



Attorney Misconduct Complaint

Your Contact Information		
Title: Mr.		
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Address: California Policy Center 18002 Irvine Blvd., Suite 108		
City: Tustin	State: CA	ZIP code: 92780
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Attorney's Information		
First name: Robert	Middle name: Andres	Last name: Bonta
Address: California Department of Justice 1300 I Street		
City: Sacramento	State: CA	ZIP code: 95814
Email:		CA Bar License #: 202668
Primary phone:		Other phone:
Cell phone:	Website: https://oag.ca.gov	

Have you or a member of your family complained to the State Bar about this attorney previously?

- Yes
- No

Did you hire the attorney?

- Yes
- No

Does this complaint involve allegations of theft or misappropriation of funds?

- Yes
- No

Does this complaint involve allegations of attorney misconduct against a person 65 years of age or older?

- Yes
- No

Does this complaint involve allegations of attorney misconduct against a person who is incapacitated, infirm, disabled, incarcerated, an immigrant, or a minor?

- Yes
- No

Does this complaint involve allegations that the attorney has abandoned a client?



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Yes No

Are you an attorney?

Yes No

Enter the approximate date you hired the attorney and the amount, if any paid to the attorney.

Date:

Amount paid:

What is your connection with the attorney? Explain briefly.

Robert Bonta is Attorney General of California, and I am a California resident.

Statement of Complaint

Include with your submission a statement of what the attorney did or did not do that is the basis of your complaint. Please state the facts as you understand them. Do not include opinions or arguments. If you hired the attorney(s), state what you hired the attorney(s) to do. Additional information may be requested.

SUMMARY

On behalf of the California Policy Center, I ask the State Bar to investigate California Attorney General Robert Andres Bonta (#202668) for violations of California Rule of Professional Conduct 8.4 (c) and California Business and Professions Code section 6106. The evidence demonstrates that his statements constitute acts of moral turpitude, dishonesty, and corruption and were intentional, reckless or grossly negligent acts of deceit.

- Specifically, on July 20, 2023, in his official capacity as the state’s top attorney, Attorney General Bonta wrote to the Chino Valley Unified School District (CVUSD). That letter, unsupported by facts or law, is designed to block a legitimate vote of CVUSD trustees, a duly elected government agency.
- Failing to stop that vote, Attorney General Bonta announced on August 4, 2023, his state Department of Justice had opened a civil rights investigation “into potential legal violations by the Chino Valley Unified School District (CVUSD).” This announcement is designed to overturn a legitimate vote of CVUSD trustees, a duly elected government agency.
- In this effort, Attorney General Bonta has made false and misleading statements, especially his claim that a minor-child’s right to privacy supersedes the well-established rights and responsibilities of that child’s parents. Attorney General Bonta knows, or should know, that the factual premise for his claims is false.
- Attorney General Bonta’s false and misleading statements have provoked an institutional and community crisis in Chino Valley. Most notably, citing Attorney General Bonta’s letter to the board, leaders of the district’s teachers union have announced that they have instructed their members to ignore the board’s decision.
- Attorney General Bonta continues to flout state and constitutional law. On August 11, one day after the board of the Murrieta Valley Unified School District adopted a notification policy similar to Chino Valley’s, Mr. Bonta repeated his false and misleading statements.

In each case, the purpose of the attorney general’s false and misleading statements is to intimidate – to threaten local officials with litigation that the attorney general himself knows, or should know, he would lose. The state bar must act swiftly to end Attorney General Bonta’s continuing abuse of his state license.

The state bar has repeatedly demonstrated its readiness to investigate attorneys for precisely this sort of behavior. For instance, the bar’s ongoing investigation into the actions of California attorney John Eastman is built upon the bar’s declaration that, “[f]or California attorneys, adherence to the U.S. and California Constitutions is their highest legal duty.” Measured by that standard alone, Attorney General Bonta has clearly failed in his “highest legal duty” and should be disciplined.

BACKGROUND

On July 20, 2023, in a 4-1 decision, the CVUSD board voted that school officials, including teachers, must notify parents within 72 hours if their children have requested permission to participate in gender-based sports or to use bathrooms that do not match their gender at birth. That same day, Attorney General Bonta wrote to the board to convey his “serious concern” about the parent-notification policy and to lay out his legal claim that the CVUSD policy violates state and federal law.

