NAN Official Response: Regarding Accountability and Transparency from the Arizona State Bar Over Discriminatory and Retaliatory Practices – April 16th, 2025

The National Action Network – Phoenix Metro submits this formal response to the State Bar of Arizona's letter dated March 28, 2025. The correspondence received purports to dismiss or minimize credible and substantiated allegations of misconduct, racial discrimination, and procedural improprieties within the State Bar's attorney discipline system. We unequivocally reject both the substance and tone of your response, which fails to acknowledge the gravity of the issues presented and instead relies on unsubstantiated blanket denials.

The assertion that "each lawyer is afforded the same due process" is not only misleading; it is directly contradicted by the documented experiences of multiple attorneys who have been unjustly targeted and adversely affected by this system. The cases of Attorneys Sheree Wright, Holly Marshall, Vladimir Gagic, and Rachel Alexander exemplify a troubling and consistent pattern of disparate treatment, political retaliation, and the misuse of disciplinary authority. These are not isolated occurrences, but rather indicative of a systemic pattern of exclusion and biased enforcement.

The State Bar of Arizona has repeatedly engaged in conduct that violates the constitutional guarantees of due process and equal protection under the Fourteenth Amendment. Additionally, the actions of the State Bar have infringed upon attorneys' First Amendment rights to engage in protected speech and advocacy—particularly in matters concerning civil rights and government accountability. In numerous instances, Bar officials have acted outside the ethical boundaries expected of a professional licensing authority, weaponizing their regulatory power to punish dissent, suppress criticism, and undermine attorneys—especially attorneys of color and those representing politically marginalized clients. This response is not merely a critique; it is a formal demand for accountability. It identifies specific instances in which the Bar's practices have caused harm to individual attorneys and undermined the broader public interest. The claims set forth are substantiated by court records, procedural histories, firsthand testimony, and public statements made by Bar representatives themselves.

The following sections present the experiences of Attorneys Sheree Wright, Holly Marshall, Vladimir Gagic, and Rachel Alexander —not as isolated anecdotes, but as emblematic examples of the structural failures and discriminatory enforcement practices within the State Bar of Arizona. Their cases underscore the profound disconnect between the Bar's stated mission and its actual conduct, and they underscore the urgent need for meaningful reform.

I. The Case of Attorney Sheree Wright: Coerced Stipulation, Public Retaliation, and Economic Exclusion

The State Bar's March 28, 2025 letter, signed by Executive Director Joel England, attempts to frame the disciplinary matter involving Attorney Sheree Wright as a routine and voluntarily concluded proceeding. That portrayal is inaccurate and omits the coercive pressures and procedural abuses that ultimately forced Ms. Wright to stipulate under duress, not through free and informed consent.

Ms. Wright was subjected to a nearly two-year disciplinary investigation initiated without clear or credible evidence of misconduct. The process was marked by prolonged delays, redundant questioning, and inconsistent allegations. Despite facing potential sanctions that directly impacted her livelihood and professional reputation, she was never afforded a formal evidentiary hearing. This failure to provide a meaningful opportunity to be heard violates the fundamental principles of fairness under the Due Process Clause of the Fourteenth Amendment. As articulated in *In re Ruffalo*, 390 U.S. 544 (1968), an attorney may not be subjected to disciplinary action without advance notice of charges and an opportunity to respond meaningfully before sanctions are imposed. During this prolonged ordeal, Ms. Wright endured significant emotional and physical distress. The relentless pressure of a disciplinary process devoid of transparency or accountability took a measurable toll on her health. The stipulation she ultimately signed was not a product of free and informed consent, but a last resort taken under duress to safeguard her mental and physical well-being. Mr. England's characterization of this outcome as "voluntary" is disingenuous and fails to acknowledge the human cost inflicted by the Bar's prolonged investigative overreach.

While no statutory deadline exists for the adjudication of disciplinary matters, the nearly two-year investigation of Ms. Wright—marked by delays, vague allegations, and the complete absence of a formal hearing—constitutes a constructive denial of due process. As held in *In re Ruffalo*, 390 U.S. 544 (1968), and echoed in *Mason v. Florida Bar*, 208 F.3d 952 (11th Cir. 2000), attorneys are entitled to timely and meaningful procedures when facing professional sanctions. The extended duration, absent justification, operated as a mechanism of coercion and reputational harm—rendering any resolution secured during that period constitutionally suspect.

Mr. England's assertion that "the Bar did not release any [confidential] information" is demonstrably false. As he acknowledges, the Arizona Supreme Court's website—linked directly from the State Bar—contains a public-facing summary of Ms. Wright's disciplinary matter that references medical diagnoses and identifying information from sealed records submitted under protective order. These records were part of a confidential stipulation, and the State Bar's release or republication of this material—even if hosted on a website "they do not control"—constitutes a public disclosure of sealed, non-public information, and a breach of Rule 1.6 of the Arizona Rules of Professional Conduct.

