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Virginia State Bar
1111 East Main St., Suite 700
Richmond, VA 23219-0026

The Virginia Bar Association
701 East Franklin St., Suite 1120
Richmond, VA 23219

American Bar Association
321 North Clark St.
Chicago, IL 60654

Re: BAR COMPLAINT - HON. ROBERT A. DOUMAR, U.S. DIST. ED VIRGINIA

Dear Sirs:

Please accept the enclosed Complaint and request for disciplinary action against the Honorable Judge Robert A. Doumar, United States District Court for the Eastern District of Virginia, a lawyer and member of the bar. This complaint summary, along with supporting documentation enclosed, details Judge Doumar's egregious violations of the bar's rules of professional conduct and professional guidelines.

Summarized into two grounds for ease of review by these organizations, Judge Doumar's actions violated model rules of (1) misconduct, (2) maintaining the integrity of the profession, (3) judicial and legal officials, (4) impartiality and decorum of the tribunal, (5) confidentiality of information, and (6) safekeeping of property. This bar disciplinary process and resolution is the responsibility and obligation of the American Bar Association, the Virginia State Bar, and the Virginia Bar Association in regards to Robert A. Doumar's membership and duties to the bar and the public, outside of the channels of review for a judicial complaint pursuant to the Judicial Conduct and Disability Act, 28 U.S.C. §§ 351-364. Mr. Martinovich does not make any claim in this bar complaint that a judicial misconduct complaint has been, or has not been, filed pursuant to 28 U.S.C. §§ 351-364, or that an order or corrective action has, or has not been, ordered.

The Honorable Robert A. Doumar (1) knowingly violated the

primary Stipulation Agreement among parties meant to effect a non-partisan trial with an objective, unbiased jury, and (2) violated Martinovich's rights to a fair trial by egregious conduct in violation of the bar, of which the Fourth Circuit has confirmed "went beyond the pale...impermissibly interfered with the manner in which (Martinovich) sought to present his evidence...such conduct challenge(d) the fairness of the proceedings...(and) such conduct tends to undermine the public's confidence in the integrity of the judiciary." [4:12cr101, 4:15cr50, ED VA U.S. Dist., United States v. Martinovich, 810 F. 3d 232 (4th Cir. 2016)].

These violations demand vacation of full conviction and sentence in the current proceedings supported by Strickland, Carthorne, Pierce, F.R.E. 408, and a substantial list of statutes and precedent as set forth in Attachment-A (Ground XII) and Attachment-B (Ground I), yet the model rules of professional behavior also demand the bar discipline the Honorable Robert A. Doumar consistent with the bar's public commitment to the citizens of the United States of America. The bar may not hide behind any action, or lack of action, on the part of the Judicial Branch or Executive Branch in policing its members and upholding the discipline of the professional requirements.

(1) As detailed in Attachment-A, Judge Doumar, by his own proactive actions, as well as his lack of enforcement, violated the primary stipulation among all parties and the Court meant to ensure Martinovich received a fair trial and an unbiased jury. This stipulation to not allow evidence of the results of a prior regulatory settlement was violated by Judge Doumar directly, as well as by the prosecution and defense repeatedly, all directly in violation of the Stipulation Agreement and F.R.Ev. 408. Yet, Judge Doumar neither moved for a mistrial, nor for corrective action of his "backfired" corrective instruction, nor for a corrective response to a motion for a new trial pursuant to Rule 33.

Once the prosecution, defense, and Judge Doumar identified the serious errors, all parties constructed a corrective instruction for the jury in observance of the seriousness of the errors and prejudice to Martinovich's defense. But, following a lengthy review and full agreement for the exact verbiage, Judge Doumar

became excited and confused during the delivery of the instruction, and emotionally adlibbed, "the defendant's organization was put out of business (!)" [Tr. p.1106]. It was at this exact moment that defense counsel, Mr. James O. Broccoletti, leaned over to Mr. Martinovich and stated, "Well at least you just won your appeal if you need it."

Judge Doumar, subsequently, also delivered the indictment to the deliberating jury, which conduct again violated the Stipulation Agreement and F.R.E. 408, which Judge Doumar admits in his Denial of Rule 33 Motion.