On August 11, 2023, Attorney General Bonta struck again, this time one day after the Murrieta Valley Unified School District adopted a notification policy similar to Chino Valley’s. Declaring himself “deeply disturbed,” he seemed most upset that his first shot across the bow in re Chino Valley USD had not be enough to silence all Californians.



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BONTA'S FALSE CLAIMS (THE JULY 20 LETTER)

Attorney General Bonta's July 20 letter asserts that children have various state and federal rights to privacy that supersede the rights and responsibilities of their parents. In making that claim, Attorney General Bonta:

Completely ignores – even misrepresents – the basic, foundational, constitutionally protected civil rights of parents, rights that supersede those of their minor children.

Mr. Bonta writes, "Courts have recognized that gender identity is a protected privacy right under the California and U.S. Constitutions." In fact, the fundamental right of parents to raise their children is embodied in the due process clause of the 14th Amendment, and has been repeatedly recognized and honored by the U.S. Supreme Court. See, *Meyer v. Nebraska*, 262 U.S. 390, 399 (1923); *Pierce v. Society of Sisters*, 268 U.S. 510 (1925); *Skinner v. Oklahoma*, 316 U.S. 535, 541 (1942); *Wisconsin v. Yoder*, 406 U.S. 205, 214 (1972); *Parham v. J. R.*, 442 U.S. 584, 602 (1979); *H.L. v. Matheson*, 450 U.S. 398, 410 (1981); *Troxel v. Granville*, 530 U.S. 57, 57 (2000). Children are not mere creatures of the state. *Pierce*, 268 U.S. at 214. Children belong to their parents and families. Public school administrators, teachers and counselors must be mindful of the fact that they are not substitute or replacement parents. Because the U.S. Constitution is the supreme law of the land, its civil rights protections override and supersede any federal or state laws or policies to the contrary, including any purported privacy right of students. Significantly, the U.S. Supreme Court recognizes this foundational truth of parental supremacy over the family and presumes that parents are best equipped and situated, physically and emotionally, to lead, guide and direct their child: "The law's concept of the family rests on a presumption that parents possess what a child lacks in maturity, experience, and capacity for judgment required for making life's difficult decisions. More important, historically it has been recognized that natural bonds of affection lead parents to act in the best interests of their children." *Parham*, 442 U.S. at 602. Therefore, parents' rights "presumptively include counseling [their children] on important decisions." See *Matheson*, 450 U.S. at 410. As such, parents have a right to know what is happening with their child at school, especially when it comes to their basic health and safety, so that they can effectively counsel their child. Unless parents are legally deemed unfit, the state has no legitimate authority whatsoever to lie to parents and guardians or to keep secrets from them about their child.

Writes, "Disclosing that a student is transgender without the student's permission... may violate the student's right to privacy" (emphasis added).

This statement is demonstrably false. The single U.S. Supreme Court case cited by Bonta merely stands only for the proposition that personal medical records are subject to privacy protections, which may prohibit the state from releasing such records to third parties. That case does not stand for the proposition that states must conceal medical or health related information from the parents or guardians of minor children including, but not limited to, gender dysphoria. See, *Whalen v. Roe*, 429 U.S. 589, 598-600 (1997). Furthermore, Bonta completely misreads and inflates the significance of *C.N. v. Wolfe*, 410 F.Supp.2d 894, 903 (C.D. Cal. 2005). There, a federal district court judge ruled that a student's novel privacy claim survived a motion to dismiss – but that is merely an order, not a ruling on the merits of the case, and has no precedential value whatsoever. Importantly, that case did not address or discuss parental rights at all. Yet, these inconvenient truths did not give Bonta any pause from deceptively posturing that this case actually included a "holding that student had reasonable expectation of privacy in their sexuality, despite expressing their sexual orientation in school, protecting their sexuality from disclosure to their parents." Again, the U.S. Supreme Court has never ruled that minor children have a right to privacy vis-à-vis their parents, and the current conservative majority is not likely to do so.

