

July 17, 2025

Office of Disciplinary Counsel
District of Columbia Court of Appeals
515 5th Street NW
Building A, Suite 117
Washington, D.C. 20001

Florida Judicial Qualifications Commission
P.O. Box 14106
Tallahassee, FL 32317

CC: All Members of the U.S. Senate
The Florida Bar, Division of Lawyer Regulation

Re: Judge Edward L. Artau

Dear Disciplinary Officials:

The undersigned civil society organizations write to raise serious concerns about Judge Edward L. Artau. Judge Artau is a state appellate court judge in Florida who is President Trump's nominee to be a United States District Judge for the Southern District of Florida.¹

Recent news reporting² suggests that Judge Artau may have engaged in improper dealings to secure his judicial nomination in exchange for authoring judicial opinions which personally benefit President Trump to the detriment of everyone else's First Amendment rights. Judge Artau later gave statements about the matter, while under oath to the U.S. Senate, that are incomplete, misleading, or inconsistent with the factual record.

As organizations that champion First Amendment freedoms, we first took notice of Judge Artau's actions because the underlying case involves the press and the Pulitzer board. However, our concern that Judge Artau's actions undermine legal protections for press freedoms is not the reason we believe investigations and discipline are appropriate. We are submitting this complaint as public interest organizations that are focused on the integrity of our legal systems and the future of American democracy, which impacts all Americans, including the press. As such, we emphasize that the analysis in this complaint regarding the ethics concerns raised by Judge Artau's actions is separate from our institutional views about the freedom of the press.

Specifically, we are concerned that Judge Artau's conduct may have violated Florida's Code of Judicial Conduct (Canons) and the Rules of Professional Conduct for the District of Columbia (Rule), including the following:

¹ Nomination of Edward L. Artau, No. 346, 119th Cong. (2025), <https://www.congress.gov/nomination/119th-congress/346>.

² Hailey Fuchs, *A judge sided with Trump. Behind the scenes, he was lobbying for a nomination.*, Politico (June 20, 2025), <https://www.politico.com/news/2025/06/20/ed-artau-trump-judge-nomination-florida-00415408>.

- **Canon 2.** This Canon requires judges to avoid “impropriety and the appearance of impropriety.”
- **Canon 3.** This Canon requires that a judge shall disqualify himself “in a proceeding in which the judge’s impartiality might reasonably be questioned.”
- **Canon 5.** This Canon requires judges to abstain from activities outside their judicial role that “cast reasonable doubt on the judge’s capacity to act impartially as a judge,” “undermine the judge’s independence, integrity, or impartiality,” “demean the judicial office,” or “interfere with the proper performance of judicial duties.”
- **Rule 3.3.** This Rule prohibits a lawyer from knowingly making a false statement of fact or law to a tribunal. As Comment 2 states, “[t]here may be circumstances where failure to make a disclosure is the equivalent of an affirmative misrepresentation.”
- **Rule 4.1(a).** This Rule prohibits a lawyer from knowingly making a false statement of material fact or law to a third person.
- **Rule 8.4(c).** This Rule prohibits a lawyer from engaging in “conduct involving dishonesty, fraud, deceit, or misrepresentation.”
- **Rule 8.4(a).** This Rule states that it is professional misconduct for a lawyer to violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another.
- **Rule 8.4(d).** This Rule prohibits a lawyer from engaging in conduct that seriously interferes with the administration of justice.

As public interest organizations, we are deeply concerned by the allegations against Judge Artau and the implications for the judiciary. We therefore ask you to investigate Judge Artau’s conduct for compliance with the ethics rules enforced by your respective offices: the Rules of Professional Conduct for the District of Columbia enforced by the D.C. Bar and the Florida Code of Judicial Conduct enforced by the Florida Judicial Qualifications Commission. We urge you to then initiate appropriate disciplinary proceedings if warranted — up to and including removal from office³ and disbarment.

I. Factual Background

A. Summary Timeline

The core allegations surrounding Judge Artau’s conduct are summarized by this recent news headline and subheadline: “A judge sided with Trump. Behind the scenes, he was lobbying for a nomination. Ed Artau was already meeting with Senate staff about securing a nomination to the

³ Florida Judicial Qualifications Commission, *Frequently Asked Questions: What are the possible sanctions that could be imposed?* (accessed July 16, 2025), <https://floridajqc.com/faq/#1525703101785-472e1981-e908>.

federal bench when he sided with Trump in a case, according to a new Senate disclosure obtained by POLITICO.”⁴

To guide your review of our complaint, below is a timeline outlining relevant facts. This information is based on Judge Artau’s own disclosures to the U.S. Senate under oath in his Senate questionnaire⁵ and in his Senate hearing testimony,⁶ public court records, and undisputed news coverage.