The existence of a court sealing order, coupled with the inclusion of Ms. Wright's mental health history (including ADHD, anxiety, and the name of her physician), leaves no room for ambiguity. This material was not intended for public view, was not disclosed in any final order or opinion, and was offered in mitigation within the scope of confidential disciplinary proceedings.

Joel England's statement that "only public information is provided" ignores the fact that confidential material became public precisely because the Bar—or an entity working in concert with it—permitted that information to be posted on the Arizona Supreme Court's platform. Whether or not the State Bar technically "controls" the website is immaterial. The content was derived from sealed stipulations and was posted in a manner that associated Ms. Wright's name, health conditions, and disciplinary context in a way that stigmatized her and harmed her professional reputation.

The Bar cannot now claim that "nothing was confidential" simply because they failed to protect what was, in fact, filed under seal. If they believed the information should have been public, their proper recourse was to move to unseal—not to publish or permit dissemination without notice or consent. Their failure to take appropriate legal action to protect sealed records, and their subsequent public

reference to private medical information, constitutes a misuse of authority, a violation of ethical confidentiality rules, and a breach of the trust attorneys are entitled to in regulated proceedings.

Yet the misconduct did not end there. While Ms. Wright was actively litigating high-profile federal civil rights cases on behalf of clients asserting race, sex, age, and disability discrimination—including *Andrea Trischan v. Suns Legacy Partners, LLC*, Case No. 2:24-cv-03184-DJH—the State Bar of Arizona authorized an anonymous and retaliatory statement to the *Phoenix New Times*.[1] The article, unrelated to any active disciplinary proceeding, included inflammatory commentary that likened Ms. Wright's public criticisms of racial bias within the Bar to "unsubstantiated claims" in judicial matters. This conduct is in direct violation of Rule 8.4(d)**,** which prohibits any conduct that is prejudicial to the administration of justice. Publicly undermining an attorney in good standing—particularly while she is engaged in civil rights litigation—represents a gross abuse of regulatory power and a weaponization of authority for retaliatory purposes.

The State Bar's actions also raise significant antitrust concerns under Section 1 of the Sherman Act**,** 15 U.S.C. § 1. While the Bar operates under the administrative supervision of the Arizona Supreme Court, this does not automatically immunize it from antitrust liability. Under North Carolina State Board of Dental Examiners v. FTC**,** 574 U.S. 494 (2015), licensing bodies composed of active market participants may not engage in exclusionary conduct unless actively supervised by the state. Here, the Bar's unauthorized public attacks—targeting a solo minority-owned law firm and impairing Ms. Wright's ability to attract clients—constitute a form of economic exclusion designed to restrain her trade and professional practice. The statement served no public function, and its anonymous and unofficial nature makes clear it was not issued under the direction of the Court.

These acts were especially egregious given Ms. Wright's extensive background in civil rights enforcement. Prior to entering private practice, she served seven years as an investigator with the U.S. Equal Employment Opportunity Commission (EEOC), followed by two years as an account representative with the Professional Diversity Network, advocating for inclusive hiring practices. Her uncle, a current EEOC administrative judge, further reflects her family's deep legacy in civil rights law and public service. Rather than acknowledging her credentials, the State Bar of Arizona has sought to silence, discredit, and publicly damage Ms. Wright for daring to challenge its institutional bias.

In sum, the Bar's conduct demonstrates a coordinated effort to weaponize confidential information, retaliate against constitutionally protected speech, and suppress a solo Black attorney who represents marginalized clients and publicly exposes racial inequities. This is not regulation. This is retribution—delivered through the misuse of state power.

This conduct violated multiple ethical rules, including Rule 8.4(d) of the Arizona Rules of Professional Conduct, which prohibits conduct prejudicial to the administration of justice, and Rule 1.6, which protects against unauthorized disclosures. The State Bar's conduct also raises serious antitrust concerns. Under Section 1 of the Sherman Act, professional licensing bodies may not engage in exclusionary or concerted conduct that unreasonably restrains trade. By defaming a solo

[1] **Zach Buchanan**, *Suns Worker Sues Over Age Discrimination, Rat-Infested Work Area*, **Phoenix New Times** (Mar. 25, 2025), https://www.phoenixnewtimes.com/news/suns-worker-sues-over-age-discrimination-rat-infested-work-area-21418463

minority-owned firm and impairing Ms. Wright's ability to obtain clients, the Bar effectively participated in an economic exclusion scheme.

As a result, Ms. Wright's legal practice has suffered irreparable harm. Clients have cited the Bar's public statements as reasons for withdrawing or declining representation. Colleagues have reported inquiries from potential clients referencing the negative media coverage. Ms. Wright has received unsolicited messages referencing her being "a problem with the State Bar"—a claim she never made public, strongly suggesting the leak originated from the Bar or its affiliates. These economic and reputational consequences are not speculative. They are real, ongoing, and devastating.

