

## Public Comment - Proposed Rule 8.2 &amp; 8.4

Are you commenting on behalf of an organization?	No
Are you an attorney?	Yes
Name	Anonymous
City	Los Angeles
State	California
From the choices below, we ask that you indicate your position. (This is a required field.)	Oppose
ENTER COMMENTS HERE. To upload files proceed to the ATTACHMENTS section below.	I dont think Lawyers should be restricted if they are making it clear that it is their opinion. This is going to have a chilling impact on those who are lincensed.
From the choices below, we ask that you indicate your position. (This is a required field.)	Support

## Public Comment - Proposed Rule 8.2 & 8.4

Are you commenting on behalf of an organization?

No

Are you an attorney?

No

Name

Cassandra L. Cotton

City

San Diego

State

California

Email address

[92130connects@gmail.com](mailto:92130connects@gmail.com)

From the choices below, we ask that you indicate your position. (This is a required field.)

Oppose

ENTER COMMENTS HERE. To upload files proceed to the ATTACHMENTS section below.

The Orange County prosecuting attorney made improper public statements about a pending civil matter in Orange County. Tamara Jacobs (acting OC Deputy DA) sought a search warrant to obtain a false arrest without notifying the court that a hearing on the matter was pending in San Diego Superior (Family) court. Jacobs authored a confession that was later discovered in the file of the purported confessor by another prosecutor as miscellaneous registered actions in State court.

Jacobs told me that (9) charges against me would be dismissed if I pleaded guilty to a misdemeanor and (3) years of probation for having my children in 2021. Jacobs hid evidence and suborned perjury to convict me on false felony charges for having my children in 2021. I was first convicted of a misdemeanor willfully depriving me my individual rights and paid more than \$17,000 in bail fees throughout this

procedural process.

Additionally, Jacobs had ex parte communications with the judge regarding my case without notifying my attorney, and Jacobs acted to conceal the communications with me by failing to countermand police officers' suggestion to me as defendant that she not tell my attorney. Jacobs threatened to renew a long-dormant investigation against me regarding an illegal lockout which took place in Irvine, CA in 2019 after I filed a grievance with the disciplinary commission and the California State Bar against the DA's office.

Jacobs represented my abuser when simultaneously, as a prosecutor, she was...

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... participating in an investigation with me without consulting the courts or the state about the dual representation in 2019. Jacobs committed a series of gross improprieties after developing a personal relationship with my abuser(s) during 300 court proceedings. She affirmatively misled opposing counsel regarding those meetings as off the record. Jacobs failed to fully disclose exculpatory evidence in a child molestation case involving my ex husband and child custody case which gave me sole and physical custody of my minor children, conduct for which she held me in contempt of court and raised my bail to \$100K despite my undue hardship and my legal custody right to my minor children.

The OCDA's improperly threatened my son (Dominic Cotton) in the handling a pending juvenile. The proceeding was later sealed.

During her prosecution of my criminal arraignment trial in 2021, she made a false statement of fact to the trial court regarding the destruction of evidence (the initial apprehensions on 6-8-2021) and (the extradition on 12-27-2021) involving SDPD officers.

The prosecutor informed the court during Family law proceedings that I (as a domestic violence victim) failed to appear and lied about the other party (my ex husband) appearing, even though she appeared as a witness at the family courthouse for the full duration of the proceedings and fictitiously purged an After Court Order. Jacobs knowingly has failed to timely disclose exculpatory evidence to defense counsel during my civil proceedings.

...

...

Jacobs failed to withdraw from prosecuting my case when the exercise of her professional judgment was affected by her own personal interest in preventing an investigation into the conduct of her office in my case. As a domestic violence survivor, Jacobs failed to disclose to the court and defense counsel that there were filed exhibits from me as the defendant that were filed

in a previous case but later gagged (sealed).

Jacobs lied about the alterations to the court and other registered action filings; in a separate incident, she improperly attempted to use her influence to alter the course of my civil proceedings. Jacobs filed immediately before the start of my civil proceedings, criminal charges against me as a defendant that were not supported by probable cause.

The prosecutor disregarded the sexual molestation case reported in 2011, Jacobs never interviewed the accused, the witnesses, in the absence of my child's appointed attorney; never prosecuted the case with probable cause to believe the accused was guilty; never requested a psychiatric examination of my child who fell victim to these violations to assess their testimonial capacity; and improperly cross-examined a defense witnesses and my ex husband.

Jacobs failed to comply with several discovery orders in the San Diego family law cases; after the restraining order was dismissed because of my ex husband's inaction and failure to appear in court, she resurrected the case after my TRO (in San Diego) expired. Jacobs failed to...