- **1995:** According to Florida news reports, Judge Artau’s role on a judicial nominating commission spurred an external ethics investigation: “In 1995, his role on a Judicial Nominating Commission sparked a gubernatorial investigation. It concluded that he shouldn’t have pushed for a candidate whose husband had arranged for his appointment to the panel.”⁷ Subsequently, Judge “Artau ... was turned down in his 2002 bid for a county judgeship despite letters of support from GOP leaders.”⁸
- **2014:** Judge Artau was appointed by then-Governor Rick Scott to be a Circuit Court Trial Judge in Florida’s Fifteenth Judicial Circuit, located in West Palm Beach.⁹
- **April 16, 2018:** The Pulitzer Prize was jointly awarded to the staff of *The Washington Post* and *The New York Times* for their “deeply sourced, relentlessly reported coverage in the public interest that dramatically furthered the nation’s understanding of Russian interference in the 2016 presidential election and its connections to the Trump campaign, the President-elect’s transition team and his eventual administration.”¹⁰
- **June 10, 2020:** Florida Governor Ron DeSantis announced Judge Artau’s appointment to be a state judge on Florida’s Fourth District Court of Appeal,¹¹ on which Judge Artau currently sits.
- **July 18, 2022:** After repeated demands from President Trump¹² that the Pulitzer board revoke its 2018 award to the *Post* and *Times*, the board issued a statement noting that it had conducted “two independent reviews,” both of which concluded that “no passages or

⁴ Hailey Fuchs, *A judge sided with Trump. Behind the scenes, he was lobbying for a nomination.*, Politico (June 20, 2025), <https://www.politico.com/news/2025/06/20/ed-artau-trump-judge-nomination-florida-00415408>.

⁵ Public Questionnaire Answers By Hon. Edward L. Artau, Nominee to be U.S. District Judge for the Southern District of Florida, Hearing on Nominations Before the S. Comm. on the Judiciary, 119th Cong. (June 25, 2025), https://www.judiciary.senate.gov/imo/media/doc/artau_sjq.pdf.

⁶ Nominations, Hearing Before the S. Comm. on the Judiciary, 119th Cong. (June 25, 2025), <https://www.judiciary.senate.gov/committee-activity/hearings/nominations-06-25-2025>.

⁷ Jane Musgrave, *Gov. Scott picks three for Palm Beach County judgeships*, The Palm Beach Post (Dec. 22, 2014), <https://www.palmbeachpost.com/story/news/crime/2014/12/23/gov-scott-picks-three-for/7234038007/>.

⁸ *Id.*

⁹ *Id.*

¹⁰ Pulitzer Prizes, *The 2018 Pulitzer Prize Winner in National Reporting to Staffs of The New York Times and The Washington Post* (Apr. 18, 2022), <https://www.pulitzer.org/winners/staffs-new-york-times-and-washington-post>.

¹¹ Executive Office of the Governor, Ron DeSantis 46th Governor of Florida, *Governor Ron DeSantis Makes Four Judicial Appointments* (June 10, 2020), <http://flgov.com/eog/news/press/2020/governor-ron-desantis-makes-four-judicial-appointments>.

¹² Martin Pengelly, *Trump demands Pulitzer board rescind awards for Russia interference reporting*, The Guardian (Oct. 4, 2021), <https://www.theguardian.com/us-news/2021/oct/04/donald-trump-pulitzer-prize-board-russia-new-york-times-washington-post>.

headlines, contentions or assertions in any of the winning submissions were discredited by facts that emerged subsequent to the conferral of the prizes.”¹³

- **December 13, 2022:** President Trump filed a defamation lawsuit against the Pulitzer board over its July 18, 2022 statement.¹⁴ As one legal publication noted, by then the statute of limitations for suing over the original 2018 award decision four years earlier had likely run out long ago.¹⁵ The lawsuit garnered widespread news media coverage.¹⁶
- **August 6, 2024:** President Trump’s defamation lawsuit against the Pulitzer board reached the Florida Fourth District Court of Appeals, on which Judge Artau has sat since 2020, when a notice of appeal of a nonfinal order was filed in *Alexander v. Trump*.¹⁷
- **October 25, 2024:** The final brief in *Alexander v. Trump* was filed on this date, which means the matter to be decided was fully briefed and ready for assignment to a panel of judges on the Fourth District Court of Appeals.¹⁸
- **November 5, 2024:** By the late evening on Election Day, Trump was declared the apparent winner of the 2024 presidential election.
- **November 14, 2024:** Judge Artau stated in his written Senate questionnaire that he met with Senator Rick Scott’s general counsel to discuss his interest in “being considered for nomination to the open vacancy on the U.S. District Court for the Southern District of Florida.”
- **“When Joe Biden was president,” i.e., from January 20, 2021 to January 20, 2025:** Judge Artau stated during his Senate nomination hearing on June 25, 2025 that he had spoken to Senator Scott’s staff during the previous Biden Administration, i.e., “when Joe Biden was president,” about a possible presidential nomination for him to fill a federal judicial vacancy.

¹³ Pulitzer Prizes, A Statement from the Pulitzer Prize Board (July 18, 2022), <https://www.pulitzer.org/news/statement-pulitzer-prize-board-2>.

¹⁴ The docket for *Trump v. Alexander et al.*, No. 472022CA000246CAAXMX (Fla. Cir. Ct., Okeechobee Cnty.) is available online via the search at <https://www.civitekflorida.com/ocrs/county/47/> (search for the “sequence number” of 000246).

¹⁵ Liz Dye, *Trump Sues Pulitzer Board For Defamatory Refusal To Revoke A Prize: The OG vexatious litigant strikes again.*, Above The Law (Dec. 15, 2022), <https://abovethelaw.com/2022/12/trump-sues-pulitzer-board-for-defamatory-refusal-to-revoke-a-prize/>.