Such retaliation is not only unethical—it is unconstitutional. In *NAACP v. Button*, 371 U.S. 415 (1963), the U.S. Supreme Court recognized the First Amendment protections extended to attorneys engaged in civil rights advocacy. Punishing Ms. Wright for exposing judicial and institutional bias, then weaponizing those disclosures in public statements, falls squarely within the category of conduct *Button* prohibits: using state regulatory power to chill speech and suppress legal advocacy. Moreover, Ms. Wright's experience with the State Bar did not conclude with the stipulation. Additional complaints were filed against her, including one involving a client who directed racial slurs toward her team. Even after she withdrew from representation and followed ethics hotline guidance, the Bar pursued further investigation. Meanwhile, her mother's complaints against white attorneys—including for physical threats and gross misconduct—were summarily dismissed. This discrepancy reveals a dual system of enforcement that punishes attorneys of color more aggressively than their white counterparts.

Additional misconduct occurred during a public Board of Governors meeting when Chief Bar Counsel Maret Vessella made unsolicited comments regarding Ms. Wright's then-pending matter. This was a flagrant breach of confidentiality and ethical norms. No corrective action was taken against Ms. Vessella, highlighting the double standard in disciplinary oversight.

Even the Bar's own internal research supports these concerns. Its 2024 study, "Perceptions of the Disciplinary Process," found that 45% of Arizona attorneys perceive bias within the system, and 51% of attorneys of color believe racial bias is a serious problem. It also found that solo practitioners, especially women of color, are disproportionately targeted.

Attorney Sheree Wright's experience exemplifies every element of this documented disparity. She was denied due process, retaliated against for protected speech, and economically punished for representing marginalized clients. These acts are not just administrative failures—they are constitutional violations that demand public accountability and immediate systemic reform.

II. The Case of Attorney Holly Marshall: Prolonged Targeting, Suppressed Judicial

Recommendation, and Violations of Due Process and Equal Protection Attorney Holly Marshall's experience further dismantles the State Bar's assertion that its disciplinary system is administered fairly and without bias. A Black woman attorney with a history of public service and civil rights advocacy, Ms. Marshall was targeted by the Bar over a clerical oversight that would not have triggered full proceedings had she been a white attorney in similar circumstances.

The charge stemmed from Ms. Marshall's failure to strike the either "email"/"mail" from a certificate of service—an administrative error that did not affect the validity of service or cause harm to any

party. Nevertheless, the Bar initiated a full disciplinary action, bypassing informal resolution procedures and moving directly to formal proceedings. Ms. Marshall received no preliminary outreach from Bar Counsel, a departure from customary practice. Her first verbal communication with the Bar occurred at a mandatory settlement conference, many months after the complaint had been filed.

Bar counsel provided a host of inaccurate statements to the Probable Cause Panel in support of his position. The falsehoods were addressed by Marshall in the 5-page document permitted of Defendants. All of the false claims by Bar Counsel could easily have been proven false, or a non-issue had the Bar legitimately wanted to merely get to the truth. Instead, Bar counsel argued falsehoods to the Panel. Following that, a true bill was returned on the "Mail/Email" certificate, which was used undelineated just as Marshall did by the Disciplinary Judge in all if not most of their opinions and rulings in other cases. This failure to indicate mail or email resulted in a suggested discipline that would be a permanent mark on Marshall's record. Marshall refused to agree to that discipline and the Bar moved forward with formal discipline offering no genuine options for Marshall. Bar Counsel presumably practices under the same ethical rules as all Arizona counsel, which makes his presentation to the probable cause panel remarkable in the breadth of its dishonesty. A long list of ethical violations took place at that time by Bar counsel beginning with the obligation to be candid with the tribunal.

During the settlement conference, a retired appellate judge urged Bar Counsel to dismiss the matter or resolve it informally, stating unequivocally that the conduct did not warrant discipline. Instead of accepting this neutral judicial recommendation, the Bar escalated its efforts—doubling down on prosecution and treating Ms. Marshall with increasing hostility. Her experience is consistent with a pattern of retaliatory overreach aimed at attorneys of color who decline to admit fault where none exists.

Ms. Marshall testified that the pressure intensified after the judge offered his recommendation: "They bristled at the settlement judge's opinion. The fierceness of their efforts increased after that. Once the judge expressed it was not a discipline case, they were determined to bring me down anyway."

This conduct violated several well-established legal principles and rules, including Rule 8.4(d) of the Arizona Rules of Professional Conduct, which prohibits conduct prejudicial to the administration of justice. It also runs afoul of constitutional precedent, including *In re Ruffalo*[2], *Goldberg v. Kelly*[3], and *Batson v. Kentucky*[4], all of which recognize the due process and equal protection rights that must be afforded in adjudicatory settings. The Bar's tactics further included scheduling a deposition just two days before the disciplinary hearing—a move that severely hampered Ms. Marshall's ability to prepare. Despite having ample time to conduct discovery, the Bar's last-minute maneuver appeared designed to induce procedural disadvantage. None of Ms. Marshall's pre-hearing motions were granted, while those of the Bar were routinely approved. The disparity in procedural treatment was glaring and indicative of structural bias.