... disclose exculpatory evidence and violated the court order (in San Diego) for sequestering a child witness.

Jacobs failed to timely inform my attorney of a letter from me as witness recanting an allegation that the plaintiff my ex husband assaulted me on more than one occasion. She failed to timely inform the courts and my attorney of exculpatory information. The OCDA staff knowingly and intentionally led me as the defendant into believing that they were State law enforcement during negotiations designed to surrender to the local authorities when she instructed the SDPD to enter my place of residence at gunpoint; she failed to inform me that they were NOT representing the state.

Jacobs suborned perjured testimony at my family law proceedings. The OCDA altered evidence in my civil proceeding and then attempted to cover up their actions in another case. During family law proceedings, Jacobs made false statements regarding the authenticity of evidence (off record); Jacobs also failed to disclose exculpatory evidence in the same matter which resulted in a custody warrant and was recalled following the abrupt removal of my children from San Diego county.

Jacobs failed to give my attorney my ex husband's confession regarding not wanting to proceed with the civil matter concerning my daughter (who was moved out of the State of California over a year ago without my consent)

and also failed to disclose her agreement with my ex husband.

While prosecuting my case, Jacobs introduced irrelevant,...

... improper and deliberately misleading evidence. Joseph Faria (investigator) placed the signature on Proof of Service forms in OC Family Court without permission. He also misrepresented facts regarding my case to the San Diego DA , the San Diego Sheriff's Dept and SDPD potentially further compromising my safety.

While prosecuting my case, the OCDA and court staff made a racially insensitive remark regarding my involvement with an ethnic organization in the presence of my lawyer and the public. I continue to profess my innocence and weary of further retaliatory actions from local law enforcement involved with the actions of Orange County staff.

To date, there are no DV Police Reports, no Extradition Reports or SDPD Police Reports regarding my child being taken from the stated and with the initial apprehension.

I would like to address my parental rights with regards to the actions of our local SDPD and Orange County staff. Litigation in Orange County

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is ongoing. My fear is that the actions of the SDPD involving this matter either is not on record or gagged in Orange County court proceedings. Please reference my previous to Istfc@calbar.ca.gov emails regarding my concerns." This was dismissed by the State Bar where the rules were never applied.

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**ATTACHMENTS**You may upload your comment as an attachment. Only one attachment will be accepted per comment submission. We accept the following file types: text (.txt), Microsoft Word (.doc), WordPerfect (.wpd), Rich Text Format (.rtf) and Adobe Acrobat PDF (.pdf). We do not accept any other file types. Please DO NOT submit scanned documents. Files must be less than 4 megabytes in size.

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[Rules\\_8.2\\_8.4-Proposed\\_Amendments\\_CLEAN\\_REDLINE.pdf \(82 KB\)](#)

From the choices below, we ask that you indicate your position. (This is a required field.)

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**ENTER COMMENTS HERE.** To upload files proceed to the **ATTACHMENTS** section below.

Oppose

There are a few clarifications and corrections to the Decision. Please see the following:

image.png

\*The charges in the 2019 case (which is still pending) are not Unlawful Detainer charges. A UD Hearing never took place. The charges were "Entering my dwelling" after an illegal lockout took place. Further details will be forwarded to Federal Housing.

image.png

Tamara Jacobs stated she did not obtain or have possession of the report. To date, the parties involved in San Diego have not obtained the report either. Through further investigation will



the State Bar be able to obtain the records?

image.png

\* Jamie Cotton and I present at a family court hearing. During this time, Tamara Jacobs and Joseph Faria remained in the courtroom for the entire duration of the hearing and disrupted towards the end by going on record to discuss a civil matter with a different courthouse. I'm not sure what OCHA obtained access to during this time. All housing matters will be discussed with Federal Housing. Entering my private dwelling is a case that has been pending since 2019.

image.png

\*The JV Request documents I provided you were never date stamped by the clerk of the court. But they were sent to me via USPS mail. Through further investigation will the State Bar be able to confirm whether it was filed with the JV court clerks?

image.png

\*I have reason to believe some of the action of the Deputy DA was intentional; failure to disclose exculpatory...

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... evidence, introducing false evidence, using improper arguments, and that she offered evidence she knew to be false or inadmissible may include encouraging witnesses to lie or create a false statement. I believe she violated ethical rules. I also have reason to believe she is in Brady violation. When the "Off the Record" occurred I

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was not incarcerated, the hearing in fact less than 24 hour of my being released June 8, 2021. I'm not sure I understand the last sentence. The Deputy DA never spoke with the San Diego Judge who restrained Jamie Cotton which remained an active family case during this time.

image.png

\* I have reason to believe some of the action of the Deputy DA was intentional; failure to disclose exculpatory evidence, introducing false evidence, using improper arguments. The Orange County Detective was able to enter my place of residence with the father based on this document without my consent. This matter will be forwarded to Federal Housing.

image.png

\*The San Diego Superior Court had court orders in place during this time. Will the State Bar further investigate this? There was NEVER any procedural actions from the bar.