¹⁶ See, e.g., Brian Flood, *Trump files defamation suit against members of Pulitzer Prize Board for defending ‘debunked’ Russiagate honors*, Fox News (Dec. 13, 2022), <https://www.foxnews.com/media/trump-files-defamation-suit-against-members-pulitzer-prize-board-defending-debunked-russiagate-honors>.

¹⁷ *Alexander v. Trump*, No. 4D2024-1983 (Fla. 4th DCA), docket available online at <https://acis.flcourts.gov/portal/court/cdc2beb5-919b-4198-a731-7b253b7119cc/case/bfa564f2-224e-4d60-a83d-b4157304217b> (last visited July 10, 2025).

¹⁸ Appellate Lawyer Members of the Palm Beach County Appellate Practice Committee, *Understanding The Appellate Process In The Fourth District Court Of Appeal* (updated as of Apr. 2018), <https://4dca.flcourts.gov/content/download/305/file/Understanding%20the%20Appellate%20Process%202018.pdf> (“After the court receives and reviews the briefs submitted, the record, conducts its own research, and hears oral argument when granted, a panel of judges will sit and discuss, or ‘conference’ the case. They will arrive at a decision on the issues involved.”).

- **After January 21, 2025 and likely before February 27, 2025:** Senator Ashley Moody was sworn in on January 21, 2025.¹⁹ Judge Artau stated in his Senate questionnaire that after Senator Moody was appointed to the Senate, “I contacted her office to indicate interest in the nomination.” Judge Artau continued, “I was subsequently contacted by the Senators and advised that they would be recommending me to the White House for consideration.”

These communications with Senator Moody’s office likely occurred before February 27, 2025, the date on which Judge Artau indicated he interviewed with the White House Counsel’s Office as follow-up to the senators’ recommendation to the White House.

- **February 12, 2025:** Judge Artau issued a ruling as part of a three-judge panel of the Fourth District Court of Appeal that allowed President Trump’s personal defamation lawsuit to move forward against the Pulitzer board. Judge Artau simultaneously published a separate concurrence that sided with President Trump and called on the Supreme Court to overturn the landmark First Amendment ruling in *New York Times Co. v. Sullivan* in order to make it easier for government leaders to sue over press coverage they dislike.
- **February 27, 2025:** Judge Artau interviewed with attorneys from the White House Counsel’s Office, according to his Senate questionnaire.
- **May 27, 2025:** Judge Artau personally met with President Trump, according to his Senate questionnaire.
- **May 28, 2025:** President Trump announced on social media that he would nominate Judge Artau for the federal judicial bench.²⁰
- **June 25, 2025:** During a Senate Judiciary Committee nominations hearing, Judge Artau made statements under oath that are incomplete, misleading, or inconsistent with the established facts in the public record and his own written Senate questionnaire.

B. Judge Artau’s Rulings On President Trump’s Lawsuit Against the Pulitzer Board

The case at the heart of this ethics complaint is a personal lawsuit filed by President Trump against the Pulitzer board in his private dispute with the press. Specifically, the president sued the Pulitzer board for statements it made in connection to its refusal to rescind its 2018 award to *The Washington Post* and *The New York Times* for their news reporting on “purported Russian interference in the 2016 presidential election and alleged connections to Trump.”²¹ The Pulitzer

¹⁹ Gray Rohrer, *From Tallahassee to DC: Ashley Moody sworn in as Florida’s newest US senator*, Tallahassee Democrat (Jan. 22, 2025), <https://www.tallahassee.com/story/news/politics/2025/01/22/ashley-moody-us-senate-florida/77873340007/>.

²⁰ Hailey Fuchs, *A judge sided with Trump. Behind the scenes, he was lobbying for a nomination.*, Politico (June 20, 2025), <https://www.politico.com/news/2025/06/20/ed-artau-trump-judge-nomination-florida-00415408>.

²¹ Eugene Volokh, *No Stay in Trump’s Personal Defamation Lawsuit Against Pulitzer Prize Board Members*, Reason (May 29, 2025), <https://reason.com/volokh/2025/05/29/no-stay-in-trumps-personal-defamation-lawsuit-against-pulitzer-prize-board-members/> (quoting court record).

board declined to do so after independent reviews of the *Times* and *Post* stories, explaining in a statement in 2022 that the “reviews converged in their conclusions: that no passages or headlines, contentions or assertions in any of the winning submissions were discredited by facts that emerged subsequent to the conferral of the prizes.”²²

In response, President Trump alleged the Pulitzer board defamed him with its 2022 statement and filed a personal lawsuit as a resident of Florida. On February 12, 2025, a three-judge panel of the Fourth District Court of Appeal ruled in *Alexander v. Trump* that President Trump’s lawsuit had met the requirements of Florida’s long arm statute and the Due Process Clause, and refused to dismiss the lawsuit on the grounds of lack of personal jurisdiction.²³

Judge Artau was a member of this panel of state appellate judges who cleared the way for President Trump’s personal defamation lawsuit to move forward. Not only did Judge Artau refuse to disqualify himself from the case, he even issued a gratuitous solo concurrence addressing the merits of the president’s claims,²⁴ siding with the president, and calling for the Supreme Court to overturn the landmark First Amendment decision in *New York Times Co. v. Sullivan*²⁵ in order to make it easier for politicians to file defamation lawsuits over news coverage they personally disfavor.

