ellis, 24PDJ002
REGU-TRLS-1935(CRTR)*

5/7/2024 JMV

EXHIBIT 3 TO STIPULATION

SUPREME COURT, STATE OF COLORADO ORIGINAL PROCEEDING IN DISCIPLINE BEFORE THE OFFICE OF THE PRESIDING DISCIPLINARY JUDGE 1300 BROADWAY, SUITE 250 DENVER, CO 80203	
Complainant: THE PEOPLE OF THE STATE OF COLORADO	Case Number: 23PDJ004
Respondent: JENNA LYNN ELLIS, #44026	
OPINION APPROVING STIPULATION TO DISCIPLINE UNDER C.R.C.P. 242.19(c)	

While serving as a senior legal advisor to the then-President of the United States and as counsel for his reelection campaign, Jenna Lynn Ellis (“Respondent”) repeatedly made misrepresentations on national television and on Twitter, undermining the American public’s confidence in the 2020 presidential election. The parties stipulate that Respondent’s misconduct warrants public censure, and the Presiding Disciplinary Judge (“the Court”) approves the parties’ stipulation.

I. STIPULATED FACTS AND ARGUMENT

On February 13, 2023, Jessica E. Yates and Jacob M. Vos, Office of Attorney Regulation Counsel (“the People”), and Michael W. Melito, counsel for Respondent, filed a “Stipulation to Discipline Pursuant to C.R.C.P. 242.19.” In the stipulation, the parties agree that Respondent should be publicly censured.

The parties stipulate to the following facts. From February 2019 to January 15, 2021, Respondent was a senior legal advisor to the then-serving President of the United States. She “was a member of President Trump’s legal team . . . that made efforts to challenge President Biden’s victory in the 2020 Presidential Election.”¹ Though Respondent “was part of the legal team . . . she was not counsel of record for any of the lawsuits challenging the election results.”² Respondent made ten public misrepresentations in November and December 2020 in her capacity as counsel for the then-President’s reelection campaign and as personal counsel to the then-President, while also advertising her status as a lawyer.

¹ Stip. ¶ 6(a).

² Stip. ¶ 6(c).

EXHIBIT 3 TO STIPULATION

Respondent agrees she made the following ten misrepresentations:

- On November 13, 2020, Respondent claimed that “Hillary Clinton still has not conceded the 2016 election.”
- On November 20, 2020, Respondent appeared on Mornings with Maria on Fox Business and stated: “We have affidavits from witnesses, we have voter intimidation, we have the ballots that were manipulated, we have all kinds of statistics that show that this was a coordinated effort in all of these states to transfer votes either from Trump to Biden, to manipulate the ballots, to count them in secret . . .”
- On November 20, 2020, Respondent appeared on Spicer & Co. and stated, “with all those states [Nevada, Michigan, Pennsylvania, Wisconsin, Georgia] combined we know that the election was stolen from President Trump and we can prove that.”
- On November 21, 2020, Respondent stated on Twitter under her handle @JennaEllisEsq., “. . . SECOND, we will present testimonial and other evidence IN COURT to show how this election was STOLEN!”
- On November 23, 2020, Respondent appeared on The Ari Melber Show on MSNBC and stated, “The election was stolen and Trump won by a landslide.”
- On November 30, 2020, Respondent appeared on Mornings with Maria on Fox Business and stated, “President Trump is right that there was widespread fraud in this election, we have at least six states that were corrupted, if not more, through their voting systems. . . We know that President Trump won in a landslide.” She also stated, “The outcome of this election is actually fraudulent it's wrong, and we understand than when we subtract all the illegal ballots, you can see that President Trump actually won in a landslide.”
- On December 3, 2020, Respondent appeared on Mornings with Maria on Fox Business and stated, “The outcome of this election is actually fraudulent it's wrong, and we understand than when we subtract all the illegal ballots, you can see that President Trump actually won in a landslide.”
- On December 5, 2020, Respondent appeared on Justice with Judge Jeanine on Fox News and stated, “We have over 500,000 votes [in Arizona] that were cast illegally . . .”
- On December 15, 2020, Respondent appeared on Greg Kelly Reports on Newsmax and stated, “The proper and true victor, which is Donald Trump . . .”
- On December 22, 2020, Respondent stated on Twitter, through her handle @JennaEllisEsq, “I spent an hour with @DanCaplis for an in-depth discussion about President @realDonaldTrump's fight for election integrity, the overwhelming evidence proving this was stolen, and why fact-finding and truth—not politics—matters!”