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[Central\\_District\\_of\\_California\\_\\_Orange\\_County\\_Supervisor\\_Agrees\\_to\\_Plead\\_Guilty\\_to\\_Bribery\\_Conspiracy\\_Involving\\_10\\_Million\\_in\\_COVID\\_Relief\\_Funds\\_\\_United\\_States\\_Department\\_of\\_Justice.pdf](#) (267 KB)

**Rule 8.2 Judicial Officials  
(Proposed Amended Rule)**

- (a) A lawyer shall not make a statement of fact that the lawyer knows\* to be false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge or judicial officer, or of a candidate for election or appointment to judicial office.
- (b) A lawyer who is a candidate for judicial office in California shall comply with canon 5 of the California Code of Judicial Ethics. For purposes of this rule, “candidate for judicial office” means a lawyer seeking judicial office by election. The determination of when a lawyer is a candidate for judicial office by election is defined in the terminology section of the California Code of Judicial Ethics. A lawyer’s duty to comply with this rule shall end when the lawyer announces withdrawal of the lawyer’s candidacy or when the results of the election are final, whichever occurs first.
- (c) A lawyer who seeks appointment to judicial office shall comply with canon 5B(1) of the California Code of Judicial Ethics. A lawyer becomes an applicant seeking judicial office by appointment at the time of first submission of an application or personal data questionnaire to the appointing authority. A lawyer’s duty to comply with this rule shall end when the lawyer advises the appointing authority of the withdrawal of the lawyer’s application.

**Comment**

[1] A statement that is asserted as opinion may be the basis for discipline if the “statement implies actual facts that are capable of objective verification.” (See *In re Yagman* (9th Cir. 1995) 55 F.3d 1430, 1441.)

[2] To maintain the fair and independent administration of justice, lawyers should defend judges and courts unjustly criticized. Lawyers also are obligated to maintain the respect due to the courts of justice and judicial officers. (See Bus. & Prof. Code, § 6068, subd. (b).)

**REDLINE**

**Rule 8.2 Judicial Officials  
(Proposed Amended Rule)**

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**Rule 8.4 Misconduct  
(Proposed Amended Rule)**

It is professional misconduct for a lawyer to:

- (a) violate these rules or the State Bar Act, knowingly\* assist, solicit, or induce another to do so, or do so through the acts of another;
- (b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects;
- (c) engage in conduct involving dishonesty, fraud,\* deceit, or reckless or intentional misrepresentation;
- (d) engage in conduct that is prejudicial to the administration of justice;
- (e) state or imply an ability to influence improperly a government agency or official, or to achieve results by means that violate these rules, the State Bar Act, or other law; or
- (f) knowingly\* assist, solicit, or induce a judge or judicial officer in conduct that is a violation of an applicable code of judicial ethics or code of judicial conduct, or other law.

**Comment**

[1] A violation of this rule can occur when a lawyer is acting in propria persona or when a lawyer is not practicing law or acting in a professional capacity.

[2] Paragraph (a) does not prohibit a lawyer from advising a client concerning action the client is legally entitled to take.

[3] A lawyer may be disciplined for criminal acts as set forth in Business and Professions Code sections 6101 et seq., or if the criminal act constitutes "other misconduct warranting discipline" as defined by California Supreme Court case law. (See *In re Kelley* (1990) 52 Cal.3d 487 [276 Cal.Rptr. 375].)

[4] A lawyer may be disciplined under Business and Professions Code section 6106 for acts involving moral turpitude, dishonesty, or corruption, whether intentional, reckless, or grossly negligent.

[5] Paragraph (c) does not apply where a lawyer advises clients or others about, or supervises, lawful covert activity in the investigation of violations of civil or criminal law or constitutional rights, provided the lawyer's conduct is otherwise in compliance with these rules and the State Bar Act.

## CLEAN

[6] This rule does not prohibit those activities of a particular lawyer that are protected by the First Amendment to the United States Constitution or by Article I, section 2 of the California Constitution.

