

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

In the Matter of

JEFFREY B. CLARK

**A Member of the Bar of the District
of Columbia Court of Appeals**

Bar No. 455315

Date of Admission: July 7, 1997

Disciplinary Docket No.

2021-D193

**RESPONDENT’S MARCH 4, 2024 AMENDED
WITNESS LIST**

Respondent in the above-entitled matter submits this amended witness list per Chair Hirsh’s Order of January 11, 2024.

The witnesses listed here are “may call” witnesses. Expert witnesses are identified out of an abundance of caution.

1. All witnesses listed on Disciplinary Counsel’s witness list.
2. Respondent may call the following witnesses in addition to those previously identified:

Witness	Category	Testimony
Respondent ¹	Fact	Charged conduct
Professor John Baker	Fact	Interactions with Respondent during the 2020 election controversy regarding information that Prof. Baker collected regarding election irregularities; sufficiency of information to warrant recommendation for additional investigation; suppression of investigation of election issues by DOJ and FBI leadership. [REDACTED]
John Ratcliffe	Fact	Briefing and telephone conversation of Respondent regarding draft intelligence assessment of foreign interference in 2020 election. Current employment: American Global Strategies, [REDACTED]. Subject to <i>Touhy</i> clearance from ODNI
Carter Jones	Fact	Observations re: Nov. 2020 Fulton County Election. Seven Hills Strategies, [REDACTED]
William Kolibash	Fact/Expert	DOJ policies concerning local bar discipline of federal attorneys and his personal experience re same. [REDACTED]
Mark Meadows	Fact	Charged conduct; request to Jeff Rosen that Clark investigate absentee ballot signature verification in Fulton County, Georgia; phone calls between the President and Respondent; meeting between Scott Perry, Respondent, and the President. Via his attorney George Terwilliger, george@gjt3law.com , (202) 857-2473
Rep. Scott Perry	Fact	Introduction of Respondent to the President; Via his counsel, John Irving, 703-844-4118
Tony Shaffer	Fact	Response of William P. Barr to Mr. Shaffer's investigation relating to Jesse Morgan driving a truck load of ballots from New York to Pennsylvania. [REDACTED]
Suzy Voyles	Fact	Seeing stacks of pristine ballots primarily voted for Biden that appeared to have been printed on a computer printer in Nov. 2020 election in Fulton County. [REDACTED]
John Lott	Expert	Election related research and work as a contractor for DOJ (Studies will be exhibits). [REDACTED]
Professor Don Elliot	Expert	Duties of a government lawyer, importance of confidentiality in deliberations over legal advice (Report forthcoming) [REDACTED]

¹ Listed while reserving the right to resist testifying.

William McSwain	Fact	DOJ approach to 2020 election issues in Eastern District of PA; [REDACTED] Subject to <i>Touhy</i> clearance and privilege arguments.
Stan Young	Expert	Statistical anomalies in Fulton County absentee ballot time series data and state time series data in 2020 election (Declarations and Report forthcoming) Stan Young: [REDACTED]
Rep. Matt Gaetz	Fact	Conduct of DOJ regarding election issues and its response to congressional inquiries re same. Through his GC, Andrew Kloster (202) 779-1546.
Eric Dreiband	Fact	Report of threat that he would resign if Respondent was appointed Acting Attorney General. Through counsel Stewart Crosland, [REDACTED]
Kevin Moncla	Expert	Issues with Fulton County election in November 2020 (Complaints to State Election Board and Report forthcoming) [REDACTED]
Associate Dean Aram Gavor	Fact	Analysis carried out at request of Respondent into an election-related subject and Respondent's response to the conclusion presented. Via counsel Justin Flint 410-576-69410 x1102. Subject to <i>Touhy</i> clearance and ruling on executive and law enforcement privilege
Larry Keefe	Fact	Provisional on <i>Touhy</i> authorization and ruling on law enforcement privilege: Conduct of DOJ regarding whether election issues should be investigated. [REDACTED] Subject to <i>Touhy</i> clearance.
Mark Wingate	Fact	Explain his vote and that of co-Board Member Kathleen Ruth against certification of 2020 election in Fulton County based on failure to carry out any signature verification on absentee ballots. [REDACTED]
Garland Favorito	Expert	Irregularities/defects in 2020 election as held in Fulton County (Report forthcoming). [REDACTED]
G. Douglas Smith	Fact	Provisional on <i>Touhy</i> authorization and ruling on executive and law enforcement privilege: Legal analysis carried out at request of Respondent and Respondent's response thereto. [REDACTED]