Respondent made these misrepresentations on Twitter and on various television programs, including Fox Business, MSNBC, Fox News, and Newsmax.³ The parties agree that by making these misrepresentations, Respondent violated Colo. RPC 8.4(c), which provides that it is

³ Stip. ¶ 6(e). The Court understands that these television programs are nationally televised broadcasts.

EXHIBIT 3 TO STIPULATION

professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit, or misrepresentation.

The parties ask the Court to approve their stipulation and to publicly censure Respondent for this misconduct. In doing so, the parties rely on *Standard* 5.13 under the American Bar Association *Standards for Imposing Lawyer Sanctions* ("ABA Standards"),⁴ which provides that "[public censure] is generally appropriate when a lawyer knowingly⁵ engages in any [non-criminal] conduct that involves dishonesty, fraud, deceit, or misrepresentation and that adversely reflects on the lawyer's fitness to practice law."

On February 15, 2023, the Court ordered the parties to set this matter for a hearing on the stipulation. The Court asked the parties to address whether ABA *Standard* 5.13 is the most fitting ABA *Standard* for Respondent's misconduct. The Court also directed the parties to address the applicability of other ABA *Standards*, including ABA *Standards* 7.1, 7.2, and 5.11(b). At the hearing, which took place on March 1, 2023, the Court heard legal argument from both parties as to the appropriate ABA *Standards* and in support of their proposed sanction.⁶ The parties represented that they could not locate published lawyer discipline cases that present facts akin to those to which they stipulate, noting that this case is novel and one of first impression. Throughout the hearing, the parties also signaled that First Amendment considerations, including limitations on lawyers' speech, were an important part of their analysis in reaching the terms of their negotiated settlement.

II. STANDARD OF REVIEW AND LEGAL ANALYSIS

In considering a stipulation to discipline, the Court "may either reject the stipulation and order that the disciplinary proceeding go forward . . . or approve the stipulation and enter an appropriate order."⁷ The Court endeavors to accord parties broad latitude to fashion mutually agreeable resolutions, wishes to honor parties' agreements, and is favorably inclined to accept targeted and proportionate stipulations that protect the public and promote confidence in the legal profession.

Reviewing stipulations "[u]sing discretion and in accordance with the considerations governing imposition of disciplinary sanctions,"⁸ the Court looks to the ABA *Standards* as its guiding authority in imposing an appropriate sanction, unless doing so would contradict

⁴ Found in ABA *Annotated Standards for Imposing Lawyer Sanctions* (2d ed. 2019).

⁵ The parties stipulate that Respondent acted with a mental state that was "at least reckless." Stip. ¶ 13(b). For disciplinary purposes, recklessness is treated as equivalent to a knowing state of mind, with a limited exception not applicable here. See Colo. RPC 1.0 cmt. 7A; *People v. Small*, 962 P.2d 258, 260 (Colo. 1998).

⁶ Yates and Vos appeared on the People's behalf, and Melito appeared for Respondent, who did not attend the hearing.

⁷ C.R.C.P. 242.19(c).

⁸ C.R.C.P. 242.19(c).

EXHIBIT 3 TO STIPULATION

Colorado Supreme Court case law.⁹ The Court is also guided by the Colorado Supreme Court's stated regulatory objectives to increase public understanding of and confidence in the rule of law and to ensure lawyers' compliance with the rules of professional conduct and other rules in a manner that is fair, efficient, effective, targeted, and proportionate.¹⁰ This Court is thus cognizant that disciplinary decisions serve to guide and educate the members of the legal profession.¹¹

The Court understands that this matter presents unique facts, and it is keenly aware that it does not have the benefit of factually analogous cases imposing discipline. Absent comparable prior cases, the Court's analysis centers exclusively on the ABA *Standards* and interpretive Colorado Supreme Court case law, which provide a framework to assess the stipulation.