[7] Unprotected activities, including speech, that may be the basis for discipline under paragraph (c) or (d) include: (1) a statement made with the specific intent of producing imminent lawless action against a judge or judicial officer and likely to do so (*Counterman v. Colorado* (2023) 600 U.S. 66 [143 S.Ct. 2106]; *Brandenburg v. Ohio* (1969) 395 U.S. 444, 447 [89 S.Ct.1827] (*per curiam*)); (2) a true threat of violence, that is, a statement that a reasonable observer would understand to be a “serious expression” conveying that the speaker means to “commit an act of unlawful violence” against a judge or judicial officer made with intent, knowledge, or reckless disregard that others could regard the statement as threatening violence (*Counterman v. Colorado, supra*, 600 U.S. at p. 74); and (3) a false statement of fact, or a statement asserted as opinion that “implies actual facts that are capable of objective verification” that are false, regarding a judge or judicial officer made with knowledge or reckless disregard of the truth or falsity of the facts (*In re Yagman* (9th Cir. 1995) 55 F.3d 1430, 1441; see also rule 8.2(a); Bus. & Prof. Code, § 6068, subd. (b).) Courts use an objective standard to determine “what a reasonable attorney, considered in light of all [their] professional functions, would do in the same or similar circumstances.” (*United States Dist. Ct. v. Sandlin* (9th Cir. 1993) 12 F.3d 861, 867.)

[8] For purposes of this rule, “judge” and “judicial officer” have the same meaning as in rule 3.5(C).

## REDLINE

### Proposed Rule 8.4 Misconduct (Proposed Amended Rule)

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- (a) violate these rules or the State Bar Act, knowingly\* assist, solicit, or induce another to do so, or do so through the acts of another;
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- (e) state or imply an ability to influence improperly a government agency or official, or to achieve results by means that violate these rules, the State Bar Act, or other law; or
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[8] For purposes of this rule, “judge” and “judicial officer” have the same meaning as in rule 3.5(C).





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**PRESS RELEASE**

# Orange County Supervisor Agrees to Plead Guilty to Bribery Conspiracy Involving \$10 Million in COVID Relief Funds

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Tuesday, October 22, 2024

## For Immediate Release

U.S. Attorney's Office, Central District of California

## OC Supervisor Andrew Do Admits Receiving More Than \$550,000 in Bribe Payments from Funds Meant to Be Used to Provide Meals to Elderly

*SANTA ANA, California* – The District One Supervisor on the Orange County Board of Supervisors has agreed to plead guilty to a felony federal charge for accepting more than \$550,000 in bribes for directing and voting in favor of more than \$10 million in COVID funds to a charity affiliated with one of his daughters, Rhiannon Do, the Justice Department announced today.

Andrew Hoang Do, 62, agreed to plead guilty to one count of conspiracy to commit bribery concerning programs receiving federal funds. His plea agreement and information were filed today. He is expected to make his initial appearance in United States District Court in Santa Ana later this month.

Do is one of five supervisors on the Orange County Board of Supervisors, which is responsible for the county's \$9 billion annual budget. As a county supervisor, Do represents the cities of

Cypress, Fountain Valley, Garden Grove, Huntington Beach, La Palma, Los Alamitos, Midway City, Rossmore, Seal Beach, and Westminster. He has served as a county supervisor since February 2015.

As part of his plea agreement, Do admitted that in exchange for more than \$550,000 in bribes, beginning in 2020, he voted in favor of and directed millions of dollars in COVID-related funds to Viet America Society (VAS), a charity affiliated with his daughter. Do directed and worked together with other county employees to approve contracts with – and payments to – VAS. Do further admitted he acted corruptly and abused his position of trust as a county supervisor.

“By putting his own interests over those of his constituents, the defendant sold his high office and betrayed the public’s trust,” said United States Attorney Martin Estrada. “Even worse, the money he misappropriated and accepted as bribe payments was taken from those most in need – older adults and disabled residents. Our community deserved much better. Corruption has no place in our politics and my office will continue to hold accountable officials who cheat the public.”

“While millions of Americans were dying from COVID-19, Orange County Supervisor Andrew Do was the fox in the hen house personified, raiding millions in federal pandemic relief funds and orchestrating the money intended to feed elderly and ailing residents to instead fill the pockets of insiders, himself and his loved ones all while portraying a public persona of a hometown hero guiding his constituents through the uncertainty and fear of a global pandemic,” said Orange County District Attorney Todd Spitzer. “No one is above the law in Orange County and these charges should serve as a powerful warning to elected officials everywhere that actions have consequences and justice will be swift and it will be decisive.”

“Elected officials have a responsibility to implement programs and policy that will benefit all the people they serve. Their role is not to squander money, solicit bribes, or to steer funds to organizations or persons, wherein a coordinated effort allows those funds to make their way to family members or friends,” said Akil Davis, the Assistant Director in Charge of the FBI’s Los Angeles Field Office. “Today’s plea is another exclamation point to the FBI’s commitment to ensuring that all local, state, or federal elected and appointed public officials perform their duties with honesty, integrity, and commitment to all the constituents they serve.”

