

C A M P A I G N F O R
ACCOUNTABILITY

August 7, 2020

VIA EMAIL: olr.intake@wicourts.gov

Keith Sellen, Director
Office of Lawyer Regulation
110 East Main Street, Suite 315
P.O. Box 1648
Madison, WI 53701-1648

**Re: Potential Violation of the Rules of Professional Conduct by Lane Ruhland,
Wisconsin Bar No. 1092930**

Dear Sir or Madam:

Campaign for Accountability, a nonprofit watchdog group, respectfully requests that the Office of Lawyer Regulation investigate whether attorney Lane Ruhland engaged in conduct inconsistent with her ethical obligations as a member of the Wisconsin Bar. Specifically, news reports indicate that Ms. Ruhland has simultaneously represented and engaged in affirmative legal work on behalf of two parties with directly adverse interests. Such representation would violate Ms. Ruhland's ethical obligations to avoid representing parties where there is a conflict of interests between the parties. *See* Supreme Court Rule 20:1.7.

News reports indicate that shortly after 5:00 pm on August 4, 2020, Ms. Ruhland submitted filing paperwork and signatures with the Wisconsin Elections Commission in an effort to place Kanye West's name on the ballot as a candidate for President of the United States, presumably on behalf of Mr. West's campaign.¹ A spokesperson for the Republican Party of Wisconsin issued a statement reflecting its understanding that Mr. West's campaign had retained Ms. Ruhland to represent it as an election attorney.²

¹ See Cameron Joseph, *A Well-Connected GOP Strategist is Helping Kanye West Get on the Ballot in Wisconsin*, Vice News, Aug. 4, 2020 8:38 PM, https://www.vice.com/en_us/article/akzy3b/a-well-connected-gop-strategist-is-helping-kanye-west-get-on-the-ballot-in-wisconsin; see also Matt Smith (@mattsmith_news), Twitter (Aug. 4, 2020, 6:03 PM), https://twitter.com/mattsmith_news/status/1290770377627631617 (video).

² See Matt Smith (@mattsmith_news), Twitter (Aug. 4, 2020, 10:08 PM), https://twitter.com/mattsmith_news/status/1290831934097100802 ("In a statement WI GOP: 'It appears that the Kanye West campaign made a smart decision by hiring an experienced election attorney...'"); Matt Smith, *Is Wisconsin GOP Behind Kanye's Campaign?*, WISN 12, Aug. 4, 2020 10:35 PM, <https://www.wisn.com/article/kanye-wests-campaign-drops-off-signatures-to-get-him-on-wisconsin-ballot/33515419?src=app#>; Meredith Lee (@meredithlee), Twitter (Aug. 4, 2020 10:18 PM), <https://twitter.com/meredithlee/status/1290834545655390211>.

Yet on July 27, 2020, Ms. Ruhland—together with other attorneys at her law firm, Husch Blackwell LLP—appeared on a brief filed on behalf of Donald J. Trump for President, Inc., in federal court in a lawsuit against a Wisconsin television station that aired a television ad on behalf of Priorities USA, *Donald J. Trump for President, Inc. v. Northland Television LLC*, No. 20-cv-385-wmc (W.D. Wisc.).³ The docket for this case also reflects that Ms. Ruhland and her firm have appeared in the matter as counsel for the plaintiff, Donald J. Trump for President, Inc., and has been listed as counsel in other filings in the matter, including the original summons and complaint in this matter, filed in state court, Price County, Wisconsin, Circuit Court (No. 2020-cv-00030), on April 13, 2020, prior to its removal to federal court.

Simultaneous legal representation of two candidates competing for the same office is a paradigmatic example of a conflict of interest. With limited and express exceptions, Rule 1.7 of the Rules of Professional Conduct for Attorneys, Supreme Court Rule 20, prohibits lawyers from representing a client “if the representation involves a concurrent conflict of interest.” A conflict is defined to include circumstances where “the representation of one client will be directly adverse to another client” or where “there is a significant risk that the representation of one or more clients will be materially limited by the client’s responsibilities to another client.” Rule 1.7(a).