Misrepresents Department of Education "guidance" as law that governs the actions of school district boards.

In the context of a legal threat – and in opening a civil rights investigation – Mr. Bonta misrepresents the authority of state guidance. Writing "As the California Department of Education has instructed," "the California Department of Education recommends," and "The California Department of Education further instructs" is clearly designed to mask mere agency recommendations as binding legal authority. Purposely confusing the legal precedent with mere recommendations, the attorney general makes an appeal to emotion, asserting that "transgender students may suffer from being 'outed' to their parents against their will." While the U.S. Constitution appropriately assumes that most parents genuinely love their children and desire what is best for them, Mr. Bonta assumes the very opposite. He foolishly and dangerously assumes that state employees love children more than their parents do and are better equipped to make potentially life altering decisions for children. Specifically citing unsubstantiated propaganda from the California Department of Education (CDE), Bonta's misleading correspondence assumes that it is always in the best interest of children struggling with gender dysphoria to conceal this information from parents.

Misrepresents "evidence" of an epidemic of parents harming children who struggle with gender dysphoria.

With a broad brush, he posits a completely fabricated parade of horrors — implying that children will nearly always suffer emotional, mental, or physical harm from their parents if these loving adults in their lives actually know the truth. But reality is to the contrary: there simply is no widespread epidemic of parents abusing children struggling with gender dysphoria. Indeed, in order to find a single case, Bonta takes us more than 1700 miles from Sacramento to a school district in far-off Oklahoma where parents in one school allegedly threatened to harm a transgender student. But the story he cites does not show what Bonta thinks it shows: the Oklahoma parents threatening the transgender seventh-grader were not the child's parents. They were, in fact, the parents of other children who alleged that the transgender student peeped their children over the stalls in the



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girl's bathrooms.

CONCLUSION

As noted in Cal. R. Prof'l. Cond. 8.4, comment 4, a lawyer may be disciplined under Business and Professions Code section 6106 for acts involving moral turpitude, dishonesty, or corruption, whether intentional, reckless, or grossly negligent. Ignorance of the law is no excuse. As the chief law enforcement officer of the State of California, Attorney General Bonta knew or should have known that his statements were false and misleading. Attorney General Bonta's false and misleading statements have been taken by some as a license to flout the law – ignoring the direction of a duly elected school board, violating parent's constitutional rights, pitting Californians against one another, disrupting public meetings, and putting children at risk.

We ask the state board to delicense Mr. Bonta and to prohibit him from working – or even representing himself – as an attorney in California.

Related Court Case Information

Court name:

Case name:

Case number:

Approx. date case was filed:

Size of law firm complained about

If you are not a party to this case, what is your connection with it? Explain briefly.

The attorney is Attorney General of California. I am a California resident.

Attachments

No files attached

- 20230814160953670028202308141609536700287.20.23_Item II.A.1 on July 20, 2023 Agenda -- New Boa.pdf (7.20.23_Item II.A.1 on July 20, 2023 Agenda -- "New Board Policy 5020.1 – Parental Notification" docx (2).pdf)
- ROB BONTA STATE BAR COMPLAINT FINAL.docx

Translation Information

Not applicable

The State Bar accepts complaints in over 200 languages. If you need translation services to communicate with the State Bar, please let us know by completing this section of the complaint form. We will communicate with you through a translation service in the language of your choice. Do you need translation services?

Yes No

State the language in which you need formal translation:



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Submission

- By checking this box I certify that all information on this form is true and correct. I understand that the content of my complaint can be disclosed to the attorney. I understand that I waive the attorney client privilege and any other applicable privilege between myself and the attorney to the extent necessary for the investigation and prosecution of the allegations. I also agree that the checkbox and my name typed below are to be used as my electronic signature.
- I understand that if the Office of Chief Trial Counsel (OCTC) prosecutes allegations contained in this complaint, I may be required to testify before the State Bar Court in order to prove the charge or charges or misconduct against the above-named attorney.
- I understand that every person who reports to the State Bar or causes a complaint to be filed with the State Bar that an attorney has engaged in professional misconduct, knowing the report or complaint to be false and malicious, is guilty of a misdemeanor.

Signature William Swaim