Shortly after receiving the COVID-related public funds from the county government – funds that were intended to provide meals to the elderly – VAS from April 2021 to February 2024 paid a business identified in court documents as “Company #1” \$100,000 or more per month, which totaled approximately \$3,804,000. In September 2021, VAS increased its payments to Company #1 from \$100,000 to \$108,000 per month. Company #1 then began paying Rhiannon Do – Do’s daughter – \$8,000 per month, totaling by February 2024 approximately \$224,000.

In his plea agreement, Do admitted that in addition to the \$8,000 monthly payments that Company #1 had made to Do's daughter, in July 2023, Company #1 also transferred a total of \$381,500 from the funds it had received from VAS to an escrow company. In July 2023, Do's daughter used the escrow account funds to purchase a home, in her name, in Tustin for \$1,035,000. As part of that transaction, a mortgage for more than \$600,000 was obtained by a loan application that contained false information and with fabricated documents. In her related diversion agreement attached as an exhibit to Do's plea agreement, Do's daughter admitted her conduct was criminal and violated federal and state law.

Do also admitted that the \$381,500 from Company #1 that his daughter had used to purchase the Tustin house in 2023 was a disguised bribe to him. He also admitted that an additional \$100,000 in payments sent to his other daughter, including three \$25,000 checks from Company #2 – an air conditioning company that had been paid by VAS – also were bribes to him.

Some of the bribe funds that had been funneled to his daughters were spent for his direct benefit. For example, during 2022, a total of \$14,849 of funds that had been funneled to Do's daughters was used to make property tax payments for properties in Orange County owned by Do and his wife. Approximately \$15,000 was used to pay for one of Do's credit card bills.

Do knew that VAS was not providing all the meals for which the county had paid VAS. Instead, much of the funds were used for the benefit of insiders, including to buy real estate in the name of both Do's daughter and Company #1, bribe payments to both of Do's daughters, payments to other conspirators, payments to other companies affiliated with VAS's listed officers, and through hundreds of thousands of dollars in cash withdrawals.

"Mr. Do had a duty to act in the best interest of the citizens of Orange County. He neglected that duty and misused the financial system to enrich himself," said Special Agent in Charge Ryan Korner with the Federal Deposit Insurance Corp. Office of Inspector General. "Public corruption degrades the public's confidence in our political system, and FDIC OIG is proud to work alongside our law enforcement partners to identify and hold accountable individuals who abuse public service for private gain."

"Andrew Do was entrusted to ensure taxpayer dollars were used responsibly and for the purposes intended," said Special Agent in Charge Tyler Hatcher, IRS Criminal Investigation, Los Angeles Field Office. "Instead, when his constituents depended on COVID relief programs, Mr. Do exploited his position on the Orange County Board of Supervisors not only to influence channeling of funds to the Viet America Society, but also to accept bribes that were used to purchase a home, pay property taxes, and even to pay fictitious incomes to family members. Combating public corruption is one of the most important roles federal law enforcement agencies play in our local communities, and we are proud to be a partner during this investigation."

“Today’s actions shows that this elected official used his position of trust for personal gain. He didn’t think he would get caught. He was wrong,” said Adam Shanedling, Special Agent in Charge of the U.S. Department of Education Office of Inspector General’s Western Regional Office. “The OIG is proud to have been a part of the task force that investigated this matter and we’ll continue to work with our law enforcement partners to help safeguard the integrity of federal funds.”

The plea agreement requires Do to forfeit any assets connected to the bribery scheme, including the Tustin property his daughter purchased in 2023. As part of his daughter’s related diversion agreement, she also agreed to forfeit the Tustin property. The plea agreement requires Do to pay full restitution by paying back the bribe money he and his daughters received, which he has agreed to pay in full before he is sentenced. In August 2024, the government seized more than \$2.4 million from VAS’s and Company #1’s bank accounts.

In a related agreement with the Orange County District Attorney’s Office (OCDA), attached as an exhibit to Do’s plea agreement, Do has agreed to immediately resign from the Orange County Board of Supervisors and to forfeit any pension credit for the time where he participated in the bribery conspiracy.

Once Do enters his guilty plea, he will face a statutory maximum sentence of five years in federal prison.

The FBI; the Orange County District Attorney’s Office Bureau of Investigation; the Federal Deposit Insurance Corp. Office of the Inspector General; IRS Criminal Investigation; and the United States Department of Education Office of the Inspector General investigated this matter.

This matter is being jointly prosecuted by the United States Attorney’s Office and OCDA. The prosecution is being led by Assistant United States Attorneys Charles E. Pell, Bradley E. Marrett, and Tara Vavere of the United States Attorney’s Office and Senior Deputy District Attorney Avery T. Harrison and Deputy District Attorneys Anthony J. Schlehner and L.J. Berger of the OCDA.