The ABA *Standard* 5.0 series sanctions lawyers for violations of duties owed to the public, and the ABA *Standard* 5.1 series specifically focuses on lawyers' failure to maintain personal integrity. ABA *Standard* 5.1 appears singular in that it takes no account of the type or quantum of harm a lawyer's misconduct causes. Under ABA *Standard* 5.11(b), disbarment is generally appropriate when a lawyer engages in intentional conduct involving dishonesty, fraud, deceit, or misrepresentation that seriously adversely reflects on the lawyer's fitness to practice. ABA *Standard* 5.12 provides for suspension when a lawyer's dishonesty implicates criminal misconduct. Under a strict reading of the *Standards*, it is not applicable here.¹² ABA *Standard* 5.13 provides that reprimand is generally appropriate when a lawyer knowingly engages in any other conduct that involves dishonesty, fraud, deceit, or misrepresentation and that adversely reflects on the lawyer's fitness to practice law.¹³

⁹ See *In re Roose*, 69 P.3d 43, 46-47 (Colo. 2003). The ABA *Standards* were created to "enhance the consistency of the sanctions imposed in attorney disciplinary proceedings." *Id.* at 47.

¹⁰ Preamble to Chapters 18 to 20 of the Colorado Rules of Civil Procedure, ¶¶ 1- 2.

¹¹ See *In Re Attorney C.*, 47 P.3d 1167, 1174 (Colo. 2002).

¹² See *In re Convisser*, 242 P.3d 299, 313 (N.M. 2010) ("Under Standard 5.13, a reprimand is generally considered appropriate when a lawyer knowingly engages in non-criminal conduct involving dishonesty, fraud, deceit, or misrepresentation that adversely reflects on his or her fitness to practice law."); *In re Schaeffer*, 45 A.3d 149, at *9 (Del. 2012) ("The main distinction between Standard 5.12 and Standard 5.13 appears to be the seriousness of the conduct, with Standard 5.12 focused on 'criminal conduct' that 'seriously adversely reflects on the lawyer's fitness to practice' and Standard 5.13 focused on 'other [presumably non-criminal] conduct.'") (alteration in original).

¹³ Significant gaps exist between ABA *Standards* 5.13 and 5.11(b). Those gaps include the distinction in the mental state—intentional versus knowing—and whether the lawyer's conduct "adversely reflects" or "seriously adversely reflects" on a lawyer's fitness to practice law. Moreover, suspension under ABA *Standard* 5.1 is limited to certain criminal conduct, leaving the binary option of disbarment or public censure as the only available sanctions for noncriminal conduct under this ABA *Standard*. Courts have repeatedly struggled with this aspect of ABA *Standard* 5.1's design. See *People v. Steinman*, 452 P.3d 240, 250 (Colo. O.P.D.J. 2019) (imposing suspension under ABA *Standard* 7.2 after a prosecutor made misrepresentations to his supervisors and to another lawyer regarding his work on a civil matter, finding that an analysis

EXHIBIT 3 TO STIPULATION

In contrast, ABA *Standard 7.0* implicates violations of the duties lawyers owe as professionals, which generally involve “false or misleading communication about the lawyer or the lawyer’s services, improper communication of fields of practice, improper solicitation of professional employment from a prospective client, unreasonable or improper fees, unauthorized practice of law, improper withdrawal from representation, or failure to report professional misconduct.” Under ABA *Standard 7.2*, suspension is generally appropriate when a lawyer knowingly engages in conduct that is a violation of a duty owed as a professional and causes injury or potential injury to a client, the public, or the legal system.

Although ABA *Standard 7.2* seemingly fits the fact pattern at hand, the Colorado Supreme Court’s opinion in *In re Rosen* counsels against relying on that *Standard* outside the context of lawyers’ misrepresentations while executing their professional duties.¹⁴ *Rosen* further counsels against imposing a sanction in the gap left between ABA *Standards* 5.11(b) and 5.13. Indeed, the *Rosen* court addressed at length the appropriate *Standards* to apply when faced with instances of lawyer misrepresentation:

Unless deceit or misrepresentation is directed toward a client, *see* ABA Standard 4.6, a tribunal, *see* ABA Standard 6.1, or the legal profession itself (as, for example, by making false representations in applying for admission to the bar), *see* ABA Standard 7.0, it is considered by the ABA Standards to be the violation of a duty owed to the public, *see* ABA Standard 5.0. As the violation of a duty owed to the public (as distinguished from a client, a court, or the profession), even conduct involving dishonesty, fraud, deceit, or misrepresentation, *as long as it falls short of actual criminality or comparable intentional conduct seriously adversely reflecting on one’s fitness to practice law*, should generally be sanctioned only by reprimand, or censure.¹⁵