The timing of these events is damning. Judge Artau himself admits that he had been in communication with Senate staff about a presidential judicial nomination for himself in the years and weeks leading up to the court’s February 12, 2025 judicial ruling and his concurrence, which personally benefit President Trump in his private legal dispute.

Judge Artau’s rulings were issued in a case, *Alexander v. Trump*, which had been pending in his appeals court since the previous summer and had been fully briefed on the matter to be decided and ready for assignment to a panel of judges since October 25, 2024. This sequence of events means that Judge Artau was likely assigned the case long before he ramped up his push for the nomination, in anticipation of President Trump soon retaking the authority to give him that nomination. In fact, Judge Artau testified during the Senate nomination hearing on June 25, 2025 that he had considered whether to disqualify himself from the case.

Indeed, after repeatedly contacting Senator Scott’s office during the Biden Administration, Judge Artau again contacted Senator Scott’s general counsel on November 14, 2024 — well after President Trump had been declared the victor of the 2024 election. Judge Artau also stated that he contacted Senator Moody’s office shortly after she was sworn in on January 21, 2025, i.e., “Senator Moody was just coming into transition at the time,” according to his Senate testimony.

²² Jim Saunders, *Trump’s lawsuit against the Pulitzer board will go to the Florida Supreme Court*, Orlando Weekly (July 3, 2025), <https://www.orlandoweekly.com/news/trumps-lawsuit-against-the-pulitzer-board-will-go-to-the-florida-supreme-court-39878579>.

²³ *Alexander v. Trump*, No. 4D2024-1983, 404 So. 3d 425 (Fla. 4th DCA Feb. 12, 2025), <https://acis-api.flcourts.gov/courts/cdc2beb5-919b-4198-a731-7b253b7119cc/cms/case/bfa564f2-224e-4d60-a83d-b4157304217b/docketentrydocuments/25e4cdb4-63d8-4c74-8717-c96cf34338bd>.

²⁴ *Id.* at 3-15 (Artau, J., concurring).

²⁵ *N.Y. Times Co. v. Sullivan*, 376 U.S. 254 (1964).

The plain purpose of these communications was to convince the senators to recommend him to the Trump White House for a federal judicial nomination, which Judge Artau confirmed in his Senate questionnaire: “I was subsequently contacted by the Senators and advised that they would be recommending me to the White House for consideration.”

In short, Judge Artau was presiding over and championing President Trump’s private interests in a personal legal dispute while simultaneously advocating for the U.S. Senate to recommend him to President Trump and for President Trump to give him that judicial nomination.

Judge Artau’s bid was successful. Two weeks after his February 12, 2025 decision and concurrence, the White House interviewed him. President Trump then announced Judge Artau’s judicial nomination to the federal bench on May 28.

C. Judge Artau’s Statements Regarding The Lawsuit and His Judicial Nomination

Judge Artau testified before the U.S. Senate Judiciary Committee on June 25, 2025 in a nominations hearing.²⁶ During the hearing, Senator Richard Blumenthal asked Judge Artau about his judicial role in *Alexander v. Trump* while pushing for his own judicial nomination²⁷; a transcript of the verbal exchange is attached to this complaint as Exhibit 1. As detailed below, Judge Artau gave answers under oath that were incomplete, misleading, or inconsistent with the public record, including his own written disclosures in his Senate questionnaire.

1. Judge Artau on his refusal to recuse himself from Alexander v. Trump.

When Senator Blumenthal asked Judge Artau why he did not recuse himself from President Trump’s personal defamation lawsuit while seeking a nomination from the same litigant, Judge Artau confirmed that he actively considered the recusal issue. Judge Artau further explained that “Canon 3B requires that a judge hear and decide matters assigned to the judge except if disqualification is required by 3E. And 3E has only four different bases that could possibly apply to me.” He elaborated that “I didn’t have any personal bias or prejudice in the case. I did not serve as a lower ... lower court judge. And I had no economic interest in the subject controversy itself.”

However, as discussed in Section II of our complaint, Judge Artau gave an erroneous and self-serving explanation of the judicial canons governing his conduct, including Canon 3B, Canon 3E, and other provisions.

2. Judge Artau on his contacts with Senator Moody’s office.

When Senator Blumenthal asked Judge Artau “had you spoken to anyone else, including Senator Moody, about the possibility of a judicial appointment,” Judge Artau replied that “I never spoke

²⁶ Nominations, Hearing Before the S. Comm. on the Judiciary, 119th Cong. (June 25, 2025), <https://www.judiciary.senate.gov/committee-activity/hearings/nominations-06-25-2025>.

²⁷ This portion begins around the 3:40:40 mark of the Senate’s official video stream of the hearing.

with Senator Moody.” Judge Artau elaborated that “I think Senator Scott passed on my resume perhaps and I indicated that I’m available if they have any questions, but I did not hear back from Senator Moody’s office because Senator Moody was just coming into transition at the time.”