Any member of the public who has information related to this or any other public corruption matter in Orange County is encouraged to send information to the FBI’s email tip line at <https://tips.fbi.gov> and/or to contact the FBI’s Los Angeles Field Office at (310) 477-6565.

## Contact

Ciaran McEvoy  
Public Information Officer  
[ciaran.mcevoy@usdoj.gov](mailto:ciaran.mcevoy@usdoj.gov)  
(213) 894-4465

Updated October 23, 2024

## Topics

CORONAVIRUS

PUBLIC CORRUPTION

## Component

[USAO - California, Central](#)

Press Release Number: 24-262

## Related Content

### PRESS RELEASE

#### **Postal Service Supervisor Pleads Guilty to Stealing More Than \$300,000 in Checks and Gold and Collectable Currency from Mail**

A United States Postal Service (USPS) supervisor pleaded guilty today to stealing approximately \$284,000 in checks and up to \$40,000 in other items –including gold and collector-type currency such...

February 7, 2025

### PRESS RELEASE

#### **Los Angeles County Sheriff's Deputy Found Guilty of Federal Civil Rights Violation for Using Excessive Force Against Woman**

A Los Angeles County Sheriff's deputy was found guilty by a jury today of using excessive force when he assaulted and pepper-sprayed a woman outside a supermarket in Lancaster in...

February 6, 2025

#### PRESS RELEASE

### **South Bay-Based Nursing Facilities Chain and Owner Agree to Pay \$18 Million to Resolve COVID-Related False Claims Act Allegations**

Torrance-based skilled nursing facilities chain Unified Care Services LLC, its affiliates, and its owner, Emmanuel David, have agreed to pay \$18 million to resolve allegations that they violated the False...

January 17, 2025



#### **Central District of California**

312 N. Spring St. Suite 1200

Los Angeles, CA 90012



Phone: (213) 894-2400

Fax: (213) 894-0141

## Public Comment - Proposed Rule 8.2 & 8.4

Are you commenting on behalf of an organization?

No

Are you an attorney?

Yes

Name

Susan Lea

City

Oak View

State

California

Email address

[suelea5@yahoo.com](mailto:suelea5@yahoo.com)

From the choices below, we ask that you indicate your position. (This is a required field.)

Oppose

ENTER COMMENTS HERE. To upload files proceed to the ATTACHMENTS section below.

Free Speech is all we have in America that separates us from the world. We have watched as California and the State Bar, now fully controlled by the State, have become 100% DEI-Marxist in all respects. There's been nothing that licensed attorneys could do since we no longer even have the right to vote. The State Bar is an appendage of the State government only. The persons appointed to be state judges are crap DEI candidates who have little scholarship or ability. They are owned, and their "opinions" and "decisions" are 100% political. There is no longer any respect for Rule of Law in California. Now, you want to punish those attorneys who speak the Truth. This proposed rule change is 100% shameful. The State Bar is a joke. There is no respect for truth or justice or fairness in California's courts. Who are the appointed judges to have the status of royalty? If their opinions or decisions are fair and just, then let the decisions "speak for themselves". No, you don't get to harm innocent people who are speaking their own beliefs, truth and scholarship.

Outrageous over-reach and abuse of power is this proposed rule. First, you lock up the courthouses all over the state. Now, you want to lock up people exercising their free speech. Wrong!

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From the choices below, we ask that you indicate your position. (This is a required field.)

Oppose

---

ENTER COMMENTS HERE. To upload files proceed to the ATTACHMENTS section below.

Please see comments written above re proposed rule 8.2 amendments, incorporated herein in their entirety by this reference.



Public Comment - Proposed Rule 8.2 & 8.4

Are you commenting on behalf of an organization?	Yes
Are you an attorney?	Yes
Professional Affiliation	Chair of the Legal Ethics Committee of the Bar Association of San Francisco
Name	Joanna Storey Mishler
City	San Francisco
State	California
Email address	<a href="mailto:jmishler@rosinglaw.com">jmishler@rosinglaw.com</a>
From the choices below, we ask that you indicate your position. (This is a required field.)	Support if Modified
ENTER COMMENTS HERE. To upload files proceed to the ATTACHMENTS section below.	Please see attached letter dated March 21, 2025.
ATTACHMENTSYou may upload your comment as an attachment. Only one attachment will be accepted per comment submission. We accept the following file types: text (.txt), Microsoft Word (.doc), WordPerfect (.wpd), Rich Text Format (.rtf) and Adobe Acrobat PDF (.pdf). We do not accept any other file types. Please DO NOT submit scanned documents. Files must be less than 4 megabytes in size.	<a href="#">BASF_LEC_to_COPRAC_re_8.2_03-21-2025.pdf</a> (146 KB)
From the choices below, we ask that you indicate your position. (This is a required field.)	Support