Worse still, the Bar cited Ms. Marshall's past cooperative interactions—as in, prior resolved matters—as aggravating factors. This misuse of previously closed, non-disciplinary cases violates

[2] *In re Ruffalo*, 390 U.S. 544 (1968).
[3] *Goldberg v. Kelly*, 397 U.S. 254 (1970)
[4] *Batson v. Kentucky*, 476 U.S. 79 (1986)

both settlement confidentiality norms and the ethical standards governing administrative law. It was clear the Bar's approach was punitive rather than rehabilitative.

Although Ms. Marshall ultimately prevailed at hearing, her victory only underscores the injustice of the process she endured. She was forced to spend over a year defending herself against a non-violation, facing reputational damage, emotional strain, and unjust scrutiny. A white male attorney similarly situated would not likely have been subjected to the same ordeal.

Her case, taken together with that of Attorney Wright, reveals a disciplinary apparatus that functions less as a neutral regulatory mechanism and more as a punitive tool selectively wielded against attorneys of color—especially those who challenge the status quo or assert their right to contest groundless allegations.

Between 50 and 100 letters of support from luminaries from the Arizona community and all across the nation were sent to the Bar in support of Marshall as a senior black attorney who worked towards increasing access to the courts for over 30 years without a discipline record. Mr. England summarily dismissed all of the letters out of hand affirming his faith that the Bar was correct and would win the litigation. Mr. England was proven wrong after trial.

Bar counsel engaged in questionable contact with the pro-per opposing party complainant with a letter where Bar Counsel stated that he had achieved their mutual goal of permanent discipline on Marshall's record. Marshall did not know either one beyond the scope of the instant case and Bar Complaint which begs the question why Bar Counsel would make such a statement and same was raised by the letters to Mr. England from Marshall's supporters, to no avail.

One of the most disturbing aspects of the State Bar's disciplinary action against Attorney Holly Marshall was the astounding disproportionality of the charge itself. The allegation stemmed from a common clerical oversight—Ms. Marshall's failure to strike either the word "mail" or "email" from the certificate of service on a routine pleading. The form language she used stated that service was made via "mail/email," even though only one method was actually used. This boilerplate phrasing is ubiquitous in legal filings and caused no confusion or prejudice to any party.

What makes this charge so egregious is that the certificate of service Ms. Marshall used was word-for-word identical to those routinely filed by the very Disciplinary Judge assigned to her case. The judge himself regularly failed to strike "mail" or "email" from his own certificates of service—yet Ms. Marshall was subjected to a formal prosecution and threatened with the harshest penalty possible: two full years of public probation and admonishment.

To be clear, Ms. Marshall was nearly placed on probation for the longest term permissible—not for misconduct, not for a violation of ethics—but for copying a certificate of service format used daily by judges and practitioners alike. This glaring inconsistency reveals the arbitrary and discriminatory nature of the enforcement process. A similarly situated white attorney, or a member of the judiciary, would not have been subjected to disciplinary proceedings for such an inconsequential clerical oversight.

The State Bar's decision to pursue Ms. Marshall so aggressively for something so minor—and so commonly practiced by others in the legal system—exposes a punitive double standard. It was not about protecting the public or upholding legal ethics. It was about targeting a Black woman attorney

who refused to admit fault where there was none. This conduct exemplifies selective enforcement, institutional bias, and the misuse of regulatory power to punish rather than to regulate.

The State Bar's conduct also implicates core protections under the Equal Protection Clause and well-established civil rights precedent. As articulated in *United States v. Armstrong*, 517 U.S. 456 (1996), and *Yick Wo v. Hopkins*, 118 U.S. 356 (1886), selective enforcement based on race or arbitrary classifications is constitutionally impermissible. The Bar's decision to aggressively pursue Ms. Marshall—despite judicial recommendations to dismiss and in the absence of harm—while failing to discipline similarly situated white attorneys, reveals a pattern of discriminatory enforcement. Moreover, as held in *Mt. Healthy v. Doyle*, 429 U.S. 274 (1977), the government may not retaliate against individuals who assert their constitutional rights. The escalation of proceedings following Ms. Marshall's refusal to plead to a non-violation, and her resistance to baseless allegations, suggests retaliatory intent under the guise of professional discipline.