However, Judge Artau’s testimony misleadingly omitted that he had initiated contact with Senator Moody’s *staff* to express his interest in the nomination, even if he never spoke directly with Senator Moody herself. As his own Senate questionnaire indicated, “After Senator Ashley Moody was appointed to succeed Senator Marco Rubio. *[sic]* I contacted her office and expressed my interest in the nomination.” Although Judge Artau’s testimony about meeting with Senator Scott’s staffers indicates that he clearly understands the importance and value of meeting with a senator’s aides, he still omitted this information about meeting with Senator Moody’s staff.

3. *Judge Artau on his contacts with Senator Scott’s office.*

When Senator Blumenthal noted that Judge Artau had “repeatedly discussed with Senator Scott’s staff the possibility” of the judicial nomination, Judge Artau attempted to justify doing so by stating that “But of course, Senator Scott did not have a case before me. And I was not communicating with the White House or anybody else.” Furthermore, when Senator Blumenthal specifically asked Judge Artau about his refusal to recuse himself from *Alexander v. Trump* despite his communications with Senator Scott’s office about his desire for a judicial nomination, Judge Artau replied that he made those communications “when Joe Biden was president.”

However, Judge Artau’s carefully worded deflections are misleading when properly contextualized. Joe Biden was president until January 20, 2025. By that point, President Trump had been elected and famously had a case pending in the court on which Judge Artau sat, while Judge Artau was already renewing his contacts with Senator Scott’s office about a presidential nomination for himself.

Importantly, Judge Artau could have easily relied on the senators and their aides to serve as an intermediary to convey his messages to the White House on his behalf — an arrangement that would easily allow Judge Artau to claim that (technically) he never communicated (directly) with the White House at this time. As his Senate questionnaire indicated, the Florida senators even expressly informed Judge Artau that they were serving as that intermediary by “recommending me to the White House for consideration.” The senators’ recommendations were successful, as Judge Artau’s Senate questionnaire continued that “I interviewed with attorneys from the White House Counsel’s Office on February 27, 2025.”

4. *Judge Artau on prior criticisms of his ethics.*

After summarizing the *Alexander v. Trump* appeals case that Judge Artau ruled on, Senator Blumenthal asked him, “Given that concurrence and the false information that you included in it, should litigants have any expectation that you can be unbiased, especially if the federal government is involved as a party?” Judge Artau then replied, “Senator, I’ve been a judge – I’ve been a judge for 11 years. Nobody’s ever questioned my integrity.”

That answer is false. As a local newspaper reported, “Artau . . . was turned down in his 2002 bid for a county judgeship despite letters of support from GOP leaders. In 1995, his role on a Judicial Nominating Commission sparked a gubernatorial investigation. It concluded that he shouldn’t have pushed for a candidate whose husband had arranged for his appointment to the panel.”²⁸

Furthermore, when President Trump announced that he would nominate Judge Artau, a Florida newspaper editorial openly questioned Judge Artau’s integrity. The *Sun Sentinel*’s editorial board wrote that Judge Artau (and another judicial nominee) had authored a judicial opinion “sure to please” President Trump, then continued that “it would impugn their fitness to be federal judges if they knew at the time that Trump was considering them for the federal bench.” The *Sun Sentinel* called on senators at Judge Artau’s confirmation hearing to ask a “familiar Washington question: What did you know and when did you know it?”²⁹

II. Relevant Ethics Rules and Analysis

Like other public officials, Judge Artau is subject to federal and state anti-bribery laws. It should be noted that a “thing of value” in public corruption prosecutions can involve not just cash bribes but also intangible benefits and political favors, such as jobs, appointments, endorsements, career support, or access to power or influence.³⁰

As a judge on Florida’s Fourth District of Appeal, Judge Artau is further subject to the authority of the Florida Judicial Qualifications Commission (Commission), which enforces the state’s Code of Judicial Conduct.³¹ He is additionally subject to the disciplinary authority of the D.C. Bar³² because he is a member³³ and his alleged misdeeds focus on activities and discussions underway in the District of Columbia, including the White House and the U.S. Senate.

If Judge Artau indeed traded his judicial rulings to advance President Trump’s personal interests in exchange for a presidential nomination from President Trump, his conduct may have crossed the line from self-serving politicking to potentially unlawful quid pro quo and public corruption. At the very least, Judge Artau’s conduct raises strong concerns about his integrity and

²⁸ Jane Musgrave, *Gov. Scott picks three for Palm Beach County judgeships*, The Palm Beach Post (Dec. 22, 2014), <https://www.palmbeachpost.com/story/news/crime/2014/12/23/gov-scott-picks-three-for/7234038007/>.

²⁹ Jay Willis, *Ed Artau Knew Exactly What He Was Doing*, Balls and Strikes (June 25, 2025), <https://ballsandstrikes.org/nominations/ed-artau-trump-audition/> (quoting *Sun Sentinel* editorial).

³⁰ For example, Illinois Governor Rod Blagojevich was charged with, among other crimes, solicitation of intangible quid pro quo bribes such as an ambassadorship in exchange for Barack Obama’s vacant Senate seat. In 2011, he was ultimately convicted of corruption related to the Senate vacancy and of other charges.

³¹ Fla. Code Jud. Conduct (Fla. Supreme Court), <https://supremecourt.flcourts.gov/content/download/402388/file/Florida%20Code%20of%20Judicial%20Conduct.pdf>.