# THE BAR ASSOCIATION OF SAN FRANCISCO

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Yolanda M. Jackson

March 21, 2025

Cassidy Chivers, Chair  
Committee on Professional Responsibility and Conduct  
The State Bar of California  
180 Howard St.  
San Francisco, CA 94105

Re: Proposed Amendment to Rule of Professional Conduct 8.2

Dear Ms. Chivers:

On behalf of the Ethics Committee of the Bar Association of San Francisco (“BASF”) and the BASF Board of Directors, we write to suggest one clarification to the Proposed Amendment to Rule of Professional Conduct 8.2.

Proposed Comment [1] to Rule 8.2 does not state that the relevant statement must be false for it to be a basis of discipline. We suggest that Comment [1] be consistent with the proposed Comment [7] for Rule 8.4. In particular, Comment [1] should state:

A statement that is asserted as opinion may be the basis for discipline if the “statement implies actual facts that are capable of objective verification,” is false, and is made with knowledge or reckless disregard of the truth or falsity of the facts. See *In re Yagman* (9th Cir. 1995) 55 F.3d 1430, 1441.

We thank the State Bar Standing Committee on Professional Responsibility and Conduct for the opportunity to share our suggestion.

Sincerely,

Joanna Storey Mishler  
Chair, BASF Legal Ethics Committee  
[jmishler@rosinglaw.com](mailto:jmishler@rosinglaw.com)  
619.413.0651

Public Comment - Proposed Rule 8.2 & 8.4

Are you commenting on behalf of an organization?	Yes
Are you an attorney?	Yes
Professional Affiliation	Orange County Bar Association
Name	Mei Tsang, OCBA President
City	Newport Beach
State	California
Email address	<a href="mailto:sgee@ocbar.org">sgee@ocbar.org</a>
From the choices below, we ask that you indicate your position. (This is a required field.)	Support
ENTER COMMENTS HERE. To upload files proceed to the ATTACHMENTS section below.	n/a
From the choices below, we ask that you indicate your position. (This is a required field.)	Support if Modified
ENTER COMMENTS HERE. To upload files proceed to the ATTACHMENTS section below.	March 27, 2025  California State Bar Committee on Professional Responsibility and Conduct State Bar of California 180 Howard Street San Francisco, California 94105-1639  Re: Proposed Revisions to California Rules of Professional Conduct, Rule 8.4  Dear Sir/Madam:  The Orange County Bar Association (OCBA) respectfully submits the following comments concerning the proposed revision to California

## Rule of Professional Conduct 8.4 (Misconduct).

Founded over 100 years ago, the OCBA has approximately 7,000 members, making it one of the largest voluntary bar associations in California and the nation. The OCBA Board of Directors, made up of practitioners from large and small firms, with varied civil and criminal practices, of different ethnic backgrounds and political leanings, has approved these comments prepared by the OCBA Professionalism and Ethics Committee.

While we generally agree with the proposed revisions to Rule 8.4, we are writing to address an inconsistency in proposed Comment 7. Specifically, the newly proposed comment identifies three areas of “unprotected activities” that may be the basis for discipline. Then, the final sentence of the proposed Comment states: “Courts use an objective standard to determine ‘what a reasonable attorney, considered in light of all [their] professional functions, would do in the same of similar circumstances.’” We found this statement inconsistent with the prior identification of unprotected activities, as those...

---

... activities would not be governed by the reasonable attorney standard.

To illustrate, the first “unprotected activity” identified in the Comment involves “a statement made with the specific intent of producing imminent lawless action against a judge or judicial officer and likely to do so.” We cannot envision any scenario in which the reasonable lawyer, under any circumstances, would make a statement with the specific intent of producing imminent lawless action against a judge. Yet, the

reference to the reasonable attorney standard would suggest there are such circumstances.

Similarly, the second “unprotected activity” identified in Comment 7 is “a true threat of violence ... against a judge or judicial officer made with the intent, knowledge or reckless disregard that others could regard the statement as threatening violence.” The third “unprotected activity” involves making a “false statement of fact ... regarding a judge or judicial officer made with knowledge or reckless disregard of the truth or falsity of the facts.” Again, there are no circumstances under which a reasonable lawyer would engage in these activities.

Accordingly, we recommend eliminating the last sentence (and supporting citation) in Comment 7 to avoid any confusion or argument there is a reasonable attorney defense to the specific unprotected activities identified in the Comment. Alternatively, if the objective standard is intended only to apply to determining the “reckless disregard of the truth”...

