

**TO USERS:**

**THIS BAR COMPLAINT HAS BEEN DRAFTED TO ADDRESS MISCONDUCT COMMITTED BY A MEMBER OF THE CALIFORNIA BAR. THE LAW AND RULES CITED ARE CALIFORNIA SPECIFIC, BUT MOST JURISDICTIONS SHOULD HAVE SIMILAR RULES.**

**IF YOU HAVE QUESTIONS, CONTACT REBECCA JONES,  
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Attorney Drew Ensign, CA Bar No. 243956, has been granted the privilege of practicing law by the state of California. He is now using that privilege to enable the administration of Donald J. Trump to engage in extrajudicial renditions of people living legally in the United States, to defy the orders of United States District Court Judge Paula Xinis, to defy the orders of the United States Supreme Court, and, ultimately, to facilitate the destruction of the rule of law in the United States. This behavior violates his duty to the state of upholding the constitution, Business and Professions Code section 6068(a), as well as his duty of candor. “An attorney is an officer of the court and owes the court a duty of candor.” (*Levine v. Berschneider*, 56 Cal.App.5th 916, 921, 270 Cal. Rptr. 3d 768.) “The duty of candor is not simply an obligation to answer honestly when asked a direct question by the trial court ... [but] also includes an affirmative duty to inform the court when a material fact... has become false or misleading in light of subsequent events.” (*Ibid.*)

Ensign has enabled and facilitated the administration’s efforts to avoid complying with Judge Xinis’ valid legal orders to return Kilmar Abrego Garcia to the United States by lying about the information within the

government's possession. Specifically, he has lied about whether the government knows where Abrego Garcia is being held; he has lied about whether the government has the power to bring Abrego Garcia back to the United States; he has lied about whether Judge Xinis' directive to return Abrego Garcia to the United States implicates classified information; and he has lied about whether Judge Xinis' directive to return Abrego Garcia to the United States implicates any kind of foreign policy concerns of the United States.

Ensign further has violated his oath by engaging in advocacy designed to undermine the United States Constitution, which specifically delineates three co-equal branches of government. "Our Constitution sets forth a 'tripartite allocation of power,' separating different types of powers across three co-equal branches. *DaimlerChrysler Corp. v. Cuno*, 547 U. S. 332, 341, 126 S. Ct. 1854, 164 L. Ed. 2d 589 (2006) (internal quotation marks omitted). '[E]ach branch [is vested] with an exclusive form of power,' and 'no branch can encroach upon the powers confided to the others.' *Patchak v. Zinke*, 583 U. S. 244, 250, 138 S. Ct. 897, 200 L. Ed. 2d 92 (2018) (plurality opinion) (internal quotation marks omitted)." (*Moody v. NetChoice, LLC* (2024) 603 U.S. 707, 753-754 [144 S.Ct. 2383, 2414, 219 L.Ed.2d 1075, 1110].)

Attorney Ensign is perfectly aware of the fact that his arguments are designed to abolish the power of any court to restrain unconstitutional behavior by the executive branch. He is not engaging in legitimate debate about the scope of executive power. He is dissembling to a United States judge about the government's ability to comply with an order that has been found to be legitimate by the highest court in the land. This behavior demonstrates not only contempt for Judge Xinis and her authority. It exemplifies contempt for the United States Constitution and the rule of law.

“Stated simply, the primary takeaway from the past 250 years of recorded American history is that Presidents are not kings.” (*Comm. on Judiciary, United States House of Representatives v. McGahn* (D.D.C. 2019) 415 F. Supp. 3d 148, 213.)

The fact that attorney Ensign may have been directed by his superiors to make these false and specious arguments is no defense. (See *O'Rourke v. Hayes* (11th Cir. 2004) 378 F.3d 1201, 1210 n.5 ["[S]ince World War II, the 'just following orders' defense has not occupied a respected position in our jurisprudence"].) As an attorney educated at New York University and licensed by the state of California, Ensign knows that disappearing people by snatching them off the streets without a warrant and sending them to another country, then claiming that the United States government has no ability to comply with federal court orders to remedy that illegal conduct, violates every aspect of his oath as an attorney.

As stated by U.S. Supreme Court Justice Sonia Sotomayor, if Ensign continues with his behavior, “The implication of the Government’s position is that not only noncitizens but also United States citizens could be taken off the streets, forced onto planes, and confined to foreign prisons with no opportunity for redress if judicial review is denied unlawfully before removal. History is no stranger to such lawless regimes, but this Nation’s system of laws is designed to prevent, not enable, their rise.” (*Trump v. J.G.G.* , \_\_\_U.S.\_\_\_ [\_\_\_L.Ed.2d\_\_\_] (2025).)

The State Bar of California has a legal and ethical duty to the public and its members not to become complicit in actions that destroy the rule of law and elevate the president above the Constitution. It can intervene now to halt the United States’ descent into a fascist dictatorship. It must discipline attorney Ensign for his patently unethical behavior.

