

United States Senate

WASHINGTON, DC 20510

March 25, 2025

Mr. Hamilton P. Fox III
Disciplinary Counsel
District of Columbia Court of Appeals
515 5th Street, NW
Building A, Suite 117
Washington, D.C. 20001

Dear Disciplinary Counsel Fox:

I write to express my profound concerns about actions taken by Karl Racine that may constitute serious professional misconduct under the D.C. Rules of Professional Conduct. Mr. Racine is a member of the Bar of the District of Columbia, a former Attorney General for the District of Columbia, and the current federal court-appointed consent decree monitor for the City of Cleveland. I take this action because I believe, from publicly available information, that Mr. Racine violated the Rules of Professional Conduct when he sought to utilize his position as the monitor of the City of Cleveland Police Department to advance his own personal and political interests at the expense of his client, the City of Cleveland, engaged in disorderly conduct, and has consistently engaged in unethical and unreasonable billing practices. Based on the information set forth below, I respectfully request that the Office of Disciplinary Counsel open an investigation to determine whether Mr. Racine violated applicable D.C. Rules of Professional Conduct and should be subject to disciplinary action.

Since 2023, Mr. Racine and his law firm have served as the court-appointed monitor for the Department of Justice consent decree in *United States v. City of Cleveland*, 1:15-cv-01046 (N.D. Ohio 2015). While Mr. Racine was in Cleveland in January 2025, presumably to rack up billable hours on the taxpayers' dime, an off-duty Cleveland police officer was required to call for back-up at the Cleveland Jack Casino ("Casino") at 2:30 a.m. to deal with a "pretty intoxicated" man who was "refusing to leave."¹ That man was none other than Mr. Racine.²

Apparently, rather than taking ownership for his unprofessional, unethical, and embarrassing behavior toward the Cleveland Police Department, he attempted to not only use his position as the Department of Justice monitor to influence law enforcement at the Casino but also attempted to portray the Cleveland Police Department as somehow in the wrong for attempting to enforce the law.³ I can't imagine that the Office of Disciplinary Counsel would find it acceptable for Mr. Racine to drunkenly announce that he was "with the Department of Justice" in an apparent

¹ Ed Gallek, Peggy Gallek, *I-Team: Federal monitor over Cleveland police involved in incident at JACK Casino*, FOX 8, Mar. 13, 2025, <https://fox8.com/news/i-team/i-team-federal-monitor-over-cleveland-police-involved-in-incident-at-jack-casino/>.

² *Id.*

³ Ed Gallek, Peggy Gallek, *I-Team: Federal monitor over Cleveland police involved in incident at JACK Casino*, FOX 8, Mar. 13, 2025, <https://fox8.com/news/i-team/i-team-federal-monitor-over-cleveland-police-involved-in-incident-at-jack-casino/>.

attempt to receive special treatment and avoid confrontation with law enforcement, the very people that he has been appointed to oversee. No one is above the law. Not even those who have been wrongly chosen to enforce egregious consent decrees.

Taxpayers should be absolutely infuriated to learn what their hard-earned money is being used for—to line the pockets of drunken, out-of-state white shoe lawyers and law firms. Just last month, Mr. Racine was asked about a potential date for the City of Cleveland to exit the consent decree. His response: “[t]hat’s you know, the million-dollar question.”⁴ This individual has not only attempted to unethically abuse his power with the very population he is supposed to be “monitoring,” but he is getting rich and liquored-up while doing so.

Even worse, the City of Cleveland has repeatedly objected to Mr. Racine’s bills. Mr. Racine charged the City of Cleveland \$300 for six minutes of “work,” an effective rate of \$3,000 per hour.⁵ He charged the City of Cleveland \$345 to attend a fallen officer’s memorial service.⁶ Mr. Racine charged the City of Cleveland \$750 for “discussion around case strategy” when there is nothing to litigate.⁷ These are just a sampling of examples of Mr. Racine’s unethical billing practices. The City of Cleveland has objected to approximately one-third of the invoiced amounts.⁸ But this isn’t the first time Mr. Racine has unethically over-charged and underdelivered. In fact, he appears to have a propensity to do so. The Special Inspector General for the Troubled Asset Relief Program (“SIGTARP”) audited fees submitted by Mr. Racine when he was at a different law firm, determining that 66 percent of them were objectionable.⁹

The D.C. Bar defines misconduct as “[a]cts or omissions by an attorney, individually or in concert with any other person or persons, which violate the attorney’s oath of office or the rules or code of professional conduct currently in effect...”¹⁰ Mr. Racine’s actions implicate multiple D.C. Rules of Professional Conduct.