With these authorities in mind, the Court turns to the parties’ stipulation. Respondent and the People agree that Respondent made ten misrepresentations on Twitter and to nationally televised audiences in her capacity as personal counsel to the then-President of the United States and as counsel for his reelection campaign. The parties agree that Respondent made these statements, which violated Colo. RPC 8.4(c), with at least a reckless state of mind. The parties agree that Respondent was not counsel of record in any lawsuits challenging the 2020 election results. The parties agree that Respondent, through her conduct, undermined the American

under ABA *Standard 5.1* “suggests that the presumptive sanction should occupy a middle ground between disbarment and public censure” because the conduct, though intentional, did not seriously adversely reflect on the lawyer’s fitness to practice law); *see also In re Graeff*, 485 P.3d 258, 265 (Or. 2021) (recognizing that analysis under *Standard 5.1* is “not a perfect fit”); *In re Flannery*, 47 P.3d 891, 895 (Or. 2002) (same); *In re Complaint as to Conduct of Carpenter*, 95 P.3d 203, 211 (Or. 2004) (same); *In re Discipline of Walton*, 287 P.3d 1098, 1103 (same).

¹⁴ 198 P.3d 116 (Colo. 2008).

¹⁵ *Id.* at 120 (emphasis added).

EXHIBIT 3 TO STIPULATION

public's confidence in the presidential election, violating her duty of candor to the public. Finally, the parties agree that two aggravators apply—Respondent had a selfish motive and she engaged in a pattern of misconduct—while one factor, her lack of prior discipline, mitigates her misconduct.

Based on the parties' agreements and *Rosen's* clear directives, the Court concludes that ABA *Standard* 5.13 applies in this circumstance. Though the aggravating factors outweigh the mitigators, the factors are not so out of balance as to warrant departing from the presumptive sanction of public censure. Given the limited information before the Court—which includes only the four corners of the parties' stipulation and their arguments supporting this outcome at the hearing on March 1, 2023—the Court finds the terms of the stipulation to be consistent with the considerations governing imposition of disciplinary sanctions and **APPROVES** the parties' stipulation in this case.



DATED THIS 8th DAY OF MARCH, 2023.

A handwritten signature in blue ink, appearing to read "Bryon M. Large", is written over a horizontal line.

BRYON M. LARGE
PRESIDING DISCIPLINARY JUDGE

Copies to:

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EXHIBIT 3 TO STIPULATION

SUPREME COURT, STATE OF COLORADO ORIGINAL PROCEEDING IN DISCIPLINE BEFORE THE OFFICE OF THE PRESIDING DISCIPLINARY JUDGE 1300 BROADWAY, SUITE 250 DENVER, CO 80203	
Complainant: THE PEOPLE OF THE STATE OF COLORADO	Case Number: 23PDJ004
Respondent: JENNA LYNN ELLIS, #44026	
ORDER AND NOTICE OF PUBLIC CENSURE	

On March 8, 2023, the Presiding Disciplinary Judge (“the Court”) issued an “Opinion Approving Stipulation to Discipline Under C.R.C.P. 242.19(c),” providing that Jenna Lynn Ellis (“Respondent”) should be publicly censured.

Under C.R.C.P. 242.19(c), the Court **ORDERS** that **JENNA LYNN ELLIS**, attorney registration number **44026**, is **PUBLICLY CENSURED, EFFECTIVE IMMEDIATELY**.



DATED THIS 8th DAY OF MARCH, 2023.



BRYON M. LARGE
PRESIDING DISCIPLINARY JUDGE

EXHIBIT 3 TO STIPULATION

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EXHIBIT 4 TO STIPULATION

Jenna Lynn Ellis

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May 22, 2024

To: The Colorado Supreme Court
Office of Attorney Regulation
Office of the Presiding Disciplinary Judge

This letter is being written as part of a Stipulation to Discipline entered into with the Office of Attorney Regulation Counsel. Everything I have to say here is completely voluntary, honest, and sincere. The reason I agreed to plead guilty in Georgia and to enter into the stipulation with the OARC arising out of the Georgia plea, is because I want to tell the truth. In doing so I wish to express my deep remorse and to acknowledge the harm my misconduct caused.