The interests of Kanye West’s 2020 campaign for U.S. President are clearly adverse to the interests of Donald J. Trump for President, Inc., as both individuals cannot simultaneously obtain the office and hence legal steps that advance the interests on one candidacy harm the interests of the other candidacy. For instance, if Mr. West failed to secure a place on the ballot in Wisconsin in his campaign for president, that failure would eliminate the threat to Mr. Trump’s campaign that Mr. West would secure Wisconsin’s 10 presidential electors. Conversely, if Mr. West secures a place on the ballot, that would create the risk that Mr. West would secure those presidential electors rather than Mr. Trump. Ms. Ruhland’s simultaneous legal representation of both campaigns therefore almost certainly violates Rule 1.7. As an attorney for the Trump campaign, she simply cannot show the “loyalty and independent judgment” representing the West campaign that are an “essential element” in a lawyer’s relationship to a client. Moreover, even had Ms. Ruhland not appeared as counsel on behalf of the Trump campaign, any conflict resulting from her firm’s representation of the campaign would be imputed to her under Rule 1.10.

Rule 1.7(b) does identify certain limited conditions where an attorney could concurrently represent two clients with adverse interests, but those conditions are unlikely to apply here. First, given the fundamental nature of the conflict between two candidates for the same office, it is not clear that this is the sort of conflict that a client could consent to waive because the circumstances suggest that a lawyer could not “reasonably conclude that the lawyer will be able to provide competent and diligent representation” to both clients or vigorously develop the institutional interests of each client’s positions. *Cf.* Rule 1.7(b)(1). Second, it appears that at least

³ See Ben Jacobs (@Bencjacobs), Twitter (Aug. 4, 2020 11:36 PM), <https://twitter.com/bencjacobs/status/1290854110368083973> (posting signature page of brief filed on behalf of Donald J. Trump for President, Inc., in federal court and listing Lane Ruhland as counsel for the Trump campaign).

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one of the clients has not provided informed written consent to the conflict. The Deputy Director of the Trump Campaign, Tim Murtaugh, reportedly made a statement to reporters stating that “[t]here’s no conflict to waive but we have no knowledge of anything Kanye West is doing or who is doing it for him.”⁴ This statement indicates both that there was no waiver of the conflict of interest by the Trump Campaign and, in any event, the campaign lacked the information necessary to provide informed consent to the representation. *Cf.* Rule 1.7(b)(4). Likewise, public reports raise questions about whether Mr. West has been in a mental state where he was competent to provide informed consent.⁵

Ms. Ruhland’s extensive prior work on behalf of the interests of the Republican Party of Wisconsin and the Republican National Committee also raise questions regarding whether she has personal commitments and interests inconsistent with zealously representing the interests of Kanye West’s presidential campaign.

In light of these reports, we respectfully request that you refer this matter for a formal investigation of Ms. Ruhland’s compliance with her professional obligations in these matters.

Thank you for your prompt attention to this matter.

Respectfully submitted,

A handwritten signature in black ink that reads "Michelle Koppersmith". The signature is written in a cursive, flowing style.

Michelle Koppersmith
Executive Director

⁴ See Ben Jacobs (@Bencjacobs), Twitter (Aug. 5, 2020 11:18 AM), <https://twitter.com/Bencjacobs/status/1291030751111249922>.

⁵ See Chloe Melas, *Kim Kardashian West Addresses Kanye West’s Mental Health and Asks for Compassion*, CNN, July 23, 2020 10:26 AM, <https://www.cnn.com/2020/07/22/entertainment/kim-kardashian-kanye-west-mental-health-statement/index.html> (reporting that Kanye West’s wife stated that Mr. West had been diagnosed with bi-polar disorder and had requested compassion for his recent behavior).