

**DISTRICT OF COLUMBIA COURT OF APPEALS
BOARD ON PROFESSIONAL RESPONSIBILITY
HEARING COMMITTEE NUMBER TWELVE**

In the Matter of	:	
	:	
JEFFREY B. CLARK, ESQUIRE	:	Board Docket No. 22-BD-039
	:	
Respondent,	:	Disciplinary Docket No. 2021-D193
	:	
A Member of the Bar of the District:	:	
of Columbia Court of Appeals.	:	
Bar Number: 455315	:	
Date of Admission: July 7, 1997	:	

DISCIPLINARY COUNSEL’S AMENDED LIST OF WITNESSES

As allowed by the Chair in his order of January 19, 2024, Disciplinary Counsel submits this amended list of the witnesses it intends to call in its case-in-chief:

1. Jeffrey B. Clark, Esq.

Mr. Clark is the Respondent in this matter. Disciplinary Counsel anticipates that Mr. Clark will testify about his role in the Department of Justice, drafting the “Georgia Proof of Concept” letter, attempting to have Jeffrey Rosen and Richard Donoghue sign that letter, conversations with Mr. Rosen, Mr. Donoghue, and others about that letter and the statements made therein, attempting to or actually replacing Mr. Rosen as Acting Attorney General, as well as anything else relevant to the Specification of Charges.

2. Jeffrey A. Rosen, Esq.

Mr. Rosen was the Acting United States Attorney General from December 24, 2020, to January 20, 2021. Before that time, he was the Deputy Attorney General. Disciplinary Counsel anticipates that Mr. Rosen will testify about his decision not to sign the letter drafted by Respondent, conversations with Respondent and others about that letter and the statements contained therein, Respondent's attempt to replace him as Acting Attorney General, as well as anything else relevant to the Specification of Charges. Mr. Rosen can be reached through his attorney, Reginald Brown, Esq., at reginald.brown@kirkland.com or (202) 389-5522.

3. Richard P. Donoghue, Esq.

Mr. Donoghue was the Principal Associate Deputy Attorney General from July 2020 to January 20, 2021, and he assumed the duties of the Deputy Attorney General from December 23, 2020, to January 20, 2021. As part of his duties, Mr. Donoghue supervised nationally the Department of Justice's investigations of alleged election fraud in the 2020 election. Disciplinary Counsel anticipates that Mr. Donoghue will testify about his decision not to sign the letter drafted by Respondent, conversations with Respondent and others about that letter and the statements contained therein, Respondent's attempt to replace Jeffrey Rosen as Acting Attorney General, as well as anything else relevant to the Specification of Charges. Mr. Donoghue can be reached through his attorney, Greg Andres, Esq., at

greg.andres@davispolk.com or (212) 450-4724.

4. Kenneth Klukowski, Esq.

Mr. Klukowski was Senior Counsel at the Department of Justice where he reported to Respondent. Disciplinary Counsel anticipates that Mr. Klukowski will testify about his professional relationship with Respondent, assistance he provided regarding the letter drafted by Respondent, as well as anything else relevant to the Specification of Charges. Mr. Klukowski can be reached through his attorney, H. Christopher Bartolomucci, Esq., at cbartolomucci@schaerr-jaffe.com or (202) 787-1060.

5. Patrick Philbin, Esq.

Mr. Philbin was Deputy White House Counsel during the Trump Administration until January 20, 2021. Disciplinary Counsel anticipates that Mr. Philbin will testify about conversations he had with Respondent on, and prior to, January 3, 2021, in which he attempted to dissuade Respondent from accepting the position of Acting Attorney General and convince him that there was no evidence of election fraud sufficient to change the outcome of the 2020 presidential election, despite Respondent's apparently sincere belief to the contrary. Mr. Philbin can be reached through his attorney, Michael Purpura, Esq., at mpurpura@hueston.com or (949) 432-6906.

6. Azadeh Matinpour, Esq.

Ms. Matinpour is an Investigative Attorney with the Office of Disciplinary Counsel. Disciplinary Counsel anticipates that Ms. Matinpour will testify about and summarize the voluminous number of documents produced by Respondent in response to Disciplinary Counsel's subpoena in this matter. Ms. Matinpour can be reached through the undersigned.

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Disciplinary Counsel respectfully reserves the right to supplement this list of witnesses to the extent permitted by the rules of the Board on Professional Responsibility or the directives of the Hearing Committee. Disciplinary Counsel further reserves the right to call as rebuttal witnesses any persons who may have testimony relevant to documentary or testimonial matters placed at issue during Respondent's case or the examination of Respondent in Disciplinary Counsel's case-in-chief.

Respectfully submitted,

s/ Hamilton P. Fox, III

HAMILTON P. FOX, III

Disciplinary Counsel

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CERTIFICATE OF SERVICE

I hereby certify that on January 30, 2024, I caused a copy of the foregoing to be filed electronically with the Board on Professional Responsibility by email to CaseManager@dcbpr.org, and to be served on Respondent's counsel via email to Harry W. MacDougald, Esquire, to hmacdougald@CCEDlaw.com, to Charles Burnham, Esquire, to charles@burnhamgorokhov.com, and Robert A. Destro, Esquire, to Robert.destro@protonmail.com.

s/ Jason R. Horrell

JASON R. HORRELL
Assistant Disciplinary Counsel