III. The Case of Attorney Vladimir Gagic: Disbarment Without Hearing, Fabricated Narrative, and Retaliation for Protected Advocacy

Attorney Vladimir Gagic's case represents one of the most egregious due process violations in recent Arizona disciplinary history. A Serbian-American criminal defense attorney and former Maricopa County Public Defender, Mr. Gagic was disbarred by the State Bar of Arizona without consent, without default, and without a hearing—each of which is a constitutionally required element of disciplinary adjudication. The public narrative advanced by the State Bar, as reiterated in its March 28, 2025 letter, grossly misrepresents the actual procedural history.

The Bar claimed that Mr. Gagic "chose not to respond" to the charges and "did not dispute the facts." This assertion is patently false. The official record includes a Response submitted by Mr. Gagic to the Bar's Report of Investigation. The Bar itself filed a reply brief to that response, confirming the existence of contested factual and legal issues. Moreover, while five charges were originally alleged, only three were ultimately sustained, further underscoring that the issues were not only disputed but also evaluated. The Bar's assertion that Mr. Gagic failed to respond is a misrepresentation designed to obscure the fact that he was denied the most basic protections guaranteed under *In re Ruffalo*, 390 U.S. 544 (1968): notice, an opportunity to be heard, and a fair trial before disbarment.

The circumstances surrounding Mr. Gagic's disbarment are even more alarming in context. He was actively representing Jamaal Pennington, a Black man who Mr. Gagic credibly believed had been wrongfully convicted as a result of egregious police and prosecutorial misconduct. In the course of his representation, Mr. Gagic uncovered and documented evidence of unconstitutional practices, including the falsification of a DNA search warrant, the coaching of witnesses, and the presentation of fabricated confessions at trial—all conducted by or with the knowledge of Phoenix law enforcement actors. He publicly criticized the conduct of the Maricopa County Attorney's Office and named County Attorney Rachel Mitchell as complicit in perpetuating misconduct. According to multiple sources, including journalists and legislative staff, Ms. Mitchell directly encouraged the State Bar to seek Mr. Gagic's permanent disbarment in retaliation for his whistleblowing and public criticism.

These retaliatory actions must be understood in light of the June 13, 2024 report issued by the U.S. Department of Justice[5], which found that the City of Phoenix and the Phoenix Police Department engage in systemic constitutional violations. The report documents a pattern or practice of racial discrimination, unlawful policing, and retaliation against protected speech. Specifically, the DOJ found that Phoenix PD "discriminates against Black, Hispanic, and Native American people when enforcing the law," and that it routinely uses fabricated or excessive force to silence critics, retaliate against protestors, and unjustly target the most vulnerable members of the community.

These findings do not merely parallel Mr. Gagic's claims—they confirm them. Jamaal Pennington, a Black man, was one of many innocent individuals subjected to the systemic injustice detailed by the DOJ. His prosecution was based on manipulated evidence and fabricated testimony—patterns that the DOJ explicitly identified in its report. Mr. Gagic's zealous advocacy on Jamaal's behalf—and his willingness to name and expose the perpetrators—placed him squarely in the crosshairs of a legal and political system designed to protect itself. The Phoenix DOJ report makes clear that law enforcement misconduct in Phoenix is not rare, isolated, or accidental. It is systemic. And Mr. Gagic paid the professional price for refusing to be complicit in it.

This retaliation is well-documented. Mr. Gagic has been the subject of unannounced visits by federal agents and has faced additional investigatory scrutiny following his disbarment. The disciplinary ruling itself was never formally published by the Arizona Supreme Court and remained hidden from public view for over five months—a violation of Arizona Rule 70, which mandates public dissemination of such decisions. To date, the Bar has failed to identify a single other Arizona attorney who has been disbarred without consent, default, or hearing. When asked, a Bar representative claimed other examples existed but could cite none.

Mr. Gagic's case implicates a series of federal and constitutional violations. His disbarment without hearing is a facial violation of *Ruffalo* and *Goldberg v. Kelly*, 397 U.S. 254 (1970), both of which affirm that due process requires a hearing before deprivation of professional licensure. The retaliatory nature of his punishment violates the First Amendment as articulated in *NAACP v. Claiborne Hardware Co.*, 458 U.S. 886 (1982), which prohibits state actors from punishing individuals for criticizing government officials. The conduct also implicates antitrust violations under the Sherman Act, as it effectively removed a vocal and dissenting solo practitioner from the legal marketplace without lawful process.

The cumulative harm suffered by Mr. Gagic is incalculable. He has lost his license, his livelihood, and his public reputation—not for misconduct, but for speech. He was punished not for violating ethical rules, but for challenging entrenched institutional power and advocating on behalf of a marginalized client. His experience sends a chilling message to other attorneys who might consider doing the same: that advocacy can result in professional annihilation.