³² Rules Governing the District of Columbia Bar, Rule XI(1)(a) (“All members of the District of Columbia Bar . . . are subject to the disciplinary jurisdiction of this Court and its Board on Professional Responsibility (hereinafter referred to as “the Board”).”) The D.C. Bar can and has disbarred judges; see, e.g., *In re Diane L. Kroupa, A Judicial Member of the Bar of the D.C. Ct. App.*, Bar Reg. No. 388667, 183 A.3d 737 (D.C. 2018), https://scholar.google.com/scholar_case?case=16394212229242579357.

³³ D.C. Bar Member Directory Profile for “Hon. Edward L. Artau,” available at <https://my.dcb.org/directorymemberships?id=0014z00001kZchrAAC>.

compliance with his ethical obligations that warrant your full investigation. The relevant ethical standards for you to consider include the following.

A. Ethics Standards Governing Conflicts of Interest

Florida's Code of Judicial Conduct includes rules explicitly requiring recusal under certain circumstances. Specifically, **Canon 3E** mandates all judges to disqualify themselves from a case whenever their "impartiality *might* reasonably be questioned, *including but not limited to instances*" listed in Canon 3E (emphasis added). Although Judge Artau testified that this judicial canon lists "only four different bases" that would require recusal and claimed that none of those bases applied to him, his claim is inaccurate.

First, the canon itself expressly states that its listed instances are not exclusive and not exhaustive. In fact, Commentary to Canon 3E(1) expressly repeats the warning and then gives a specific example analogous to Judge Artau's situation:

Under this rule, a judge is disqualified whenever the judge's impartiality might reasonably be questioned, regardless of whether any of the specific rules in Section 3E(1) apply. For example, if a judge were in the process of negotiating for employment with a law firm, the judge would be disqualified from any matters in which that law firm appeared, unless the disqualification was waived by the parties after disclosure by the judge.

As in the Commentary's example, Judge Artau was "in the process of negotiating for employment" from one of the parties in a case he was presiding over: approval from the plaintiff, President Trump, was necessary to make Judge Artau's desired future employment possible. In such scenarios, the judge must disqualify himself from the case. Judge Artau did not.

Second, Judge Artau's claim that none of the listed four instances in Canon 3E applied to him anyway to require recusal is inaccurate. Canon 3E states the following:

(1) A judge shall disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to instances where:

[. . .]

(c) the judge knows that he or she individually or as a fiduciary, or the judge's spouse, parent, or child wherever residing, or any other member of the judge's family residing in the judge's household has an economic interest in the subject matter in controversy or in a party to the proceeding or has any other more than de minimis interest that could be substantially affected by the proceeding;

(d) the judge or the judge's spouse, or a person within the third degree of relationship to either of them, or the spouse of such a person:

(iii) is known by the judge to have a more than de minimis interest that could be substantially affected by the proceeding;

Judge Artau did in fact have a substantial personal and economic interest “that could be substantially affected by the proceeding”: behind the scenes, he was seeking a prestigious job from one of the parties to that proceeding, i.e., a nomination from the president to a powerful lifetime judgeship on the federal bench.

Additionally, Judge Artau appears to have failed to disclose the conflict of interest on the record as he was required to, in order to give fair notice to the defendants being sued by the president and an opportunity for them to object. Commentary to Canon 3E(1) explains (emphasis added) that “A judge should disclose on the record information that the judge believes *the parties or their lawyers might consider relevant* to the question of disqualification, *even if the judge believes there is no real basis for disqualification.*”

Beyond Canon 3E’s direct edict on a judge’s self-disqualification, Judge Artau may have violated other judicial canons by refusing to recuse himself from *Alexander v. Trump* and failing to disclose his personal pursuit of a powerful new job from one of the parties. **Canon 1** generally requires judges to uphold the “integrity and independence of the judiciary,” while **Canon 2** requires judges to avoid “impropriety and the appearance of impropriety.” This “prohibition against behaving with impropriety or the appearance of impropriety applies to both the professional and personal conduct of a judge.” And under Canon 2, the “test for appearance of impropriety is whether the conduct would create in reasonable minds, with knowledge of all the relevant circumstances that a reasonable inquiry would disclose, a perception that the judge’s ability to carry out judicial responsibilities with integrity, impartiality, and competence is impaired.”

Canon 2B also specifically prohibits a judge from using “the prestige of judicial office to advance the private interests of the judge or others.” Commentary to Canon 2 gives several examples: “it would be improper for a judge to allude to his or her judgeship to gain a personal advantage such as deferential treatment when stopped by a police officer for a traffic offense,” and “a judge must not use the judge’s judicial position to gain advantage in a civil suit involving a member of the judge’s family.”

This regulation of a judge’s personal conduct is so important that **Canon 5** again expressly states that “all” of a judge’s extra-judicial behavior outside a courtroom is subject to prohibitions on activities that “cast reasonable doubt on the judge’s capacity to act impartially as a judge,” “undermine the judge’s independence, integrity, or impartiality,” “demean the judicial office,” or “interfere with the proper performance of judicial duties.”

With respect to ethics rules binding on all members of the D.C. Bar, **Rule 8.4** specifically states it is professional misconduct to:

- (a) Violate or attempt to violate the Rules of Professional Conduct, knowingly assist 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 misrepresentation;
 - (d) Engage in conduct that seriously interferes with the administration of justice;
 - (e) State or imply an ability to influence improperly a government agency or official;
 - (f) Knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law;
- [. . .]