Lawyers by profession should first be truth seekers. We should zealously advocate for clients, but never at the expense of the truth or outside the bounds of the law. When facts or evidence comes to light that bears upon our own conduct, it is right for the honest lawyer to take accountability for our actions. That is what I am doing.

I do not do this as a political calculation, out of anger toward my former client, or for any other ways some may try to undermine or discredit my statement here, which is simply this: I am choosing to take responsibility for my actions and my association with the harm caused to the nation by the post-election activities of 2020 on behalf of then-President Donald Trump. I was wrong to be involved.

Since my involvement in the Trump Campaign's challenges to the election results, I have learned of the bad faith dealing and outright illegality of some actors involved. For example, I did not know at the time of the Campaign's commissioned investigation into the 2020 election results, or that the President was notified in December 2020 that he had lost. A lot of new information has come out, which I encourage the public to consider.

In the beginning of my involvement I genuinely believed that the election challenges were made in good faith—basically a repeat of a Bush v. Gore situation, not an effort to undermine the public faith in the integrity of elections. But I admit that I was overly zealous in believing the “facts” being peddled to support the challenge, which were manufactured and false. Had I done my duty in investigating these alleged facts before promoting them as the truth, I do not believe I would be here. I turned a blind eye to the possibility that senior lawyers for the Trump Campaign were embracing claims they knew or should have known were false. I just went along with it. I was wrong.

The harm of my participation in the Georgia Senate Judiciary Subcommittee hearing is painfully evident to this day. Millions have been misled by the cynical “Stop the Steal” campaign, and otherwise responsible leaders are still publicly maintaining that these false claims

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have merit. The lies were repeated, thereby becoming “true” to a large segment of the populace. For democracy to function and thrive, the people have to believe that their votes count and that the electoral system is fair. This is what “election integrity” should mean, rather than what it has become for many: a political statement of “loyalty.” This faith in the integrity of our elections was damaged. That is the harm. While I do not doubt that this mindset would still prevail even if I didn’t play a part in it, I am ashamed and remorseful that I was involved to the extent that I was. Had I known then what I know now, I would not have been involved.

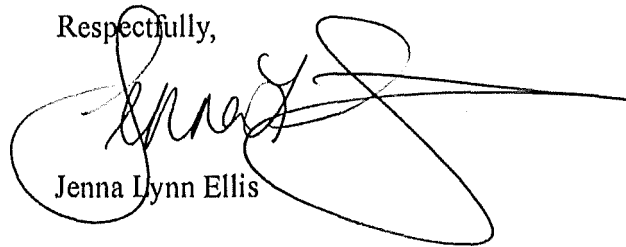
There is a lot more that I didn’t know at the time that has come out through various reports and on-record testimony that has informed my perspective. I am disgusted that some would resort to illegal activity. Many people on both sides of the 2020 election controversy believe it is a black and white issue. However, there can be bad actors on both sides. *Even if* there was sufficient fraud to change the outcome of the 2020 election, that fact still would not justify many of the actions taken in the aftermath by people associated with Trump, and those actors should rightly be held accountable. The American system and its institutions should never be weaponized by any side to achieve their own political ends instead of pursuing truth and justice. Every honorable person, and lawyers particularly, should always seek truth and when new information comes to our attention, be willing to both change our position and have the courage to take responsibility if we were wrong.

I truly regret my involvement in repeating and advocating statements of fact that were false and for misleading the public. I would never lie intentionally, but I also recognize the effect my participation had, which is the same.

Therefore, I will gratefully accept a 3-year suspension in my practice of law as consequence for my actions, acknowledging the OARC’s rightful authority over the honorable profession of law. In doing so, I will hopefully encourage others who may still believe that the election was “stolen” to consider changing their position. Everything that has come out since has not proven that claim.

I will continue to stand up for the truth, even when it requires admitting I was wrong.

Respectfully,

A handwritten signature in black ink, appearing to read 'Jenna Lynn Ellis', with a large, sweeping flourish extending to the right.

Jenna Lynn Ellis