Taken together with the cases of Attorneys Wright, Marshall, and Alexander Mr. Gagic's experience completes a disturbing portrait of how the State Bar of Arizona has wielded its disciplinary authority in a politically and racially selective manner. Each of these cases illustrates how the Bar has departed from its stated mission and weaponized its processes to target critics, retaliate against advocates, and

[5] **U.S. Department of Justice, Civil Rights Division**, *Investigation of the City of Phoenix and the Phoenix Police Department* (June 13, 2024), https://www.justice.gov/crt/media/1355866/dl?inline

remove dissenters from the legal profession. These are not isolated incidents—they are emblematic of systemic abuse that demands immediate federal oversight and structural reform.

Even more disturbing is the fact that none of Mr. Gagic's disciplinary proceedings, orders, or related filings were ever made public, in direct violation of Arizona Supreme Court Rule 70, which requires that final orders of disbarment be promptly published. His disbarment was deliberately withheld from public view for over five months, depriving him of any opportunity to challenge the public narrative or defend his reputation. Meanwhile, Bar officials have refused to produce any comparable example of an Arizona attorney disbarred without a hearing, consent, or default. This secretive handling raises serious questions about intentional concealment and unlawful deviation from standard procedure.

In stark contrast, Maricopa County Attorney Rachel Mitchell, who has been credibly accused of directing retaliatory disbarment proceedings against Mr. Gagic, has never faced disciplinary review. Neither has her fiancé, who publicly mocked Mr. Gagic's past assault on social media and who reportedly coordinated with online actors to spread defamatory claims. These actors have weaponized state power to target Mr. Gagic for whistleblowing—yet they remain entirely untouched by the State Bar's regulatory authority.

This disparity is emblematic of selective prosecution under the Equal Protection Clause. As the U.S. Supreme Court held in *United States v. Armstrong*, 517 U.S. 456 (1996), and *Yick Wo v. Hopkins*, 118 U.S. 356 (1886), even facially neutral laws violate equal protection when enforced in a racially or politically discriminatory manner. Mr. Gagic, a solo practitioner of color and vocal critic of state misconduct, was disbarred without a hearing. Meanwhile, powerful white state actors credibly accused of retaliatory abuse and misconduct faced no oversight at all.

The failure to investigate or sanction Mitchell and her associates—despite credible reports of retaliation, abuse of prosecutorial discretion, and coordination with Bar officials—further supports an inference of invidious discrimination and politically motivated enforcement. It is not simply that the law was applied unfairly to Mr. Gagic—it is that it was used as a tool to silence dissent, while shielding those in power.

IV. The Case of Attorney Rachel Alexander: Retaliatory Targeting, Information Misuse, and the Selective Weaponization of Confidentiality

Attorney Rachel Alexander's experience further reveals the politically motivated and retaliatory tendencies within the State Bar of Arizona's disciplinary apparatus.[6] A former Assistant Attorney General and longtime legal journalist, Ms. Alexander has been the target of professional retaliation and reputational harm by the State Bar—driven not by misconduct, but by her association with conservative causes, public legal commentary, and investigative reporting that exposes systemic abuses within Arizona's legal institutions.

Ms. Alexander's story is publicly documented in detail across multiple sources, including archived reports and published investigative articles.[7] In one such article, former Maricopa County Attorney

[6] Rachel Alexander, *The Left's Targeting of Rachel—Legally*, **Intellectual Conservative** (Jan. 21, 2022), https://intellectualconservative.com/the-left-s-targeting-of-rachel-legally

[7] See also Andrew Thomas, *Arizona's Legal Establishment: An Inside Story*, **Liberty Anvil** (archived Jan. 24, 2022), https://web.archive.org/web/20220124082023/http://libertyanvil.com/at.html

Andrew Thomas—himself a target of politically driven disbarment proceedings—described the campaign against conservative attorneys like Alexander, Lisa Aubuchon, and himself. Though names were redacted, the connection is clear: Ms. Alexander was targeted alongside Aubuchon after assisting in drafting and defending legal actions involving public corruption and judicial conflicts of interest. These actions were viewed as politically inconvenient by the Arizona legal establishment.

In retaliation for this work, Ms. Alexander's law license was placed under constant scrutiny. She was publicly named in media reports, subjected to disparagement, and denied meaningful recourse to clear her name. Her affiliation with other attorneys who challenged judicial immunity and government misconduct effectively placed a target on her back.

What makes Ms. Alexander's case particularly troubling is her direct observation—and documentation—of how the Bar engages in selective enforcement and selective disclosure of confidential disciplinary information. In contrast to the Bar's public posturing about transparency, Ms. Alexander and others have uncovered multiple instances where the Bar selectively released confidential disciplinary details to certain individuals and withheld them from others.

In one documented instance, when a colleague filed a Bar complaint against Cochise County Attorney Brian McIntyre for an extreme DUI and related misconduct, Ms. Alexander learned through backchannel communications that McIntyre had already received a confidential diversion agreement—a disposition that, under Rule 55(a)(2)(B) of the Arizona Rules of the Supreme Court, is not subject to public disclosure absent a final order or a formal waiver. The only reason this information came to light was because a politically neutral or favored complainant happened to be the one inquiring. Ms. Alexander reasonably believes that had she herself filed the complaint, the Bar would have refused to release that information—revealing a deeply troubling practice of discretionary and retaliatory transparency.