Under these Rules, it is unethical for a judge to decide a case in which he is seeking a nomination for a powerful lifetime government job from one party — whether negotiated through direct *ex parte* communications or through the acts of intermediaries³⁴ — particularly when that judge's personal career pursuits are undisclosed to the other party. *Any* competent judge would understand that defendants being sued by the most powerful politician in the country would be reasonably concerned if a presiding judge were to be simultaneously seeking a job from the same politician. Not only would that concern be perfectly reasonable, lawyers would arguably violate their own duty of zealous representation by ignoring the potential conflicts of interest and resulting harm to their client.

If a judge were to engage in these kinds of acts nonetheless, his conduct would compromise his honesty, trustworthiness, fitness as an officer of the court, and impartiality over the case. As a broader matter, the corruption would also damage the integrity of the judiciary and the public's confidence in our legal system.

Yet in this situation, the indisputable facts show that Judge Artau ruled on a case in which he was seeking something personally valuable from one party, apparently without the knowledge of the other party: a nomination for himself from President Trump, who is the plaintiff in the same lawsuit against the Pulitzer board on which Judge Artau ruled. Judge Artau even issued a gratuitous solo concurrence defending President Trump, who soon rewarded him with the judicial nomination he had been seeking for years. Critically, there appears to be no public evidence that Judge Artau disclosed any of these material facts to the defendants or their counsels in *Alexander v. Trump*, let alone give them the opportunity to waive their objections. Weighed in light of the relevant ethics requirements, Judge Artau's conduct clearly raises concerns that he potentially violated these rules.

B. Ethics Standards Requiring Honesty and Candor

As a Florida judge and a member of the D.C. Bar subject to those authorities' ethics standards, Judge Artau is required to be truthful and to refrain from violating laws against perjury. These rules include the following canons of the Florida Code of Judicial Conduct and the Rules of Professional Conduct for the District of Columbia:

³⁴ Judge Thomas J. Maloney, a state judge in Cook County, Illinois, was convicted in 1993 of accepting bribes to fix murder trials. Notably, Maloney used an intermediary between himself and the lawyer seeking a "fix." See, e.g., *U.S. v. Maloney*, 71 F.3d 645, 650 (7th Cir. 1995), <https://caselaw.findlaw.com/court/us-7th-circuit/1463552.html>.

- **Canon 1**, which dictates that “A judge shall uphold the integrity and independence of the judiciary.”
- **Canon 2A**, which states that “A judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.”
- **Canon 4A**, which requires that “A judge shall conduct all of the judge’s extrajudicial activities so that they do not: (a) cast reasonable doubt on the judge’s capacity to act impartially as a judge. . . .”
- **Rule 3.3**. This Rule prohibits a lawyer from knowingly making a false statement of fact or law to a tribunal. As Comment 2 states, “[t]here may be circumstances where failure to make a disclosure is the equivalent of an affirmative misrepresentation.”
- **Rule 4.1(a)**. This Rule prohibits a lawyer from knowingly making a false statement of material fact or law to a third person.
- **Rule 8.4(c)**. This Rule prohibits a lawyer from engaging in “conduct involving dishonesty, fraud, deceit, or misrepresentation.”
- **Rule 8.4(d)**. This Rule prohibits a lawyer from engaging in conduct that seriously interferes with the administration of justice.

However, Judge Artau may have violated these binding obligations in his testimony under oath before the U.S. Senate on June 25, 2025 in Washington, D.C. As detailed in Section I of our complaint, Judge Artau gave self-serving statements about his personal campaigning behind the scenes for the nomination and his role in the *Alexander v. Trump* case that are incomplete, misleading, or inconsistent with the factual record. He gave answers about his communications with the offices of Senator Scott and Senator Moody that fall short of his duty of candor, he gave inaccurate answers about the applicable recusal rules for judges, and he misled the Senate about at least one past incident where his integrity was publicly questioned in a governmental investigation. As such we urge you to investigate whether his statements under oath before the U.S. Senate violated his duty of candor and honesty.

III. Conclusion

The Preamble to the Florida Code of Judicial Conduct articulates why judges are held to stricter standards for honorable behavior, inside and outside the court:

Our legal system is based on the principle that an independent, fair and competent judiciary will interpret and apply the laws that govern us. The role of the judiciary is central to American concepts of justice and the rule of law. Intrinsic to all sections of this Code are the precepts that judges, individually and collectively, must respect and honor the judicial office as a public trust and strive to enhance and maintain confidence in our legal system. The judge is an arbiter of facts and law for the resolution of disputes and a highly visible symbol of government under the rule of law.

We believe that Judge Artau's recent behavior at a minimum undermines these principles and values, and as such, merits your attention. At every opportunity judges should be disproving any public cynicism that their judicial rulings can be bought with the right personal favors — even at the cost of the American people's rights under the Constitution — and that the resulting concerns about corruption can be swept under the rug. Judge Artau clearly failed to do so.

In light of the allegations presented in this letter and the applicable laws and rules for Florida judges and members of the D.C. Bar, we respectfully ask you to investigate Judge Artau's conduct as expeditiously as possible and then initiate appropriate disciplinary proceedings, up to and including removal from office and disbarment. It is paramount for the integrity of the judiciary and the legal profession that Judge Artau is held accountable.

