

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA

V.

EITHAN HAIM

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Criminal No. 24-CR-00298

DEFENDANT’S MOTION FOR SHOW CAUSE

Defendant, Dr. Eithan Haim, files this Motion for Show Cause against Assistant United States Attorney Tina Ansari and respectfully would show the Court as follows:

ARGUMENT AND AUTHORITIES

The Court should enter a show cause order against Ms. Tina Ansari for engaging in the practice of law with a suspended law license. According to the State Bar of Texas¹, Ms. Ansari is and has been under Administrative Suspension and is ineligible to practice law since September 1, 2024. Under the Texas Disciplinary Rules of Professional Conduct 8.04(a)(11), a lawyer shall not, “engage in the practice of law when the lawyer is on inactive status or when the lawyers right to practice has been suspended or terminated, including but not limited to situations where a lawyers right to practice has been administratively suspended for failure to timely pay required fees or assessments or for failure to comply with Article XII of the State Bar Rules relating

¹ See Exhibit A, Screenshot of State Bar of Texas Attorney Status; *see also* Exhibit B, Excerpt from the Texas State Bar List of Attorneys NOT Eligible to Practice Law in the State of Texas. Counsel also called the State Bar on Wednesday afternoon to confirm the online information.

to Mandatory Continuing Legal Education” and under 8.04(a)(3) a lawyer may not “engage in conduct involving dishonesty, fraud, deceit or misrepresentation.”

On September 9, 2024, AUSA Ansari signed and e-filed the government’s Response to Defendant’s Motion for Continuance of Jury Trial (Dkt. No. 35) and is included in the signature block of all other government filings, the September 13 *Brady* disclosure to the defense, and a number of emails all on behalf of the United States.

Additionally, the Southern District of Texas Local Rules, Appendix A, Rule 3 states: “A lawyer who receives a suspension, either active or probated, by a licensing authority will be suspended by the Southern District of Texas and must immediately cease practicing before this court.”

Further, the Department’s “Justice Manual” 1-4.110 states in part that “When a Department attorney has a current bar lapse, the employing component head, U.S. Attorney, or U.S. Trustee must direct the attorney in writing immediately to cease performing representational or counseling work for the United States, or rendering any legal advice to the United States, pending reinstatement to an active bar membership status.” This prohibition on representing the United States now calls into question the authority of the United States in this case and the lack of privilege with the FBI, and other AUSAs, on this case since September 1, 2024. There are further requirements on the United States Attorney and Department of Justice that are not directly pertinent to this motion including notification of the Office of Professional Responsibility, the

Executive Office for United States Attorneys, Office of General Counsel, and other Department entities.

Consequently, this suspension has cascading implications for the Department of Justice, who “does not have authority to compensate an attorney with a bar lapse.” This further calls into question issues of privilege.

Finally, undersigned counsel has met his obligation under Texas Disciplinary Rules of Professional Conduct Rule 8.03, which places a “shall” requirement on attorneys regarding Reporting Professional Misconduct.

CONCLUSION

For these reasons, Defendant respectfully requests that the Court (1) grant Defendant’s Motion for Show Cause Order, (2) command AUSA Tina Ansari to appear and show cause as to why she should not be held in contempt, and (3) to strike all pleadings from the record containing her signature block during the time of suspension.

Dated: September 18, 2024



Respectfully submitted,

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ATTORNEYS FOR DEFENDANT EITHAN DAVID HAIM

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true and correct copy of the above and foregoing document has been filed and served on September 18, 2024, using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Marcella C. Burke
Marcella C. Burke