First, Mr. Racine appears to have violated Rule 8.4(c)’s prohibition of “conduct involving dishonesty, fraud, deceit, or misrepresentation” when he attempted to publicly indicate that the law enforcement officers who were charged with securing the Casino late at night were somehow acting inappropriately for approaching him as he engaged in disorderly conduct. Mr. Racine stated to the media that “I raised the incident with the Chief of Police during a regularly scheduled meeting and chose not to proceed with a formal complaint.”¹¹ I can’t imagine what that “complaint” would be filed about. The Police Department enforcing the law against an intoxicated

⁴ Annabelle Childers, Peter Fleischer, *Cleveland police earn praise for progress under federal consent decree, but documents show some officers are frustrated*, WKYC, Feb. 7, 2025, <https://www.wkyc.com/article/news/investigations/cleveland-police-monitor-update-department-progress-consent-decree/95-cc44aa27-ed5e-4123-8a8f-d48058d9614b>.

⁵ Memorandum from Mark Griffin, Director of Law, City of Cleveland, *Cleveland’s Objections to Monitoring Team Invoices*, Jul-December 2024, Mar. 17, 2025.

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ Rules Governing the District of Columbia Bar Rule XI, Section 2(b).

¹¹ Ed Gallek, Peggy Gallek, *I-Team: Federal monitor over Cleveland police involved in incident at JACK Casino*, FOX 8, Mar. 13, 2025, <https://fox8.com/news/i-team/i-team-federal-monitor-over-cleveland-police-involved-in-incident-at-jack-casino/>.

man attempting to engage in disorderly conduct at a casino at 2:30 a.m.? I strongly encourage the Disciplinary Counsel to seek any security camera footage that may be available at the Casino or otherwise as part of its investigation.

Second, by using his official capacity as the court-appointed Department of Justice consent decree monitor to influence law enforcement's treatment of him at 2:30 a.m. in front of the Casino, Mr. Racine appears to have violated Rule 8.4(e)'s prohibition against "stat[ing] or imply[ing] an ability to influence improperly a government agency or official." Third, the totality of Mr. Racine's actions, as the court-appointed Department of Justice official who sought to improperly use the Department of Justice's law enforcement powers on behalf of himself to receive favored treatment and avoid the consequences of disorderly conduct, implicate Rule 8.4(d)'s prohibition of "conduct that seriously interferes with the administration of justice." Mr. Racine attempted to improperly influence law enforcement outside the Casino for his own personal benefit when approached by law enforcement. Mr. Racine "didn't use an ID" and said, "'hey, I'm here with the Department of Justice. I'm a monitor," and "let me show you who I am [by going on his phone and trying to pull it up on the website.]"¹² This is a blatant abuse of authority that improperly influences a government agency or official and interferes with the administration of justice in violation of Rules 8.4(e) and (d).

Finally, Mr. Racine's unethical billing practices violate at least two Rules of Professional Conduct: Rule 1.5(a) and again Rule 8.4(c). Rule 1.5(a) requires a lawyer's fee to be reasonable. Rule 1.5(a) sets forth eight factors to be considered in determining the reasonableness of a fee.¹³ It is unimaginable that the Disciplinary Counsel would interpret charging an effective rate of \$3,000 to a public sector client who is forced to pay such bills based on an egregious consent decree as "reasonable." It is unconscionable that the Disciplinary Counsel would find that charging the City of Cleveland to attend the funeral service of a fallen officer is "reasonable." Mr. Racine has a history of violating Rule 1.5(a). Therefore, Mr. Racine's propensity to engage in unreasonable billing practices may also violate Rule 8.4(c)'s prohibition of "conduct involving dishonestly, fraud, deceit, or misrepresentation."

Mr. Racine's rampant misconduct is a disgrace to the D.C. Bar, the City of Cleveland, and Ohio taxpayers. His egregious actions do more than speak to his fitness as a lawyer. He should immediately be removed from having any authority to monitor the City of Cleveland's Consent Decree. Mr. Racine has undermined the integrity of our justice system, committed serious violations of the D.C. Professional Rules of Conduct, and wasted millions of taxpayers' hard-earned money.

Given the aforementioned facts and circumstances, I respectfully request that the Office of Disciplinary Counsel do the following:

¹² *Id.*

¹³ (1)The time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly; (2)The likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the lawyer; (3) The fee customarily charged in the locality for similar legal services; (4)The amount involved and the results obtained; (5)The limitations imposed by the client or by the circumstances; (6) The nature and length of the professional relationship with the client; (7)The experience, reputation, and ability of the lawyer or lawyers performing the services; and (8) Whether the fee is fixed or contingent.

1. Docket this complaint in accordance with the Board of Professional Responsibility Rule 2.3;
2. Inform me, the complainant, as required by Board of Professional Responsibility Rule 2.6, that the Office of Disciplinary Counsel has received and docketed the complaint; and
3. Confirm that the Complaint will be investigated by the Office of Disciplinary Counsel in accordance with Rule XI.

Sincerely,

A handwritten signature in black ink, appearing to read "Bernie Moreno". The signature is stylized with a large, sweeping initial "B" and a long horizontal stroke extending to the right.

BERNIE MORENO
United States Senator