Thank you for your consideration.

Sincerely,

Demand Progress
Freedom of the Press Foundation

Exhibit 1

Transcript of Judge Artau's Senate Judiciary Committee Hearing on June 25, 2025

The following is a transcript of the exchange between Senator Richard Blumenthal and Judge Artau on June 25, 2025, during a Senate Judiciary Committee nominations hearing,³⁵ regarding the allegations. This transcript omits verbal fillers such as "um," "uh," and multiple repeats of the same word.

Sen. Blumenthal: Judge Artau, as you know, the president sued the Pulitzer Prize Board for defamation and conspiracy based on their awarding of a prize to journalists who reported on the Trump-Russia collusion during the 2016 election. You're familiar with that lawsuit, correct?

Judge Artau: Yes.

Sen. Blumenthal: You sat on the court that dismissed it.

Judge Artau: I sat on a court that found jurisdiction. On a three judge panel that found jurisdiction.

Sen. Blumenthal: And you wrote a concurrence where you took a somewhat less measured approach. You essentially parroted the litigants' – Trump's talking points, incorrectly calling the Russia story quote now debunked allegations end quote. And you called into question the seminal Supreme Court decision in *New York Times v. Sullivan*, a landmark case protecting free speech and freedom of the press. Given that concurrence and the false information that you included in it, should litigants have any expectation that you can be unbiased, especially if the federal government is involved as a party?

Judge Artau: Senator, I've been a judge – I've been a judge for 11 years. Nobody's ever questioned my integrity. The ... with regard to ... I know that what you're getting at in terms of the issue, but I had no communications or expectation that I was even under consideration by the White House when I issued that opinion. And I followed the Canons. I followed the Canon – Canon 3 which is the one that applies in Florida very carefully. It requires me to take cases as they come.

Sen. Blumenthal: Let me just ask you because my time is limited.

Judge Artau: Okay.

Sen. Blumenthal: That court ruling was issued on February 12th of this year. Correct?

Judge Artau: Correct.

³⁵ Nominations, Hearing Before the S. Comm. on the Judiciary, 119th Cong. (June 25, 2025), <https://www.judiciary.senate.gov/committee-activity/hearings/nominations-06-25-2025>. Senator Blumenthal's questioning of Judge Artau about these allegations begins around the 3:40:40 mark.

Sen. Blumenthal: Had you before that date ever spoken to Senators Moody or Scott about the possibility of being considered for a judicial vacancy?

Judge Artau: I had talked a few years ago with Senator Scott because Senator Scott during the last administration had me on his list and his general counsel is a friend of mine. And when I came into town in November to attend a Federalist Society *[audio unclear]*, I just basically paid him a courtesy visit like I do every year because he's a close friend from Palm Beach County where he used to work as an assistant state attorney. I had no expectations of anything other than the fact that I knew Senator Scott had me in high regard.

Sen. Blumenthal: So, the answer is yes. You had spoken to Senator Scott through his staff about the possibility of a judicial *[audio unclear]*.

Judge Artau: For the last several years.

Sen. Blumenthal: Repeatedly you had discussed with Senator Scott's staff the possibility of a judicial *[audio unclear]*.

Judge Artau: I was aware that they considered me in high regard and if ... and that if there was an opportunity that they might consider me for it, I was asked if I had any interest in it and I had indicated that I did. But of course, Senator Scott did not have a case before me. And I was not communicating with the White House or anybody else. You know, had the timing *[audio unclear]* been differently, then I may have handled it differently.

Sen. Blumenthal: Why didn't you recuse yourself from a case involving the president when you had spoken to Senator Scott's staff about the possibility of a judicial vacancy that would involve an appointment by the president who was a litigant?

Judge Artau: because Canon 3B requires that a judge hear and decide matters assigned to the judge except if disqualification is required by 3E. And 3E has only four different bases that could possibly apply to me. Personal bias or prejudice. I didn't have any personal bias or prejudice in the case. I did not serve as a lower ... lower court judge. And I had no economic interest in the subject controversy itself.

Blumenthal: *[audio unclear]* that Canon 20 times. But the fact is that you had spoken to Senator Scott's office about the possibility of a judicial vacancy knowing that Senator Scott would hear about it and then sat on the case. Let me just ask you—

Judge Artau: I had done that when ... Senator when Joe Biden was president. And that's the timing that we're talking about. I can't indefinitely not take cases ... on the ... because of the fact that I might have aspirations for higher office. That's not the way it works in terms of the Canons.

Chair: And Senator Blumenthal with all your time has run. Did you have one more quick question? Go ahead.

Sen. Blumenthal: I have one more question. Had you spoken to anyone else, including Senator Moody, about the possibility of a judicial appointment *[audio unclear]* federal bench?

Judge Artau: I never spoke with Senator Moody. I never spoke with Senator Moody. I ...

Sen. Blumenthal: Or anyone else.

Judge Artau: Senator, I think I passed on you know I think Senator Scott passed on my resume perhaps and I indicated that I'm available if they have any questions, but I did not hear back from Senator Moody's office because Senator Moody was just coming into transition at the time.

Sen. Blumenthal: Thank you.

Chair: Thank you, Senator Blumenthal.