This experience directly contradicts the narrative put forth by Executive Director Joel England in his March 28, 2025 letter, where he claimed that the Bar uniformly provides only "publicly available information" to requesting parties. Ms. Alexander's experience—and that of others—shows otherwise. The Bar selectively releases confidential or internal information depending on the political identity or perceived loyalty of the individual making the request. Such inconsistent disclosure violates the basic principles of procedural due process and may constitute an impermissible breach of confidentiality under Rule 1.6 of the Arizona Rules of Professional Conduct.

Moreover, Ms. Alexander has been one of the few attorneys willing to document and publish the experiences of others who have suffered similar retaliatory treatment, including Attorney Vladimir Gagic. Her journalistic activity has made her a continuing target for professional and personal retaliation. She reports being ignored by the Bar when filing legitimate complaints, while simultaneously witnessing the Bar expedite politically convenient investigations and suppress information that could embarrass favored prosecutors or institutional allies.

Her experience provides further support for claims of selective prosecution, unequal protection, and abuse of regulatory discretion—each of which implicates constitutional concerns under both state ethics rules and federal law. The Equal Protection Clause prohibits such discriminatory enforcement. As the U.S. Supreme Court held in *Yick Wo v. Hopkins*, 118 U.S. 356 (1886), a law that is facially neutral may still violate equal protection if it is applied in an intentionally discriminatory or retaliatory manner. Similarly, in *Village of Arlington Heights v. Metropolitan Housing Dev. Corp.*,

429 U.S. 252 (1977), the Court emphasized that evidence of intentional discrimination—whether through disparate impact or unequal application—can render an otherwise neutral regulatory scheme unconstitutional.

Furthermore, selective prosecution is actionable where the government enforces laws against one person but not others similarly situated, and does so based on impermissible motives such as viewpoint, race, or political affiliation. As held in *United States v. Armstrong*, 517 U.S. 456, 465 (1996), a claim of selective prosecution under the Equal Protection Clause requires proof that (1) others similarly situated were not prosecuted, and (2) the enforcement decision was based on a discriminatory or retaliatory motive. Ms. Alexander's experience satisfies both prongs of this standard.

Additionally, the prolonged scrutiny, refusal to investigate her legitimate filings, and reputational harm inflicted through selective leaks and disclosures further implicate procedural due process protections under the Fourteenth Amendment. The Supreme Court has held that attorneys are entitled to fair notice and a meaningful opportunity to be heard before adverse actions are imposed, including reputational harm that affects their ability to practice. See *In re Ruffalo*, 390 U.S. 544 (1968). The State Bar's arbitrary manipulation of confidential data and inconsistent enforcement practices violate these fundamental protections.

Her case also raises First Amendment concerns, as retaliation for journalistic speech, public legal commentary, and criticism of institutional actors constitutes an infringement on protected expressive conduct.

In addition to these retaliatory patterns, Ms. Alexander was also subjected to a coercive financial stipulation that further illustrates the Bar's arbitrary and discriminatory treatment. She was pressured into signing an agreement that made her jointly liable for disciplinary costs not only attributable to her, but also those incurred by her two superiors—despite her substantially lesser role and the absence of willful misconduct. The State Bar informed Ms. Alexander that unless all three attorneys agreed to be jointly liable, the total alleged cost of prosecution would remain a staggering $500,000. However, if they all consented to shared responsibility, the amount would be reduced to $101,500.

This demand placed Ms. Alexander in an untenable position. Faced with the prospect of further reputational harm, indefinite delay in reinstatement, and escalating costs, she reluctantly agreed. Years later, when she attempted to apply for readmission following the conclusion of her six-month suspension in 2013, the Bar rejected her application solely on the basis that she had not paid the $101,500—a burden she reasonably believed would not fall entirely on her and one that was grossly disproportionate in context.

By comparison, attorneys such as Mark Goldman, who admitted to abandoning clients and whose conduct involved no public interest advocacy or political controversy, were ordered to pay as little as $2,000 in disciplinary costs. This glaring disparity highlights a discriminatory system that imposes punitive financial burdens on disfavored or politically inconvenient attorneys while shielding those whose misconduct is more severe but less controversial.

The State Bar's selective enforcement and financial coercion violate the Equal Protection Clause of the Fourteenth Amendment. As held in *Yick Wo v. Hopkins*, 118 U.S. 356 (1886), and reaffirmed in *Village of Arlington Heights v. Metropolitan Housing Dev. Corp.*, 429 U.S. 252 (1977), regulatory

schemes that are facially neutral may nonetheless violate constitutional principles when applied discriminatorily. Furthermore, under *United States v. Armstrong*, 517 U.S. 456, 465 (1996), a selective enforcement claim requires showing that similarly situated individuals were treated differently and that the differential treatment was motivated by an impermissible factor. Ms. Alexander's experience satisfies both prongs: she was burdened with excessive disciplinary costs and denied readmission, while similarly situated or more culpable attorneys received minimal sanctions and no comparable financial impediment to reinstatement.