... referenced in the third enumerated “unprotected activity,” then that limitation should be expressed.

Thank you for your consideration of our comments and suggestions.

ORANGE COUNTY BAR ASSOCIATION

Mei Tsang  
2025 President

**ATTACHMENTS** You may upload your comment as an attachment. Only one attachment will be

[3.27.25\\_Comment\\_letter\\_to\\_CRPC\\_8.4.pdf \(746 KB\)](#)

accepted per comment submission. We accept the following file types: text (.txt), Microsoft Word (.doc), WordPerfect (.wpd), Rich Text Format (.rtf) and Adobe Acrobat PDF (.pdf). We do not accept any other file types. Please DO NOT submit scanned documents. Files must be less than 4 megabytes in size.

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BAR ASSOCIATION**

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OC TRIAL LAWYERS ASSOC.  
OC WOMEN LAWYERS ASSOC.  
THURGOOD MARSHALL BAR ASSOC.

March 27, 2025

California State Bar Committee on Professional Responsibility and Conduct  
State Bar of California  
180 Howard Street  
San Francisco, California 94105-1639

Re: Proposed Revisions to California Rules of Professional Conduct,  
Rule 8.4

Dear Sir/Madam:

The Orange County Bar Association (OCBA) respectfully submits the following comments concerning the proposed revision to California Rule of Professional Conduct 8.4 (Misconduct).

Founded over 100 years ago, the OCBA has approximately 7,000 members, making it one of the largest voluntary bar associations in California and the nation. The OCBA Board of Directors, made up of practitioners from large and small firms, with varied civil and criminal practices, of different ethnic backgrounds and political learnings, has approved these comments prepared by the OCBA Professionalism and Ethics Committee.

While we generally agree with the proposed revisions to Rule 8.4, we are writing to address an inconsistency in proposed Comment 7. Specifically, the newly proposed comment identifies three areas of “unprotected activities” that may be the basis for discipline. Then, the final sentence of the proposed Comment states: “Courts use an objective standard to determine ‘what a reasonable attorney, considered in light of all [their] professional functions, would do in the same of similar circumstances.’” We found this statement inconsistent with the prior identification of unprotected activities, as those activities would not be governed by the reasonable attorney standard.

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Page 2

March 27, 2025

Proposed Revisions to California Rules of Professional Conduct, Rule 8.4

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Accordingly, we recommend eliminating the last sentence (and supporting citation) in Comment 7 to avoid any confusion or argument there is a reasonable attorney defense to the specific unprotected activities identified in the Comment. Alternatively, if the objective standard is intended only to apply to determining the “reckless disregard of the truth” referenced in the third enumerated “unprotected activity,” then that limitation should be expressed.

Thank you for your consideration of our comments and suggestions.

ORANGE COUNTY BAR ASSOCIATION

A handwritten signature in cursive script, appearing to read 'Mei Tsang'.

Mei Tsang  
2025 President



## Public Comment - Proposed Rule 8.2 & 8.4

Are you commenting on behalf of an organization?

No

Are you an attorney?

Yes

Name

Ladan Palabod

City

Los Angeles

State

California

Email address

[palabodlaw@gmail.com](mailto:palabodlaw@gmail.com)

From the choices below, we ask that you indicate your position. (This is a required field.)

Support

From the choices below, we ask that you indicate your position. (This is a required field.)

Support

## Public Comment - Proposed Rule 8.2 & 8.4

Are you an attorney?	Yes
Name	Heidi Simonson
City	Watsonville
State	California
Email address	<a href="mailto:heidi@hsimonsonlaw.com">heidi@hsimonsonlaw.com</a>
From the choices below, we ask that you indicate your position. (This is a required field.)	Support
ENTER COMMENTS HERE. To upload files proceed to the ATTACHMENTS section below.	<p>I support this modification.</p> <p>I think that, in the application of it, such alleged statements are most harmful to the judicial officer, and the case itself, if the underlying case involves something confidential, like minor children or dependent adults, where the "actual facts capable of objective verification" is much more difficult to apply because the case is confidential. However, that also makes the attorney statements much more potentially harmful.</p>
From the choices below, we ask that you indicate your position. (This is a required field.)	Support

Public Comment - Proposed Rule 8.2 & 8.4

Are you commenting on behalf of an organization?

No

Are you an attorney?

Yes

Name

Austin Trickey

City

Hermosa Beach

State

California

Email address

[austintrickey@gmail.com](mailto:austintrickey@gmail.com)

From the choices below, we ask that you indicate your position. (This is a required field.)

Oppose

From the choices below, we ask that you indicate your position. (This is a required field.)

Support