Edwin Meese	Expert	Responsibilities of an Assistant Attorney General; powers of the President; role of DOJ lawyers to dissent when they disagree. (Declaration will be provided.) edwin.meese@heritage.org
Andrew Kloster	Fact	DOJ approach to 2020 election investigations. (202) 779-1546
Professor Paul Salamanca	Character	Worked with Mr. Clark at DOJ; [REDACTED]
Heidi Stirrup	Fact	DOJ approach to 2020 election issues; Via counsel Kip Byrne (202) 487-68[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED] election systems. [REDACTED]
Harry Haury	Expert on Cyber Security, fact on Jesse Morgan	Cyber security issues; whistleblower re: issues in Nov. 2020 election in PA and Jesse Morgan. [REDACTED]
Joe Marolda	Expert, Summary	Analysis of Nov. 2020 Election in Fulton County; Discrepancies that were obvious at the time. [REDACTED]
Andrew Emrich	Character	Worked with Respondent for four years at DOJ. 3 [REDACTED]
Phil Fox or Other Designated ODC Representative Familiar with Past Disciplinary Matters	Fact	Absence of prior disciplinary cases that meet the jurisdictional prerequisites of 28 U.S.C. § 530B and 28 C.F.R. § 77.2 if ODC refuses Respondent's proposed stipulations on these issues.

PROFFERED WITNESSES:

Joe Rossi	Expert	Issues with hand count in Fulton County in Nov. 2020 election. (Report forthcoming); [REDACTED]
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Walter C. Daugherty	Expert	Analysis of operation and security of Dominion electronic voting systems. (Report forthcoming) [REDACTED]
Phillip Davis	Expert	Analysis of Nov. 2020 election in Fulton County, GA of errors in hand count; identification of unique ballots appearing only in first machine count or second machine count in Fulton County. (Report forthcoming). [REDACTED]
Joe Marolda	Expert, Summary	Analyses of Nov. 2020 Election in Fulton County and Georgia; [REDACTED];

Respondent reserves the right to supplement or amend this list based on evidence that may become available in *State v. Trump* (pending Fulton County Superior Court), *United States v. Trump* (pending U.S. District Court for the District of Columbia), *Curling v. Raffensberger* (pending U.S. District Court for the Northern District of Georgia), and/or other 2020 election-related litigation in federal or state court. We reiterate our objections that the planned trial to begin March 26, 2024 is mis-sequenced compared to especially the first listed case in this paragraph. And we also reiterate that we are participating in the trial process under protest, as we believe it is *ultra vires* for the trial to proceed, especially composed as it is of an asserted non-court set of adjudicators organized under the auspices of Article I of the U.S. Constitution.

Lastly, Respondent reserves the right to add witnesses from whom permission to identify them publicly has not yet been secured and who are concerned for their personal safety. Subject to a protective order, Respondent will identify these witnesses.

Respectfully submitted this 4th day of March, 2024.

/s/ Charles Burnham

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CERTIFICATE OF SERVICE

I hereby certify that I have on this day served counsel for the opposing party with a copy of this *Respondents' March 4, 2024 Amended Witness List* by email addressed to:

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This this 4th day of March, 2024.

/s/ Harry W. MacDougald
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