Such coercion—both financial and reputational—functions not merely as a regulatory penalty, but as a tool of ideological suppression and political exclusion. It reveals the extent to which the Bar's disciplinary process operates not as a neutral adjudicatory body, but as a gatekeeping institution hostile to dissenting viewpoints and inconvenient advocates.

Placed alongside the experiences of Attorneys Wright, Marshall, and Gagic, Ms. Alexander's case completes a broader narrative of retaliatory governance by the Arizona State Bar. It exposes a deeply entrenched culture of internal favoritism, ideological targeting, and discretionary punishment—none of which aligns with the Bar's stated mission to regulate attorneys with fairness, neutrality, and impartiality.

Finally, her case underscores the urgent need for structural reform. Without safeguards, the State Bar's unchecked ability to prosecute—and simultaneously control the public narrative—invites abuse of authority indistinguishable from political enforcement. If it can decide who to protect and who to punish based on political identity or viewpoint, its disciplinary function becomes not a mechanism of justice, but a tool of retaliation.

Accordingly, this coalition demands immediate legislative oversight, external audits, and disciplinary process reform, including statutory limitations on confidentiality waivers, mandatory publication of all dispositions after finality, and judicial review of diversion practices. The disciplinary apparatus must be governed by the rule of law—not the rule of political favor.

Conclusion and Required Actions

The National Action Network – Phoenix Metro submits this response not merely to highlight individual instances of injustice, but as a collective call for institutional reform, equity, and accountability. The cases of Attorneys Sheree Wright, Holly Marshall, Vladimir Gagic, and Rachel Alexander reveal a troubling pattern of selective enforcement, racial and political retaliation, and regulatory overreach by the Arizona State Bar. This pattern has undermined fundamental principles of due process and eroded public confidence in the integrity of the legal profession.

We therefore call for immediate and comprehensive oversight of the Arizona State Bar. Specifically, we demand a federal investigation into the Bar's disciplinary practices by the U.S. Department of Justice, Civil Rights Division, and Antitrust Division; independent audits of all disciplinary actions over the past ten years to determine the extent of racial, political, and viewpoint-based bias; legislative action by the Arizona Legislature to transfer disciplinary authority from the State Bar to an impartial, publicly accountable entity; restoration and expungement of disciplinary records where due process violations and retaliatory motives are evident; public hearings to allow affected attorneys and community members to testify to the harms caused by the current system; and formal censure or

removal of any Bar personnel found to have engaged in unethical, retaliatory, or discriminatory conduct.

This is not merely a case of internal disagreement or professional oversight, it is a matter of public integrity, constitutional rights, and equal protection under the law. The State Bar of Arizona has failed in its responsibility to regulate the legal profession with fairness and impartiality. Without structural reform, attorneys who speak truth to power, particularly those from historically marginalized communities—will continue to face a system that penalizes their advocacy and identity rather than upholds their rights.

Let it be stated unequivocally: the National Action Network stands for equality in every aspect of life—regardless of race, age, sex, gender identity, disability, religion, or political belief. No one should be targeted, retaliated against, or silenced for who they are or what they believe. Our commitment to civil rights and equal protection is unwavering and universal. If we are to advance true equity and justice, we must do so together—as one community—standing firmly with all who seek our support and solidarity.

Should the State Bar of Arizona fail to take immediate and meaningful corrective action in response to the systemic constitutional and civil rights violations outlined herein, the National Action Network – Phoenix Metro stands ready to mobilize the community, engage the media, and collaborate with allied civil rights organizations. In coordination with affected attorneys and supporters, we are also prepared to pursue all available legal remedies. These include, but are not limited to, filing a federal civil rights action under 42 U.S.C. § 1983, asserting claims under antitrust law, and seeking injunctive relief, monetary damages, and declaratory judgment in the appropriate courts.

I am open to meeting to discuss the attorney discipline system, with the clear understanding that our conversation must focus on the disparate experiences outlined in this response. These issues are central to any meaningful dialogue. Please note that this correspondence has been forwarded to the U.S. Department of Justice, the Arizona Supreme Court, and all relevant state and federal oversight bodies for their review and appropriate action. Continued inaction, denial, or retaliation will be regarded as further evidence of institutional misconduct and will be met with coordinated legal action, legislative advocacy, and sustained public accountability efforts.

Respectfully submitted,

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Dr. Bridget Tarkington

Rev. Jonathan Moseley
National Action Network Western Regional Director

Rev Jonathan Moseley