As Attachment-A details, Judge Doumar admitted on the record that he, the prosecution, and defense counsel repeatedly violated this preeminent agreement, and that defense counsel was ineffective for not repeatedly objecting or calling for a mistrial, as well as itself repeatedly violating Martinovich's rights to a fair trial.

Yet, in direct contravention to the bar's models for conduct, integrity, impartiality, and confidentiality, Judge Doumar never once corrected his own errors nor the errors of the prosecution, nor the defense, and never ordered a mistrial or a new trial, and relied on his paraphrased response repeatedly, "Well everybody did it so tough luck for Martinovich." After so much corrupt and fraudulent misconduct already identified on the record in this case, to borrow a phrase from Supreme Court Justice Kavanaugh, this "process has become a national disgrace...(and) an embarrassment." Please see Attachment-A for complete documentation and legal framework.

(2) The Fourth Circuit delivered a strong rebuke of Judge Doumar's egregious conduct during trial as the bar is likely aware. Although the Fourth Circuit initially ruled that this embarrassing conduct did not eclipse the conviction plain error review on direct appeal, Supreme Court and Fourth Circuit precedent demand this conviction be overturned on collateral attack for incontrovertible ineffective assistance in satisfaction of both Strickland's first and second prongs. But, again, this Judicial Branch proceeding to vacate is outside of the bar's disciplinary requirements and ethics commitment to the citizens of the United States. By all measures, guidelines, and models, Judge Doumar's conduct

violated his legal and ethical requirements as a member of the bar.

The Fourth Circuit rebuked Judge Doumar's conduct and removed him from Martinovich's case with:

- a. "(I)n light of the district court's demeanor at trial and its statement during sentencing regarding the nature of the guidelines, it is necessary for a different judge to be assigned to this matter."
- b. "(T)he district court's actions were in error."
- c. "(I)nterference in this case went beyond the pale."
- d. "(T)he district court became so disruptive that it impermissibly interfered with the manner in which appellant sought to present his evidence."
- e. "We agree that the district court crossed the line and was in error."
- f. "More importantly, such conduct challenges the fairness of the proceedings."
- g. "(T)he district court unnecessarily interrupted defense counsel's presentation of the defense at trial."
- h. "The district court's general interference in defendant's trial -- which included examining witnesses, interrupting counsel, and controlling the presentation -- strayed too far."
- i. "Here, there was much more than an appearance of improper interference."
- j. "At its core, such conduct tends to undermine the public's confidence in the integrity of the judiciary."
- k. "At some point, repeated injudicious conduct must be recognized by this Court as a compelling basis for finding plain error."
- l. "Here we are once again presented with a case replete with the district court's ill-advised comments and interferences."
- m. "We agree that the district court crossed the line and was in error."
- n. "The district court's repeated comments were imprudent and poorly conveyed."
- o. "Considering the breadth of the district court's actions, from questioning witnesses and counsel to interrupting unnecessarily, we find the district court strayed too far from convention."

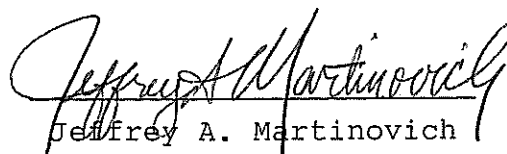
Please see Attachment-B for complete documentation and legal framework.

Mr. Martinovich respectfully requests the American Bar Association, the Virginia State Bar, and the Virginia Bar Association properly discipline the Honorable Robert A. Doumar for his repeated egregious conduct in this case and his serial unacceptable conduct which undermines the public's confidence in the integrity

of the judiciary. This conduct continues because the courts and the bar have not followed their own model rules. And, we wonder why our citizens today have such low opinions of our institutions. If not the courts, not the bar, whom should the people look to for a moral and ethical compass?

Thank you for your consideration, and I await your response.

Sincerely,



Jeffrey A. Martinovich

Atchs:

1. Ground XII - Stipulation Violation
2. Ground I - Egregious Trial Conduct